# City of Colleyville

## Park Land Dedication Committee Agenda

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

Wednesday, October 1, 2014
6:45 p.m.

Colleyville Public Library
110 Main Street - 2nd Floor

**1. CALL TO ORDER**

**2. APPROVAL OF MINUTES**

July 28, 2014

**3. REGULAR AGENDA ITEMS**

**3a** Discussion and consideration of approval to use Park Land Dedication Fund monies for the acquisition of park land and amenities to be included in the Cotton Belt Trail Phase III project

**4. REPORTS**

**5. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**

**6. ADJOURNMENT**

*I hereby certify this agenda was posted on City Hall bulletin boards* Friday, October 26, 2014 *by 5:00 p.m.*

Kathy Moore
Administrative Secretary

*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.*

# City of Colleyville

## Park Land Dedication Committee Minutes

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

Monday, July 28, 2014
6:30 p.m.

Colleyville Public Library
110 Main Street - 2nd Floor

### 1. CALL TO ORDER

Assistant City Manager/Chief Financial Officer Terry Leake called the meeting of the Park Land Dedication Committee to order at 7:09 p.m.

### Roll Call

**Present:** Leti Carson, Carel Tornes, and David Wheelwright; Staff present: Assistant City Manager/Chief Financial Officer Terry Leake, Parks Manager James Hubbard, and Administrative Assistant Kathy Moore

**Absent:** Suzanne Hughes

### 2. APPROVAL OF MINUTES

April 29, 2014

A motion was made by Leti Carson and seconded by Carel Tornes to approve the April 29, 2014 meeting minutes as presented. The motion carried with a unanimous vote.

### 3. REGULAR AGENDA ITEMS

**3a** Discussion and consideration of the approval to use Park Land Dedication Fund monies for the LD Lockett Park/Cotton Belt Trail Head Enhancement project

Assistant City Manager/Chief Financial Officer Terry Leake gave an update on the background and history for the LD Lockett Park/Cotton Belt Trail Head Enhancement project. Leake noted that City Council requested staff to research the feasibility and cost associated with adding restrooms and a deep well to the project. At the July 15, 2014 Pre Council meeting staff presented the results to Council for their consideration.

Assistant City Manager Leake stated that if the restrooms and deep well were added, in addition to the children and adult playground areas, additional funding in the amount of $321,640 would be needed to fund the project.

Discussion ensued concerning all funding sources available to be used for the project. Leake stated that funding in the amount of $100,000 is available in the Fiscal Year

2014 CEDC budget; and that the total additional recommended project funding is $350,000 from the Park Land Dedication Fund. Leake stated that the requested project enhancements are allowable use of funds under the provisions in Ordinance O-98-1129, and that there is an unallocated balance of $1,566,338 in the fund, as of June 2014.

Leake informed the Committee that at the previous meeting of the Parks and Recreation Advisory Board held earlier this evening, the Board unanimously approved the use of $350,000 from Park Land Dedication Funds for the construction enhancements at the LD Lockett Park/Cotton Belt Trail Head Enhancement project. She added that staff is now requesting the Park Land Dedication Committee's consideration to approve this expenditure. If approved, the request will move to City Council for approval.

There was discussion concerning miscellaneous aspects of the project, including what happens to any unused funds, the possibility of adding additional parking in the future, and the expected timeline for the project.

Leti Carson made a motion to authorize the allocation of $350,000 from the Park Land Dedication Fund for the project enhancements at the LD Lockett Park/Cotton Belt Trail Head Enhancement project. David Wheelwright seconded the motion. The motion carried with a unanimous vote.

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

There were no citizen's comments/presentations regarding items not on the agenda.

**5. ADJOURNMENT**

Carel Tornes moved to adjourn the meeting, and David Wheelwright seconded the motion. The meeting of the Park Land Dedication Committee was adjourned at 7:25 p.m.

*APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE **1st** DAY OF **October, 2014**.*

Minutes taken and prepared by:

Kathy E. Moore

Kathy Moore
Administrative Secretary

# City of Colleyville
# Park Land Dedication Committee
# Agenda Briefing

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

**Agenda Number** 3a **Agenda Date** 10/01/2014 **Number**
**Type** Regular Agenda Items
**Department** Parks and Recreation

## Title

Discussion and consideration of approval to use Park Land Dedication Fund monies for the acquisition of park land and amenities to be included in the Cotton Belt Trail Phase III project

## Explanation

In 1998, two parcels of land totaling approximately 8.1 acres at 7201 Colleyville Boulevard, on the southeast corner of Colleyville Boulevard and Longwood Drive, were donated to the City by developers. These two parcels of land were used in 1999 to obtain a matching grant from the Texas Parks and Wildlife Department (TPWD) for the development of Kimzey Park. As a part of the SH 26 Phase I reconstruction project, a portion of these two parcels were acquired by TxDOT as right-of-way for the project. While these two parcels are not now, nor have they ever been, a part of Kimzey Park, the grant agreement with TPWD provides that the parcels must be dedicated and held as open space in perpetuity as match for the TPWD grant. A Certificate of Land Dedication for Park Use provided that the property cannot be converted to other than public recreation use without the written approval of the TPWD. TPWD's approval will not be granted unless the City can prove a competing public necessity for the alterative use and upon the City making a new dedication of matching open space to replace same.

So that the provisions of the grant can be met for the portion of the land acquired for right-of-way by TxDOT, the City is seeking to acquire property to enhance the Cotton Belt Trail Phase III project, which is being built in conjunction with the SH 26 Phase I reconstruction project. Approval is being sought to expend up to $150,000 in Park Land Dedication funds to provide for the acquisition of additional land for the Cotton Belt Phase III project and additional amenities such as benches and a multi-use water fountain. The improvements are an allowable use of funds under the provisions in attached Ordinance O-98-1129. There is an unallocated balance of $1,230,639 as of August 31, 2014, per the attachment - Financial Status of the Park Land Dedication Fund. At the October 1, 2014 meeting, staff will be presenting this recommendation for expenditure of Park Land Dedication funds to the Parks and Recreation Advisory Board, and if approval is received from the Board that evening, then it will 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.

## Attachments

1. Ordinance O-98-1129
2. Financial status of the Park Land Dedication Fund at August 31, 2014

**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:

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

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:

(number of lots in project x $630) (excess acreage / .028 x 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 8-31-2014

| | |
|---|---|
| TOTAL REVENUES | $3,989,320 |
| TOTAL INTEREST INCOME REC'D | $554,630 |
| 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 |
| COTTONBELT TRAIL III | $28,069 |
| PLEASANT RUN SOCCER COMPLEX IMPROVEMENTS | $48,837 |
| TOTAL EXPENSES | $2,573,628 |
| LESS ENCUMBERANCES: | |
| COTTONBELT TRAIL II | $61,292 |
| COTTONBELT TRAIL III | $157,228 |
| WEBB HOUSE TRAIL | $20,000 |
| PLEASANT RUN SOCCER COMPLEX IMPROVEMENTS | $151,163 |
| LD LOCKETT / COTTON BELT TRAILHEAD IMPROVEMENTS | $350,000 |
| TOTAL ENCUMBRANCES | $739,683 |
| TOTAL AVAILABLE AT 8-31-2014 | $1,230,639 |