



City of Colleyville Zoning Board of Adjustment Agenda

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

Tuesday, September 9, 2014

City Council Chambers

7:00 PM
CITY COUNCIL CHAMBERS
THIRD FLOOR

CALL TO ORDER

PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES

June 10, 2014

2. PUBLIC HEARING AGENDA ITEMS

- 2a** Request for a variance to the side yard and rear yard setback requirements and lot coverage requirements of Chapter 3 – Land Use of the Land Development Code on Lot 10A, Block 1, of the Westcoat Place Addition, located at 6213 Westcoat Drive, Case VC14-008
- 2b** Request for a variance to the lot coverage requirements of Chapter 3.24.G, Schedule of District Regulations of the Land Development Code on Lot 9, Block A, of the Somerset Manor Addition located at 7013 Benjamin Way, Case VC14-009
- 2c** Request for a variance to the lot coverage requirements of Chapter 3.24.G, Schedule of District Regulations of the Land Development Code on Lot 12, Block B, of the Somerset Manor Addition located at 7024 Benjamin Way, Case VC14-010

3. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards September 5, 2014 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 Zoning Board of Adjustment Minutes

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

Tuesday, June 10, 2014

City Council Chambers

Call to Order

The Zoning Board of Adjustment meeting of the City of Colleyville was called to order by Board member McNosky on June 10, 2014 at 7:00 p.m.

Roll Call

Present: Board members Mike Leathers, Mark Collier, Judson Orlando, Larry Kainer (Alternate 1), and Dee McNosky

Absent: Board member Mike Patino (Alternate 2) and Jason Elms

Staff Present: Ron Ruthven and Taci Wrisley

1. APPROVAL OF MINUTES

Board member Orlando made a motion to approve the minutes as written. Board member Collier seconded.

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

Aye: 5 – Leathers, Collier, Orlando, Kainer, and McNosky

2. PUBLIC HEARING AGENDA ITEMS

- 2a** Request for a variance to the side yard setback requirements of Chapter 3 – Land Use of the Land Development Code on Lot 34B, Block 1, of the Westcoat Place Addition, located at 6012 W. L. D. Lockett Road, Case VC14-007

Ron Ruthven presented the case and briefed the Board.

The public hearing was opened at 7:05 p.m.

Gary Panno, the applicant, came forward and briefed the Board.

Board member McNosky questioned the applicant regarding if the

objective of the request was to gain approval to build closer to the property line given the narrow width of the lot. Mr. Panno replied correct.

Board member Orlando questioned staff regarding whether the proposed structure would encroach upon the required separation between residential structures if the variance was approved. Ron Ruthven replied no.

Discussion continued regarding separation requirements for residential structures.

Ron Ruthven explained to the Board that a swing garage is preferred on L. D. Lockett Road because it is on the Master Thoroughfare Plan and is very busy regarding traffic. He further explained this would allow the resident to exit the property safely.

Board member McNosky questioned Mr. Panno regarding whether he had disclosed to his plans to the surrounding neighbors. Mr. Panno replied yes.

Discussion continued regarding Mr. Panno's conversations with the surrounding neighbors.

Board member McNosky questioned Mr. Panno regarding the secondary structures on the property. Mr. Panno replied they would be removed.

Discussion continued regarding secondary structure requirements.

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

Board member Leathers made a motion to approve Case VC14-007. Board member Kainer seconded.

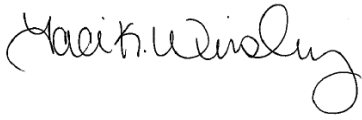
The motion to approve Case VC14-007 carried by the following vote:

Aye: 5 – Leathers, Collier, Orlando, Kainer, and McNosky

3. ADJOURNMENT

The meeting adjourned at 7:13 p.m.

Minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on July 8, 2014 by a vote of _____.



City of Colleyville Zoning Board of Adjustment Agenda Briefing

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

Agenda Number 2a	Agenda Date 09/09/2014	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a variance to the side yard and rear yard setback requirements and lot coverage requirements of Chapter 3 – Land Use of the Land Development Code on Lot 10A, Block 1, of the Westcoat Place Addition, located at 6213 Westcoat Drive, Case VC14-008

Explanation

Mark Cameron, the property owner, is requesting variances to reduce the side and rear yard setback requirements and lot coverage requirements on Lot 10A, Block 1, Westcoat Place located at 6213 Westcoat Drive. The corner lot is oriented toward Westcoat Drive with the north side yard along White Drive. The requested variances would reduce the required 15 foot side yard setbacks to 10 feet on both sides of the lot. The applicant also requests to reduce the required rear yard setback of 25 feet to 20 feet. The applicant states the variances are required in order to construct a new single family residence and associated amenities. Given the existence of an established front yard setback within the street yard along the south side of White Drive, staff recommends that the side yard setback along the north side of the property not be reduced with additional space granted to the rear setback waiver instead.

Regarding lot coverage, the applicant requests a variance to the maximum lot coverage requirement of 20 percent for the R-40 zoning district. Lot coverage includes the total area of the building footprint (under roof) as a percentage of the total square footage of the property. The applicant requests a maximum lot coverage of 30%, which the lot coverage required by the R-20-Single Family Residential zoning district.

Existing Conditions. The lot presently contains an approximately 1,400 square foot single family residence which will be removed in order to construct a new single family residence.

Zoning. The property is zoned R-40 Single Family Residential and is recognized as a lot of record and is, therefore, exempt from the lot dimension requirements of the R-40 zoning district. The lot measures approximately 142 feet in depth and 99 feet in width, and contains approximately 0.33 acres.

Section 3.7 – Non-conforming Uses, Lots and Buildings, Section B. Non-Conforming Lots of Record, of the Land Development Code states, "Variance of yard requirements

shall be obtained only through action of the Zoning Board of Adjustment.

The designated zoning of this property is in an R-40 Single Family Residential district and the established building line setbacks, lot coverage and lot size requirements are as follows:

Front Yard: 40 feet

Side Yard: 15 feet

Rear Yard: 25 feet

Minimum lot size: 40,000 square feet

Minimum width in feet: 150 feet

Minimum depth in feet: 150 feet

Maximum lot coverage: 20 percent

Public Notification. Staff mailed notices to twelve (12) property owners within 200 feet of the site. As of this writing, staff has received no correspondence.

Summary. The Land Development Code specifically outlines the side and rear yard building line setbacks as well as lot coverage for each zoning district. However, the situation involved with this variance is unique given the extreme non-conforming nature of the minimum lot depth, width and size requirements for R-40 lots described above. The Land Development Code defines a hardship as a condition applied to a property such that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. Given that the lot depth of 142 feet, lot width of 99 feet and lot size of 14,375 square feet do not meet the minimum R-40 zoning district requirements, and that the subject property is classified as a lot of record, a hardship exists. Staff recommends approval save for the reduction to the established front yard setback along White Drive.

Recommendation

Approval with the following conditions:

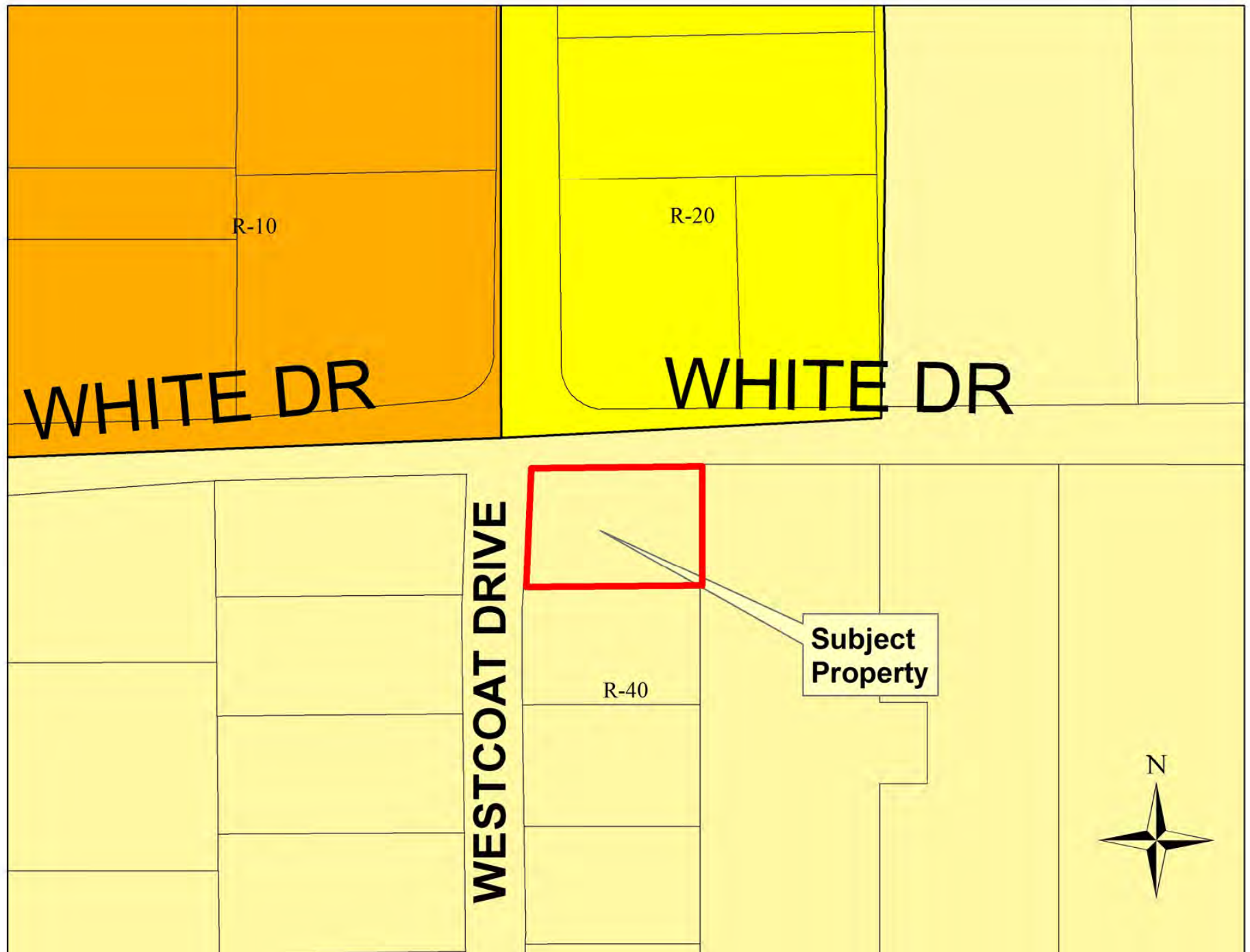
The side yard setback along the north side of the property shall not be reduced.

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Variance Request Exhibit

6. Variance Application

Location and Zoning Map



Aerial



Notification Map



Case VC14-008 - 6213 Westcoat Drive

Legend



Properties within 200 Feet



Parcels



Notification list

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
GRIDIRON REALTY LLC	1450 POST N PADDOCK ST	GRAND PRAIRIE	TEXAS	75050	006216 WESTCOAT DR
SIMMONS, CHARLES E ETUX LINDA	6303 WESTCOAT DR	COLLEYVILLE	TEXAS	76034	006303 WESTCOAT DR
DOMINY, CHARLES R	6208 WESTCOAT DR	COLLEYVILLE	TEXAS	76034	006208 WESTCOAT DR
ASHLEY, SHAWN ETUX KATIE A	200 WHITE DR	COLLEYVILLE	TEXAS	76034	000200 WHITE DR
ADAMS, JASON R ETUX JAIME M	6212 WESTCOAT DR	COLLEYVILLE	TEXAS	76034	006212 WESTCOAT DR
HYDE, R W ETUX ROBBIN L	202 WHITE DR	COLLEYVILLE	TEXAS	76034	000202 WHITE DR
HENNIG, RUTH MILDRED	7925 SHADY OAKS DR	NORTH RICHLAND HILLS	TEXAS	76180	006213 WESTCOAT DR
DOSSEY, JAMES A ETUX LYNNE E	6211 WESTCOAT DR	COLLEYVILLE	TEXAS	76034	006211 WESTCOAT DR
MOSCHEL, JEFFREY ETUX JENNIFER	6209 WESTCOAT DR	COLLEYVILLE	TEXAS	76034	006209 WESTCOAT DR
NORTON, JOHN J	6304 WESTCOAT DR	COLLEYVILLE	TEXAS	76034	006304 WESTCOAT DR
FITZGERALD, B J ETUX MARY F	201 WHITE DR	COLLEYVILLE	TEXAS	76034	000201 WHITE DR
FITZGERALD, MARILYN S	205 WHITE DR	COLLEYVILLE	TEXAS	76034	000205 WHITE DR
MARK CAMERON, APPLICANT	6600 PLEASANT RUN ROAD	COLLEYVILLE	TEXAS	76034	APPLICANT

Public hearing notices were mailed
Mon. June 23, 14 by Taci Wrisley

Cancellation notices were mailed
Thurs. July 3, 14 by Taci Wrisley

Public hearing notices were mailed
Thurs. July 17, 14 by Taci Wrisley

Public hearing notices were mailed
Fri., August 15, 2014 by Taci Wrisley

Variance Request Exhibit

Scale 1" = 30'

EXHIBIT A



WHITE DRIVE

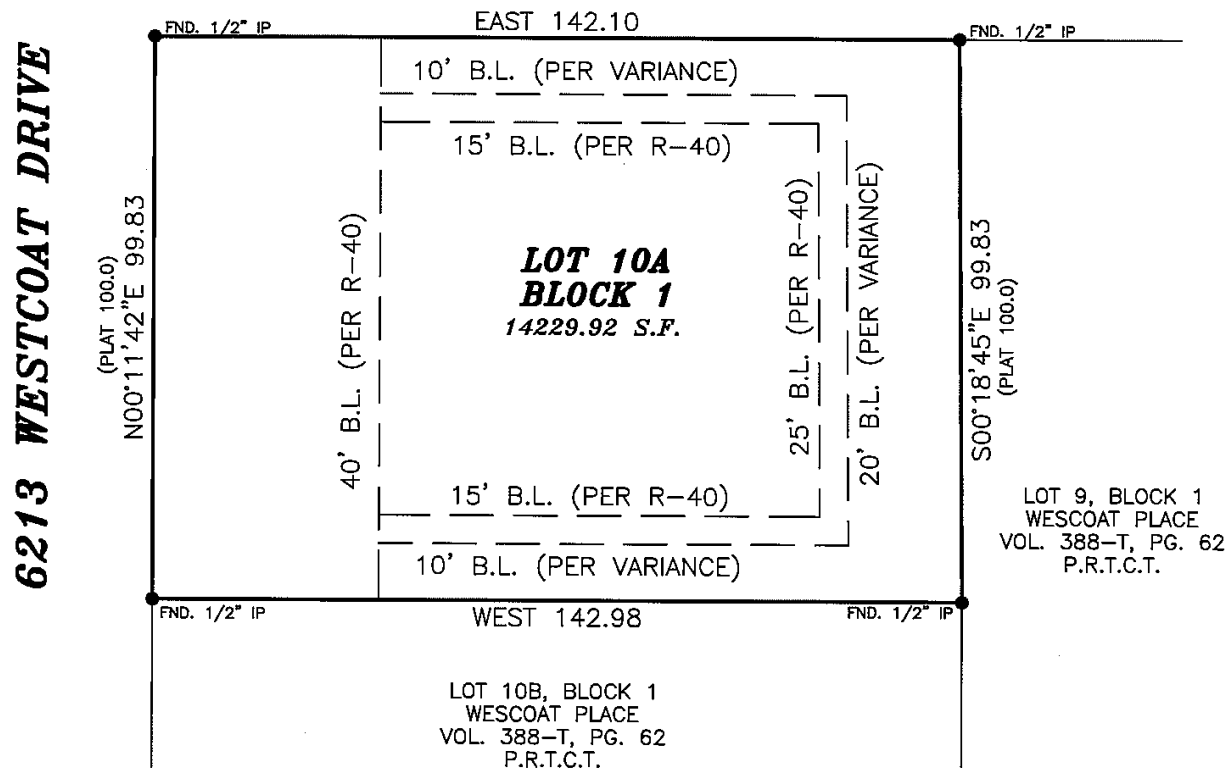


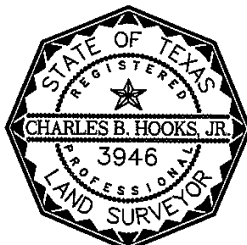
EXHIBIT A
BUILDING LINE VARIANCE REQUEST

LOT 10A, BLOCK 1, WESCOAT PLACE, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-T, PAGE 62, MAP/PLAT RECORDS, TARRANT COUNTY, TEXAS

LEGEND:

TF

- | | |
|---|-------------------|
| ● | IRON PIN |
| ○ | IRON PIPE |
| △ | BOIS D'ARC STAKE |
| □ | CONCRETE MONUMENT |
| —x—x— | FENCE |
| —//— | POWER LINE |
| —T—T— | TELEPHONE LINE |
| —CATV— | CABLE TELEVISION |
|  | CONCRETE PAVING |
|  | ASPHALT PAVING |



LOYD BRANSOM SURVEYORS INC.
CHARLES B. HOOKS, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
1028 NORTH SYLVANIA AVENUE
FT. WORTH, TEXAS 76111
(817) 834-3477

(817) 834-
Charles [Signature]

14-466A

DATE: 06-10-14

Variance Application

VARIANCE OR APPEAL APPLICATION

City of Colleyville
100 Main Street
Colleyville TX 76034
817.503.1050

REQUEST INFORMATION

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

Have you applied for a building permit? ☐ Yes ☒ No

Have you filed an appeal or petition on this property before? ☒ No ☐ Yes

1. Completely describe the variance you are requesting. I AM REQUESTING THE REAR AND SIDE SET BACKS BE ADJUSTED BY 5' EACH, TO A 20' REAR SET BACK AND 10' SIDE.

SEE ATTACHED SURVEY.

2. Do similar conditions exist in the area? Explain. YES, SEVERAL SMALLER LOTS, OF 14K SQ FT HAVE R4D ZONING.

3. Describe how the unique conditions or circumstances do not result from your actions. THE R4D ZONING REQUIRES SET BACKS OF 40' FRONT, 25' REAR AND 15' SIDES.

4. Is there any way to do what you want without this request? NO, THE CURRENT ZONING RESTRICTIONS ON THIS 14K SQ FT LOT PROHIBITS THE HOUSE SIZE AND FUTURE/POTENTIAL POOL AND SWING SET.

Acknowledgments

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after the hearing, and that such dismissal shall constitute a denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the Community Development Department, and such withdrawal shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdrawal of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property, and that the Board's action does not constitute the approval of a building permit.

Applicant's Initials MJC Date 6.6.14



City of Colleyville Zoning Board of Adjustment Agenda Briefing

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

Agenda Number 2b	Agenda Date 09/09/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Request for a variance to the lot coverage requirements of Chapter 3.24.G, Schedule of District Regulations of the Land Development Code on Lot 9, Block A, of the Somerset Manor Addition located at 7013 Benjamin Way, Case VC14-009

Explanation

Laura Hoffman, representing Windsor Homes, is requesting a variance to the lot coverage requirements on Lot 9, Block A, of the Somerset Manor Addition located at 7013 Benjamin Way. The applicant is requesting a variance to the maximum lot coverage requirement of 50 percent for the PUDR-Planned Unit Development Residential zoning district. Lot coverage includes the total area of the building footprint (under roof) as a percentage of the total square footage of the property.

PUD Zoning. The subject property is currently zoned PUDR. PUDR zoning differs from other zoning categories in that each PUDR district is approved with its own development standards codified in a singular, unique ordinance. In many PUDR districts, as the attached table indicates, some developments have higher lot coverage requirements adopted in their individual PUDR ordinances. Typically, developments with smaller lot sizes and higher densities above the City standard of 1.8 dwellings units per acre contain higher lot coverage requirements. In the case of the Somerset Manor development, no lot coverage requirements are contained in the PUDR ordinance, Ordinance O-08-1672 (attached), approving the development. Therefore the lot coverage requirements default to the Land Development Code requirement of 50% for properties with PUDR zoning. This is why the applicant is requesting a variance to the Zoning Board of Adjustment since the requirement is contained in the Land Development Code.

Variance Request. The applicant is requesting a variance to increase the lot coverage to 53% from the maximum of 50%. According to the attached exhibit, the total slab area of the home contains 3,800 square feet with a total lot area of 7,212 square feet leaving a total lot coverage of 53%.

Existing Conditions. On April 9, 2014 a building permit was issued to construct the home. The home is nearing completion. After the permit was issued, City staff informed the applicant that the lot coverage exceeds the zoning requirement of 50% and that a variance would be required in order to perform a final inspection on the home. The lot coverage discrepancy between what the code allows and what was

approved as part of the building permit application constitutes an error on the part of City staff and applies only to the subject property and property located at 7024 Benjamin Way, which follows this request on the agenda. City staff has since made the necessary plan review adjustments to ensure that the discrepancy will not repeat.

Lot Coverage. The following are the lot coverage requirements broken down by single family zoning category:

PUDR – 50%

R15 – 30%

R20 – 30%

R30 – 25%

R40 – 20%

RE (Estate) – 20%

AG (Agricultural) – 20%

Public Notification. Staff mailed notices to 26 property owners within 200 feet of the site. As of this writing, staff has received no correspondence.

Summary. This variance request only involves approving the lot coverage of 53% for the home, which is nearing completion. Given that the variance request results from a staff error in reviewing the building permit application, a hardship is created.

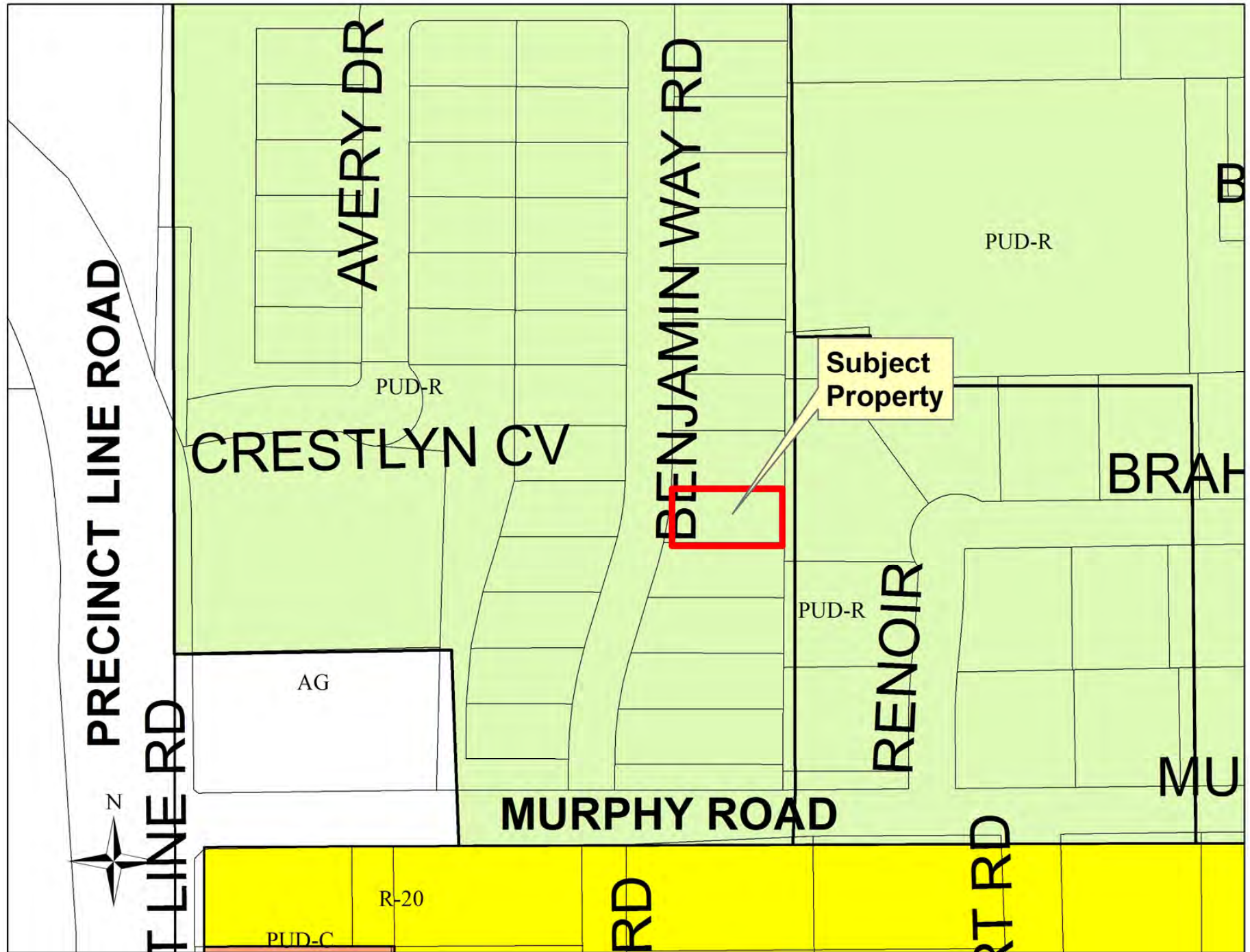
Recommendation

Approve

Attachments

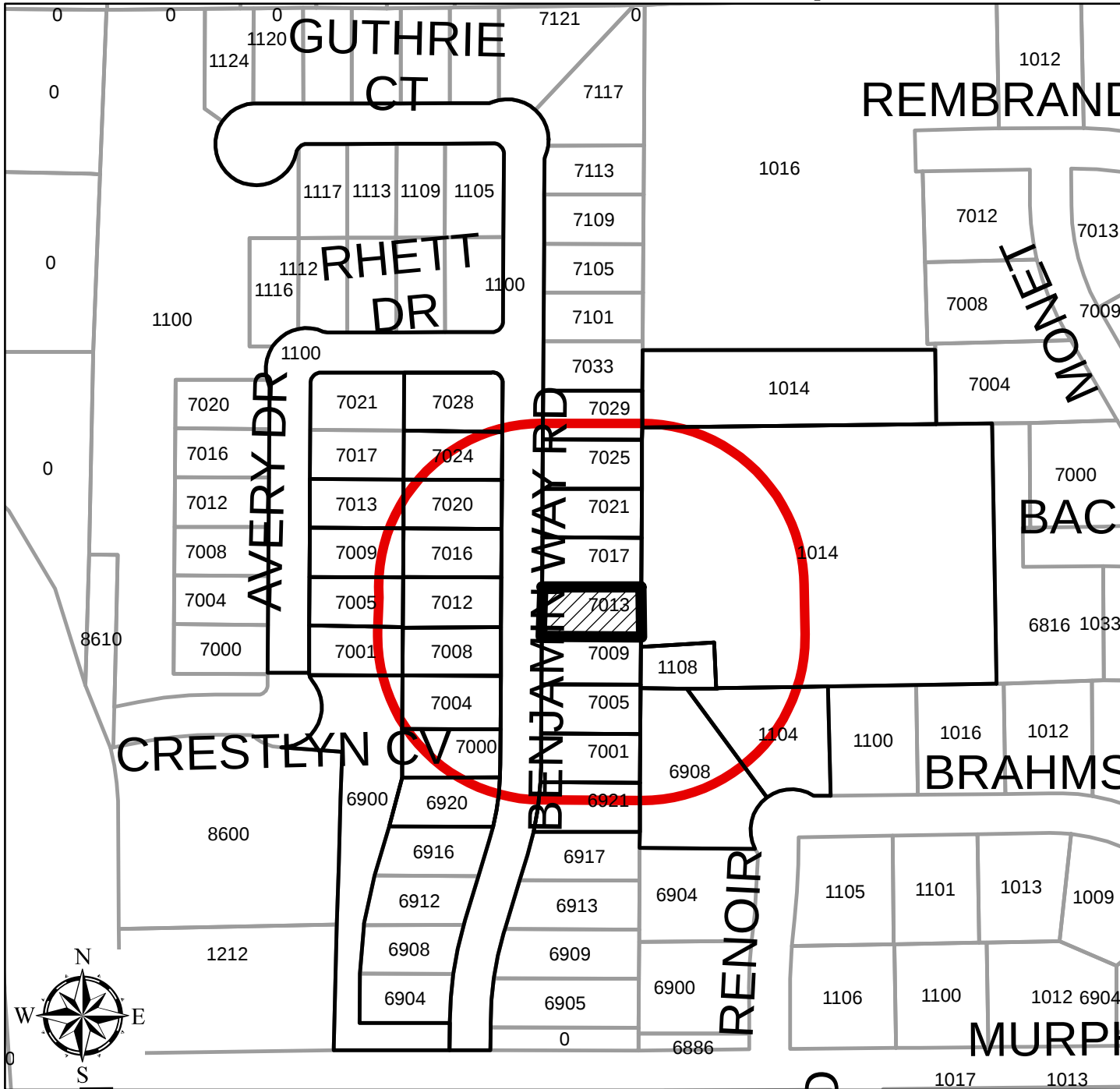
1. Location and Zoning Map
2. Buffer Map
3. Notification List
4. Application
5. Variance Exhibit
6. Ordinance O-08-1672
7. Small Lot Development Comparison Chart - 1996 to 2013

Location and Zoning Map



Buffer Map

Case VC14-009
7013 Benjamin Way



Legend

-  Properties within 200 Feet
 Subject Properties
 Parcels



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
LENNAR HOMES TEXAS LAND & CONS	1707 MARKET PL	IRVING T	TX	75063	001108 RHETT DR
TOLL DALLAS TX LLC	250 GIBRALTAR RD	HORSHAM	PA	19044	001014 MURPHY RD
TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	001108 MURPHY RD
WAGNER, FREDERICK ETUX VANESSA	6908 RENOIR	COLLEYVILLE	TX	76034	006908 RENOIR
RINGDAHL, JEFFREY K ETUX KRIST	1104 BRAHMS	COLLEYVILLE	TX	76034	001104 BRAHMS
LAURA HOFFMAN, APPLICANT	2728 N. HARWOOD STREET	DALLAS	TX	75201	Applicant

Public hearing notices were mailed
Fri., Aug. 15, 2014, by Taci Wrisley

Application

	Community Development Services Application	City of Colleyville 100 Main Street Colleyville TX 76034 817.503.1050
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APPLICATION TYPE

PLEASE CHECK THE APPROPRIATE BOX BELOW.

- | | | |
|---|---|---|
| ☐ Zoning Change | ☐ Preliminary Plat | ☒ Zoning Variance (ZBA) |
| ☐ Special Use Permit | ☐ Final Plat | ☐ Sign Variance (SBA) |
| ☐ Planned Unit Development | ☐ Minor Plat | ☐ Sidewalk / General Waiver |
| ☐ Site & Landscape Plan | ☐ Amended Plat | ☒ Interpretation Appeal |

PROPERTY INFORMATION

Project Name: Somerset Manor - Windsor Homes
Project Address (Location): 7013 Benjamin Way, 7024 Benjamin Way
Legal Description: Blk A, Lot 9 and Blk B, Lot 12, Somerset Manor Subdivision
Proposed Number of Lots: 2 Gross Acres: 7-0.331 Neighborhood District: _____
Existing Zoning: PUD-R Proposed Zoning: PUD-R
Existing Use: Residential Proposed Use: Residential

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal. See appropriate checklist and fee schedule for minimum requirements. Incomplete applications will not be processed.

APPLICANT - OWNER INFORMATION

Applicant: Laura Hoffmann Company: Winstead PC
Address: 2728 N. Harwood St. Tel: 214-745-5613 Fax: 214-745-5390
City: Dallas State: TX ZIP: 75201 Email: _____

Applicant's Status: (check one) ☐ Owner ☒ Representative ☐ Tenant ☐ Prospective Buyer

Property Owner: Windsor Homes Cumberland, LLC Company: Windsor Homes
Address: 8214 Westchester #700 Tel: (214) 522-4945 Fax: (214) 522-7244
City: Dallas State: TX ZIP: 75225 Email: _____
Ownership Status: (check one) ☐ Individual ☐ Trust ☐ Partnership ☒ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: Laura HoffmannDate: 7-25-14

SIGNATURE OF PROPERTY OWNER (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: [Signature]

(Letter of authorization required if signature is other than property owner)

The property owner must sign the application or submit a notarized letter of authorization.

For Departmental Use Only

Case #: VC14-009Total Fee(s): \$175.00Receipt #: R17213

Date Submitted: _____

Accepted By: T. WrisleyPublic Hearing Date: 9/11/14

Rev: 5/10

Application

	VAIRANCE OR APPEAL APPLICATION	City of Colleyville 100 Main Street Colleyville TX 76034 817.503.1050
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REQUEST INFORMATION

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

Have you applied for a building permit? ☒ Yes ☐ No

Have you filed an appeal or petition on this property before? ☒ No ☐ Yes

- 1. Completely describe the variance you are requesting.** The purpose of this request is to seek a variance to Section 3.24.G, Schedule of District Regulations in the Colleyville Land Development Code for two properties that exceed the maximum 50% lot coverage for Planned Unit Development Residential by three percent, at 53% lot coverage. The City approved building permits for the properties and each lot is currently developed with almost fully constructed homes. Literal enforcement of the ordinance would result in unnecessary hardship to the property owner and practical difficulty in development of the properties because they are almost fully constructed. The property owner has already invested over \$100,000 in construction costs for each of the properties. Moreover, the variance is not contrary to the public interest because this minimal increase in lot coverage from 50% to 53% will not be detrimental to neighboring properties or to the City.
- 2. Do similar conditions exist in the area? Explain.** Yes. The maximum lot coverage in the Somerset Manor subdivision is 50%. However, according to the City of Colleyville's Small Lot Development Comparison Chart, many homes in other subdivisions in the City greatly exceed 50% maximum lot coverage. Specifically, these subdivisions include: Spring Garden (90%), Rosewood Villas (60%), Cambridge Place (60%), Heritage Oaks (90% and 75%), Villas at Oak Pointe (90% and 58%), Copperglen (65%), Villas at Colleyville (60%), Creekside at Colleyville (65%), and Ivy Glen (65%).
- 3. Describe how the unique conditions or circumstances do not result from your actions.** The conditions were not self-imposed as they are a result of the property owner's reliance on City issued building permits for construction of the two homes issued April 3, 2014. Based on this reliance, the property owner made a significant investment in construction of the two homes.
- 4. Is there any way to do what you want without this request?** No. Due to reliance upon city issued building permits, the property owner has already invested over \$100,000 in construction costs for each property. It would not be economically feasible to re-construct these two homes under the PUD lot coverage requirement. There are ten other lots in the development that the property owner has not begun construction of yet, and the property owner is not seeking a variance for these other lots.

Acknowledgments

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after the hearing, and that such dismissal shall constitute a denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the Community Development Department, and such withdrawal shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdrawal of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property, and that the Board's action does not constitute the approval of a building permit.

Applicant's Initials DA Date 7/28/14

Variance Exhibit

033-0109 (A-09)

PLOT PLAN

SUBDIVISION: SOMERSET MANOR
 BLOCK A LOT: 9
 STREET ADDRESS: 7013 BENJAMIN WAY
 CITY: COLLEYVILLE, TARRANT COUNTY, TEXAS



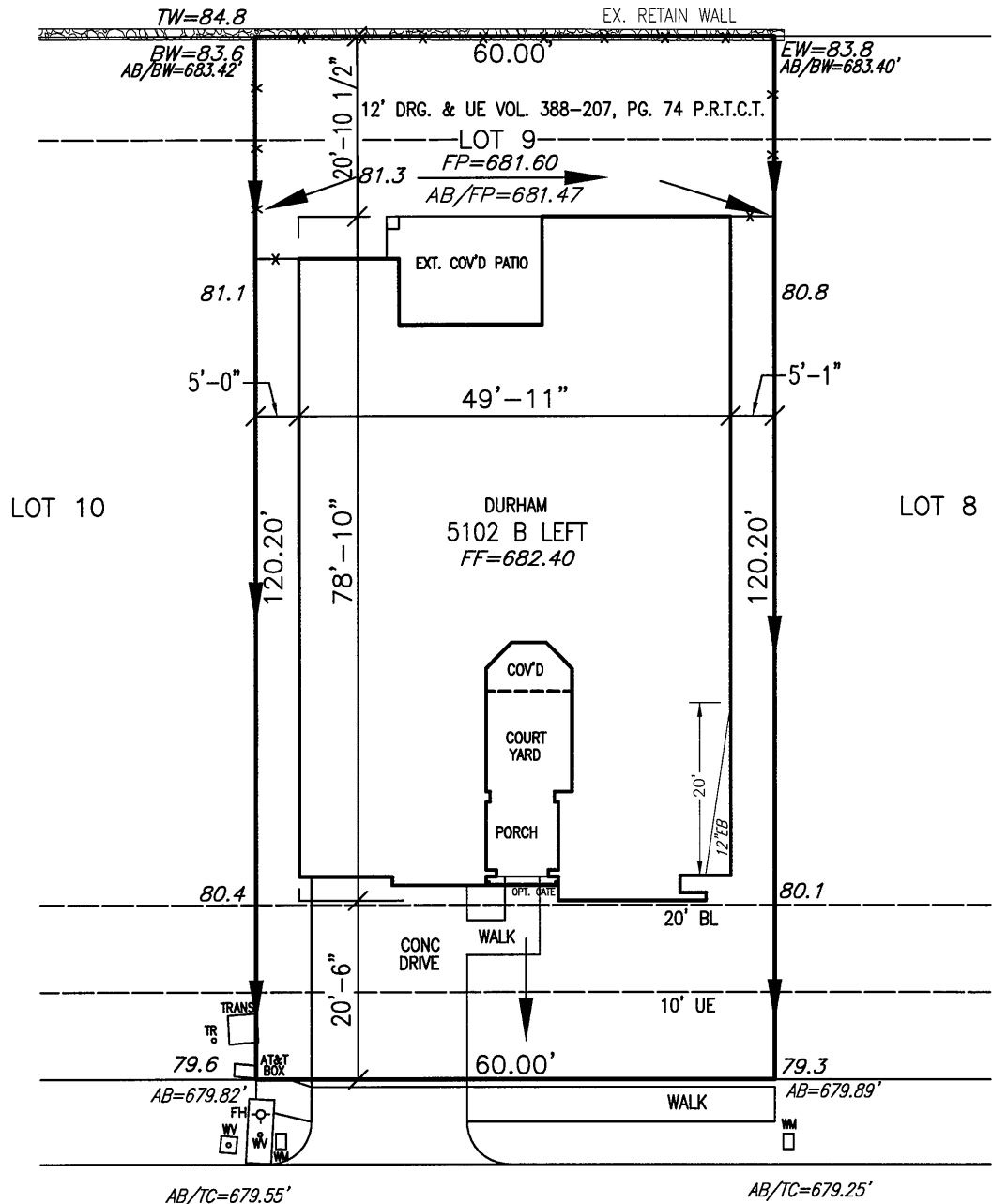
SCALE: 1" = 20'

LEGEND	
BL	= BUILDING LINE
UE	= UTILITY EASEMENT
TW	= TOP OF WALL
BW	= BOTTOM OF WALL
TC	= TOP OF CURB
FP	= FINISHED PAD
FF	= FINISHED FLOOR
X	= WOOD FENCE
→	= DIRECTION OF FLOW
DATE: 12-17-13	
REVISION: 2-27-14	
REVISION:	

DRIVEWAY 426 SQ. FT.
 APPROACH 173 SQ. FT.
 LEAD WALK 54 SQ. FT.
 CITY WALK 166 SQ. FT.
 PATIO N/A SQ. FT.
 FLATWORK 819 SQ. FT.
 FRONT SOD 202 SQ. YD.
 REAR SOD 147 SQ. YD.
 FENCE LINE 117' LINEAR FT.
 HOUSE SLAB 3800 SQ. FT.
 TOTAL LOT 7212 SQ. FT.
 COVERAGE 53 %
 DRIVE SLOPE 11 %

TOLL DALLAD TX LLC
 INST. NO. D210091135
 O.P.R.T.C.T.

SLAB OPTIONS
 EXT. COVERED PATIO



ORDINANCE O-08-1672

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 18.2 ACRES ON LOT 1, BLOCK 1 OF THE RIVER VALLEY RANCH ADDITION AND LOTS 1A AND 1B, BLOCK 1 OF THE TATE ADDITION, FROM THE AG-AGRICULTURAL AND R40-SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS TO THE PUDR-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. Z-08-008; 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 of approximately 18.2 acres on Lot 1, Block 1 of the River Valley Ranch Addition and Lots 1A and 1B, Block 1 of the Tate Addition, from the AG-Agricultural and R40-Single Family Residential zoning districts to the PUDR-Planned Unit Development Residential zoning district, as depicted on Exhibit "A" labeled Location and Zoning Map.
- 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 PUDR is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 4.0 dwelling units per acre and one commercial lot.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The subdivision shall be generally consistent with Exhibit "B" labeled conceptual site plan, which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "B" 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 PUDR.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas
- c. All uses permitted in the CC2-Shopping Center zoning district only on the property designated as commercial on Exhibit "B".

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by Exhibit "B", shall control where such building line setback is different from the following requirements. The locations of 50 foot wide lots versus 60 foot wide lots shall be determined per the attached Exhibit "C" labeled Zoning Lot Exhibit.

50 Foot Wide Lots:

- | | |
|------------------------------------|--------------------------|
| a. Minimum Lot Size | 5,000 square feet |
| b. Minimum Lot Depth | 100 feet |
| c. Minimum Lot Width | 50 feet |
| d. Front Building Line | 15 feet |
| e. Side Building Line | 5 feet, 3 feet or 7 feet |
| f. Minimum Building Separation | 10 feet |
| g. Side Building Line Along Street | 10 feet |
| h. Rear Building Line | 10 feet |

60 Foot Wide Lots:

- | | |
|----------------------|-------------------|
| a. Minimum Lot Size | 6,600 square feet |
| b. Minimum Lot Depth | 110 feet |
| c. Minimum Lot Width | 60 feet |

d. Front Building Line	15 feet for swing garage; 20 feet for front facing garage
e. Side Building Line	5 feet
f. Minimum Building Separation	10 feet
g. Side Building Line Along Street	10 feet
h. Rear Building Line	10 feet

5. OPEN SPACE

- a. This development shall provide a minimum of 20.3% common open space, as shown on Exhibit "B", 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 amenities shall include a gazebo and five picnic tables to be located as shown in the attached Exhibit "B".
- c. Open space may be utilized for storm water retention not to exceed 25% of the common open space area.

6. PRIVATE SIDEWALKS AND STREETS

- 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. The walking paths located within the open space areas shall be constructed of concrete.
- c. This development may be developed as a gated community with private streets in accordance with Chapter 10-Private Streets and Gate Entrances of the Land Development Code.

7. SCREENING

- a. A six (6) foot tall wrought iron fence shall be constructed along the frontage of Murphy Road as depicted in the attached Exhibit "B" prior to the acceptance of public improvements for the development.
- b. A living screen/split rail fence shall be built on the west property line as depicted in the attached Exhibit "B" prior to the acceptance of public improvements for the development.

- c. A minimum six (6) foot tall wood fence shall be built along the north property line as depicted in the attached Exhibit "B" prior to the acceptance of public improvements for the development.
- d. An eight (8) foot tall cedar board on board fence shall be built along the entirety of the east property line of the development prior to the acceptance of public improvements for the development.
- e. One three-inch caliper tree per each 10 feet of street frontage shall be planted in all open space areas along street frontages prior to the acceptance of public improvements for the development.

8. OTHER

- a. Retention ponds shall include at least one aeration device per pond.
 - b. All homes built along Guthrie Court as well as homes built on lots 15 through 18 along Benjamin Way, as depicted in the attached Exhibit "B", shall be installed with a fire suppression sprinkler system approved by the Fire Marshal.
 - c. All street right-of-way and pavement widths shall meet the following requirements: the minimum right-of-way for streets shall be 50 feet and the minimum pavement width for street shall be 31 feet, measured from back of curb to back of curb.
 - d. Any buildings constructed on the commercial lot shall meet all requirements for new commercial construction in the Land Development Code, except where amended herein.
- 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 15th day of April 2008.

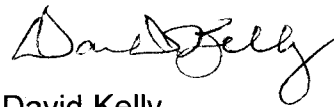
The second reading and public hearing being conducted on the 6th day of May 2008.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" – Zoning and Location Map

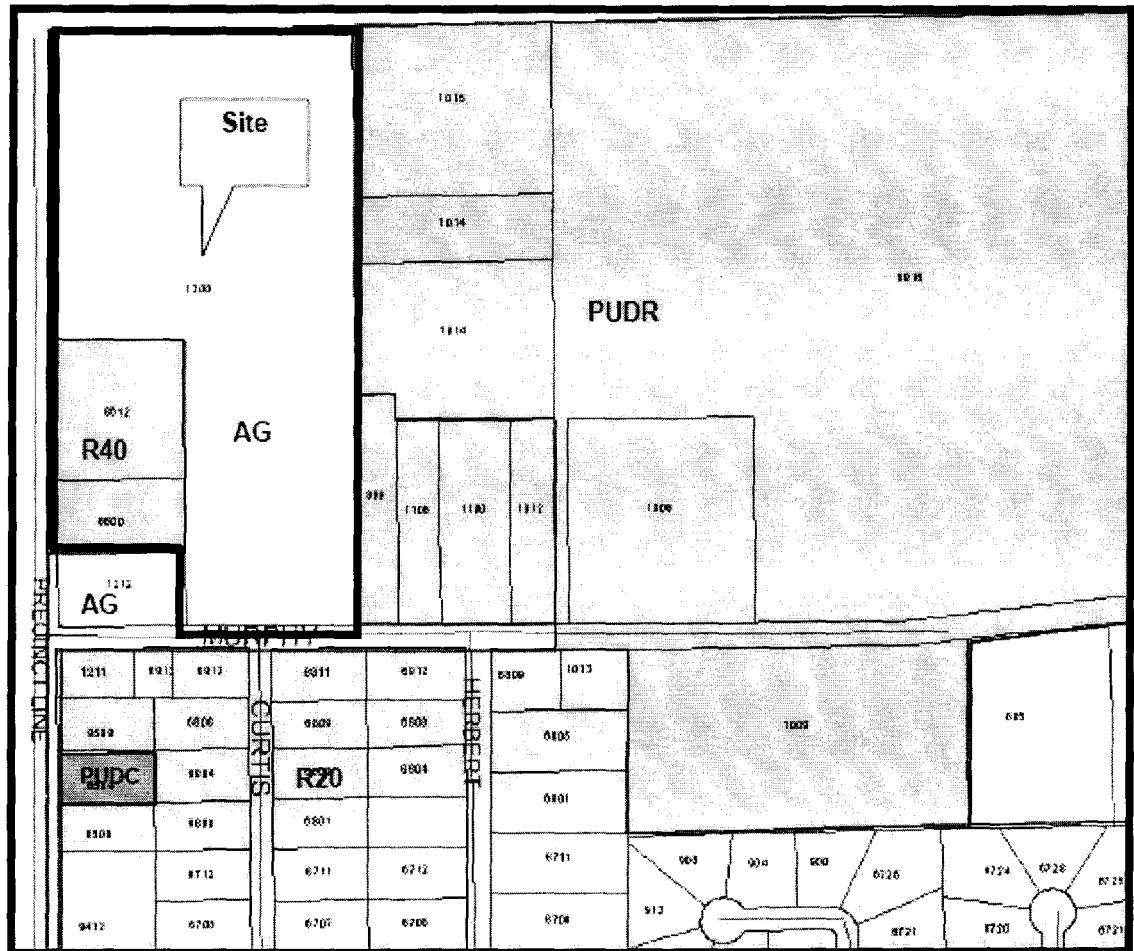


Exhibit “B” - Conceptual Site Plan

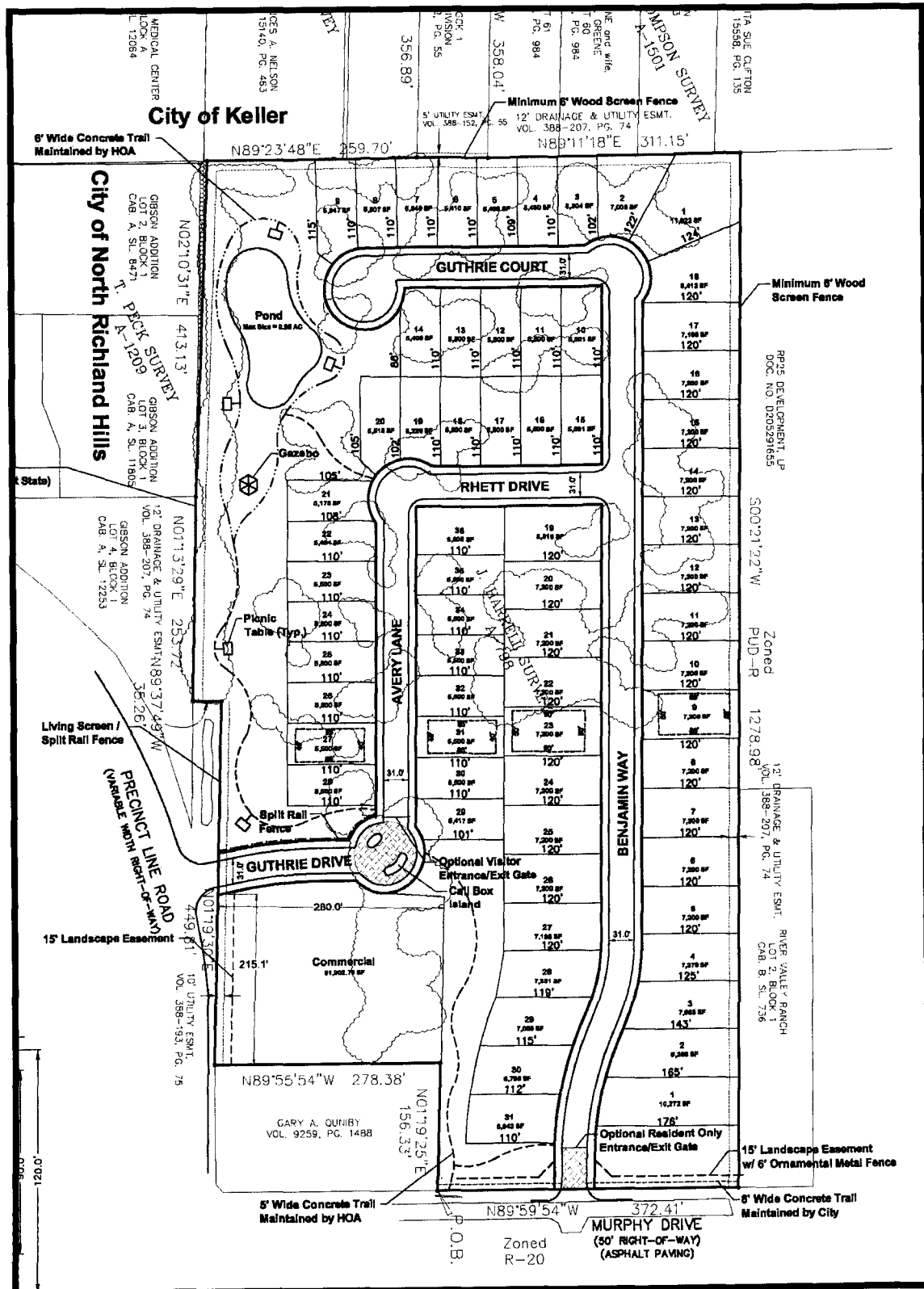
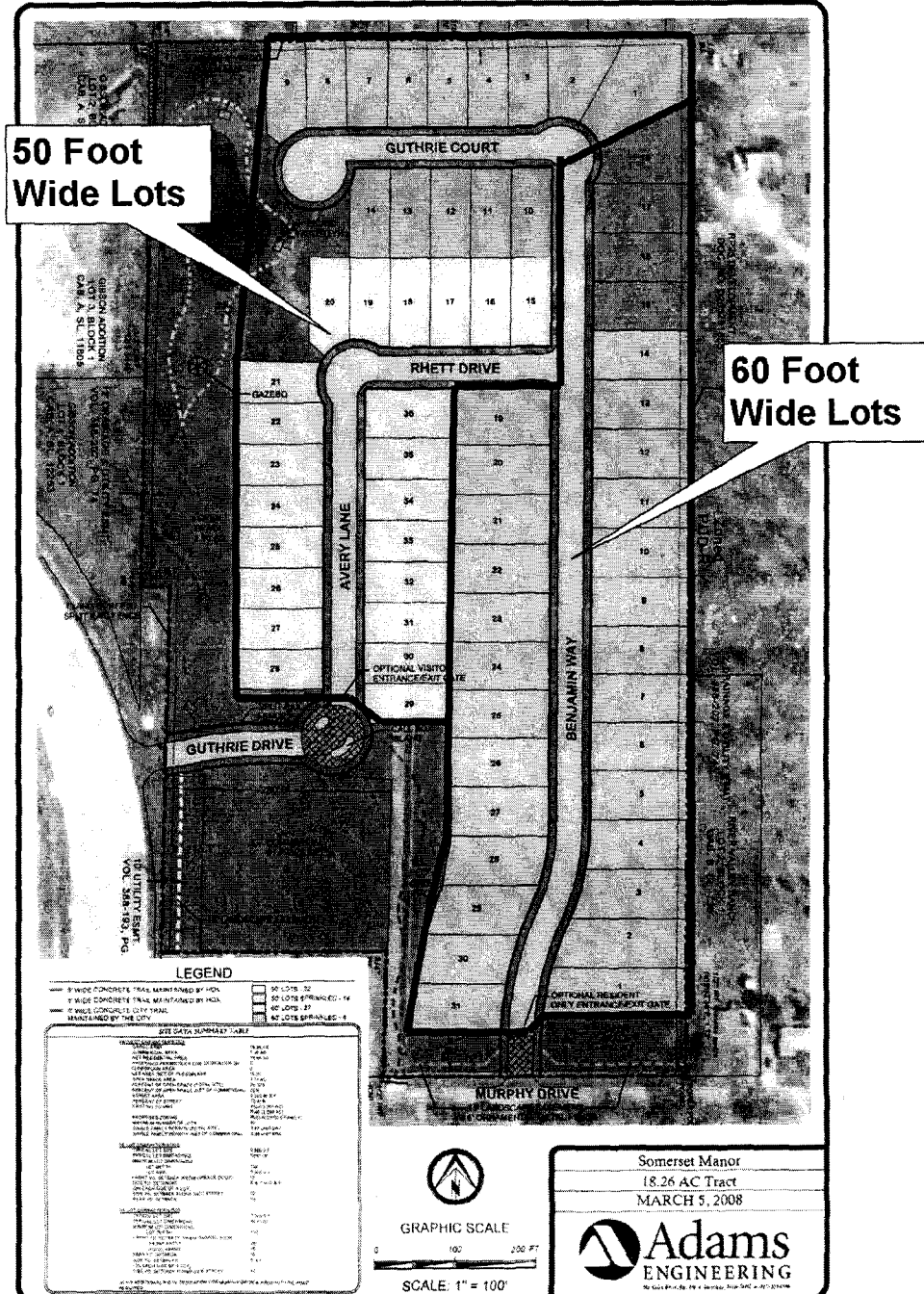


Exhibit "C" – Zoning Lot Exhibit



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
Creeside at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645
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





City of Colleyville Zoning Board of Adjustment Agenda Briefing

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

Agenda Number 2c	Agenda Date 09/09/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Request for a variance to the lot coverage requirements of Chapter 3.24.G, Schedule of District Regulations of the Land Development Code on Lot 12, Block B, of the Somerset Manor Addition located at 7024 Benjamin Way, Case VC14-010

Explanation

Laura Hoffman, representing Windsor Homes, is requesting a variance to the lot coverage requirements on Lot 12, Block B, of the Somerset Manor Addition located at 7024 Benjamin Way. The applicant is requesting a variance to the maximum lot coverage requirement of 50 percent for the PUDR-Planned Unit Development Residential zoning district. Lot coverage includes the total area of the building footprint (under roof) as a percentage of the total square footage of the property.

PUD Zoning. The subject property is currently zoned PUDR. PUDR zoning differs from other zoning categories in that each PUDR district is approved with its own development standards codified in a singular, unique ordinance. In many PUDR districts, as the attached table indicates, some developments have higher lot coverage requirements adopted in their individual PUDR ordinances. Typically, developments with smaller lot sizes and higher densities above the City standard of 1.8 dwellings units per acre contain higher lot coverage requirements. In the case of the Somerset Manor development, no lot coverage requirements are contained in the PUDR ordinance, Ordinance O-08-1672 (attached), approving the development. Therefore the lot coverage requirements default to the Land Development Code requirement of 50% for properties with PUDR zoning. This is why the applicant is requesting a variance to the Zoning Board of Adjustment since the requirement is contained in the Land Development Code.

Variance Request. The applicant is requesting a variance to increase the lot coverage to 53% from the maximum of 50%. According to the attached exhibit, the total slab area of the home contains 3,792 square feet with a total lot area of 7,199 square feet leaving a total lot coverage of 53%.

Existing Conditions. On April 9, 2014 a building permit was issued to construct the home. The home is nearing completion. After the permit was issued, City staff informed the applicant that the lot coverage exceeds the zoning requirement of 50% and that a variance would be required in order to perform a final inspection on the home. The lot coverage discrepancy between what the code allows and what was

approved as part of the building permit application constitutes an error on the part of City staff and applies only to the subject property and property located at 7013 Benjamin Way, which precedes this request on the agenda. City staff has since made the necessary plan review adjustments to ensure that the discrepancy will not repeat.

Lot Coverage. The following are the lot coverage requirements broken down by single family zoning category:

PUDR – 50%

R15 – 30%

R20 – 30%

R30 – 25%

R40 – 20%

RE (Estate) – 20%

AG (Agricultural) – 20%

Public Notification. Staff mailed notices to 32 property owners within 200 feet of the site. As of this writing, staff has received no correspondence.

Summary. This variance request only involves approving the lot coverage of 53% for the home, which is nearing completion. Given that the variance request results from a staff error in reviewing the building permit application, a hardship is created.

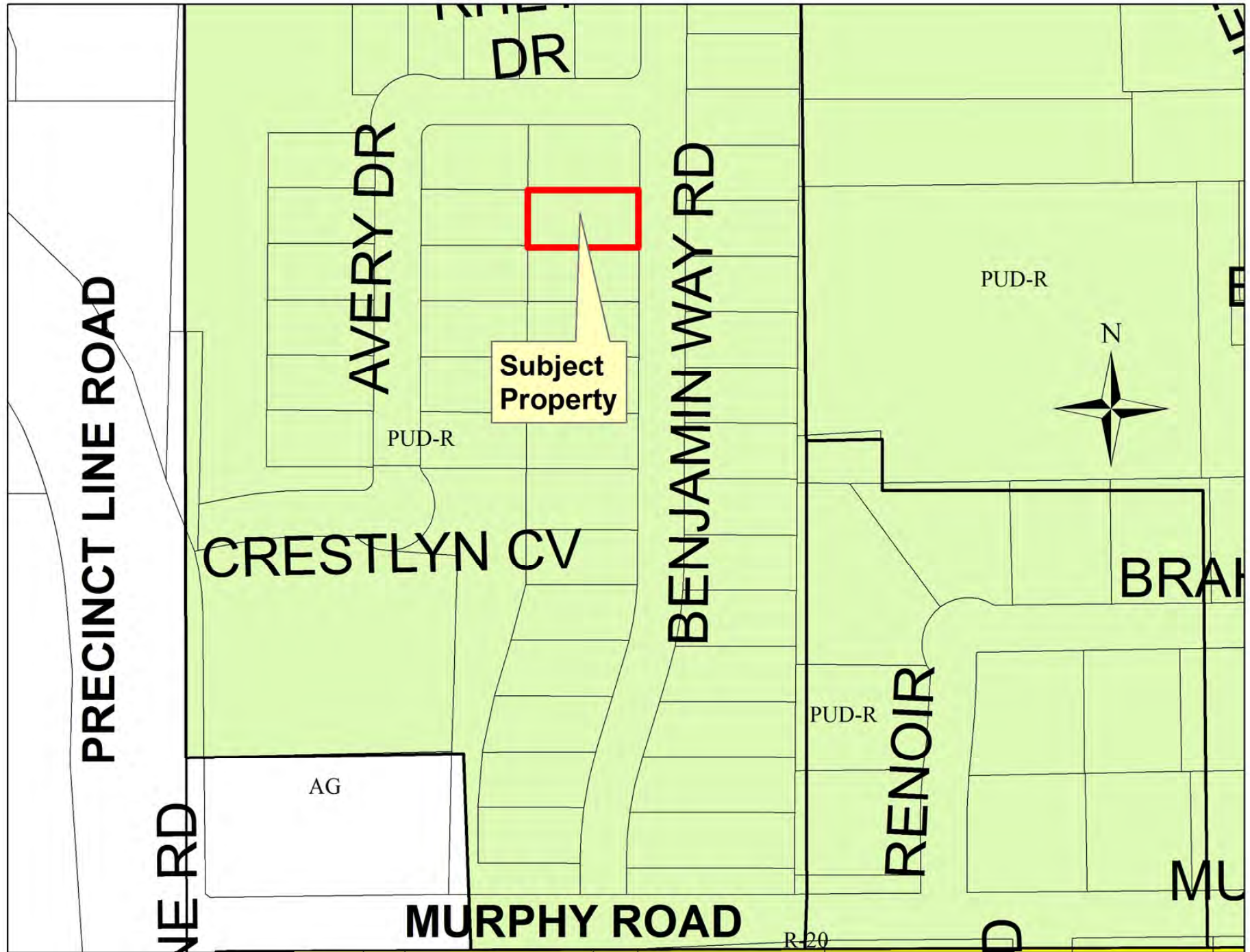
Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Buffer Map
3. Notification List
4. Application
5. Variance Exhibit
6. Ordinance O-08-1672
7. Small Lot Development Comparison Chart - 1996 to 2013

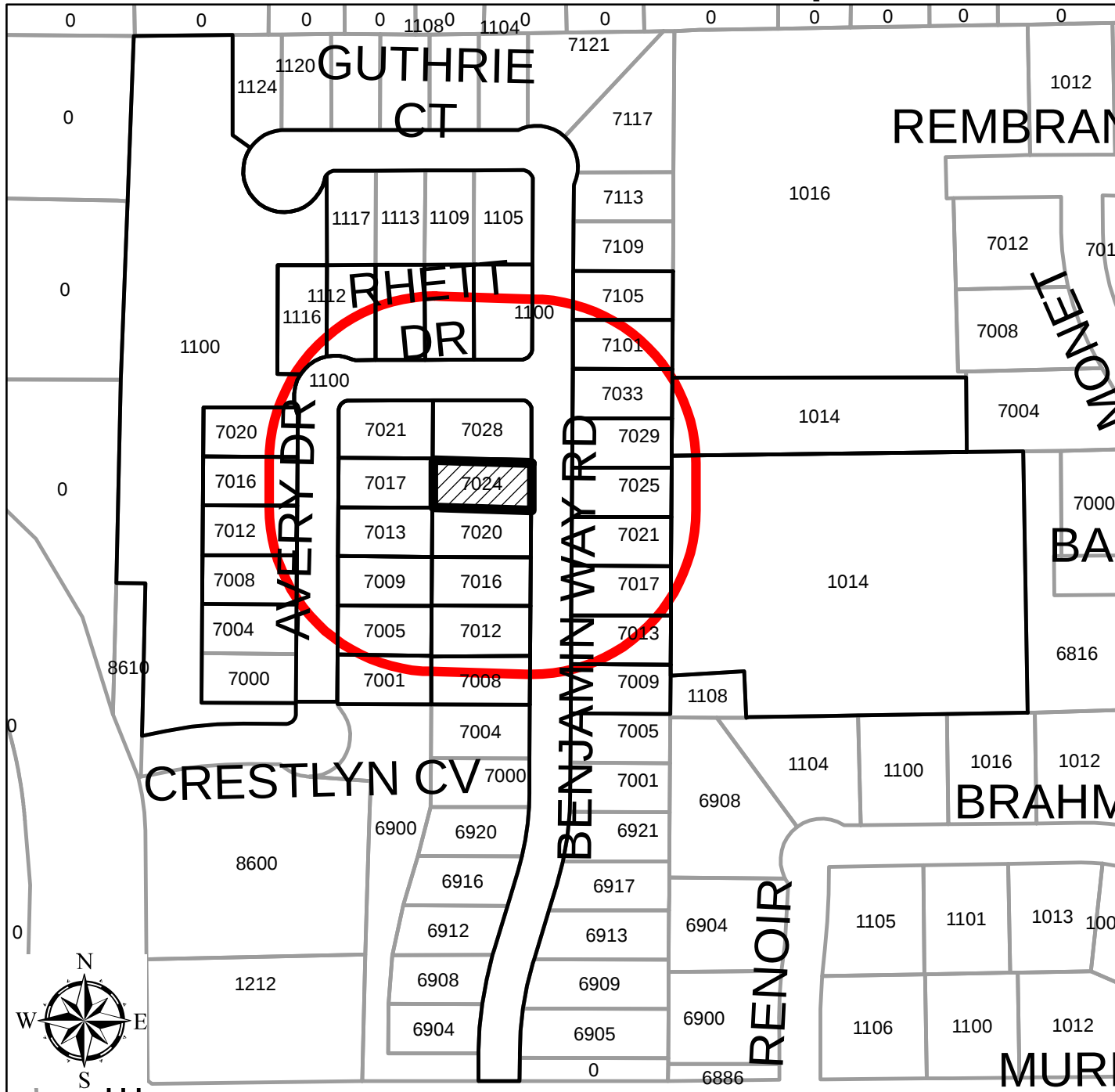
Location and Zoning Map



Buffer Map

Case VC14-010

7024 Benjamin Way



Legend

- Properties within 200 feet
- Subject Property
- Parcels



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
LENNAR HOMES TEXAS LAND & CONS	1707 MARKET PL	IRVING T	TX	75063	001108 RHETT DR
TOLL DALLAS TX LLC	250 GIBRALTAR RD	HORSHAM	PA	19044	001014 MURPHY RD
TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	001108 MURPHY RD
LAURA HOFFMAN, APPLICANT	2728 N. HARWOOD STREET	DALLAS	TX	75201	Applicant

Public hearing notices were mailed

Fri., Aug. 15, 2014, by Taci Wrisley

Application

	Community Development Services Application	City of Colleyville 100 Main Street Colleyville TX 76034 817.503.1050
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APPLICATION TYPE

PLEASE CHECK THE APPROPRIATE BOX BELOW.

- | | | |
|---|---|---|
| ☐ Zoning Change | ☐ Preliminary Plat | ☒ Zoning Variance (ZBA) |
| ☐ Special Use Permit | ☐ Final Plat | ☐ Sign Variance (SBA) |
| ☐ Planned Unit Development | ☐ Minor Plat | ☐ Sidewalk / General Waiver |
| ☐ Site & Landscape Plan | ☐ Amended Plat | ☒ Interpretation Appeal |

PROPERTY INFORMATION

Project Name: Somerset Manor - Windsor Homes
Project Address (Location): 7013 Benjamin Way, 7024 Benjamin Way
Legal Description: Blk A, Lot 9 and Blk B, Lot 12, Somerset Manor Subdivision
Proposed Number of Lots: 2 Gross Acres: 7-0.331 Neighborhood District: _____
Existing Zoning: PUD-R Proposed Zoning: PUD-R
Existing Use: Residential Proposed Use: Residential

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal. See appropriate checklist and fee schedule for minimum requirements. Incomplete applications will not be processed.

APPLICANT - OWNER INFORMATION

Applicant: Laura Hoffmann Company: Winstead PC
Address: 2728 N. Harwood St. Tel: 214-745-5613 Fax: 214-745-5390
City: Dallas State: TX ZIP: 75201 Email: _____

Applicant's Status: (check one) ☐ Owner ☒ Representative ☐ Tenant ☐ Prospective Buyer

Property Owner: Windsor Homes Cumberland, LLC Company: Windsor Homes
Address: 8214 Westchester #700 Tel: (214) 522-4945 Fax: (214) 522-7244
City: Dallas State: TX ZIP: 75225 Email: _____
Ownership Status: (check one) ☐ Individual ☐ Trust ☐ Partnership ☒ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: Laura HoffmannDate: 7-25-14

SIGNATURE OF PROPERTY OWNER (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: [Signature]

(Letter of authorization required if signature is other than property owner)

The property owner must sign the application or submit a notarized letter of authorization.

For Departmental Use Only

Case #: VC14-009Total Fee(s): \$175.00Receipt #: R17213

Date Submitted: _____

Accepted By: T. WrisleyPublic Hearing Date: 9/11/14

Rev: 5/10

Application

	VAIRANCE OR APPEAL APPLICATION	City of Colleyville 100 Main Street Colleyville TX 76034 817.503.1050
--	---------------------------------------	--

REQUEST INFORMATION

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

Have you applied for a building permit? ☒ Yes ☐ No

Have you filed an appeal or petition on this property before? ☒ No ☐ Yes

- 1. Completely describe the variance you are requesting.** The purpose of this request is to seek a variance to Section 3.24.G, Schedule of District Regulations in the Colleyville Land Development Code for two properties that exceed the maximum 50% lot coverage for Planned Unit Development Residential by three percent, at 53% lot coverage. The City approved building permits for the properties and each lot is currently developed with almost fully constructed homes. Literal enforcement of the ordinance would result in unnecessary hardship to the property owner and practical difficulty in development of the properties because they are almost fully constructed. The property owner has already invested over \$100,000 in construction costs for each of the properties. Moreover, the variance is not contrary to the public interest because this minimal increase in lot coverage from 50% to 53% will not be detrimental to neighboring properties or to the City.
- 2. Do similar conditions exist in the area? Explain.** Yes. The maximum lot coverage in the Somerset Manor subdivision is 50%. However, according to the City of Colleyville's Small Lot Development Comparison Chart, many homes in other subdivisions in the City greatly exceed 50% maximum lot coverage. Specifically, these subdivisions include: Spring Garden (90%), Rosewood Villas (60%), Cambridge Place (60%), Heritage Oaks (90% and 75%), Villas at Oak Pointe (90% and 58%), Copperglen (65%), Villas at Colleyville (60%), Creekside at Colleyville (65%), and Ivy Glen (65%).
- 3. Describe how the unique conditions or circumstances do not result from your actions.** The conditions were not self-imposed as they are a result of the property owner's reliance on City issued building permits for construction of the two homes issued April 3, 2014. Based on this reliance, the property owner made a significant investment in construction of the two homes.
- 4. Is there any way to do what you want without this request?** No. Due to reliance upon city issued building permits, the property owner has already invested over \$100,000 in construction costs for each property. It would not be economically feasible to re-construct these two homes under the PUD lot coverage requirement. There are ten other lots in the development that the property owner has not begun construction of yet, and the property owner is not seeking a variance for these other lots.

Acknowledgments

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after the hearing, and that such dismissal shall constitute a denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the Community Development Department, and such withdrawal shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdrawal of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property, and that the Board's action does not constitute the approval of a building permit.

Applicant's Initials DA Date 7/28/14

Variance Exhibit

033-0212 (B-12)

PLOT PLAN

SUBDIVISION: SOMERSET MANOR
 BLOCK B LOT: 12
 STREET ADDRESS: 7024 BENJAMIN WAY
 CITY: COLLEYVILLE, TARRANT COUNTY, TEXAS

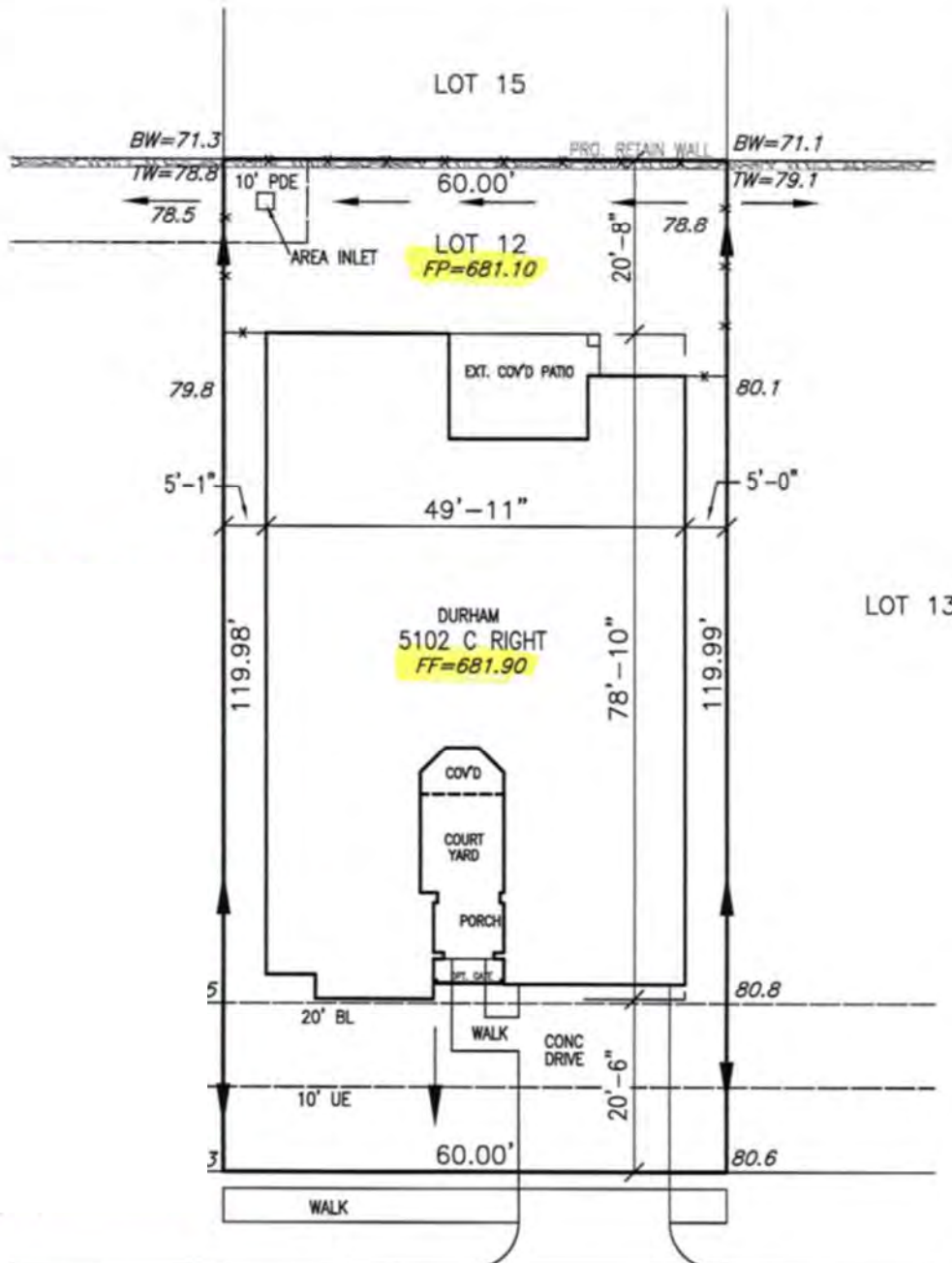


SCALE: 1" = 20'

LEGEND	
BL	= BUILDING LINE
UE	= UTILITY EASEMENT
TW	= TOP OF WALL
BW	= BOTTOM OF WALL
TC	= TOP OF CURB
FP	= FINISHED PAD
FF	= FINISHED FLOOR
X	= WOOD FENCE
→	= DIRECTION OF FLOW
DATE: 12-17-13	
REVISION:	
REVISION:	

DRIVEWAY 437 SQ. FT.
 APPROACH 184 SQ. FT.
 LEAD WALK 60 SQ. FT.
 CITY WALK 168 SQ. FT.
 PATIO N/A SQ. FT.
 FLATWORK 849 SQ. FT.
 FRONT SOD 215 SQ. YD.
 REAR SOD 139 SQ. YD.
 FENCE LINE 116' LINEAR FT.
 HOUSE SLAB 3792 SQ. FT.
 TOTAL LOT 7199 SQ. FT.
 COVERAGE 53 %
 DRIVE SLOPE 4 %

SLAB OPTIONS
 EXT. COVERED PATIO



THIS DRAWING WAS PREPARED FROM INFORMATION FURNISHED BY THE HOME
 BUILDER. BUILDER SHOULD REVIEW THIS DRAWING TO ENSURE COMPLIANCE
 WITH ALL ZONING AND BUILDING CODE REGULATIONS FOR THIS PROPERTY.
 BEFORE CONSTRUCTION OF ANY KIND BUILDER OR CONTRACTOR SHALL VERIFY ALL
 PROPERTY LINES, SIDE YARD SETBACKS AND EASEMENTS IN ORDER TO COMPLY WITH
 ALL FEDERAL, STATE AND LOCAL CODES, ORDINANCES AND RESTRICTIONS.
 STREET, ALLEY AND SIDEWALK LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY.
 REFER TO DEVELOPMENT PLANS FOR CONSTRUCTION. BUILDER SHOULD CONFIRM
 THAT THIS LAYOUT HAS NO CONFLICTS WITH INLETS, TRANSFORMERS, TOPOGRAPHY
 OR OTHER STRUCTURES.

SIDEWALK REQUIRED

BARROW
 LAND SURVEYING
 105 DENTON ST.
 ROANOKE, TEXAS 76262
 PHONE (817) 961-0082
 FAX (817) 961-0086

ORDINANCE O-08-1672

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 18.2 ACRES ON LOT 1, BLOCK 1 OF THE RIVER VALLEY RANCH ADDITION AND LOTS 1A AND 1B, BLOCK 1 OF THE TATE ADDITION, FROM THE AG-AGRICULTURAL AND R40-SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS TO THE PUDR-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. Z-08-008; 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 of approximately 18.2 acres on Lot 1, Block 1 of the River Valley Ranch Addition and Lots 1A and 1B, Block 1 of the Tate Addition, from the AG-Agricultural and R40-Single Family Residential zoning districts to the PUDR-Planned Unit Development Residential zoning district, as depicted on Exhibit "A" labeled Location and Zoning Map.
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1. GENERAL

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2. CONCEPTUAL PLAN AND PLATTING

- a. The subdivision shall be generally consistent with Exhibit "B" labeled conceptual site plan, which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "B" 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 PUDR.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas
- c. All uses permitted in the CC2-Shopping Center zoning district only on the property designated as commercial on Exhibit "B".

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by Exhibit "B", shall control where such building line setback is different from the following requirements. The locations of 50 foot wide lots versus 60 foot wide lots shall be determined per the attached Exhibit "C" labeled Zoning Lot Exhibit.

50 Foot Wide Lots:

- | | |
|------------------------------------|--------------------------|
| a. Minimum Lot Size | 5,000 square feet |
| b. Minimum Lot Depth | 100 feet |
| c. Minimum Lot Width | 50 feet |
| d. Front Building Line | 15 feet |
| e. Side Building Line | 5 feet, 3 feet or 7 feet |
| f. Minimum Building Separation | 10 feet |
| g. Side Building Line Along Street | 10 feet |
| h. Rear Building Line | 10 feet |

60 Foot Wide Lots:

- | | |
|----------------------|-------------------|
| a. Minimum Lot Size | 6,600 square feet |
| b. Minimum Lot Depth | 110 feet |
| c. Minimum Lot Width | 60 feet |

d. Front Building Line	15 feet for swing garage; 20 feet for front facing garage
e. Side Building Line	5 feet
f. Minimum Building Separation	10 feet
g. Side Building Line Along Street	10 feet
h. Rear Building Line	10 feet

5. OPEN SPACE

- a. This development shall provide a minimum of 20.3% common open space, as shown on Exhibit "B", 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 amenities shall include a gazebo and five picnic tables to be located as shown in the attached Exhibit "B".
- c. Open space may be utilized for storm water retention not to exceed 25% of the common open space area.

6. PRIVATE SIDEWALKS AND STREETS

- 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. The walking paths located within the open space areas shall be constructed of concrete.
- c. This development may be developed as a gated community with private streets in accordance with Chapter 10-Private Streets and Gate Entrances of the Land Development Code.

7. SCREENING

- a. A six (6) foot tall wrought iron fence shall be constructed along the frontage of Murphy Road as depicted in the attached Exhibit "B" prior to the acceptance of public improvements for the development.
- b. A living screen/split rail fence shall be built on the west property line as depicted in the attached Exhibit "B" prior to the acceptance of public improvements for the development.

- c. A minimum six (6) foot tall wood fence shall be built along the north property line as depicted in the attached Exhibit "B" prior to the acceptance of public improvements for the development.
- d. An eight (8) foot tall cedar board on board fence shall be built along the entirety of the east property line of the development prior to the acceptance of public improvements for the development.
- e. One three-inch caliper tree per each 10 feet of street frontage shall be planted in all open space areas along street frontages prior to the acceptance of public improvements for the development.

8. OTHER

- a. Retention ponds shall include at least one aeration device per pond.
 - b. All homes built along Guthrie Court as well as homes built on lots 15 through 18 along Benjamin Way, as depicted in the attached Exhibit "B", shall be installed with a fire suppression sprinkler system approved by the Fire Marshal.
 - c. All street right-of-way and pavement widths shall meet the following requirements: the minimum right-of-way for streets shall be 50 feet and the minimum pavement width for street shall be 31 feet, measured from back of curb to back of curb.
 - d. Any buildings constructed on the commercial lot shall meet all requirements for new commercial construction in the Land Development Code, except where amended herein.
- 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 15th day of April 2008.

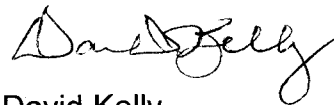
The second reading and public hearing being conducted on the 6th day of May 2008.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" – Zoning and Location Map

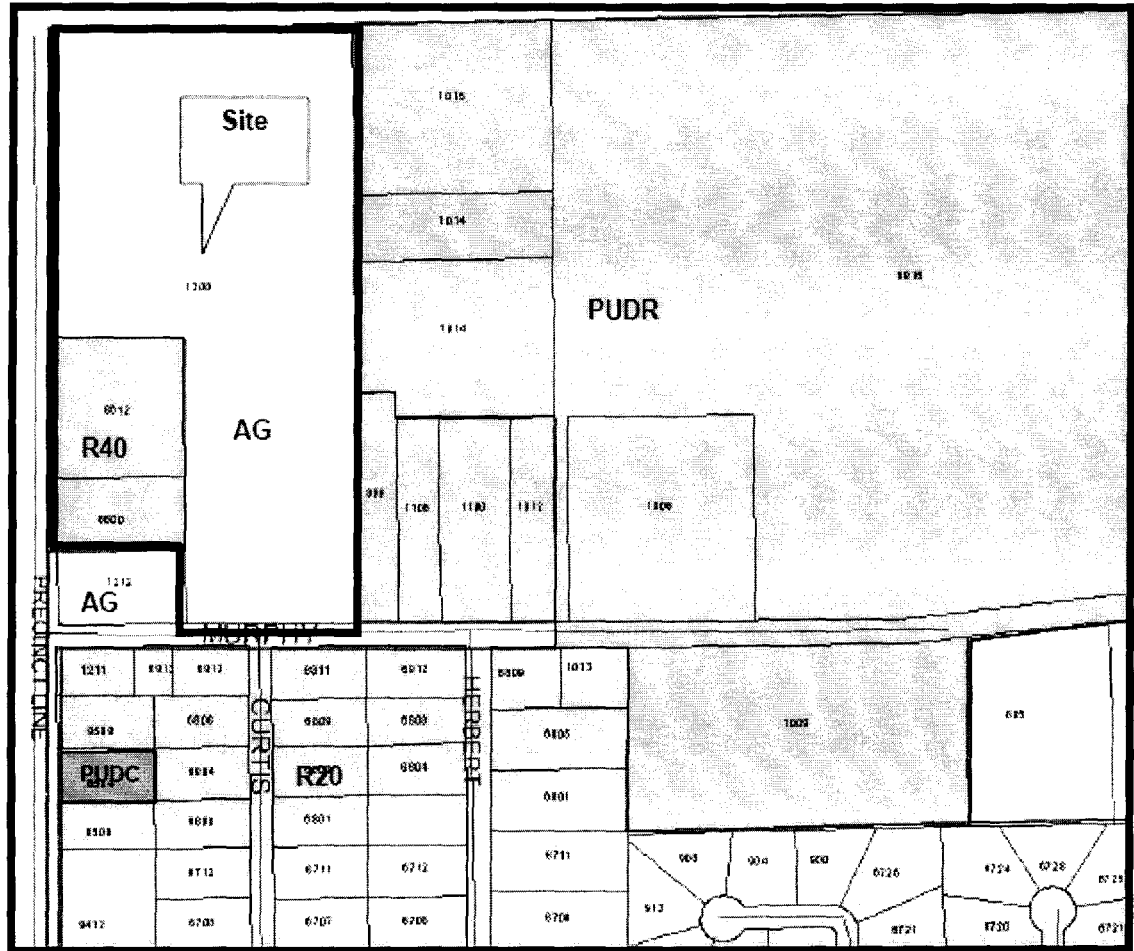


Exhibit “B” - Conceptual Site Plan

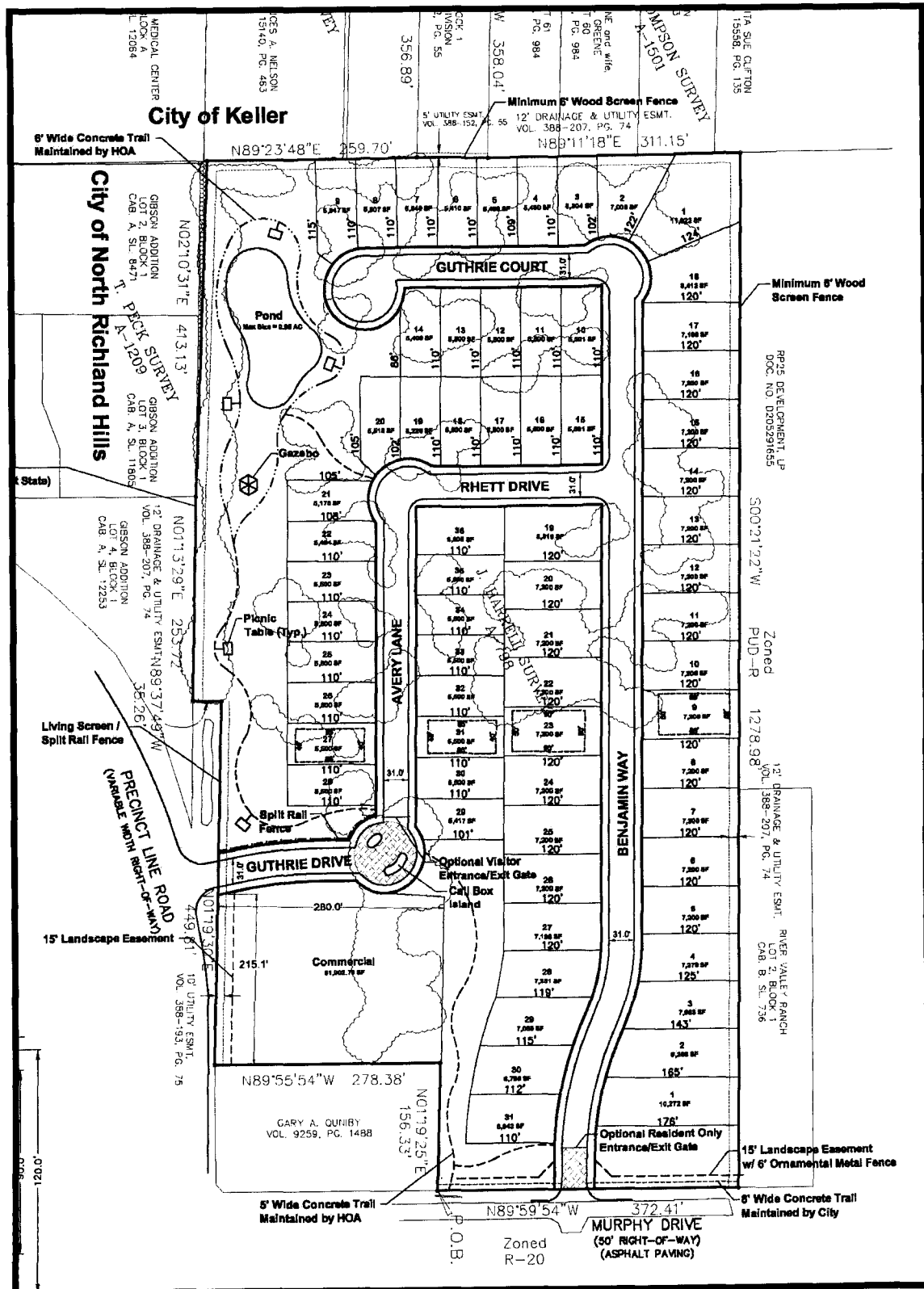
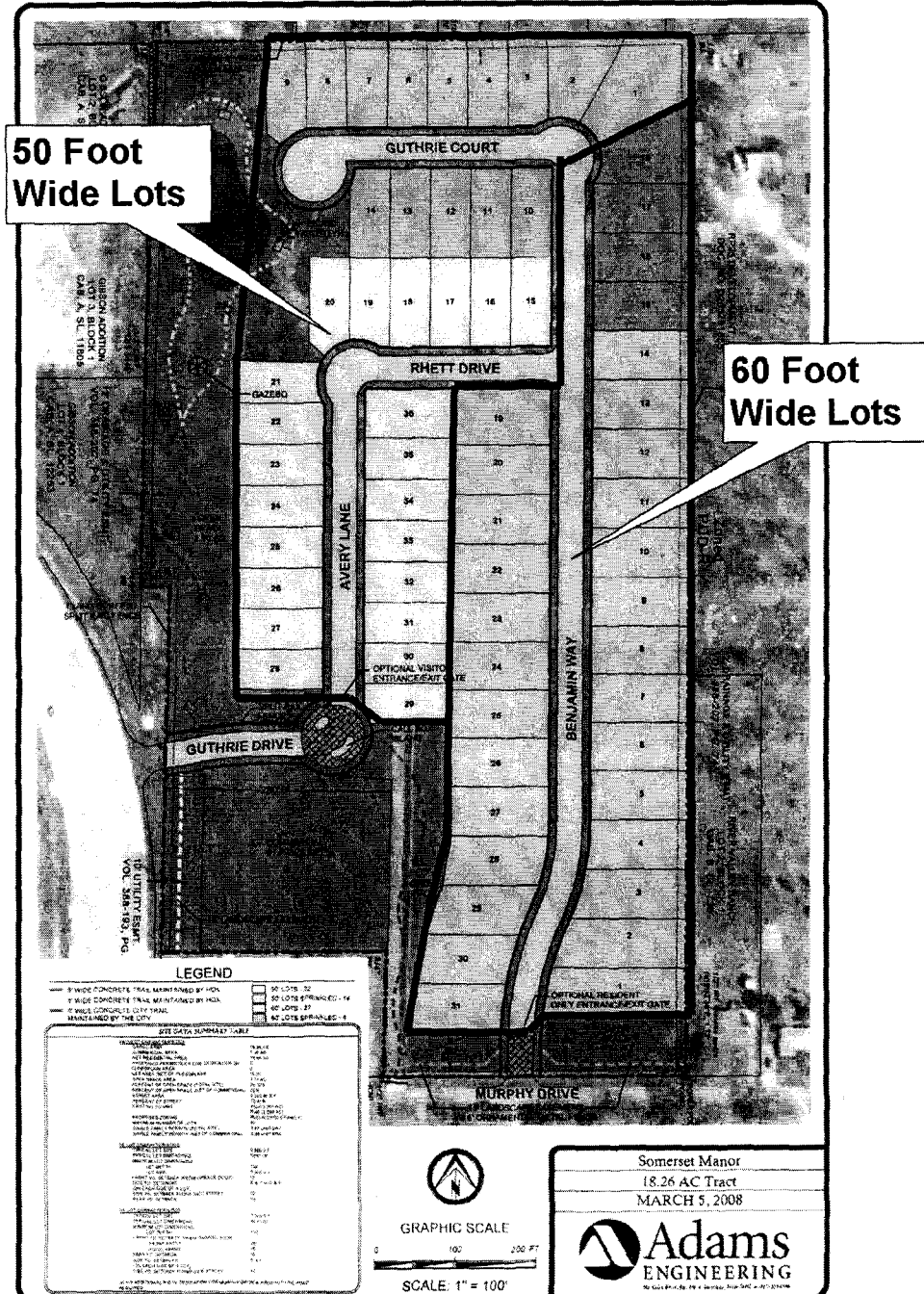


Exhibit "C" – Zoning Lot Exhibit



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
Creeside at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645
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

