



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, February 9, 2015

City Council Chambers

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

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

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

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

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

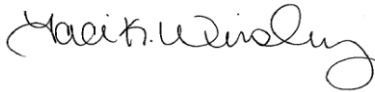
**7:00 P.M. - REGULAR MEETING
CALL TO ORDER AND ROLL
INVOCATION: Chairman Byerly
PLEDGE OF ALLEGIANCE**

- 1. APPROVAL OF MINUTES**
January 12, 2015
- 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA AS A PUBLIC HEARING ITEM**
- 3. PUBLIC HEARING AGENDA ITEMS**
 - 3a** Consideration of a zoning change from the AG-Agricultural zoning

district to the R-20- Single Family Residential zoning district on 2.682 acres of Abstract No. 331 of the A.J. Caldwell Survey, located at 6105 Waller Lane, Case ZC14-029

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards February 6, 2015 by 5:00 p.m.



Taci Wrisley
Planning and Zoning Assistant

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

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

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



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
Colleyville, Texas 76034
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Monday, January 12, 2015

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on January 12, 2015 at 7:03 p.m.

Roll Call

Present: Commissioners David Wheelwright, Jim Gotcher, Don Davis, David Phelps, and Jeff Byerly

Absent: Commissioners Larry Knox and Carel Tornes

Staff Present: Chris Fuller, Taci Wrisley, Rob McKeown, Marty Wieder, Adam Marsh, Brian Riley, and Matt Butler (City Attorney)

1. APPROVAL OF MINUTES

Commissioner Phelps made a motion to approve the minutes. Commissioner Davis seconded.

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

Aye: 5 – Wheelwright, Gotcher, Davis, Phelps, and Byerly

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

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

3. PUBLIC HEARING AGENDA ITEMS

3a Consideration of a replat on Lots 1 and 2, Block 2, of the Sunrise Terrace Addition located at 1105 Glade Road, PC14-027

Adam Marsh presented the case and briefed the Commission.

The public hearing was opened at 7:07 p.m.

Matt Moore, the engineer, came forward and briefed the Commission.

Commissioner Davis questioned Mr. Moore how trash receptacles would be handled for the site. Mr. Moore explained, through the zoning process, it was determined they would use roll away trash containers versus having a dumpster on site.

Commissioner Phelps questioned Mr. Moore regarding if the access to Bedford Road had been removed. Mr. Moore explained, through the zoning process, it was determined traffic would be an issue and should only be allowed to enter and exit the property from Glade Road and the cross access agreement with the property to the east.

There being no one else wishing to speak, the public hearing was closed at 7:09 p.m.

Commissioner Davis made a motion to approve Case PC14-027. Commissioner Gotcher seconded.

The motion to approve Case PC14-027 carried by the following vote:

Aye: 5 – Wheelwright, Gotcher, Davis, Phelps, and Byerly

- 3b** Consideration of a zoning change from PUD-C-Planned Unit Development Commercial zoning district to the PUD-R-Planned Unit Development Residential zoning district on 1.82 acres on Lot 1, Block 1 of the San Bar Square Addition located at 105 Cheek-Sparger Road, Case ZC14-026

Adam Marsh presented the case and briefed the Commission.

The public hearing was opened at 7:16 p.m.

Steve Isbell, the applicant, came forward and briefed the Commission.

Commissioner Davis questioned Mr. Isbell regarding whether drainage had been addressed with the new proposed plan. Mr. Isbell replied they would follow the city's requirements for maintaining run-off and would also detain water in the open space.

Commissioner Phelps questioned Mr. Isbell regarding whether he intended to escrow the sidewalk or construct it and would he construct some type of access to the sidewalk, across the existing drainage ditch. Mr. Isbell replied they would construct the sidewalk but the drainage ditch was not their property.

Commissioner Wheelwright questioned Mr. Isbell regarding whether the six foot (6') wood fence along the southern property line would be replacing the existing fence. Mr. Isbell replied no, it would be a new fence. He further explained the existing fence is on the adjacent property owners property about one foot (1') and they were not willing to share the maintenance of the fence.

Discussion continued regarding the maintenance of the fences.

Commissioner Davis strongly recommended Mr. Isbell communicate with the property owner to the south to ensure the space in between the existing fence and the new fence is maintained.

There being no one else wishing to speak the public hearing was closed at 7:27 p.m.

Commissioner Phelps questioned staff regarding who would be held liable for safety issues created by the sidewalk, if access was not provided across the drainage ditch. Adam Marsh replied the applicant may escrow or construct the sidewalk. He further explained if the applicant chose to escrow the sidewalk, the city would look into what the options were for access across the drainage ditch. Adam Marsh also added the drainage ditch is maintained by the city.

Chairman Byerly questioned staff regarding the location of the proposed wrought iron fence along the north and east side of the proposed development. Adam Marsh replied the six foot (6') wrought iron fence is being proposed for the northeast corner of the development, along the open space lot.

Commissioner Phelps made a motion to approve Case ZC14-026 with the following conditions: 1) amend the ordinance to read the six foot (6') wrought iron fence will be placed along the open space lot, on the northeast side of the proposed development. Commissioner Davis seconded.

The motion to approve Case ZC14-026 with the following conditions: 1) amend the ordinance to read the six foot (6') wrought iron fence will be placed along the open space lot, on the northeast side of the proposed development was carried by the following vote:

Aye: 4 – Wheelwright, Davis, Phelps, and Byerly

Nay: 1 - Gotcher

- 3c** Consideration for a Special Use Permit for a telecommunications tower on Lot 5R-1, Block 1, of the Andy Felps Addition, located at 4003 Colleyville Blvd, Case ZC14-027

Adam Marsh presented the case and briefed the Commission.

The public hearing was opened at 7:36 p.m.

Kathy Zibilich, on behalf of the applicant, came forward and briefed the Commission.

Commissioner Davis questioned Ms. Zibilich regarding whether a stealth tower had been considered for this site. Ms. Zibilich replied no. She further explained she did question the design engineers as to why the proposed design was chosen and was informed the proposed design provided better coverage.

Commissioner Davis questioned Ms. Zibilich regarding if they had any stealth towers currently in the city of Colleyville. Ms. Zibilich replied no.

Discussion continued between Ms. Zibilich and the Commission regarding differences between the two types of telecommunication towers.

Commissioner Phelps questioned Ms. Zibilich regarding the difference in coverage with the addition of the telecommunication tower. Ms. Zibilich explained there would be a drastic change in the amount of coverage that could be provided with the new tower.

Commissioner Phelps stated the objective would be for the tower to be as aesthetically pleasing as possible because it would be at the entrance to the city and because it would be a permanent fixture.

Jeff Brand, Brand Capital Partners, 5217 McKinney Avenue, Dallas, Texas, 75205, and representing himself and Ward Hayworth, owner of 4003 Colleyville Blvd., came forward and spoke in opposition to this case.

There being no one else wishing to speak, the public hearing was closed at 7:52 p.m.

Commissioner Wheelwright questioned Ms. Zibilich regarding what their process is for selecting a potential location. Ms. Zibilich replied the optimal location is determined by a series of research and data

analysis.

Commissioner Phelps questioned Mr. Brand regarding whether there had been an agreement with Mr. Hayworth and the property owner at 4009 Colleyville Blvd. regarding parking on Mr. Hayworth's property. Mr. Brand replied no and they would prefer that their property not be used for parking.

Commissioner Phelps questioned staff regarding how to bring the site into compliance if the Special Use Permit is granted. Adam Marsh replied this is addressed in the ordinance by stating the site must be brought up to compliance.

Discussion continued regarding bringing the property into compliance.

Commissioner Phelps questioned Rob McKeown, the fire marshal, regarding circular access. Rob McKeown replied there are not any issues that would trigger an access requirement at this time.

Commissioner Phelps questioned Matt Butler, the city attorney, regarding whether the Commission could approve the case with the condition that the tower be a stealth design. Matt Butler replied yes, that could be mentioned as part of the motion.

Commissioner Gotcher stated the motion needed to be more prescriptive.

Commissioner Phelps questioned Ms. Zibilich regarding what specifically is a stealth design. Ms. Zibilich replied a stealth design means you do not see any antennae or equipment on the tower.

Discussion continued between Ms. Zibilich and the Commission regarding the different types of designs of telecommunication towers.

The Commission adjourned into an executive session at 8:05 p.m.

The Commission re-adjourned into the regular meeting at 8:14 p.m.

Commissioner Phelps made a motion to approve Case ZC14-027 with the following condition: the tower shall be designed with stealth objectives in order to conceal radio equipment. Commissioner Gotcher seconded the motion.

The motion to approve Case ZC14-027 with the following condition: the tower shall be designed with stealth objectives

in order to conceal radio equipment carried by the following vote:

Aye: 5 – Wheelwright, Gotcher, Davis, Phelps, and Byerly

- 3d** Consideration for a Special Use Permit for a Second Hand Goods Shop on Lot 8A, Block 1, of the Thompson Terrace Addition located at 5117 Colleyville Blvd, Suite A, Case ZC14-028

Adam Marsh presented the case and briefed the Commission.

The public hearing was opened at 8:21 p.m.

Commissioner Phelps questioned staff regarding whether all of the parking along the front of the building would be lost with the expansion of State Highway 26. Adam Marsh replied yes.

Commissioner Davis questioned staff regarding whether the business owners were aware of the loss of parking with the expansion. Adam Marsh replied yes.

Sumer Morgan and Della Greener, the business owners, came forward and briefed the Commission.

Commissioner Gotcher questioned Ms. Morgan and Ms. Greener regarding would they be open to having the ability to sell other merchandise than what was in the proposed ordinance. Ms. Morgan and Ms. Greener replied yes.

There being no one else wishing to speak the public hearing was closed at 8:23 p.m.

Commissioner Gotcher made a motion to approve Case ZC14-028 with the following condition: 1) Section 4.1.f be removed from the proposed ordinance. Commissioner Davis seconded.

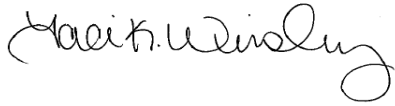
The motion to approve Case ZC14-028 with the following condition: 1) Section 4.1.f be removed from the proposed ordinance carried by the following vote:

Aye: 5 – Wheelwright, Gotcher, Davis, Phelps, and Byerly

4. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on February 9, 2015 by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3a	Agenda Date 02/09/2015	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a zoning change from the AG-Agricultural zoning district to the R-20-Single Family Residential zoning district on 2.682 acres of Abstract No. 331 of the A.J.Caldwell Survey, located at 6105 Waller Lane, Case ZC14-029

Explanation

Jay Gajulapalli, the developer, has submitted a request to change the zoning on 2.682 acres, located at 6105 Waller Lane. The applicant is requesting to rezone the property from the AG-Agricultural zoning district to the R-20-Single Family Residential zoning district. The applicant is seeking a zoning change in order to create four single family residential lots.

Existing Conditions. The subject property is not platted. It contains a single family home and an accessory building.

Non-Discretionary Zoning Request. As the rezoning request does not involve a discretionary zoning category such as a Special Use Permit or Planned Unit Development, and is, instead, a rezoning request from one non-discretionary zoning district to another non-discretionary zoning district, no extra conditions or exactions may be added to the proposed ordinance as part of any approval by the City Council.

Lot Dimensions and Setbacks. Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-20 zoning regulations require a minimum lot size of 20,000 square feet with a minimum lot width of 100 feet and lot depth of 125 feet. The following additional standards are applicable to the R-20 zoning designation:

Minimum Front Yard Setback: 30 feet

Minimum Side Yard Setbacks: 10 feet

Minimum Rear Yard Setback: 25 feet

Maximum Lot Coverage: 30 percent

The subject property meets the minimum standards of the Land Development Code for the R-20 zoning district.

Proposed Concept Plan. Based on the proposed concept plan, a right of way waiver will be required, at the time of platting, for a portion of the newly dedicated street. Along Waller Lane there is only 148.92 feet of frontage meaning a 100 foot wide lot plus a 50 foot right of way is not achievable. An easement can be dedicated to allow 50 feet of useable space for the construction of the required public road, applicable sidewalks, and utilities. The concept plan is for illustrative purposes only and no action will be taken on the lot configuration shown. Since a right of way waiver will be necessary, City Council will be required to approve the plat if it matches the proposed concept plan.

Surrounding Development Trends. The properties to the north and east are zoned R-20 Single Family Residential and developed as single family detached homes. The properties to the west are zoned R-40 Single Family Residential and AG-Agricultural, and developed as single family detached homes. The property to the south is zoned AG-Agricultural and contains the Colleyville Elementary School campus.

Master Plan. The Future Land Use Plan designates the subject property for single family residential uses. The proposed rezoning is consistent with the Future Land Use Plan.

Public Notification. Staff mailed notices to 17 property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code.

Summary. The proposed zoning change is consistent with the Future Land Use Plan, which designates the subject property as single family residential uses. The proposed 2.682 acres meet the minimum standards of the Land Development Code for the R-20 zoning district. Staff recommends approval of the rezoning request.

Recommendation

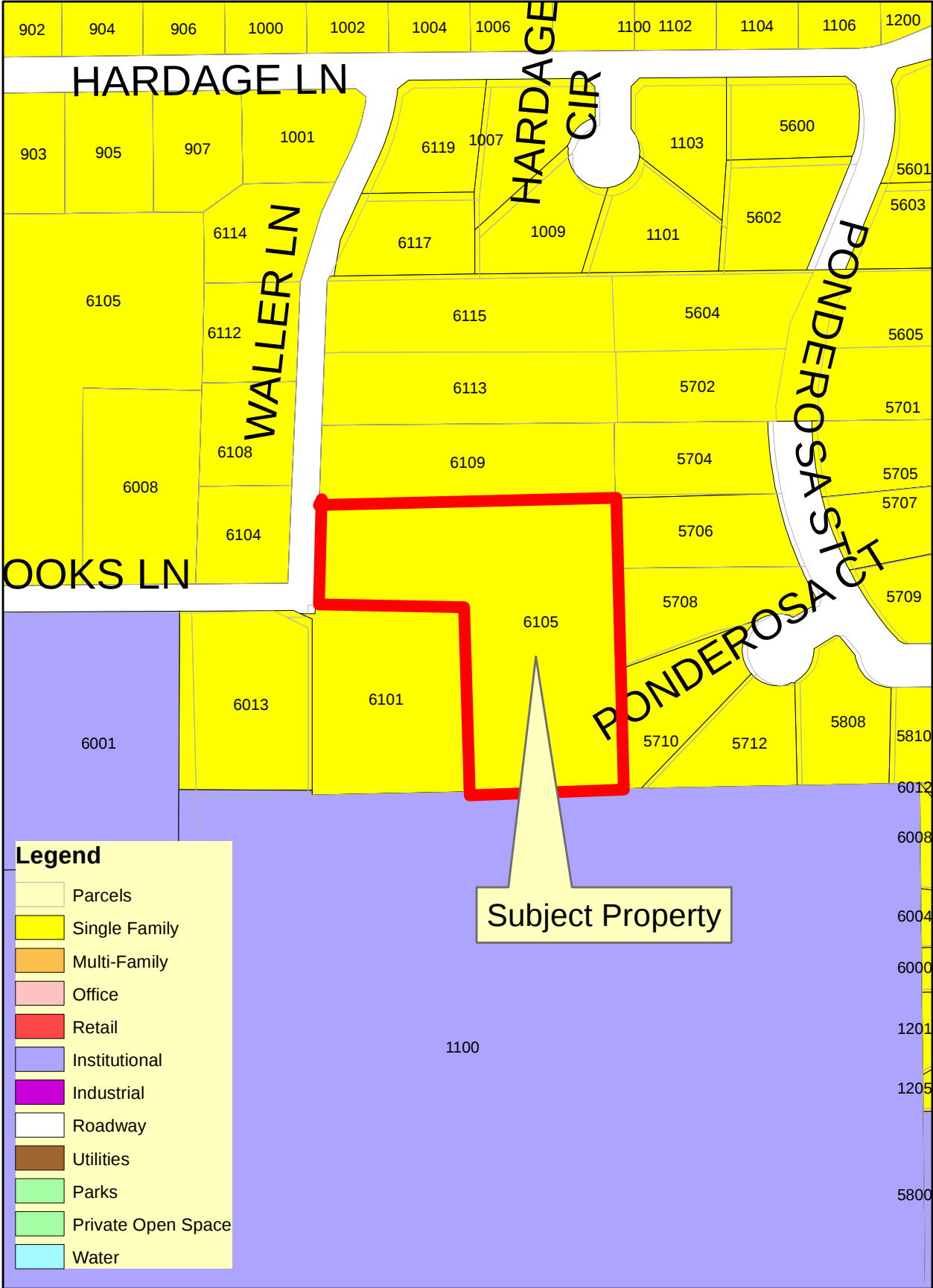
Approve

Attachments

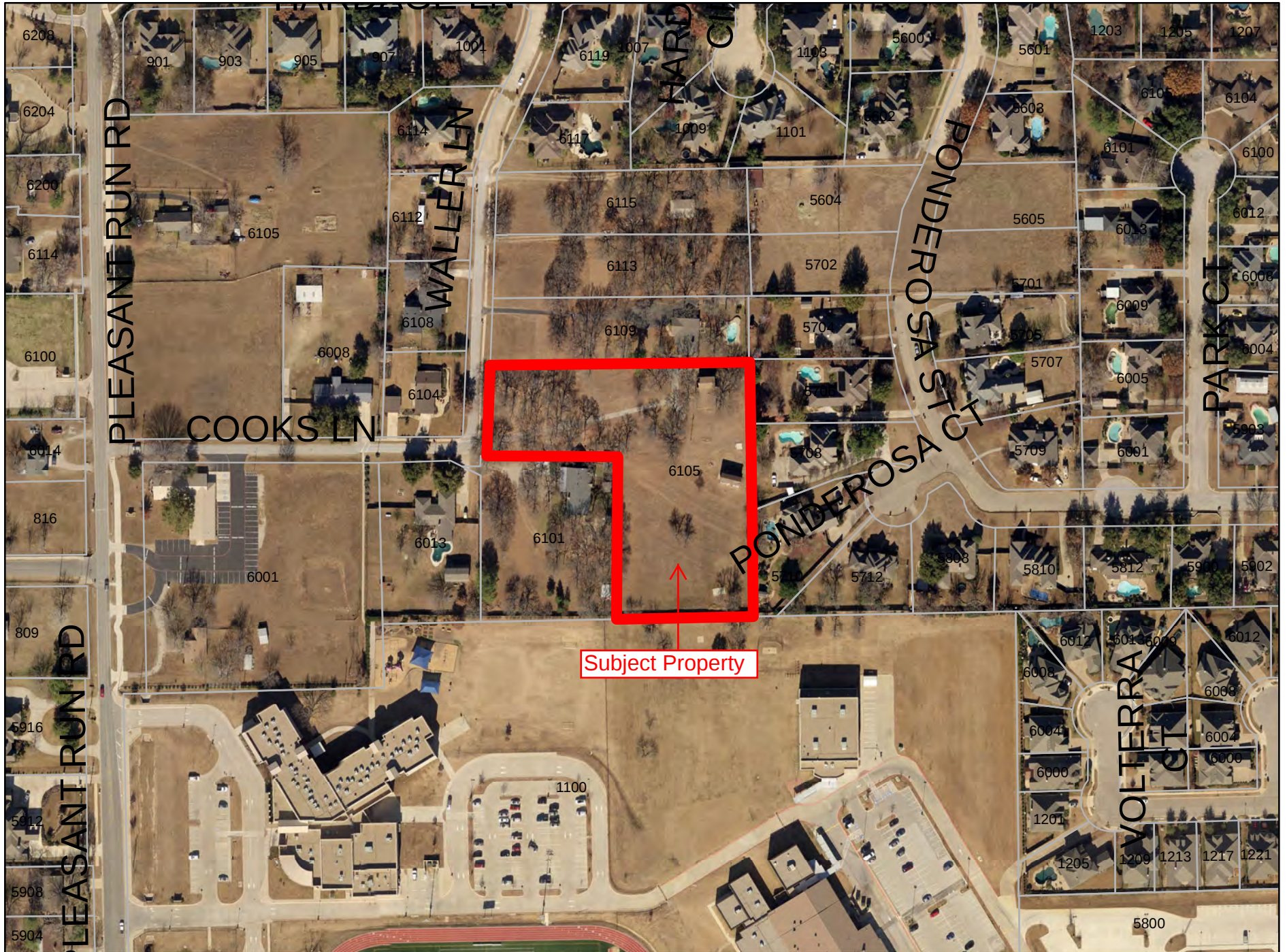
1. Location and Zoning Map
2. Future Land Use Map
3. Aerial
4. Notification List
5. Buffer Map
6. Zoning Exhibit
7. Conceptual Development Plan
8. O-15-xxxx

[illegible]

Future Land Use



Aerial

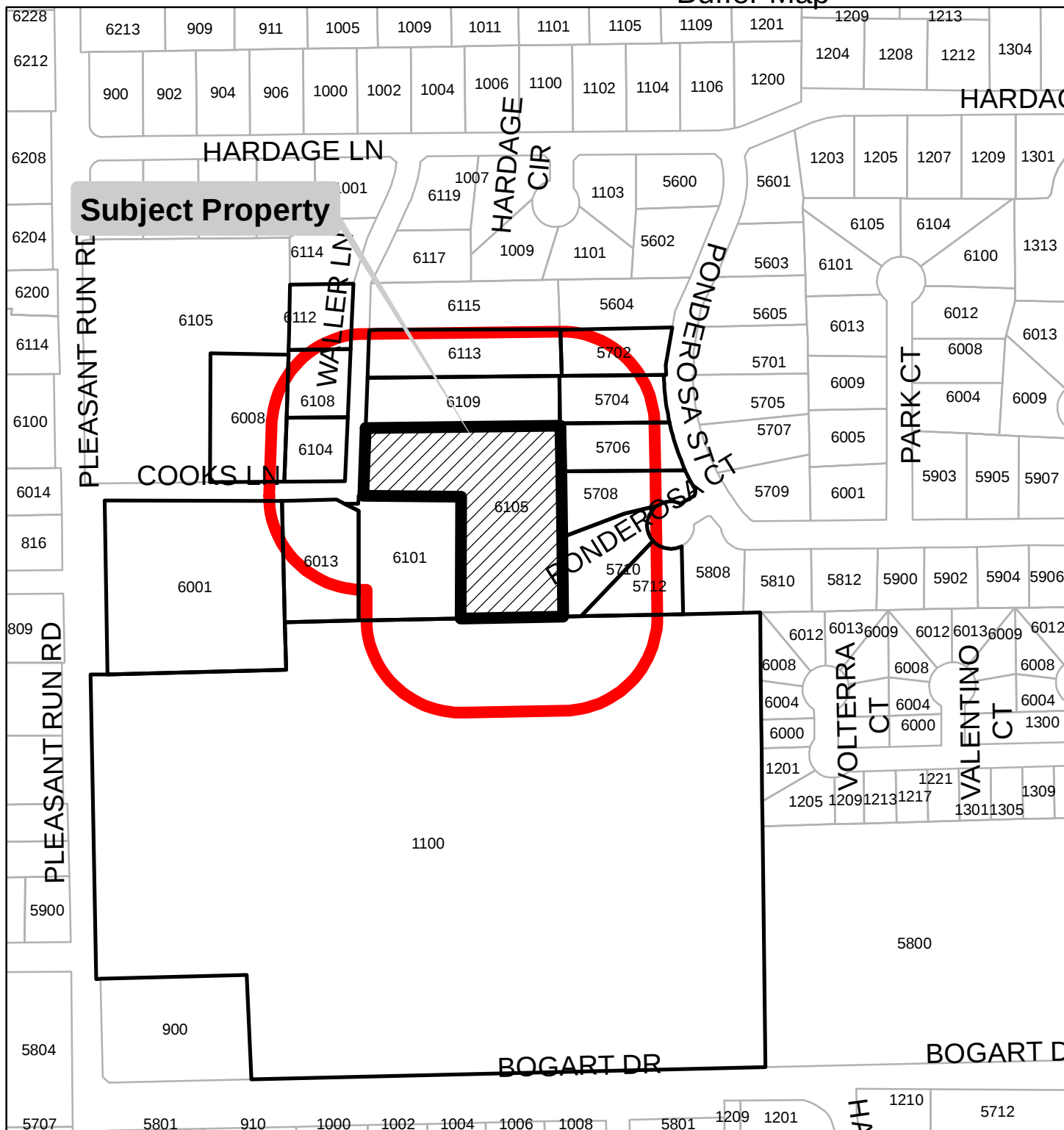


Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Brooks, Troy Etux Marcela	6112 Waller Ln	Colleyville	Texas	76034	006112 Waller Ln
Beaully Llc	1090 Northchase Pkwy SE	Marietta	Georgia	30067	006108 Waller Ln
Sliney, Pamela M	6008 Cooks Ln	Colleyville	Texas	76034	006008 Cooks Ln
Hedges, B D Etux Brandy	6104 Waller Ln	Colleyville	Texas	76034	006104 Waller Ln
Pleasant Run Baptist Church	6005 Pleasant Run Rd	Colleyville	Texas	76034	006001 Pleasant Run Rd
Ziober, Alvin Etux Suzanne	6109 Waller Ln	Colleyville	Texas	76034	006109 Waller Ln
Fisher, Brett A Etux Karen G	5710 Ponderosa Ct	Colleyville	Texas	76034	005710 Ponderosa Ct
Gavlak, Kevin G Etux Deanna C	5712 Ponderosa Ct	Colleyville	Texas	76034	005712 Ponderosa Ct
Billups, Shelly Deann	5704 Ponderosa St	Colleyville	Texas	76034	005704 Ponderosa St
Southall, Richard Etux Kellye	5708 Ponderosa Ct	Colleyville	Texas	76034	005708 Ponderosa Ct
Rich, Danny F Etux Mary Ann	9101 Freeport Dr	Denton	Texas	76207	005706 Ponderosa St
McMeans, Jay B Etux Vonna L	6013 Cooks Ln	Colleyville	Texas	76034	006013 Cooks Ln
Naler, Dee Ann Etvir M Begrove	6101 Waller Ln	Colleyville	Texas	76034	006101 Waller Ln
Sewell, Robert H Etux Lisa D	202 Gallant Ct	Colleyville	Texas	76034	006105 Waller Ln
Grapevine ISD	3051 Ira E Woods Ave	Grapevine	Texas	76051	001100 Bogart Dr
Flying H Property Company li	6617 Precinct Line Rd Ste 200	North Richland Hills	Texas	76182	006113 Waller Ln
Flying H Property Company li	6617 Precinct Line Rd Ste 200	North Richland Hills	Texas	76182	006113 Waller Ln
Tuscany HOA	PO Box 1140	Colleyville	Texas	76034	Courtesy Notice
Grapevine-Colleyville ISD	3051 Ira E Woods Ave	Grapevine	Texas	76051	Courtesy Notice
Jayacharda Gajalapalli	6706 Sapphire Circle North	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
Fri. Jan. 30, 2015 by Taci Wrisley

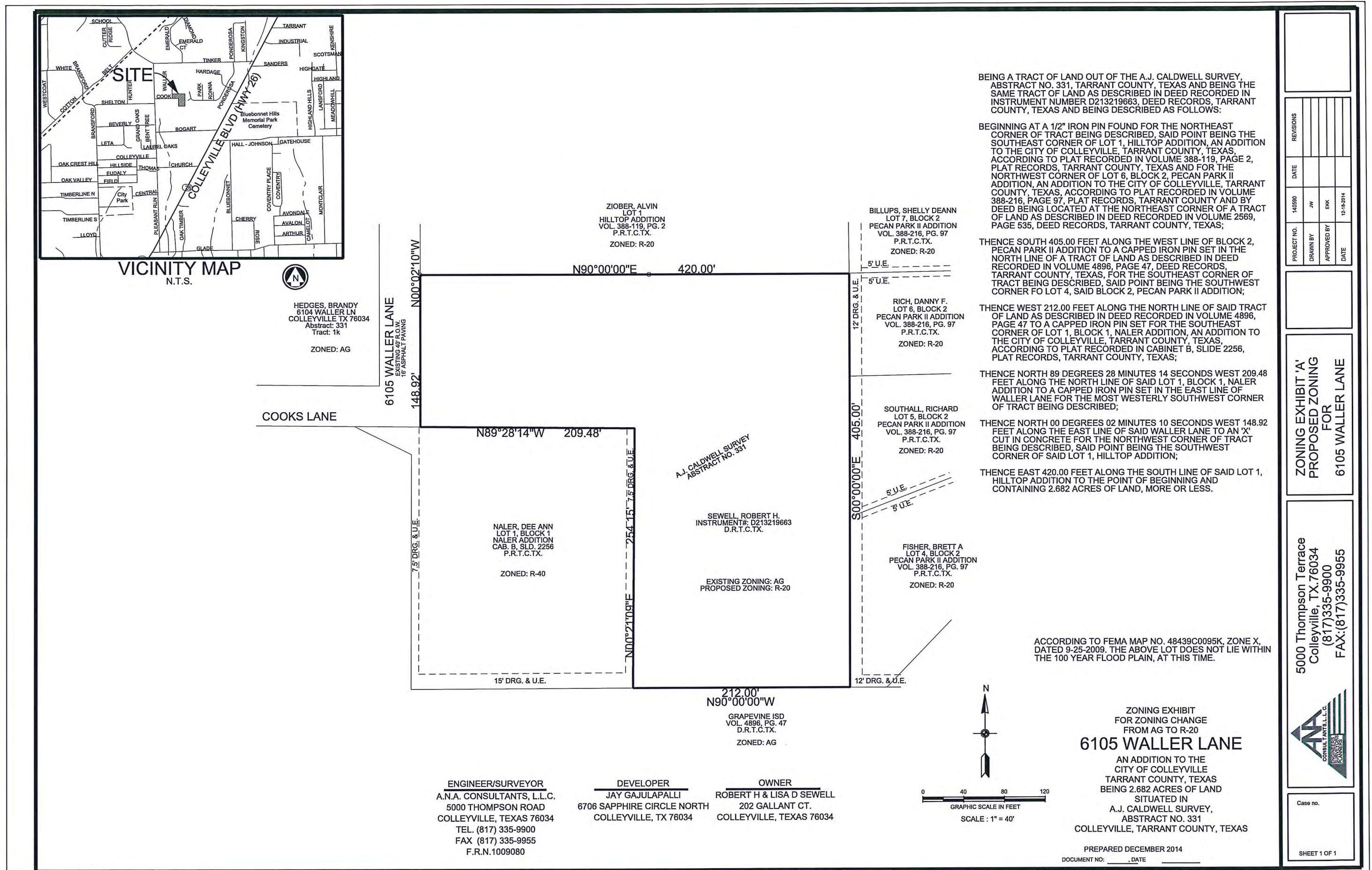
Case ZC14-029
6105 Waller Lane



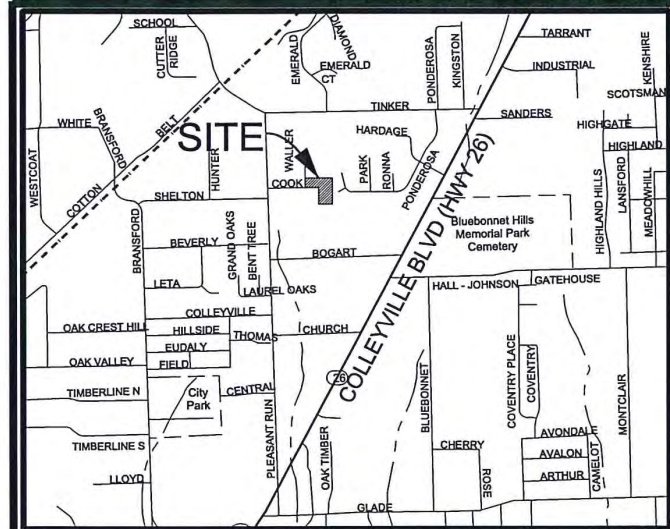
 Properties within 200 feet
 Subject Property
 Parcels



Zoning Exhibit



Conceptual Development Plan



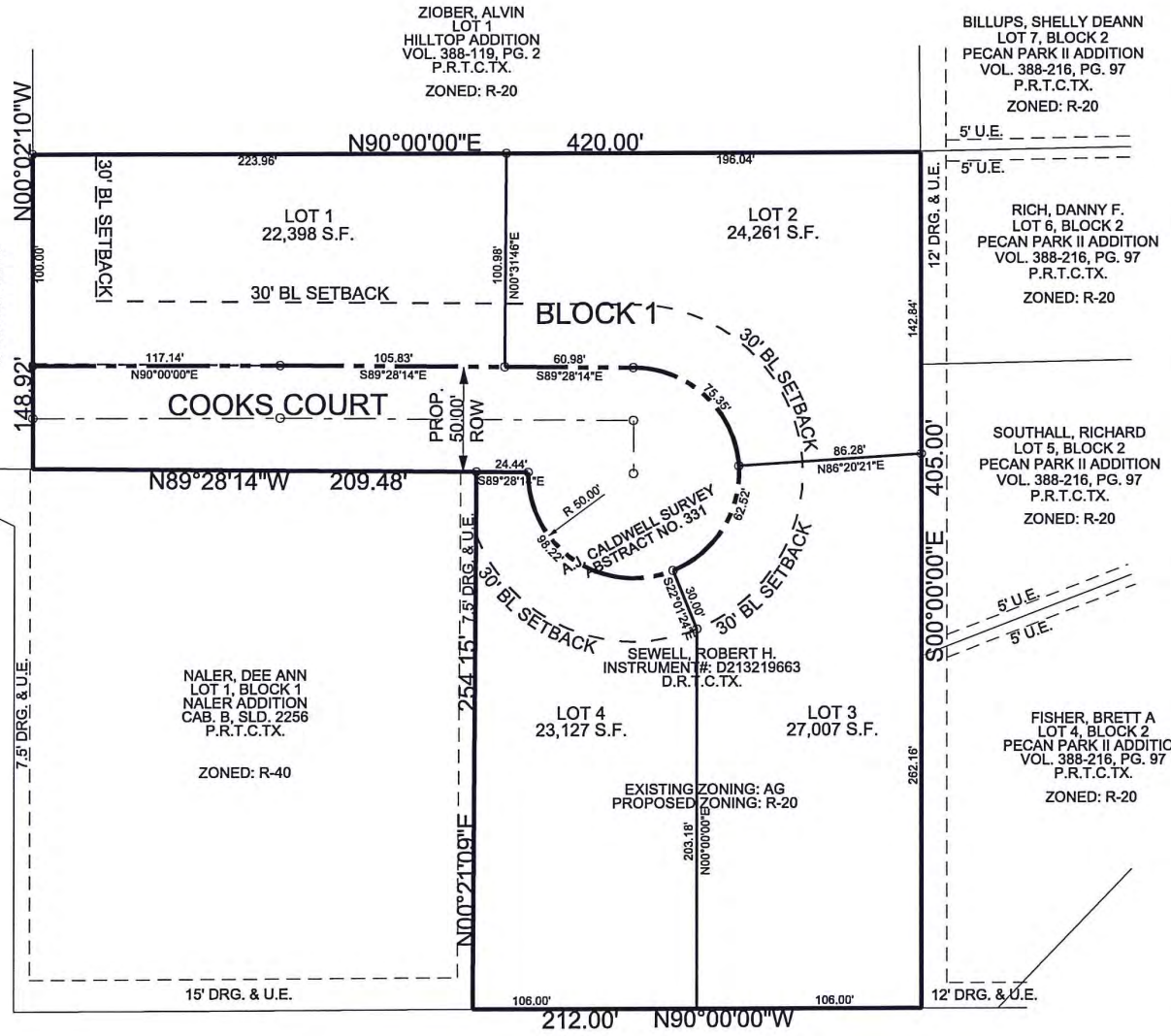
VICINITY MAP
N.T.S.



HEDGES, BRANDY
6104 WALLER LN
COLLEYVILLE, TX 76034
Abstract: 331
Tract: 1k
ZONED: AG

COOKS LANE

6105 WALLER LANE
EXISTING 12' DRG. & U.E.
12' ASPHALT PAVING



BEING A TRACT OF LAND OUT OF THE A.J. CALDWELL SURVEY, ABSTRACT NO. 331, TARRANT COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN INSTRUMENT NUMBER D213219663, DEED RECORDS, TARRANT COUNTY, TEXAS AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIN FOUND FOR THE NORTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1, HILLTOP ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 388-119, PAGE 2, PLAT RECORDS, TARRANT COUNTY, TEXAS AND FOR THE NORTHWEST CORNER OF LOT 6, BLOCK 2, PECAN PARK II ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 388-216, PAGE 97, PLAT RECORDS, TARRANT COUNTY AND BY DEED BEING LOCATED AT THE NORTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 2569, PAGE 535, DEED RECORDS, TARRANT COUNTY, TEXAS;

THENCE SOUTH 405.00 FEET ALONG THE WEST LINE OF BLOCK 2, PECAN PARK II ADDITION TO A CAPPED IRON PIN SET IN THE NORTH LINE OF A TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 4896, PAGE 47, DEED RECORDS, TARRANT COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE SOUTHWEST CORNER FO LOT 4, SAID BLOCK 2, PECAN PARK II ADDITION;

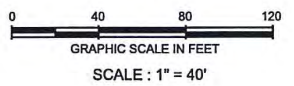
THENCE WEST 212.00 FEET ALONG THE NORTH LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 4896, PAGE 47 TO A CAPPED IRON PIN SET FOR THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, NALER ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN CABINET B, SLIDE 2256, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 28 MINUTES 14 SECONDS WEST 209.48 FEET ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 1, NALER ADDITION TO A CAPPED IRON PIN SET IN THE EAST LINE OF WALLER LANE FOR THE MOST WESTERLY SOUTHWEST CORNER OF TRACT BEING DESCRIBED;

THENCE NORTH 00 DEGREES 02 MINUTES 10 SECONDS WEST 148.92 FEET ALONG THE EAST LINE OF SAID WALLER LANE TO AN 'X' CUT IN CONCRETE FOR THE NORTHWEST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1, HILLTOP ADDITION;

THENCE EAST 420.00 FEET ALONG THE SOUTH LINE OF SAID LOT 1, HILLTOP ADDITION TO THE POINT OF BEGINNING AND CONTAINING 2.682 ACRES OF LAND, MORE OR LESS.

ACCORDING TO FEMA MAP NO. 48439C0095K, ZONE X, DATED 9-25-2009, THE ABOVE LOT DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN, AT THIS TIME.



ZONING EXHIBIT
FOR ZONING CHANGE
FROM AG TO R-20
6105 WALLER LANE

AN ADDITION TO THE
CITY OF COLLEYVILLE
TARRANT COUNTY, TEXAS
BEING 2.682 ACRES OF LAND
SITUATED IN
A.J. CALDWELL SURVEY,
ABSTRACT NO. 331
COLLEYVILLE, TARRANT COUNTY, TEXAS

PREPARED DECEMBER 2014
DOCUMENT NO: _____, DATE _____

ENGINEER/SURVEYOR
A.N.A. CONSULTANTS, L.L.C.
5000 THOMPSON ROAD
COLLEYVILLE, TEXAS 76034
TEL. (817) 335-9900
FAX (817) 335-9955
F.R.N.1009080

DEVELOPER
JAY GAJULAPALLI
6706 SAPPHERE CIRCLE NORTH
COLLEYVILLE, TX 76034

OWNER
ROBERT H & LISA D SEWELL
202 GALLANT CT.
COLLEYVILLE, TEXAS 76034

PROJECT NO.	DATE	REVISIONS
140590	JW	
	ENK	
	DATE	12-16-2014

ZONING EXHIBIT 'B'
SITE LAYOUT
FOR
6105 WALLER LANE

5000 Thompson Terrace
Colleyville, TX. 76034
(817) 335-9900
FAX: (817) 335-9955



Case no.
SHEET 1 OF 1

ORDINANCE O-15-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 2.682 ACRES IN THE A.J. CALDWELL SURVEY, ABSTRACT NO. 331, LOCATED AT 6105 WALLER LANE, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE R-20-SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case ZC14-029; and

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

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 2.682 acres in the A.J. Caldwell Survey, Abstract No. 331, located at 6105 Waller Lane, from the AG - Agricultural zoning district to the R-20-Single Family Residential zoning district, as depicted in the attached Exhibit "A" and Exhibit "B".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT 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. 5. 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. 6. 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. 7. 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 3rd day of March 2015.

The second reading and public hearing being conducted on the 17th day of March 2015.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2015.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit “A”- Location and Zoning Map

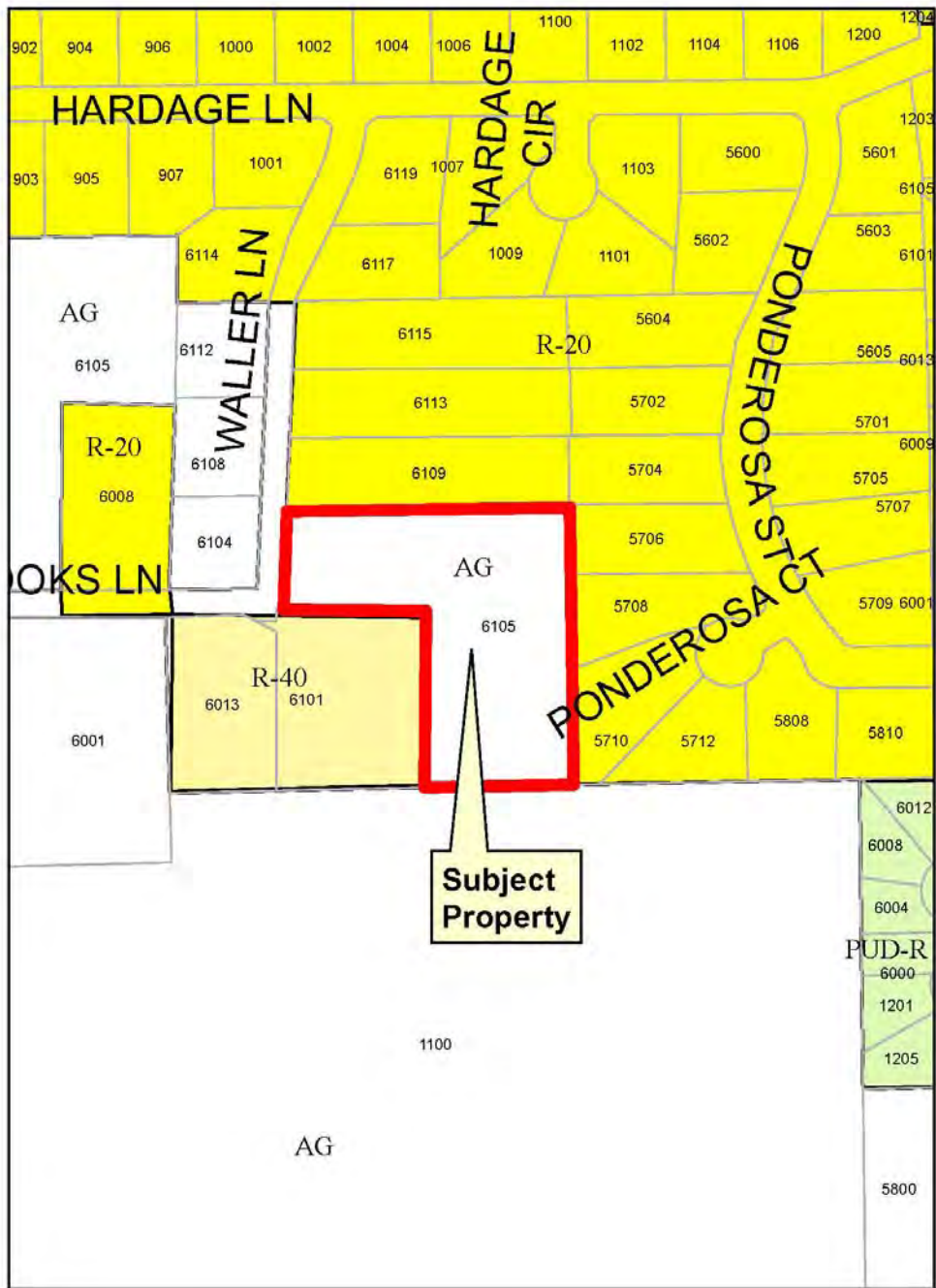


Exhibit "B"- Metes & Bounds Description

BEING A TRACT OF LAND OUT OF THE A.J. CALDWELL SURVEY, ABSTRACT NO. 331, TARRANT COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN INSTRUMENT NUMBER D213219663, DEED RECORDS, TARRANT COUNTY, TEXAS AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIN FOUND FOR THE NORTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1, HILLTOP ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 388-119, PAGE 2, PLAT RECORDS, TARRANT COUNTY, TEXAS AND FOR THE NORTHWEST CORNER OF LOT 6, BLOCK 2, PECAN PARK II ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 388-216, PAGE 97, PLAT RECORDS, TARRANT COUNTY AND BY DEED BEING LOCATED AT THE NORTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 2569, PAGE 535, DEED RECORDS, TARRANT COUNTY, TEXAS;

THENCE SOUTH 405.00 FEET ALONG THE WEST LINE OF BLOCK 2, PECAN PARK II ADDITION TO A CAPPED IRON PIN SET IN THE NORTH LINE OF A TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 4896, PAGE 47, DEED RECORDS, TARRANT COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE SOUTHWEST CORNER FO LOT 4, SAID BLOCK 2, PECAN PARK II ADDITION;

THENCE WEST 212.00 FEET ALONG THE NORTH LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 4896, PAGE 47 TO A CAPPED IRON PIN SET FOR THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, NALER ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN CABINET B, SLIDE 2256, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 28 MINUTES 14 SECONDS WEST 209.48 FEET ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 1, NALER ADDITION TO A CAPPED IRON PIN SET IN THE EAST LINE OF WALLER LANE FOR THE MOST WESTERLY SOUTHWEST CORNER OF TRACT BEING DESCRIBED;

THENCE NORTH 00 DEGREES 02 MINUTES 10 SECONDS WEST 148.92 FEET ALONG THE EAST LINE OF SAID WALLER LANE TO AN 'X' CUT IN CONCRETE FOR THE NORTHWEST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1, HILLTOP ADDITION;

THENCE EAST 420.00 FEET ALONG THE SOUTH LINE OF SAID LOT 1, HILLTOP ADDITION TO THE POINT OF BEGINNING AND CONTAINING 2.682 ACRES OF LAND, MORE OR LESS.