



City of Colleyville Planning and Zoning Commission Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Monday, December 9, 2013

City Council Chambers

**PRE COMMISSION MEETING
6:15 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

**LEGAL BRIEFING BY CITY ATTORNEY REGARDING PLANNING, ZONING,
PLATTING, AND LAND USE**

**REVIEW OF REGULAR AGENDA ITEMS AND DISCUSSION OF PREVIOUS
MEETING MINUTES**

**DISCUSSION OF ITEMS TO BE PLACED ON FUTURE AGENDAS AND
UPDATES ON DEVELOPMENT TRENDS, PROGRESS AND CITY COUNCIL
ACTIONS ON PAST AGENDA ITEMS**

**EXECUTIVE SESSION – In accordance with Texas Government Code
Chapter 551, Subchapter D, Section 551.071 – Legal – Consultation with
attorney on legal issues raised by public hearing or action items on the
agenda**

**7:00 P.M. - REGULAR MEETING
CALL TO ORDER AND ROLL
INVOCATION: Commissioner Knox
PLEDGE OF ALLEGIANCE**

- 1. APPROVAL OF MINUTES**
November 25, 2013
- 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA AS A PUBLIC HEARING ITEM**
- 3. REGULAR AGENDA ITEMS**

- 3a** Approval of a final plat for 53.2 acres on Tract 1G, Abstract 1038 of the Hall Medlin Survey and Tracts 1A02 & 1C, Abstract 295 of the William E Crooks Survey located at 7612 & 7624 Pleasant Run Road, Case PC13-021

4. PUBLIC HEARING AGENDA ITEMS

- 4a** Request for a Special Use Permit for an accessory building on Lot 3, Block 1, of the Lavaca Parc Addition located at 6212 Lantana Court, Case ZC13-019
- 4b** Consideration of a zoning from the AG-Agricultural zoning district to the PUDC-Planned Unit Development Commercial zoning district on 2.8 acres out of the J.L. Byas Survey, Abstract 180, located at 1603 and 1605 Hall-Johnson Road, Case ZC13-020
- 4c** Request for a zoning change from AG-Agriculture to PUD-R-Residential on 4.304 acres of Tracts 2D and 2D3, Abstract 233, of the D. R. Blanton Survey located at 5209 Bluebonnet Drive, Case ZC13-021
- 4d** Consideration for approval of amendments to Section 3.26-Fences, Free Standing Walls, and Screening Materials in the Land Development Code, Case GC13-021
- 4e** Consideration for approval of amendments to Chapter 8-Plat Review Procedures in the Land Development Code, Case GC13-022

5. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards December 6, 2013 by 5:00 p.m.

Taci Wrisley
Planning and Zoning Assistant

A quorum of the Colleyville City Council may be in attendance at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number	Agenda Date 12/09/2013	Number
Type Approval of Minutes		
Department Community Development		

Title

November 25, 2013

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - November 25, 2013



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Monday, November 25, 2013

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Vice-Chairman Knox on November 25, 2013 at 7:05 p.m.

Roll Call

Present: Commissioners Larry Knox, Carel Tornes, David Wheelwright, Jim Gotcher Don Davis, and David Phelps

Absent: Chairman Jeff Byerly

Staff Present: Ron Ruthven, Mary Elliott, and Matthew Boyle (City Attorney)

1. APPROVAL OF MINUTES

Commissioner Phelps made a motion to approve the minutes as written. Commissioner Tornes seconded.

The motion to approve the minutes as written carried by the following vote:

Aye: 6 – Knox, Tornes, Wheelwright, Gotcher, Davis, and Phelps

2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA AS A PUBLIC HEARING ITEM

There were no citizen comments/presentations regarding items not on the agenda as a public hearing item.

3. PUBLIC HEARING AGENDA ITEMS

3a Request for an amendment to the Special Use Permit for a Package Store development requirements for Lot 2, Block 1, of the Glade Points Addition located at 4200 Glade Road, Case ZC13-018

Ron Ruthven presented the case and briefed the Commission.

Commissioner Wheelwright questioned staff regarding whether this was the only package store in the City that has a pole sign; and does the sign meet code as it is today? Ron Ruthven replied correct.

Commissioner Tornes questioned staff regarding whether other package stores would be allowed to have a pole sign except along State Highway 121. Ron Ruthven replied correct.

The public hearing was opened at 7:10 p.m.

Charlie Hall, the property owner and applicant, came forward and briefed the Commission.

There being no one else wishing to speak, the public hearing was closed at 7:12 p.m.

Commissioner Davis made a motion to approve Case ZC13-018 with the condition that the sign may only be three (3) feet by six (6) feet. Commissioner Gotcher seconded.

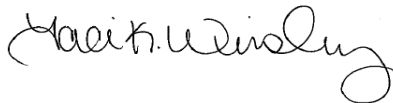
The motion to approve Case ZC13-018 with the condition that the sign may only be three (3) feet by six (6) feet was carried by the following vote:

Aye: 6 – Knox, Tornes, Wheelwright, Gotcher, Davis, and Phelps

4. ADJOURNMENT

The meeting adjourned at 7:14 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on December 9, 2013 by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 3a	Agenda Date 12/09/2013	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a final plat for 53.2 acres on Tract 1G, Abstract 1038 of the Hall Medlin Survey and Tracts 1A02 & 1C, Abstract 295 of the William E Crooks Survey located at 7612 & 7624 Pleasant Run Road, Case PC13-021

Explanation

The applicant is requesting approval of a final plat for 73 single family lots and two private open space lots on 53.2 acres, located at 7612 and 7624 Pleasant Run Road. The preliminary plat was approved by City Council on November 5, 2013. The developer has submitted the whole final plat area in one phase.

Zoning. A rezoning request for PUD-R Planned Unit Development Residential was approved by City Council on June 18, 2013 with Ordinance O-13-1875, attached.

Lot Dimensions and Setbacks. Ordinance O-13-1875 prescribes the following lot development standards:

Minimum Lot Size: 13,000 square feet

Average Lot Size: 16, 050 square feet

Minimum Lot Width: 90 feet

Minimum Lot Depth: 70 feet

Minimum Front Yard Setback: 20 feet for lots with side facing garages so long as the distance from the back of curb to the primary structure is at least 30 feet, and 30 feet for lots with front facing garages.

Minimum Side Yard Setback: 9 feet

Minimum Rear Yard Setback: 25 feet from main structure; 10 feet from accessory structures

Maximum Building Height: 35 feet

Building Setback Provision. Special consideration of reduced lot width has been requested by the applicant for lots located on cul-de-sacs and those located on 90-

degree elbows in the streets. The minimum lot width for such lots measured at the building line shall be 70 feet. The minimum lot width for such lots measured at the right-of-way line shall be 35 feet.

Building Design. The surface area of the front exterior walls, excluding windows, doors, gables, and covered porches will be at least 85 percent masonry or hand troweled, cement-based, three-coat stucco. The surface area of all side and rear walls will be at least 75 percent masonry or hand-troweled, cement based three-coat stucco.

Street Design. The streets in the development are public and will meet the minimum requirements of the Land Development Code, which includes a 31 foot wide curb and gutter street with a 50 foot right-of-way.

Open Space. Ordinance O-13-1875 requires that a minimum 30 percent of open space be provided in the development. According to the final plat, 37 percent of the development will be designated as open space.

Landscaping and Buffering. All lots are required to have a minimum of two (2) three inch (3") caliper hardwood shade trees to be installed by the builder on each lot.

Tree Preservation. As required by Chapter 5-Tree Preservation of the Land Development Code, approval of a tree survey and mitigation plan is required upon approval of the final plat for the property.

Ordinance O-13-1875 requires a minimum ten (10) foot tree preservation buffer to be maintained along the entire western boundary of the development. The buffer is depicted on the plat.

Gas Well Site Proximity. Ordinance O-13-1875 establishes the following with regard to the Atlas Resource Partners gas well site located at 7504 Pleasant Run Road:

Section 4. 10. General - a. - No building, structure or other development within this PUD, including any roads and parks, shall trigger any setback requirement for future gas wells and related equipment located on the existing 13.2-acre pad site located directly south of the boundaries of this PUD (the "Existing Pad Site"), regardless of whether such gas wells and equipment are authorized by Ordinance O-10-1779 approving a Special Use Permit for the Existing Pad Site or are authorized by future approvals (if any) for the Existing Pad Site only by the City Council.

Section 4. 10. General - b. - Prior to the recordation of a final plat for any property within this PUD, and instrument shall be recorded in the deed records of Tarrant County, Texas, for the property within this PUD, providing all future purchasers of such property with notice of this paragraph. The form of such instrument shall be approved by the City Attorney. In addition, any rezoning of the property governed by this PUD, including, but not limited to, an amendment to this PUD, shall require that written

notice be given to the gas well operator in the same manner that is required by Chapter 211 of the Texas Local Government Code for all property owners. Notices shall be sent to the gas well permittee based on the address on file with the City.

As stated above, the requirement for Section 4. 10. General - b. must be satisfied prior to the recording of the final plat with the Tarrant County Clerk.

Development Fees. Park land dedication fees are due in the amount of \$1,802 per residential lot.

Roadway Impact Fees are due in the amount of \$4,941 per residential lot at the time of the building permit application.

Water and wastewater impact fees are due at the time of the building permit application. Fees for a typical 5/8 inch meter are \$2,491 for the water impact fee and \$643 for the wastewater impact fee.

Perimeter street improvement fees are due at the time of approval of the final plat for Pleasant Run Road. Perimeter street improvements are required for the newly created lots since Pleasant Run Road is considered unimproved adjacent to the subject property. The developer's portion of the costs for infrastructure improvements may not exceed the amount that is roughly proportionate to the projected impact of the proposed development, as determined by a professional engineer, licensed in the State of Texas, and who is retained by the City of Colleyville. In making the rough proportionality determination, consideration shall be given to the availability of adequate and minimum levels of public facilities and accessibility to the site for the delivery of emergency services.

Sidewalks and Trails. According to the Supplemental Sidewalk System Map and the 2005 Colleyville Pathways Plan, a ten (10) foot trail is required to be constructed along Pleasant Run Road, depicted as Trail 14 on the plan. Ordinance O-13-1875 states that *"in lieu of constructing the required ten (10) foot trail along Pleasant Run Road, the developer shall pay into escrow the cost of constructing the trail as determined by the City Engineer, prior to filing of the final plat for the development."*

Ordinance O-13-1875 also states that *"the portion of the proposed interior park trail that traverses the open space of the development that is closest to Pleasant Run Road shall provide a stub for future connection to the Pleasant Run Road Trail shown in the Colleyville Pathways Plan. Said portion of the interior park trail shall be located within a public access easement and shall be constructed by the developer prior to acceptance of final public improvements and shall be maintained by the homeowners' association."* The centerline of this easement is shown on the final plat. The easement will be required to be depicted on the final plat.

Drainage and Stormwater Runoff. As required by the Land Development Code,

drainage and engineering plans have been submitted with the proposed plat. The development will provide on-site retention, where necessary.

Residential Density. The development of 73 residential units on the 53.2 acre property will produce a residential density of 1.37 dwelling units per acre based upon the density calculation method prescribed by the Master Plan. The plat complies with the density requirements of a maximum residential of 1.4 dwelling units per acre, as outlined in Ordinance O-13-1875.

Summary. The final plat complies with the requirements of Ordinance O-13-1875 and the Land Development Code.

Financial Impact. There is no financial impact to the City.

Recommendation

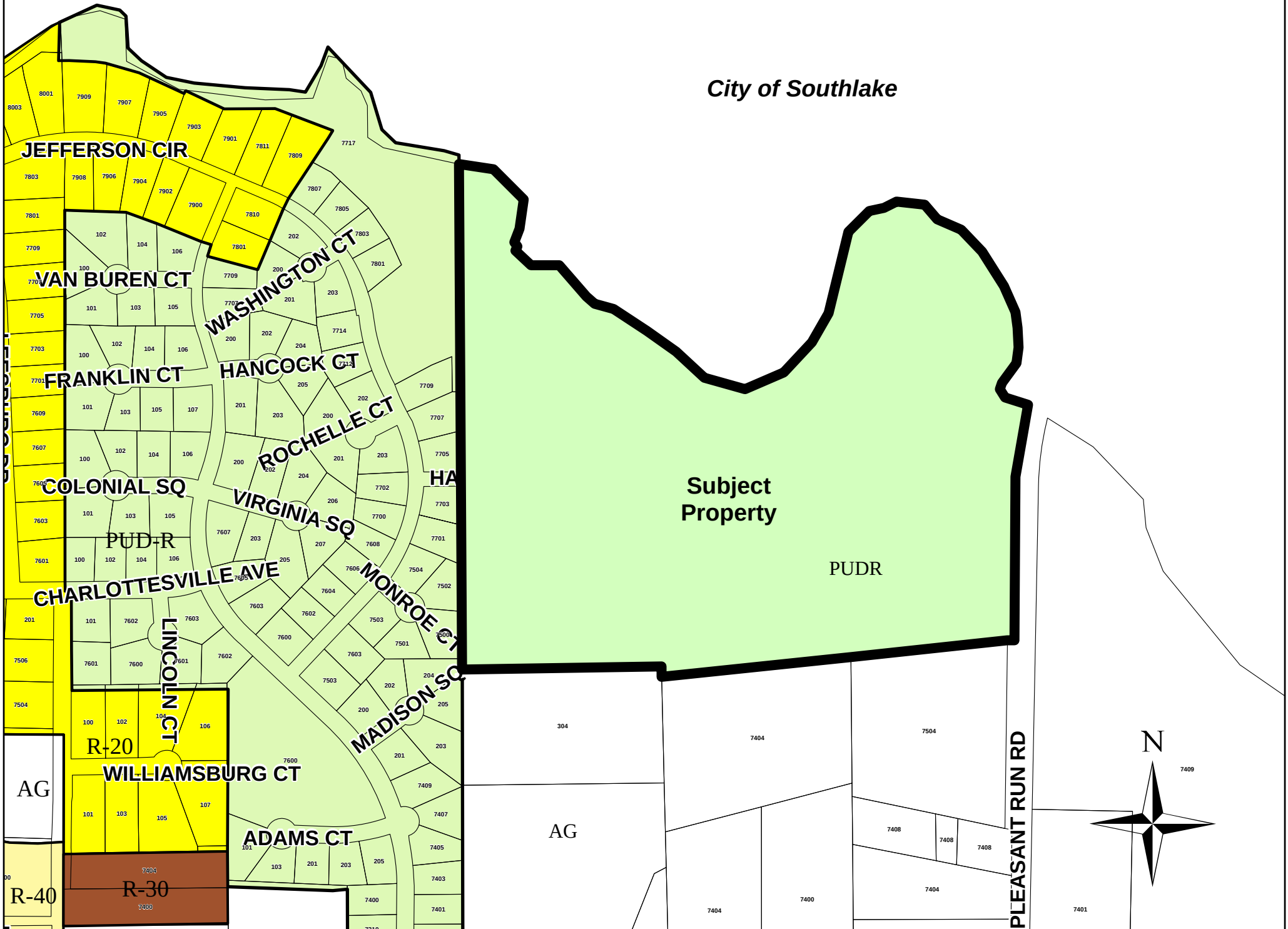
Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Final Plat Exhibit
4. Ordinance O-13-1875

Location and Zoning Map

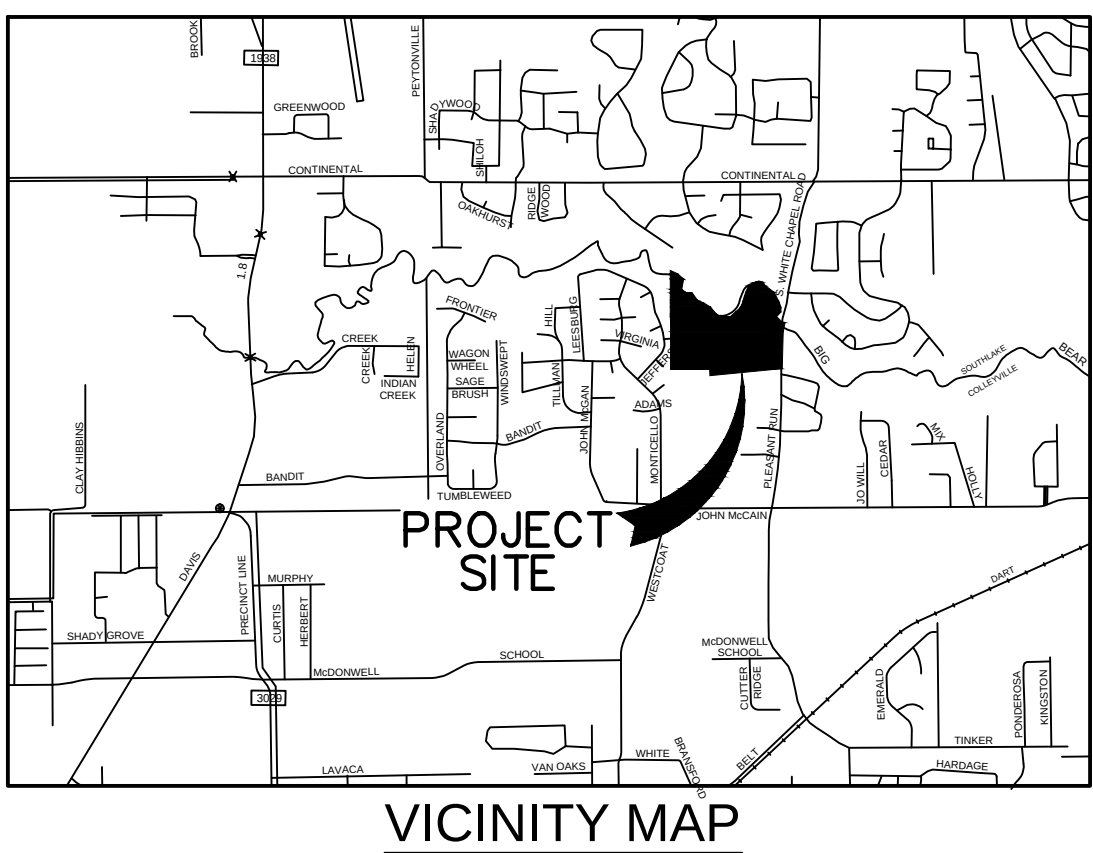
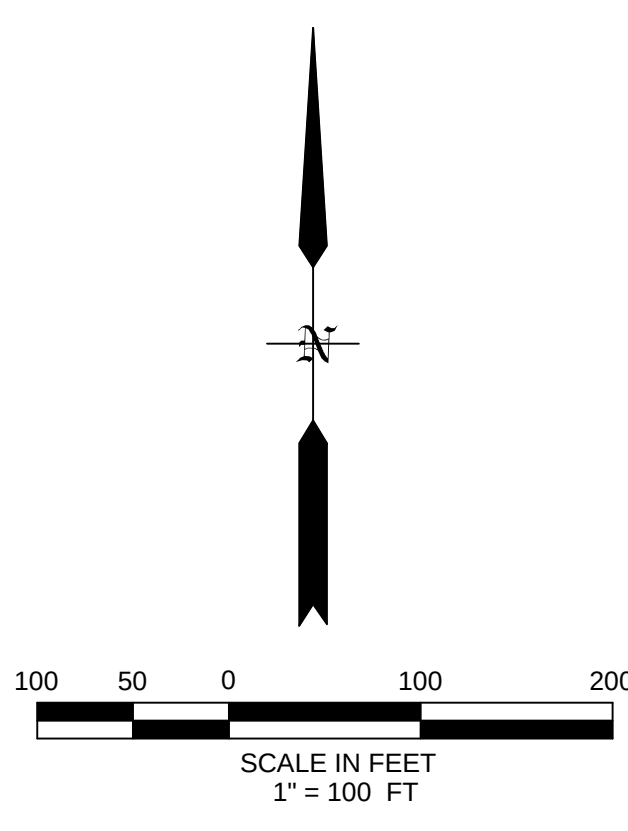
City of Southlake



Aerial



- NOTES:
1. BUILDING LINES FOR ALL LOTS TO BE AS FOLLOWS:
FRONT - 20.5' FOR SIDE FACING GARAGE
FRONT - 30' FOR FRONT FACING GARAGE
REAR - 25' FOR MAIN STRUCTURE
REAR - 10' FOR ACCESSORY STRUCTURE
SIDE - 9' INTERIOR
SIDE - 15' ALONG RIGHT-OF-WAY (NON-KEY LOTS)
SIDE - 20' ALONG RIGHT-OF-WAY (KEY LOTS)
 2. NO DIRECT ACCESS FROM INDIVIDUAL LOTS SHALL BE ALLOWED TO PLEASANT RUN ROAD.
 3. ALL PRIVATE OPEN SPACE AREAS WILL BE MAINTAINED AND OWNED BY THE HOMEOWNER'S ASSOCIATION.
 4. A 7.5' DRAINAGE AND UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO ALL LOT LINES.
 5. BEARING BASIS IS NAD83, TEXAS NORTH CRINAL ZONE 4202, ACCORDING TO OBSERVATIONS FROM THE CITY OF COLLEYVILLE GPS MONUMENT NOS. 36 AND 75.
 6. ALL LOT CORNERS TO BE SET WITH 5/8" IRON RODS WITH YELLOW CAPS STAMPED "RPLS NUMBER 3963".
 7. A DRAINAGE EASEMENT IS HEREBY DEDICATED OVER AND ACROSS PRIVATE OPEN SPACE LOTS 1X AND 24X.
 8. A PORTION OF THE SUBJECT PROPERTY LIES WITH FLOOD ZONE AE (SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS DETERMINED, SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD) AND THE ASSOCIATED FLOODWAY, WITH THE REMAINDER OF THE PROPERTY WITHIN FLOOD ZONE X, AS INDICATED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FIRM PANEL NO. 4849C0095K, EFFECTIVE DATE: SEPTEMBER 25, 2009. THE EXISTING EFFECTIVE FLOODPLAIN BOUNDARIES SHOWN HEREON WERE ESTABLISHED BY MIA CONSULTING, INC. BASED ON THE BASE FLOOD ELEVATIONS SHOWN ON THE FEMA FIRM PANEL AND FIELD TOPOGRAPHIC SURVEYS. THE LOCATION OF THE DRAINAGE EASEMENT SHOWN FOR THE PROPOSED CONDITIONS 100-YR FLOODPLAIN IS BASED ON THE PROPOSED GRADING PLAN AND THE DETAILED DRAINAGE STUDY PREPARED FOR THE PROJECT. THE FLOODPLAIN AND DRAINAGE EASEMENT LOCATIONS SHOWN SHALL CREATE NO LIABILITY ON THE PART OF THE SURVEYOR. NO IMPROVEMENTS SHALL BE PLACED WITHIN THE FLOODWAY AND ANY FILLING OR OTHER IMPROVEMENTS PLACED WITHIN ZONE AE SHALL REQUIRE REVIEW AND APPROVAL FROM THE CITY OF COLLEYVILLE PRIOR TO CONSTRUCTION OF SUCH IMPROVEMENTS OR FILL MATERIAL BEING PLACED. THE FLOODPLAIN SHALL BE REVISED THROUGH THE STANDARD LOMR PROCESS BASED ON THE FINAL DRAINAGE STUDY AND CORRESPONDING FINAL AS-BUILT GRADING PLAN AS APPROVED BY THE CITY OF COLLEYVILLE.
 9. THE LOCATION AND DIMENSIONS OF THE PUBLIC ACCESS EASEMENT FOR THE TRAIL CONNECTING TO THE PLEASANT RUN TRAIL IS APPROXIMATE. THE ACTUAL LOCATION AND DIMENSIONS OF THE TRAIL AND EASEMENT WILL BE FIELD VERIFIED IN CONJUNCTION WITH THE CONSTRUCTION OF THE IMPROVEMENTS FOR THE SUBDIVISION. THE ACTUAL EASEMENT WILL BE FILED BY SEPARATE INSTRUMENT.
 10. THE LOCATION OF THE GAS WELL BUFFER EASEMENT SHOWN IS BASED ON A 300' OFFSET FROM THE FUTURE TANK BATTERY LOCATION PER THE SITE PLAN APPROVED AS PART OF THE SPECIAL USE PERMIT AUTHORIZED BY ORDINANCE O-10-1779. NO STRUCTURE INTENDED FOR HUMAN OCCUPANCY MAY BE CONSTRUCTED WITHIN THE EASEMENT PER THE REQUIREMENTS OF SECTION 3.1-145(D)3 OF THE LAND DEVELOPMENT CODE.
 11. PER SECTION 4(10A) OF ORDINANCE O-13-1875, NO BUILDING, STRUCTURE, OR OTHER DEVELOPMENT WITHIN THIS PUD, INCLUDING ANY ROADS AND PARKS, SHALL TRIGGER ANY SETBACK REQUIREMENT FOR FUTURE GAS WELLS AND RELATED EQUIPMENT LOCATED ON THE EXISTING 13.2 ACRE (GAS WELL) PAD SITE LOCATED DIRECTLY SOUTH OF THE BOUNDARIES OF THIS PUD (THE EXISTING PAD SITE), REGARDLESS OF WHETHER SUCH GAS WELLS AND EQUIPMENT ARE AUTHORIZED BY ORDINANCE O-10-1779 APPROVING A SPECIAL USE PERMIT FOR THE EXISTING PAD SITE OR ARE AUTHORIZED BY FUTURE APPROVALS (IF ANY) FOR THE EXISTING PAD SITE ONLY BY THE CITY COUNCIL.



CURVE TABLE					
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD BEARING
C1	24°45'31"	250.00	54.87	108.03	S 79°09'24" W 107.19'
C2	23°17'16"	250.00	51.52	101.61	S 78°24'16" W 100.91'
C3	11°32'09"	250.00	25.25	50.33	N 84°11'01" W 50.25'
C4	11°32'09"	250.00	25.25	50.33	N 84°11'01" W 50.25'
C5	11°30'58"	250.00	25.21	50.25	S 84°17'25" W 50.16'
C6	11°30'58"	250.00	25.21	50.25	S 84°17'25" W 50.16'
C7	18°13'55"	250.00	40.12	79.55	N 08°55'52" E 79.22'
C8	34°37'58"	250.00	77.95	151.11	N 17°15'29" W 148.82'
C9	52°37'18"	265.00	131.03	243.38	S 81°44'10" W 234.92'
C10	18°14'03"	250.00	40.12	79.56	N 81°04'12" W 79.23'
C11	18°13'55"	250.00	40.12	79.55	S 08°55'52" E 79.22'
C12	90°00'00"	9.00	9.00	14.14	S 46°31'09" W 12.73'
C13	9°53'13"	275.50	23.83	47.54	S 86°34'33" W 47.48'
C14	165°19'57"	2.00	15.54	5.77	N 15°42'05" W 3.97'
C15	21°18'35"	224.50	42.24	83.50	N 77°37'11" E 83.02'
C16	93°14'40"	9.00	9.52	14.65	S 45°06'11" E 13.08'
C17	75°30'18"	20.00	15.49	26.36	S 36°14'00" E 24.49'
C18	14°29'42"	20.00	2.54	5.06	S 81°14'00" E 5.05'
C19	14°58'52"	240.50	31.62	62.88	N 84°01'43" E 62.70'
C20	9°46'39"	240.50	20.57	41.04	N 71°38'58" E 40.99'
C21	90°14'00"	20.00	20.08	31.50	N 44°55'54" E 28.34'
C22	82°37'50"	20.00	17.58	28.84	S 30°38'16" E 26.41'
C23	100°38'25"	20.00	24.11	35.13	N 57°43'33" E 30.78'
C24	46°34'03"	30.00	12.91	24.38	N 23°28'07" W 23.72'
C25	39°28'22"	50.00	17.94	34.45	N 27°00'58" W 33.77'
C26	40°34'40"	50.00	18.48	35.41	S 26°05'37" W 34.68'
C27	46°34'03"	30.00	12.91	24.38	S 23°05'56" W 23.72'
C28	90°06'28"	20.00	20.04	31.45	S 45°14'20" E 28.31'
C29	89°53'32"	20.00	19.96	31.38	S 44°45'40" W 28.26'
C30	65°05'55"	20.00	18.36	29.70	S 31°54'46" E 27.05'
C31	34°54'55"	50.00	15.72	30.47	N 17°16'14" E 30.00'
C32	60°48'37"	30.00	17.60	31.84	N 45°04'11" W 30.37'
C33	33°07'23"	30.00	8.92	17.34	N 38°51'50" E 17.10'
C34	90°00'00"	100.00	100.00	157.08	S 79°34'29" E 141.42'
C35	33°07'23"	30.00	8.92	17.34	S 18°00'47" E 17.10'
C36	105°23'08"	20.00	26.25	36.79	N 52°38'04" W 31.82'
C37	22°03'53"	225.00	43.87	86.65	S 63°38'25" W 86.11'
C38	31°48'09"	259.50	73.93	144.04	S 68°30'33" W 142.20'
C39	2°33'47"	259.50	5.80	11.61	N 85°41'31" E 11.61'
C40	65°27'15"	20.00	18.47	29.83	N 44°14'47" E 27.14'
C41	89°59'24"	20.00	20.00	31.41	S 45°03'12" W 28.28'
C42	89°46'00"	20.00	19.92	31.33	N 45°04'06" W 28.23'
C43	100°38'12"	20.00	24.11	35.13	N 57°43'44" E 30.78'
C44	90°00'00"	20.00	20.00	31.42	S 79°34'29" E 28.28'
C45	86°11'00"	300.00	280.65	451.25	N 42°30'42" E 409.90'
C46	83°44'46"	300.00	268.92	438.49	S 52°31'25" E 400.49'

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 88°28'51" W	50.20'
L2	N 18°02'49" E	7.16'
L3	S 18°02'49" W	7.15'
L4	N 00°11'13" W	25.00'
L5	S 01°31'09" W	1.65'
L6	N 88°28'51" W	32.62'
L7	N 01°31'09" E	177.60'
L8	S 84°12'34" W	9.99'
L9	S 00°02'54" W	198.30'
L10	S 88°28'51" E	22.66'
L11	N 66°45'38" E	48.04'
L12	N 89°48'47" E	24.92'
L13	N 00°11'06" W	52.29'
L14	N 55°16'19" W	41.36'
L15	S 43°55'15" E	43.77'
L16	S 73°54'36" E	94.00'
L17	S 79°34'29" E	141.42'
L18	S 67°27'06" E	84.40'
L19	N 00°02'54" E	80.17'
L20	N 85°36'12" E	120.00'

OWNER/DEVELOPER
WILBOW-OVERLOOK DEVELOPMENT CORP.
4131 N. CENTRAL EXPRESSWAY
SUITE 1140
DALLAS, TEXAS 75204
(972) 479-0697
FAX (972) 479-0397

PLANNER/ENGINEER
MLA CONSULTING, LLC
101 W. RENNER ROAD, SUITE 140
RICHARDSON, TEXAS 75082
(214) 952-0233
FAX (214) 242-2422

LAND SURVEYOR
R.C. MYERS SURVEYING, LLC
3400 OXFORD DRIVE
ROWLETT, TX 75088
(972) 532-0636
FAX (972) 412-4875
JOB. NO. 204

FINAL PLAT
THE OVERLOOK AT BIG BEAR CREEK
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS
BEING 53.234 ACRES IN THE
WM. E. CROOKS SURVEY, ABSTRACT NO. 295
AND THE HALL MEDLIN SURVEY, ABSTRACT NO. 1038
NOVEMBER 2013

SHEET 1 OF 2

LEGEND	
B.L.	BUILDING LINE
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
S.S.E.	SANITARY SEWER EASEMENT
T.R.A.E.	TRINITY RIVER AUTHORITY EASEMENT
W.M.E.	WALL MAINTENANCE EASEMENT
(CM)	CONTROL MONUMENT
⊙ IRF	IRON ROD FOUND
⊙ IRS	IRON ROD SET WITH YELLOW CAP STAMPED "RPLS 3963"
⊙ PKF	PK NAIL FOUND
△	POINT FOR CORNER IN CREEK
D.R.T.C.T.	DEED RECORDS, TARRANT COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS, TARRANT COUNTY, TEXAS
MFFE 594.5	MINIMUM FINISH FLOOR ELEVATION
①	BLOCK NUMBER



OWNERS CERTIFICATE

WHEREAS WILBOW-OVERLOOK DEVELOPMENT CORP. IS THE OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE WM. E. CROOKS SURVEY, ABSTRACT NO. 295 AND THE HALL MEDLIN SURVEY, ABSTRACT NO. 1038, CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS AND BEING ALL OF THOSE CERTAIN TRACTS OF LAND DESCRIBED ON EXHIBIT 'A' AS TRACT I (16.351 ACRES), TRACT II (8.301 ACRES), TRACT III (20.00 ACRES), AND TRACT IV (9.409 ACRES) IN AN EXECUTOR'S DEED TO OBUrn BONDS QUENICHET AND RECORDED AS INSTRUMENT NUMBER D211175564, OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID TRACT III COMMON TO THE NORTHWEST CORNER OF THAT 22.72 ACRE TRACT OF LAND CONVEYED TO SYDNEY MARY HIGHTOWER, TRUSTEE, RECORDED AS INSTRUMENT NUMBER D199084668, OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AND ALSO BEING IN THE EAST LINE OF THE MONTICELLO ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, RECORDED IN VOLUME 388-209, PAGE 12, OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS;

THENCE NORTH 00 DEGREES 11 MINUTES 06 SECONDS WEST, WITH THE WEST LINE OF SAID TRACT III AND THE EAST LINE OF SAID MONTICELLO ADDITION, AT 1548.06 FEET PASSING A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" FOUND FOR REFERENCE AND CONTINUING FOR A TOTAL DISTANCE OF 1648.06 FEET TO POINT NEAR THE CENTERLINE OF BIG BEAR CREEK;

THENCE ALONG AND NEAR THE CENTERLINE OF BIG BEAR CREEK AND TRACTS III, I, AND IV, RESPECTIVELY, THE FOLLOWING COURSES:

SOUTH 64 DEGREES 57 MINUTES 35 SECONDS EAST, A DISTANCE OF 130.22 FEET;

SOUTH 50 DEGREES 01 MINUTES 06 SECONDS EAST, A DISTANCE OF 140.00 FEET;

SOUTH 10 DEGREES 12 MINUTES 10 SECONDS WEST, A DISTANCE OF 174.00 FEET;

SOUTH 52 DEGREES 32 MINUTES 03 SECONDS EAST, A DISTANCE OF 86.00 FEET;

SOUTH 83 DEGREES 49 MINUTES 56 SECONDS EAST, A DISTANCE OF 104.00 FEET;

SOUTH 37 DEGREES 42 MINUTES 58 SECONDS EAST, A DISTANCE OF 143.00 FEET;

SOUTH 65 DEGREES 43 MINUTES 59 SECONDS EAST, A DISTANCE OF 104.00 FEET;

SOUTH 57 DEGREES 56 MINUTES 59 SECONDS EAST, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID 20 ACRE TRACT III COMMON TO THE NORTHWEST CORNER OF SAID 16.351 ACRE TRACT I;

SOUTH 40 DEGREES 13 MINUTES 23 SECONDS EAST, A DISTANCE OF 146.00 FEET;

SOUTH 59 DEGREES 50 MINUTES 36 SECONDS EAST, A DISTANCE OF 67.00 FEET;

SOUTH 74 DEGREES 41 MINUTES 44 SECONDS EAST, A DISTANCE OF 67.00 FEET;

NORTH 89 DEGREES 44 MINUTES 59 SECONDS EAST, A DISTANCE OF 115.00 FEET;

NORTH 47 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 213.00 FEET;

NORTH 27 DEGREES 22 MINUTES 24 SECONDS EAST, A DISTANCE OF 102.00 FEET;

NORTH 15 DEGREES 47 MINUTES 02 SECONDS EAST, A DISTANCE OF 122.00 FEET;

NORTH 21 DEGREES 31 MINUTES 51 SECONDS EAST, A DISTANCE OF 171.00 FEET;

NORTH 55 DEGREES 20 MINUTES 05 SECONDS EAST, A DISTANCE OF 100.00 FEET;

NORTH 72 DEGREES 17 MINUTES 35 SECONDS EAST, A DISTANCE OF 100.00 FEET;

SOUTH 74 DEGREES 09 MINUTES 12 SECONDS EAST, A DISTANCE OF 75.00 FEET;

SOUTH 30 DEGREES 07 MINUTES 27 SECONDS EAST, A DISTANCE OF 69.00 FEET;

SOUTH 53 DEGREES 03 MINUTES 15 SECONDS EAST, A DISTANCE OF 180.00 FEET;

SOUTH 28 DEGREES 28 MINUTES 23 SECONDS EAST, A DISTANCE OF 170.00 FEET;

SOUTH 20 DEGREES 30 MINUTES 46 SECONDS EAST, A DISTANCE OF 105.00 FEET;

SOUTH 00 DEGREES 16 MINUTES 34 SECONDS EAST, A DISTANCE OF 80.00 FEET;

SOUTH 41 DEGREES 40 MINUTES 33 SECONDS WEST, A DISTANCE OF 109.00 FEET;

SOUTH 45 DEGREES 24 MINUTES 23 SECONDS EAST, A DISTANCE OF 115.00 FEET AND;

SOUTH 75 DEGREES 32 MINUTES 25 SECONDS EAST, A DISTANCE OF 61.21 FEET TO A PK NAIL FOUND FOR CORNER ON AN ASPHALT SURFACE NEAR THE CENTER OF PLEASANT RUN ROAD, SAID POINT BEING THE NORTHEAST CORNER OF SAID 9.409 ACRE TRACT IV COMMON TO THE NORTHWEST CORNER OF THE MEDLIN ADDITION RECORDED IN CABINET A, SLIDE 1163, OF THE PLAT RECORDS OF TARRANT COUNTY TEXAS;

THENCE ALONG AND NEAR THE CENTER OF SAID PLEASANT RUN ROAD, THE EAST LINES OF TRACTS IV AND II, RESPECTIVELY, AND THE WEST LINES OF SAID MEDLIN ADDITION THE FOLLOWING COURSES:

SOUTH 10 DEGREES 23 MINUTES 15 SECONDS WEST, A DISTANCE OF 160.00 FEET TO A PK NAIL FOUND AT AN ANGLE POINT AND;

SOUTH 01 DEGREES 31 MINUTES 09 SECONDS WEST, A DISTANCE OF 612.63 FEET TO A PK NAIL FOUND FOR CORNER AT THE SOUTHEAST CORNER OF SAID TRACT II COMMON TO THE NORTHEAST CORNER OF PARK PLACE ESTATES RECORDED IN CABINET 388-178, PAGE 14, OF THE PLAT RECORDS OF TARRANT COUNTY TEXAS;

THENCE SOUTH 84 DEGREES 12 MINUTES 34 SECONDS WEST, WITH THE SOUTH LINE OF SAID TRACT II AND THE NORTH LINE OF PARK PLACE ESTATES, AT 40.10 FEET PASSING THE NORTHEAST CORNER OF A CALLED 14.503 ACRE TRACT DESCRIBED IN A DEED TO TRINITY CHRISTIAN CENTER OF SANTA ANA INC. RECORDED IN VOLUME 9325, PAGE 1004, OF THE DEED RECORDS OF TARRANT COUNTY TEXAS AND CONTINUING ALONG THE COMMON LINE OF LAST THREE MENTIONED TRACTS FOR A TOTAL DISTANCE OF 558.59 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" FOUND FOR THE COMMON SOUTH CORNER OF SAID TRACT I AND II;

THENCE SOUTH 84 DEGREES 38 MINUTES 07 SECONDS WEST, CONTINUING WITH THE SAID SOUTH LINE OF SAID TRACT I AND THE NORTH LINE OF SAID PARK PLACE ESTATES AND 14.503 ACRE TRACT, AT 3.26 FEET PASSING A 3/8" IRON FOUND AT A ANGLE POINT IN SAID 14.503 ACRE TRACT COMMON TO THE NORTHWEST CORNER OF SAID PARK PLACE ESTATES, AND CONTINUING ALONG THE COMMON LINE OF SAID 14.503 ACRE TRACT AND TRACT I FOR A TOTAL DISTANCE OF 654.86 FEET TO A 3/8 INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID 14.503 ACRE TRACT COMMON TO THE SOUTHWEST CORNER OF TRACT I AND BEING IN THE EAST LINE OF SAID 22.72 ACRE HIGHTOWER TRACT;

THENCE NORTH 01 DEGREES 57 MINUTES 51 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT I AND THE EAST LINE OF SAID HIGHTOWER TRACT A DISTANCE OF 106.71 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER AT THE NORTHEAST CORNER THEREOF COMMON TO THE SOUTHEAST CORNER OF SAID TRACT III;

THENCE NORTH 89 DEGREES 57 MINUTES 06 SECONDS WEST, ALONG THE COMMON LINE OF SAID TRACT III AND SAID HIGHTOWER TRACT A DISTANCE OF 652.26 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,318,904 SQUARE FEET OR 53.234 ACRES OF LAND.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

THAT WILBOW-OVERLOOK DEVELOPMENT CORP., OWNER, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINBEFORE DESCRIBED PROPERTY AS THE OVERLOOK AT BIG BEAR CREEK, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, AND DOES HEREBY DEDICATE FEE SIMPLE TO THE PUBLIC USE FOREVER ALL STREETS, RIGHTS-OF-WAY, AND ALLEYS SHOWN THEREON, AND DOES HEREBY RESERVE THE EASEMENTS SHOWN ON THIS PLAT FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME NAME. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS IN WHICH ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THESE EASEMENTS, AND ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, AND PATROLLING, WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF COLLEYVILLE, TEXAS.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2013.

WILBOW-OVERLOOK DEVELOPMENT CORP.

BY: _____
PRINTED NAME

SIGNATURE

STATE OF TEXAS)
COUNTY OF TARRANT)(

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY PRINTED NAME: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATION

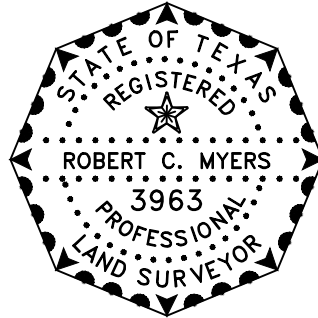
KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____ ROBERT C. MYERS _____, A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE GROUND. FURTHER, THIS SURVEY CONFORMS TO THE GENERAL RULES OF PROCEDURES AND PRACTICES OF THE MOST CURRENT PROFESSIONAL LAND SURVEYING PRACTICES ACT.

PRELIMINARY - NOT TO BE RECORDED FOR ANY PURPOSE

DATE: _____

ROBERT C. MYERS
REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 3963



STATE OF TEXAS)
COUNTY OF TARRANT)(

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____ ROBERT C. MYERS _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY PRINTED NAME: _____

MY COMMISSION EXPIRES: _____

PLANNING AND ZONNING COMMISSION APPROVAL:

WHEREAS THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLLEYVILLE, TEXAS VOTED AFFIRMATIVELY

ON THIS _____ DAY OF _____, 2013, TO APPROVE THIS PLAT.

CHAIRMAN, PLANNING AND ZONING COMMISSION

ATTEST: SECRETARY, PLANNING AND ZONING COMMISSION

CITY COUNCIL APPROVAL:

WHEREAS THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS VOTED AFFIRMATIVELY

ON THIS _____ DAY OF _____, 2013, TO APPROVE THIS PLAT.

MAYOR, CITY OF COLLEYVILLE

ATTEST: CITY SECRETARY

OWNER/DEVELOPER
WILBOW-OVERLOOK DEVELOPMENT CORP.
4131 N. CENTRAL EXPRESSWAY
SUITE 1140
DALLAS, TEXAS 75204
(972) 479-0697
FAX (972) 479-0397

PLANNER/ENGINEER
MLA CONSULTING, LLC
101 W. RENNER ROAD, SUITE 140
RICHARDSON, TEXAS 75082
(214) 952-0233
FAX (214) 242-2422

LAND SURVEYOR
R.C. MYERS SURVEYING, LLC
3400 OXFORD DRIVE
ROWLETT, TX 75088
(214) 532-0636
FAX (972) 412-4875
JOB. NO. 204

FINAL PLAT
THE OVERLOOK AT BIG BEAR CREEK
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS
BEING 53.234 ACRES IN THE
WM. E. CROOKS SURVEY, ABSTRACT NO. 295
AND THE HALL MEDLIN SURVEY, ABSTRACT NO. 1038
NOVEMBER 2013

ORDINANCE O-13-1875

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 53.2 ACRES ON TRACTS 1F AND 1G, ABSTRACT 1038 OF THE HALL MEDLIN SURVEY AND TRACTS 1A02 AND 1C, ABSTRACT 295 OF THE WILLIAM E. CROOKS SURVEY LOCATED AT 7612 AND 7624 PLEASANT RUN ROAD FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC13-001; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 53.2 acres on Tracts 1F and 1G, Abstract 1038 of the Hall Medlin Survey and Tracts 1A02 and 1C, Abstract 295 of the William E. Crooks Survey located at 7612 and 7624 Pleasant Run Road from the AG-Agricultural zoning district to the PUD-R-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A" and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-R is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 1.4 dwelling units per acre as described in Exhibit "C". Exhibit "C" is attached herein for descriptive purposes only and shall not be referenced as a regulatory guide for the purpose of this ordinance.

- b. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this ordinance.

2. DEVELOPMENT PLAN AND PLATTING

- a. The development shall be generally consistent with the conceptual site plan, Exhibit "D", which shall not be considered the preliminary plat. The lot arrangement may differ from that shown on the conceptual site plan to accommodate topographic, drainage, or other conditions. The actual street layout shall be consistent with Exhibit "D".
- b. The developer shall submit and receive approval from the City, a preliminary and final plat, approved in one or more phases, in accordance with the requirements of the Land Development Code prior to development of this PUD-R.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

- a. Residential lot requirements and setbacks shall comply with the following provisions:
 - 1. The minimum lot width shall be 90 feet and the minimum lot depth shall be 70 feet.
 - 2. The minimum lot size shall be 13,000 square feet, with an average lot size of 16,050 square feet.
 - 3. The minimum front yard setbacks shall be 20 feet for lots with side facing garages so long as the distance from the back of curb to the primary structure is at least 30 feet, and 30 feet for lots with front facing garages.
 - 4. The minimum rear yard setbacks shall be:

- a. From the main structure: 25 feet
 - b. From an accessory structure: 10 feet
- 5. The minimum side yard setbacks shall be 9 feet.
- 6. The maximum building height shall be 35 feet.
- 7. For lots located on cul-de-sacs and half cul-de-sacs, the minimum lot width shall be 70 feet measured at the front yard setbacks and 35 feet measured at the right-of-way line.

5. RESIDENTIAL DESIGN REQUIREMENTS

The following requirements shall apply to all homes constructed in this development:

- a. The surface area of the front exterior wall, excluding windows, doors, gables, and covered porches shall be at least 85 percent masonry or hand-troweled, cement-based, three-coat stucco.
- b. The surface area of all side and rear walls shall be at least 75 percent masonry or hand-troweled, cement-based, three-coat stucco.
- c. Approved masonry materials shall adhere to the masonry materials allowed in Chapter 6-Building Design of the Land Development Code.
- d. Each residence shall contain a minimum of 3,000 feet of gross floor area.

6. OPEN SPACE

- a. This development shall provide a minimum of 30 percent common open space, which shall be configured as shown on Exhibit "D". All open space areas shall be landscaped and maintained by the homeowners association.

7. RESIDENTIAL DENSITY REQUIREMENTS

- a. Residential density shall not exceed 1.4 dwelling units per acre.

8. FENCING, SCREENING, BUFFERING AND TREES

- a. A wrought iron fence shall be constructed between the common open space in the Monticello development and common open space on the subject property. Said fence shall be constructed by the developer prior to the acceptance of final public improvements.
- b. A minimum of two, three (3) inch caliper, hardwood shade trees shall be planted on each lot at the time of new home construction.
- c. All lots shall be equipped with an irrigation system per the requirements of Chapter 4-Landscaping and Buffering in the Land Development Code.
- d. A minimum eight (8) foot solid masonry wall shall be constructed along the common property line of the development and the adjacent property to the south located at 7504 and 7404 Pleasant Run Road prior to the acceptance of final public improvements. Where adjacent to lots not used for residential purposes within this development, the wall may be constructed of wood. The wall shall be maintained by the homeowner's association.
- e. A minimum ten (10) foot tree preservation buffer shall be located along the entire length of the western boundary of the development. All trees located within said buffer shall be preserved in place as shown on the required tree survey at the time of platting. No trees may be removed from this buffer area without a tree removal permit. Section 5(8)C(5) of the Land Development Code exempting residents from the removal requirements shall not apply to said buffer area. Maintenance of the buffer shall be the responsibility of each homeowner.

9. SIDEWALKS AND TRAILS

- a. In lieu of constructing the required ten (10) foot trail along Pleasant Run Road, the developer shall pay into escrow the cost of constructing the trail as determined by the City Engineer, prior to the filing of the final plat for the development.

- b. The portion of the proposed interior park trail that traverses the open space of the development that is closest to Pleasant Run Road shall provide a stub for future connection to the Pleasant Run Road trail shown in the Colleyville Pathways Plan. Said portion of the interior park trail shall be located within a public access easement and shall be constructed by the developer prior to acceptance of final public improvements and shall be maintained by the homeowner's association.

10. GENERAL

- a. No building, structure, or other development within this PUD, including any roads and parks, shall trigger any setback requirement for future gas wells and related equipment located on the existing 13.2-acre pad site located directly south of the boundaries of this PUD (the "Existing Pad Site"), regardless of whether such gas wells and equipment are authorized by Ordinance O-10-1779 approving a Special Use Permit for the Existing Pad Site or are authorized by future approvals (if any) for the Existing Pad Site only by the City Council.
- b. Prior to the recordation of a final plat for any property within this PUD, an instrument shall be recorded in the deed records of Tarrant County, Texas, for the property within this PUD, providing all future purchasers of such property with notice of this paragraph. The form of such instrument shall be approved by the City Attorney. In addition, any rezoning of the property governed by this PUD, including, but not limited to, an amendment to this PUD, shall require that written notice be given to the gas well operator in the same manner that is required by Chapter 211 of the Texas Local Government Code for all property owners. Notices shall be sent to the gas well permittee based on the address on file with the City.

Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

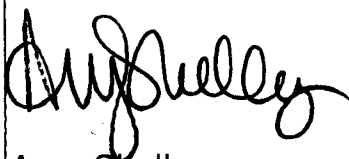
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

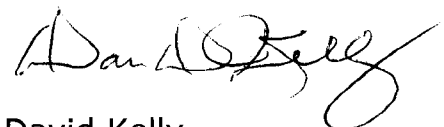
The first reading and public hearing being conducted on the 4th day of June 2013.

The second reading and public hearing being conducted on the 18th day of June 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 18th day of June 2013.

ATTEST:**CITY OF COLLEYVILLE**

Amy Shelley
City Secretary



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in cursive script, appearing to read "Colby Cunningham".

for

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

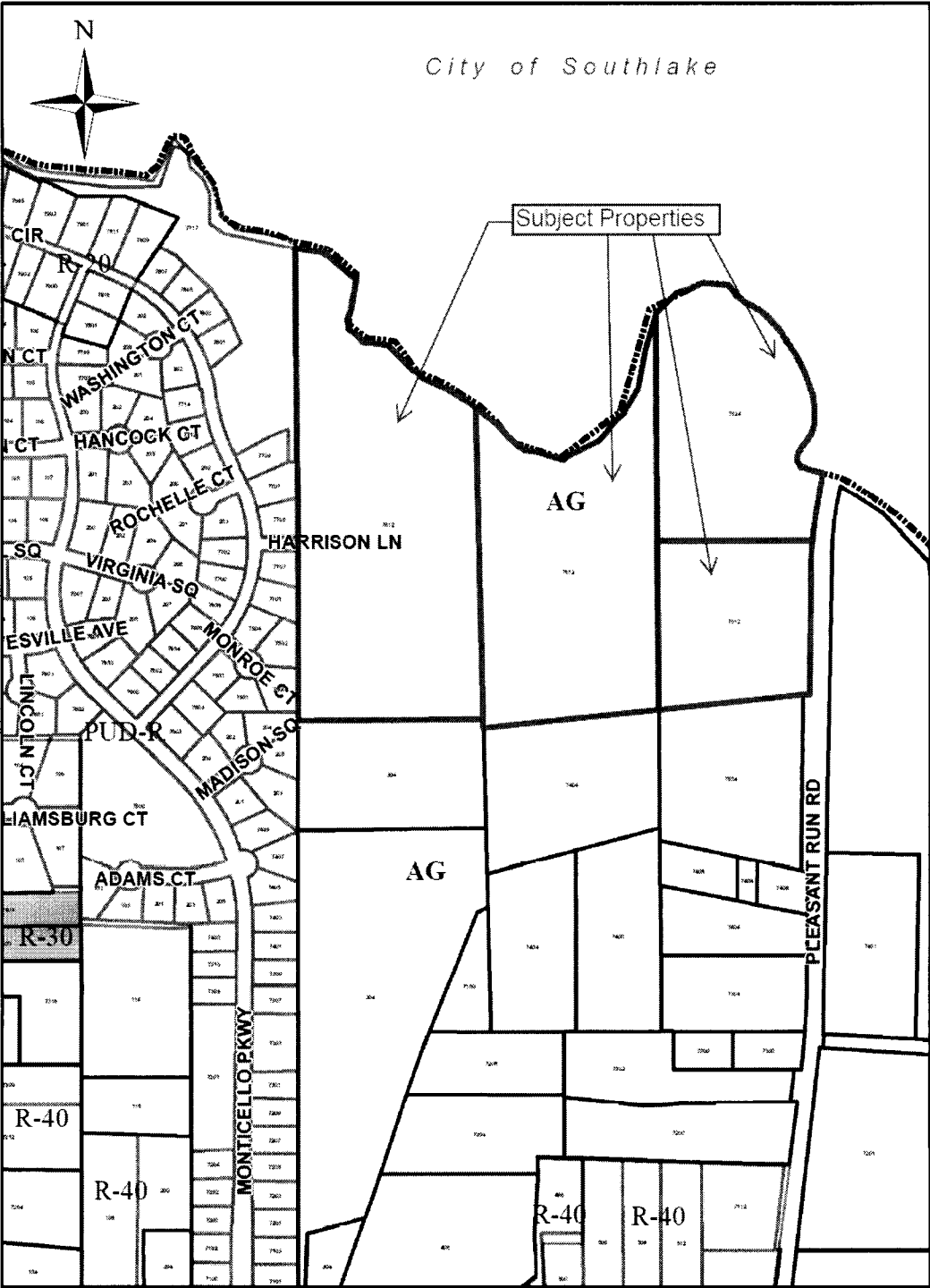


Exhibit "B" – Legal Description

BEING THAT CERTAIN TRACT OF LAND SITUATED IN THE WM. E. CROOKS SURVEY, ABSTRACT NUMBER 295 AND THE HALL MEDLIN SURVEY, ABSTRACT NUMBER 1038, CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS AND BEING ALL OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO JOHN W. QUENICHET AND WIFE OBURN QUENICHET RECORDED IN VOLUME 4384, PAGE 871, TRACTS 1, 2 AND 3 AND IN VOLUME 4957, PAGE 297 OF COUNTY RECORDS, TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 3/4 INCH IRON ROD, FOUND AT THE SOUTHWEST CORNER OF SAID QUENICHET TRACT RECORDED IN VOLUME 4957, PAGE 297 AND BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO THE ROBERT HIGHTOWER TESTAMENTARY TRUST, RECORDED IN VOLUME 13475, PAGE 388 OF SAID COUNTY RECORDS AND BEING IN THE WEST LINE OF MONTICELLO ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, RECORDED IN VOLUME 388-209, PAGE 12 OF PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE N 00°11'48" W, WITH THE WEST LINE OF SAID QUENICHET TRACT, AT 1548.07 FEET A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, IN ALL 1648.07 FEET TO THE CENTERLINE OF BIG BEAR CREEK;

THENCE WITH THE CENTERLINE OF BIG BEAR CREEK THE FOLLOWING BEARINGS AND DISTANCES;

S 64°57'48" E, 130.00 FEET;
S 50°01'23" E, 140.00 FEET;
S 10°11'53" W, 174.00 FEET;
S 52°32'20" E, 86.00 FEET;
S 83°50'13" E, 104.00 FEET;
S 37°43'15" E, 143.00 FEET;
S 65°44'16" E, 104.00 FEET;
S 57°57'16" E, 140.00 FEET, THE NORTHWEST CORNER OF AFORESAID TRACT 3, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, BEARS 00°29" W, 100.00 FEET;
S 40°13'40" E, 146.00 FEET;
S 59°50'53" E, 67.00 FEET;
S 74°42'01" E, 67.00 FEET,
N 89°44'42" E, 115.00 FEET;
N 47°35'35" E, 213.00 FEET;
N 27°22'07" E, 102.00 FEET;
N 15°46'45" E, 122.00 FEET;
N 21°31'34"E, AT 155.7 FEET THE NORTHEAST CORNER OF SAID TRACT 3 AND THE NORTHWEST CORNER OF SAID TRACT 1, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, BEARS S 00°49" E, 100.00 FEET, IN ALL 171.00 FEET;
N 55°19'48" E, 100.00 FEET;
N 72°17'18" E, 100.00 FEET;
S 74°09'29" E, 75.00 FEET;
S 30°07'44" E, 69.00 FEET;
S 53°03'32" E, 180.00 FEET;
S 28°28'40" E, 170.00 FEET;
S 20°31'03" E, 105.00 FEET;
S 00°16'51" E, 80.00 FEET;
S 41°40'16" W, 109.00 FEET;
S 45°24'40" E, 115.00 FEET;

Exhibit "B" – Legal Description Continued

THENCE S 75°34'46" E, 61.00 FEET TO THE INTERSECTION OF SAID BIG BEAR CREEK AND THE APPROXIMATE CENTERLINE OF PLEASANT RUN ROAD (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE S 10°21'30" W, 160.00 FEET WITH SAID APPROXIMATE CENTERLINE, TO THE SOUTHEAST CORNER OF AFOREMENTIONED TRACT 1 AND THE NORTHEAST CORNER OF SAID TRACT 2, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, BEARS S 88°36" W, 100.00 FEET;

THENCE S 01°29'24" W, 612.63 FEET CONTINUING WITH SAID APPROXIMATE CENTERLINE TO THE SOUTHEAST CORNER OF SAID TRACT 2;

THENCE S 84°10'42" W, WITH THE SOUTH LINE OF SAID TRACT 2, AT 40.10 FEET THE NORTHEAST CORNER OF PARK PLACE ESTATES, AN ADDITION TO THE CITY OF COLLEYVILLE, RECORDED IN VOLUME 388-178, PAGE 14 OF SAID PLAT RECORDS, AT 100 FEET A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, IN ALL 558.48 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, AT THE SOUTHWEST CORNER OF SAID TRACT 2 AND THE SOUTHEAST CORNER OF SAID TRACT 3;

THENCE S 84°37'58" W, 654.81 FEET WITH THE SOUTH LINE OF SAID TRACT 3 AND THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO TRINITY CHRISTIAN CENTER OF SANTA ANNA, INC., RECORDED IN VOLUME 9325, PAGE 1004 OF SAID COUNTY RECORDS, TO A 3/8 INCH IRON ROD, FOUND AND BEING THE SOUTHWEST CORNER OF SAID TRACT 3 IN THE EAST LINE OF THE AFOREMENTIONED HIGHTOWER TRACT;

THENCE N 01°58'48" W, 106.71 FEET, WITH THE WEST LINE OF SAID HIGHTOWER TRACT, TO A 5/8 INCH IRON ROD, FOUND AT THE SOUTHEAST CORNER OF AFOREMENTIONED QUENICHET TRACT RECORDED IN VOLUME 4957, PAGE 297 OF SAID COUNTY RECORDS;

THENCE N 89°57'05" W, 652.16 FEET, WITH THE NORTH LINE OF SAID HIGHTOWER TRACT AND THE SOUTH LINE OF SAID QUENICHET TRACT, TO THE POINT OF BEGINNING AND CONTAINING 2,318,598 SQUARE FEET OR 53.228 ACRES OF LAND MORE OR LESS.

Exhibit "C" – Statement of Planning Objectives

Planned Unit Development (PUD-R) for Overlook at Big Bear Creek Colleyville, Texas

HISTORY AND STATEMENT OF INTENT

Established in 1988, Wilbow Corporation, the Dallas based U.S. Operation, is a wholly-owned subsidiary of Wilbow Group Pty. Ltd. located in Melbourne, Australia. Wilbow is currently involved in numerous real estate developments in the Dallas/Fort Worth and Houston areas. Wilbow has been the recipient of numerous accolades and won Business and Industry Awards for Excellence in commercial property development including the Urban Design for Tribute at Mills Branch and the McSam award for Marketing of the Heritage residential community. Wilbow Corporation maintains an experienced and well-diversified professional staff with a combined 100 years of real estate development experience, and has consistently been ranked as one of north Texas' largest residential developers by the Dallas Business Journal. Wilbow's financial strength, experience and history of success mean that each development is thoughtfully planned and executed with efficiency and expertise that few other developers possess.

Wilbow Corporation, doing business as Pleasant Run Colleyville, Inc. (PRC), being the applicant and developer of the 53.2-acre "Overlook at Big Bear Creek" property, part of the Wm. E. Crooks Survey, Abstract No. 295, and part of the Hall Medlin Survey, Abstract No. 1038, hereby makes a request to rezone the property, currently zoned Agriculture (AG) per the August 2007 zoning map, to Planned Unit Development-Residential (PUD-R). With PUD-R zoning, the use will be consistent with the adjacent single-family zoning designations and Colleyville's Future Land Use Plan 2025 which designates the property as "Single Family Residential".

PROJECT LOCATION & DESCRIPTION

The Overlook at Big Bear Creek (The Overlook) is located along the north central Colleyville border with Southlake, adjacent to Pleasant Run Road on the east and the Monticello neighborhood to the west. The north property line generally follows the centerline of Big Bear Creek, the same being the municipal

Exhibit "C" – Statement of Planning Objectives (Continued)

boundary. The property is bordered on the south by the Titan well site and undeveloped agricultural land. The property is a generally rectangular, 53.228 acre tract that consists of four smaller parcels, each formally owned by John W. and Obum Quenichet. Overlook will be developed into approximately 73 single-family home sites and additional open space lots, for a density of **1.37 dwelling units per gross acre**, well below the allowed maximum residential density of 1.8 dwelling units per gross acre. Each home site shall be a minimum of 13,000 square feet however, the average lot size shall be approximately 16,000 square feet.

SITE ZONING AND PLANNED DEVELOPMENT STANDARDS

The zoning classification for The Overlook shall be Planned Unit Development-R "PUD-R" and shall be developed according to the following standards:

Item	PUD-R Zoning	Proposed Zoning
Minimum Lot Size	13,000 Square Feet	13,000 Square Feet
Average Lot Size	16,000 Square Feet	16,050 Square Feet
Minimum Lot Width	100 feet	90 feet
Minimum Front Yard	30 feet	20 feet
Minimum Side Yard	10 feet	9 feet
Minimum Rear Yard	25 feet	25 feet for main structure 10 feet for ancillary structures
Maximum Building Height	30 feet	35 feet measured from high point on lot to top of roof line

BUILDING SETBACK PROVISION

Special consideration of reduced lot width is hereby requested for lots located on cul-de-sacs and those located on 90-degree elbows in the streets. The minimum lot width for such lots measured at the building line shall be 70-feet. The minimum lot width for such lots measured at the right-of-way line shall be 35-feet.

Exhibit "C" – Statement of Planning Objectives (Continued)

IMPACT FEES

Because the calculated portion of the City's Perimeter Street Fee is less than the per lot road impact fees generated by this project, PRC shall bear no cost associated with the City's Perimeter Street Fee. Instead, the per lot road impact fee of \$4941.00 shall be paid for by the builder at the time of each applicable building permit. In addition, water and wastewater impact fees shall be paid for at the time of building permit by the builder. There shall be no park impact fee paid for by PRC. No other impact fees shall be applicable.

PARKLAND DEDICATION

In lieu of Park Dedication Fees, we will dedicate via final plat approximately 17 acres of private parkland/open space within the development, which shall include a permanent surface trail system, benches, native and picnic areas. We may elect to dedicate a public access easement over and across the trail system for use by all residents of Colleyville. In addition, we will dedicate approximately 3 acres of private parkland/open space adjacent to Forest Meadow Drive within the development. This 3 acres alone represents approximately ten (10) percent of the developable area of the subdivision. All private parkland/open space will be maintained by the Home Owner's Association (HOA) for the development, which will be created for the purpose of owning, operating and maintaining the common features within the community.

HOMEOWNERS ASSOCIATION

All property owners within The Overlook shall be required to be members of the HOA which shall assume ownership and responsibility for the open space areas, entry features, landscaping, irrigation and all fencing within the open space areas created via the Final Plat. The HOA shall also be responsible for enforcement of all deed restrictions for the community. PRC, as Declarant, shall regulate and approve new home architecture and plot plans in conformity with the deed restrictions for the community.

SUBDIVISION DESIGN CONSIDERATIONS

Streets shall be 31 foot, back to back concrete with curb and gutter within a 50 foot Right of Way. Streets shall be dedicated to the City of Colleyville (City). Similarly, all water lines, sanitary and storm sewer shall be

Exhibit "C" – Statement of Planning Objectives (Continued)

designed and constructed to City standards. Upon construction and inspection by the City, such infrastructure shall be dedicated to the City for continued maintenance and operation.

DRAINAGE DESIGN CONSIDERATIONS

The site generally slopes from south to north and is heavily wooded along the north and east boundaries. Big Bear Creek and its 100-year floodplain traverses the property on the northern boundary receiving the natural runoff from the property. The drainage system for the community shall be designed so that the storm water runoff continues to be conveyed directly into Big Bear Creek. The development of the property will not have significant impact on the total amount of runoff in this reach of Big Bear Creek due to the low density, large lot size and the relatively small contributing area of the project in relation to the entire watershed conveyed by Big Bear Creek, and therefore, no detention shall be required for this project. See accompanying exhibit of offsite drainage area. A small portion of the developable area lies within the FEMA designated 100-year floodplain. PRC intends to mitigate the small areas intended to be developed within the floodplain by providing comparable storage volume elsewhere on-site. The plan for such comparable storage shall be submitted for administrative review and approval by Colleyville's Certified Floodplain Manager (CFM).

LANDSCAPE AND TREE MITIGATION

No tree survey or tree mitigation shall be required for open space areas shown on the attached Development Plan. Areas within proposed rights-of-way, proposed building pads, public and private easements shall also be exempt from tree mitigation requirements; however an inventory of protected trees within such areas shall be shown on a tree survey. Builder installed trees located in front and rear yards shall count towards any mitigation required as a result of the development process so long as the tree species conform to the City's tree mitigation requirements. PRC shall require a minimum of 2 (two) 3" caliper hardwood shade trees be installed by the builder on each lot.

SUBDIVISION TRAFFIC AND CIRCULATION

PRC shall provide a stub-through road to connect to existing Harrison Lane to the west. Wildflower Way

Exhibit "C" – Statement of Planning Objectives (Continued)

shall stub to the property immediately to the south in anticipation of future single-family development. No traffic impact analysis (TIA) shall be required since the development is not projected to generate in excess of 1,000 vehicle trips per day.

SIDEWALKS

PRC hereby requests a variance from the sidewalk requirements and as such, no sidewalks will be constructed along the streets within the development. This request is consistent with adjacent neighborhoods, among them and adjacent to this proposed development is Monticello, which does not contain sidewalks along the streets. Further there is no existing sidewalk or trail along Pleasant Run Road. Due to lack of connectivity and challenging topography, we request a variance from the sidewalk/trail requirement.

TRAIL MASTERPLAN

PRC hereby requests a modification to the Trails and Sidewalk System Masterplan dated October 18, 2005 which shows a trail system along Pleasant Run Road. Due to the natural topography and lack of connectivity to other such facilities along Pleasant Run Road, construction of a trail system here is not viable. In lieu of the roadside location, PRC shall construct a trail system as a continuation of the neighboring Monticello trail system within the private parkland/open space located wholly within the community.

SCREEN WALLS AND FENCES

The existing natural vegetation/trees will provide a natural live screen for the entire property frontage along Pleasant Run Road. Therefore, PRC intends to construct an entry feature and monumentation only at the main entry at Pleasant Run Road as shown on the attached Site Plan. The entry feature shall incorporate masonry, brick, stone and wrought iron fence as necessary to 'tie' back into existing vegetation.

Wrought iron fencing shall be allowed, but not required, along the side and rear property lines of each lot and adjacent to and within the 100-year floodplain. Privacy fences shall not be allowed within the 100-year floodplain.

Exhibit "C" – Statement of Planning Objectives (Continued)

DEVELOPMENT SCHEDULE

PRC intends to obtain approval of zoning by July 2013 with platting and engineering plans to follow immediately thereafter. Construction of the first phase of approximately 33-39 lots to commence immediately following approval of engineering plans. Construction shall take approximately 9 months. Concurrent with development of the first phase, entitlements to include final platting of the second phase will be underway. Upon completion of the first phase and formal approval of the Phase II final plat, PRC will commence construction on Phase II. We anticipate construction on Phase II to commence in the fall of 2014 and be completed by summer 2015. Construction of homes within the first phase shall commence immediately upon City acceptance of the Phase I infrastructure. PRC requests that each phase be given consideration for an early release grading permit upon preliminary plan approval and early release building permits upon substantial completion of paving, as determined by the City inspector during the initial infrastructure walkthrough.

BUILDER PRODUCT

Homes within this community are expected to range in the \$500k to \$1MM+ range. Typical lot pads shall be approximately 70' wide by 70' deep. Minimum house size shall be 3,000 square feet. Maximum height for each home shall not exceed 35' as measured from the highpoint of the lot to the top of the roof.

The surface area of the first floor exterior wall (exclusive of openings for windows and doors, gables over wood framing, areas under covered porches, box and bay windows and other architectural projections) and all second story walls (exclusive of openings for windows and doors, gables over wood framing, areas under covered porches, box and bay windows and other architectural projections) in the same vertical plane as the first floor wall shall be veneered with a minimum of 85% (eighty-five percent) coverage of unit masonry (defined below) or hand troweled, cement-based 3-coat stucco on the front elevation and 75% (seventy-five percent) unit masonry or hand-troweled, cement-based, 3-coat stucco on the side and rear elevations.

Unit Masonry shall mean brick, natural stone, or concrete cast stone (or combination of these materials) laid up by unit and set in mortar.

ECONOMIC DEVELOPMENT INFORMATION

Exhibit "C" – Statement of Planning Objectives (Continued)

As envisioned, The Overlook will generate substantial tax revenue for Tarrant County and the City of Colleyville. PRC estimates homes will be completed according to the following schedule:

<u>Year</u>	<u>Homes Completed</u>	<u>Total</u>
2014	5	5
2015	20	25
2016	20	45
2017	20	65
2018	8	73

Based on the 2010 ad valorem tax rate of \$2.28/\$100 and an average home price of \$750k, estimated ad valorem taxes are as follows:

<u>Year</u>	<u>Ad Valorem Tax</u>
2015	\$86,000
2016	\$428,000
2017	\$770,000
2018	\$1,111,000
2019	\$1,248,300
2020	\$1,248,300

Note: Tax estimate assume a flat rate based on 2010 values.

SUMMARY

The Overlook, when developed, will be a large lot up-scale development featuring 73 residential lots containing custom and semi-custom homes from \$500k on up. PRC believes that The Overlook will be a meaningful contribution to the City of Colleyville, and provide consistency with the adjacent neighborhoods while complying with the City's Future Land Use Plan. The home values will generate significant tax revenues for the City and protect surrounding home values. The requests of the PUD-R made herein are consistent with the PUD-R provisions and have been thoughtfully construed so as to protect surrounding home and community values, while upholding the guidelines created by the City's comprehensive zoning ordinance. PRC respectfully requests the City of Colleyville Planning and Zoning Commission and City Council approve this PUD-R and allow The Overlook to move forward as planned herein.

Exhibit "D"- Conceptual Site Plan





City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 4a	Agenda Date 12/09/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a Special Use Permit for an accessory building on Lot 3, Block 1, of the Lavaca Parc Addition located at 6212 Lantana Court, Case ZC13-019

Explanation

Bruce Huckins has submitted a request for a Special Use Permit (SUP) to construct a 900 square foot detached accessory building on 0.48 acres located at 6212 Lantana Court.

Existing Conditions and Zoning. The property is zoned R-20 Single Family Residential zoning district and is currently developed as a 5,750 square foot single family residence.

Applicant's Request. The applicant plans to construct the accessory building at the northwest corner of the lot, ten (10) feet from the rear lot line and ten (10) feet from the side lot line. The accessory building will be located behind the house and will be ten (10) feet in height to the wall plate, and 21 feet to the highest roof ridge, 14 feet less than the height of the house. The accessory structure will not penetrate the vertical height envelope.

The Statement of Planning Objectives states that the building will be used as a guest house and as a future pool house. The proposed building will include a lounge area, a bedroom, a bathroom and a snack bar. The building materials will be brick and stone that will match the design and color scheme of the primary structure.

Accessory buildings are regulated in the Land Development Code by Section 3.27 - Accessory Buildings and Residential Carport Regulations (attached). Section 3.27 requires a Special Use Permit for any accessory building that does not meet the conditions of this section. The conditions allow up to a 750 square foot accessory building for a lot that is one half (0.5) acre or less; therefore, a Special Use Permit is required for the proposed accessory building.

A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line. Since the proposed building is located totally behind the rear of the principal building, the setbacks may be five (5) feet. The accessory structure is

located ten (10) feet from the side and rear property lines, which is outside of the ten foot (10') utility easement located along the rear property line.

The proposed accessory building complies with the other requirements of Section 3.27 including building setback, building height and permitted use requirements. The proposed building, in combination with the existing home, also complies with the maximum lot coverage requirements for the R-20 Single Family Residential zoning district, which is 30 percent.

Surrounding Zoning and Development. The properties to the south and to the east are zoned R-20 Single Family Residential zoning district and are developed as single family detached homes. The properties to the north and to the west are zoned R-40 Single Family Residential and PUD-R Planned Unit Development-Residential zoning districts and are developed as single family detached homes.

Public Notification. Staff mailed notices to 26 adjacent property owners as well as all Homeowners Associations within 500 feet of the subject property regarding this request. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has received three opposition letters regarding this request.

Summary. Other than exceeding maximum size requirements, the proposed accessory building complies with the development regulations stated within the Land Development Code including building setback, height, permitted use and lot coverage requirements.

Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Letters of Opposition
6. Statement of Planning Objectives
7. Section 3.27 - Land Development Code
8. Site Plan
9. Floor Plan
10. Elevations
11. Proposed Ordinance

Location and Zoning Map

CC-2

R-40

PUD-R

PUD-R

PUD-C

Cimarron Trail

Lavaca Ct

R-20

R-20

Subject
Property





Aerial

Cimarron Trail

Lavaca Ct

Subject
Property

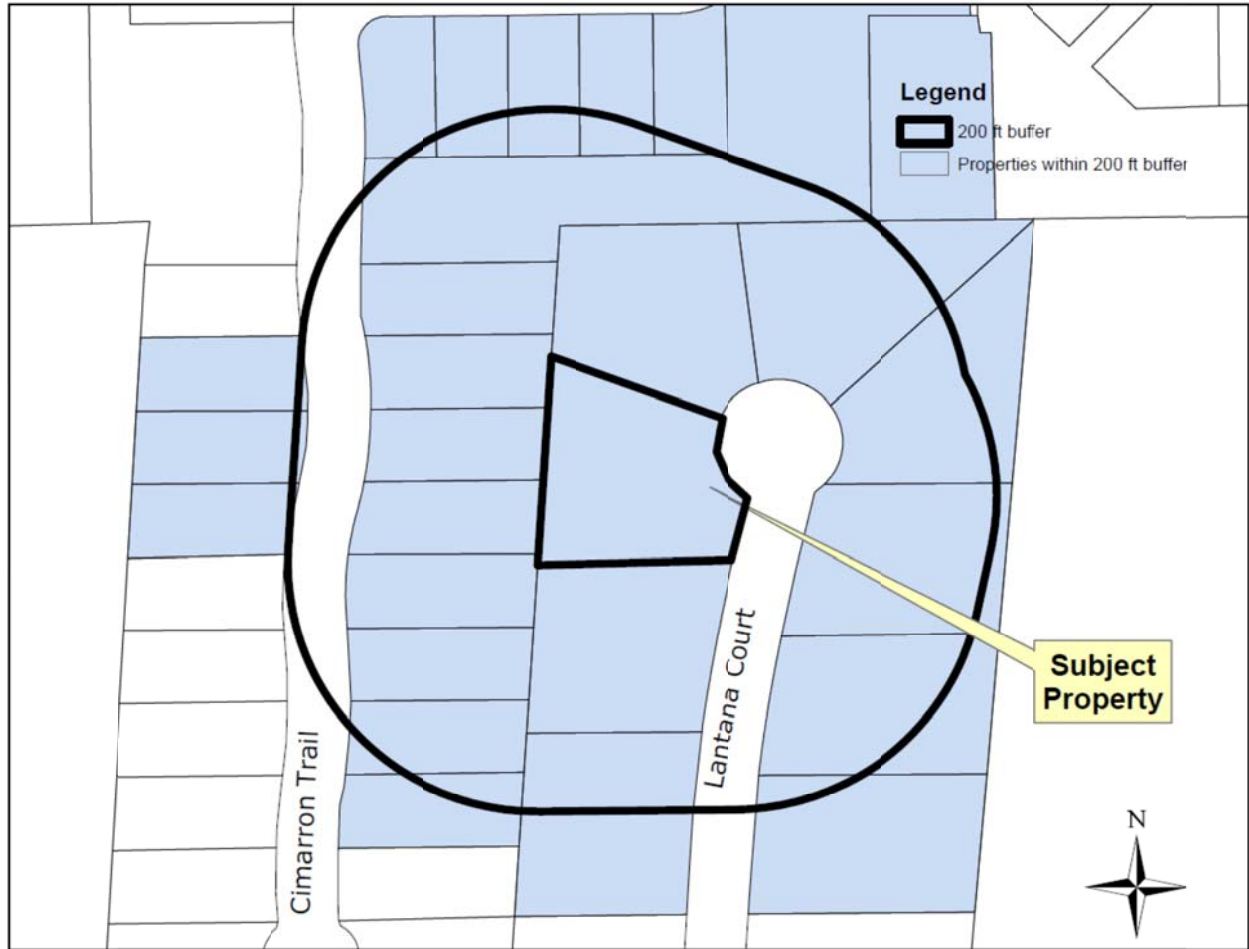


Notification List

Owner Name	Owner Addr	Owner City	Owner State	Owner Zip	Situs Address
Oc Lavaca Llc	6317 Westcoat Dr	Colleyville	Texas	76034	6301 Lantana Ct
Lane, Thomas M Etux Janet R	6300 Lantana Ct	Colleyville	Texas	76034	6300 Lantana Ct
Awalt, Terry Etux Elizabeth	6221 Cimmaron Trl	Colleyville	Texas	76034	6221 Cimmaron Tr
Hopkins, Dillard E Jr & D L	6208 Lantana Ct	Colleyville	Texas	76034	6208 Lantana Ct
Gray, Randy K Etux Donna M	6233 Cimmaron Trl	Colleyville	Texas	76034	6233 Cimmaron Tr
Franks, Jeremiah Etux Catherin	6232 Cimmaron Trl	Colleyville	Texas	76034	6232 Cimmaron Tr
Riewe, Kermit M Etux Dusti	6217 Cimmaron Trl	Colleyville	Texas	76034	6217 Cimmaron Tr
Stephens, Parker Etux Brittney	913 Talbot Trl	Colleyville	Texas	76034	913 Talbot Tr
Daugherty, Larry Etux Vonda	921 Talbot Trl	Colleyville	Texas	76034	921 Talbot Tr
Ldds Communications Inc	PO Box 152206	Irving	Texas	75015	813 McDonwell School Rd W
K Hovnanian Homes Dfw Llc	5808 W Plano Pkwy	Plano	Texas	75093	925 Talbot Tr
Mobley, David D Etux Cheryl A	6301 Cimmaron Trl	Colleyville	Texas	76034	6301 Cimmaron Tr
Hall, Stanley Dean Etux Gail A	6229 Cimmaron Trl	Colleyville	Texas	76034	6229 Cimmaron Tr
Rodriguez, Arthur Etux Elizabe	6228 Cimmaron Trl	Colleyville	Texas	76034	6228 Cimmaron Tr
McPherson, Barbara J	6225 Cimmaron Trl	Colleyville	Texas	76034	6225 Cimmaron Tr
Whitfill, Johanna B	6224 Cimmaron Trl	Colleyville	Texas	76034	6224 Cimmaron Tr
Markowicz, Timothy Etux Rose	6213 Lantana Ct	Colleyville	Texas	76034	6213 Lantana Ct
Shaikh, Aftab Sunny	6209 Lantana Ct	Colleyville	Texas	76034	6209 Lantana Ct
Strittmatter, Martin Etux Judy	6213 Cimmaron Trl	Colleyville	Texas	76034	6213 Cimmaron Tr
Patrick Custom Homes Inc	2855 Exchange Blvd Ste 112	Southlake	Texas	76092	6204 Lantana Ct
Apgar, Richard Jr Etux Marja	6209 Cimmaron Trl	Colleyville	Texas	76034	6209 Cimmaron Tr
Tarver, Russell Etux Laurette	6205 Lantana Ct	Colleyville	Texas	76034	6205 Lantana Ct
Rosewood Villas HOA	P.O. Box 463	Colleyville	Texas	76034	Courtesy Notice
Villas Of Colleyville Hoa Llc	1108 W Pioneer Pkwy	Arlington	Texas	76013	Courtesy Notice
Lavaca Trail Estates HOA	215 W. College St	Grapevine	Texas	76051	Courtesy Notice
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
Huckins, Bruce Etux Brenda, Applicant	6212 Lantana Ct	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
Wed., Nov. 27, 2013 by Taci Wrisley

Buffer Map



Letters of Opposition

From: [Randy Gray](#)
To: [Ron Ruthven](#)
Cc: [Taci Wrisley](#)
Subject: Zoning Case # ZC13-019
Date: Wednesday, December 04, 2013 8:51:27 PM

Mr. Ruthven,

Please accept this email as my notification of official protest to the "Consideration of a Special Use Permit for an accessory building," for Bruce Huckins, 6212 Lantana Court, Zoning Case # ZC13-019. I plan to attend the public hearing on December 9, 2013.

Thank you,
Randy Gray
6233 Cimmaron Trail

Letters of Opposition

From: [Ron Ruthven](#)
To: [Mary Elliott](#)
Cc: [Taci Wrisley](#)
Subject: FW: Zoning Case # ZC13-019
Date: Thursday, December 05, 2013 11:21:21 AM

FYI,

Please update the briefing accordingly.

Ron Ruthven, AICP, Director

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034
(817)503-1052
fax (817)503-1059



www.colleyville.com

We value your opinion. Please take a moment to take our survey, [click here](#)

From: DAVID MOBLEY
Sent: Thursday, December 05, 2013 11:20 AM
To: Ron Ruthven
Subject: Zoning Case # ZC13-019

Dear Mr. Ruthven,

Please accept this email as my notification of official protest to the "Consideration of a Special Use Permit for an accessory building," for Bruce Huckins, 6212 Lantana Court, Zoning Case # ZC13-019. I plan to attend the public hearing on December 9, 2013.

Thank you.

,
David Mobley
6301 Cimmaron Trail
Colleyville, Tx. 76034

Letters of Opposition

From: [Ron Ruthven](#)
To: [Taci Wrisley](#); [Mary Elliott](#)
Subject: FW: ZC13-019
Date: Friday, December 06, 2013 11:05:08 AM

Here's another one

Ron Ruthven, AICP, Director
Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034
(817)503-1052
fax (817)503-1059



www.colleyville.com

We value your opinion. Please take a moment to take our survey, [click here](#)

From: Linda Pekowski
Sent: Friday, December 06, 2013 9:35 AM
To: Ron Ruthven
Subject: ZC13-019

Please consider this a written protest for the zoning change for 6212 Lantana Court accessory building.
Thanks you,
Linda Pekowski

This e-mail and any attachments to it are intended only for the addressee(s) and may contain confidential information. If you have received this in error, please contact the sender and delete the material. Dissemination, printing, copying or any other use is prohibited.

Statement of Planning Objectives

Statement of Planning Objectives

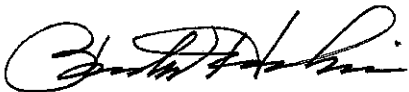
Planning and Zoning Commission
City of Colleyville

November 13, 2013

Dear Commissioners:

We live in/own our home at 6212 Lantana Court in Colleyville and plan to hire Patrick Duffy of Patrick Custom Homes to be our general contractor to build a 900 square foot "casita" dwelling for us to use as a future pool house as well as to entertain our many out-of-town family and friends who come to visit. We have long desired to be able to offer separate accommodations for guests as well as have a self-contained area for our grandchildren to play and relax when they come to visit. Patrick Duffy is the original builder of the main structure which we purchased from him in 2008 and the plans for the casita have been drawn by the original architect. It is important to us that we maintain the integrity of the original structure by building the casita with the same level of construction quality and finish out. We feel that is best accomplished by utilizing the services of the original architect and builder. Once added, we believe the structure will add significant value and appeal to our home.

Sincerely,



Bruce and Brenda Huckins
6212 Lantana Court
Colleyville, TX 76034
817-577-7006
Bruce Cell 817-360-6500
Brenda Cell 817-781-5555

Section 3.27 - Land Development Code

Colleyville, Texas, Land Development Code

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)

1. *Permit Required:*

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages and pool houses, but shall exclude a carport (see Section 3.27.C).

2. *Maximum Size and Number of Buildings:*

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed the maximum square footage specified in the following table.

Maximum Square Footage of all Accessory Buildings				
Lot Size	Under .5 ac	.5– .99 ac.	1 – 2.99 ac.	3+ ac.
Total s. f.	750 s. f.	1,000 s. f.	1,750 s. f.	2,500 s. f.

- b. For the purpose of this Section, the size of an accessory building shall be the square footage of the building footprint.
- c. An application to exceed the total square footage shown in the above table may be approved as a Special Use Permit (SUP).
- d. An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, an existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.
- e. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

- a. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
- b. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces.
- c. Detached accessory buildings – A detached accessory building shall comply with the setback

Section 3.27 - Land Development Code

Colleyville, Texas, Land Development Code

lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.

4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the height of the primary building.
5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district, except, no accessory building shall be used for dwelling purposes other than for domestic servants employed for the premises, where permitted by the district regulations.
6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. No accessory building shall be erected in any required yard area except as set forth by this section.
2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.
3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:
 - a. Maximum size of two hundred-fifty (250) square feet.
 - b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.
 - c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material, provided metal material does not exceed twenty-five percent (25%) of the exterior walls.
 - d. Located within required setbacks and in conformance with this section.
 - e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.
 - f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.
 - g. Limited to one (1) kiosk per platted plot.

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.

Section 3.27 - Land Development Code

Colleyville, Texas, Land Development Code

- b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.

c. *Setbacks:*

- i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
- ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.

- d. *Maximum Number Per Lot:* one

e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. *Design Criteria:*

- i. *Roof* - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
- ii. *Posts* - Posts shall be constructed of brick, stone or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than twelve inches (12") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Wooden posts shall be prohibited.

g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

[illegible]

11601 CARTWRIGHT TRAIL
PONDER, TEXAS 76259
817-733-7173

HUCKINS RESIDENCE

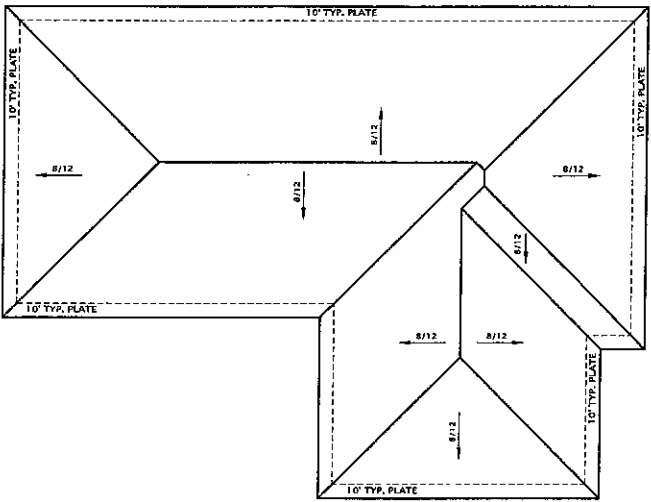
OF | SHEETS

SCALE: 1" = 10'-0"



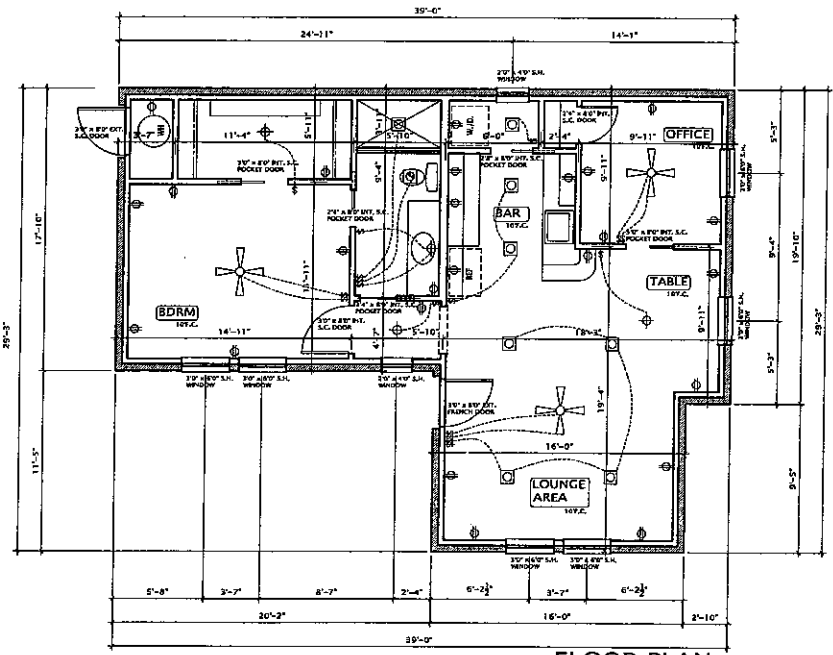
LOT: 3 BLOCK: 1
LAVACA PARC
CITY OF COLLEVILLE
TARRANT COUNTY, TEXAS

Floor Plan



ROOF PLAN

SCALE: 1/4" = 1'-0"



FLOOR PLAN

SCALE: 1/4" = 1'-0"

AREAS	
TOTAL LIVING AREA	884 SQ. FT.

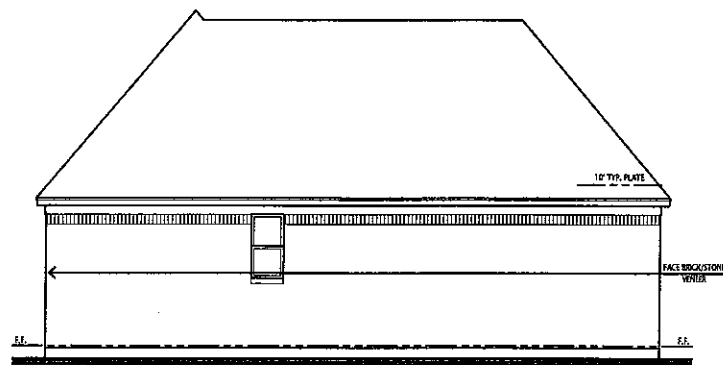
DATE

JAMIE LINN A.D., INC.
11601 CARTWRIGHT TRAIL
PONDER, TEXAS 76259
817-733-7173

CASITA

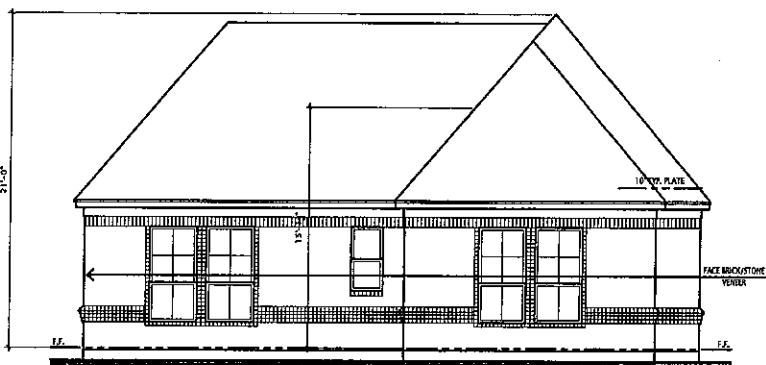
HUCKINS RESIDENCE

Elevations



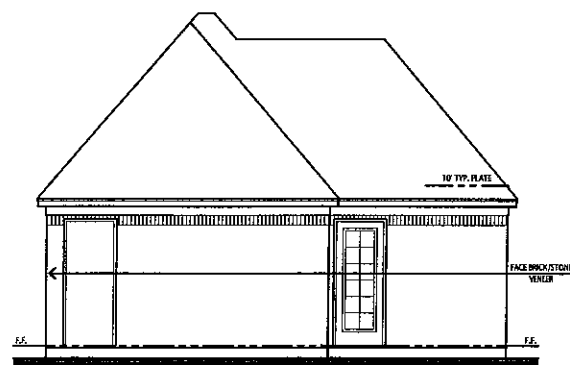
REAR ELEVATION

SCALE: 1/4" = 1'-0"



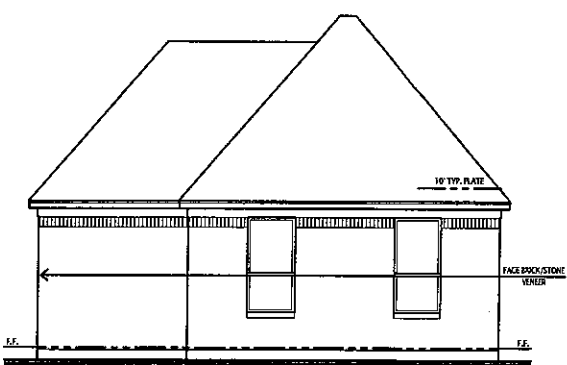
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



SIDE ELEVATION

SCALE: 1/4" = 1'-0"



SIDE ELEVATION

SCALE: 1/4" = 1'-0"

DATE

JAMIE LINN A.D., INC.
11601 CARTWRIGHT TRAIL
PONDER, TEXAS 76259
817-733-7173

CASITA

HUCKINS RESIDENCE

ORDINANCE O-14-XXXX

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 3, BLOCK 1 OF THE LAVACA PARC ADDITION, LOCATED AT 6212 LANTANA COURT BY AUTHORIZING A SPECIAL USE PERMIT FOR AN ACCESSORY BUILDING; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for an accessory building under Case No. ZC13-019; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and state law with reference

to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 3, Block 1 of the Lavaca Parc Addition located at 6212 Lantana Court by authorizing a Special Use Permit for an accessory building, as depicted on Exhibit "A" and Exhibit "B".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the construction of an accessory building.
- b. The accessory building shall not exceed 900 square feet in size including all covered patio areas.
- c. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".
- d. All requirements of the Land Development Code shall be met, except where amended herein.

- Sec. 5. THAT any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted by City Council on the 7th day of January 2014.

The second reading and public hearing being conducted by City Council on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

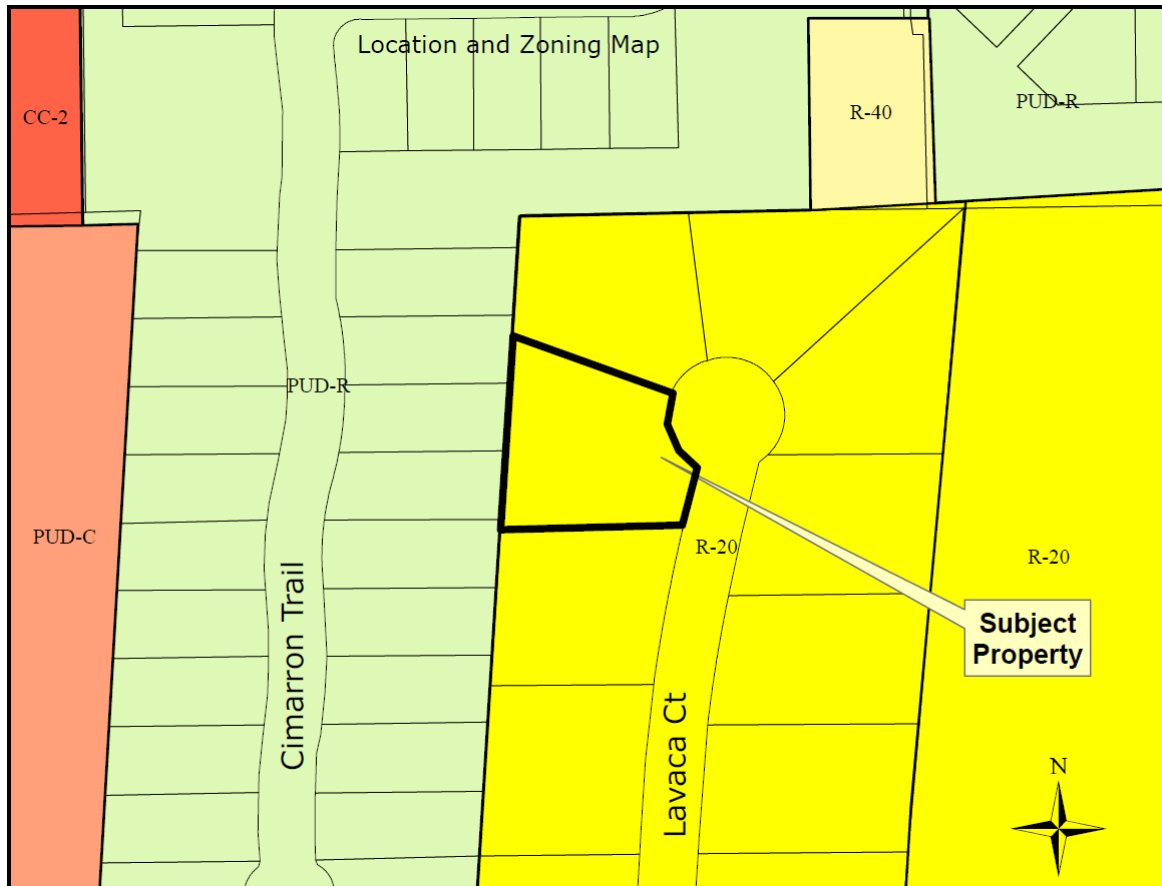


Exhibit "B" – Site Plan and Floor Plan

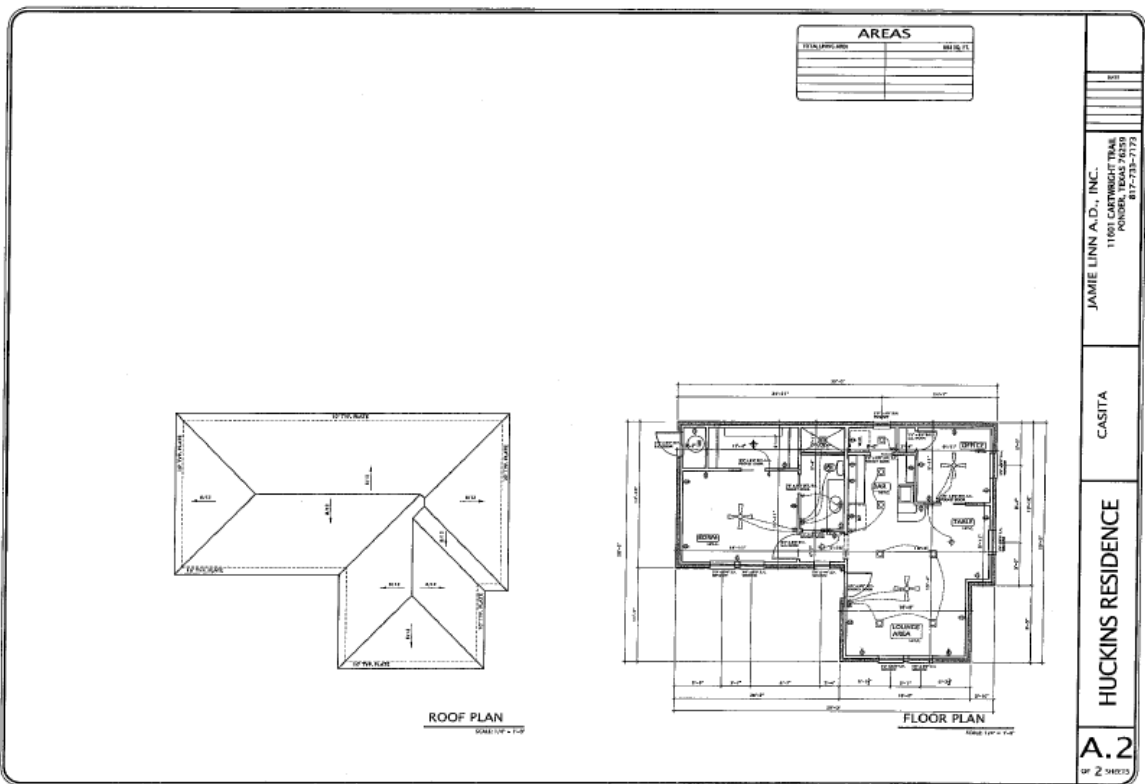
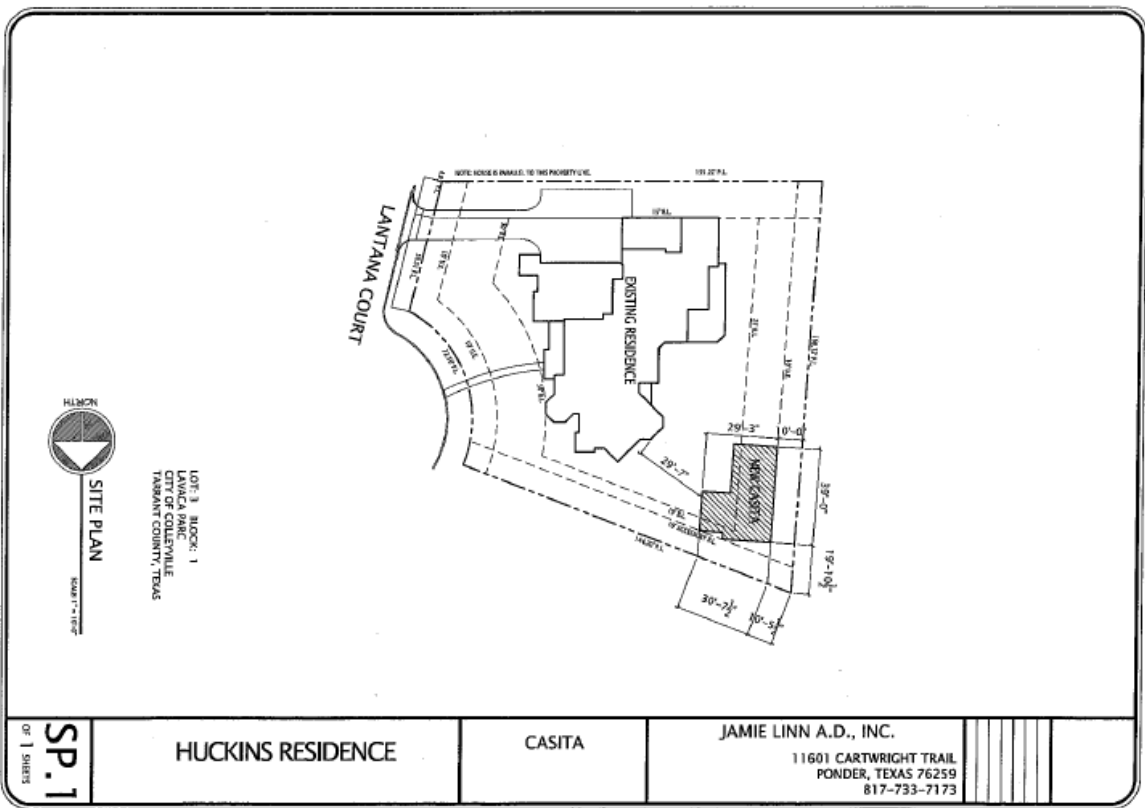
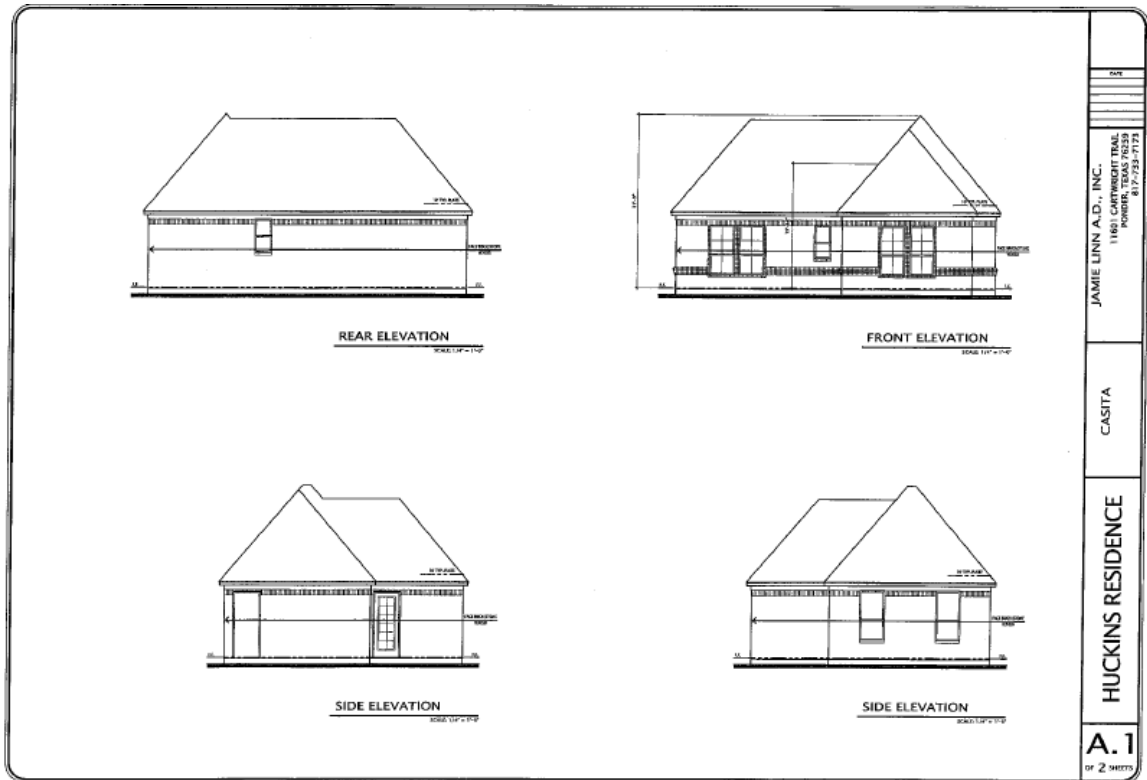


Exhibit "C" – Building Elevations





City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 4b	Agenda Date 12/09/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a zoning change from the AG-Agricultural zoning district to the PUDC-Planned Unit Development Commercial zoning district on 2.8 acres out of the J.L. Byas Survey, Abstract 180, located at 1603 and 1605 Hall-Johnson Road, Case ZC13-020

Explanation

Fred Monks is requesting to rezone 2.8 acres located at 1603 and 1605 Hall-Johnson Road from the AG-Agricultural district to the PUD-C Planned Unit Development Commercial district in order to allow the continued operation of a landscaping business on the property. There are no plans for future development of the property at this time.

Existing Conditions. The property is not platted and is currently occupied by a business named The Lawn Firm, which is described as follows on the company web page, www.thelawnfirm.com:

"The Lawn Firm provides landscaping, landscape lighting, lawn and landscape sprinklers, outdoor water features, stonework, patios, outdoor living areas, outdoor kitchens – and just about anything else that makes your outdoor space more attractive, more useable, or more enjoyable. Think of us as "Your Entire Outdoor Space Firm". "

The property is currently zoned AG Agricultural, which does not allow for this type of land use. According to the applicant, the current business has been in operation on the subject property since the mid-1980's. However, there are no City records available to document when the current uses came into existence including building permits and certificates of occupancy. This was recently brought to the attention of City staff when the applicant requested to add a temporary electric pole to the property and Oncor would not approve the request without first obtaining City approval. Staff then informed the applicant of the non-conforming status of the property and gave the applicant the option of abandoning the business or rezoning the property to the proper zoning classification.

Staff is allowing the applicant to continue to operate the business pending the outcome of this rezoning request.

Proposed Rezoning Request. The applicant is requesting the rezoning to the PUD-C zoning district to provide the proper legal zoning for the uses that have been operating at this location. These uses include a landscaping business with outside storage of materials and equipment. The permitted land use that most closely matches the current business in the Schedule of Permitted Principal Uses in the Land Development Code is classified as "Contractor's Office with Storage Yard" which is allowed with a Special Use Permit in the CC3-Highway Commercial zoning district and the ML-Light Manufacturing zoning district. The applicant requests that the business be allowed to operate "as is" with no proposed changes.

Similar Zoning Requests. On October 21, 2003 the City Council approved Ordinance O-03-1416 (attached) that allowed Hodges Automotive to continue operating at 6521 Colleyville Boulevard. Hodges Automotive had been operating for many years as a non-conforming use with no record of any prior City approval. After being notified by the City, the applicant requested that the business be allowed to continue operating through the approval of a PUD-C-Planned Unit Development Commercial zoning district.

Current Non-Conforming Items on the Subject Property. Based on the current zoning of the property and all other applicable building and development codes, the following is a list of current non-conforming items as observed by City staff. This list should not be considered inclusive of all code requirements as a comprehensive inspection of the site has not been performed:

- There is no required Certificate of Occupancy issued for this business.
- The current land use is not allowed in the AG-Agricultural zoning district. The subject property has always been zoned AG-Agricultural, the current land use has never been allowed in the AG-Agricultural zoning district, and there has never been any written approval of this business by the City, therefore the current land use of the property is considered illegal and non-conforming regardless of the length of time the business has been operating.
- The building and site does not meet the minimum requirements of the American's with Disabilities Act (ADA).
- The electrical supply and connections between and within buildings do not appear to meet minimum electrical code requirements.
- Required parking and loading areas are not paved with the required asphalt or concrete. Rather, they contain a dirt surface.
- Access to the site is limited to a single entrance through the Public Works Service Center property along a 25 foot road easement and does not comply with any access,

paving and maneuvering requirements for fire apparatus equipment.

- Buildings do not comply with the building design and masonry requirements in the Land Development Code.
- There is no required screening and buffering between the site and adjacent residential properties.

Staff Recommendations. Given the code compliance issues noted above, staff recommends the following conditions as part of any approval of the applicant's request:

- No later than 60 days from the date of approval of the proposed ordinance, the applicant shall allow an independent, third party inspector, contracted by the City, to perform a comprehensive inspection of the site and buildings and provide a detailed report of all outstanding code compliance issues. The cost of this inspection shall be paid by the applicant. All specific life/safety, fire and ADA code issues identified in the report shall be addressed and brought into compliance with all current applicable City codes no later than 180 days from the approval date of the proposed ordinance. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a temporary Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of the ordinance.
- Notwithstanding any additional requirements in the proposed ordinance, no later than one year from the date of approval of the proposed ordinance, all site specific issues governed by the Land Development Code shall be brought into compliance with all current Land Development Code criteria, including but not limited to: platting, parking and paving, landscaping, screening and buffering, building setbacks and building design. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a final Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of the ordinance.
- Outdoor storage of equipment, supplies and materials is hereby permitted provided all outdoor storage is kept a minimum of 25 feet from any adjacent properties zoned or used for residential or educational purposes. All outdoor storage shall be screened from the view of any adjacent properties zoned or used for residential or educational purposes by an approved screening material as listed in the Land Development Code. Outdoor storage of any hazardous materials shall meet all City and State requirements.
- The hours of operation for any business allowed on the subject property shall be limited to daylight hours only, Monday through Saturday.

- All lighting on site shall be directed away from adjacent residential properties and illumination shall not exceed 0.5 foot candles as measured at any adjacent residential property line.

Access. The property is accessed from a single 25 foot road easement that traverses Lot 1, Block 1 of the Public Works Service Center property and links the subject property to Hall-Johnson Road. While most of the access road is paved, the pavement ends approximately 200 feet north of the subject property. Staff recommends that the unpaved portion of the access drive on the property owned by the City of Colleyville be paved as part of the proposed site upgrades noted above at the expense of the applicant.

Master Plan. The rezoning request is not consistent with the Colleyville Master Plan, adopted in 2004, which designates the subject property for future institutional uses.

Surrounding Properties. The properties to the north are developed as the City's Public Works Service Center and a City water tower and are zoned ML-Light Manufacturing and AG-Agricultural. Properties to the east are developed as single family homes and are zoned PUD-R-Planned Unit Development Residential. Properties to the south are developed as single family homes and are zoned R-20-Single Family Residential. The property to the west is developed as the Barbara Gordon Montessori School and zoned CC2-Shopping Center district with a Special Use Permit for a Private School.

Public Notification. Staff mailed notices to 16 adjacent property owners regarding this request and all homeowners' associations within 500 feet. Notice was published in the Fort Worth Star-Telegram as required by state law and the Land Development Code. No correspondence has been received regarding this request.

Summary. The applicant is requesting to allow the current landscaping business on the subject property to continue operating "as is" as a legal conforming use through the proposed rezoning request. According to the applicant the business has been operating on the subject property since the mid-1980's. There is no record of any formal approval of the business in any official City records. Although staff understands that the business is established in this area given the length of time it has been in operation, staff also recognizes the importance of ensuring the business is compliant with all applicable codes in promoting public and worker health and safety, neighborhood integrity and community aesthetic standards.

Recommendation

Approval with the following conditions:

1. GENERAL

- a. The purpose of this PUD-C is for a landscaping business with outside storage named The Lawn Firm.
- b. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this Ordinance.

2. BUILDING AND SITE COMPLIANCE PROVISIONS

- a. The developer shall submit and receive approval from the City, a minor plat, in accordance with the requirements of the Land Development Code prior to development of this PUD-C.
- b. No later than 60 days from the date of approval of this Ordinance, the applicant shall allow an independent, third party inspector, contracted by the City, to perform a comprehensive inspection of the site and buildings and provide a detailed report of all outstanding code compliance issues. The cost of this inspection shall be paid by the applicant. All specific life/safety, fire and ADA code issues identified in the report shall be addressed and brought into compliance with all current applicable City codes no later than 180 days from the approval date of this Ordinance. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a temporary Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of this Ordinance.
- c. Notwithstanding any additional requirements in this Ordinance, no later than one year from the date of approval of this Ordinance, all site specific issues governed by the Land Development Code shall be brought into compliance with all current Land Development Code criteria, including but not limited to: platting, parking and paving, landscaping, screening and buffering, building setbacks and building design. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a final Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of this Ordinance.

3. PERMITTED USES

- a. Landscaping contractor with outdoor storage

4. DEVELOPMENT CONDITIONS

- a. Outdoor Storage of equipment, supplies and materials is hereby permitted provided all outdoor storage is kept a minimum of 25 feet away from any adjacent properties zoned or used for residential or educational purposes. All outdoor storage shall be screened from the view of any adjacent properties zoned or used for residential or educational purposes by an approved screening material as listed in the Land Development Code. This provision shall become effective no later than one year from

the date of approval of this Ordinance. Outdoor storage of any hazardous materials shall meet all City and State requirements effective upon the passage of this ordinance.

b. The hours of operation for any business allowed on the subject property shall be limited to daylight hours only, Monday through Saturday.

c. All lighting on site shall be directed away from adjacent residential properties and illumination shall not exceed 0.5 foot candles as measured at any adjacent residential property line.

d. No later than one year from the date of approval of this Ordinance, the unpaved portion of the access drive on the property owned by the City of Colleyville to north of the subject property shall be paved to match the width of the existing paved portion of said access drive up to the property line of the subject property. Said paving shall meet all City requirements with final approval by the Public Works Director.

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Site Layout
6. Hodges Automotive Ordinance O-03-1416
7. Proposed Ordinance

CC-1

HALL JOHNSON RD

CC-2

ML

AG

1601

1513

Subject Property

1605

1605

1601

1603

1605

1607

1609

1611

1613

1615

1617

1619

1621

1623

1625

1627

1629

1631

1633

1635

1637

1639

1641

1643

1645

1647

1649

1651

1653

1655

1657

1659

1661

1663

1665

1667

1669

1671

1673

1675

1677

1679

1681

1683

1685

1687

1689

1691

1693

1695

1697

1699

1701

1703

1705

1707

1709

1711

1713

1715

1717

1719

1721

1723

1725

1727

1729

1731

1733

1735

1737

1739

1741

1743

1745

1747

1749

1751

1753

1755

1757

1759

1761

1763

1765

1767

1769

1771

1773

1775

1777

1779

1781

1783

1785

1787

1789

1791

1793

1795

1797

1799

1801

1803

1805

1807

1809

1811

1813

1815

1817

1819

1821

1823

1825

1827

1829

1831

1833

1835

1837

1839

1841

1843

1845

1847

1849

1851

1853

1855

1857

1859

1861

1863

1865

1867

1869

1871

1873

1875

1877

1879

1881

1883

1885

1887

1889

1891

1893

1895

1897

1899

1901

1903

1905

1907

1909

1911

1913

1915

1917

1919

1921

1923

1925

1927

1929

1931

1933

1935

1937

1939

1941

1943

1945

1947

1949

1951

1953

1955

1957

1959

1961

1963

1965

1967

1969

1971

1973

1975

1977

1979

1981

1983

1985

1987

1989

1991

1993

1995

1997

1999

2001

2003

2005

2007

2009

2011

2013

2015

2017

2019

2021

2023

2025

2027

2029

2031

2033

2035

2037

2039

2041

2043

2045

2047

2049

2051

2053

2055

2057

2059

2061

2063

2065

2067

2069

2071

2073

2075

2077

2079

2081

2083

2085

2087

2089

2091

2093

2095

2097

2099

2101

2103

2105

2107

2109

2111

2113

2115

2117

2119

2121

2123

2125

2127

2129

2131

2133

2135

2137

2139

2141

2143

2145

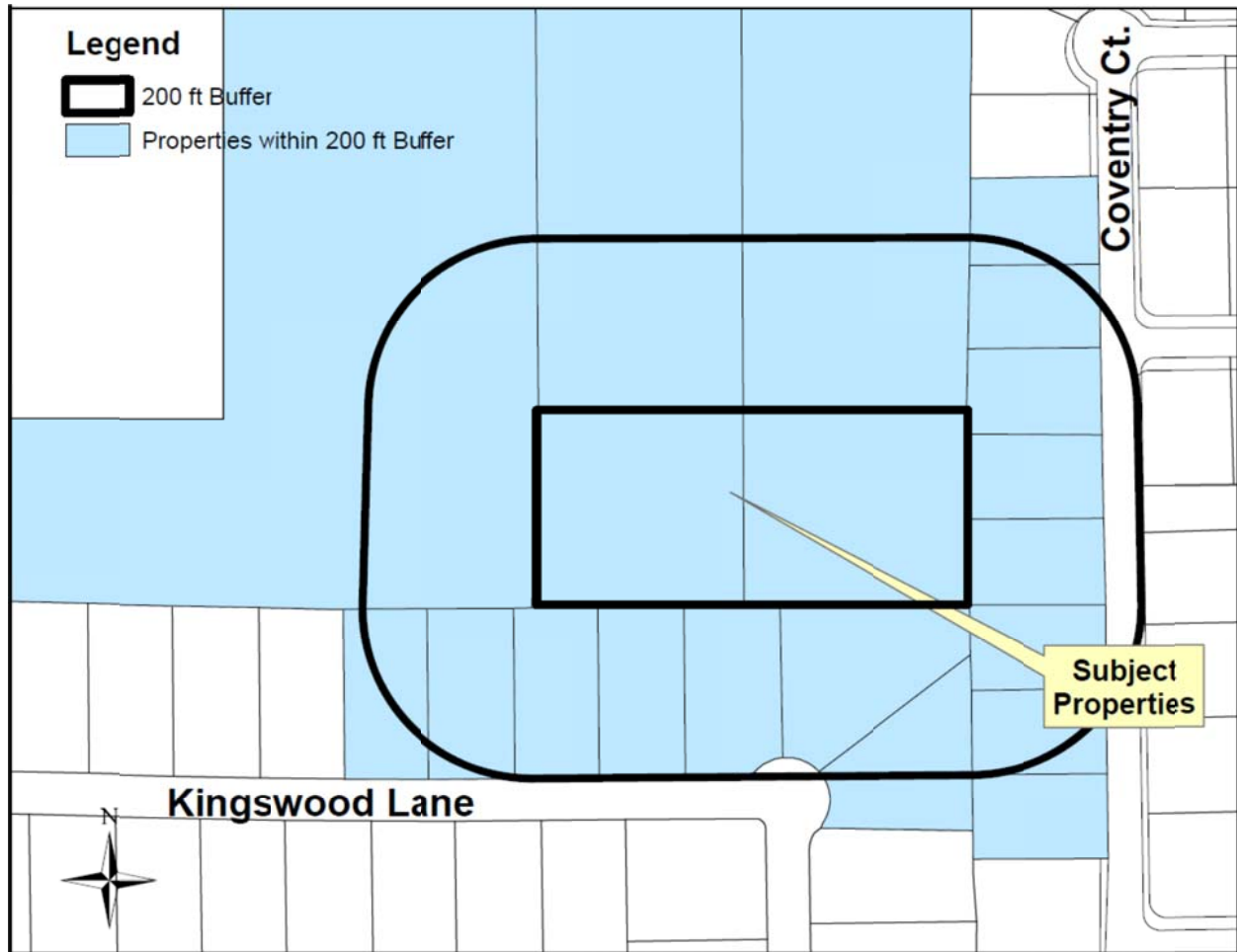
21

Subject Property

Aerial



Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Barbara Gordon Montessori Schl	1513 Hall Johnson Rd	Colleyville	Texas	76034	1513 Hall Johnson Rd
Nelson, Michael Jay	5600 Coventry Ct	Colleyville	Texas	76034	5600 Coventry Ct
Annis, Barnard H Etux Claudine	5604 Coventry Ct	Colleyville	Texas	76034	5604 Coventry Ct
Roth, Thomas R Etux Eileen M	6909 Meade Dr	Colleyville	Texas	76034	5512 Coventry Ct
Crawford, David E Etux Lisa	5508 Coventry Ct	Colleyville	Texas	76034	5508 Coventry Ct
Hines, Brent A Etux Karen L	5504 Coventry Ct	Colleyville	Texas	76034	5504 Coventry Ct
Hendrix, Terry L Etux Anita Y	1610 Kingswood Ln	Colleyville	Texas	76034	1610 Kingswood Ln
Brown, Dana Kay	5500 Coventry Ct	Colleyville	Texas	76034	5500 Coventry Ct
Golden, Dennis A Etux Sherry M	1606 Kingswood Ln	Colleyville	Texas	76034	1606 Kingswood Ln
Rooyen, Daniel V Etux Gloria	1604 Kingswood Ln	Colleyville	Texas	76034	1604 Kingswood Ln
Cox, George B Etux Dawn R	1602 Kingswood Ln	Colleyville	Texas	76034	1602 Kingswood Ln
Saiyed, Farid Etux Raana	1600 Kingswood Ln	Colleyville	Texas	76034	1600 Kingswood Ln
Williamson, Jeff Etux Sandra	5509 Janet Ln	Colleyville	Texas	76034	5509 Janet Ln
Wilkison, Gregory S Eutx Jean	5412 Coventry Ct	Colleyville	Texas	76034	5412 Coventry Ct
Sanderson, Wilford Etux Kristi	5408 Coventry Ct	Colleyville	Texas	76034	5408 Coventry Ct
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
Stone Crest Estates HOA	1708 Gatehouse Court	Colleyville	Texas	76034	Courtesy Notice
Kingswood Estates HOA	1601 Royal Lane	Colleyville	Texas	76034	Courtesy Notice
Monks, Fred Sr & Thomas	1608 Kingswood Ln	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
Wed., Nov. 27, 2013 by Taci Wrisley

Site Layout



ORDINANCE O-03-1416

AN ORDINANCE AMENDING CHAPTER 3, LAND USE OF THE LAND DEVELOPMENT CODE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF A 4.3 ACRE TRACT OF LAND OUT OF THE A. J. LOTT SURVEY, ABSTRACT 963, FROM THE AG-AGRICULTURAL DISTRICT TO THE PUD-C PLANNED UNIT DEVELOPMENT COMMERCIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed by Mr. Craig Hodges on June 12, 2003, under Case No. Z-03-015; and

WHEREAS, the City of Colleyville has complied with the notification requirements of the Texas Local Government Code and the Colleyville Land Development Code; and

WHEREAS, the Planning and Zoning Commission has held a public hearing and made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning amendment is in the best interests of the City of Colleyville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT the Master Plan, the Land Development Code of the City of Colleyville, Texas, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Colleyville, Texas, as shown on the Zoning Map attached as Exhibit "A", and described by metes and bounds as shown on attached Exhibit "B", by changing the zoning of said property from the AG Agricultural district to the PUD-C Planned Unit Development Commercial district, including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

Sec. 2. THAT the PUD-C area shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-C is for automotive related uses as specifically allowed in this ordinance.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. PERMITTED USES

The following land uses shall be permitted within this Planned Unit Development, provided the use is limited to the specific sub-area identified as follows.

- a. Sub-area "A" – Automotive repair
- b. Sub-area "B" – Outside storage of recreational vehicles; access to this area shall only be allowed from Ross Downs Road through area "B" or "C"
- c. Sub-area "C" – Landscaping contractor with outside storage; access to this area shall only be allowed from Ross Downs Road through area "B" or "C"
- d. Sub-area "D" – Truck rental
- e. Sub-area "E" – Outside storage of boats, automobiles and vans, provided no vehicles exceeds seven (7) feet in height; only one row of vehicles shall be allowed adjacent to the landscape buffer located along the east property line
- f. Sub-area "F" – One single family residential unit
- g. Sub-area "G" – Open space

3. SITE PLANS AND PLATTING

- a. The site plan attached as Exhibit "C" shows the locations of the land uses authorized by this ordinance, including the existing primary and accessory buildings.
- b. No development permits for any additional structures within this PUD-C shall be approved until an amendment to this ordinance has been approved by the City Council in accordance with the procedures and requirements of the Colleyville Land Development Code.

Exception: One additional structure not to exceed 1,250 square feet in area nor to exceed twenty (20) feet in height shall be allowed for use as an auto repair bay, provided said structure is located on the west side of and adjacent to the existing primary auto repair building and that said structure complies with the permitting requirements of the City of Colleyville and the Building Design criteria contained in Chapter Six of the Colleyville Land Development Code.

- c. Prior to the issuance of any development permits for any additional structures within this PUD-C and as a condition to

the development of the subject property, the developer shall obtain approval of a final plat of the property in accordance with the procedures and requirements of the Colleyville Land Development Code and comply with the fire lane requirements of the Colleyville Fire Code.

4. OTHER

- a. Hours of operation: Except for the residents of the single family unit, the allowable hours of operation shall be 6:00 a.m. to 9:00 p.m. for landscaping and storage of recreational vehicles; 6:00 a.m. to 10:00 p.m. for other uses allowed in this Planned Unit Development.
- b. The regulations for the CC-2 District shall be applicable to this PUD-C, except where modified by the provisions of this ordinance.
- c. The location and width of all fire lanes shall be approved by the Fire Marshal.
- d. There shall be a landscape screen of evergreen shrubs planted within thirteen (13) feet of the common property line with the Ross Downs subdivision, as shown on the Site Plan, Exhibit "C". Said row of shrubs shall be spaced not less than five (5) feet on centers and shall not be less than six (6) feet in height within two (2) years from the date of this ordinance. Said row of shrubs shall be planted not later than 180 days from the date of approval of this ordinance.
- e. Within the landscape screening area required in paragraph d above, there shall be trees planted in accordance with a tree plan shown on Exhibit "D". Said trees shall be a minimum of three inch (3") caliper. Said trees shall be planted not later than 180 days from the date of approval of this ordinance.
- f. The parking areas for areas "B" and "C" may consist of crushed rock.
- g. The area within fifty (50) feet of the common property line with the Ross Downs subdivision shall be free of any trash or debris on the grounds and the grass shall be maintained at a height not to exceed twelve (12) inches.

Sec. 3. THAT any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

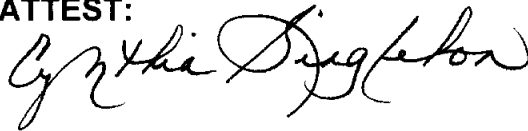
- Sec. 4. THAT the Land Development Code of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.
- Sec. 5. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.
- Sec. 6. THAT this ordinance shall become effective immediately upon publication.

AND IT IS SO ORDERED.

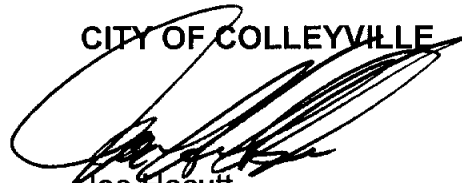
The first reading and public hearing being conducted on the 7th day of October 2003.

The second reading and public hearing being conducted on the 21st day of October 2003.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE

Joe Hocutt
Mayor

APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster
City Attorney

EXHIBIT A – ZONING MAP

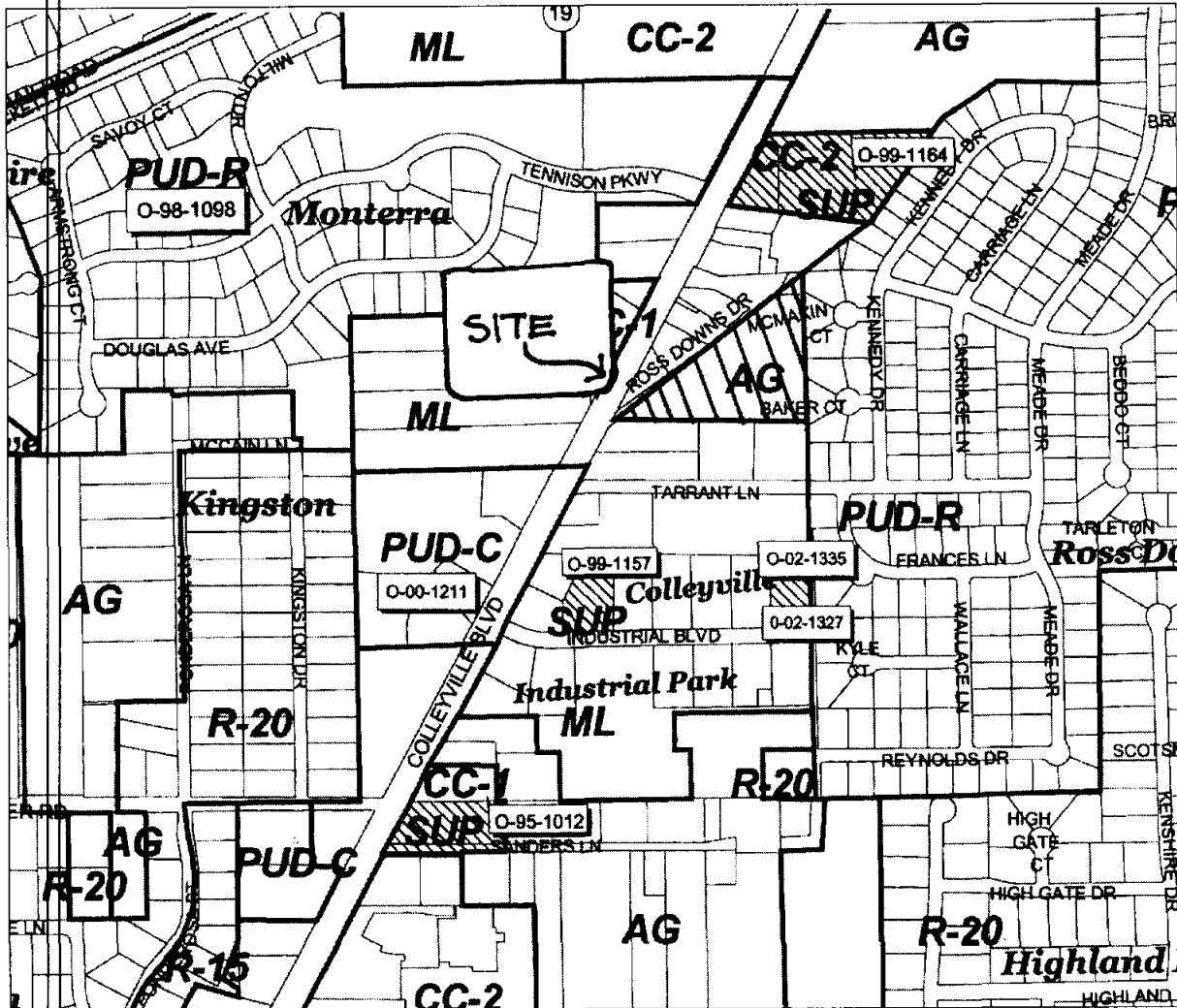


EXHIBIT B – METES AND BOUNDS DESCRIPTION

Being a tract of land out of the A.J. Lott Survey, Abstract No. 963, Tarrant County, Texas, and being the same tract of land as described in deed recorded in Volume 10003, Page 114, Deed Records, Tarrant County, Texas, and being described by metes and bounds as follows:

BEGINNING at a ½-inch iron pin found in the south line of Ross Downs Road for the northwest corner of tract being described, said point being the northwest corner of Lot 2, Block 1, C-D Subdivision, an Addition to the City of Colleyville, Tarrant County, Texas, and by deed being the northwest corner of a tract of land as described in deed recorded in Volume 5990, Page 188, Deed Records, Tarrant County, Texas;

THENCE North 52 degrees 49 minutes 31 seconds East 784.49 feet (deed call North 52 degrees 14 minutes 20 seconds East 781.92 feet) along the easterly line of said Ross Downs Road to a capped iron pin set for the most northerly northwest corner of tract being described;

THENCE South 89 degrees 34 minutes 33 seconds East 69.44 feet (deed call 76.28 feet) and continuing along the south line of said Ross Downs Road to a ½-inch iron pin found in the west line of Block 12, Ross Downs Estates II, an Addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 799, Plat Records, Tarrant County, Texas, for the northeast corner of tract being described;

THENCE South 01 degrees 32 minutes 00 seconds 478.92 feet (deed call 479.00 feet) along the west line of said Ross Downs Estates II to a ½ inch iron pin found for the southeast corner of tract being described, said point being the northeast corner of Lot 1R, Block 2, Ponce Addition, an Addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 1642, Plat Records, Tarrant County, Texas;

THENCE North 89 degrees 34 minutes 32 seconds West 707.35 feet (deed call West 707.26 feet) along the north line of said Block 2, Ponce Addition and the north line of said Lot 2, Block 1, C-D Subdivision to the POINT OF BEGINNING and containing 4.268 acres of land, more or less.

EXHIBIT C – SITE PLAN

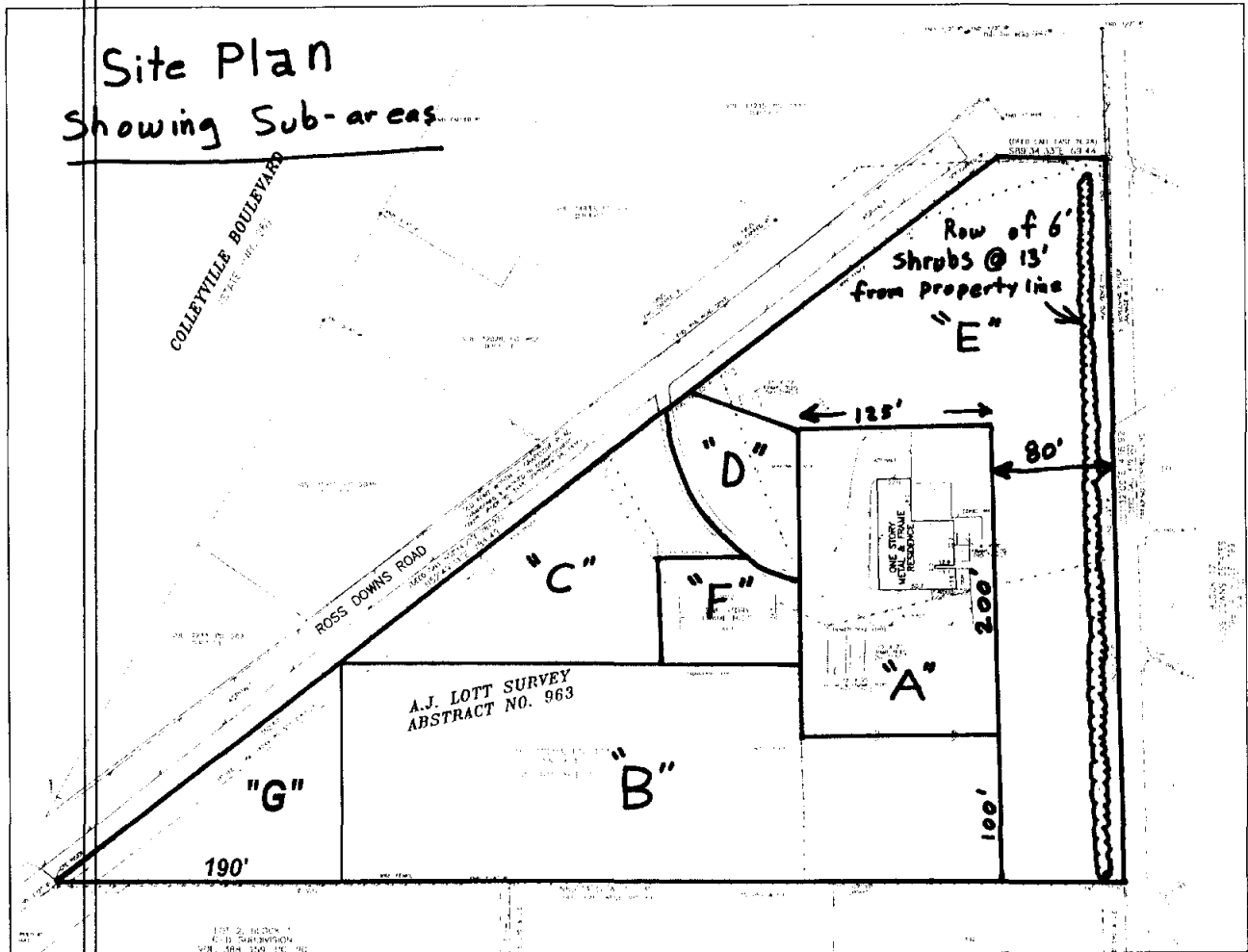
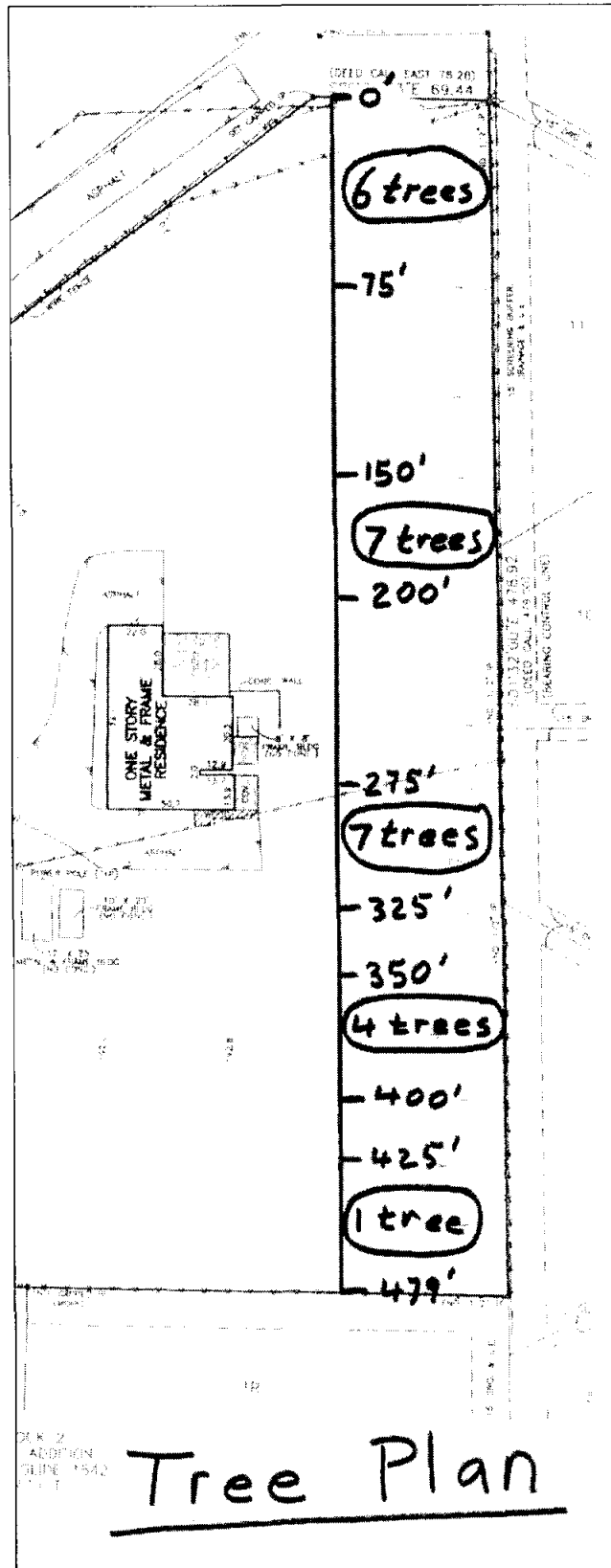


EXHIBIT D – TREE PLAN



ORDINANCE O-14-XXXX

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 2.8 ACRES LOCATED IN THE J.L. BYAS SURVEY, ABSTRACT 180, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC13-020; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices

by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 2.8 acres located in the J.L. Byas Survey, Abstract 180, from the AG-Agricultural zoning district to the PUD-C-Planned Unit Development Commercial zoning district, as depicted in the attached Exhibit "A", and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-C is for a landscaping business with outside storage named *The Lawn Firm*.
- b. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this Ordinance.

2. BUILDING AND SITE COMPLIANCE PROVISIONS

- a. The developer shall submit and receive approval from the City, a minor plat, in accordance with the requirements of the Land Development Code prior to development of this PUD-C.

- b. No later than 60 days from the date of approval of this Ordinance, the applicant shall allow an independent, third party inspector, contracted by the City, to perform a comprehensive inspection of the site and buildings and provide a detailed report of all outstanding code compliance issues. The cost of this inspection shall be paid by the applicant. All specific life/safety, fire and ADA code issues identified in the report shall be addressed and brought into compliance with all current applicable City codes no later than 180 days from the approval date of this Ordinance. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a temporary Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of this Ordinance.
- c. Notwithstanding any additional requirements in this Ordinance, no later than one year from the date of approval of this Ordinance, all site specific issues governed by the Land Development Code shall be brought into compliance with all current Land Development Code criteria, including but not limited to: platting, parking and paving, landscaping, screening and buffering, building setbacks and building design. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a final Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of this Ordinance.

3. PERMITTED USES

- a. Landscaping contractor with outdoor storage

4. DEVELOPMENT CONDITIONS

- a. Outdoor Storage of equipment, supplies and materials is hereby permitted provided all outdoor storage is kept a minimum of 25 feet away from any adjacent properties zoned or used for residential or educational purposes. All outdoor storage shall be screened from the view of any adjacent properties zoned or used for residential or educational purposes by an approved screening material as

listed in the Land Development Code. This provision shall become effective no later than one year from the date of approval of this Ordinance. Outdoor storage of any hazardous materials shall meet all City and State requirements effective upon the passage of this ordinance.

- b. The hours of operation for any business allowed on the subject property shall be limited to daylight hours only, Monday through Saturday.
- c. All lighting on site shall be directed away from adjacent residential properties and illumination shall not exceed 0.5 foot candles as measured at any adjacent residential property line.
- d. No later than one year from the date of approval of this Ordinance, the unpaved portion of the access drive on the property owned by the City of Colleyville to north of the subject property shall be paved to match the width of the existing paved portion of said access drive up to the property line of the subject property. Said paving shall meet all City requirements with final approval by the Public Works Director.

Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 8. THAT in addition to and accumulative of all other penalties, the

City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of January 2014.

The second reading and public hearing being conducted on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

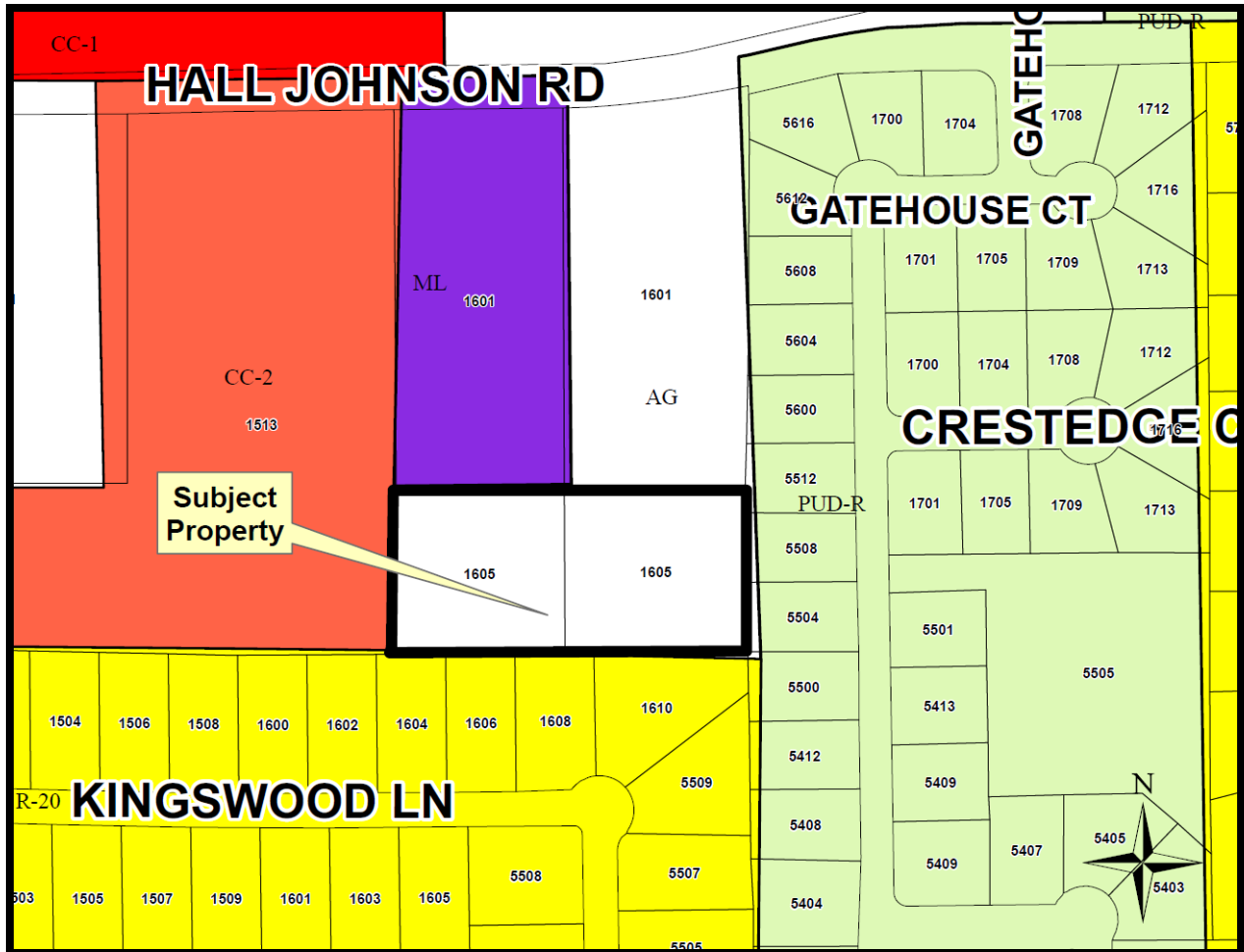


Exhibit B – Legal Description

Tract 1

BEING a tract of land out of the J. L. BYAS SURVEY, ABST. #180 in Tarrant County, Texas, and more particularly described as a portion of a 9.315 acre tract out of said survey recorded in the name of Joe B. Harrison in Vol. 2850, Page 467, Deed Records, Tarrant County, Texas and being described by metes and bounds as follows:

BEGINNING at a pipe, said pipe being the Southwest corner of said 9.315 acre tract;

THENCE North 00 deg. 18 min. East along the West line of said 9.315 acre tract 246.7 ft to an iron pin for corner;

THENCE South 89 deg. 45 min. East 241.2 ft to an iron pin for corner in the West line of a 4.965 acre tract of land recorded in the name of Ronald R. Robertson in Vol. 5398, Page 58, Deed Records, Tarrant County, Texas;

THENCE South 00 deg. 11 min. West along the West line of said 4.965 acre tract 246.7 ft to an iron pin for corner in the South line of said 9.315 acre tract;

THENCE North 89 deg. 45 min. West along the South line of said 9.315 acre tract and along a fence 241.7 feet to the POINT OF BEGINNING and containing 1.367 of land, more or less;

Tract 2

BEING 1.482 acres, more or less, situated in the J. L. BYAS SURVEY, ABSTRACT #180, Tarrant County, Texas, being a portion of a 4.965 acre tract described in Deed from Ronald R. Roberson to R. Sam Culbertson dated April 13, 1984, recorded in Volume 8382, Page 744 of the Deed Records of Tarrant County, Texas, SAVE AND EXCEPT 3.483 acre of said property as described in Partial Release of Lien executed by Lloyd Winsworth dated November 20, 1985, recorded in Volume 8382, Page 760 of the Deed Records of Tarrant County, Texas, all as more particularly described following:

BEING a 4.965 acre tract of land out of the J. L. BYAS SURVEY, ABSTRACT #180, Tarrant County, Texas, and being a part of a 9.315 acre tract of land conveyed to J. B. Harrison and wife by deed recorded in Volume 2850, Page 467, Deed Records of Tarrant County, Texas described by metes and bounds as follows:

BEGINNING at an iron pin at the Southeast corner of said 9.315 acre tract, said point being 216.67 feet North of the S.E. Corner of said J. L. Byas Survey;

THENCE West 271.0 feet to an iron pin for corner;

THENCE North 00 degrees 11 minutes E, 794.0 feet to an iron pin in the South ROW line of the Hall-Johnson Road;

THENCE along said ROW line S 88 degrees 45 minutes E, 43.73 feet, said point being the beginning of a curve to the left having a radius of 896.0 feet, and continuing along said curve a distance of 227.27 feet to an iron pin;

Exhibit B – Legal Description (Continued)

THENCE S 00 degrees 23 minutes E 828.5 feet to the place of beginning, containing 4.965 acres of land, more or less;

SAVE AND EXCEPT THE FOLLOWING:

Being a tract of land out of the J. L. BYAS SURVEY, ABSTRACT NO. 180 in Tarrant County, Texas, being part of a 9.315 acre tract of land conveyed to J. B. Harrison, et ux, recorded in Volume 2850, Page 467, Deed Records of Tarrant County, Texas;

BEGINNING at an iron pin 457.13 feet North and 270.23 feet West of the Southeast Corner of the J. L. Byas, Abstract No. 180 in Tarrant County, Texas;

THENCE North 0 degrees 11 minutes East 553.54 feet to an iron pin in the South line of the Hall Johnson Road;

THENCE with said South line, South 88 degrees 45 minutes East 43.73 feet to an iron pin at the beginning of a curve to the left;

THENCE with said curve to the left, with a radius of 2804.37 feet and a central angle of 4 degrees 42 minutes 15 seconds a distance of 230.06 feet to an iron pin;

THENCE South 0 degrees 33 minutes 55 seconds West 582.21 feet to an iron pin;

THENCE South 89 degrees 21 minutes 17 seconds West 267.44 feet to the place of beginning, containing 3.483 acres of land, more or less (151.73835 square feet).



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 4c	Agenda Date 12/09/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a zoning change from the AG-Agricultural zoning district to the PUDR-Planned Unit Development Residential zoning district on 4.304 acres of Tracts 2D and 2D3, Abstract 233, of the D. R. Blanton Survey located at 5209 Bluebonnet Drive, Case ZC13-021

Explanation

Vijaya K. Borra has submitted a request to change the zoning of approximately 4.3 acres, located at 5209 Bluebonnet Drive. The applicant is requesting to change the zoning on the property from AG Agricultural to PUD-R Planned Unit Development Residential zoning district. The applicant is seeking the zoning change in order to develop the property for nine single family residential lots and two open space lots.

Existing Conditions. The subject property consists of one, un-platted tract of land, which currently includes a single family home and two accessory buildings. The applicant plans to demolish the existing residence, accessory buildings and drives. Approval of a preliminary and final plat will be required upon approval of the zoning request.

Statement of Planning Objectives. The applicant has submitted a Statement of Planning Objectives (attached) that contains a description of the proposed development.

Surrounding Zoning and Land Uses. The properties to the north and west are zoned R-20 Single Family Residential. The property to the north is a residence, and the property to the west is used for institutional purposes. The property to the east is zoned AG Agricultural and is undeveloped. The properties to the south are zoned R-40 Single Family Residential and are developed with single family homes that have a minimum lot size of 40,511 square feet, and an average lot size of 42,004 square feet.

The minimum residential lot size in a PUD-R Planned Unit Development Residential district is 13,000 square feet with an average lot size of 16,000 square feet. Eight of the nine residential lots are under 13,000 square feet, and the average lot size is 13,107 square feet. A waiver is required.

Lot Dimensions and Setbacks. The PUD-R regulations require a minimum lot size of 13,000 square feet with a minimum lot width of 100 feet and lot depth of 120 feet. Per

the details of the Statement of Planning Objectives, the applicant proposes the following development standards:

Minimum Lot Area: 12,000 square feet

Minimum Lot Width: 100 feet

Minimum Lot Depth: 120 feet

Front Building Line: 30 feet

Side Building Line: 10 feet

Rear Building Line: 25 feet

Maximum Building Height: 35 feet

Maximum Lot Coverage: 50%

Street Design and Landscaping. Hillpark Drive in the development is proposed to be a public road. The applicant proposes the following street design standards:

Right-of-Way: 56 feet. A five foot easement will be required on each side to accommodate sidewalks and utilities.

Pavement Width: 37 feet, back of curb to back of curb

Turning Radii: Twenty-two feet (22')

In terms of landscaping, the residential lots with a minimum 100 foot width will contain a minimum of two (2) three-inch (3") caliper canopy trees in the front yard adjacent to the right-of-way and two (2) three-inch (3") caliper canopy in each rear yard for all lots that back to the southern boundary of the development.

Open Space. The PUD-R regulations require a minimum 20 percent of the development be reserved for open space for use by the residents of the development. The conceptual site plan for the development indicates 11.6 percent of the total development as open space. A waiver is required.

The applicant states that the subdivision will use on-site detention to reduce sheet flow onto properties to the south. The detention area will encompass most of Lot 9X, which is more than the maximum allowance of 25% of the required open space which may be utilized for on-site retention or detention. A waiver is needed.

All of the open spaces will be landscaped and maintained by the Hill Park Villas at

Colleyville Homeowners' Association (HOA).

Sidewalks and Trails. Sidewalks, a minimum of four (4) feet in width, are required to be constructed on each individual lot at the time houses are constructed on the lots. Sidewalks required along open space lots are required to be constructed by the developer prior to the final acceptance of public improvements for the development.

According to the Supplemental Sidewalk System Map, a five (5) foot wide sidewalk is required to be built along Bluebonnet Drive adjacent to the development prior to the acceptance of final public improvements.

The applicant is requesting a waiver for the sidewalks along the north side of Hillpark Drive to maximize green space.

Fences, Walls and Screening. The applicant proposes to construct an eight foot decorative masonry screening wall along Bluebonnet Drive adjacent to the entry.

Wood fencing between lots will be permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal and/or masonry. All lot boundaries along Common Open Space areas shall be open style fencing of decorative metal and/or masonry.

Where lots back to the existing residential lots to the south, the existing fences shall remain. Where open space lots border adjacent properties, either the existing fence will be maintained or a decorative metal or wooden fence will be installed.

Traffic Generation and Access. The developer is not required to provide a Traffic Impact Analysis, since the development is not projected to generate in excess of 1,000 vehicle trips per day. The Institute of Transportation Engineers publication *Trip Generation* provides estimates of expected traffic generation based on land use. Data has been collected in the United States and Canada since the 1960's, primarily in suburban locations. Single family residences are expected to generate 9.57 trips per day on average. Based on this average, a nine lot development would add approximately 86.13 vehicle trips per day to the surrounding roadways.

Development Fees. Parkland dedication fees are due in the amount of \$1,802 per residential lot.

Roadway impact fees are due in the amount of \$4,941 per residential lot at the time of the building permit application.

Water and wastewater impact fees are due at the time of the building permit application. Fees for a typical 5/8 inch meter are \$2,491 for the water impact fee and \$643 for the wastewater impact fee.

Perimeter street improvement fees are due at the time of approval of the final plat for Bluebonnet Drive. Perimeter street improvements are required for the newly created lots since Bluebonnet Drive is considered unimproved adjacent to the subject property. The developer's portion of the costs for infrastructure improvements may not exceed the amount that is roughly proportionate to the projected impact of the proposed development, as determined by a professional engineer, licensed in the State of Texas, and who is retained by the City of Colleyville. In making the rough proportionality determination, consideration shall be given to the availability of adequate and minimum levels of public facilities and accessibility to the site for the delivery of emergency services.

Tree Preservation. As required by Chapter 5-Tree Preservation of the Land Development Code, approval of a tree survey and mitigation plan will be required upon approval of the final plat for the property. The survey and mitigation plan shall be drawn and submitted according to the requirements of Chapter 5-Tree Preservation of the Land Development Code.

Infrastructure. Water is available along Bluebonnet Drive. Sanitary sewer services terminate along Bluebonnet Drive at Cherry Lane. The developer is responsible for the extension of water and sewer service lines to the individual lots.

Drainage and Stormwater Runoff. The developer submitted a preliminary drainage analysis of the site, which has been reviewed by the Engineering Division of the Public Works Department. Details of the proposed drainage system and storm water retention ponds will be submitted as part of the platting process.

Master Plan. The Future Land Use Plan designates the subject property for single family uses. The request is consistent with the Future Land Use Plan; however, the residential density is not consistent with the goals and objectives of the Master Plan. The proposed residential density is 2.1 dwelling units per acre.

Residential Density. The Master Plan suggests a maximum residential density of 1.8 dwelling units per acre in most situations. The 2004 Colleyville Master Plan states that densities higher than 1.8 units per acre would be acceptable in those areas deemed consistent with sound land use planning principles, such as a transitional area situated between commercial uses and less dense residential developments, or near major street intersections. As stated above, The proposed residential density is 2.1 dwelling units per acre. The subject property does not meet these criteria; therefore, a waiver is needed.

The proposed residential density is comparable to other approved small lot PUD-R developments within the City; however, the other PUD-R developments are able to meet the open space requirements for the PUD-R district.

The attached Small Lot Development Comparison Table provides a comprehensive

listing of approved developments since 1996 with residential densities that exceed 1.8 dwelling units per acre.

Requested Waivers. The following waivers are required to approve the proposed subdivision as it is currently presented:

1. The minimum residential lot size in a PUD-R district shall be 13,000 square feet with an average lot size of 16,000 square feet. Eight of the nine residential lots are under 13,000 square feet, and the average lot size is 13,107 square feet.
2. The PUD-R regulations require a minimum 20 percent of the development be reserved for open space for use by the residents of the development. The proposed site plan for the development indicates 11.6 percent of the total development as open space.
3. The applicant states that the subdivision will use on-site detention to reduce sheet flow onto properties to the south. The detention area will encompass most of Lot 9X, which is more than the maximum allowance of 25% of the required open space which may be utilized for on-site retention or detention.
4. The applicant is requesting a waiver for the sidewalks along the north side of Hillpark Drive to maximize green space.
5. The proposed residential density is 2.1 dwelling units per acre. The Master Plan suggests a maximum residential density of 1.8 dwelling units per acre in most situations.

Public Notification. Staff mailed notices to 10 adjacent property owners as well as all Homeowners' Associations within 500 feet of the subject property regarding this request. All school districts within the City were notified as required by state law. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has received six letters opposed to the request to date.

Summary. The proposed zoning change is consistent with the recommendation of the Future Land Use Plan, which recommends single family uses on the subject property; however, it is not consistent with the recommended residential density. The proposed residential density is 2.1 dwelling units per acre. The Master Plan provides an allowance for residential subdivision that are greater than 1.8 dwelling units per acre in transitional area; but, the subject property does not qualify as a transitional area.

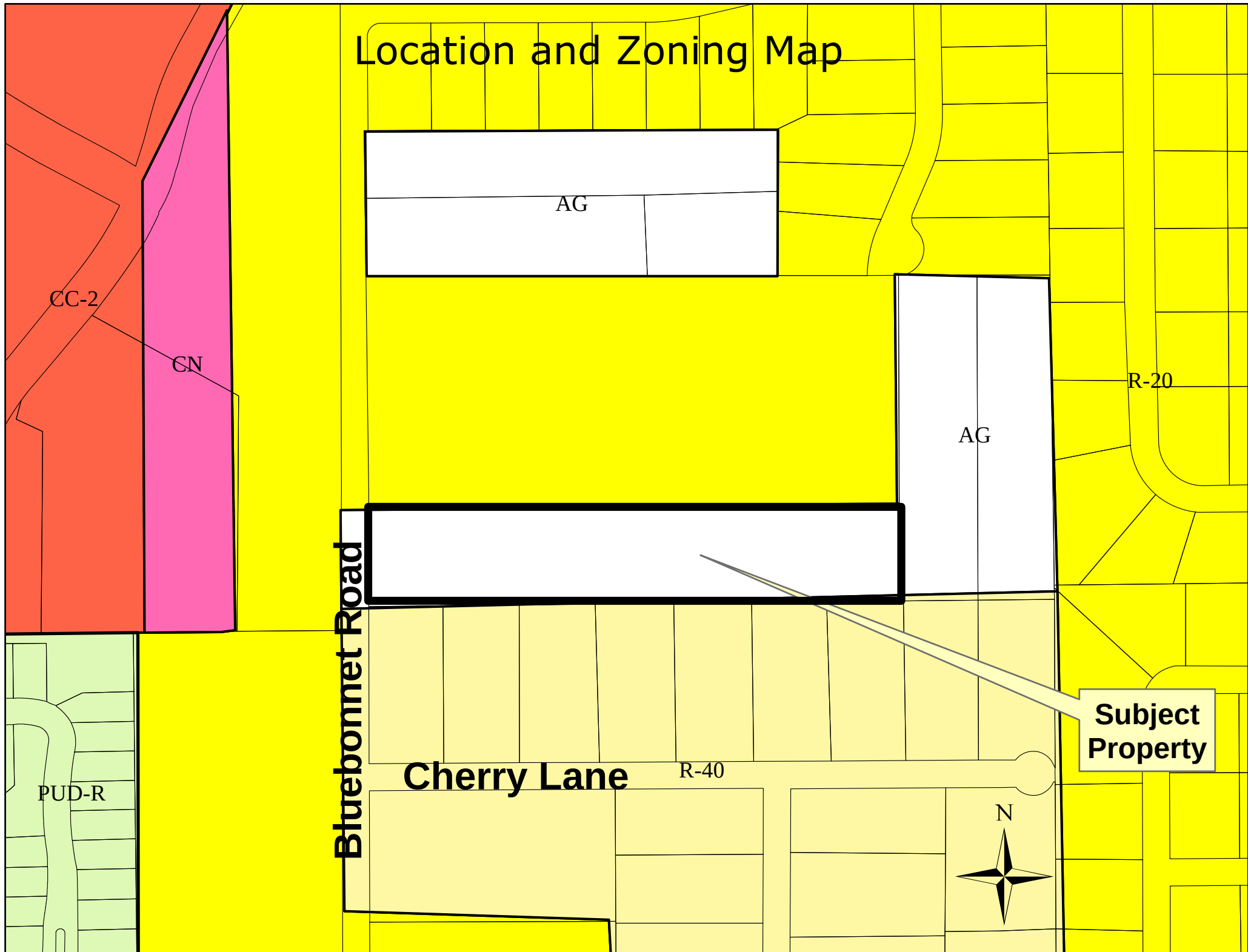
Recommendation

Denial

Attachments

1. Location and Zoning Map
2. Aerial
3. Future Land Use Map
4. Notification List
5. Buffer Map
6. Letters of Opposition
7. Statement of Planning Objectives
8. Site Plan
9. Zoning Exhibit
10. Small Lot Comparison Chart
11. Small Lot Development Comparison Chart - 1996 to 2013
12. Proposed Ordinance

Location and Zoning Map





[Redacted]

Aerial

Bluebonnet Road

Cherry Lane

Subject Property

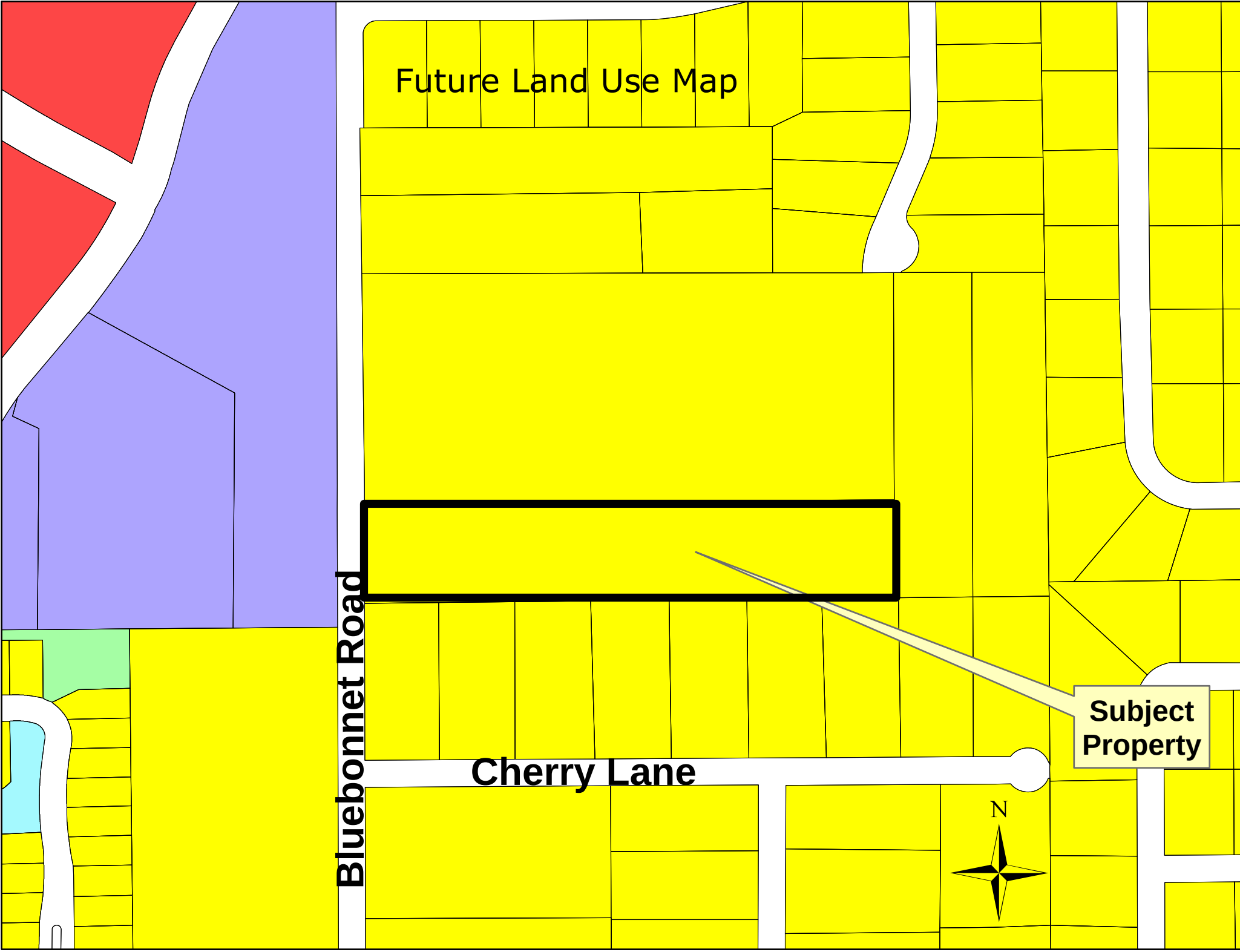
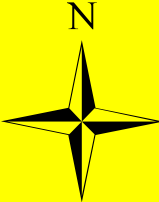


Future Land Use Map

Bluebonnet Road

Cherry Lane

Subject
Property

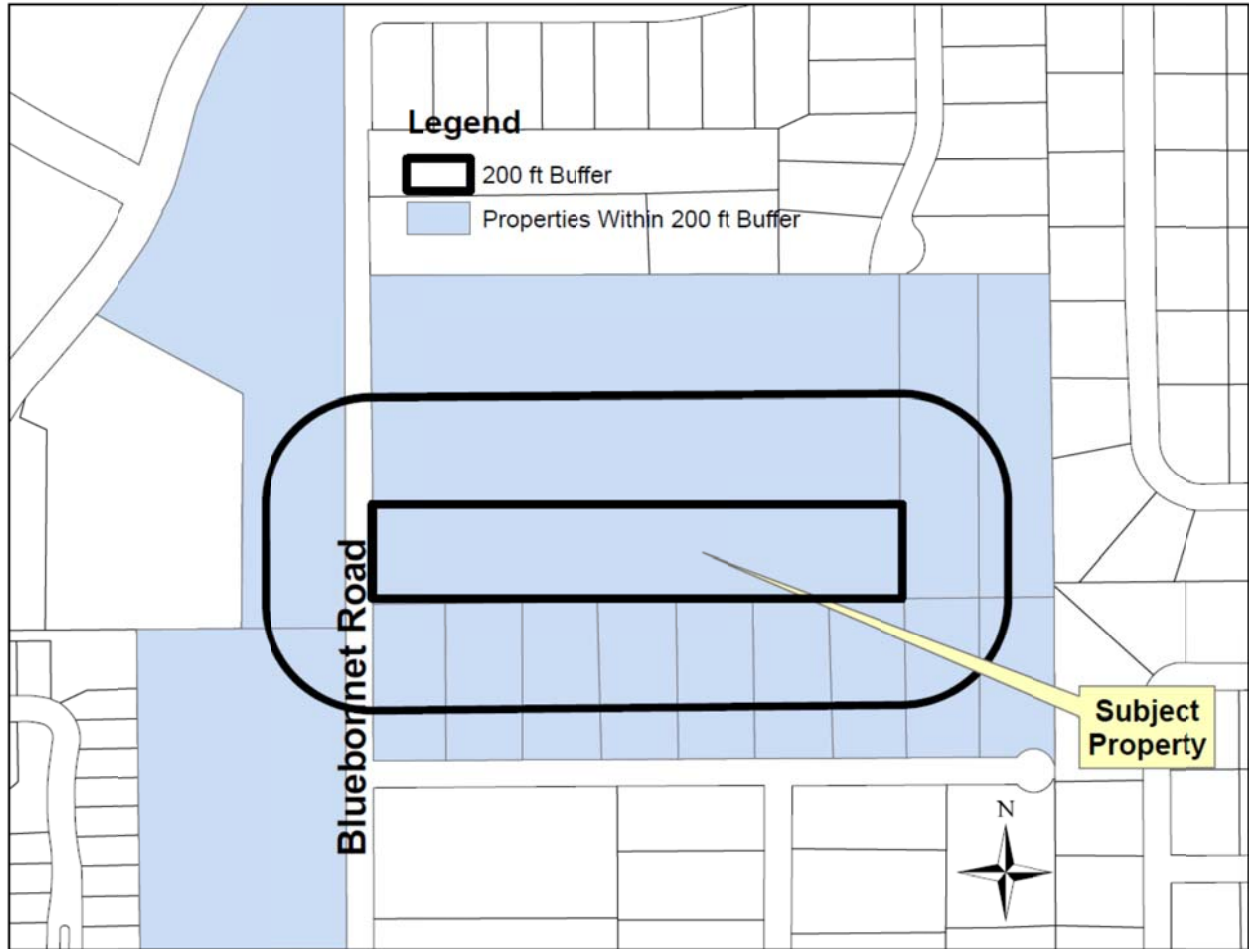


Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Rogers, Nancy	1612 Cherry Ln	Colleyville	Texas	76034	1608 Cherry Ln
Farmer, Stephen Etux Dianne	5305 Bluebonnet Rd	Colleyville	Texas	76034	5305 Blue Bonnet Dr
Del Hierro, C & G Bone	5008 Bluebonnet Rd	Colleyville	Texas	76034	5100 Blue Bonnet Dr
McPherson, Karen D	1848 Cheyenne Trl	Springdale	Arkansas	72762	5209 Blue Bonnet Dr
Phillips, Dean F Etux Sara E	PO Box 610411	Dallas	Texas	75261	1604 Cherry Ln
Dameron, Ray Etux Martha	1600 Cherry Ln	Colleyville	Texas	76034	1600 Cherry Ln
Bartolomei, Juan C	209 W McDonwell School Rd	Colleyville	Texas	76034	1512 Cherry Ln
Cobb, Jesse G Etux Lola M	1508 Cherry Ln	Colleyville	Texas	76034	1508 Cherry Ln
Davis, Alan T Etux Mary C	1500 Cherry Ln	Colleyville	Texas	76034	1500 Cherry Ln
Douglass, George W Jr Etux Ber	1412 Cherry Ln	Colleyville	Texas	76034	1412 Cherry Ln
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
Chelsea Park HOA	1816 Avondale Drive	Colleyville	Texas	76034	Courtesy Notice
Kingswood Estates HOA	1601 Royal Lane	Colleyville	Texas	76034	Courtesy Notice
Bridges at Riverwalk	PO Box 1183	Colleyville	Texas	76034	Courtesy Notice
Jim Dewey, Jr., Applicant	2500 Texas Drive, Suite 200	Irving	Texas	75062	Applicant

Public hearing notices were mailed
Wed., Nov. 27, 2013 by Taci Wrisley

Buffer Map



Letters of Opposition

Date 12/4/2013

Planning and Zoning Commission
City of Colleyville
100 Main Street
Colleyville TX 76034

Re: Rezoning proposal for 5209 Bluebonnet Road, ZC13-021 AG to PUD-R

I urge the Colleyville Planning and Zoning Commission to reject the rezoning proposal for 5209 Bluebonnet Road unless the following issues are resolved:

_____1. The proposed development is too dense for the neighborhood. There should be no more than 4 one-acre lots in total, in keeping with the one-acre lots to the south on Cherry Lane.

RAD MSD
_____2. "Sheetflow" stormwater drainage onto Cherry Lane from Sections B and C and directly onto Bluebonnet Road from Section A would flow into the retention ponds along Riverwalk Drive. This would cause backflooding into properties in the Fountains of Riverwalk and Bridges of Riverwalk, as well as flooding over and to the south of Glade Road into the Lakes of Somerset.

_____3. The drainage calculations of sheetflow volume are based on a runoff coefficient of .60, which is the same as for a one-acre residential property. The correct coefficient should be at least .90 to reflect the >30% slope of the drainage area and the increased density.

_____4. The proposed stormwater drainage from Section B and C onto Cherry Lane would cause extensive flooding, because there is no drainage swale or culvert to capture stormwater volume.

_____5. Privacy measures for properties to the south and the east have not been provided.

_____6. There is no indication of the proposed location of utility services

Comments: THE INDICATED RADIUS ON THE TURN AROUND LOOKS
TO SMALL NOT THE 100' REQUIRED TO MY KNOWLEDGE

Respectfully submitted,

RAI DAMERON

Name

1600 CHERRY LANE

Address

Martha Suttle Dameron Martha Suttle Dameron

Letters of Opposition

Date 12/5/13

Planning and Zoning Commission
City of Colleyville
100 Main Street
Colleyville TX 76034

Re: Rezoning proposal for 5209 Bluebonnet Road, ZC13-021 AG to PUD-R

I urge the Colleyville Planning and Zoning Commission to reject the rezoning proposal for 5209 Bluebonnet Road unless the following issues are resolved:

- ☒ 1. The proposed development is too dense for the neighborhood. There should be no more than 4 one-acre lots in total, in keeping with the one-acre lots to the south on Cherry Lane.
- ☒ 2. "Sheetflow" stormwater drainage onto Cherry Lane from Sections B and C and directly onto Bluebonnet Road from Section A would flow into the retention ponds along Riverwalk Drive. This would cause backflooding into properties in the Fountains of Riverwalk and Bridges of Riverwalk, as well as flooding over and to the south of Glade Road into the Lakes of Somerset.
- ☒ 3. The drainage calculations of sheetflow volume are based on a runoff coefficient of .60, which is the same as for a one-acre residential property. The correct coefficient should be at least .90 to reflect the >30% slope of the drainage area and the increased density.
- ☒ 4. The proposed stormwater drainage from Section B and C onto Cherry Lane would cause extensive flooding, because there is no drainage swale or culvert to capture stormwater volume.
- ☒ 5. Privacy measures for properties to the south and the east have not been provided.
- ☒ 6. There is no indication of the proposed location of utility services

Comments: _____

Respectfully submitted,

Bobbie Douglass

Name

1413 Cherry Lane

Address

Letters of Opposition

Date 12/5/13

Planning and Zoning Commission
City of Colleyville
100 Main Street
Colleyville TX 76034

Re: Rezoning proposal for 5209 Bluebonnet Road, ZC13-021 AG to PUD-R

I urge the Colleyville Planning and Zoning Commission to reject the rezoning proposal for 5209 Bluebonnet Road unless the following issues are resolved:

- ☒ 1. The proposed development is too dense for the neighborhood. There should be no more than 4 one-acre lots in total, in keeping with the one-acre lots to the south on Cherry Lane.
- ☒ 2. "Sheetflow" stormwater drainage onto Cherry Lane from Sections B and C and directly onto Bluebonnet Road from Section A would flow into the retention ponds along Riverwalk Drive. This would cause backflooding into properties in the Fountains of Riverwalk and Bridges of Riverwalk, as well as flooding over and to the south of Glade Road into the Lakes of Somerset.
- ☒ 3. The drainage calculations of sheetflow volume are based on a runoff coefficient of .60, which is the same as for a one-acre residential property. The correct coefficient should be at least .90 to reflect the >30% slope of the drainage area and the increased density.
- ☒ 4. The proposed stormwater drainage from Section B and C onto Cherry Lane would cause extensive flooding, because there is no drainage swale or culvert to capture stormwater volume.
- ☒ 5. Privacy measures for properties to the south and the east have not been provided.
- ☒ 6. There is no indication of the proposed location of utility services

Comments: Bluebonnet Rd will have to be widen
To accomodate more houses.

Respectfully submitted,

Nancy J. Rogers

Name

1612 Cherry & 1608 Cherry Ln.

Address

Letters of Opposition

Date 12-5-13

Planning and Zoning Commission
City of Colleyville
100 Main Street
Colleyville TX 76034

Re: Rezoning proposal for 5209 Bluebonnet Road, ZC13-021 AG to PUD-R

I urge the Colleyville Planning and Zoning Commission to reject the rezoning proposal for 5209 Bluebonnet Road unless the following issues are resolved:

✓
_____ 1. The proposed development is too dense for the neighborhood. There should be no more than 4 one-acre lots in total, in keeping with the one-acre lots to the south on Cherry Lane.

✓
_____ 2. "Sheetflow" stormwater drainage onto Cherry Lane from Sections B and C and directly onto Bluebonnet Road from Section A would flow into the retention ponds along Riverwalk Drive. This would cause backflooding into properties in the Fountains of Riverwalk and Bridges of Riverwalk, as well as flooding over and to the south of Glade Road into the Lakes of Somerset.

✓
_____ 3. The drainage calculations of sheetflow volume are based on a runoff coefficient of .60, which is the same as for a one-acre residential property. The correct coefficient should be at least .90 to reflect the >30% slope of the drainage area and the increased density.

✓
_____ 4. The proposed stormwater drainage from Section B and C onto Cherry Lane would cause extensive flooding, because there is no drainage swale or culvert to capture stormwater volume.

✓
_____ 5. Privacy measures for properties to the south and the east have not been provided.

✓
_____ 6. There is no indication of the proposed location of utility services

Comments: _____

Respectfully submitted,

Dean Phillips, Dean Phillips

Name
1604 Cherry
Address

Letters of Opposition

Date 12/5/13

Planning and Zoning Commission
City of Colleyville
100 Main Street
Colleyville TX 76034

Re: Rezoning proposal for 5209 Bluebonnet Road, ZC13-021 AG to PUD-R

I urge the Colleyville Planning and Zoning Commission to reject the rezoning proposal for 5209 Bluebonnet Road unless the following issues are resolved:

✓ 1. The proposed development is too dense for the neighborhood. There should be no more than 4 one-acre lots in total, in keeping with the one-acre lots to the south on Cherry Lane.

* ✓ 2. "Sheetflow" stormwater drainage onto Cherry Lane from Sections B and C and directly onto Bluebonnet Road from Section A would flow into the retention ponds along Riverwalk Drive. This would cause backflooding into properties in the Fountains of Riverwalk and Bridges of Riverwalk, as well as flooding over and to the south of Glade Road into the Lakes of Somerset.

_____ 3. The drainage calculations of sheetflow volume are based on a runoff coefficient of .60, which is the same as for a one-acre residential property. The correct coefficient should be at least .90 to reflect the >30% slope of the drainage area and the increased density.

_____ 4. The proposed stormwater drainage from Section B and C onto Cherry Lane would cause extensive flooding, because there is no drainage swale or culvert to capture stormwater volume.

_____ 5. Privacy measures for properties to the south and the east have not been provided.

_____ 6. There is no indication of the proposed location of utility services

Comments: Traffic on Bluebonnet will
exceed its capacity, which means
expenditure on road widening and
Respectfully submitted, other improvements.

Kathleen Hennessey

Name
5013 Stonebridge Dr, Colleyville
Address

Letters of Opposition

Date 12/5/13

Planning and Zoning Commission
City of Colleyville
100 Main Street
Colleyville TX 76034

Re: Rezoning proposal for 5209 Bluebonnet Road, ZC13-021 AG to PUD-R

I urge the Colleyville Planning and Zoning Commission to reject the rezoning proposal for 5209 Bluebonnet Road unless the following issues are resolved:

1. The proposed development is too dense for the neighborhood. There should be no more than 4 one-acre lots in total, in keeping with the one-acre lots to the south on Cherry Lane.
- ✓ 2. "Sheetflow" stormwater drainage onto Cherry Lane from Sections B and C and directly onto Bluebonnet Road from Section A would flow into the retention ponds along Riverwalk Drive. This would cause backflooding into properties in the Fountains of Riverwalk and Bridges of Riverwalk, as well as flooding over and to the south of Glade Road into the Lakes of Somerset.
- ✓ 3. The drainage calculations of sheetflow volume are based on a runoff coefficient of .60, which is the same as for a one-acre residential property. The correct coefficient should be at least .90 to reflect the >30% slope of the drainage area and the increased density.
- ✓ 4. The proposed stormwater drainage from Section B and C onto Cherry Lane would cause extensive flooding, because there is no drainage swale or culvert to capture stormwater volume.
- ✓ 5. Privacy measures for properties to the south and the east have not been provided. *and north*
- ✓ 6. There is no indication of the proposed location of utility services

Comments: _____

Respectfully submitted,

Deanne Farmer Stephen Farmer

Name

5305 Blue bonnet

Address

Statement of Planning Objectives

Proposed PUD-R of Hill Park Villas at Colleyville, Texas PUD-R

Statement of Planning Objectives

This zoning request concerns to 4.3 acre a proposed development along the Bluebonnet Rd, North from Glade Rd South to Royal Ln in Colleyville. This will be developed by Hampi LLP under the Planned Unit Development (PUD) regulations for residential development in the City of Colleyville. The property is currently occupied by Single family home and open area. The surrounding area within Colleyville is fully developed.

The subject tract is shown on the Future Land Use Plan as "Single Family Residential,". The Site Plan submitted with this request is consistent with the Single Family Residential shown on the existing zoning concept plan.

We believe the drainage outfall is sufficient to accommodate all drainage from this development without any negative effect on downstream properties. A full drainage study will be prepared prior to construction. Quality and compatibility with the adjacent residential, as well as the rest of Colleyville is essential, and we have designed this proposal with those goals in mind.

The residences planned for this portion of Hill Park Villas at Colleyville will be very upscale, with selling prices estimated to range between \$500,000 to over \$700,000. The main project entrance is from Bluebonnet Rd. The entry road is planned to be gated, with enough room to accommodate visitors as well as residents. We propose to build the required Colleyville street section of 37' (back of curb to back of curb), in a 56' wide Street right-of-way.

Internal sidewalks shall be built in front of all Residential Lots within the development, as well as other supplemental sidewalks as shown on the Development Plan.

There will be a requirement of street trees for every residential lot to be installed by the home builders (two in each 100' Lot), adjacent to the street rights of way, as well as trees in each rear yard (two in each 100' Lot). To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, as well as other open space trails and sidewalks shown on the Development Plan. All facilities with the Open Space areas will be owned and maintained by either the Hill Park Villas at Colleyville Homeowners Association. The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality designed homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

Hill Park Villas at Colleyville may be developed in multiple phases, with initial development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Economic Development Information

This phase of Hill Park Villas at Colleyville will have a total of Nine (9) homes, each with an average estimated value upon completion of approximately \$500,000 to over \$700,000, resulting in an overall tax base of \$4,950,000, based on a \$550,000 estimated average.

Development Standards

Permitted Land Uses: 1) Single Family Residences, Detached

Residential Lot Requirements and Setbacks:

Residential lot requirements and setbacks shall comply with the following provisions. Planning Area "A" refers to lots adjacent to the far western property line.

Planning Area "A".

- a. Minimum Lot Size - 12000 square feet
- b. Minimum Lot Width - 100 feet
- c. C. Minimum Lot Depth 120 feet
- d. Front Building Line 30 feet
- e. Side Building Line 10 feet
- f. Rear Building Line 25 feet
- g. Maximum Building Height
- h. Maximum Lot Coverage 50%

Open Space and Landscape Buffer

- a. Open Space Lots shall be maintained by the Homeowners Association.
- b. The following amenities are permitted in the open space lots: picnic tables, benches, playground equipment, concrete and crushed granite walking paths, a gazebo, an arbor, other garden type built environments including a fireplace, fountains, lights and a dock and pier. These amenities shall be owned and maintained by the Homeowners Association.

Fencing

Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry. Where lots back to existing residential lots, the existing fence shall be kept, maintained or improved in coordination with each owner. Where open space lots border adjacent properties, either the existing fence will be maintained or improved, or a decorative metal fence will be installed, all in cooperation with the adjacent property owner.

Streetscape Standards

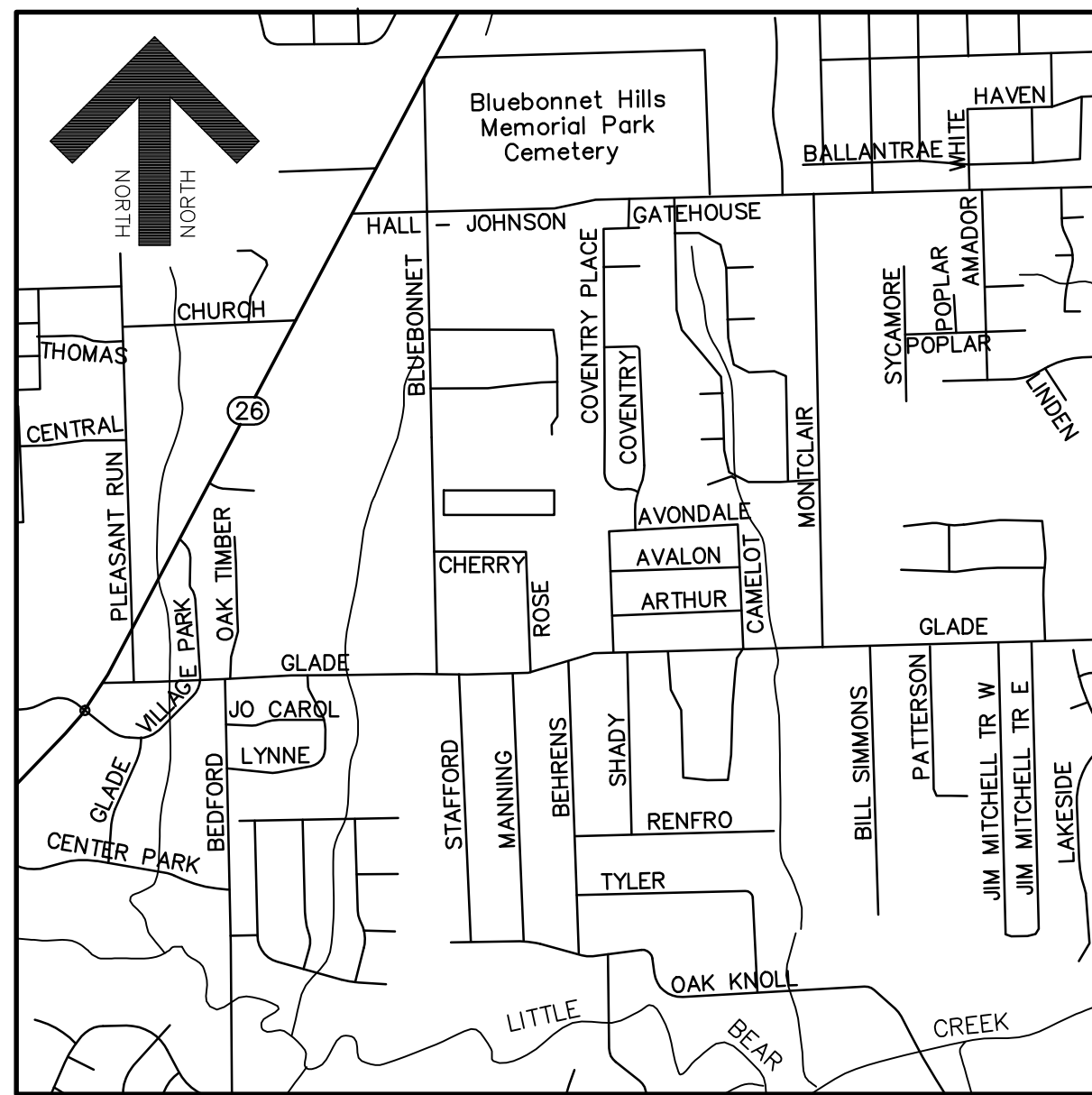
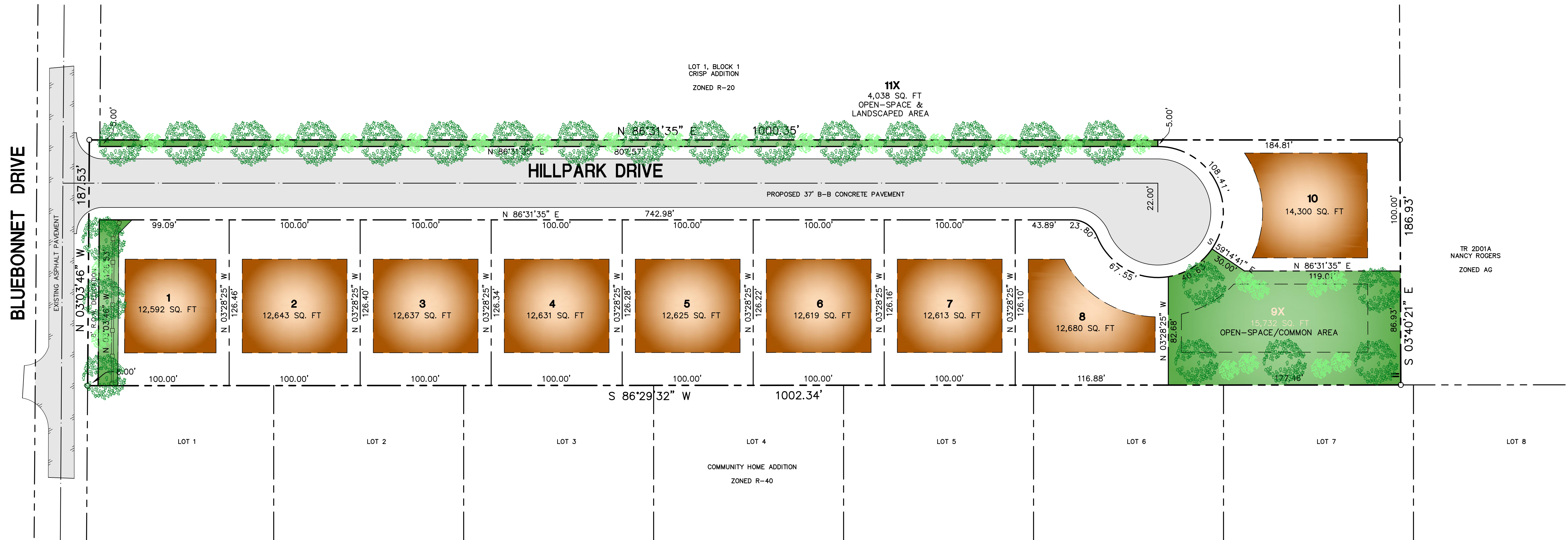
Minimum of two (2) three to four-inch (3-4") caliper trees per front and rear yards of the 100' lots. Fully landscaped and spfinklered front and rear yard within sixty days of completing a house.

Open Space Standards

The Common Open Space shall be either left natural (where disturbance and irrigation may harm existing trees) or fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned and operated by either the Homeowners Assoc. or the Property Owners Assoc., which shall have a mandatory membership of all property owners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Associations shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.

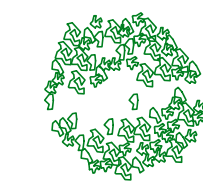
Signage: Monument and/or wall signs identifying the subdivision shall be built at each entry.

Site Plan

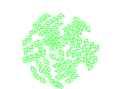


LOCATION MAP
SCALE: 1" = 1500'

LEGEND



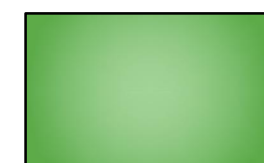
LARGE CANOPY TREE



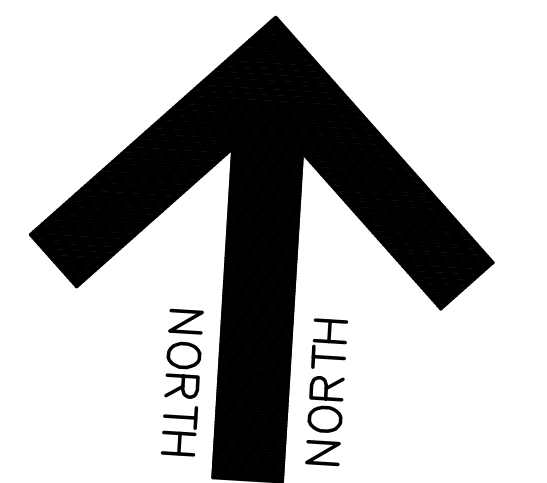
ORNAMENTAL TREE



BUILDING AREA



OPEN SPACE

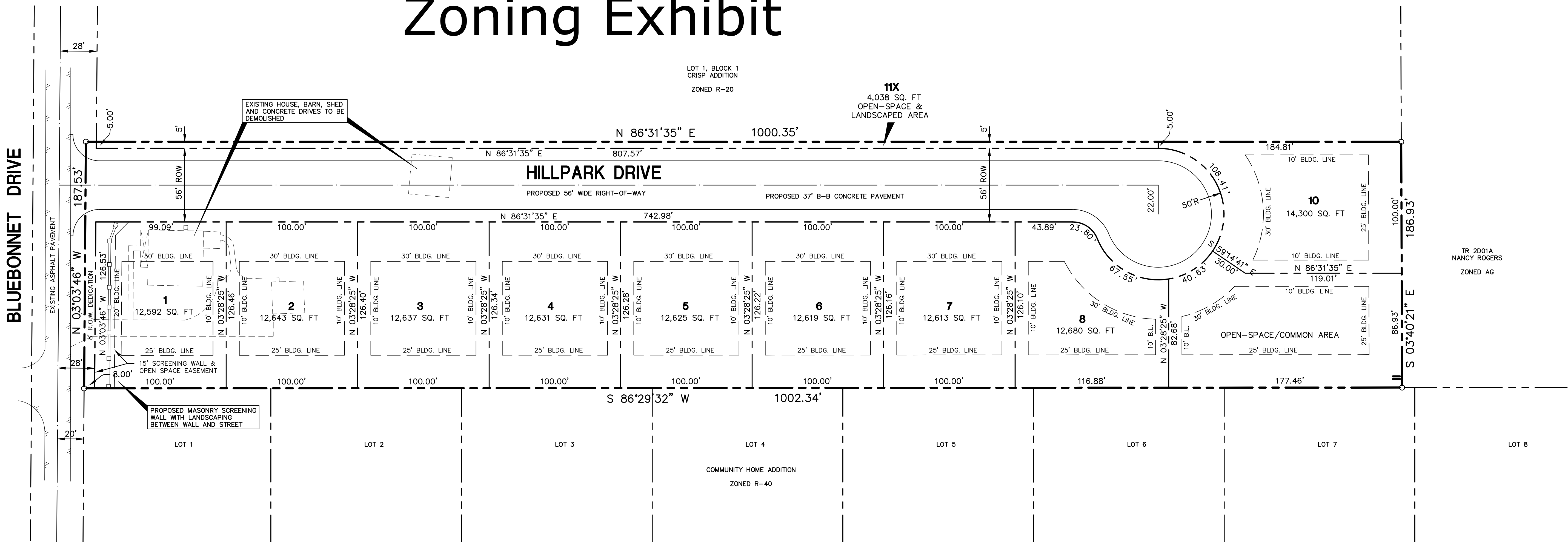


REVISIONS:	
12/2/13	STAFF COMMENTS

OWNER/APPLICANT:
VIJAYA K. BORRA
2575 HALL JOHNSON ROAD, #623
GRAPEVINE, TEXAS 76051
PHONE: (937) 219-4987

SHEET TITLE: COLOR SITE PLAN PROPOSED HILLPARK VILLAS COLLEYVILLE, TEXAS		
JDJR ENGINEERS • SURVEYORS • LAND PLANNERS 2500 Texas Drive Suite 100 Irving, Texas 75062 Tel 972-252-6357 Fax 972-252-8858	PREPARED BY: ENGINEERS & CONSULTANTS, INC. TSBPE REGISTRATION NUMBER F-8527	
	DATE: NOV. 8, 2013 SCALE: 1" = 40'	DRAWN BY: SAS CHECKED BY: JDJR
		SHEET NO. 1 OF 1

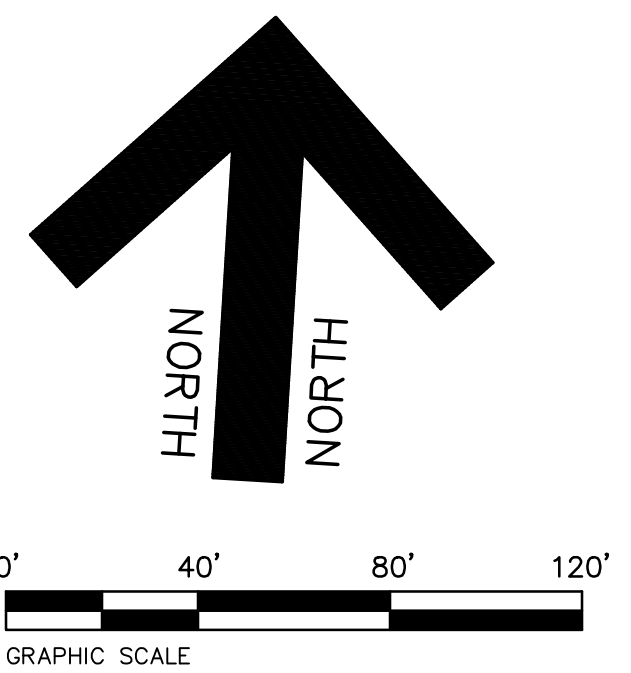
Zoning Exhibit



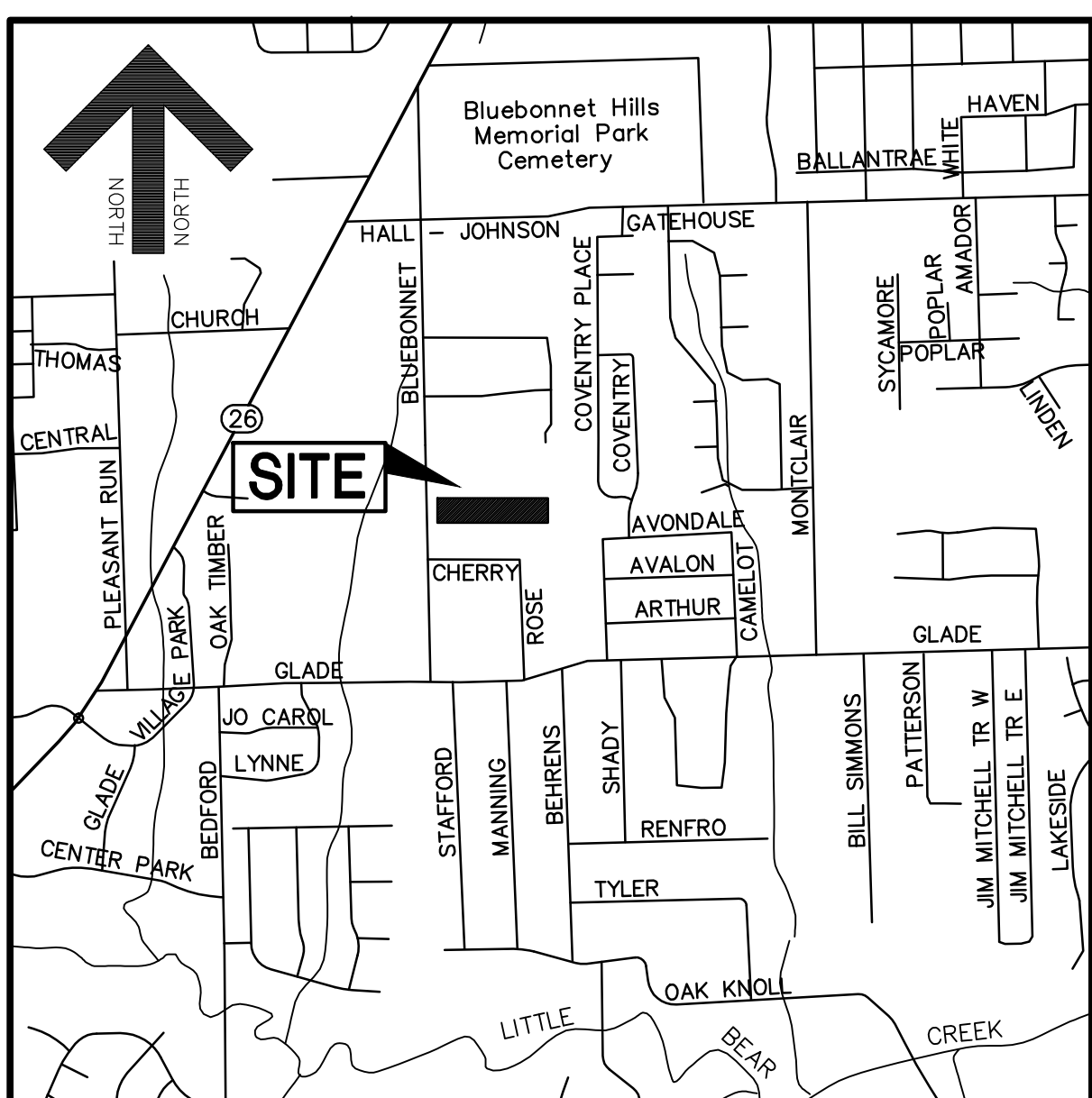
SITE DATA

GROSS AREA _____ 187,479 SF OR 4.3039 AC
NUMBER OF PROPOSED LOTS _____
SINGLE FAMILY _____ 9 LOTS
COMMON AREA _____ 2 LOTS (DESIGNATED BY AN X)
DENSITY (DWELLING/AC) _____ 2.09/1
MINIMUM LOT AREA _____ 12,500 SF
MINIMUM LOT WIDTH _____ 100 FT
MINIMUM LOT DEPTH _____ AS SHOWN
MAXIMUM HEIGHT _____ 2.5 STORY OR 35 FT
MAXIMUM LOT COVERAGE _____ 40%
TOTAL OPEN SPACE _____ 21,720 SF (11.6%)

ZONING EXHIBIT FOR ZONING CHANGE
REQUEST FROM AG TO PUD-R.



REVISIONS:	
12/2/13	STAFF COMMENTS



LOCATION MAP

SCALE: 1" = 1500'

LEGAL DESCRIPTION

BEING a 4.3039 acre tract or parcel of land lying and being situated in the D.R. BLANDON SURVEY, Abstract 233, in the City of Colleyville, Tarrant County, Texas, and being all of that tract of land described in deed to Vijaya Borra and Kiranmai Yalamanchili (hereinafter referred to as the Borra tract), recorded in Document No. D213053730, of the Official Public Records of Tarrant county, Texas (O.P.R.T.C.T.); and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found (Controlling Monument) for the northwest corner of said Borra tract located on the apparent east right--of-way line of Blue Bonnet Drive (no document found); said found iron rod being located 22.00 feet easterly of the apparent centerline of said Blue Bonnet Drive; said found iron rod also being located South 89 degrees minutes 21 seconds West, 8.00 feet from the southwest corner of C.R.D. Addition, recorded in Volume 388-157, Page 20, Plat Records, Tarrant County, Texas (P.R.T.C.T.);

THENCE North 89 degrees 53 minutes 21 seconds East, along the north line of said Borra tract and the south line of said Crisp Addition, a distance of 1000.35 feet to a 1/2 inch iron rod found (Controlling Monument) for the northeast corner of said Borra tract and the southeast corner of said Crisp Addition; said found iron rod also being on the west line of a tract of land described in deed to Raymond H. Rogers et ux, recorded in Volume 4248, Page 527, Deed Records, Tarrant County, Texas;

THENCE South 00 degrees 18 minutes 35 seconds East, along the east line of said Borra tract and the west line of said Rogers tract, a distance of 186.93 feet to a 5/8 inch iron rod with cap marked "JDR" set for the southeast corner of said Borra tract; from said set iron rod a found 1/2 inch iron rod bears South 89 degrees 29 minutes 49 seconds West, 1.19 feet; said set iron rod also being on the north line of Community Home Addition, recorded in Volume 388-R, Page 40, P.R.T.C.T.;

THENCE South 89 degrees 51 minutes 18 seconds West, along the south line of said Borra tract and the north line of said Community Home Addition, a distance of 1002.34 feet to a 1 inch iron pipe found for the southwest corner of said Borra tract located on the aforementioned apparent east right-of-way line of Blue Bonnet Drive;

THENCE North 00 degrees 18 minutes 00 seconds East, along the west line of said Borra tract and said east right-of-way line, a distance of 187.53 feet to the Point of Beginning and containing 4.3039 Acres (187,479 Square Feet) of land.

OWNER/APPLICANT:
VIJAYA K. BORRA
2575 HALL JOHNSON ROAD, #623
GRAPEVINE, TEXAS 76051
PHONE: (937) 219-4987

SHEET TITLE:

ZONING EXHIBIT/SITE PLAN

PROPOSED HILLPARK VILLAS

COLLEYVILLE, TEXAS

JDJR PREPARED BY:
ENGINEERS & CONSULTANTS, INC.
 TSBPE REGISTRATION NUMBER F-8527

ENGINEERS • SURVEYORS • LAND PLANNERS
 2500 Texas Drive Suite 100 Irving, Texas 75062
 Tel 872-252-5357 Fax 872-252-8958

DATE: NOV. 8, 2013	DRAWN BY: SAS	SHEET NO. 1 OF 2
SCALE: 1" = 40'	CHECKED BY: JDJR	

Small Lot Development Comparison Chart - 1996 to 2013

Subdivision Name	Total Lots	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Size (square feet)	Average Lot Size (square feet)	Maximum Lot Coverage	Master Plan Density - Dwelling Units Per Acre *	Land Development Code Density - Dwelling Units Per Acre **	Total Acres	Open Space	Approval Date	Ordinance
Spring Garden	45	36	70	2,520	2,700	90%	8	16.1	5.4	31.3%	12.17.96	O-96-1052
Villas of Caldwell Creek	43	59	115	6,594	7,408	50%	3.7	5.9	11.6	18.3%	4.1.97	O-97-1062
Bridges at Riverwalk	32	56	106	6,001	6,479	50%	3	6.7	10.0	24.0%	12.21.99	O-99-1192
Riverwalk at Colleyville	53	60	115	6,331	7,666	50%	3.2	5.7	20.0	20.0%	4.4.00	O-00-1210
Rosewood Villas	53	59	110	6,482	6,899	60%	3.6	6.3	14.8	21.4%	8.8.01	O-01-1286
Emerald Park	72	60	120	7,200	7,508	50%	3.5	5.8	20.2	19.6%	10.1.02	O-02-1366
Tiffany Park	25	60	100	7,200	7,580	50%	3.5	5.7	7.2	20.0%	10.21.03	O-04-1487
Tuscany	35	60	110	6,600	7,878	50%	3.9	5.5	8.8	6.6%	2.17.04	O-04-1442
Cambridge Place	38	50	58	4,500	5,300	60%	4.2	8.2	9.0	22.0%	7.6.04	O-04-1467
Heritage Oaks	103	30/40	90	2,700/3,600	3,600	90% and 75%	4.6	12.1	22.9	25.0%	03.21.06	O-09-1715
Villas at Oak Pointe	74	30/56	90/95/115	2,700/6,440	5,000	90% and 58%	3.7	8.7	13.6	22.0%	08.02.06	O-06-1584
Copperglen	22	55	105	5,924	6,650	65%	3.9	6.6	5.6	20.0%	10.17.06	O-06-1595
Villas of Colleyville	67	59	115	6,655	8,936	60%	3.4	4.9	19.8	21.0%	08.21.07	O-07-1627
Enclave at Arbor Estates	16	65	120	8,700	9,350	50%	2.9	4.7	5.6	19.3%	09.18.07	O-07-1634
Creekside at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645
Somerset Manor	77	50/60	100/110	5,000/6,600	6,000	50%	4	7.3	18.2	20.3%	05.05.08	O-08-1672
Ivy Glen	10	55	110	5,890	8,200	65%	3.4	5.3	3.0	20.0%	03.05.13	O-13-1864
The Preservation	36	60	140	8,500	9,170	50%	3	4.7	12.0	23.0%	05.14.13	O-13-1867
Average	59	56	106	6,207	6,866	57%	3.8	7.0	17.6	20.8%		
Zoning Case ZC13-008	8	55	120	5,807	6,874	65%	4.4	6.6	1.8	16.2%		

* Master Plan Density is calculated by dividing the total units in the development by the total acreage of the development

** Land Development Code Density is calculated by dividing the total units in the development by the total development acreage minus open space and right-of-way acreage



Small Lot Development Comparison Chart - 1996 to 2013

Subdivision Name	Total Lots	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Size (square feet)	Average Lot Size (square feet)	Maximum Lot Coverage	Master Plan Density - Dwelling Units Per Acre *	Land Development Code Density - Dwelling Units Per Acre **	Total Acres	Open Space	Approval Date	Ordinance
Spring Garden	45	36	70	2,520	2,700	90%	8	16.1	5.4	31.3%	12.17.96	O-96-1052
Villas of Caldwell Creek	43	59	115	6,594	7,408	50%	3.7	5.9	11.6	18.3%	4.1.97	O-97-1062
Bridges at Riverwalk	32	56	106	6,001	6,479	50%	3	6.7	10.0	24.0%	12.21.99	O-99-1192
Riverwalk at Colleyville	53	60	115	6,331	7,666	50%	3.2	5.7	20.0	20.0%	4.4.00	O-00-1210
Rosewood Villas	53	59	110	6,482	6,899	60%	3.6	6.3	14.8	21.4%	8.8.01	O-01-1286
Emerald Park	72	60	120	7,200	7,508	50%	3.5	5.8	20.2	19.6%	10.1.02	O-02-1366
Tiffany Park	25	60	100	7,200	7,580	50%	3.5	5.7	7.2	20.0%	10.21.03	O-04-1487
Tuscany	35	60	110	6,600	7,878	50%	3.9	5.5	8.8	6.6%	2.17.04	O-04-1442
Cambridge Place	38	50	58	4,500	5,300	60%	4.2	8.2	9.0	22.0%	7.6.04	O-04-1467
Heritage Oaks	103	30/40	90	2,700/3,600	3,600	90% and 75%	4.6	12.1	22.9	25.0%	03.21.06	O-09-1715
Villas at Oak Pointe	74	30/56	90/95/115	2,700/6,440	5,000	90% and 58%	3.7	8.7	13.6	22.0%	08.02.06	O-06-1584
Copperglen	22	55	105	5,924	6,650	65%	3.9	6.6	5.6	20.0%	10.17.06	O-06-1595
Villas of Colleyville	67	59	115	6,655	8,936	60%	3.4	4.9	19.8	21.0%	08.21.07	O-07-1627
Enclave at Arbor Estates	16	65	120	8,700	9,350	50%	2.9	4.7	5.6	19.3%	09.18.07	O-07-1634
Somerset Manor	77	50/60	100/110	5,000/6,600	6,000	50%	4	7.3	18.2	20.3%	05.05.08	O-08-1672
Ivy Glen	10	55	110	5,890	8,200	65%	3.4	5.3	3.0	20.0%	03.05.13	O-13-1864
The Preservation	36	60	140	8,500	9,170	50%	3	4.7	12.0	23.0%	05.14.13	O-13-1867
Heron Pond	49	60	120	7,000	7,800	65%	3.2	5.6	15.4	22.0%	11.19.13	O-13-1894

Zoning Case ZC13-021	9	100	120	12,000	12,000	50%	2.1	3.6	4.3	11.6%		
----------------------	---	-----	-----	--------	--------	-----	-----	-----	-----	-------	--	--

Average	47	57	107	6,350	6,896	57%	3.8	7.0	12.4	20.9%		
---------	----	----	-----	-------	-------	-----	-----	-----	------	-------	--	--

* Master Plan Density is calculated by dividing the total units in the development by the total acreage of the development

** Land Development Code Density is calculated by dividing the total units in the development by the total development acreage minus open space and right-of-way acreage



ORDINANCE O-14-XXXX

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 4.304 ACRES ON TRACTS 2D AND 2D3, ABSTRACT 233 OF THE D. R. BLANTON SURVEY FROM AG-AGRICULTURAL ZONING DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC13-021; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance

Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 4.304 acres on Tracts 2D and 2D3, of Abstract 233 of the D. R. Blanton Survey from the AG-Agricultural zoning district to the PUD-R-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A" and as legally described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-R is for a single-family residential development of nine detached dwelling units and one common open space lot, constructed at a gross maximum density of 2.1 dwelling units per acre.
- b. This development shall be generally consistent with the Statement of Planning Objectives, attached as Exhibit "C".
- c. The subject property is subject to all the regulations contained in the Land Development Code, except where amended by this Ordinance.

2. DEVELOPMENT PLAN AND PLATTING

- a. The development shall be generally consistent with Exhibit “D”, Conceptual Site Plan, which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit “D” to accommodate topographic, drainage or other conditions.
- b. The developer shall submit and receive approval from the City, a Preliminary and Final Plat, approved as a single phase, in accordance with the requirements of the Land Development Code prior to development of this PUD-R.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Residential lot requirements and setbacks shall comply with the following provisions:

- a. Minimum Lot Size: 12,000 square feet
- b. Minimum Lot Depth: 120 feet
- c. Minimum Lot Width: 100 feet at the building line
- d. Front Building Line: 30 feet
- e. Side Building Line: 10 feet
- f. Rear Building Line: 25 feet
- g. Maximum Lot Coverage: 50 percent
- h. Maximum Building Height: 35 feet

5. OPEN SPACE

- a. This development shall provide a minimum of 11.6 percent common open space, as shown on Exhibit “D”, which shall

be for the leisure and recreational use of the development's residents. The open space shall comply with the provisions contained in the Land Development Code. All open space areas shall be landscaped.

- b. Open space may be utilized for storm water retention not to exceed __ percent of the common open space area.

6. PRIVATE STREETS AND SIDEWALKS

- a. Sidewalks along lot frontages shall be constructed by each homebuilder. All sidewalks shall be constructed in accordance with the requirements of the Land Development Code.
- b. Hillpark Drive in this development shall be a public road. Right-of-way and pavement widths shall meet the following requirements: the minimum right-of-way for Hillpark Drive shall be 56 feet and the minimum pavement width for the street shall be 37 feet, measured from back of curb to back of curb. A five foot utility easement shall be located along both sides of Hillpark Drive.

7. FENCES, SCREENING AND LANDSCAPING

- a. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry.
- b. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry.
- c. Where open space lots border adjacent properties, either the existing fence shall be maintained or improved, or a decorative metal fence shall be installed, all in cooperation with the adjacent property owner.
- d. An eight foot decorative masonry wall shall be constructed by the developer along Bluebonnet Drive in order to screen the development from the Justice Center and Community Center parking lot to the west.
- e. All residential lots, a minimum of 100 feet in width, shall contain a minimum of two (2) three-inch (3") caliper trees

in the front yard adjacent to the street right-of-way. Each lot shall be fully landscaped with an approved irrigation system in the front and rear yard prior to the final inspection.

- e. Prior to the acceptance of final public improvements, 24 three (3) inch caliper large canopy trees and 24 ornamental trees shall be planted by the developer in the two open space lots and the landscape area along Bluebonnet Drive per Exhibit "D". Tree species shall be allowed per the specifications in Chapter 4-Landscaping and Buffering in the Land Development Code. Said trees shall be maintained by the homeowner's association.
- f. All residential lots, a minimum of 100 feet in width, shall contain a minimum of two, three (3) inch caliper canopy trees in the backyard per Exhibit "D". All trees shall be planted by the homebuilder prior to the final inspection.

8. DRAINAGE

- a. A Detention pond shall be constructed to reduce flows to the existing subdivision to the south per the City of Colleyville drainage design standards.

- Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted by City Council on the 7th day of January 2014.

The second reading and public hearing being conducted by City Council on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit A –Location and Zoning Map

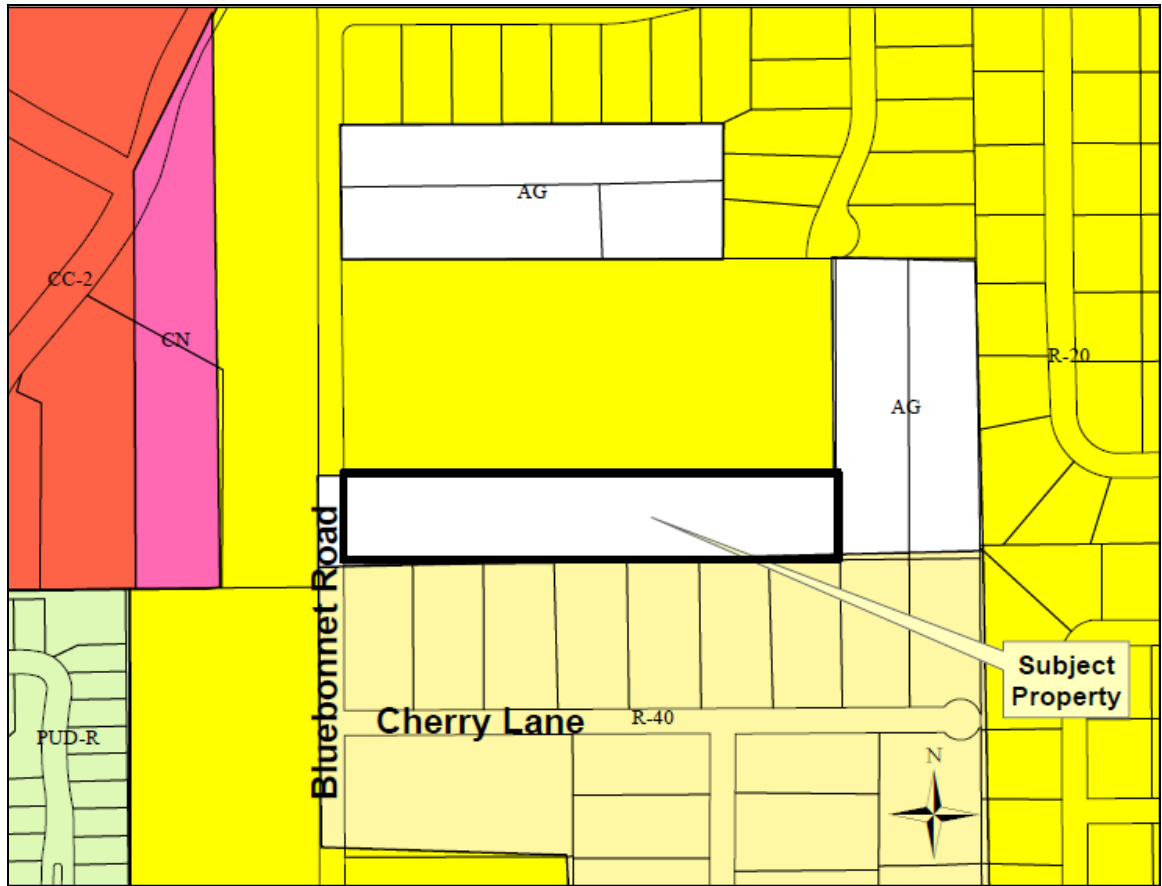


Exhibit B – Legal Description

DESCRIPTION

BEING a 4.3039 acre tract or parcel of land lying and being situated in the D.R. BLANDON SURVEY, Abstract 233, in the City of Colleyville, Tarrant County, Texas and being all of that tract of land described in deed to Vijaya Borra and Kiranmai Yalamanchili (hereinafter referred to as the Borra tract), recorded in Document No. D213053730, of the Official Public Records of Tarrant county, Texas (O.P.R.T.C.T.); and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found (Controlling Monument) for the northwest corner of said Borra tract located on the apparent east right-of-way line of Blue Bonnet Drive (no document found); said found iron rod being located 22.00 feet easterly of the apparent centerline of said Blue Bonnet Drive; said found iron rod also being located South 89 degrees minutes 21 seconds West, 8.00 feet from the southwest corner of Crisp Addition, recorded in Volume 388-157, Page 20, Plat Records, Tarrant County, Texas (P.R.T.C.T.);

THENCE North 89 degrees 53 minutes 21 seconds East, along the north line of said Borra tract and the south line of said Crisp Addition, a distance of 1000.35 feet to a 1/2 inch iron rod found (Controlling Monument) for the northeast corner of said Borra tract and the southeast corner of said Crisp Addition; said found iron rod also being on the west line of a tract of land described in deed to Raymond H. Rogers et ux, recorded in Volume 4248, Page 527, Deed Records, Tarrant County, Texas;

THENCE South 00 degrees 18 minutes 35 seconds East, along the east line of said Borra tract and the west line of said Rogers tract, a distance of 186.93 feet to a 5/8 inch iron rod with cap marked "JDJR" set for the southeast corner of said Borra tract; from said set iron rod a found 1/2 inch iron rod bears South 89 degrees 29 minutes 49 seconds West, 1.19 feet; said set iron rod also being on the north line of Community Home Addition, recorded in Volume 388-R, Page 40, P.R.T.C.T.;

THENCE South 89 degrees 51 minutes 18 seconds West, along the south line of said Borra tract and the north line of said Community Home Addition, a distance of 1002.34 feet to a 1 inch iron pipe found for the southwest corner of said Borra tract located on the aforementioned apparent east right-of-way line of Blue Bonnet Drive;

THENCE North 00 degrees 18 minutes 00 seconds East, along the west line of said Borra tract and said east right-of-way line, a distance of 187.53 feet to the Point of Beginning and containing 4.3039 Acres (187,479 Square Feet) of land.

Exhibit C-Statement of Planning Objectives (1 of 2)

Proposed PUD-R of Hill Park Villas at Colleyville, Texas PUD-R

Statement of Planning Objectives

This zoning request concerns to 4.3 acre a proposed development along the Bluebonnet Rd, North from Glade Rd South to Royal Ln in Colleyville. This will be developed by Hampi LLP under the Planned Unit Development (PUD) regulations for residential development in the City of Colleyville. The property is currently occupied by Single family home and open area. The surrounding area within Colleyville is fully developed.

The subject tract is shown on the Future Land Use Plan as "Single Family Residential, ". The Site Plan submitted with this request is consistent with the Single Family Residential shown on the existing zoning concept plan.

We believe the drainage outfall is sufficient to accommodate all drainage from this development without any negative effect on downstream properties. A full drainage study will be prepared prior to construction. Quality and compatibility with the adjacent residential, as well as the rest of Colleyville is essential, and we have designed this proposal with those goals in mind.

The residences planned for this portion of Hill Park Villas at Colleyville will be very upscale, with selling prices estimated to range between \$500,000 to over \$700,000. The main project entrance is from Bluebonnet Rd. The entry road is planned to be gated, with enough room to accommodate visitors as well as residents. We propose to build the required Colleyville street section of 37' (back of curb to back of curb), in a 56' wide Street right-of-way.

Internal sidewalks shall be built in front of all Residential Lots within the development, as well as other supplemental sidewalks as shown on the Development Plan.

There will be a requirement of street trees for every residential lot to be installed by the home builders (two in each 100' Lot), adjacent to the street rights of way, as well as trees in each rear yard (two in each 100' Lot). To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, as well as other open space trails and sidewalks shown on the Development Plan. All facilities with the Open Space areas will be owned and maintained by either the Hill Park Villas at Colleyville Homeowners Association. The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality designed homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

Hill Park Villas at Colleyville may be developed in multiple phases, with initial development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Economic Development Information

This phase of Hill Park Villas at Colleyville will have a total of Nine (9) homes, each with an average estimated value upon completion of approximately \$500,000 to over \$700,000, resulting in an overall tax base of \$4,950,000, based on a \$550,000 estimated average.

Development Standards

Permitted Land Uses: 1) Single Family Residences, Detached

Exhibit C - Statement of Planning Objectives (2 of 2)

Residential Lot Requirements and Setbacks:

Residential lot requirements and setbacks shall comply with the following provisions. Planning Area "A" refers to lots adjacent to the far western property line.

Planning Area "A".

- a. Minimum Lot Size - 12000 square feet
- b. Minimum Lot Width - 100 feet
- c. Minimum Lot Depth 120 feet
- d. Front Building Line 30 feet
- e. Side Building Line 10 feet
- f. Rear Building Line 25 feet
- g. Maximum Building Height
- h. Maximum Lot Coverage 50%

Open Space and Landscape Buffer

- a. Open Space Lots shall be maintained by the Homeowners Association.
- b. The following amenities are permitted in the open space lots: picnic tables, benches, playground equipment, concrete and crushed granite walking paths, a gazebo, an arbor, other garden type built environments including a fireplace, fountains, lights and a dock and pier. These amenities shall be owned and maintained by the Homeowners Association.

Fencing

Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry. Where lots back to existing residential lots, the existing fence shall be kept, maintained or improved in coordination with each owner. Where open space lots border adjacent properties, either the existing fence will be maintained or improved, or a decorative metal fence will be installed, all in cooperation with the adjacent property owner.

Streetscape Standards

Minimum of two (2) three to four-inch (3-4") caliper trees per front and rear yards of the 100' lots. Fully landscaped and spinklered front and rear yard within sixty days of completing a house.

Open Space Standards

The Common Open Space shall be either left natural (where disturbance and irrigation may harm existing trees) or fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned and operated by either the Homeowners Assoc. or the Property Owners Assoc., which shall have a mandatory membership of all property owners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Associations shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.

Signage: Monument and/or wall signs identifying the subdivision shall be built at each entry.

LEGEND

- LARGE CANYON TREES
- CERAMIC TILE
- PAVING AREA
- OPEN SPACE

SCALE

0 20 40 60 80 100 FEET

PROPOSED HULPARK VILLAS

COLOR SITE PLAN

OWNER/APPLICANT:

MIKEY K. BORRA

2575 HALL JOHNSON ROAD, #623

GRAPEVINE, TEXAS 76051

PHONE: (937) 219-4987

DATE: 11/27/23

BY: JDR

FOR: MIKEY K. BORRA

PROJECT: PROPOSED HULPARK VILLAS

LOT 1: 12,345 sq. ft.

LOT 2: 12,345 sq. ft.

LOT 3: 12,345 sq. ft.

LOT 4: 12,345 sq. ft.

LOT 5: 12,345 sq. ft.

LOT 6: 12,345 sq. ft.

LOT 7: 12,345 sq. ft.

LOT 8: 12,345 sq. ft.

LOT 9: 12,345 sq. ft.

LOT 10: 14,567 sq. ft.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number	Agenda Date	Number
4d	12/09/2013	
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration for approval of amendments to Chapter 3 Section 3.26-Fences, Free Standing Walls, and Screening Materials in the Land Development Code, Case GC13-021

Explanation

This item was presented to the City Council at the September 3, 2013 Pre-Council meeting. Based on discussion at this meeting staff proposes amendments to Section 3.26-Fences, Free Standing Walls, and Screening Materials in the Land Development Code. In April 2013, the City Council directed staff to review the specific construction and maintenance requirements for fences and walls in Section 3.26, and compare what other area cities require in comparison to Colleyville.

Proposed Amendments. Attached is a comparison matrix of area city requirements with regard to fence maintenance and construction standards. Staff proposes the following amendments (the sections below are labeled and numbered just as they would appear in Section 3.26; staff comments are italicized):

C. Maintenance

1. All fences erected as provided for in this section shall be maintained in good condition. Existing requirement
2. A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence. New requirement
3. The owner shall replace broken, damaged, removed, or missing parts of a fence within ten (10) days of, the day the owner received notice from the Administrative Official, with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance. The Administrative Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Administrative Official shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time extension shall provide the Administrative Official a written scope and schedule detailing materials and estimated time period of the completed

replacement for approval. New requirement

4. A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s). New requirement

5. Property owners shall maintain fences, including those existing prior to the adoption of this ordinance, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame, and fastenings free from deterioration, termite infestation, rot, rust, or loosening, and able to withstand at all times the wind pressure for which they were designed. New requirement

6. Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces. New requirement

7. Existing fences that were constructed prior to the adoption of this ordinance that were constructed with materials not currently permitted by this ordinance may be maintained as long as no part of the fence is, or becomes, unsafe, dilapidated, or a public nuisance. If the Administrative Official determines the fence is unsafe, dilapidated, or a public nuisance, the fence must be repaired with materials approved by this ordinance or be removed. New requirement

8. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the fence and an adjacent fence on a neighboring property, the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds. The above standards would provide detailed maintenance requirements for all fences and walls where none currently exist.

14. General Construction Requirements for Wood Fences

a. For commercial properties, all vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) and three-eighths (3/8") inch diameter, a minimum fifteen (15) gauge thickness, and set in a concrete footing. Picket fences, split rail fences, ranch style, or agricultural fences, or other types of decorative fences approved by the Building Official or his/her designee shall be permitted to use wood posts. New requirement. This would effectively prohibit wooden posts for any wood fence over four feet in height for commercial properties only.

b. Concrete footings shall be a minimum of eight (8) inches in diameter. New requirement

c. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24")

inches deep. New requirement

d. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36") inches deep. New requirement

e. Fence posts attached to, or supported by, other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall. New requirement

f. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism, and other sources of decay. New requirement

g. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of two inches between the bottom of the pickets and the ground. Fences located within drainage easements must be approved by the Public Works Director per the requirements of Section 8-170 of the Land Development Code and shall be built such that required drainage and stormwater run-off is not impeded. New requirement

h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay. New requirement

The above standards would provide detailed construction requirements for wood fences where none currently exist.

15. Sealed Plans Required for Masonry Walls, Columns and Fences

Staff proposes adding the following potential language to Section 3.26:

"For all masonry walls, columns, and fences authorized by this Section, required plans and specifications shall be prepared and sealed by a State of Texas registered engineer and shall consider the site's soil characteristics, wind loadings, and other environmental considerations. All field inspections and verifications for a new masonry wall, fence, and column must be approved by the design professional mentioned above or the professional's representative. Said inspection approval must be submitted to the Building Official in writing prior to the City's final inspection."

Sealed plans are not currently required for any fence construction. This would require all fence permits for masonry walls and/or columns to contain sealed plans from a registered professional engineer noted above. Similar to the current requirement that retaining walls over four feet in height must be designed by a professional engineer,

this would place the responsibility to ensure the structural integrity of the fence, wall, or column in the hands of an engineer.

Regarding inspections of masonry walls, columns and fences, the engineer would be required to submit to the City a copy of their field verification that the fence meets their criteria before the City performs a final inspection. Regarding inspections of wood fences, most cities (including all of the cities surveyed and Colleyville), only perform a final inspection for wood fences. Therefore, in order to ensure compliance with the proposed new standards, the building inspector would have the right to require the fence permit applicant to provide proof that the fence was constructed according to code at any point prior to the approval of the final inspection, either through verification from an independent third party professional, or through an on-site verification. Additionally, all fence permit applicants will be required to sign an acknowledgement of the City's requirements with the understanding that the fence will be built according to City standards.

Once adopted, a bulletin of the new standards be posted on the City's website and included in all other communication vehicles in which the City uses. All contractors in the City will be notified as well.

Recommendation

Approve

Attachments

1. Proposed Amendments to Section 3.26
2. City Comparison Matrix - Fence Construction and Maintenance Requirements
3. Proposed Ordinance

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

Section 3.26 Fences, Free Standing Walls, and Screening Materials

A. Scope

1. This section is to regulate fences, free standing walls and other screening material in a manner so as to promote safety, preserve property values, promote the general welfare of the City of Colleyville, and to enhance the aesthetic quality of the community.
2. No fence, screen, freestanding wall or other visual barrier shall be constructed or placed in such a manner as would endanger the health or safety of the general public.
3. For administrative purposes, all references to fences or walls shall be interpreted to apply to free standing structures.

B. Definitions

Perimeter Subdivision Fencing. A subdivision perimeter fence shall be construed to be any decorative or security fence along a substantial portion of the boundary or property line of any plat, replat or phase of a plat or replat or filing of a plat or replat as those terms are defined in *Chapter 2 – Definitions* of this Land Development Code, of any property (1) zoned other than CPO, CN, CC1, CC2, CC3, or ML and shown on an approved plat thereof , or (2) property that is zoned AG, RE, R40, R30, R20, R15, RD, RMF.

C. Maintenance

1. All fences erected as provided for in this section shall be maintained in good condition.
2. A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence.
3. The owner shall replace broken, damaged, removed or missing parts of a fence within ten (10) days of, the day the owner received notice from the Administrative Official, with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance. The Administrative Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Administrative Official shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time extension shall provide the Administrative Official a written scope and schedule detailing materials and estimated time period of the completed replacement for approval.
4. A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s).
5. Property owners shall maintain fences, including those existing prior to the adoption of this Ordinance, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.
6. Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces.
7. Existing fences that were constructed prior to the adoption of this Ordinance that were constructed with materials not currently permitted by this Ordinance may be maintained as long as no part of the fence is or becomes unsafe, dilapidated, or a public nuisance. If the Administrative Official determines the fence is unsafe, dilapidated, or a public nuisance the fence must be repaired with materials approved by this Ordinance or be removed.

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

8. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the fence and an adjacent fence on a neighboring property, the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.

~~Support columns and posts shall remain in an upright position and shall be generally perpendicular to the surrounding terrain. Masonry fences shall maintain their original aesthetic style and condition. Structurally unsound or substandard fences are considered unsafe and a nuisance and shall be repaired or replaced."~~

D. General Requirements/Prohibitions for all Fences and Free-standing Walls

1. *Screening Required in Residential Districts:*

- a. Nonresidential uses in a residential district shall be suitably screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use with a decorative masonry wall of not less than eight (8) feet in height. Said screening requirements shall not be mandatory for public schools, parks or churches, except where active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any non-residential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use with a decorative masonry wall of not less than (8) feet in height or a landscaped berm.
- b. Where a multifamily or mobile home use abuts a one or two family district, or where a mobile home use abuts a one, two or multifamily use or district, the side and rear property lines of said multifamily or mobile home use or district shall be suitably screened from view of any adjacent dissimilar residential dwelling or lot with a decorative masonry wall of not less than eight (8) feet in height or a landscaped berm.
- c. Nothing in this section shall restrict the fencing of tennis courts with traditional fencing material to a maximum of twelve (12) feet.

2. *Screening Required in Non-Residential Districts:*

- a. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened, with a decorative masonry wall, by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet.
- b. Where a district boundary separating a residential district from a nonresidential district is along a street, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.
- c. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height and shall be composed of decorative masonry material
- d. Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use with a decorative masonry wall of not less than eight feet in height or a landscaped berm.
- e. All roof mounted mechanical equipment and parapet wall structural supports shall be screened from view.
- f. All required screening between residential and commercial, institutional, multifamily and mobile home uses shall be maintained in good condition by the property owner of the commercial, institutional, multifamily and mobile home use.

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

3. *Screening Requirements for Waste, Garbage, Compacting and Recycling Containers:* The following regulations shall apply to all multifamily, mixed-use, institutional and commercial uses where large containers are utilized for the storage or compacting of waste, garbage or recycling materials for any properties where the building permit for the primary structure was issued on or after April 17, 2013:
 - a. All containers shall be fully enclosed by a decorative masonry wall.
 - b. Masonry materials shall match the masonry materials of the exterior wall of the primary structure on the property where the container is located.
 - c. The height of the screening wall shall be a minimum of six feet, or one foot above the height of the container/compactor, whichever is greater, and shall not exceed 10 feet in height.
 - d. The gate shall be composed of solid metal and shall be of a color that matches or compliments the masonry wall.
 - e. The gate shall remain closed at all times. Exception: gates for recycling bins that are accessible to the public may remain open provided all recycling material is completely stored within the container.
 - f. Where possible, gates shall be oriented away from the view of any roadway traffic.
 - g. All enclosures and containers shall be located behind all required building setbacks and shall be located a minimum of 25 feet from any properties zoned or used for non-multifamily residential purposes.
 - h. Unless subject to a different requirement as part of an SUP or PUD ordinance, for properties where the building permit for the primary structure was issued before April 17, 2013, the required enclosure and gate may be composed of wood or masonry materials to a minimum height of six feet and the gate must remain closed at all times. Otherwise, said properties shall be exempt from the other provisions of this section. However, loss of any legal-nonconforming status for any property and/or building as described in Section 3.7 in the Land Development Code shall require full compliance with this section.
 - i. The City shall have the right to remove any container in an enclosure that has been non-compliant with this sub-section for more than 30 days.
4. *Obstruction Prohibited:* No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed to be any fence, wall, hedge, shrubbery, etc., higher than thirty (30) inches above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven (7) feet above ground level. See Exhibit "3-1".

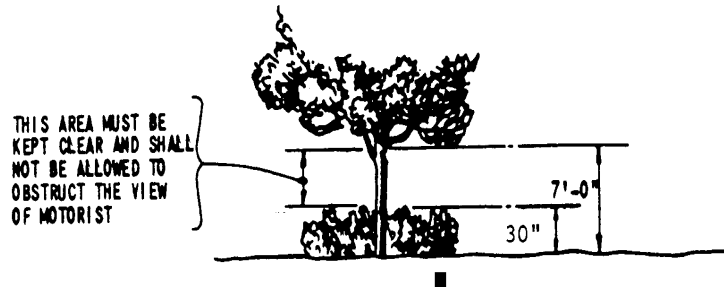


Exhibit "3-1"
Obstructions Prohibited

5. *Twenty-Five (25) Foot Visibility Triangle Required:* No fence, screen, wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25) feet back from the property corner along both streets. See Exhibit "3-2".

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

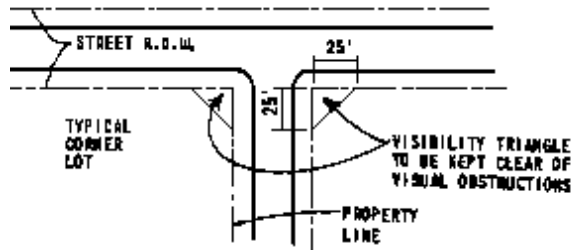


Exhibit "3-2"
Visibility Triangle

6. *Barbed Wire Prohibited:* Fences constructed of barbed wire and walls topped with broken glass or surfaced with any like material shall be prohibited except as provided below.

Barbed wire fences used in conjunction with permitted agricultural, livestock, and related activities, or in industrial districts are permitted without restrictions.

Barbed wire strands may be placed on the top of security fences in non-residential districts for the purpose of security from theft, entry and hazard such as around public utility substations and uses of a similar nature, provided the top strand is not higher than eight (8) feet nor the bottom strand lower than six (6) feet from the adjacent grade line.

7. *Electrical Fences:* Electrical fences and fence charging devices (Underwriters Laboratory approved) shall be plainly marked at a minimum of twenty-five (25) foot intervals as to the nature thereof.
8. *Eight (8) Foot Maximum Height:* No fence in a residential district shall exceed eight (8) feet in height above ground level at the fence line.
9. *Property Owners' Responsibility:* The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area defined between the extension of the property lines to the back of curb or edge of pavement free and clear of debris and high weeds. See Exhibit "3-3".

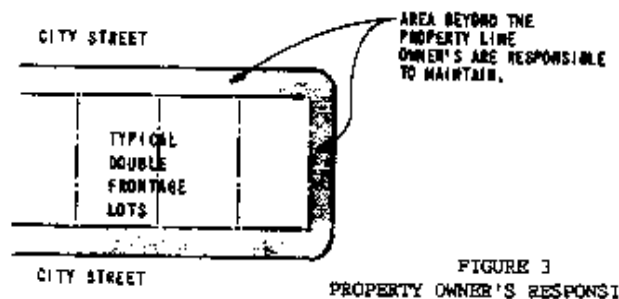


Exhibit "3-3"
Property Owner's Responsibility

10. *Public Property:* No fence, guy wire, brace or any post of such fence shall be constructed upon or cause to protrude over property that the City or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon drainage and utility easements which are permitted to be fenced.
11. *Floodway Permit Required:* The construction of a fence or wall in a floodway as shown on the most recent revision of the "Floodway - Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency (FEMA) shall require a development permit as currently required in the City's drainage policies.
12. *Swimming Pools:* All swimming pools shall be fenced. A solid or chain link type fence or a barrier at least four (4) feet in height shall completely enclose every swimming pool to be constructed. There shall be no openings, holes, or gaps bigger than four (4) inch spaces and no openings whatsoever on

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

horizontal picket type fences. All gates allowing access to the pool area shall be self-closing with self-latching devices located in the upper quarter of the gate. All entrances to the swimming pool area must be able to be secured by a combination or key locking device. A dwelling house, accessory building, or apartment building may be used as part of such enclosure provided that all entrances to the swimming pool are equipped with gates as described herein. All fences should conform to local governmental codes and restrictions.

13. Pre-Formed Concrete: Pre-formed concrete is a permitted masonry material provided the texture adequately mimics the intended style match, be it wood, brick, stone, etc. Pre-formed concrete fences shall be maintained in good condition including any painted fences. The building official shall approve the final finished surface and reserves the right to deny a fence permit application if the surface does not adhere to these regulations.

14. General Construction Requirements for Wood Fences

- a. For commercial properties, all vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) and three-eighths (3/8^{ths}) inch diameter, a minimum fifteen (15) gauge thickness, and set in a concrete footing. Picket fences, split rail fences, ranch style or agricultural fences, or other types of decorative fences approved by the Building Official or his/her designee shall be permitted to use wood posts.
- b. Concrete footings shall be a minimum of eight (8) inches in diameter.
- c. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24") inches deep.
- d. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36") inches deep.
- e. Fence posts attached to or supported by other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall.
- f. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism and other sources of decay.
- g. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of two inches between the bottom of the pickets and the ground. Fences located within drainage easements must be approved by the Public Works Director per the requirements of Section 8-170 of the Land Development Code and shall be built such that required drainage and stormwater run-off is not impeded.
- h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay.

15. Sealed Plans Required for Masonry Walls, Columns and Fences:— For all masonry walls, columns and fences authorized by this Section, required plans and specifications shall be prepared and sealed by a State of Texas registered engineer and shall consider the site's soil characteristics, wind loadings, and other environmental considerations. All field inspections and verifications for a new masonry wall, fence, and column must be approved by the design professional mentioned above or the professional's representative. Said inspection approval must be submitted to the Building Official in writing prior to the City's final inspection.

E. Fence and Free Standing Wall Setback Requirements

1. *Front Yards:* No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid construction shall extend into the required yard on which the primary structure faces.

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

- a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.
 - b. On a corner lot, a house shall be deemed to face on that street on which it has its least dimension unless otherwise determined by the Building Official.
 - c. Gate setback: Any gate shall be set back a sufficient distance from the property line to allow vehicle queuing space in order to maintain safety and to prevent backup along the street pavement. Sufficient distance shall be determined by the Building Official.
 - d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent solid construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. **This exception shall not apply to properties zoned as a PUD district.**
2. Corner Side Yards: Except where allowed elsewhere in this chapter, fences and walls within a required side yard adjacent to a street right of way shall meet the following setback standards:

A privacy fence or wall (which shall be defined as any fence or wall greater than thirty inches (30") in height or greater than 25 percent opaque construction) within a required street side yard shall be subject to whichever of the following provisions a) through d) shall yield the greatest setback:

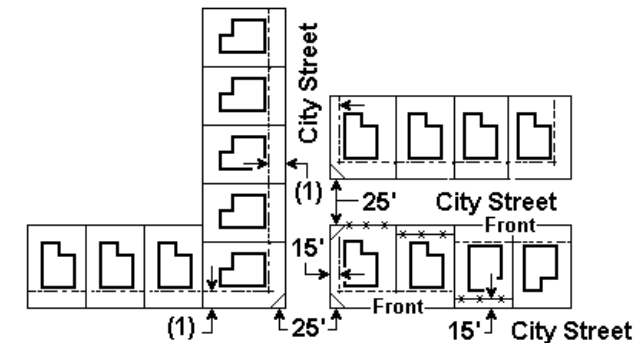
- a. If the subject lot has a street side yard which faces a dwelling front or lot front across the side street, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the property line, except on any lot having either a required side yard less than fifteen (15') feet or an existing primary structure setback less than fifteen (15') feet, then the fence or wall may be constructed with the same setback as the primary structure; or
- b. If the subject lot backs to the rear of another residential lot, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the side property line; or
- c. If the subject lot backs to the side of another residential lot, the side yard privacy fence or wall shall be located not closer to the side property line than the required front setback of the adjoining lot; or
- d. If the subject lot backs to an alley, the side yard privacy fence or wall shall be located not closer than fifteen feet (15') from the side property line.

A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding sections (a) through (d).

3. *Adjacent to Undeveloped Property:* Except for perimeter subdivision fencing meeting the requirements in paragraph "1.a" above, no fence or wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid masonry, shall be located less than fifteen (15) feet from the side property line adjacent to the street which leads into undeveloped property. See Exhibit "3-4".

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code



(1) Set-back established
by district regulations

Exhibit "3-4"
Typical 15'-0" Fence Setbacks

4. *Rear Fence and Free Standing Wall Setbacks:* Fences and walls meeting all of the construction requirements of paragraph "1.a" above and the Uniform Building Code may be erected on the rear property line except; however, lots whose rear property line abuts a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty (30) inches in height shall be located within fifteen (15) feet of the subject lots rear property line. See Exhibit "3-4".

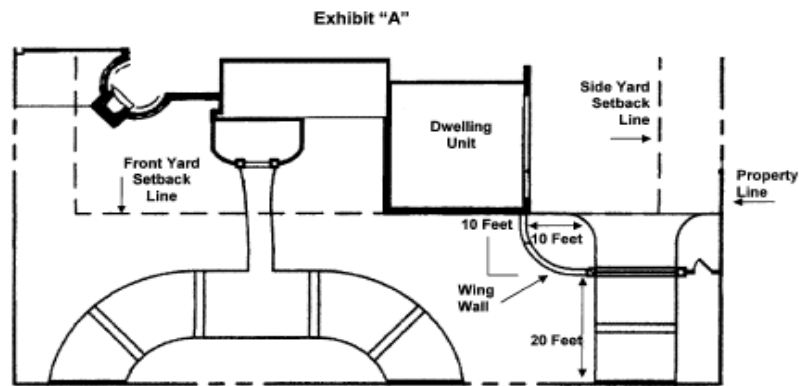
F. Security Gating Encroachments

A front yard fence or screening wall providing support for a security gate and not exceeding a maximum height of 6 feet, may encroach a maximum of 10-feet into the front yard setback of a residential lot when the fence or screening wall meets the following criteria and shown in Exhibit "A".:

1. The fence or screening wall shall attach to a gated entry across the driveway;
2. The fence or screening wall shall attach to the dwelling unit not more than 10 feet from the driveway and extend toward the driveway;
3. The fence or screening wall shall extend to the nearest side property line;
4. The fence or screening wall shall not extend beyond 10 feet into the setback from the dwelling unit;
5. The fence or screening wall shall not enclose nor extend across the entire front yard;
6. The gate and columns may not extend beyond one foot in height above the fence;
7. A minimum setback distance of 20 feet from the fence, screening wall and gate to the front property line shall be maintained.

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code



G. Administration

1. Fence Permit Required - It shall be unlawful for any individual, partnership, company or corporation to erect or have erected a fence or any part of a fence of permanent construction in the city limits without first obtaining a fence permit from the ~~Community Development Department~~ Office of Building Inspections.
2. Application for Permit - Any individual, partnership, company or corporation making application for a fence permit must sign an application for same showing the following information:
 - a. Applicants name, address, and in addition, if the applicant represents a company or corporation, the name and address of the supervisor or foreman of said company or corporation and the name of its president.
 - b. Name and owner of the property.
 - c. Local address where fence is proposed to be erected.
 - d. Materials and type of fence construction.
 - e. Height of fence.
 - f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
 - g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

H. Variances

1. Any variance to the provisions of this section shall be heard by the Zoning Board of Adjustment.

City Comparison Matrix - Fence Construction and Maintenance Requirements

	Grapevine	Eules	Bedford	Hurst	North Richland Hills	Keller	Southlake	Arlington	Frisco	Coppell	Flower Mound	Colleyville
Engineered Plans Required for Masonry Walls?	No	Yes	No	No	No	Yes	No	Yes*	No	No	No	No
Specific Construction Standards for Wood Fences?	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No
Detailed Maintenance Standards for Fences?	No	No	No	No	No	No	Yes	Yes	Yes	No	No	No

* A Registered Landscape Architect or Architect may also submit plans

ORDINANCE O-14-XXXX

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 3-LAND USE, SECTION 3.26 – FENCES, FREE STANDING WALLS AND SCREENING MATERIALS OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Section 3.26 of the Land Development Code by amending the maintenance and construction standards for fences and free standing walls; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT *Chapter 3-Land Use, Section 3.26* of the Land Development Code, is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage.

Sec. 6. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of January 2014.

The second reading and public hearing being conducted on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A"

Colleyville, Texas, Land Development Code

Section 3.26 Fences, Free Standing Walls, and Screening Materials

A. Scope

1. This section is to regulate fences, free standing walls and other screening material in a manner so as to promote safety, preserve property values, promote the general welfare of the City of Colleyville, and to enhance the aesthetic quality of the community.
2. No fence, screen, freestanding wall or other visual barrier shall be constructed or placed in such a manner as would endanger the health or safety of the general public.
3. For administrative purposes, all references to fences or walls shall be interpreted to apply to free standing structures.

B. Definitions

Perimeter Subdivision Fencing. A subdivision perimeter fence shall be construed to be any decorative or security fence along a substantial portion of the boundary or property line of any plat, replat or phase of a plat or replat or filing of a plat or replat as those terms are defined in *Chapter 2 – Definitions* of this Land Development Code, of any property (1) zoned other than CPO, CN, CC1, CC2, CC3, or ML and shown on an approved plat thereof , or (2) property that is zoned AG, RE, R40, R30, R20, R15, RD, RMF.

C. Maintenance

1. All fences erected as provided for in this section shall be maintained in good condition.
2. A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence.
3. The owner shall replace broken, damaged, removed or missing parts of a fence within ten (10) days of, the day the owner received notice from the Administrative Official, with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance. The Administrative Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Administrative Official shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time extension shall provide the Administrative Official a written scope and schedule detailing materials and estimated time period of the completed replacement for approval.
4. A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s).
5. Property owners shall maintain fences, including those existing prior to the adoption of this Ordinance, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.
6. Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces.
7. Existing fences that were constructed prior to the adoption of this Ordinance that were constructed with materials not currently permitted by this Ordinance may be maintained as long as no part of the fence is or becomes unsafe, dilapidated, or a public nuisance. If the Administrative Official determines the fence is unsafe, dilapidated, or a public nuisance the fence must be repaired with materials approved by this Ordinance or be removed.

Exhibit "A"

Colleyville, Texas, Land Development Code

8. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the fence and an adjacent fence on a neighboring property, the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.

D. General Requirements/Prohibitions for all Fences and Free-standing Walls

1. *Screening Required in Residential Districts:*

- a. Nonresidential uses in a residential district shall be suitably screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use with a decorative masonry wall of not less than eight (8) feet in height. Said screening requirements shall not be mandatory for public schools, parks or churches, except where active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any non-residential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use with a decorative masonry wall of not less than (8) feet in height or a landscaped berm.
- b. Where a multifamily or mobile home use abuts a one or two family district, or where a mobile home use abuts a one, two or multifamily use or district, the side and rear property lines of said multifamily or mobile home use or district shall be suitably screened from view of any adjacent dissimilar residential dwelling or lot with a decorative masonry wall of not less than eight (8) feet in height or a landscaped berm.
- c. Nothing in this section shall restrict the fencing of tennis courts with traditional fencing material to a maximum of twelve (12) feet.

2. *Screening Required in Non-Residential Districts:*

- a. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened, with a decorative masonry wall, by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet.
- b. Where a district boundary separating a residential district from a nonresidential district is along a street, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.
- c. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height and shall be composed of decorative masonry material
- d. Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use with a decorative masonry wall of not less than eight feet in height or a landscaped berm.
- e. All roof mounted mechanical equipment and parapet wall structural supports shall be screened from view.
- f. All required screening between residential and commercial, institutional, multifamily and mobile home uses shall be maintained in good condition by the property owner of the commercial, institutional, multifamily and mobile home use.

3. *Screening Requirements for Waste, Garbage, Compacting and Recycling Containers:* The following regulations shall apply to all multifamily, mixed-use, institutional and commercial uses where large containers are utilized for the storage or compacting of waste, garbage or recycling materials for any properties where the building permit for the primary structure was issued on or after April 17, 2013:

- a. All containers shall be fully enclosed by a decorative masonry wall.

Exhibit "A"

Colleyville, Texas, Land Development Code

- b. Masonry materials shall match the masonry materials of the exterior wall of the primary structure on the property where the container is located.
 - c. The height of the screening wall shall be a minimum of six feet, or one foot above the height of the container/compactor, whichever is greater, and shall not exceed 10 feet in height.
 - d. The gate shall be composed of solid metal and shall be of a color that matches or compliments the masonry wall.
 - e. The gate shall remain closed at all times. Exception: gates for recycling bins that are accessible to the public may remain open provided all recycling material is completely stored within the container.
 - f. Where possible, gates shall be oriented away from the view of any roadway traffic.
 - g. All enclosures and containers shall be located behind all required building setbacks and shall be located a minimum of 25 feet from any properties zoned or used for non-multifamily residential purposes.
 - h. Unless subject to a different requirement as part of an SUP or PUD ordinance, for properties where the building permit for the primary structure was issued before April 17, 2013, the required enclosure and gate may be composed of wood or masonry materials to a minimum height of six feet and the gate must remain closed at all times. Otherwise, said properties shall be exempt from the other provisions of this section. However, loss of any legal-nonconforming status for any property and/or building as described in Section 3.7 in the Land Development Code shall require full compliance with this section.
 - i. The City shall have the right to remove any container in an enclosure that has been non-compliant with this sub-section for more than 30 days.
4. **Obstruction Prohibited:** No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed to be any fence, wall, hedge, shrubbery, etc., higher than thirty (30) inches above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven (7) feet above ground level. See Exhibit "3-1".

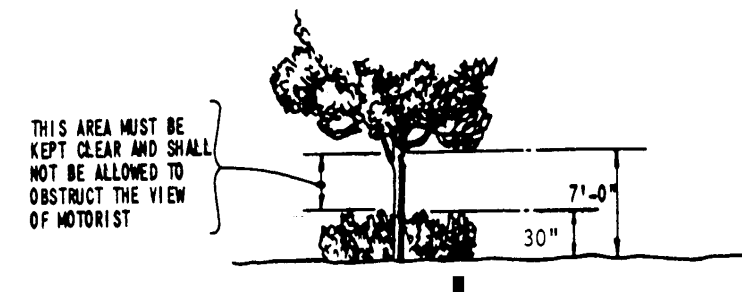


Exhibit "3-1"
Obstructions Prohibited

5. **Twenty-Five (25) Foot Visibility Triangle Required:** No fence, screen, wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25) feet back from the property corner along both streets. See Exhibit "3-2".

Exhibit "A"

Colleyville, Texas, Land Development Code

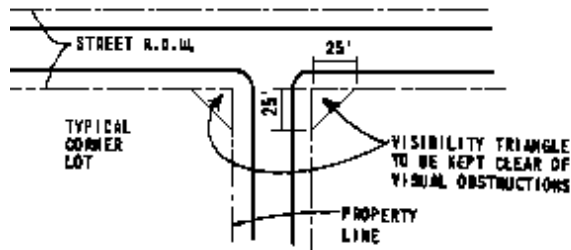


Exhibit "3-2"
Visibility Triangle

6. *Barbed Wire Prohibited:* Fences constructed of barbed wire and walls topped with broken glass or surfaced with any like material shall be prohibited except as provided below.

Barbed wire fences used in conjunction with permitted agricultural, livestock, and related activities, or in industrial districts are permitted without restrictions.

Barbed wire strands may be placed on the top of security fences in non-residential districts for the purpose of security from theft, entry and hazard such as around public utility substations and uses of a similar nature, provided the top strand is not higher than eight (8) feet nor the bottom strand lower than six (6) feet from the adjacent grade line.

7. *Electrical Fences:* Electrical fences and fence charging devices (Underwriters Laboratory approved) shall be plainly marked at a minimum of twenty-five (25) foot intervals as to the nature thereof.
8. *Eight (8) Foot Maximum Height:* No fence in a residential district shall exceed eight (8) feet in height above ground level at the fence line.
9. *Property Owners' Responsibility:* The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area defined between the extension of the property lines to the back of curb or edge of pavement free and clear of debris and high weeds. See Exhibit "3-3".

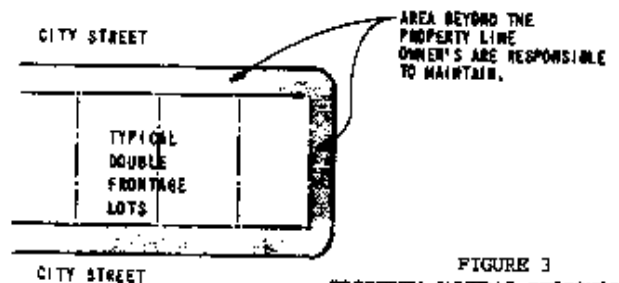


FIGURE 3
PROPERTY OWNER'S RESPONSIBILITY

Exhibit "3-3"
Property Owner's Responsibility

10. *Public Property:* No fence, guy wire, brace or any post of such fence shall be constructed upon or cause to protrude over property that the City or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon drainage and utility easements which are permitted to be fenced.
11. *Floodway Permit Required:* The construction of a fence or wall in a floodway as shown on the most recent revision of the "Floodway - Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency (FEMA) shall require a development permit as currently required in the City's drainage policies.
12. *Swimming Pools:* All swimming pools shall be fenced. A solid or chain link type fence or a barrier at least four (4) feet in height shall completely enclose every swimming pool to be constructed. There shall be no openings, holes, or gaps bigger than four (4) inch spaces and no openings whatsoever on horizontal picket type fences. All gates allowing access to the pool area shall be self-closing with

Exhibit "A"

Colleyville, Texas, Land Development Code

self-latching devices located in the upper quarter of the gate. All entrances to the swimming pool area must be able to be secured by a combination or key locking device. A dwelling house, accessory building, or apartment building may be used as part of such enclosure provided that all entrances to the swimming pool are equipped with gates as described herein. All fences should conform to local governmental codes and restrictions.

13. **Pre-Formed Concrete:** Pre-formed concrete is a permitted masonry material provided the texture adequately mimics the intended style match, be it wood, brick, stone, etc. Pre-formed concrete fences shall be maintained in good condition including any painted fences. The building official shall approve the final finished surface and reserves the right to deny a fence permit application if the surface does not adhere to these regulations.

14. **General Construction Requirements for Wood Fences**

- a. For commercial properties, all vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) and three-eighths (3/8") inch diameter, a minimum fifteen (15) gauge thickness, and set in a concrete footing. Picket fences, split rail fences, ranch style or agricultural fences, or other types of decorative fences approved by the Building Official or his/her designee shall be permitted to use wood posts.
 - b. Concrete footings shall be a minimum of eight (8) inches in diameter.
 - c. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24") inches deep.
 - d. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36") inches deep.
 - e. Fence posts attached to or supported by other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall.
 - f. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism and other sources of decay.
 - g. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of two inches between the bottom of the pickets and the ground. Fences located within drainage easements must be approved by the Public Works Director per the requirements of Section 8-170 of the Land Development Code and shall be built such that required drainage and stormwater run-off is not impeded.
 - h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay.
15. **Sealed Plans Required for Masonry Walls, Columns and Fences:** For all masonry walls, columns and fences authorized by this Section, required plans and specifications shall be prepared and sealed by a State of Texas registered engineer and shall consider the site's soil characteristics, wind loadings, and other environmental considerations. All field inspections and verifications for a new masonry wall, fence, and column must be approved by the design professional mentioned above or the professional's representative. Said inspection approval must be submitted to the Building Official in writing prior to the City's final inspection.

E. Fence and Free Standing Wall Setback Requirements

1. **Front Yards:** No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid construction shall extend into the required yard on which the primary structure faces.

Exhibit "A"

Colleyville, Texas, Land Development Code

- a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.
 - b. On a corner lot, a house shall be deemed to face on that street on which it has its least dimension unless otherwise determined by the Building Official.
 - c. Gate setback: Any gate shall be set back a sufficient distance from the property line to allow vehicle queuing space in order to maintain safety and to prevent backup along the street pavement. Sufficient distance shall be determined by the Building Official.
 - d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent solid construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. **This exception shall not apply to properties zoned as a PUD district.**
2. Corner Side Yards: Except where allowed elsewhere in this chapter, fences and walls within a required side yard adjacent to a street right of way shall meet the following setback standards:

A privacy fence or wall (which shall be defined as any fence or wall greater than thirty inches (30") in height or greater than 25 percent opaque construction) within a required street side yard shall be subject to whichever of the following provisions a) through d) shall yield the greatest setback:

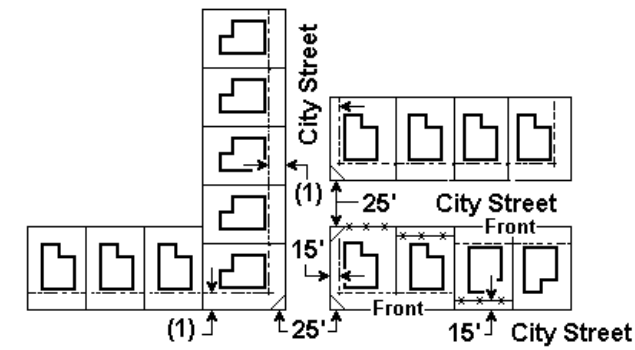
- a. If the subject lot has a street side yard which faces a dwelling front or lot front across the side street, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the property line, except on any lot having either a required side yard less than fifteen (15') feet or an existing primary structure setback less than fifteen (15') feet, then the fence or wall may be constructed with the same setback as the primary structure; or
- b. If the subject lot backs to the rear of another residential lot, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the side property line; or
- c. If the subject lot backs to the side of another residential lot, the side yard privacy fence or wall shall be located not closer to the side property line than the required front setback of the adjoining lot; or
- d. If the subject lot backs to an alley, the side yard privacy fence or wall shall be located not closer than fifteen feet (15') from the side property line.

A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding sections (a) through (d).

3. *Adjacent to Undeveloped Property:* Except for perimeter subdivision fencing meeting the requirements in paragraph "1.a" above, no fence or wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid masonry, shall be located less than fifteen (15) feet from the side property line adjacent to the street which leads into undeveloped property. See Exhibit "3-4".

Exhibit "A"

Colleyville, Texas, Land Development Code



(1) Set-back established
by district regulations

Exhibit "3-4"
Typical 15'-0" Fence Setbacks

4. *Rear Fence and Free Standing Wall Setbacks:* Fences and walls meeting all of the construction requirements of paragraph "1.a" above and the Uniform Building Code may be erected on the rear property line except; however, lots whose rear property line abuts a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty (30) inches in height shall be located within fifteen (15) feet of the subject lots rear property line. See Exhibit "3-4".

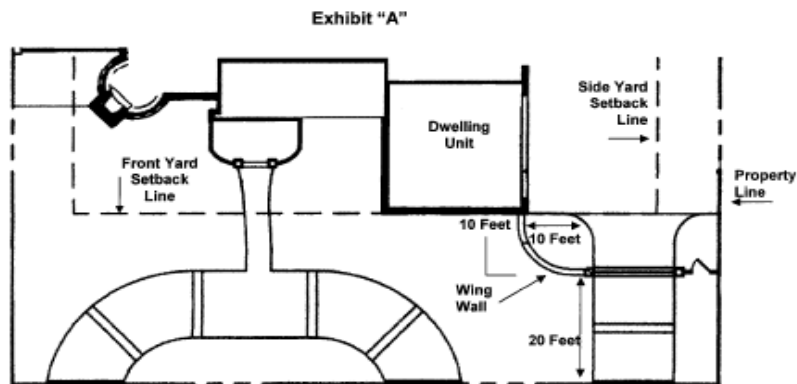
F. Security Gating Encroachments

A front yard fence or screening wall providing support for a security gate and not exceeding a maximum height of 6 feet, may encroach a maximum of 10-feet into the front yard setback of a residential lot when the fence or screening wall meets the following criteria and shown in Exhibit "A".:

1. The fence or screening wall shall attach to a gated entry across the driveway;
2. The fence or screening wall shall attach to the dwelling unit not more than 10 feet from the driveway and extend toward the driveway;
3. The fence or screening wall shall extend to the nearest side property line;
4. The fence or screening wall shall not extend beyond 10 feet into the setback from the dwelling unit;
5. The fence or screening wall shall not enclose nor extend across the entire front yard;
6. The gate and columns may not extend beyond one foot in height above the fence;
7. A minimum setback distance of 20 feet from the fence, screening wall and gate to the front property line shall be maintained.

Exhibit "A"

Colleyville, Texas, Land Development Code



G. Administration

1. Fence Permit Required - It shall be unlawful for any individual, partnership, company or corporation to erect or have erected a fence or any part of a fence of permanent construction in the city limits without first obtaining a fence permit from the Community Development Department.
2. Application for Permit - Any individual, partnership, company or corporation making application for a fence permit must sign an application for same showing the following information:
 - a. Applicants name, address, and in addition, if the applicant represents a company or corporation, the name and address of the supervisor or foreman of said company or corporation and the name of its president.
 - b. Name and owner of the property.
 - c. Local address where fence is proposed to be erected.
 - d. Materials and type of fence construction.
 - e. Height of fence.
 - f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
 - g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

H. Variances

1. Any variance to the provisions of this section shall be heard by the Zoning Board of Adjustment.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 4e	Agenda Date 12/09/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration for approval of amendments to Chapter 8-Plat Review Procedures in the Land Development Code, Case GC13-022

Explanation

This item was presented to the City Council at the September 3, 2013 Pre-Council meeting. Based on discussion at this meeting staff proposes amendments to Chapter 8-Plat Review Procedures in the Land Development Code. In May 2013, the City Council directed staff to review the procedures, specifically as they relate to the City Council's approval authority over subdivision plats. Staff was directed, where possible, to remove the requirement that the City Council approve plats.

Platting 101. Platting property is part of the development process. A subdivision plat is a map of specific land showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, and easements drawn to scale, which must be recorded in the Tarrant County Clerk's office after it has received the requisite approvals from the City. Cities are given the authority to require and regulate plats from Chapter 212 of the Texas Local Government Code. The regulation of subdivision platting is based upon the City's legitimate interest in promoting orderly development; insuring that subdivisions are constructed safely; and protecting future owners from inadequate police and fire protection, inadequate drainage, and unsanitary conditions. The Texas Local Government Code allows the City Council to approve a subdivision plat or, if the City Council chooses, delegate the approval of a plat to the Planning and Zoning Commission. In the case of Amending and Minor Plats, Chapter 212 states that a City may delegate the approval authority of a plat to City staff.

Chapter 212 also requires cities to approve a plat that satisfies all applicable municipal regulations, which includes zoning regulations, PUD ordinance requirements, subdivision regulations, etc. This means that the applicable approving body (staff, the Planning and Zoning Commission, and/or the City Council) must approve the plat if it meets all City development requirements. The legal reference for the requirement that the approving body must approve a plat based on full compliance with City requirements is called a "ministerial" action. The plat may only be denied by the approving body if it does not comply with a particular City requirement. The legal reference for the instance when the approving body has the option to approve or deny the plat based on any non-compliance with a City ordinance is called a "legislative"

action.

A ministerial action, as it relates to a plat approval action, may be granted to City staff where allowed by local ordinance and the Texas Local Government Code, the Planning and Zoning Commission, and/or the City Council. A legislative action may only be granted to the Planning and Zoning Commission and the City Council with no option for staff approval.

Proposed Amendments. Given the platting information above and, based on the City Council's direction, staff has performed a thorough review of the procedures, as well as a review of the procedures of the seven cities that surround Colleyville (attached). Based on this review and the direction from the City Council, staff proposes the following amendments to Chapter 8-Plat Review Procedures in the Land Development Code, which are also attached as mark-ups to Chapter 8:

Changes to Plat Classifications

Staff proposes the addition of a Combination Preliminary/Final Plat to the plat classifications in the chapter. A Combination Preliminary/Final Plat would be allowed where a new subdivision that includes more than four lots that also includes a new street is to be developed in a single phase with no unplatted land left to be platted in a future phase of development. The fee would be the same as the fee for a final plat, which is \$350 plus \$7.50 per lot. The purpose of adding the new classification is based on the following reasons:

1. It reduces staff time spent on review of both a preliminary and then a final plat;
2. It streamlines the process for developers by allowing submission of a single combination plat as opposed to a separate preliminary and final plat;
3. Given the life-cycle of the City, there are fewer large tracts of land available for development in the City that necessitate a multi-phase subdivision in the City.

For the purpose of making the procedures easier to read, staff has also created new sections for each plat classification in the chapter. Therefore, each plat classification will be coded and defined as follows:

- Preliminary Plats - Section 8-140. Definition of a Preliminary Plat: A map, drawing, or chart showing the proposed arrangement of streets, lots, easements, and other public spaces in the subdivision. A Preliminary Plat is used when a plat contains more than four lots, will create new street(s), or will be developed in more than one phase.
- Final Plats - Section 8-145. Definition of a Final Plat: A map, drawing, or chart prepared according to the provisions of this Land Development Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of

same in the maps and plats records of the county. A Final Plat is the second step in the platting process upon approval of the Preliminary Plat.

- Combination Preliminary/Final Plat - Section 8-150. Definition of a Combination Preliminary/Final Plat: A map, drawing, or chart prepared according to the provisions of this Land Development Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county. As proposed, a Combination Preliminary/Final Plat would be allowed where a new subdivision that includes more than four lots and/or includes a new street is to be developed in a single phase with no unplatted land left to be platted in a future phase of development.

- Minor Plat - Section 8-155. Definition of a Minor Plat: A subdivision of not more than four lots, which fronts on an existing street and does not require the creation of any new street, or the extension of municipal facilities, which allows a short form process that eliminates the need for a preliminary plat. A Minor Plat must contain all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.

- Replat - Section 8-160. Definition of a Replat: A replat is used when a previously platted property is proposed for redevelopment or an existing platted lot is proposed for further subdivision. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion does not dictate the submittal of a Preliminary Plat.

- Amending Plat - Section 8-165. Definition of an Amending Plat: A map, drawing, or chart prepared to show a minor change of an existing subdivision to a lot line or correction of an error such that the changes are not substantive, and no new lots are created.

The definitions would be added to Chapter 2-Definitions in the Land Development Code concurrent with the adoption of any amendments to Chapter 8.

Changes to Plat Approval Authority

Per the attached table, staff proposes the following changes to the approval authority of plats by classification type:

1. Preliminary Plats - Changed to allow the Planning and Zoning Commission to have final approval authority of the plat. If the plat application includes a request for a waiver or modification of a platting regulation, then the City Council must also approve the request. Currently the City Council has the final approval authority for a Preliminary Plat. A waiver can include any waiver of a Land Development Code requirement that pertains specifically to a plat such as lot size, lot width, right-of-way

dedication criteria, etc.

2. Final Plats - Changed to allow the Planning and Zoning Commission to have final approval authority of the plat. If the plat application includes a request for a waiver or modification of a platting regulation, then the City Council must also approve the request. Currently the City Council has the final approval authority for a Final Plat.

3. Combination Preliminary/Final Plats - This is a new classification. The Planning and Zoning Commission would have final approval authority of the plat. If the plat application includes a request for a waiver or modification of a platting regulation, then the City Council must also approve the request.

4. Minor Plat - Changed to allow the Community Development Director to have final approval authority of the plat. If the plat application includes a request for a waiver or modification of a platting regulation and/or is denied by the Community Development Director for any reason, then the Planning and Zoning Commission has final approval authority for the plat. If the Planning and Zoning Commission denies the plat, the applicant would have the ability to appeal the decision of the Commission to the City Council. Currently the Planning and Zoning Commission has the final approval authority for a Minor Plat. Chapter 212.0065 of the Texas Local Government Code allows cities to delegate approval of a Minor Plat to City staff.

5. Replat - No changes are proposed for Replats. Currently the Planning and Zoning Commission has final approval authority for Replats with the ability to appeal the plat for City Council approval, in the event of denial by the Planning and Zoning Commission.

6. Amending Plat - No changes are proposed for Amending Plats. Currently City staff has final approval authority for Amending Plats. "Staff" has been amended to read the "Community Development Director" for the purpose of consistency with the Minor Plat requirement. Per the current procedures for Amending Plats, if the plat application includes a request for a waiver or modification of a platting regulation and/or is denied by the Community Development Director for any reason, then the Planning and Zoning Commission has final approval authority for the plat. If the Planning and Zoning Commission denies the plat, the applicant would have the ability to appeal the decision of the Commission to the City Council. Chapter 212.0065 of the Texas Local Government Code allows cities to delegate approval of an Amending Plat to City staff.

The above approval authority conditions are shown on the attached table, which is also detailed in the Land Development Code attachment.

Other changes to the chapter include minor changes related to grammar, reference amendments, and structure.

Recommendation

Approve

Attachments

1. Proposed Amendments to Chapter 8
2. Proposed Subdivision Plat Approval Authority Table
3. Comparison of Plat Requirements for Cities that Surround Colleyville
4. Proposed Ordinance

Proposed Amendments to Chapter 8

Chapter 8 Plat Review Procedures

(Rev. 01/21/2014~~02/21/06~~)

Section 8 – 100 Purpose of This Chapter

The purpose of this Chapter is to establish regulations which describe the process for the review and approval of subdivision plats, but more specifically to:

- A. provide for the safe, orderly, and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community;
- B. encourage the orderly development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promoting in-fill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas;
- C. encourage appropriate protection to environmentally sensitive areas;
- D. ensure that public facilities and services are available; and
- E. establish procedures for the review and approval of subdivision plats.

Section 8 – 105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

- A. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
- B. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
- C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution and laws of the State of Texas.

Section 8 – 110 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 8 – 115 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Proposed Amendments to Chapter 8

Section 8 – 120 Plat Approval Required

It shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits of the City of Colleyville, Texas, or extraterritorial jurisdiction, to hereafter divide the same tract of land into two or more parts, to lay out a subdivision, to lay out a building lot, or to lay out a street, alley, square, park, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purpose of development without having a plat of the subdivision prepared and approved in accordance with this Chapter. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. The provisions of this Chapter shall apply to any development which is intended as a single lot, tract or parcel where a primary structure will be located. Furthermore, the following shall be applicable to all subdivisions of land:

- A. It shall be the policy of the City of Colleyville to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the Colleyville Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.
- B. The City has no obligation to extend water or sewer service to any lot, tract or parcel or land sold or created in violation of this Chapter.
- C. All plats and subdivisions shall conform to the rules and regulations set forth herein.
- D. This Chapter is not intended to repeal, abrogate, or impair any existing plans or ordinances. However, where the provisions of this Chapter and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.
- E. The provisions contained in this Chapter, shall be considered as the minimum requirements for review and approval of a subdivision plat.

Section 8 – 125 Plat Required for Building Permit

No building permit shall be approved for any lot, tract or parcel of land unless and until a plat has been approved in accordance with this Land Development Code, except as provided as follows:

- A. Residential Structures - A building permit for an addition to, or renovation of, an existing residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- B. Non-residential Structures - A building permit for an addition to, or renovation of, an existing non-residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- C. Platting Exemption for Certain Accessory Buildings - A building permit for an accessory structure may be issued on an un-platted lot in the Agricultural District.
- D. Public Facilities Available - No building permit for a primary building will be issued until all public facilities have been installed and have been approved and accepted by the City or provision, acceptable to the City, has been made by the developer for such public facilities.

Proposed Amendments to Chapter 8

Section 8 – 130 Approval Authority Over Subdivision Plats

- A. Approval of Plats Required —~~In accordance with Chapter 212.004 of the Local Government Code, the Planning and Zoning Commission shall approve all subdivision plats, provided said plat conforms to the requirements and specifications of this Land Development Code. In addition to the requirement of approval of subdivision plats by the Planning and Zoning Commission, the City Council shall also be required to approve subdivision plats, except for the approval of minor plats or amending plats. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail.~~ The approving body for all subdivision plats shall be in accordance with the following table:

Approving Body Responsible for Approving Plats			
Classification of Plat	Staff	P&Z	Council
<u>Combination Preliminary/Final Plat</u>	<u>no</u>	<u>yes</u>	<u>no</u>
Preliminary Plats	no	yes	<u>no</u> yes
Final Plats	no	yes	<u>no</u> yes
Minor Plats	<u>yes</u> no	<u>no</u> *yes	<u>no</u> No
<u>Replat</u>	<u>no</u>	<u>yes</u>	<u>no</u>
Amending Plats	yes	no *	no **

* The Planning and Zoning Commission shall have the authority to approve a Minor Plat and ~~an~~ Amending Plat which has not been approved by City Staff.

** ~~The Planning and Zoning Commission may additionally require the approval of an amending plat by the City Council.~~

- B. Preliminary, Final or Combination Preliminary/Final Plat Approval by the Planning and Zoning Commission - The Planning and Zoning Commission shall approve or disapprove a Preliminary, Final or Combination Preliminary/Final Plat. If the application includes a request for a waiver or modification of a platting regulation, the City Council must also approve the request.
- C. Replat Approval by the Planning and Zoning Commission - The Planning and Zoning Commission shall approve or disapprove a Replat. If the application includes a request for a waiver or modification of a platting regulation, the City Council may approve the request upon appeal by the applicant to the decision of the Planning and Zoning Commission.
- ~~DB.~~ Minor Plat Approval by ~~Planning and Zoning Commission~~Staff – The Community Development Director~~Planning and Zoning Commission~~ shall be authorized to approve ~~or disapprove~~ a Minor Plat, as defined by this Land Development Code provided said plat conforms to the requirements and specifications of this Land Development Code, without the additional approval of the Planning and Zoning Commission~~City Council~~. If the application includes a request for a waiver or modification of a platting regulation, the Planning and Zoning Commission shall ~~have the authority to~~ approve ~~or disapprove~~ the request. The City Council may approve the request upon appeal by the applicant to the decision of the Planning and Zoning Commission.~~The Planning and Zoning Commission may require the additional approval of any Minor Plat or waiver request by the City Council. The Community Development Director, may not disapprove a Minor Plat, but shall refer any Minor Plat which he/she refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.~~
- ~~EG.~~ Amending Plat Approval by Staff – The Community Development Director~~City Manager, or his designee,~~ shall be authorized to approve an Amending Plat as defined by the Local Government Code, provided said plat conforms to the requirements and specifications of this Land Development Code. If the

Proposed Amendments to Chapter 8

application includes a request for a waiver from the subdivision requirements, the Community Development Director~~the City Manager, or his designee~~, shall present the amending plat to the Planning and Zoning Commission for approval. The Planning and Zoning Commission shall have the authority to approve the Amending Plat. The Planning and Zoning Commission may require additional approval of any Amending Plat by the City Council.

The Community Development Director~~The City Manager, or his designee~~, may not disapprove an Amending Plat, but shall refer any Amending Plat which he refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.

~~FD.~~ Appeal Procedure – A subdivision plat that has been denied by the Planning and Zoning Commission may be appealed to the City Council for consideration at the next available public meeting. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail.

Section 8 – 135 Procedure for Approval of Subdivisions

- A. Time Period for Taking Action – The ~~Planning and Zoning Commission~~approving body shall approve or disapprove a subdivision application within thirty (30) days after the date the subdivision application is filed as provided in this Chapter. A subdivision application is considered approved if the ~~Planning and Zoning Commission~~approving body fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the ~~Planning and Zoning Commission~~approving body, provided said request is submitted in writing.
- B. Additional Time Period for City Council Approval – Where City Council action is required or requested on a subdivision application as provided in this Chapter, the action shall be taken no later than thirty (30) days after the date the subdivision application was considered by the Planning and Zoning Commission. A subdivision is considered approved if the City Council fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the City Council, provided said request is submitted in writing.
- C. Certificate of Compliance – In cases where the City fails to act on a subdivision application within the thirty day time period, the ~~Community Development Director~~Administrative Official, upon written request, shall issue a certificate of compliance stating the date the subdivision was filed and that the City failed to act on the subdivision application within the specified time.
- D. Authorization to Sign Plats – The approval of a plat by the approving body by the City Council, or in the case of a Minor or Amending plat by the staff or Planning and Zoning Commission, shall constitute authority for the Community Development Director or, the Chairman and Secretary of the Planning and Zoning Commission and/or the Mayor and City Secretary, ~~or staff~~ to execute said plat, and shall constitute approval for recording in the County Clerk's Office of Tarrant County.
- E. Modification of Conditions – Where the approving body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to these platting regulations so that substantial justice may be done and the public interest secured. Such a finding by the City shall not have the effect of nullifying the intent and purpose of these platting regulations.
- F. Completeness Determination – Every subdivision plat application shall be subject to a determination of completeness by the Administrative Official as provided for in this Section.
 - 1. No later than the tenth business day from the date the application is received, the Administrative Official shall make a written determination that all documents required by the Land Development Code for a subdivision plat submittal have been received.
 - 2. The applicant shall be provided written notice of any deficient documents no later than ten (10) business days from the date the application is received. The determination shall specify the

Proposed Amendments to Chapter 8

documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information are not provided. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided herein.

3. The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing,
 4. A determination of completeness by the Administrative Official shall not constitute a determination of compliance with the substantive requirements of the Land Development Code.
- G. Expiration of Application – If a subdivision plat application is not completed on or before the 45th day after the application is received by the Administrative Official for processing, the application will be deemed to have expired. Thereafter, a new subdivision plat application must be submitted, including payment of the applicable application fee. The City shall retain any fee paid for reviewing the original application for completeness.
- H. Incompleteness as Grounds for Denial – No subdivision plat application shall be scheduled for action by an approving body unless it is determined that the application is complete and all required items, studies and documents have been submitted to and received by the City, unless the applicant has provided a written request for a waiver or modification of said requirement. An incomplete subdivision application shall be grounds for denial or revocation of the application. No vesting right shall accrue from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.
- I. Official Plat Submittal Date – The date from which the statutory period requiring approval or disapproval of a subdivision plat application shall commence on the date the Administrative Official responsible for processing subdivision plat applications has determined the application to be complete and marked said date on the application and has scheduled said application for action by the approving body.
- J. Development Review Committee – The City Manager shall designate a Development Review Committee (DRC) which shall be an advisory committee to the Planning and Zoning Commission and have responsibility for providing comments and recommendations on subdivision applications. In addition, the Development Review Committee shall submit comments and recommendations on vacation of public rights-of-way or easements and site plan reviews required by this Code. The Administrative Official responsible for subdivision review shall coordinate the actions of the Development Review Committee.
- K. DRC Review – Copies of subdivision plat applications shall be distributed to the Development Review Committee (DRC) members for technical review. The DRC shall provide written comments and recommendations on the proposed development to the Administrative Official.
- The Administrative Official responsible for subdivision review shall compile a report of the written comments received from the DRC and provide a copy of said report to the subdivider within five (5) working days following the day of receipt of all staff comments. The subdivider shall submit revised copies of the subdivision application, which incorporates and fully satisfies the comments of the DRC or provide written response as to why such modification is not proposed.
- L. Consistency with Master Plans – No subdivision plat shall be approved which is not consistent with the Colleyville Master Plan, the Parks Development Plan, and trail systems plans of the City.
- M. Compliance with Zoning – No subdivision plat shall be approved that is not consistent with the existing zoning regulations applicable to the property being platted, unless a rezoning application is pending that will provide consistency with the proposed development.
- N. Public Facilities – No subdivision application shall be approved by the City unless the Director of Public Works has reviewed the construction plans for the proposed public improvements and has determined that the public facilities will be adequate to support and service the area of the proposed subdivision. To expedite the review process, the Director of Public Works may accept a written offer by the developer as satisfactory evidence that public improvement requirements of the Land Development Code will be satisfied. The Director of Public Works may require the applicant to submit sufficient information and data

Proposed Amendments to Chapter 8

to demonstrate that the existing public facilities are adequate to serve the proposed subdivision. Public facilities and services to be examined for adequacy shall include drainage facilities, roads, sewage, and water systems. Public facilities shall be designed and constructed in accordance with the requirements contained in this Land Development Code. Said proposed public improvements shall conform to and be properly related to the Colleyville Master Plan and all applicable capital improvement plans, including but not limited to the following:

1. Master Thoroughfare Plan – All subdivisions shall be designed to coordinate with the right-of-way widths and street patterns shown on the Master Thoroughfare Plan.
 2. Water System - All lots shall be served by a public water system capable of providing water for health and emergency purposes, including adequate fire protection. Proposed water system improvements shall be consistent with the Master Water System Plan.
 3. Wastewater Collection System - All lots shall be served by an approved means of wastewater collection and treatment. Proposed sewer system improvements shall be consistent with the Master Wastewater Collection System Plan.
 4. Storm Water Management - The Director of Public Works may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments. Any proposed drainage system improvements shall be consistent with the Master Storm Water Management Plan.
- O. Records Maintenance – The Administrative Official responsible for subdivision review shall maintain a record of each application submitted under this Chapter, and the action taken on the application.
- P. Dedication Offers – All streets, drainage ways, parks, and other rights-of-way or public easements shown within a subdivision plat and intended for public use shall be offered for dedication as part of the approval of a plat. Upon approval of the subdivision application by the City, the offers shall be deemed dedicated and available for acceptance by the City in accordance with the requirements of this Section.
1. Whenever a subdivision proposes the dedication of land for public use and the City finds that such land is not required or is not suitable for public use, the approving body shall either deny the subdivision application or require the rearrangement of lots to include such land.
 2. The approval of a subdivision plat by the City is not considered an acceptance of any dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City Council makes an actual appropriation of the dedicated parts by entry, use, or improvement.
 3. Disapproval of a plat shall be deemed a refusal by the City to accept the offered dedications shown thereon.
- Q. Nuisance Ordinances and Outstanding Liens – No subdivision plat shall be placed on the agenda for action by an approving body in which the Code Enforcement Officer has issued notice to the owner of the property being subdivided that the property being considered for development is in violation of a public nuisance ordinance of the City of Colleyville and the violation has not been abated prior to the subdivision application date. No subdivision plat shall be placed on the agenda for action by an approving body that has an outstanding delinquent lien payable to the City of Colleyville.
- R. Frontage on Public Access Required – Every lot shall have frontage on a public street right-of-way. Said frontage shall not be less than eighty percent (80%) of the minimum required lot width established for the zoning district. In non-residential areas, access to a lot with a public access easement that is acceptable by the City as meeting the minimum requirements to provide public ingress and egress and for adequate emergency vehicle access may be allowed in lieu of a public street right-of-way.
- S. Plats Straddling or Adjacent to Municipal Boundaries – Where access to a proposed subdivision is required across land in an adjacent city, the Administrative Official shall coordinate the review of the plat with the adjacent city and the ~~approving body~~Planning and Zoning Commission shall require written

Proposed Amendments to Chapter 8

approval from the adjacent city.

- T. Official City Map – The Administrative Official responsible for subdivision review shall maintain an Official City Map, which shall indicate all subdivisions, lots and street rights-of-way. Subdivision plats hereafter approved shall be placed on the Official Map in a timely order and include the names of all streets and street suffix classifications. Where street name inconsistencies exist, from one subdivision to another, the Administrative Official shall place on the Official City Map the generally accepted street name, its proper spelling, and suffix classification. The Administrative Official responsible for subdivision review shall assign street address ranges for each block and coordinate these with the Office of the Fire Marshal and other emergency service providers.
- U. Enforcement of Chapter – In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Chapter by injunction issued by a court of competent jurisdiction.

Section 8 – 140 Preliminary Plats

- A. Preliminary Plat Classification – Submittal of a Preliminary Plat is the first of a two step process for approval of a subdivision plat. The Preliminary Plat procedure shall be used when the property proposed for development is not platted as defined in this Chapter, does not qualify as a minor plat, and will be platted in more than one phase. The purpose of the Preliminary Plat procedure is to allow a subdivider to submit an abbreviated subdivision proposal for approval to determine the feasibility of developing a parcel of land before proceeding to the final platting process where the development will involve more than one phase of construction.
- B. Platting all Land in Common Ownership – The Preliminary Plat shall include all contiguous holdings of the owner, including land in “common ownership” as defined in this Chapter, with an indication of the portion which is proposed for subdivision.
- C. ~~Phasing of Preliminary Plat~~ Phasings ~~— In the event that the property indicated is to be final platted in phases,~~ the Preliminary Plat shall clearly indicate the parcels of land to be included in the phasing. Subsequently, Final Plats shall generally comply with the phasing lines indicated on the Preliminary Plat. Significant departure from the phase lines indicated on the Preliminary Plat shall require an amendment to the Preliminary Plat prior to further final platting of property.
- D. Effect of Approval – Upon approval of the Preliminary Plat, a copy of the approved Preliminary Plat shall be signed by the Administrative Official and kept for public record. Said approved Preliminary Plat shall reflect any and all revisions to the original submitted Preliminary Plat as was directed by the Planning and Zoning Commission and/or City Council which were made a condition of approval. Approval of the Preliminary Plat shall not constitute final acceptance or approval of the subdivision nor shall the approval of the Preliminary Plat confer any vesting rights in the arrangement of lots, streets and other features on the Final Plat. Approval of the Preliminary Plat shall constitute authority to proceed with the Final Plat process as described in this Chapter.
- E. Expiration of Approval – Approval of a Preliminary Plat shall expire after twelve (12) months from the date of approval, unless a Final Plat is submitted for all or part of the area that has received Preliminary Plat approval. The approving body may approve a time extension upon written request from the developer or may waive the twelve month termination period when the Final Plat is determined to be consistent with the approved Preliminary Plat and no additional standards have been adopted by the City.
- F. Re-submittal of Preliminary Plat – When a Preliminary Plat is disapproved, the subdivider, at any time thereafter, may submit a new design for approval, following the same procedures as required for the original application, including the payment of application fees.
- G. Preliminary Plat Exhibits – The subdivider shall file an application for approval of a Preliminary Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

Proposed Amendments to Chapter 8

1. *Preliminary Plat Application* – The application shall be on forms furnished by the Administrative Official. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Preliminary Plat Drawing* – The plat drawing shall contain the information listed in Section 8 - ~~18065~~ *Required Plat Information*, where applicable.
 3. *Preliminary Drainage Information* – The subdivider shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities, unless the Director of Public Works has determined that a Preliminary Drainage Analysis is not necessary at time of platting. The Preliminary Drainage Analysis shall be prepared in accordance with the drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. *Preliminary Utility Plan* – The subdivider shall submit preliminary construction drawings which shall indicate the general location and approximate sizes of all existing and proposed public utilities, unless the Director of Public Works has determined that no public utility improvements are necessary. The size of all proposed water and sewer lines shall be determined using the design criteria contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
 7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.
- H. *Grading Site Prior to Final Approval* – Following Preliminary Plat approval, the developer may apply for an earthwork permit and upon approval of said permit may commence construction to the grades and elevations required by the Preliminary Plat.

Section 8 – 145 Final Plats

- A. *Final Plat Classification* – Approval of a Final Plat is the second step in the process for approval of a subdivision plat. The Final Plat procedure shall be used when the property proposed for development has been previously approved as a Preliminary Plat, was not submitted as a Combination Preliminary/Final Plat and conforms to the requirements of this Chapter. The purpose of the Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision.
- ~~1. *Minor Plats:* A Minor Plat submittal shall be used when the property proposed for development is not platted, contains four (4) or fewer lots and will not create a new street. A Minor Plat is intended to allow a subdivider to combine the Preliminary and Final Plat procedures and thereby expedite the review and approval of a small subdivision where no new public street is created. Where applicable, the Minor Plat submittal shall contain the same exhibits as a Final Plat submittal.~~
 - ~~2. *Replats:* A Replat submittal shall be used when a previously platted property is proposed for redevelopment. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion does not dictate the submittal of a Preliminary Plat. The Administrative Official responsible for subdivision review shall review each Replat application and determine whether or the not the size of the un-platted portion of the proposed development warrants the submittal of a Preliminary Plat. Where applicable, the Replat submittal shall contain the same exhibits as a Final Plat submittal.~~

Proposed Amendments to Chapter 8

~~3. **Additional Criteria for Replats:** The following additional criteria for approval shall apply in the re-subdivision of an existing plat, without vacating the immediate previous plat:~~

~~a. A public hearing shall be required on the Replat at which interested parties and citizens have an opportunity to be heard.~~

~~b. If any of the proposed area to be re-subdivided or re-platted, within the immediate preceding five years, was limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in advance in the following manner:~~

~~i. Publication at least 15 days before the date of the hearing in a newspaper of general circulation in the City.~~

~~ii. A written notice of the public hearing shall be forwarded no less than fifteen (15) days prior to the day of the hearing to the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediate preceding plat that are within 200 feet of the lots to be re-platted. The notice may be served by depositing it properly addressed and postage paid, in the United States post office.~~

~~c. If the proposed replat requires a waiver of a requirement and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission and/or City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the closing of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.~~

~~4. Compliance with paragraphs (2) & (3) is not required for approval of a replat or a portion of a prior plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.~~

B. **Final Plat Prerequisites** – Unless exempt from the requirements of Preliminary Plat approval, no Final Plat shall be placed on the agenda for action by the approving body until a Preliminary Plat of a subdivision has been previously approved in accordance with this Chapter. Upon approval of a Preliminary Plat, a subdivider may file an application for approval of a Final Plat. The Final Plat shall conform to the Preliminary Plat as approved and incorporate any and all changes, modifications, corrections and conditions imposed by the prior approval. A Final Plat will not be presented to the approving body for consideration, which fails to incorporate the recommendations of the Preliminary Plat approval.

C. **Final Plat Exhibits** – The subdivider shall file an application for approval of a Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. ***Final Plat Application*** – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.

2. ***Final Plat Drawing*** – The plat drawing shall contain the information contained in *Section 8 - 18065 Required Plat Information* of this Land Development Code.

3. ***Drainage Information*** – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.

Proposed Amendments to Chapter 8

4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. These documents are not necessary if they have been submitted with the Preliminary Plat.
6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 150 Combination Preliminary/Final Plat

- A. Combination Preliminary/Final Plat Classification – Approval of a Combination Preliminary/Final Plat may occur when a plat is submitted that involves more than four lots and will include a new street but will not be phased but, instead, will be developed in a single phase. The purpose of the Combination Preliminary/Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision in a single application.
- B. Combination Preliminary/Final Plat Exhibits – The subdivider shall file an application for approval of a Combination Preliminary/Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. Combination Preliminary/Final Plat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. Plat Drawing – The plat drawing shall contain the information contained in Section 8 - 180 Required Plat Information of this Land Development Code.
 3. Drainage Information – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code.
 4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Combination Preliminary/Final Plat. The construction drawings shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

Proposed Amendments to Chapter 8

7. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official. The fee for a Combination Preliminary/Final Plat shall be the same as the fee for a Final Plat.

Section 8 – 155 Minor Plats

- A. Minor Plats: A Minor Plat submittal shall be used when the property proposed for development is not platted, contains four (4) or fewer lots and will not create a new street. A Minor Plat is intended to allow a subdivider to combine the Preliminary and Final Plat procedures and thereby expedite the review and approval of a small subdivision where no new public street is created. Where applicable, the Minor Plat submittal shall contain the same exhibits as a Final Plat submittal.
- B. Minor Plat Exhibits – The subdivider shall file an application for approval of a Minor Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. Minor Plat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. Plat Drawing – The plat drawing shall contain the information contained in Section 8 – 180 Required Plat Information of this Land Development Code.
 3. Drainage Information – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code.
 4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
 7. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 160 Replats

- A. Replats: A Replat submittal shall be used when a previously platted property is proposed for redevelopment. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion does not dictate the submittal of a Preliminary Plat. The Administrative Official responsible for subdivision review shall review each Replat application and determine whether or the not the size of the un-platted portion of the proposed development warrants the submittal of a Preliminary Plat. Where applicable, the Replat submittal shall contain the same exhibits as a Final Plat submittal.

Proposed Amendments to Chapter 8

B. Additional Criteria for Replats: The following additional criteria for approval shall apply in the re-subdivision of an existing plat, without vacating the immediate previous plat:

1. A public hearing shall be required on the Replat at which interested parties and citizens have an opportunity to be heard.
2. If any of the proposed area to be re-subdivided or re-platted, within the immediate preceding five years, was limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in advance in the following manner:
 - a. Publication at least 15 days before the date of the hearing in a newspaper of general circulation in the City.
 - b. A written notice of the public hearing shall be forwarded no less than fifteen (15) days prior to the day of the hearing to the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediate preceding plat that are within 200 feet of the lots to be re-platted. The notice may be served by depositing it properly addressed and postage paid, in the United States post office.
3. If the proposed replat requires a waiver of a requirement and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission and/or City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the closing of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.

C. Compliance with paragraphs (a) & (b) is not required for approval of a replat or a portion of a prior plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

D. Replat Exhibits – The subdivider shall file an application for approval of a replat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. Replat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. Plat Drawing – The plat drawing shall contain the information contained in Section 8 - 180 Required Plat Information of this Land Development Code.
3. Drainage Information – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code.
4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

Proposed Amendments to Chapter 8

5. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
6. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - ~~16550~~ Amending Plats

- A. Amending Plat Classification – The Amending Plat procedure shall be used when making a minor change to an existing subdivision. These changes must not be substantive, nor create any new lots. Notice, public hearing, and the approval of other lot owners is not required for the approval of an Amending Plat.
- B. Amending Plat Procedures – The City is authorized to approve an Amending Plat which is signed by the property owners, and which is for one (1) or more of the purposes set forth in this Section, and such approval shall not require notice, hearing or approval of other lot owners. Amending Plats in accordance with the provisions of this Section shall be approved if the sole purpose of the Amending Plat is to:
 1. Correct an error in any course or distance shown on the prior plat;
 2. Add any course or distance that was omitted on the prior plat;
 3. Correct an error in the description of the real property shown on the prior plat;
 4. Indicate monuments set after death, disability or retirement from practice of the surveyor charged with the responsibilities for setting monuments;
 5. Show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
 6. Correct any other type of scrivener or clerical error or omission as previously approved by the City; such errors and omissions may include, but are not limited to, numbers, acreage, street names and identification of adjacent recorded plats;
 7. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment, and neither lot is abolished; provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
 8. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
 9. Relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions; or
 - b. Increase the number of lots; or
 - c. Remove or otherwise abandon any easement or right-of-way.
 10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if;
 - a. the changes do not affect applicable zoning and other regulations of the municipality;

Proposed Amendments to Chapter 8

- b. the changes do not attempt to amend or remove any covenants or restrictions; and
 - c. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
- 11. To replat one or more lots fronting on an existing street if:
 - a. the owners of those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions;
 - c. the amendment does not create or require creation of a new street or make necessary the extension of municipal facilities.
- C. Amending Plat Exhibits – The subdivider shall file an application for approval of an Amending Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 - 1. Amending Plat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 - 2. Amending Plat Drawing – The plat drawing shall contain the information contained in *Section 8 - 165 Required Plat Information* of this Land Development Code, where applicable.
 - 3. Drainage Information – As determined by the Director of Public Works, the developer shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code
 - 4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 - 5. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances.
 - 6. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - ~~17055~~ Official Plat Recording

- A. Required Filing Documents – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office unless the following are complete:
 - 1. The plat has been drawn on mylar reproducible film or other permanent material, contains all required signatures, including the signature of the Planning and Zoning Commission Chairman, and/or the Mayor, or City staff, as applicable; and
 - 2. All applicable fees have been received.

Proposed Amendments to Chapter 8

- B. Construction Prior to Official Filing – No construction of public improvements shall be allowed and no permits for building construction shall be approved until the subdivision plat has been filed of record with the Tarrant County Clerk's Office.
- C. Maximum Approval Period – The approval of a subdivision plat shall expire one-hundred and eighty (180) days from the date of approval by the approving body, unless the subdivision plat has been filed of record with as provided in this Section.
- D. Re-approval Required – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office where the approval time period has expired, unless the approving body has approved a re-submittal of the plat application and payment of plat application fee.

Section 8 - ~~17569~~ Vacation of Plats

A plat may be vacated by the owners of the land covered by the plat at any time before a lot in the plat is sold. If lots have been sold, the plat or any part of the plat may be vacated upon the application of all the owners of lots in the plat and with the approval of the City obtained in the manner prescribed for the original plat.

Section 8 - ~~18065~~ Required Plat Information

The applicant requesting subdivision plat approval shall submit the required number of copies of a plat drawing as determined by the Administrative Official and which complies with this Section.

1. All plat drawings shall contain the following information where applicable:
 - a. *Owner / Subdivider* - The names and addresses of the subdivider and the current owner of record.
 - b. *Surveyor Name* - The name, address and telephone number of the surveyor responsible for the plat which shall contain the seal of a Texas Registered Professional Land Surveyor.
 - c. *Subdivision Name* - If the land to be platted is situated within or adjacent to an existing subdivision, that plat may take the name of the existing subdivision, subject to the approval of the City. The name of the proposed subdivision shall be clearly shown with large letters and shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the City. The plat drawing shall indicate whether the plat is a Preliminary Plat, Final Plat, Replat, or Amending Plat.
 - d. *Location Map* - A location map showing the tract by reference to streets or highways.
 - e. *Date* - The date the plat was prepared.
 - f. *Scale & North Arrow* - The plat shall be prepared at a numerical scale no greater than one (1) inch equals one hundred (100) feet unless approved by the Administrative Official responsible for subdivision review. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.
 - g. *Subdivision Boundary Lines* - The subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.
 - h. *Metes and Bounds Description* - A written metes and bounds description of the property shall be shown on the plat and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey, subdivision

Proposed Amendments to Chapter 8

corner, or the Texas Coordinate System of 1983, North Central Zone. The legal description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary. The legal description shall contain information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

- i. *Adjacent Properties* - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision and extending one hundred (100) feet shall be shown with the names of the owners as shown on the most current Tax Assessor's files; if the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets are to be shown.
- j. *Street Rights-of-Way* - The width of all public street rights-of-way shall be shown on the plat. The general location and width shall be consistent with the Master Thoroughfare Plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street.
- k. *Permanent Structures* - The location and general outline of any existing permanent structures with sufficient dimensions to determine building line encroachments. Any permanent structures which encroach any building set-back lines that will remain after completion of the development shall be shown on the drawing with appropriate dimensions.
- l. *Building Set-back Lines* - Front building set-back lines shall be indicated by dashed lines on all lots in accordance with the requirements of the applicable zoning district. Side yard building set-back lines shall be indicated by dashed lines on the side yards of lots with side street frontage. Additional building set-back may be required by the City. Existing building set-back lines on adjacent properties shall be shown, where applicable.
- m. *City Limit Lines* - The general location of the city limit boundaries of the City of Colleyville and any adjacent city shall be shown on the plat and referenced per city maps, only.
- n. *Easements* - The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. General easements for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided along each side of all rear property lines. If necessary for the extension of water or sewer mains, storm drainage or other utilities, easements of greater width shall be required along lot lines or across large lots. In all cases, easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
- o. *Lot and Block Numbering* - All lots and blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an 'out-parcel' shall be numbered and designated on the plat with notation regarding any development restrictions.
- p. *Sheet Size* - Map sheets shall be of such size as are acceptable for filing in the Tarrant County Clerk's Office, and shall not exceed twenty-four by thirty-six (24"x 36") inches, but may be eighteen by twenty-four (18" x 24") inches, with a binding margin of not less than one and one-half inches on the left side of the sheets. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.
- q. *Plat Notes and Conditions* - When appropriate, the plat shall contain a listing of any Plat Notes and Plat Conditions in a readily identifiable location with each note numbered consecutively.

Proposed Amendments to Chapter 8

Land Development Code

City of Colleyville, Texas

- r. *Public Use Areas* - The location and dimensions of all property proposed to be set aside for public use or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- s. *Street Names* - All street names shall be shown on the plat. New street names shall be sufficiently different in sound and in spelling from other street names in the city to avoid confusion. The continuation of an existing street shall bear the same name.
- t. *Phasing of Plats* ~~— For Preliminary plats,~~ The plat drawing shall indicate any phasing of the proposed subdivision. Thereafter, plats of subsequent phases shall conform to the approved overall layout and phasing, unless a revised Preliminary Plat is submitted and approved in accordance with this Chapter. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.
- u. *Lot Dimensions* - The approximate dimensions of all lots shall be shown on a Preliminary Plat and the exact dimension shown on all other plats with accuracy to one-hundredth's of one foot. The dimensions shall be sufficient to verify compliance with the minimum requirements of the applicable zoning district.
- v. *Flood Plain Features* - The location of the 100-year flood limits, if applicable, shall be shown on the plat and contained within a drainage easement. If the subdivision, or a portion thereof, is located in the 100 year flood-prone area, the developer will be required to comply with the Flood Damage Prevention Ordinance.
- w. *Irregular Side Lot Lines* - Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.
- x. *Lot Areas* - The area for each lot expressed in square feet shall be shown on the plat.
- y. *Survey Notes* - The Final Plat shall be accompanied by one (1) set of surveyor's closure notes for the boundary of the subdivision. The notes shall be referenced in the same manner as the plat.
- z. *Certification Blocks* – All plats shall contain the appropriate certification blocks which shall be similar to those shown.

Planning and Zoning Commission Approval

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve this Plat.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

City Council Approval

Whereas the City Council of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve of this Plat.

Mayor, City of Colleyville

Attest: City Secretary

Proposed Amendments to Chapter 8

Land Development Code

City of Colleyville, Texas

Staff Approval Authority

This amending or minor plat is approved in accordance with Section 212.0065 of the Texas Local Government Code and the City of Colleyville Subdivision Regulations

Date

Community Development ~~Director~~ Manager

Director of Public Services

Surveyor's Certification

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

Signature

Date

(Affix Seal)

Dedication Certificate

WHEREAS, *(owners name)*, are the owners of a tract of land situated in the *(name)* Survey, Abstract N. *(#)*, Tarrant County, Texas, and being out of a *(#)* acre tract conveyed to them by *(deed reference)*, and being more particularly described as follows:

(metes and bounds description)

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That We, *(names)*, Owners, do hereby adopt this plat designating the hereinbefore described property as *(subdivision name)*, and addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness our hands this _____ day of _____, 20____.

Owners Name

STATE OF TEXAS

⌋

Proposed Amendments to Chapter 8

Land Development Code

City of Colleyville, Texas

COUNTY OF TARRANT	{
Before me, the undersigned Notary Public in and for said county and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.	
Given under my hand and seal of office this _____ day of _____, 20____.	
Notary Public in and for Tarrant County	_____
(affix seal)	_____
My printed name	_____
My commission expires:	_____

Section 8 – ~~18570~~ Easement and Right-of-Way Encroachments

(Ord. O-01-1280 / 08/08/01)

No building permit shall be issued for any structure that encroaches into or over a public drainage and/or utility easement or public right-of-way, unless an easement encroachment and joint use agreement has been approved in accordance with the procedures contained in this Section.

1. The applicant must submit a written application on forms furnished by the City, together with the appropriate filing fee, stating the reason for the proposed encroachment. Said application must contain the signature of the property owner or legal agent of the property owner where the encroachment is proposed or of the property that is adjacent to the right-of-way where the encroachment and joint use is proposed.
2. The applicant must provide a metes and bounds description indicating the exact location of the encroachment and a plot plan showing the nature of the improvements proposed within the encroachment area.
3. The application must include written documentation signed by all public utility companies, including the City of Colleyville ~~Public Works~~Engineering Department, indicating their consent to the encroachment and joint use of the easement or right-of-way. All public utility companies must approve the encroachment request before any consideration is given by the City of Colleyville.
4. No notification of adjacent properties is required unless, the City Manager, or designated official, determines that the encroachment or joint use has a direct impact on the adjacent properties.
5. An application requesting an easement encroachment may be approved by the City Manager or other designated official. Applications requesting a right-of-way encroachment require approval by the City Council.
6. Upon approval of the request, documents shall be filed in the Tarrant County Deed Records.
7. The application fee shall be set by separate ordinance approved by the City Council.

Section 8 – ~~19075~~ Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
-------------	------	---------

Proposed Amendments to Chapter 8

Land Development Code

City of Colleyville, Texas

O-00-1261	12/19/00	Incomplete Submittals / DRC Review
O-01-1280	08/08/01	Easement & right-of-way encroachments
O-06-1566	02/21/06	Comprehensive Chapter Revisions
<u>Q-13-XXXX</u>	<u>01/21/2014</u>	<u>Revisions to Approval Authority and Plat Classifications</u>

Proposed Subdivision Plat Approval Authority Table

Approving Body Responsible for Approving Plats			
Classification of Plat	Staff	P&Z	Council
Combination Preliminary/Final Plat	no	yes	no
Preliminary Plats	no	yes	no
Final Plats	no	yes	no
Minor Plats	yes	no *	no
Replat	no	yes	no
Amending Plats	yes	no *	no

* The Planning and Zoning Commission shall have the authority to approve a Minor Plat and an Amending Plat which has not been approved by City Staff.

Comparison of Plat Requirements for Cities that Surround Colleyville



CITY OF COLLEYVILLE							
SUBDIVISION PROCESS BENCHMARK SURVEY 2013					LEGEND	● = YES	
						● = NO	
CITY		COLLEYVILLE					
Type of Plat		Preliminary	Final	Minor	Amending	Replat	
Staff		●	●	●	●	●	
P & Z		●	●	●	●	●	
City Council		●	●	●	●	● (If more than 4 lots, or if appealed)	
Process Comparison to Benchmark Cities							
	Preliminary	Same approving bodies in Grapevine, Hurst, and Southlake only					
	Final	Same approving bodies in Grapevine and North Richland Hills only					
	Minor	Unique to Colleyville					
	Amending	Same approving bodies in Bedford, Euless (For a Minor Amending Plat and Corrected Plat), Grapevine, Keller, North Richland Hills and Southlake					
	Replat	Same approving bodies in Bedford*, Euless, Grapevine**, North Richland Hills***, and Southlake****					
		* Four (4) or more lots and any municipal facilities requires P&Z Approval; Less than 4 lots requires staff approval only.					
		** Replats in Colleyville are only required to go to City Council if more than 4 lots or under appeal. Grapevine					
		passes through P&Z and City Council on the same night.					

Comparison of Plat Requirements for Cities that Surround Colleyville

		***Replats are required to go to City Council					
		****Replats are required to go to City Council					
Bedford, Euless, and Keller do not require any platting process to be heard at City Council							
Definitions (Unless otherwise noted):							
	Preliminary Plat - A plat showing the proposed arrangement of streets, lots, easements, and other public spaces in the						
	subdivision						
	Final Plat - A plat prepared according to the provisions of this Land Development Code, and containing all engineering						
	legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.						
	Minor Plat - A subdivision of not more than four (4) lots, which fronts on an existing street and does not require the creation						
	of any new street or the extension of municipal facilities, which allows a short form process that eliminates the need for						
	a preliminary plat.						
	Amending Plat - A minor change of an existing subdivision to a lot line or correction of an error such						
	that the changes are not substantive, and no new lots are created.						
	Replat - A plat that is different from, and is intended for, the replacement of an existing recorded						
	plat or parts thereof.						
CITY		BEDFORD					
Type of Plat		Preliminary	Short Form	Final	Replat:		
			Final	Final	4 or More Lots	Less than 4 Lots	Amending
Staff		•	•	•	•	•	•
P & Z		•	•	•	•	•	•
City Council		•	•	•	•	•	•
Definition:							

Comparison of Plat Requirements for Cities that Surround Colleyville

	Short Form Final - For properties located in certain zoning districts; Must not propose any vacation of public rights of way or easements; The extension of public facilities or drainage improvements must not be required for utilization of the property, except for minor extensions of existing water and sewer lines.							
	Amending - Same as Colleyville.							
CITY		EULESS						
Type of Plat		Preliminary	Final	Conveyance Plat	Major Amending Plat	Minor Amending Plat	Replat	Corrected
Staff		●	●	●	●	●	●	●
P & Z		●	●	●	●	● (If needed)	●	●
City Council		●	●	●	●	●	●	●
Definitions:								
	Conveyance Plat - May be used in lieu of a final plat to record the subdivision of property provided that no single lot created is less than five (5) acres and is not intended for immediate development.							
	Minor Amending Plat - The adjustment of street and alley alignments, lengths, and paving details; the addition or deletion of lots within 10 percent of the approved number and the adjustment of lot lines.							
	Major Amending Plat - Addition or deletion of more than 10 percent of the approved number of lots							
	Corrected Plat - See definition of Colleyville's "Amending Plat".							
CITY		GRAPEVINE						
Type of Plat		Preliminary	Final	Replat	Amending			
Staff		●	●	●	●			
P & Z **		●	●	●	●	** P&Z and City Council meetings are held jointly		
City Council **		●	●	●	●			

Comparison of Plat Requirements for Cities that Surround Colleyville

Definitions: Same as Colleyville								
CITY		HURST						
Type of Plat		Preliminary	Short Form	Final				
Staff		●	●	●				
P & Z		●	●	●				
City Council		●	●	●				
Definition:								
	Short Form Final - Property meeting certain conditions may be approved on final plat without the necessity of a							
	preliminary plat. See section 21-6 of the City of Hurst Land Development Code for specifics.							
CITY		KELLER						
Type of Plat		Preliminary	Minor Sub.	Major Sub.	Amending	Replat:		
Staff		●	●	●	●	●		
P & Z		●	●	●	●	●, ● (As needed)		
City Council		●	●	●	●	●		
Definitions:								
	Minor Subdivision Final Plat - See "Minor Plat" definition for City of Colleyville							
	Major Subdivision Final Plat - Involves the creation of new streets, the extension of municipal facilities or							
	the creation of four (4) or more lots. Preliminary plat required.							
	Amending Plat - Same as Colleyville							

Comparison of Plat Requirements for Cities that Surround Colleyville

	Replat - Same as Colleyville						
CITY		NORTH RICHLAND HILLS**					
		Preliminary	Final	Short Form	Replat	Amending	
				Final			
Staff		●	●	●	●	●	**No staff approvals with any plat
P & Z		●	●	●	●	●	process
City Council		●	●	●	●	●	
Definition:							
	Short Form Final - See City of Hurst above						
	Replat - Same as Colleyville						
	Amending Plat - Same as Colleyville						
CITY		SOUTHLAKE					
		Preliminary	Final	Plat Showing:		Amending	Replat
				Single Lot	Multi-lot		(Plat Revision)
Staff		●	●	●	●	●	●
P & Z		●	●	●	●	●	●
City Council		●	●	●	●	●	●
Definitions:							
	Plat Showing - When a tract or parcel of land has not been previously platted and recorded, the subdivider may elect						
	to combine the Preliminary Plat and Final Plats and submit a Plat Showing whenever the tract of land contains						
	less than 10 acres and involves four (4) or less lots and is to be subdivided without change of street location						

Comparison of Plat Requirements for Cities that Surround Colleyville

	or without substantial effect on City services, drainage, or adjacent properties. A subdivision involving more than	
	four (4) lots or which contains 10 or more acres of land can be considered as a Plat Showing by the Planning Director on	
	a case by case basis.	
	<u>Amending Plat</u> - Same as Colleyville	
	<u>Replat</u> - Same as Colleyville	

ORDINANCE O-14-XXXX

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 8-PLAT REVIEW PROCEDURES OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Chapter 8-Plat Review Procedures of the Land Development Code in its entirety in order to amend approval authority for plats and provide general updates; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT *Chapter 8-Plat Review Procedures* of the Land Development Code, is hereby amended in its entirety to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage.

Sec. 6. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of January 2014.

The second reading and public hearing being conducted on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A"

Chapter 8 Plat Review Procedures

(Rev. 01/21/2014)

Section 8 – 100 Purpose of This Chapter

The purpose of this Chapter is to establish regulations which describe the process for the review and approval of subdivision plats, but more specifically to:

- A. provide for the safe, orderly, and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community;
- B. encourage the orderly development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promoting in-fill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas;
- C. encourage appropriate protection to environmentally sensitive areas;
- D. ensure that public facilities and services are available; and
- E. establish procedures for the review and approval of subdivision plats.

Section 8 – 105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

- A. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
- B. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
- C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution and laws of the State of Texas.

Section 8 – 110 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 8 – 115 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Exhibit "A"

Section 8 – 120 Plat Approval Required

It shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits of the City of Colleyville, Texas, or extraterritorial jurisdiction, to hereafter divide the same tract of land into two or more parts, to lay out a subdivision, to lay out a building lot, or to lay out a street, alley, square, park, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purpose of development without having a plat of the subdivision prepared and approved in accordance with this Chapter. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. The provisions of this Chapter shall apply to any development which is intended as a single lot, tract or parcel where a primary structure will be located. Furthermore, the following shall be applicable to all subdivisions of land:

- A. It shall be the policy of the City of Colleyville to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the Colleyville Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.
- B. The City has no obligation to extend water or sewer service to any lot, tract or parcel or land sold or created in violation of this Chapter.
- C. All plats and subdivisions shall conform to the rules and regulations set forth herein.
- D. This Chapter is not intended to repeal, abrogate, or impair any existing plans or ordinances. However, where the provisions of this Chapter and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.
- E. The provisions contained in this Chapter, shall be considered as the minimum requirements for review and approval of a subdivision plat.

Section 8 – 125 Plat Required for Building Permit

No building permit shall be approved for any lot, tract or parcel of land unless and until a plat has been approved in accordance with this Land Development Code, except as provided as follows:

- A. Residential Structures - A building permit for an addition to, or renovation of, an existing residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- B. Non-residential Structures - A building permit for an addition to, or renovation of, an existing non-residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- C. Platting Exemption for Certain Accessory Buildings - A building permit for an accessory structure may be issued on an un-platted lot in the Agricultural District.
- D. Public Facilities Available - No building permit for a primary building will be issued until all public facilities have been installed and have been approved and accepted by the City or provision, acceptable to the City, has been made by the developer for such public facilities.

Exhibit "A"

Section 8 – 130 Approval Authority Over Subdivision Plats

- A. Approval of Plats Required –The approving body for all subdivision plats shall be in accordance with the following table:

Approving Body Responsible for Approving Plats			
Classification of Plat	Staff	P&Z	Council
Combination Preliminary/Final Plat	no	yes	no
Preliminary Plats	no	yes	no
Final Plats	no	yes	no
Minor Plats	yes	no *	no
Replat	no	yes	no
Amending Plats	yes	no *	no

* The Planning and Zoning Commission shall have the authority to approve a Minor Plat and an Amending Plat which has not been approved by City Staff.

- B. Preliminary, Final or Combination Preliminary/Final Plat Approval by the Planning and Zoning Commission - The Planning and Zoning Commission shall approve or disapprove a Preliminary, Final or Combination Preliminary/Final Plat. If the application includes a request for a waiver or modification of a platting regulation, the City Council must also approve the request.
- C. Replat Approval by the Planning and Zoning Commission - The Planning and Zoning Commission shall approve or disapprove a Replat. If the application includes a request for a waiver or modification of a platting regulation, the City Council may approve the request upon appeal by the applicant to the decision of the Planning and Zoning Commission.
- D. Minor Plat Approval by Staff – The Community Development Director shall be authorized to approve a Minor Plat, as defined by this Land Development Code provided said plat conforms to the requirements and specifications of this Land Development Code, without the additional approval of the Planning and Zoning Commission. If the application includes a request for a waiver or modification of a platting regulation, the Planning and Zoning Commission shall approve or disapprove the request. The City Council may approve the request upon appeal by the applicant to the decision of the Planning and Zoning Commission. The Community Development Director, may not disapprove a Minor Plat, but shall refer any Minor Plat which he/she refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.
- E. Amending Plat Approval by Staff – The Community Development Director shall be authorized to approve an Amending Plat as defined by the Local Government Code, provided said plat conforms to the requirements and specifications of this Land Development Code. If the application includes a request for a waiver from the subdivision requirements, the Community Development Director, shall present the amending plat to the Planning and Zoning Commission for approval. The Planning and Zoning Commission shall have the authority to approve the Amending Plat. The Planning and Zoning Commission may require additional approval of any Amending Plat by the City Council.

The Community Development Director, may not disapprove an Amending Plat, but shall refer any Amending Plat which he refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.

- F. Appeal Procedure – A subdivision plat that has been denied by the Planning and Zoning Commission may be appealed to the City Council for consideration at the next available public meeting. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City

Exhibit "A"

Council, the plat approved by the City Council shall prevail.

Section 8 – 135 Procedure for Approval of Subdivisions

- A. Time Period for Taking Action – The approving body shall approve or disapprove a subdivision application within thirty (30) days after the date the subdivision application is filed as provided in this Chapter. A subdivision application is considered approved if the approving body fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the approving body, provided said request is submitted in writing.
- B. Additional Time Period for City Council Approval – Where City Council action is required or requested on a subdivision application as provided in this Chapter, the action shall be taken no later than thirty (30) days after the date the subdivision application was considered by the Planning and Zoning Commission. A subdivision is considered approved if the City Council fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the City Council, provided said request is submitted in writing.
- C. Certificate of Compliance – In cases where the City fails to act on a subdivision application within the thirty day time period, the Community Development Director, upon written request, shall issue a certificate of compliance stating the date the subdivision was filed and that the City failed to act on the subdivision application within the specified time.
- D. Authorization to Sign Plats – The approval of a plat by the approving body, shall constitute authority for the, Community Development Director or, the Chairman and Secretary of the Planning and Zoning Commission and/or the Mayor and City Secretary, to execute said plat, and shall constitute approval for recording in the County Clerk's Office of Tarrant County.
- E. Modification of Conditions – Where the approving body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to these platting regulations so that substantial justice may be done and the public interest secured. Such a finding by the City shall not have the effect of nullifying the intent and purpose of these platting regulations.
- F. Completeness Determination – Every subdivision plat application shall be subject to a determination of completeness by the Administrative Official as provided for in this Section.
1. No later than the tenth business day from the date the application is received, the Administrative Official shall make a written determination that all documents required by the Land Development Code for a subdivision plat submittal have been received.
 2. The applicant shall be provided written notice of any deficient documents no later than ten (10) business days from the date the application is received. The determination shall specify the documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information are not provided. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided herein.
 3. The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing,
 4. A determination of completeness by the Administrative Official shall not constitute a determination of compliance with the substantive requirements of the Land Development Code.
- G. Expiration of Application – If a subdivision plat application is not completed on or before the 45th day after the application is received by the Administrative Official for processing, the application will be deemed to have expired. Thereafter, a new subdivision plat application must be submitted, including payment of the applicable application fee. The City shall retain any fee paid for reviewing the original application for completeness.

Exhibit "A"

- H. Incompleteness as Grounds for Denial – No subdivision plat application shall be scheduled for action by an approving body unless it is determined that the application is complete and all required items, studies and documents have been submitted to and received by the City, unless the applicant has provided a written request for a waiver or modification of said requirement. An incomplete subdivision application shall be grounds for denial or revocation of the application. No vesting right shall accrue from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.
- I. Official Plat Submittal Date – The date from which the statutory period requiring approval or disapproval of a subdivision plat application shall commence on the date the Administrative Official responsible for processing subdivision plat applications has determined the application to be complete and marked said date on the application and has scheduled said application for action by the approving body.
- J. Development Review Committee – The City Manager shall designate a Development Review Committee (DRC) which shall be an advisory committee to the Planning and Zoning Commission and have responsibility for providing comments and recommendations on subdivision applications. In addition, the Development Review Committee shall submit comments and recommendations on vacation of public rights-of-way or easements and site plan reviews required by this Code. The Administrative Official responsible for subdivision review shall coordinate the actions of the Development Review Committee.
- K. DRC Review – Copies of subdivision plat applications shall be distributed to the Development Review Committee (DRC) members for technical review. The DRC shall provide written comments and recommendations on the proposed development to the Administrative Official.

The Administrative Official responsible for subdivision review shall compile a report of the written comments received from the DRC and provide a copy of said report to the subdivider within five (5) working days following the day of receipt of all staff comments. The subdivider shall submit revised copies of the subdivision application, which incorporates and fully satisfies the comments of the DRC or provide written response as to why such modification is not proposed.

- L. Consistency with Master Plans – No subdivision plat shall be approved which is not consistent with the Colleyville Master Plan, the Parks Development Plan, and trail systems plans of the City.
- M. Compliance with Zoning – No subdivision plat shall be approved that is not consistent with the existing zoning regulations applicable to the property being platted, unless a rezoning application is pending that will provide consistency with the proposed development.
- N. Public Facilities – No subdivision application shall be approved by the City unless the Director of Public Works has reviewed the construction plans for the proposed public improvements and has determined that the public facilities will be adequate to support and service the area of the proposed subdivision. To expedite the review process, the Director of Public Works may accept a written offer by the developer as satisfactory evidence that public improvement requirements of the Land Development Code will be satisfied. The Director of Public Works may require the applicant to submit sufficient information and data to demonstrate that the existing public facilities are adequate to serve the proposed subdivision. Public facilities and services to be examined for adequacy shall include drainage facilities, roads, sewage, and water systems. Public facilities shall be designed and constructed in accordance with the requirements contained in this Land Development Code. Said proposed public improvements shall conform to and be properly related to the Colleyville Master Plan and all applicable capital improvement plans, including but not limited to the following:
 - 1. Master Thoroughfare Plan – All subdivisions shall be designed to coordinate with the right-of-way widths and street patterns shown on the Master Thoroughfare Plan.
 - 2. Water System - All lots shall be served by a public water system capable of providing water for health and emergency purposes, including adequate fire protection. Proposed water system improvements shall be consistent with the Master Water System Plan.
 - 3. Wastewater Collection System - All lots shall be served by an approved means of wastewater

Exhibit "A"

collection and treatment. Proposed sewer system improvements shall be consistent with the Master Wastewater Collection System Plan.

4. Storm Water Management - The Director of Public Works may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments. Any proposed drainage system improvements shall be consistent with the Master Storm Water Management Plan.
- O. Records Maintenance – The Administrative Official responsible for subdivision review shall maintain a record of each application submitted under this Chapter, and the action taken on the application.
- P. Dedication Offers – All streets, drainage ways, parks, and other rights-of-way or public easements shown within a subdivision plat and intended for public use shall be offered for dedication as part of the approval of a plat. Upon approval of the subdivision application by the City, the offers shall be deemed dedicated and available for acceptance by the City in accordance with the requirements of this Section.
 1. Whenever a subdivision proposes the dedication of land for public use and the City finds that such land is not required or is not suitable for public use, the approving body shall either deny the subdivision application or require the rearrangement of lots to include such land.
 2. The approval of a subdivision plat by the City is not considered an acceptance of any dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City Council makes an actual appropriation of the dedicated parts by entry, use, or improvement.
 3. Disapproval of a plat shall be deemed a refusal by the City to accept the offered dedications shown thereon.
- Q. Nuisance Ordinances and Outstanding Liens – No subdivision plat shall be placed on the agenda for action by an approving body in which the Code Enforcement Officer has issued notice to the owner of the property being subdivided that the property being considered for development is in violation of a public nuisance ordinance of the City of Colleyville and the violation has not been abated prior to the subdivision application date. No subdivision plat shall be placed on the agenda for action by an approving body that has an outstanding delinquent lien payable to the City of Colleyville.
- R. Frontage on Public Access Required – Every lot shall have frontage on a public street right-of-way. Said frontage shall not be less than eighty percent (80%) of the minimum required lot width established for the zoning district. In non-residential areas, access to a lot with a public access easement that is acceptable by the City as meeting the minimum requirements to provide public ingress and egress and for adequate emergency vehicle access may be allowed in lieu of a public street right-of-way.
- S. Plats Straddling or Adjacent to Municipal Boundaries – Where access to a proposed subdivision is required across land in an adjacent city, the Administrative Official shall coordinate the review of the plat with the adjacent city and the approving body shall require written approval from the adjacent city.
- T. Official City Map – The Administrative Official responsible for subdivision review shall maintain an Official City Map, which shall indicate all subdivisions, lots and street rights-of-way. Subdivision plats hereafter approved shall be placed on the Official Map in a timely order and include the names of all streets and street suffix classifications. Where street name inconsistencies exist, from one subdivision to another, the Administrative Official shall place on the Official City Map the generally accepted street name, its proper spelling, and suffix classification. The Administrative Official responsible for subdivision review shall assign street address ranges for each block and coordinate these with the Office of the Fire Marshal and other emergency service providers.
- U. Enforcement of Chapter – In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Chapter by injunction issued by a court of competent jurisdiction.

Exhibit "A"

Section 8 – 140 Preliminary Plats

- A. Preliminary Plat Classification – Submittal of a Preliminary Plat is the first of a two step process for approval of a subdivision plat. The Preliminary Plat procedure shall be used when the property proposed for development is not platted as defined in this Chapter, does not qualify as a minor plat, and will be platted in more than one phase. The purpose of the Preliminary Plat procedure is to allow a subdivider to submit an abbreviated subdivision proposal for approval to determine the feasibility of developing a parcel of land before proceeding to the final platting process where the development will involve more than one phase of construction.
- B. Platting all Land in Common Ownership – The Preliminary Plat shall include all contiguous holdings of the owner, including land in “common ownership” as defined in this Chapter, with an indication of the portion which is proposed for subdivision.
- C. Preliminary Plat Phasing – The Preliminary Plat shall clearly indicate the parcels of land to be included in the phasing. Subsequently, Final Plats shall generally comply with the phasing lines indicated on the Preliminary Plat. Significant departure from the phase lines indicated on the Preliminary Plat shall require an amendment to the Preliminary Plat prior to further final platting of property.
- D. Effect of Approval – Upon approval of the Preliminary Plat, a copy of the approved Preliminary Plat shall be signed by the Administrative Official and kept for public record. Said approved Preliminary Plat shall reflect any and all revisions to the original submitted Preliminary Plat as was directed by the Planning and Zoning Commission and/or City Council which were made a condition of approval. Approval of the Preliminary Plat shall not constitute final acceptance or approval of the subdivision nor shall the approval of the Preliminary Plat confer any vesting rights in the arrangement of lots, streets and other features on the Final Plat. Approval of the Preliminary Plat shall constitute authority to proceed with the Final Plat process as described in this Chapter.
- E. Expiration of Approval – Approval of a Preliminary Plat shall expire after twelve (12) months from the date of approval, unless a Final Plat is submitted for all or part of the area that has received Preliminary Plat approval. The approving body may approve a time extension upon written request from the developer or may waive the twelve month termination period when the Final Plat is determined to be consistent with the approved Preliminary Plat and no additional standards have been adopted by the City.
- F. Re-submittal of Preliminary Plat – When a Preliminary Plat is disapproved, the subdivider, at any time thereafter, may submit a new design for approval, following the same procedures as required for the original application, including the payment of application fees.
- G. Preliminary Plat Exhibits – The subdivider shall file an application for approval of a Preliminary Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 - 1. Preliminary Plat Application – The application shall be on forms furnished by the Administrative Official. If the applicant is not the official owner of record, written authorization from the property owner is required.
 - 2. Preliminary Plat Drawing – The plat drawing shall contain the information listed in *Section 8 - 180 Required Plat Information*, where applicable.
 - 3. Preliminary Drainage Information – The subdivider shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities, unless the Director of Public Works has determined that a Preliminary Drainage Analysis is not necessary at time of platting. The Preliminary Drainage Analysis shall be prepared in accordance with the drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 - 4. Preliminary Utility Plan – The subdivider shall submit preliminary construction drawings which shall indicate the general location and approximate sizes of all existing and proposed public utilities, unless the Director of Public Works has determined that no public utility improvements are necessary. The

Exhibit "A"

size of all proposed water and sewer lines shall be determined using the design criteria contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.

5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
 7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.
- H. Grading Site Prior to Final Approval – Following Preliminary Plat approval, the developer may apply for an earthwork permit and upon approval of said permit may commence construction to the grades and elevations required by the Preliminary Plat.

Section 8 – 145 Final Plats

- A. Final Plat Classification – Approval of a Final Plat is the second step in the process for approval of a subdivision plat. The Final Plat procedure shall be used when the property proposed for development has been previously approved as a Preliminary Plat, was not submitted as a Combination Preliminary/Final Plat and conforms to the requirements of this Chapter. The purpose of the Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision.
- B. Final Plat Prerequisites – Unless exempt from the requirements of Preliminary Plat approval, no Final Plat shall be placed on the agenda for action by the approving body until a Preliminary Plat of a subdivision has been previously approved in accordance with this Chapter. Upon approval of a Preliminary Plat, a subdivider may file an application for approval of a Final Plat. The Final Plat shall conform to the Preliminary Plat as approved and incorporate any and all changes, modifications, corrections and conditions imposed by the prior approval. A Final Plat will not be presented to the approving body for consideration, which fails to incorporate the recommendations of the Preliminary Plat approval.
- C. Final Plat Exhibits – The subdivider shall file an application for approval of a Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. *Final Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Final Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 - 180 Required Plat Information* of this Land Development Code.
 3. *Drainage Information* – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

Exhibit "A"

5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. These documents are not necessary if they have been submitted with the Preliminary Plat.
6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 150 Combination Preliminary/Final Plat

- A. Combination Preliminary/Final Plat Classification – Approval of a Combination Preliminary/Final Plat may occur when a plat is submitted that involves more than four lots and will include a new street but will not be phased but, instead, will be developed in a single phase. The purpose of the Combination Preliminary/Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision in a single application.
- B. Combination Preliminary/Final Plat Exhibits – The subdivider shall file an application for approval of a Combination Preliminary/Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. *Combination Preliminary/Final Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 - 180 Required Plat Information* of this Land Development Code.
 3. *Drainage Information* – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Combination Preliminary/Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
 7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official. The fee for a Combination Preliminary/Final Plat shall be the same as the fee for a Final Plat.

Section 8 – 155 Minor Plats

- A. *Minor Plats*: A Minor Plat submittal shall be used when the property proposed for development is not platted, contains four (4) or fewer lots and will not create a new street. A Minor Plat is intended to allow a

Exhibit "A"

subdivider to combine the Preliminary and Final Plat procedures and thereby expedite the review and approval of a small subdivision where no new public street is created. Where applicable, the Minor Plat submittal shall contain the same exhibits as a Final Plat submittal.

B. Minor Plat Exhibits – The subdivider shall file an application for approval of a Minor Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Minor Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. *Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 – 180 Required Plat Information* of this Land Development Code.
3. *Drainage Information* – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 160 Replats

A. *Replats*: A Replat submittal shall be used when a previously platted property is proposed for redevelopment. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion does not dictate the submittal of a Preliminary Plat. The Administrative Official responsible for subdivision review shall review each Replat application and determine whether or not the size of the un-platted portion of the proposed development warrants the submittal of a Preliminary Plat. Where applicable, the Replat submittal shall contain the same exhibits as a Final Plat submittal.

B. *Additional Criteria for Replats*: The following additional criteria for approval shall apply in the re-subdivision of an existing plat, without vacating the immediate previous plat:

1. A public hearing shall be required on the Replat at which interested parties and citizens have an opportunity to be heard.
2. If any of the proposed area to be re-subdivided or re-platted, within the immediate preceding five years, was limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in advance in the following manner:

Exhibit "A"

- a. Publication at least 15 days before the date of the hearing in a newspaper of general circulation in the City.
 - b. A written notice of the public hearing shall be forwarded no less than fifteen (15) days prior to the day of the hearing to the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediate preceding plat that are within 200 feet of the lots to be re-platted. The notice may be served by depositing it properly addressed and postage paid, in the United States post office.
3. If the proposed replat requires a waiver of a requirement and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission and/or City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the closing of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.
- C. Compliance with paragraphs (a) & (b) is not required for approval of a replat or a portion of a prior plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- D. Replat Exhibits – The subdivider shall file an application for approval of a replat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. *Replat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 - 180 Required Plat Information* of this Land Development Code.
 3. *Drainage Information* – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - 165 Amending Plats

Exhibit "A"

- A. Amending Plat Classification – The Amending Plat procedure shall be used when making a minor change to an existing subdivision. These changes must not be substantive, nor create any new lots. Notice, public hearing, and the approval of other lot owners is not required for the approval of an Amending Plat.
- B. Amending Plat Procedures – The City is authorized to approve an Amending Plat which is signed by the property owners, and which is for one (1) or more of the purposes set forth in this Section, and such approval shall not require notice, hearing or approval of other lot owners. Amending Plats in accordance with the provisions of this Section shall be approved if the sole purpose of the Amending Plat is to:
1. Correct an error in any course or distance shown on the prior plat;
 2. Add any course or distance that was omitted on the prior plat;
 3. Correct an error in the description of the real property shown on the prior plat;
 4. Indicate monuments set after death, disability or retirement from practice of the surveyor charged with the responsibilities for setting monuments;
 5. Show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
 6. Correct any other type of scrivener or clerical error or omission as previously approved by the City; such errors and omissions may include, but are not limited to, numbers, acreage, street names and identification of adjacent recorded plats;
 7. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment, and neither lot is abolished; provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
 8. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
 9. Relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions; or
 - b. Increase the number of lots; or
 - c. Remove or otherwise abandon any easement or right-of-way.
 10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if;
 - a. the changes do not affect applicable zoning and other regulations of the municipality;
 - b. the changes do not attempt to amend or remove any covenants or restrictions; and
 - c. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
 11. To replat one or more lots fronting on an existing street if:
 - a. the owners of those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions;

Exhibit "A"

- c. the amendment does not create or require creation of a new street or make necessary the extension of municipal facilities.
- C. Amending Plat Exhibits – The subdivider shall file an application for approval of an Amending Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. *Amending Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Amending Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 - 165 Required Plat Information* of this Land Development Code, where applicable.
 3. *Drainage Information* – As determined by the Director of Public Works, the developer shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code
 4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances.
 6. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - 170 Official Plat Recording

- A. Required Filing Documents – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office unless the following are complete:
 1. The plat has been drawn on mylar reproducible film or other permanent material, contains all required signatures, including the signature of the Planning and Zoning Commission Chairman, and/or the Mayor, or City staff, as applicable; and
 2. All applicable fees have been received.
- B. Construction Prior to Official Filing – No construction of public improvements shall be allowed and no permits for building construction shall be approved until the subdivision plat has been filed of record with the Tarrant County Clerk's Office.
- C. Maximum Approval Period – The approval of a subdivision plat shall expire one-hundred and eighty (180) days from the date of approval by the approving body, unless the subdivision plat has been filed of record with as provided in this Section.
- D. Re-approval Required – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office where the approval time period has expired, unless the approving body has approved a re-submittal of the plat application and payment of plat application fee.

Section 8 - 175 Vacation of Plats

Exhibit "A"

A plat may be vacated by the owners of the land covered by the plat at any time before a lot in the plat is sold. If lots have been sold, the plat or any part of the plat may be vacated upon the application of all the owners of lots in the plat and with the approval of the City obtained in the manner prescribed for the original plat.

Section 8 - 180 Required Plat Information

The applicant requesting subdivision plat approval shall submit the required number of copies of a plat drawing as determined by the Administrative Official and which complies with this Section.

1. All plat drawings shall contain the following information where applicable:
 - a. *Owner / Subdivider* - The names and addresses of the subdivider and the current owner of record.
 - b. *Surveyor Name* - The name, address and telephone number of the surveyor responsible for the plat which shall contain the seal of a Texas Registered Professional Land Surveyor.
 - c. *Subdivision Name* - If the land to be platted is situated within or adjacent to an existing subdivision, that plat may take the name of the existing subdivision, subject to the approval of the City. The name of the proposed subdivision shall be clearly shown with large letters and shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the City. The plat drawing shall indicate whether the plat is a Preliminary Plat, Final Plat, Replat, or Amending Plat.
 - d. *Location Map* - A location map showing the tract by reference to streets or highways.
 - e. *Date* - The date the plat was prepared.
 - f. *Scale & North Arrow* - The plat shall be prepared at a numerical scale no greater than one (1) inch equals one hundred (100) feet unless approved by the Administrative Official responsible for subdivision review. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.
 - g. *Subdivision Boundary Lines* - The subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.
 - h. *Metes and Bounds Description* - A written metes and bounds description of the property shall be shown on the plat and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey, subdivision corner, or the Texas Coordinate System of 1983, North Central Zone. The legal description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary. The legal description shall contain information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - i. *Adjacent Properties* - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision and extending one hundred (100) feet shall be shown with the names of the owners as shown on the most current Tax Assessor's files; if the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets are to be shown.
 - j. *Street Rights-of-Way* - The width of all public street rights-of-way shall be shown on the plat. The general location and width shall be consistent with the Master Thoroughfare Plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street.

Exhibit "A"

- k. *Permanent Structures* - The location and general outline of any existing permanent structures with sufficient dimensions to determine building line encroachments. Any permanent structures which encroach any building set-back lines that will remain after completion of the development shall be shown on the drawing with appropriate dimensions.
- l. *Building Set-back Lines* - Front building set-back lines shall be indicated by dashed lines on all lots in accordance with the requirements of the applicable zoning district. Side yard building set-back lines shall be indicated by dashed lines on the side yards of lots with side street frontage. Additional building set-back may be required by the City. Existing building set-back lines on adjacent properties shall be shown, where applicable.
- m. *City Limit Lines* - The general location of the city limit boundaries of the City of Colleyville and any adjacent city shall be shown on the plat and referenced per city maps, only.
- n. *Easements* - The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. General easements for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided along each side of all rear property lines. If necessary for the extension of water or sewer mains, storm drainage or other utilities, easements of greater width shall be required along lot lines or across large lots. In all cases, easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
- o. *Lot and Block Numbering* - All lots and blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an 'out-parcel' shall be numbered and designated on the plat with notation regarding any development restrictions.
- p. *Sheet Size* - Map sheets shall be of such size as are acceptable for filing in the Tarrant County Clerk's Office, and shall not exceed twenty-four by thirty-six (24"x 36") inches, but may be eighteen by twenty-four (18" x 24") inches, with a binding margin of not less than one and one-half inches on the left side of the sheets. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.
- q. *Plat Notes and Conditions* - When appropriate, the plat shall contain a listing of any Plat Notes and Plat Conditions in a readily identifiable location with each note numbered consecutively.
- r. *Public Use Areas* - The location and dimensions of all property proposed to be set aside for public use or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- s. *Street Names* - All street names shall be shown on the plat. New street names shall be sufficiently different in sound and in spelling from other street names in the city to avoid confusion. The continuation of an existing street shall bear the same name.
- t. *Phasing of Plats* - For Preliminary plats, the plat drawing shall indicate any phasing of the proposed subdivision. Thereafter, plats of subsequent phases shall conform to the approved overall layout and phasing, unless a revised Preliminary Plat is submitted and approved in accordance with this Chapter. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.
- u. *Lot Dimensions* - The approximate dimensions of all lots shall be shown on a Preliminary Plat and the exact dimension shown on all other plats with accuracy to one-hundredth's of one foot. The dimensions shall be sufficient to verify compliance with the minimum requirements of the applicable zoning district.

Exhibit "A"

- v. *Flood Plain Features* - The location of the 100-year flood limits, if applicable, shall be shown on the plat and contained within a drainage easement. If the subdivision, or a portion thereof, is located in the 100 year flood-prone area, the developer will be required to comply with the Flood Damage Prevention Ordinance.
- w. *Irregular Side Lot Lines* - Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.
- x. *Lot Areas* - The area for each lot expressed in square feet shall be shown on the plat.
- y. *Survey Notes* - The Final Plat shall be accompanied by one (1) set of surveyor's closure notes for the boundary of the subdivision. The notes shall be referenced in the same manner as the plat.
- z. *Certification Blocks* – All plats shall contain the appropriate certification blocks which shall be similar to those shown.

Planning and Zoning Commission Approval

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve this Plat.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

City Council Approval

Whereas the City Council of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve of this Plat.

Mayor, City of Colleyville

Attest: City Secretary

Staff Approval Authority

This amending or minor plat is approved in accordance with Section 212.0065 of the Texas Local Government Code and the City of Colleyville Subdivision Regulations

Date

Community Development Director

Exhibit "A"

Surveyor's Certification

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

Signature

Date

(Affix Seal)

Dedication Certificate

WHEREAS, (owners name), are the owners of a tract of land situated in the (name) Survey, Abstract N. (#), Tarrant County, Texas, and being out of a (#) acre tract conveyed to them by (deed reference), and being more particularly described as follows:

(metes and bounds description)

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That We, (names), Owners, do hereby adopt this plat designating the hereinbefore described property as (subdivision name), and addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness our hands this _____ day of _____, 20____.

Owners Name

STATE OF TEXAS X

COUNTY OF TARRANT X

Before me, the undersigned Notary Public in and for said county and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 20____.

Notary Public in and for Tarrant County

(affix seal)

My printed name

My commission expires:

Exhibit "A"

Section 8 – 185 Easement and Right-of-Way Encroachments

(Ord. O-01-1280 / 08/08/01)

No building permit shall be issued for any structure that encroaches into or over a public drainage and/or utility easement or public right-of-way, unless an easement encroachment and joint use agreement has been approved in accordance with the procedures contained in this Section.

1. The applicant must submit a written application on forms furnished by the City, together with the appropriate filing fee, stating the reason for the proposed encroachment. Said application must contain the signature of the property owner or legal agent of the property owner where the encroachment is proposed or of the property that is adjacent to the right-of-way where the encroachment and joint use is proposed.
2. The applicant must provide a metes and bounds description indicating the exact location of the encroachment and a plot plan showing the nature of the improvements proposed within the encroachment area.
3. The application must include written documentation signed by all public utility companies, including the City of Colleyville Public Works Department, indicating their consent to the encroachment and joint use of the easement or right-of-way. All public utility companies must approve the encroachment request before any consideration is given by the City of Colleyville.
4. No notification of adjacent properties is required unless, the City Manager, or designated official, determines that the encroachment or joint use has a direct impact on the adjacent properties.
5. An application requesting an easement encroachment may be approved by the City Manager or other designated official. Applications requesting a right-of-way encroachment require approval by the City Council.
6. Upon approval of the request, documents shall be filed in the Tarrant County Deed Records.
7. The application fee shall be set by separate ordinance approved by the City Council.

Section 8 – 190 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1261	12/19/00	Incomplete Submittals / DRC Review
O-01-1280	08/08/01	Easement & right-of-way encroachments
O-06-1566	02/21/06	Comprehensive Chapter Revisions
O-14-XXXX	01/21/2014	Revisions to Approval Authority and Plat Classifications