



City of Colleyville

Park Land Dedication Committee Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817.503.1000
www.colleyville.com

Tuesday, April 29, 2014
6:30 p.m.

Colleyville Public Library
110 Main Street - 2nd Floor

1. CALL TO ORDER

2. APPROVAL OF MINUTES

September 14, 2009

3. REGULAR AGENDA ITEMS

3a Approval of the new bylaws for the Park Land Dedication Committee

3b Discussion and consideration of approving the use of Park Land Dedication Fund monies for the Pleasant Run Soccer field improvements

4. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA

5. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, April 25, 2014 by 5:00 p.m.

Kathy E. Moore
Administrative 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 Administrative Assistant at least 48 hours in advance at 817.503.1180, and reasonable accommodations will be made to assist you.



PARK LAND DEDICATION COMMITTEE
MINUTES
Monday, September 14, 2009
5:30 p.m.

The meeting was called to order at 5:33 p.m. on Monday, September 14, 2009, at the Parks Annex located at 5109 Bransford Road.

ROLL CALL: Park Land Dedication Committee Members: David Dudziak, Michael Clardy, Brian Estridge and Vince Rosen

STAFF: Monica Sue Walsh Director of Parks and Recreation and Chuck Majors Parks Superintendent

1. Call to Order
2. Approval of the February 12, 2002 and the September 3, 2008 Park Land Dedication Committee Meeting Minutes

Michael Clardy made a motion to approve the February 12, 2002 meeting minutes. Vince Rosen seconded the motion. The vote was unanimous. David Dudziak made a motion to approve the September 3, 2008 meeting minutes. Vince Rosen seconded the motion. The vote was unanimous.

3. Discussion and Consideration of Redirecting Park Land Fund Monies

Monica Sue Walsh Director of Parks and Recreation gave an overview of the status of the Park Land Fund monies and informed the Committee that Castleton Trail, McDonwell School Trail and Sparger Park Trail projects were all completed under budget. Staff and City Council seeks the Committee's recommendation to redirect Park Land fund monies back into the Park Land Dedication Fund.

Vince Rosen made a motion to redirect Castleton Trail (\$7,044), McDonwell School Trail (\$9,210) and Sparger Park Trail (\$4672), for a total of \$20,926, to return to the Park Land Dedication Fund. Brian Estridge seconded the motion. The vote was unanimous.

4. Discussion and Consideration of Funding Senior Center Open Space Elements

Monica Sue Walsh Director of Parks and Recreation provided a history and overview of the Senior Center open space area, noting that it is a public park with emphasis on senior lifestyle and compatibility to the neighborhood.

Monica informed the Committee that at the August 25, 2009 annual board meeting, the Colleyville Economic Development Corporation (CEDC) reduced the Phase II funding for the Senior Center Open Space Elements from \$350,000 to \$200,000. Additionally, Walsh stated that City Council approved the design of the trail for the Senior Center open space as the first priority and that Phase II would include the design elements. Staff and City Council seeks Committee recommendation to fund the \$150,000 balance for the Senior Center Open Space Elements out of the Park Land Dedication Fund.

David Dudziak made a motion to approve the use of \$150,000 from Park Land Dedication Funds for the Senior Center Open Space Elements. Vince Rosen seconded the motion; the vote was a tie.

5. Adjournment

The meeting adjourned at 6:22 p.m.

Minutes prepared by:

Kathy E. Moore
Administrative Assistant



City of Colleyville Park Land Dedication Committee Agenda Briefing

City Hall
100 Main Street
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Agenda Number 3a	Agenda Date 04/29/2014	Number
Type Regular Agenda Items		
Department Parks and Recreation		
Title		

Approval of the new bylaws for the Park Land Dedication Committee

Explanation

All boards, commissions and committees were asked to review and update their current bylaws and to submit them in a new uniformed template provide by the City Secretary's office.

Guidelines for the Park Land Dedication Committee were established within Ordinance O-98-1129 and were used to create the new bylaws. A draft of the new bylaws are attached for Committee consideration of approval. Once approved the bylaws will be presented to City Council for their approval.

Attachments

1. Ordinance O-98-1129
2. Park Land Dedication Advisory Board Bylaws - Draft

ORDINANCE NO: 0-98-1129

AN ORDINANCE OF THE CITY OF COLLEYVILLE AMENDING ORDINANCE 0-91-823, REVISING THE ENTIRETY OF THE PARK AND RECREATION DEDICATION REQUIREMENTS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Colleyville, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Colleyville has heretofore adopted a Parkland Dedication Ordinance; and

WHEREAS, the City has zoning classifications which require open space; and

WHEREAS, the City Council has determined that in order to provide for adequate land for parks, recreation and open space, it is appropriate and in the best interest of the City to amend Ordinance 0-91-823, to authorize the appropriate parkland dedication requirements, or facilities, or improvements, or fees in lieu of said dedication requirements.

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

Sec. 1. THAT Section 12 of Chapter 9 of the Colleyville Code entitled "Dedication of Parkland or Payments in Lieu Thereof" is amended in its entirety and replaced by the following text:

PARKLAND AND DEDICATION REQUIREMENTS

A. STATEMENT OF POLICY

The requirements for open space, park and recreational areas contained in this section are intended to ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents for open space and parks. In determining the size, shape and quality of open space and park areas that should be set aside and reserved in the manner set out in this section, the City has considered the projected growth in population and development within the municipality and the amount of open space and park and recreational facilities needed to accommodate such growth as stated in the Parks and Recreation Master Plan.

B. APPLICABILITY:

- (1) Unplatted Property: This section applies to all property for which a final plat has not been formally submitted to the City for approval, unless otherwise noted herein.
- (2) Exempt Property: Any tract or lot occupied by an existing residential dwelling unit at the time of adoption of this ordinance shall be exempt from the dedication requirements of this section herein if the residential dwelling remains on the lot. This exemption pertains only to the tract or lot with the existing residential dwelling. Any additional lots created by further subdivision of the property shall be subject to the requirements herein.
- (3) Date of Assessment: All requirements contained in this section shall be assessed at the time of approval of the final plat of any applicable property.

C. LAND DEDICATION REQUIREMENTS:

(1) Standards

In reviewing proposed dedications of parkland, the following criteria shall be imposed; provided, however, the approving body may vary or waive any of the following criteria on a finding that the proposed dedication of parkland is in accordance with the development of the City, complies with the statement of intent of the Parkland Dedication Ordinance and because of the uniqueness of the property, requires a variance:

- (a) Parkland shall be clearly visible from the public rights-of-way and shall be located so as to give maximum possible exposure throughout the neighborhood.
- (b) Access to the parkland shall be available from public rights-of-way.
- (c) Where the proposed parkland is a flood plain area which is proposed as a linear park, the following shall also be considered:
 - (i) Whether the proposed site contains significant environmental features representative of a pre-urbanized Colleyville, including trees, plants, wildlife, topography, geological outcroppings, unique water features or any combination thereof.
 - (ii) Whether the proposed site currently provides, or will provide in the future, an effective linkage to other existing or anticipated public park sites which will allow movement to and from places where residents live, work and play.

- (iii) Whether the proposed site is easily accessible, visible and identifiable.
- (iv) Whether the proposed site has street frontage along its entire length.
- (v) Whether the proposed site is designed to be used and function as a natural waterway with minimal site alteration.
- (d) A minimum of fifty percent (50%) of any dedicated parkland shall have grades of less than three percent (3%) and shall be well drained and suitable for development of parkland improvements.
- (e) Parkland shall be provided with access to all utilities, including water and sewer, along the street frontage of the park.
- (f) Parkland shall not be burdened with easements, rights-of-way, deed restrictions or other limitations which prohibit or inhibit the use of the parkland for park purposes.

(2) Amount and Location

Residential Developments

Based on the population projected to reside in the City of Colleyville, as stated in the 1998 Master Plan adopted by the City Council, the City desires to provide 9.0 acres of parkland for every 1,000 residents in an ultimate condition. Parkland meeting the requirements contained within this section shall be dedicated to the City at a ratio of one (1) acre of parkland for every thirty-six (36) residential dwelling units or a prorated portion thereof.

The subdivider shall dedicate to the City a minimum of 0.0280 acres of parkland in fee simple for each DU (dwelling unit) within the subdivision; provided, however, no tract of parkland shall be less than 7 acres in total area unless approved by the City Council.

Non-Residential Developments

- (a) Although non-residential development does not generate residential occupancies per se, it does create environmental impacts, which may negatively affect the living environment of the community. These impacts may be ameliorated or eliminated by providing park or open space areas which buffer adjoining land uses, prevent undue concentration of paved areas, allow for the reasonable dissipation of automotive exhaust fumes, provide natural buffers to the spread of fire or explosion, and provide separation of lighting, waste disposal, and

noise by-products of non-residential operations and activities from adjacent residential areas. The City has therefore determined that non-residential developments must provide dedicated parks and/or reserved open space at a ratio of one (1) acre of parkland for every fifty-six (56) non-residential gross acres of development or prorated portion thereof.

Off-site Dedications

- (b) A developer may dedicate the required parkland for a development at another location owned by the same developer within the City with the consent of the City, provided that the off-site dedication is in accordance with this ordinance.

(3) Documents Accompanying Final Plat

Where the subdivider proposes to dedicate land to the City for parkland purposes, the following additional documents shall be submitted to the City with the submission of the final plat of the subdivision:

- (a) An environmental study, audit or assessment demonstrating that the property is in a condition which would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally related problems.
- (b) If a developer chooses to dedicate the land or to build the park, a site plan of the park property containing a conceptual plan of the type, nature, and extent of improvements which could be made to the property and identifying the property as to type, i.e., neighborhood park, linear park, special purpose or community park.
- (c) A statement as to the number of proposed DUs within the subdivision.

(4) Condition of Property and Acceptance by the City of Colleyville

Prior to the issuance of a building permit for the erection of any house within the subdivision, the subdivider shall apply to the City for written acceptance of the parkland, which shall be accepted upon completion of the following conditions:

- (a) The subdivider shall permanently mark each corner of the park site with a three-quarter inch (3/4") iron pin set in concrete.
- (b) The subdivider shall provide the City with a survey acceptable to the City reflecting each corner monument, showing and locating any

encroachments, easements and providing a metes and bounds description of the parkland.

- (c) All rubbish, trash, junk and other offensive materials shall be removed from the parkland and the property returned to its natural condition except as to approved construction and improvements thereon.
- (d) All improvements or construction on or within the parkland to be installed by the subdivider shall be completed in accordance with approved construction plans.
- (e) All other applicable ordinances of the City have been complied with.

D. ALTERNATIVES TO LAND DEDICATION:

(1) Authorization

In any case where a dedication is required, the City shall have the right to accept the dedication, as submitted for approval, or in the alternative, to refuse dedication of the same, and in lieu thereof to require payment of cash under the formula contained in this Section. The City may permit a combination of dedication and fees to be used to fulfill this requirement.

(2) Fee Payment Alternative

Approval of Fee Payment Alternative: The City Council shall upon recommendation of the Park Board, determine the acceptability of a developer's payment of fees in lieu of land dedication requirement of this section.

(3) Calculation of Fees

The City Council shall establish an acreage land value cost figure to be used in calculating park fees.

- (a) Residential Dwelling Unit Fees: Fees paid in lieu of dedication shall be based on the determined cost of 1 acre of land divided by thirty-six (36), for a resulting fee per residential dwelling unit of \$1,260.
- (b) Non-Residential Development Fees: The fee payment alternative for non-residential development shall be calculated by dividing the determined cost of one (1) acre of land by fifty-six, for a resulting fee per non-residential acre cost of \$400 per acre. In the event the non-residential development is less than fifty-six (56) acres, the total acreage shall be divided by 56 to determine the prorated fee payment.

(4) Collection of Fees

- (a) The payment of the fee in lieu of dedication shall be a condition precedent to the issuance of any building permit for a DU within the subdivision.
- (b) By agreement approved by the City Council, the City and the subdivider may alter the time and method of payment and fees in lieu of dedication.

(5) Physical or Equipment Improvements to Parks

Compatibility with Parks and Recreation Master Plan: A developer may have the option of improving existing facilities within municipal parks or improving dedicated parkland in lieu of parkland dedication or payment of cash, based on recommendations made in the Parks and Recreation Master Plan. Should any of these options be exercised, the City and the developer shall prior to initiation of work on such improvements, enter into an agreement for credit of expenses for authorized park improvements. In no case shall the municipality be required to reimburse the developer if he chooses to improve parklands at an amount greater than required. Such a proposed agreement to provide facility improvements in lieu of dedication shall be submitted in writing with the subdivision plat.

(6) Approval Process

(a) Land Dedications

- (1) Park Board Recommendation: The Parks and Recreation Manager or their designee shall report to the Parks and Recreation Advisory Board regarding any parkland dedication issues arising from development applications submitted to the City for approval. The Park Board may then make a formal recommendation to the Planning and Zoning Commission to accept or refuse any proposed dedicated land prior to the Commission's action on the development.
- (2) Planning and Zoning Commission: The Planning and Zoning Commission shall consider the recommendation of the Parks and Recreation Advisory Board in determining the acceptability of any land dedications proposed on any development. The Commission recommendation shall then be forwarded to the City Council for final approval where applicable.

- (3) Final Plat Dedications: Where review or development applications have resulted in the City's desire for land dedication, such land dedication shall be shown on a final plat and shall contain a clear fee simple dedication of that land to the City.

(b) Fee Payments in Lieu of Dedication

- (1) **Park Board Recommendation:** The Parks and Recreation Advisory Board shall make a formal recommendation to the City Council as to the acceptability of any proposed alternatives to parkland dedications.
- (2) **City Council Consideration:** Upon receiving a formal recommendation from the Parks and Recreation Advisory Board, the City Council shall enter into an agreement with the developer for the provision of fees in lieu of dedication, or a combination thereof.

(c) PUD-R Zoning or Other Zoning Classifications Requiring Dedication of Open Space

The obligation of the sub-divider to dedicate parkland or make payments in lieu thereof shall be in addition to and independent of the obligation of the sub-divider to dedicate open space under the PUD-R zoning ordinance, provided, to the extent the open space in the PUD-R exceeds twenty (20) percent of the project area (the "excess acreage") the requirements hereof may be modified as follows:

- 1) If the open space is dedicated to and accepted by the city as public park land
 - i) the required dedication of park land may be reduced by the amount of the excess acreage, or
 - ii) if the sub-divider is allowed to pay fees in lieu of dedication, the fee for each lot in the project may be calculated as follows:

$$\frac{(\text{number of lots in project} \times \$1260) (\text{excess acreage})}{.028 \times \text{number of lots in project}}$$

provided fee shall never be less than \$1 per lot

- 2) If the open space is not dedicated to or not accepted by the city as public park land

- i) the required dedication of park land may be reduced by ½ of the amount of excess acreage, or
- ii) if the sub-divider is allowed to pay fees in lieu of dedication the fee for each lot in the project may be calculated as follows:

$$\frac{(\text{number of lots in project} \times \$630) (\text{excess acreage})}{.028 \times \text{number of lots in project}}$$

provided the fee shall never be less than \$1 per lot

(7) Use of Fees

- (a) All funds collected as fees in lieu of dedication shall be deposited in a special interest bearing account dedicated to the accumulation of monies required by this section. Interest earned on fees in lieu of dedication shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed upon the use of fees in lieu of dedication.
- (b) Expenditures of fees in lieu of dedication shall be made only for one or more of the following purposes:
 - i) The acquisition or improvement of park sites or other sites which are available for park purposes.
 - ii) Inappropriate expenditures

Monies placed in this fund may not be utilized for any other general business activity of the City or for maintenance of park facilities.

E. PARKLAND DEDICATION COMMITTEE

- (1) The City hereby creates the Parkland Dedication Committee. The Parkland Dedication Committee shall be made up of two members of the Planning and Zoning Commission and two members of the Parks and Recreation Board. The Parkland Dedication Committee shall have the following duties:
- (a) Review proposed parkland dedication fund expenditures and make recommendations to the Planning and Zoning Commission and the City Council.

(b) Review the Parks and Recreation Master Plan every three years and make recommendations for modification or alteration.

(2) The City Council shall appoint the members of the Parkland Dedication Committee and the terms of the members of the Parkland Dedication Committee shall coincide with their respective terms of the Planning and Zoning Commission or the Park Board, as applicable.

Sec. 2. THAT if any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

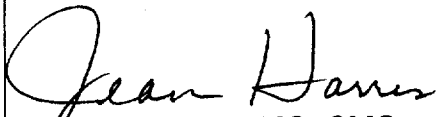
Sec. 3. The City Secretary is hereby authorized and directed to cause publication of the description caption and penalty clause hereof as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

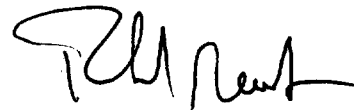
The first reading and public hearing being conducted on the 1st day of December 1998.

The second reading and public hearing being conducted on the 15th day of December 1998.

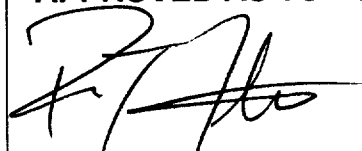
ATTEST:


Jean Harris, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE


Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

PARK LAND DEDICATION COMMITTEE BYLAWS

ARTICLE I – Identification and Purpose

The Park Land Dedication Committee was established by the City Council of Colleyville, Texas, by Ordinance O-91-823 on June 4, 1991 and was amended by Ordinance O-98-1129 on December 15, 1998. The purpose of the Park Land Dedication Committee is to serve in an advisory capacity to the Planning and Zoning Commission and the City Council relating to proposed park land dedication fund expenditures and proposed updates to the Parks and Recreation Master Plan.

ARTICLE II – Membership

- 2.1 The Park Land Dedication Committee shall consist of four (4) members; Two (2) members of the Planning and Zoning Commission and two (2) members of the Parks and Recreation Advisory Board. The Planning and Zoning Commission and Parks and Recreation Advisory Board shall make a recommendation from their respective membership to the City Council. The Park Land Dedication Committee members shall be appointed by the City Council for a term that shall run concurrent with their terms on the Planning and Zoning Commission and the Parks and Recreation Advisory Board.
- 2.2 Members shall serve without compensation and until their successors are appointed.
- 2.3 Members must be residents of Colleyville, Texas unless City Council waives the residency requirement.
- 2.4 Vacancies on the Park Land Dedication Committee shall be reported to the City Secretary. The Planning and Zoning Commission and Parks and Recreation Advisory Board shall make a recommendation from their respective membership to the City Council. The vacancies will be filled by appointment of the City Council for the length of the unexpired term.
- 2.5 If a member of the Park Land Dedication Committee fails to maintain a seventy-five percent (75%) attendance record for all regularly scheduled meetings, City staff liaison will notify the City Secretary. City Council may, at its discretion, declare a vacancy, advertise the open position or appoint a replacement without advertising.

ARTICLE III – Meetings

- 3.1 Meetings shall be held on an as needed basis and meeting dates, times and location may be changed as necessary. Meetings must be held in accordance with the provisions of the Texas Open Meetings Act.
- 3.2 Members unable to attend a regular meeting shall notify the staff liaison by noon of the meeting day.
- 3.3 A majority of the voting Park Land Dedication Committee shall constitute a quorum to conduct business of the Park Land Dedication Committee. However, no action shall be approved with less than three affirmative votes of the Park Land Dedication Committee members. The actions of the Park Land Dedication Committee members, present at a meeting, at which a quorum is in attendance, shall constitute the recommendations of the Park Land Dedication Committee.
- 3.4 Meeting agendas will be posted on the City Hall bulletin boards and the City's web site 72 hours prior to a meeting. Meeting agenda packets will be available to the public on the City's website 72 hours prior to a meeting. Approved meeting minutes will be included in City Council agenda packets under Reports.
- 3.5 Meeting agenda packets will be emailed to each committee member 72 hours prior to a meeting.
- 3.6 The City staff liaison shall preside at all meetings.
- 3.7 City staff shall take minutes of the meeting and serve as custodian of Park Land Dedication Committee records.
- 3.8 Special meetings may be called at the request of City Council, City staff liaison, or a Committee member of the Park Land Dedication Committee for the transaction of business. Posting and notification of meeting requirements shall apply to special meetings.
- 3.9 The Park Land Dedication Committee may establish sub committees as deemed appropriate. Such committees will be dissolved upon completion of the charge or task.

ARTICLE IV – Duties and Responsibilities

- 4.1 The Park Land Dedication Committee acts in an advisory capacity to the Planning and Zoning Commission and City Council in all matters pertaining to proposed park land dedication fund expenditures.
- 4.2 The Park Land Dedication Committee shall review the Parks and Recreation Master Plan every three (3) years and make recommendations for modification and alteration.

- 4.3 The Planning and Zoning Commission representatives to the Park Land Dedication Committee shall sign the Acknowledgement Statement in accordance with the Colleyville City Charter, Section 14.02, Personal Financial Interest, Subsection G, Oath, which acknowledges familiarity with the referenced section and Chapter 171 of the Local Government Code pertaining to conflict of interest.
- 4.4 The Planning and Zoning Commission representatives to Park Land Dedication Committee shall meet the filing requirements of the Disclosure Act. The City is required to place all Conflict Disclosure Statements submitted to the City on the City's web site.
- 4.5 The Park Land Dedication Committee member will take the Attorney General Texas Open Meetings Act on-line training course or obtain a dvd of the training course from the City Secretary, and provide a copy of the Certificate of Course Completion to the City Secretary. The training must be completed not later than the 90th day after the date the member takes the oath of office or otherwise assumes responsibilities as a member of the governmental body.

ARTICLE V – Amendments

- 5.1 These bylaws may be amended by a majority vote at any regular meeting, if all members have been notified of the proposed amendment 72 hours prior to such meeting. Amendments must be in compliance with applicable City ordinances.



City of Colleyville Park Land Dedication Committee Agenda Briefing

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

Agenda Number 3b	Agenda Date 04/29/2014	Number
Type Regular Agenda Items		
Department Parks and Recreation		
Title		

Discussion and consideration of approving the use of Park Land Dedication Fund monies for the Pleasant Run Soccer field improvements

Explanation

The Pleasant Run Soccer Complex was completed in 1994, and staff has identified the replacement of two capital items that were original to the construction of the Complex. The first is the original fencing around the fields that is at the end of its useful life with an estimated cost of \$25,000. The other is the original irrigation components and configuration on the game fields, which were installed during the construction of the Complex in 1994. With changes in irrigation, technology and equipment, and recent water restrictions that were not in effect in the 1990's, the irrigation system needs to be reconfigured and replaced to provide maximum watering efficiency with the least use of water possible. Again, this is the original irrigation configuration, and replacement of the system on the game fields is estimated to cost \$100,000.

As contained in the attached excerpt from the Executive Summary of the 2011 Parks, Recreation, and Open Space Master Plan adopted in December 2011, there is an identified need for three additional playgrounds. The Complex is used by over 1,000 participants and their families during the both the spring and fall seasons, and there is not a playground on the site close to the game fields. Due to the consistent large number of visitors to this site during both seasons, and its adjacency to the Cotton Belt trail, staff is recommending the placement of a playground on this site. The estimated cost of this playground is \$75,000.

The total cost of the three recommended improvements is \$200,000, and the recommended source of funding is the Park Land Dedication Fund. The improvements are an allowable use of funds under the provisions in attached Ordinance O-98-1129. There is an unallocated balance of \$1,414,038 as of March 31, 2014, per the attachment - Financial Status of the Park Land Dedication Fund. At the April 7, 2014 meeting, staff presented this recommendation for expenditure of Park Land Dedication funds to the Parks and Recreation Advisory Board, and received unanimous approval from the Board that it be presented to the Park Land Dedication Committee for their consideration. Staff is seeking a recommendation for approval to present this request to the City Council for their consideration at a future meeting.

Financial Impact

The proposed expenditures of \$200,000 would be paid from the available funds in the Park Land Dedication Fund which are \$1,414,038 as of March 31, 2014.

Attachments

1. Outdoor Facility Needs - 2011 Parks, Recreation and Open Space Master Plan - December 2011
2. Ordinance O-98-1129
3. Financial status of the Park Land Dedication Fund at March 31, 2014

Outdoor and Indoor Facilities

OUTDOOR FACILITY NEEDS AND RECOMMENDATIONS

The City of Colleyville has been proactive in providing outdoor athletic facilities for competitive use and, therefore, does not need to develop additional competitive use facilities within the next five years. However, a level of service analysis of practice facilities and non-athletic outdoor recreation facilities does indicate a need (see Figure ES 3). These needs align with the results of the public involvement process, in which many residents expressed the need for more trails and passive park amenities for family use. The majority of the facilities shown in Figure ES 3 can be constructed along with park development; however, some recreational facilities could be constructed independently of other park development projects.

Figure ES 3
Outdoor Facility Needs
(These needs are based on a level of service analysis and may not be directly reflected in the Implementation Plan)

Athletic Facility Needs (2011–2016 or 5 Year Target)*	
• Multi-Purpose Practice Fields**	2 Fields
• Basketball Goals	2 Goals***
Non-Athletic Facility Needs (2011–2016 or 5 Year Target)*	
• Paved Hike and Bike Trails	4 Miles
• Natural Surface Trails	2 Miles
• Playgrounds	3 Playgrounds
• Pavilions	2 Pavilions
*Deficiencies based on a projected 2016 population of 24,115	
**Open fields designed or usable for football, soccer, and baseball practice	
***One full-court or two half-courts	

ORDINANCE NO: 0-98-1129

AN ORDINANCE OF THE CITY OF COLLEYVILLE AMENDING ORDINANCE 0-91-823, REVISING THE ENTIRETY OF THE PARK AND RECREATION DEDICATION REQUIREMENTS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Colleyville, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Colleyville has heretofore adopted a Parkland Dedication Ordinance; and

WHEREAS, the City has zoning classifications which require open space; and

WHEREAS, the City Council has determined that in order to provide for adequate land for parks, recreation and open space, it is appropriate and in the best interest of the City to amend Ordinance 0-91-823, to authorize the appropriate parkland dedication requirements, or facilities, or improvements, or fees in lieu of said dedication requirements.

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

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The requirements for open space, park and recreational areas contained in this section are intended to ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents for open space and parks. In determining the size, shape and quality of open space and park areas that should be set aside and reserved in the manner set out in this section, the City has considered the projected growth in population and development within the municipality and the amount of open space and park and recreational facilities needed to accommodate such growth as stated in the Parks and Recreation Master Plan.

B. APPLICABILITY:

- (1) **Unplatted Property:** This section applies to all property for which a final plat has not been formally submitted to the City for approval, unless otherwise noted herein.
- (2) **Exempt Property:** Any tract or lot occupied by an existing residential dwelling unit at the time of adoption of this ordinance shall be exempt from the dedication requirements of this section herein if the residential dwelling remains on the lot. This exemption pertains only to the tract or lot with the existing residential dwelling. Any additional lots created by further subdivision of the property shall be subject to the requirements herein.
- (3) **Date of Assessment:** All requirements contained in this section shall be assessed at the time of approval of the final plat of any applicable property.

C. LAND DEDICATION REQUIREMENTS:

(1) Standards

In reviewing proposed dedications of parkland, the following criteria shall be imposed; provided, however, the approving body may vary or waive any of the following criteria on a finding that the proposed dedication of parkland is in accordance with the development of the City, complies with the statement of intent of the Parkland Dedication Ordinance and because of the uniqueness of the property, requires a variance:

- (a) Parkland shall be clearly visible from the public rights-of-way and shall be located so as to give maximum possible exposure throughout the neighborhood.
- (b) Access to the parkland shall be available from public rights-of-way.
- (c) Where the proposed parkland is a flood plain area which is proposed as a linear park, the following shall also be considered:
 - (i) Whether the proposed site contains significant environmental features representative of a pre-urbanized Colleyville, including trees, plants, wildlife, topography, geological outcroppings, unique water features or any combination thereof.
 - (ii) Whether the proposed site currently provides, or will provide in the future, an effective linkage to other existing or anticipated public park sites which will allow movement to and from places where residents live, work and play.

- (iii) Whether the proposed site is easily accessible, visible and identifiable.
 - (iv) Whether the proposed site has street frontage along its entire length.
 - (v) Whether the proposed site is designed to be used and function as a natural waterway with minimal site alteration.
 - (d) A minimum of fifty percent (50%) of any dedicated parkland shall have grades of less than three percent (3%) and shall be well drained and suitable for development of parkland improvements.
 - (e) Parkland shall be provided with access to all utilities, including water and sewer, along the street frontage of the park.
 - (f) Parkland shall not be burdened with easements, rights-of-way, deed restrictions or other limitations which prohibit or inhibit the use of the parkland for park purposes.
- (2) Amount and Location

Residential Developments

Based on the population projected to reside in the City of Colleyville, as stated in the 1998 Master Plan adopted by the City Council, the City desires to provide 9.0 acres of parkland for every 1,000 residents in an ultimate condition. Parkland meeting the requirements contained within this section shall be dedicated to the City at a ratio of one (1) acre of parkland for every thirty-six (36) residential dwelling units or a prorated portion thereof.

The subdivider shall dedicate to the City a minimum of 0.0280 acres of parkland in fee simple for each DU (dwelling unit) within the subdivision; provided, however, no tract of parkland shall be less than 7 acres in total area unless approved by the City Council.

Non-Residential Developments

- (a) Although non-residential development does not generate residential occupancies per se, it does create environmental impacts, which may negatively affect the living environment of the community. These impacts may be ameliorated or eliminated by providing park or open space areas which buffer adjoining land uses, prevent undue concentration of paved areas, allow for the reasonable dissipation of automotive exhaust fumes, provide natural buffers to the spread of fire or explosion, and provide separation of lighting, waste disposal, and

noise by-products of non-residential operations and activities from adjacent residential areas. The City has therefore determined that non-residential developments must provide dedicated parks and/or reserved open space at a ratio of one (1) acre of parkland for every fifty-six (56) non-residential gross acres of development or prorated portion thereof.

Off-site Dedications

- (b) A developer may dedicate the required parkland for a development at another location owned by the same developer within the City with the consent of the City, provided that the off-site dedication is in accordance with this ordinance.

(3) Documents Accompanying Final Plat

Where the subdivider proposes to dedicate land to the City for parkland purposes, the following additional documents shall be submitted to the City with the submission of the final plat of the subdivision:

- (a) An environmental study, audit or assessment demonstrating that the property is in a condition which would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally related problems.
- (b) If a developer chooses to dedicate the land or to build the park, a site plan of the park property containing a conceptual plan of the type, nature, and extent of improvements which could be made to the property and identifying the property as to type, i.e., neighborhood park, linear park, special purpose or community park.
- (c) A statement as to the number of proposed DUs within the subdivision.

(4) Condition of Property and Acceptance by the City of Colleyville

Prior to the issuance of a building permit for the erection of any house within the subdivision, the subdivider shall apply to the City for written acceptance of the parkland, which shall be accepted upon completion of the following conditions:

- (a) The subdivider shall permanently mark each corner of the park site with a three-quarter inch (3/4") iron pin set in concrete.
- (b) The subdivider shall provide the City with a survey acceptable to the City reflecting each corner monument, showing and locating any

encroachments, easements and providing a metes and bounds description of the parkland.

- (c) All rubbish, trash, junk and other offensive materials shall be removed from the parkland and the property returned to its natural condition except as to approved construction and improvements thereon.
- (d) All improvements or construction on or within the parkland to be installed by the subdivider shall be completed in accordance with approved construction plans.
- (e) All other applicable ordinances of the City have been complied with.

D. ALTERNATIVES TO LAND DEDICATION:

(1) Authorization

In any case where a dedication is required, the City shall have the right to accept the dedication, as submitted for approval, or in the alternative, to refuse dedication of the same, and in lieu thereof to require payment of cash under the formula contained in this Section. The City may permit a combination of dedication and fees to be used to fulfill this requirement.

(2) Fee Payment Alternative

Approval of Fee Payment Alternative: The City Council shall upon recommendation of the Park Board, determine the acceptability of a developer's payment of fees in lieu of land dedication requirement of this section.

(3) Calculation of Fees

The City Council shall establish an acreage land value cost figure to be used in calculating park fees.

- (a) Residential Dwelling Unit Fees: Fees paid in lieu of dedication shall be based on the determined cost of 1 acre of land divided by thirty-six (36), for a resulting fee per residential dwelling unit of \$1,260.
- (b) Non-Residential Development Fees: The fee payment alternative for non-residential development shall be calculated by dividing the determined cost of one (1) acre of land by fifty-six, for a resulting fee per non-residential acre cost of \$400 per acre. In the event the non-residential development is less than fifty-six (56) acres, the total acreage shall be divided by 56 to determine the prorated fee payment.

(4) Collection of Fees

- (a) The payment of the fee in lieu of dedication shall be a condition precedent to the issuance of any building permit for a DU within the subdivision.
- (b) By agreement approved by the City Council, the City and the subdivider may alter the time and method of payment and fees in lieu of dedication.

(5) Physical or Equipment Improvements to Parks

Compatibility with Parks and Recreation Master Plan: A developer may have the option of improving existing facilities within municipal parks or improving dedicated parkland in lieu of parkland dedication or payment of cash, based on recommendations made in the Parks and Recreation Master Plan. Should any of these options be exercised, the City and the developer shall prior to initiation of work on such improvements, enter into an agreement for credit of expenses for authorized park improvements. In no case shall the municipality be required to reimburse the developer if he chooses to improve parklands at an amount greater than required. Such a proposed agreement to provide facility improvements in lieu of dedication shall be submitted in writing with the subdivision plat.

(6) Approval Process

(a) Land Dedications

- (1) Park Board Recommendation: The Parks and Recreation Manager or their designee shall report to the Parks and Recreation Advisory Board regarding any parkland dedication issues arising from development applications submitted to the City for approval. The Park Board may then make a formal recommendation to the Planning and Zoning Commission to accept or refuse any proposed dedicated land prior to the Commission's action on the development.
- (2) Planning and Zoning Commission: The Planning and Zoning Commission shall consider the recommendation of the Parks and Recreation Advisory Board in determining the acceptability of any land dedications proposed on any development. The Commission recommendation shall then be forwarded to the City Council for final approval where applicable.

- (3) **Final Plat Dedications:** Where review or development applications have resulted in the City's desire for land dedication, such land dedication shall be shown on a final plat and shall contain a clear fee simple dedication of that land to the City.

(b) **Fee Payments in Lieu of Dedication**

- (1) **Park Board Recommendation:** The Parks and Recreation Advisory Board shall make a formal recommendation to the City Council as to the acceptability of any proposed alternatives to parkland dedications.
- (2) **City Council Consideration:** Upon receiving a formal recommendation from the Parks and Recreation Advisory Board, the City Council shall enter into an agreement with the developer for the provision of fees in lieu of dedication, or a combination thereof.

(c) PUD-R Zoning or Other Zoning Classifications Requiring Dedication of Open Space

The obligation of the sub-divider to dedicate parkland or make payments in lieu thereof shall be in addition to and independent of the obligation of the sub-divider to dedicate open space under the PUD-R zoning ordinance, provided, to the extent the open space in the PUD-R exceeds twenty (20) percent of the project area (the "excess acreage") the requirements hereof may be modified as follows:

- 1) If the open space is dedicated to and accepted by the city as public park land
 - i) the required dedication of park land may be reduced by the amount of the excess acreage, or
 - ii) if the sub-divider is allowed to pay fees in lieu of dedication, the fee for each lot in the project may be calculated as follows:

$$\frac{(\text{number of lots in project} \times \$1260) (\text{excess acreage})}{.028 \times \text{number of lots in project}}$$

provided fee shall never be less than \$1 per lot

- 2) If the open space is not dedicated to or not accepted by the city as public park land

- i) the required dedication of park land may be reduced by ½ of the amount of excess acreage, or
- ii) if the sub-divider is allowed to pay fees in lieu of dedication the fee for each lot in the project may be calculated as follows:

$$\frac{(\text{number of lots in project} \times \$630) (\text{excess acreage})}{.028 \times \text{number of lots in project}}$$

provided the fee shall never be less than \$1 per lot

(7) Use of Fees

- (a) All funds collected as fees in lieu of dedication shall be deposited in a special interest bearing account dedicated to the accumulation of monies required by this section. Interest earned on fees in lieu of dedication shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed upon the use of fees in lieu of dedication.
- (b) Expenditures of fees in lieu of dedication shall be made only for one or more of the following purposes:
 - i) The acquisition or improvement of park sites or other sites which are available for park purposes.
 - ii) Inappropriate expenditures

Monies placed in this fund may not be utilized for any other general business activity of the City or for maintenance of park facilities.

E. PARKLAND DEDICATION COMMITTEE

- (1) The City hereby creates the Parkland Dedication Committee. The Parkland Dedication Committee shall be made up of two members of the Planning and Zoning Commission and two members of the Parks and Recreation Board. The Parkland Dedication Committee shall have the following duties:
- (a) Review proposed parkland dedication fund expenditures and make recommendations to the Planning and Zoning Commission and the City Council.

(b) Review the Parks and Recreation Master Plan every three years and make recommendations for modification or alteration.

(2) The City Council shall appoint the members of the Parkland Dedication Committee and the terms of the members of the Parkland Dedication Committee shall coincide with their respective terms of the Planning and Zoning Commission or the Park Board, as applicable.

Sec. 2. THAT if any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

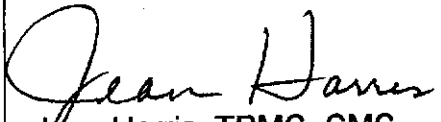
Sec. 3. The City Secretary is hereby authorized and directed to cause publication of the description caption and penalty clause hereof as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 1st day of December 1998.

The second reading and public hearing being conducted on the 15th day of December 1998.

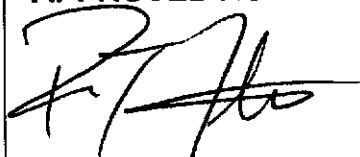
ATTEST:


Jean Harris, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE


Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

FINANCIAL STATUS OF PARK LAND DEDICATION FUND AT 3-31-2014

TOTAL REVENUES \$3,639,385

TOTAL INTEREST INCOME REC'D \$537,965

LESS EXPENSES:

KIDSVILLE DONATION	\$1,000
LANDSCAPING NATURE CENTER	\$1,169
NATURE CENTER TREES	\$1,035
KIMSEY PARK APPRAISALS	\$4,700
CITY PARK SOD	\$72,881
TPWD KIMSEY PARK GRANT	\$8,800
COTTONBELT TRAIL I	\$161,447
COTTONBELT TRAIL I ROW ACQUISITION	\$32,323
WEBB HOUSE RESTORATION	\$98,584
COTTONBELT TRAIL II	\$147,006
MC DONWELL SCHOOL TRAIL	\$162,790
PARK PROPERTY	\$508,047
CASTLETON TRAIL	\$18,956
MC PHERSON PARK PHASE I	\$1,084,147
LOG BARN	\$111,000
SPARGER PARK TRAIL	\$82,838

TOTAL EXPENSES \$2,496,722

LESS ENCUMBERANCES:

COTTONBELT TRAIL II	\$61,292
COTTONBELT TRAIL III	\$185,297
WEBB HOUSE TRAIL	\$20,000

TOTAL ENCUMBERANCES \$266,589

TOTAL AVAILABLE AT 3-31-2014 \$1,414,038