



City of Colleyville Zoning Board of Adjustment Agenda

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

Tuesday, May 10, 2016

City Council Chambers

**7:00 PM
CITY COUNCIL CHAMBERS
THIRD FLOOR
CALL TO ORDER
PLEDGE OF ALLEGIANCE**

1. SWEARING IN OF NEWLY APPOINTED MEMBER

Richard Vallario, Alternate 2

2. APPROVAL OF MINUTES

February 9, 2016

3. PUBLIC HEARING AGENDA ITEMS

3a Request for a variance to Section 3.27.A.3.c (Accessory Buildings and Residential Carport Regulations) of the Land Development Code on Lot 6, Block B, of the Emerald Park Addition, located at 6016 Sterling Drive, Case VC16-002.

3b Request for a variance to Section 3.26.D.2.a (Fences, Free Standing Walls, and Screening Materials) of the Land Development Code on Lot 18, Block 2, of the Fairway Addition, located at 8500 Precinct Line Road, Case VC16-003.

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, May 6, 2016 by 5:00 p.m.

Abra Nusser
Community Development Director

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

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Tuesday, February 9, 2016

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 February 9, 2016 at 7:00 p.m.

Roll Call

Present: Board members Jason Elms, Judson Orlando, Raymond Allee, Wayne Maynard, and Dee McNosky

Absent: Board member Dee Kamerman, Alternate 1

Staff Present: Abra Nusser, Taci Wrisley, Shane Pace, Eddie Wilson, and Matthew Boyle (City Attorney)

1. SWEARING IN OF NEWLY APPOINTED MEMBER

Taci Wrisley swore in newly appointed member Wayne Maynard, Place 3.

2. ELECTION OF OFFICERS

Board member Elms made a motion to appoint Dee McNosky as Chairperson and Judson Orlando as Vice-Chairperson.

The motion to appoint Dee McNosky as Chairperson and Judson Orlando as Vice-Chairperson carried by the following vote:

Aye: 5 – Elms, Allee, Orlando, Maynard, and McNosky

3. APPROVAL OF MINUTES

Board member Elms made a motion to approve the December 8, 2015 minutes. Board member Maynard seconded.

The motion to approve the December 8, 2015 minutes carried by the following vote:

Aye: 5 – Elms, Allee, Orlando, Maynard, and McNosky

4. PUBLIC HEARING AGENDA ITEMS

4a Request for a variance to certain provisions of Section 3.26-Fences, Free Standing Walls, and Screening Materials of the Land

Development Code on Lot 9, Block 4, of the Fairway Addition, located at 6801 Herbert Road, Case VC15-014

Shane Pace presented the case and briefed the Board.

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

Terry Weakley, the applicant, came forward and briefed the Board.

Board member Elms questioned Mr. Weakley regarding where the location of the pond would be. Mr. Weakley replied the pond would be in the southwest corner of the property.

Board member McNosky questioned Mr. Weakley regarding if there were other residences on the same street with fences on the property line. Mr. Weakley replied yes, approximately 30 percent of the residences have fences on the property lines.

Discussion continued regarding precedence in the neighborhood.

Board member Elms questioned staff regarding whether the requirement that allowed front yard fences was for the R-40-Single Family Residential zoning district or for lots that were 40,000 square feet and larger. Shane Pace replied the requirement is for lots that are 40,000 square feet and larger.

Discussion continued regarding what type of fence would be allowed with a 40,000 square foot or larger lot.

Board Member Maynard questioned Mr. Weakley regarding whether the gate would open inward. Mr. Weakley replied yes.

Board member McNosky questioned Mr. Weakley regarding whether a person would be able to see both ways when exiting the property. Mr. Weakley replied yes.

Discussion occurred regarding neighboring residences with the same conditions as proposed.

Board member Maynard questioned Mr. Weakley why he was not wanting to build the structure farther back from the front property line. Mr. Weakley replied he would like to keep the proposed structure in line with the other residences on the street and due to tree preservation.

There being no one else wishing to speak, the public hearing was

closed at 7:16 p.m.

Board member Orlando questioned staff regarding why lots with 40,000 square feet were allowed to have fences in the front yard. Shane Pace replied the provision was most likely created for these size lots to preserve the rural look and feel.

Discussion continued regarding the requirements for fences on R-40-Single Family Residential size lots.

Board member Allee made a motion to approve Case VC15-014. Board member Maynard seconded.

The motion to approve Case VC15-014 carried by the following vote:

Aye: 5 – Elms, Allee, Orlando, Maynard, and McNosky

- 4b** Request for a variance to certain provisions of Section 3.29-Parking Requirements of the Land Development Code on Lot 3-R, Block 1, of the Andy Felps Addition, located at 3919 Colleyville Boulevard, Case VC16-001

Shane Pace presented the case and briefed the Board.

The public hearing was opened at 7:22 p.m.

Tony Eeds, the applicant, came forward to brief the Board.

Board member Orlando questioned staff regarding whether the applicant would have to come before the Board again if any other variances were needed. Shane Pace replied yes.

There being no one else wishing to speak, the public hearing was closed at 7:25 p.m.

Board member Orlando made a motion to approve Case VC16-001. Board member Elms seconded.

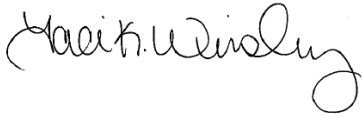
The motion to approve Case VC16-001 carried by the following vote:

Aye: 5 – Elms, Allee, Orlando, Maynard, and McNosky

5. ADJOURNMENT

The meeting adjourned at 7:25 p.m.

Minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on _____ 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 3a	Agenda Date 05/10/2016	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a variance to Section 3.27.A.3.c (Accessory Buildings and Residential Carport Regulations) of the Land Development Code on Lot 6, Block B, of the Emerald Park Addition, located at 6016 Sterling Drive, Case VC16-002.

Explanation

Scott Larsen, the applicant, is requesting approval of a variance to the requirements of Section 3.27.A.3.c (Accessory Buildings and Residential Carport Regulations) of the Land Development Code, on approximately 0.17 acres located at 6016 Sterling Drive. The applicant is requesting a variance to the required setback along the western property line to construct an arbor in the rear of the subject property.

Existing Conditions/Background: The subject property is generally located on the north side of Sterling Drive, east of Precinct Line Road, and north of L.D. Lockett Road, within the Emerald Park subdivision. It is zoned PUD-R Planned Unit Development – Residential, (Ordinance O-02-1366) and is currently platted as Lot 6, Block B, of the Emerald Park Addition. There is significant public drainage infrastructure with associated easements adjacent to the subject property on its west and north sides, adjacent to the proposed setback variance.

Requested Variance: The applicant is requesting a variance to allow for the construction of a 16-foot by nine-foot cedar arbor at the northwest corner of the property. The location of the proposed arbor is in the back the subject property, and the proposed arbor would be located on the existing pool deck. Due to the limited space available in the back yard, the applicant is proposing to construct the arbor adjacent to the western property line with no setback and approximately 8.5 feet from the northern property line.

Ordinance – The governing PUD-R Ordinance (O-02-1366) requires a minimum six-foot side yard setback and 10 foot rear yard setback. Chapter 3 (Land Use) of the Land Development Code allows for detached accessory buildings, located behind the principal building to be placed no closer than five feet from the side lot line (Section 3.27.A.3.c).

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

Whereas the proposed setback along the northern property is compliant with the five-foot setback by an additional 3.5 feet, the proposed setback along the western property line is five feet less than required (zero feet versus five feet).

Chapter 1 (General Provisions) of the Land Development Code authorizes the Zoning Board of Adjustment to grant variances to the accessory building requirements set forth in Chapter 3 (Land Use):

"...where the literal enforcement of the provisions of the ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district."

Analysis – Due to the unique topographical features of the neighboring properties to the west and north, containing significant drainage infrastructure, the applicant has presented a reasonable hardship. The presence of the drainage easement and infrastructure, ensure that future development will not occur directly adjacent to the subject property and conflict with the arbor's placement. Additionally, the open design of the proposed structure allows for visibility and does not appear to adversely impact any of the surrounding properties.

Surrounding Development: The table below reflects the surrounding zoning and existing land uses for the subject property as further illustrated on the attached location map:

PUD-R (Emerald Park Residential Subdivision – Drainage Infrastructure)	R-40 Single Family Residential (Single Family Home)	R-20 Single Family Residential (Lavaca Trail Estates)(Single Family Home)
PUD-R (Emerald Park Residential Subdivision – Drainage Infrastructure)	<i>Subject Property</i> <i>PUD-R (Emerald Park Subdivision)</i>	PUD-R (Emerald Park Residential Subdivision)
PUD-R (Emerald Park Residential Subdivision – Drainage Infrastructure)	PUD-R (Emerald Park Residential Subdivision)	PUD-R (Emerald Park Residential Subdivision)

The subject property is completely surrounded by residential zoning districts. The adjacent properties to the west and north contain significant public drainage infrastructure.

Public Notification: Staff mailed notices to property owners within 200 feet of the subject property regarding this request. Keller 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. To date, staff has received no correspondence for the request.

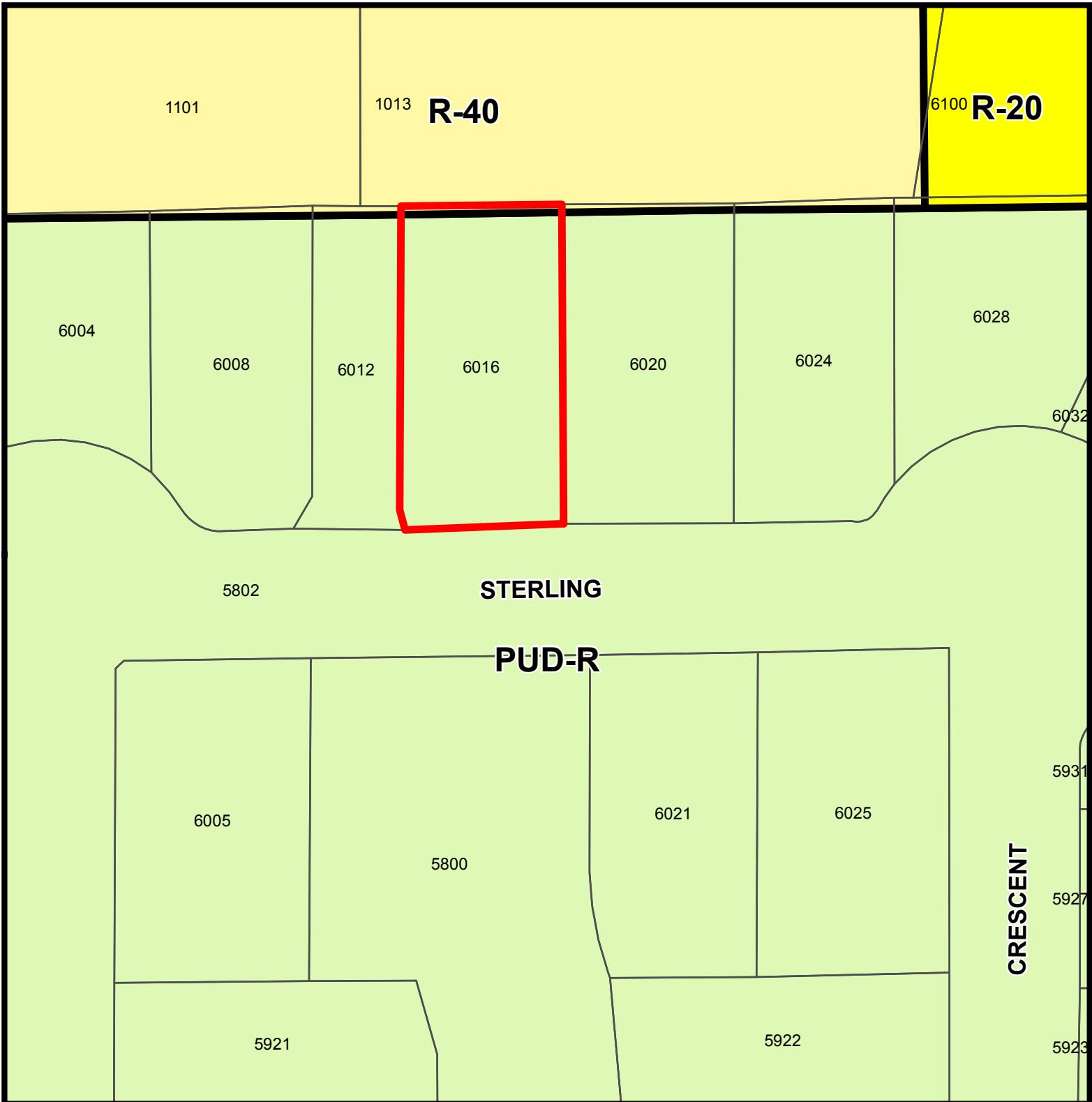
Staff Recommendation: The applicant has presented a hardship as defined by the Land Development Code, and the proposed variance does not appear to have any adverse impacts on the surrounding properties. Staff recommends approval of the proposed variance.

Recommendation

Approve

Attachments

1. Zoning Map
2. Aerial Map
3. Statement of Planning Objectives and Supporting Materials
4. Property Survey
5. Notification Map
6. Notification List
7. Emerald Park Plat
8. Existing PUD Ordinance



ZONING MAP

CASE VC16-002
6016 STERLING DRIVE

 Subject_Property



1 inch = 50 feet

Vicinity Map



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.



AERIAL MAP

CASE VC16-002
6016 STERLING DRIVE

 Subject_Property



1 inch = 50 feet

Vicinity Map



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Statement of Planning Objectives

6016 Sterling Dr. – Arbor

March 22, 2016

Shane Pace
Principal Planner, Community Development
100 Main Street
Colleyville, TX 76034

Subject: 6016 Sterling Dr. – Arbor

Dear Mr. Shane Pace;

As we have discussed, I am requesting a variance to build an arbor. I have a small backyard which is mostly a swimming pool and concrete deck. We currently have no shade which makes it difficult to enjoy our space and the views of the open fields and pond to our north. We also believe an umbrella would not provide much shade and would be at risk in heavy winds. As a result, we are requesting a variance to build the proposed arbor.

I have a usable deck area of 22' by 11' on the west side of my backyard. My current restriction is to provide a building setback of 6' from the west property line and a setback of 10' from the north property line. The arbor I would like to build will have a 16' by 9' drip-line and be built to the west property line (zero feet setback) and 8.5' from my north property line.

As you will see by the pictures below, I have a 31' concrete waterway to the west of my property so there will never be a neighbor to my west. In addition, the concrete waterway also is to the north of my property which will provide additional separation to the north.

Thank you for your consideration;

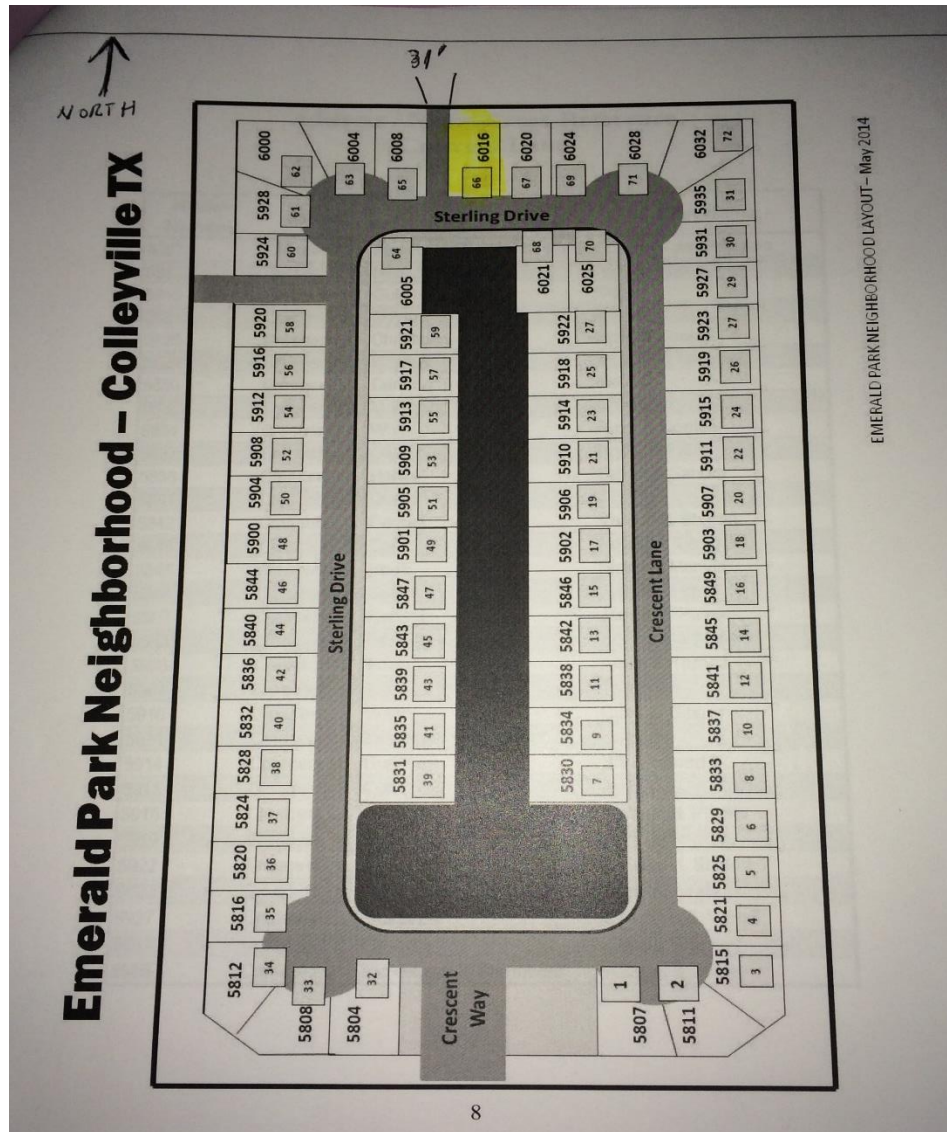
Scott Larsen
6016 Sterling Dr.
Colleyville, TX

214.538.9600

See pages to follow for more detail

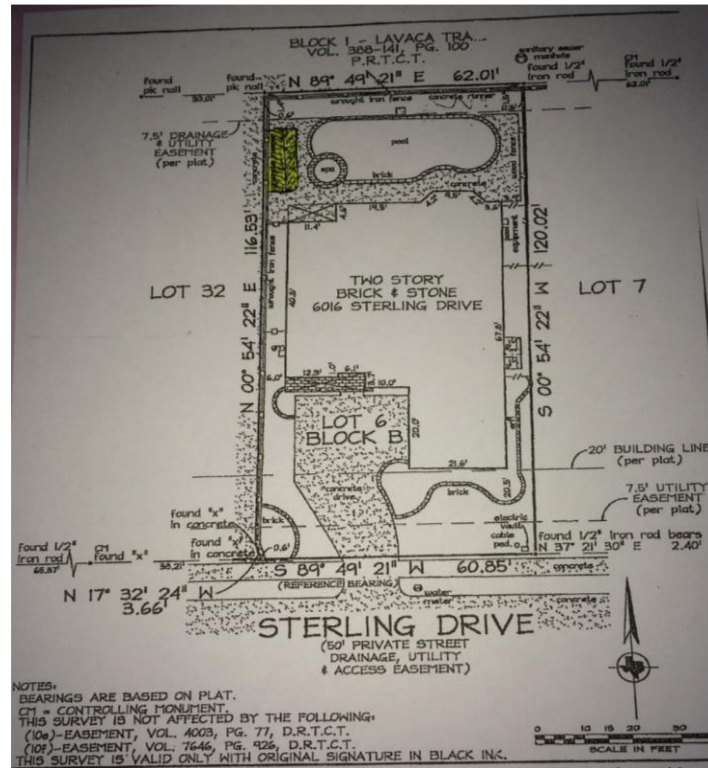
6016 Sterling Dr. – Arbor

The picture below shows Emerald Park with my property highlighted in yellow adjacent to the 31' concrete waterway.

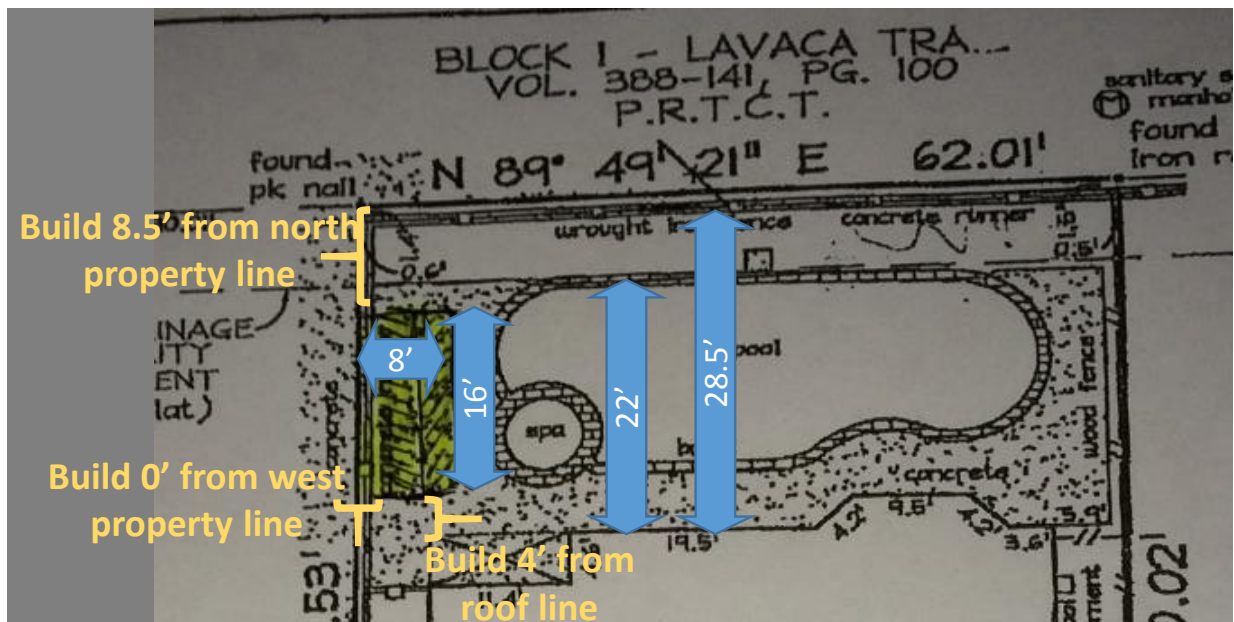


6016 Sterling Dr. – Arbor

The picture below shows my property and the proposed location of the arbor highlighted in yellow.



The picture below shows the dimensions of the available space and the proposed arbor.



6016 Sterling Dr. – Arbor

This is a view of the 31' concrete waterway to the west of my property. As you can see, there will be no construction in this area.



The picture below is taken of the northwest corner of my property. As you can see, there is also concrete drainage to the north of this part of my property.



6016 Sterling Dr. – Arbor

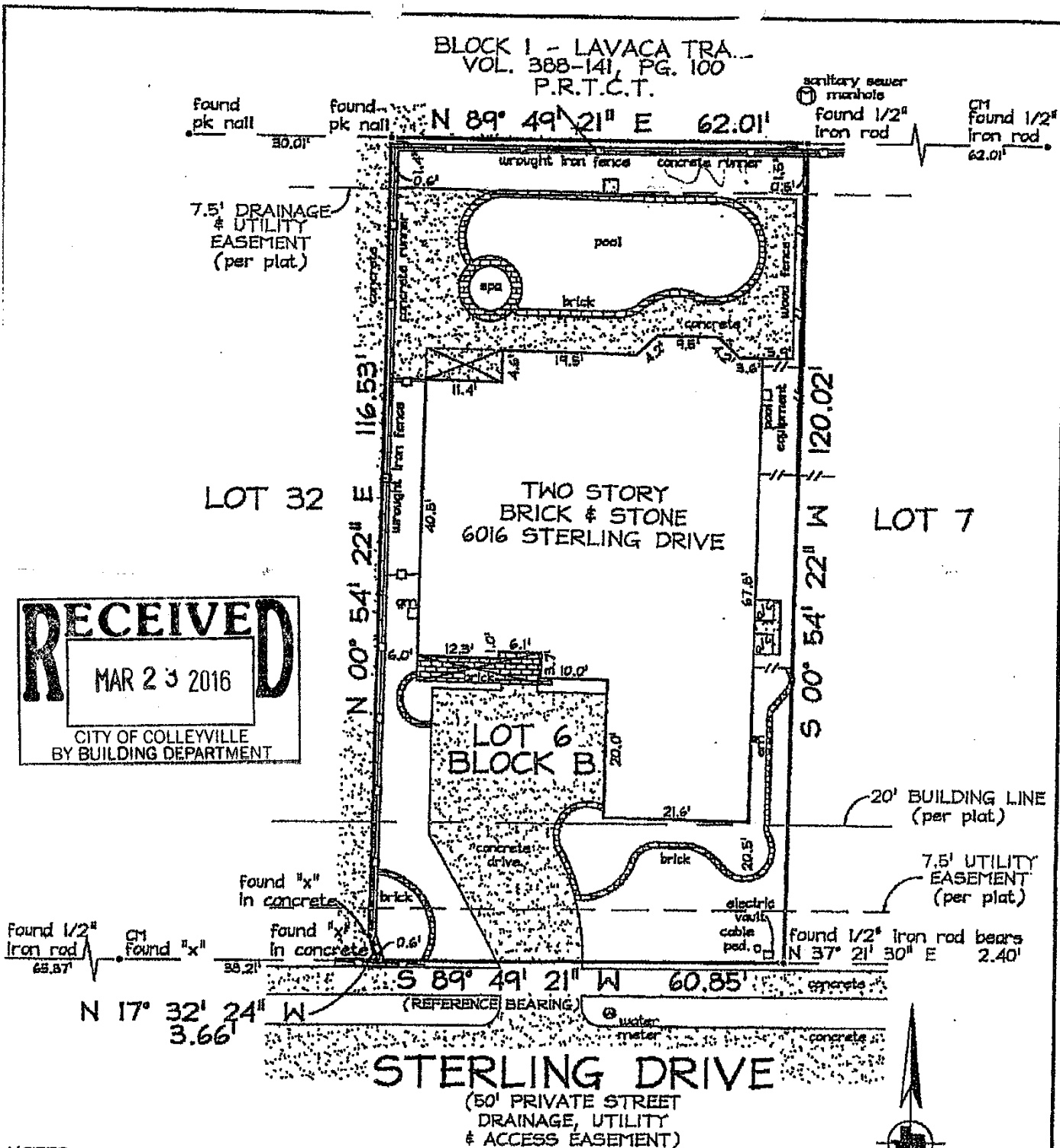
The picture below is a view of our available deck area.



The picture below is similar to what we are wanting to build, however the proposed structure will be primarily made of cedar. The proposed arbor will provide the needed shade for us to enjoy our backyard during the hot summer days and the open walls will preserve the view to the north of the open fields and pond.



Property Survey



NOTES:

BEARINGS ARE BASED ON PLAT.

CM = CONTROLLING MONUMENT.

THIS SURVEY IS NOT AFFECTED BY THE FOLLOWING:

(10e)-EASEMENT, VOL. 4003, PG. 77, D.R.T.C.T.

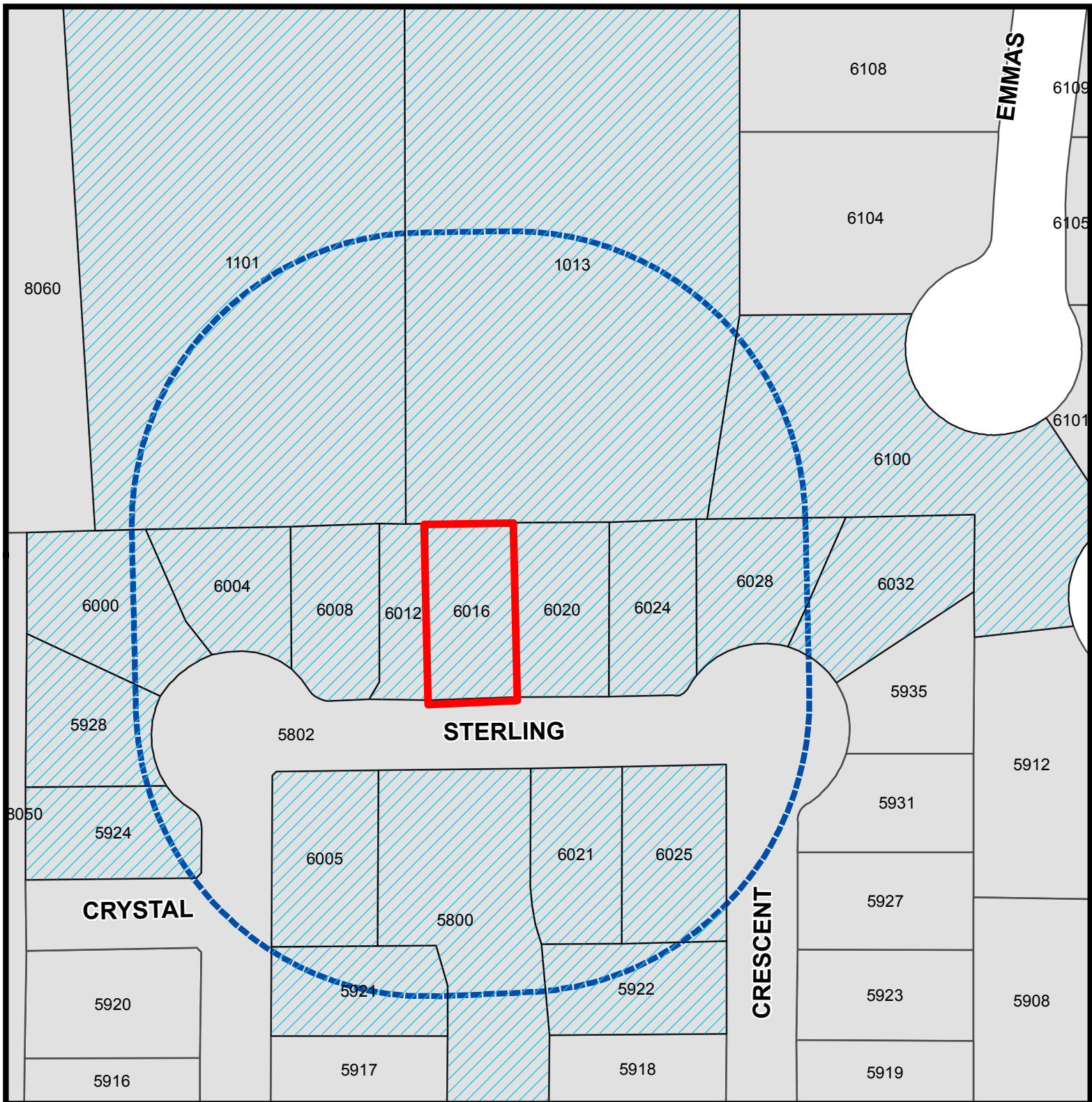
(10f)-EASEMENT, VOL. 7646, PG. 426, D.R.T.C.T.

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN BLACK INK.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 6016 STERLING DRIVE, and being Lot 6, Block B, of EMERALD PARK ADDITION, PHASE 1, an Addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 8470, of the Plat Records of Tarrant County, Texas.

There are no visible conflicts or protrusions, except as shown.

The subject property appears to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Flood Hazard Zone Number of 100-100-000-000.



NOTIFICATION MAP

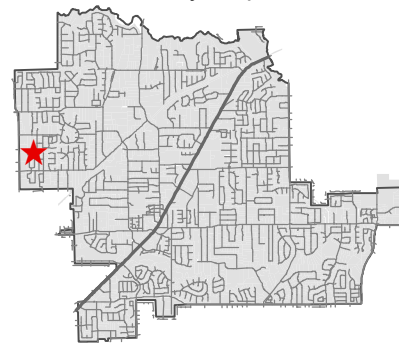
CASE VC16-002
6016 STERLING DRIVE



1 inch = 92 feet

- Subject_Property
- Properties within 200 ft.
- 200ft_buffer

Vicinity Map



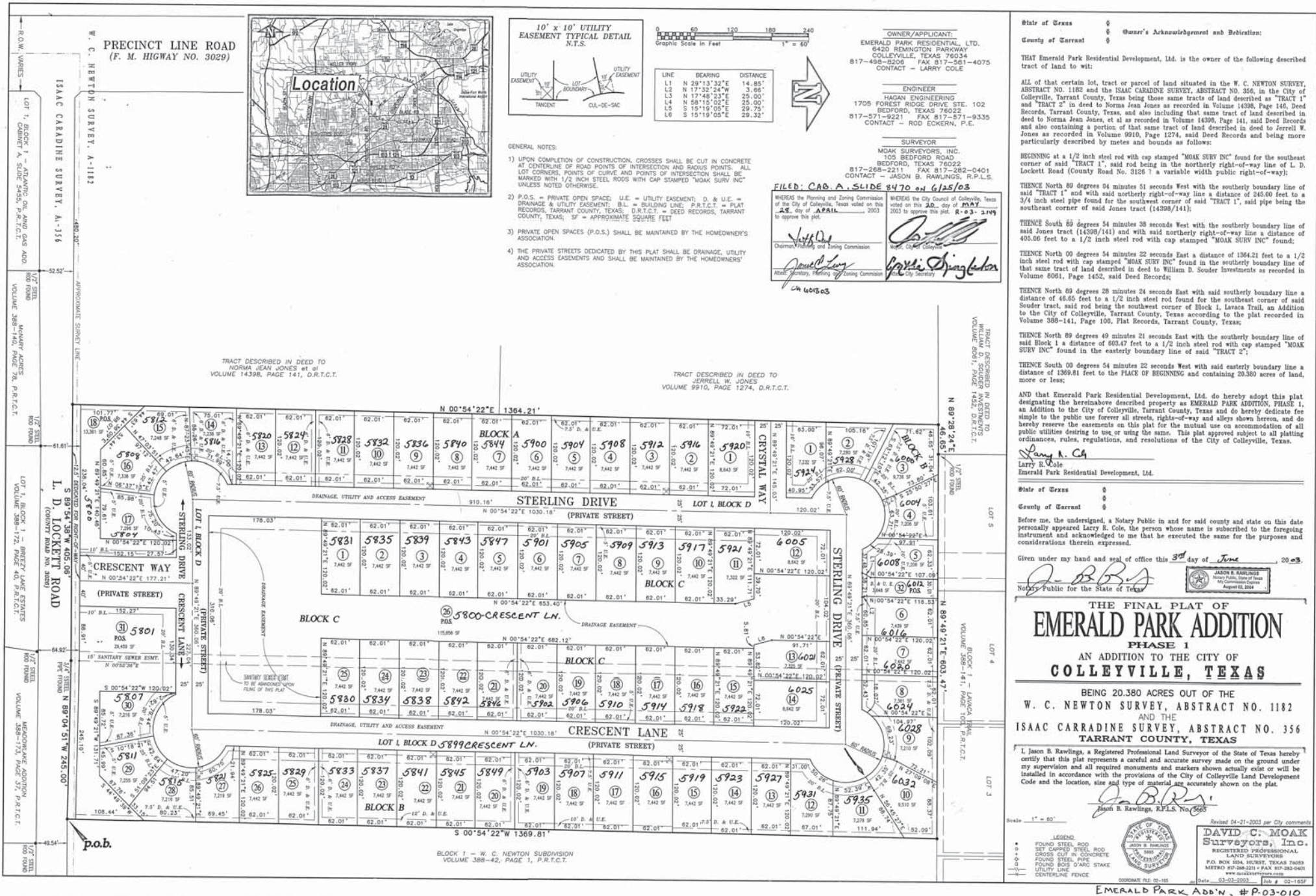
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Notification List

Owner Name	Owner Address	Owner City, State	Owner Zip	Situs Address
CARRINGTON, WADE	6004 STERLING DR	COLLEYVILLE, TX	76034	6004 STERLING DR
TISSERA, SHIMAL A	5921 STERLING DR	COLLEYVILLE, TX	76034	5921 STERLING DR
BRICE, TONY J	6021 STERLING DR	COLLEYVILLE, TX	76034	6021 STERLING DR
GRACE, STEPHEN	6000 STERLING DR	COLLEYVILLE, TX	76034	6000 STERLING DR
EISENBARTH, JENNIFER L	6032 STERLING DR	COLLEYVILLE, TX	76034	6032 STERLING DR
MILLS, ANDREW E	6008 STERLING DR	COLLEYVILLE, TX	76034	6008 STERLING DR
PANCHAL, PRINCE H	6024 STERLING DR	COLLEYVILLE, TX	76034	6024 STERLING DR
NEILSON, HOWARD S	5922 CRESCENT LN	COLLEYVILLE, TX	76034	5922 CRESCENT LN
EMERALD PARK H A INC	400 COUNTRY PL	COLLEYVILLE, TX	76034	6012 STERLING DR
DUDDING, MICHAEL	6025 STERLING DR	COLLEYVILLE, TX	76034	6025 STERLING DR
SIMMONS, DAVID	5924 STERLING DR	COLLEYVILLE, TX	76034	5924 STERLING DR
L T ESTATES HOA INC	215 W COLLEGE ST	GRAPEVINE, TX	76051	6100 EMMAS CT
GRASSI, KAREN	6005 STERLING DR	COLLEYVILLE, TX	76034	6005 STERLING DR
CROWE, DANIEL L	6028 STERLING DR	COLLEYVILLE, TX	76034	6028 STERLING DR
EMERALD PARK H A INC	400 COUNTRY PL	COLLEYVILLE, TX	76034	5800 CRESCENT LN
LARSEN, SCOTT R	6016 STERLING DR	COLLEYVILLE, TX	76034	6016 STERLING DR
KWUN, SUN T	5928 STERLING DR	COLLEYVILLE, TX	76034	5928 STERLING DR
FEGAN, DENNIS J	1303 BELLEFONTE LN	COLLEYVILLE, TX	76034	1013 LAVACA TR
CAREY, DEVIN J	6020 STERLING DR	COLLEYVILLE, TX	76034	6020 STERLING DR
STANLEY, LYNETTE	1101 LAVACA TR	COLLEYVILLE, TX	76034	1101 LAVACA TR
GRAPEVINE-COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE LAW REQUIRED
LAVACA TRAIL ESTATES HOA	215 W COLLEGE ST	GRAPEVINE, TX	76051	COURTESY NOTICE
EMERALD PARK HOA	5837 CRESCENT	COLLEYVILLE, TX	76034	COURTESY NOTICE
LARSEN, SCOTT R	6016 STERLING DR	COLLEYVILLE, TX	76034	APPLICANT

Public hearing notices were mailed
Friday, April 29, 2016 by Shane Pace

Existing Plat



ORDINANCE O-02-1366

AN ORDINANCE AMENDING CHAPTER 3, LAND USE OF THE LAND DEVELOPMENT CODE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF A 36.264 ACRE TRACT OF LAND OUT OF THE W.C. NEWTON SURVEY, ABSTRACT 1182, FROM THE R40 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE PUD-R PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT AND THE PUD-C PLANNED UNIT DEVELOPMENT COMMERCIAL; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed by Larry Cole for Norma J. Jones and Jerrell W. Jones on July 29, 2002, under Case No. Z-02-023; and

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

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

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

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

Sec. 1. THAT the Master Plan, the Land Development Code of the City of Colleyville, Texas, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Colleyville, Texas, as shown on the Zoning Map attached as Exhibit "A", and described by metes and bounds description attached as Exhibit "B", by changing the zoning of said property from the R40 Single Family Residential district to the PUD-R Planned Unit Development Residential district and the PUD-C Planned Unit Development Commercial district, as shown on the attached Exhibit "C", including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

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

1. GENERAL

- a. The purpose of the PUD-R area is for single-family residential development, constructed at an approximate density of 3.53 dwelling units per acre.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. PERMITTED USES

- a. Single family residences, detached
- b. Open space

3. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

- | | |
|------------------------|----------------------------------|
| a. Minimum Lot Size | 7,200 square feet |
| b. Minimum Lot Width | 60 feet |
| c. Minimum Lot Depth | 120 feet, except cul-de-sac lots |
| d. Front Building Line | 20 feet |
| e. Side Building Line | 6 feet |
| f. Rear Building Line | 10 feet |

4. DWELLING UNIT CONSTRUCTION REQUIREMENTS

- a. The minimum dwelling unit size shall be two thousand five hundred (2,500) square feet. At least two thousand three hundred (2,300) square feet shall be located on the first floor of the dwelling unit.
- b. The exterior wall surface area of each dwelling unit shall be constructed of ninety percent (90%) brick, stone, stucco or other masonry material. The area of window and door openings shall not be included in the calculation of this requirement. This requirement shall only apply to the first story of the structure.
- c. The front elevation wall surface area of the dwelling unit shall not be constructed of siding or non-masonry material.

- d. The primary roof of the dwelling unit shall be constructed with a roof pitch of not less than a 10:12 pitch.
- e. All chimneys shall be constructed of brick, stone, stucco or other masonry material.
- f. Not more than forty percent (40%) of the garage doors shall face the street. Garage doors shall be constructed of wood or wood-faced steel.

5. OPEN SPACE

- a. The PUD-R area shall provide a minimum of twenty percent (20%) of the residential project area as common open space 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.
- b. The common open space may be utilized for storm water detention purposes.

6. CONCEPTUAL SITE PLANS AND PLATTING

- a. The residential lot layout of the PUD-R area shall be generally consistent with the conceptual site plan attached as Exhibit "C", which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "C" to accommodate physical, topographic, drainage or other conditions.
- b. Prior to the issuance of any development permits within this PUD-R and as a condition to the development of the subject property, the developer shall obtain approval of a preliminary plat and a final plat of the property in accordance with the procedures and requirements of the Colleyville Land Development Code.

7. SIDEWALKS

- a. The developer shall construct a 5-foot wide sidewalk along L.D. Lockett Road at the same time as other public improvements are constructed in the subdivision, unless funds are escrowed with the City for future construction of the sidewalk.
- b. Each homebuilder shall construct sidewalks along lot frontages. All sidewalks shall be constructed in accordance with the requirements of the Colleyville Land Development Code.

Sec. 3. THAT the PUD-C area shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-C is for office, retail, and office-warehouse land uses.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. PERMITTED USES

The PUD-C area shall be divided into two sub-areas as shown on the attached Exhibit "C" and the list of permitted uses shall be limited to the areas designated for each use, as shown below:

- a. Sub-area 1 permitted uses allowed by right:
 - (1) All uses allowed in the CC1 and CC2 District
 - (2) Along Precinct Line Road, the building floor area in the front two hundred fifty (250) feet shall consist of sales tax-generating retail uses
- b. Sub-area 2 permitted uses allowed by right:
 - (1) All uses allowed in the CC1 and CC2 District
 - (2) Office-warehouse
- c. Sub-area 3 permitted uses allowed by right:
 - (1) All uses allowed in the CC1 and CC2 District
 - (2) Eighty percent (80%) of the building floor area shall consist of sales tax-generating retail uses

3. CONCEPTUAL SITE PLANS AND PLATTING

- a. The locations of land uses shall be generally consistent with the conceptual site plan attached as Exhibit "C", which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "C" to accommodate topographic, drainage or other conditions.
- b. The arrangement, location and footprint of buildings within the PUD-C may differ from that shown on the attached Exhibit "C" and will be determined at time of site plan approval. However, the combined total square footage of all buildings within each sub-area shall not exceed the following, which may be in one or more buildings, provided that any large commercial building

shall comply with any additional requirements of the Land Development Code:

- (1) Sub-area 1 – 48,100 square feet
 - (2) Sub-area 2 – 30,000 square feet
 - (3) Sub-area 3 – 54,000 square feet
- c. Prior to the issuance of any development permits within this PUD-C and as a condition to the development of the subject property, the developer shall obtain approval of a preliminary plat and a final plat of the property in accordance with the procedures and requirements of the Colleyville Land Development Code.

4. LOT REQUIREMENTS AND SETBACKS

The lot requirements and setbacks shall the following minimum standards:

- a. Minimum Lot Size none
- b. Front Building Line 40 feet
- c. Side Building Line none (25' abutting residential)
- d. Rear Building Line none (25' abutting residential)
- e. Maximum Building Height 35 feet

5. OPEN SPACE AND LANDSCAPING

- a. Each building site shall comply with the minimum landscaping requirements of the Land Development Code, which shall satisfy the open space requirements for the PUD-C area.
- b. The common open space may be utilized for storm water detention purposes.

6. SIDEWALKS

- a. The developer of each individual commercial lot shall construct a 5-foot wide sidewalk along L.D. Lockett Road, unless funds are escrowed with the City for future construction of the sidewalk.
- b. The developer of each individual commercial lot shall construct a ten (10) foot wide hike and bike trail along Precinct Line Road.

7. OTHER

- a. The developer of each individual commercial lot shall construct a six (6) foot tall masonry screening wall where the commercial lot abuts a residential lot.

- b. The architectural design score for all commercial buildings shall be a minimum of 30 points, as described in Chapter 6 of the Land Development Code.

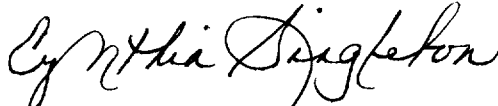
- Sec. 4. THAT any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.
- Sec. 5. THAT the Land Development Code of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.
- Sec. 6. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.
- Sec. 7. THAT this ordinance shall become effective immediately upon publication.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 14th day of September 2002.

The second reading and public hearing being conducted on the 1st day of October 2002.

ATTEST:


Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE:


Donna Arp
Mayor

APPROVED AS TO FORM AND LEGALITY:

Ross T. Foster
City Attorney

EXHIBIT A – ZONING MAP

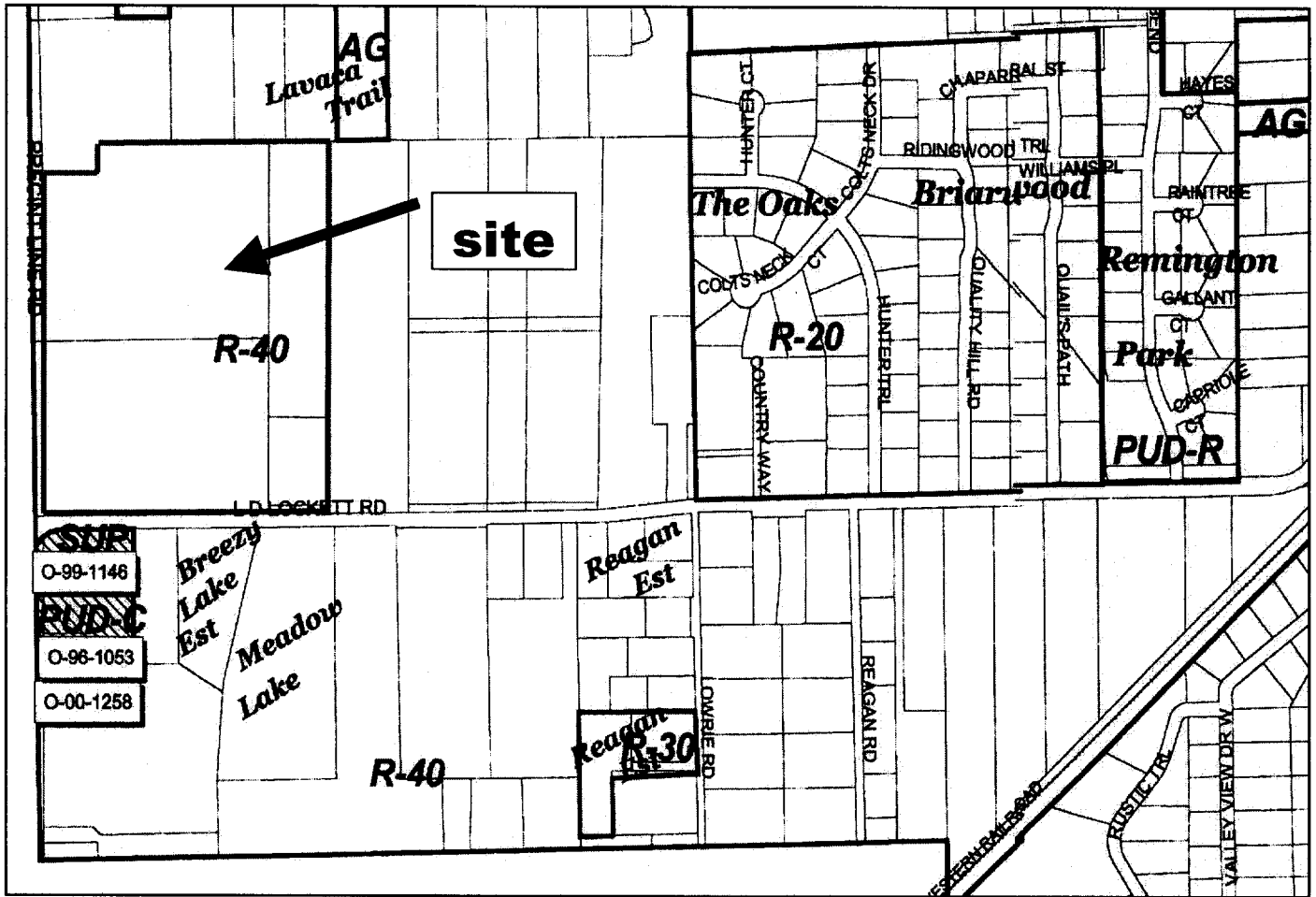


EXHIBIT B – METES AND BOUNDS DESCRIPTION

BEGINNING at a pipe in the north line of County Road No. 3126 (L.D. Lockett Road), a distance of 1,227.26 feet East and 1,346.73 feet South of the southwest corner of the R.H. McEwing Survey, said pipe also being at the southeast corner of a tract conveyed to Mrs. Ruth Walker Jones by J.E. Walker and wife, Myrtle L. Walker by deed dated March 19, 1955, recorded in Volume 2914 Page 575, Deed Records, Tarrant County, Texas;

THENCE North along a fence 1,346.73 feet to a pipe;

THENCE West along the north line of the W.C. Newton Survey, A-1182, 245.00 feet;

THENCE South 88 degrees 32 minutes 32 seconds West along the north line of the W.C. Newton Survey 680.00 feet to an iron pin;

THENCE South 02 degrees 55 minutes 10 seconds West 110.00 feet to an iron pin;

THENCE South 89 degrees 26 minutes 19 seconds West 270.00 feet to an iron pin;

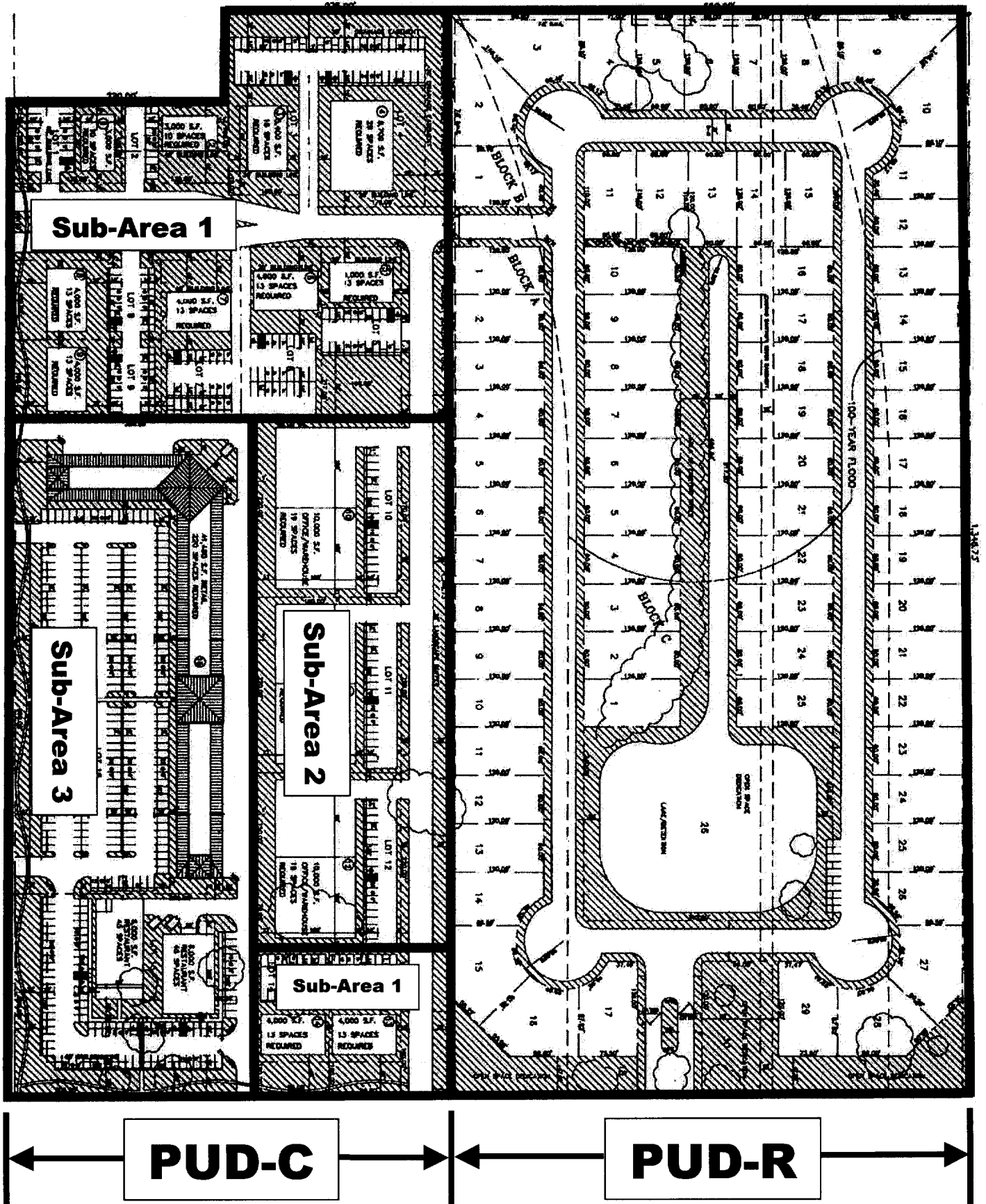
THENCE South 00 degrees 54 minutes 49 seconds East 590.48 feet along the West line of the W.C. Newton Survey, A-1182 to a point;

THENCE South 646.25 feet to a point;

THENCE East 950.00 feet along the north line of County Road No. 3126 to a point;

THENCE East 245.00 feet along the north line of said County Road to the point of beginning, containing 36.264 acres, more or less.

EXHIBIT C –CONCEPTUAL SITE PLAN





City of Colleyville Zoning Board of Adjustment Agenda Briefing

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

Agenda Number 3b	Agenda Date 05/10/2016	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a variance to Section 3.26.D.2.a (Fences, Free Standing Walls, and Screening Materials) of the Land Development Code on Lot 18, Block 2, of the Fairway Addition, located at 8500 Precinct Line Road, Case VC16-003.

Explanation

Bob Comstock of L125 Partners LTD, the applicant, is requesting approval of a variance to the requirements of Section 3.26.D.2.a (Fences, Free Standing Walls, and Screening Materials) of the Land Development Code, on approximately 0.50 acres located at 8500 Precinct Line Road. The applicant is currently in the process of constructing a commercial office building on the subject property and is requesting a variance to allow for an alternative screening device (wood fencing) rather than the required eight-foot decorative masonry wall between a commercial and residential zoning district.

Existing Conditions/Background: The subject property is generally located on the east side of Precinct Line Road, south of Murphy Road, and north of McDonwell School Road. It is zoned CN - Neighborhood Commercial and is currently platted as Lot 12, Block 2, of the Fairway Addition.

The subject property is currently being developed with one professional office building. The applicant received staff approval for a commercial site plan in 2014 (Case SP14-004) with the plan indicating an eight-foot masonry wall along the southern and eastern property lines as required.

Requested Variance: The applicant is requesting a variance to allow for the construction of an eight-foot wooden fence in lieu of the required eight-foot decorative masonry screening wall, between commercial uses and residentially-zoned property, along the eastern and southern property lines. The applicant has submitted a Statement of Planning Objectives which generally contends that the Future Land Use Map designation in this entire vicinity is commercial, that there are no adjacent residential structures to the south, and the land to the east may become commercial in the future.

Ordinance – Chapter 3 (Land Use) of the Land Development Code requires an eight-foot masonry wall where a non-residential use is adjacent to a residential use or zoning district as follows:

"Where a nonresidential use abuts a residential lot, use or district, the side and

rear property lines abutting said residential lot, use or district shall be suitably screened, with a decorative masonry wall, by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet (Section 3.26.D.2.a)."

In this case, the masonry wall is required along the eastern and southern property lines.

Chapter 1 (General Provisions) of the Land Development Code authorizes the Zoning Board of Adjustment to grant variances to the screening requirements set forth in Chapter 3 (Land Use):

"...where the literal enforcement of the provisions of the ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district."

Analysis – The applicant has not provided an explanation of a hardship as defined by the Land Development Code. Although the property to the south is designated for future commercial uses on the Future Land Use Map, the property is currently zoned for residential and not utilized for commercial uses. Should a residential use locate on the property to the south in the future, there is a potential for adverse impacts to the residential use if the required masonry wall is not provided. The property to the east is also designated for future commercial uses on the Future Land Use Map but has an existing single family home. Potential for adverse impacts to the existing residential use to the east are possible if the required masonry wall is not provided.

In addition to the potential adverse impacts on existing and potential future residential uses to the south and east, the commercial property directly adjacent to the subject property to the north, constructed the eight-foot masonry fence as required on their eastern property line. The proposed variance would grant a privilege in developing the subject property not provided to other parcels of land with a similar circumstance, specifically adjacent to the subject property on its north side (8504 Precinct Line Rd.) and the property to the north of that one (8508 Precinct Line Rd.).

The two properties to the north of the subject property, along Precinct Line Road, received certain waivers through a Planned Unit Development-Commercial District process, but both properties are required to provide the eight-foot masonry screening wall along the eastern property lines per standard requirements. The masonry screening wall along the eastern property line, to the north of the subject property at

8504 Precinct Line, is existing. Approval of a variance for a wooden fence on the eastern side of the subject property would result in the masonry wall stopping where it reaches the southern end of the State Farm Insurance property and a different screening material (wood) starting with the subject property (masonry wall then wood fence).

Surrounding Development: The table below reflects the surrounding zoning and existing land uses for the subject property as further illustrated on the attached location map:

City of North Richland Hills (Commercial Uses)	PUD-C Planned Unit Development-Commercial (State Farm Insurance)	R-20 Single Family Residential (Single Family Homes)
City of North Richland Hills (Commercial Uses)	<i>Subject Property</i> <i>CN Neighborhood Commercial (Professional Office Under Construction)</i>	R-20 Single Family Residential (Single Family Homes)
City of North Richland Hills (Commercial Uses)	R-20 Single Family Residential (Accessory Structures)	R-20 Single Family Residential (Single Family Homes)

The property to the south is currently zoned R-20 - Single Family Residential and largely undeveloped. The only permanent structure on the property to the south is a small barn/storage building and a horse stable. Additionally, there is a small horse corral, a large van or box truck, and a few trailers on the property. The property to the south is currently zoned R-20. However, the City of Colleyville's Future Land Use Map designates the property for commercial uses in the future. The properties to the east are also zoned R-20 and are developed with single family residential homes.

Public Notification: Staff mailed notices to property owners within 200 feet of the subject property regarding this request. Keller 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. To date, staff has received no correspondence for the request.

Staff Recommendation: The applicant has not sufficiently demonstrated a hardship on the subject property as defined by the Land Development Code. Since the property to the south of the subject property does not have an existing residential structure on it, there is less potential for adverse impact (versus the property to the east) should a variance be granted, but there could still be a home constructed on it in the future. Staff recommends denial of the proposed variance.

Recommendation

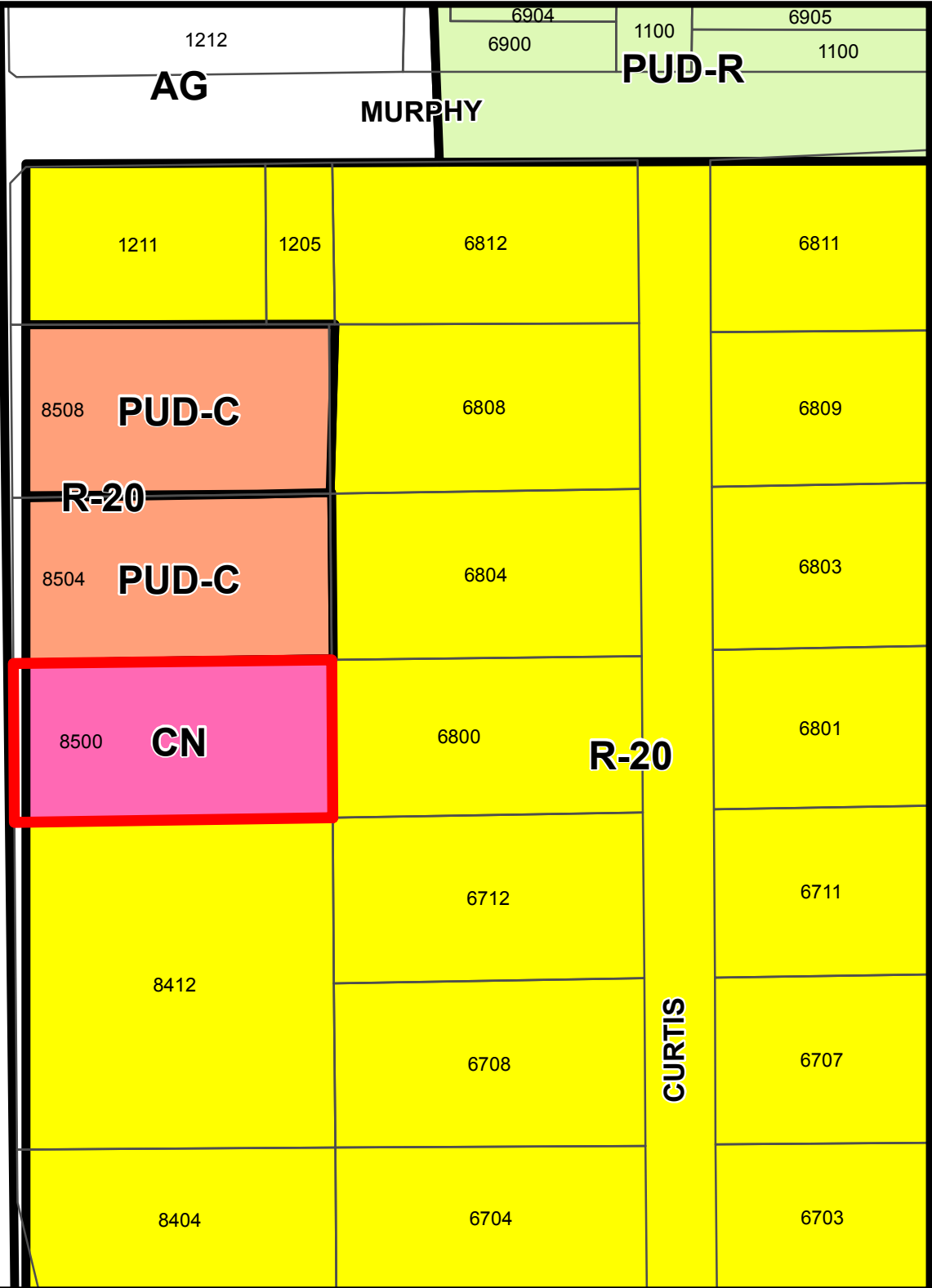
Denial

Attachments

1. Zoning Map
2. Aerial Map
3. Statement of Planning Objectives
4. Applicant Site Photos
5. Approved Site Plan
6. Staff Site Photos
7. Notification Map
8. Notification List

CITY OF NORTH RICHLAND HILLS

PRECINCT LINE



ZONING MAP

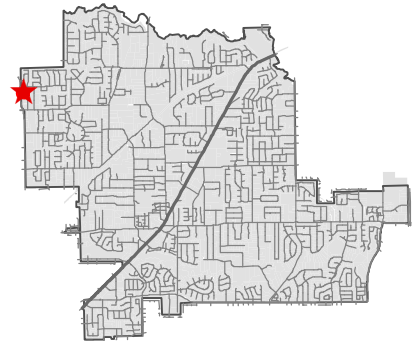
CASE VC16-003
8500 PRECINCT LINE

 Subject_Property
 City Limit



1 inch = 104 feet

Vicinity Map



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.



AERIAL MAP

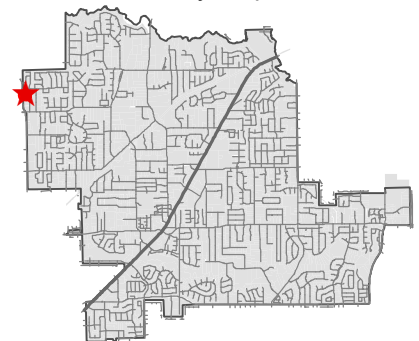
CASE VC16-003
8500 PRECINCT LINE

 Subject_Property
 City Limit



1 inch = 104 feet

Vicinity Map



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Statement of Planning Objectives

March 31, 2016

RE: Community Development Services Variance or Appeal Application

I am requesting a variance to build a wood stockade fence instead of a masonry fence along the south side of the lot at 8500 Precinct Line Road, Fairway Addition, Block 2 Lot 18; Comstock Building, office building. I have applied for a building permit and have never filed for an appeal or petition on this property before. The lot to the south is on the future land use map as commercial. No residential structure is on the land, just land with several old cars and trailers. My parking lot easement also ties directly into this lot for it's future parking lot.

My lot is the only lot in the area zoned CN. Neighboring lots to the north are PUD-C which only require wood fence to residential, and no fence between commercial.

Many lots in this area have either been rezoned to commercial or are designated to be commercial in the future. Precinct Line Road is very busy and will be all commercial along this stretch of road. There is no way to do what I want without this request.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Bob Comstock".

L125 Partners LTD
Bob Comstock, Owner
5592 Davis Blvd
North Richland Hills, TX 76180

Phone: 817-271-0052

Fax: 817-812-2133

Site Photos - Provided by Applicant



Site Photos - Provided by Applicant



Site Photos - Provided by Applicant



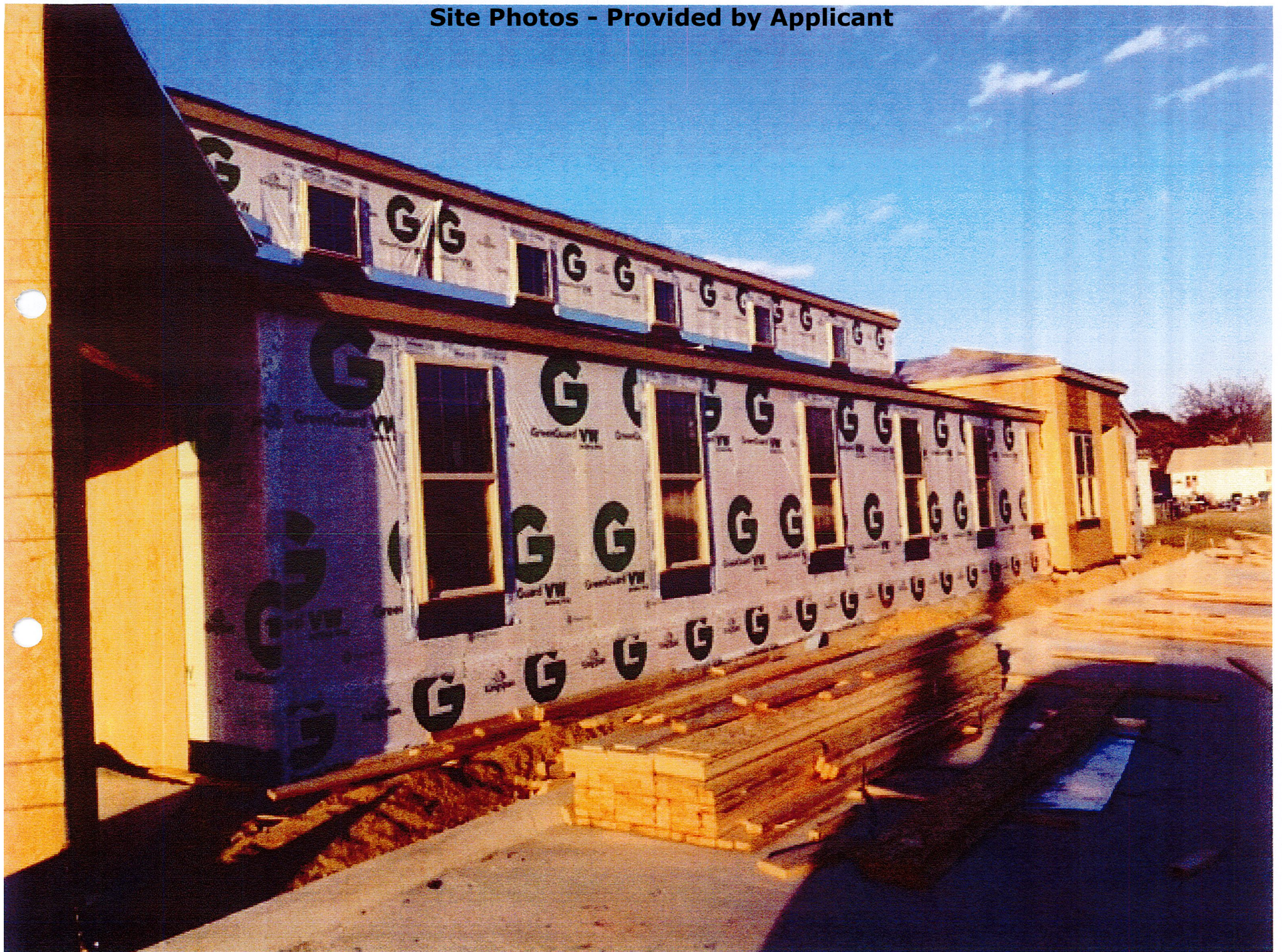
Site Photos - Provided by Applicant



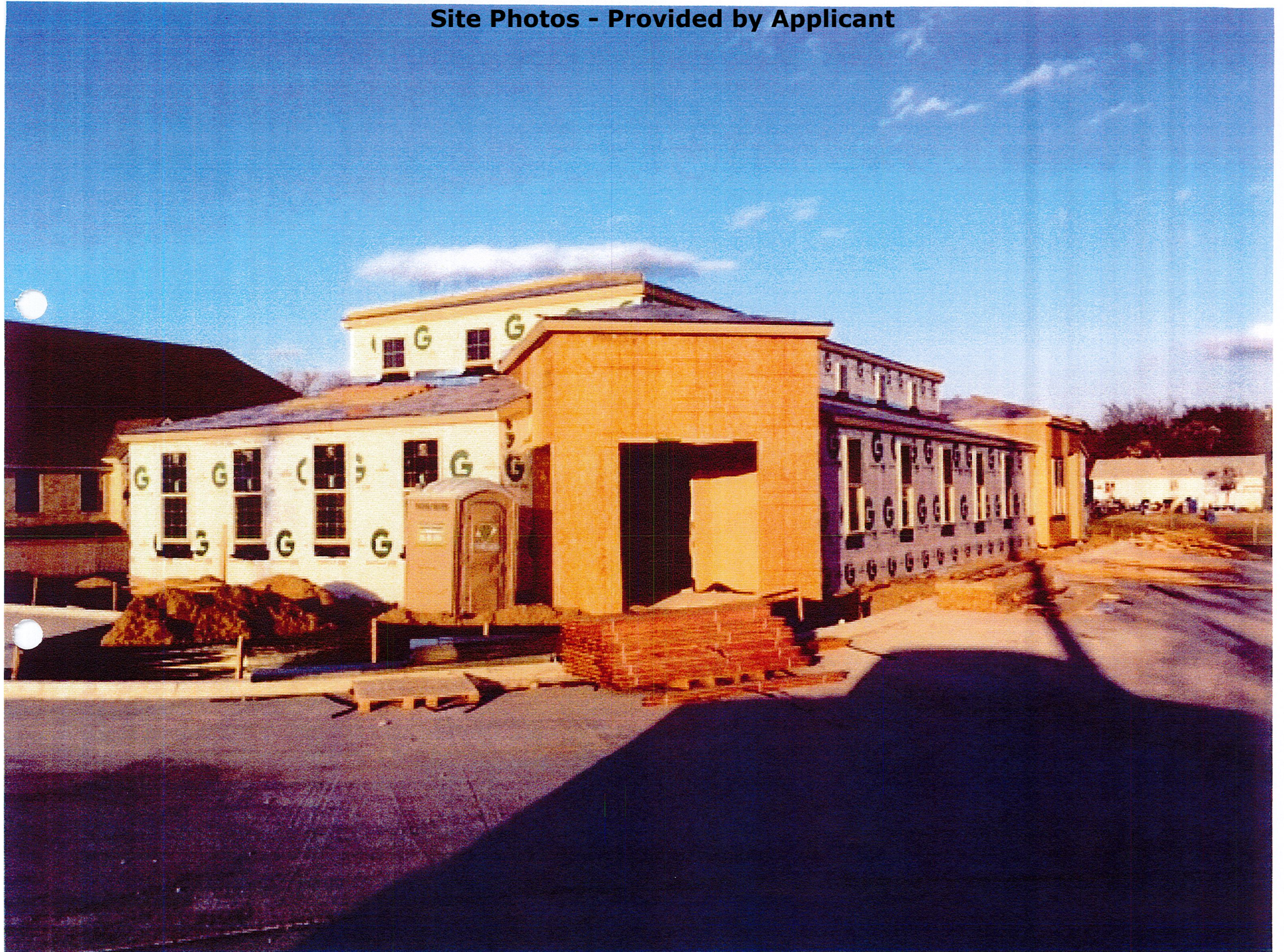
Site Photos - Provided by Applicant



Site Photos - Provided by Applicant



Site Photos - Provided by Applicant





PROJECT (VC16-003)

Staff Site Photos, April 20, 2016

From Subject Property, on its South Side, Looking South



From Subject Property, on its South Side, Looking South



From Subject Property, on its East Side, Looking East to Residential Homes

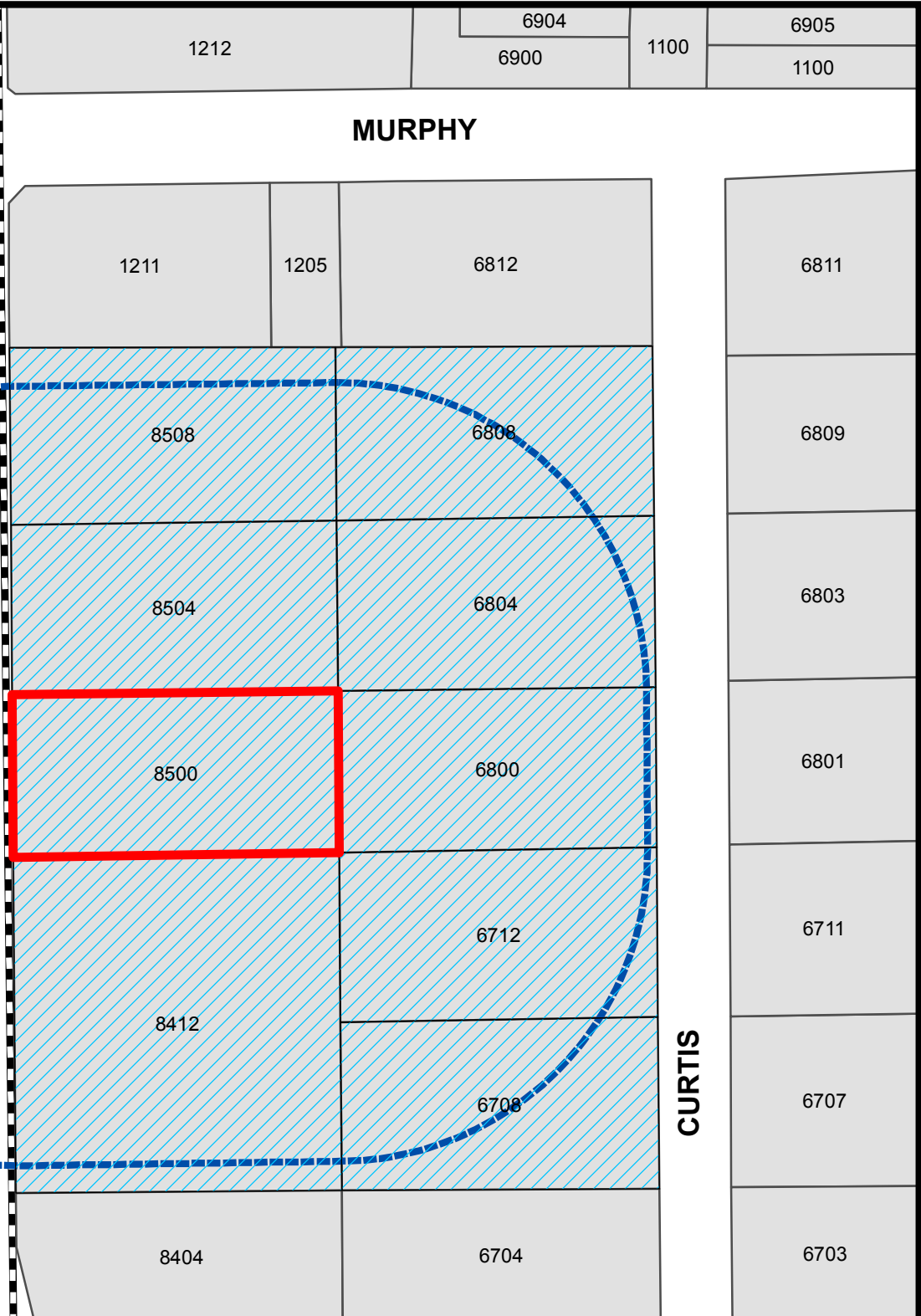


CITY OF NORTH RICHLAND HILLS

PRECINCT LINE

MURPHY

CURTIS



NOTIFICATION MAP

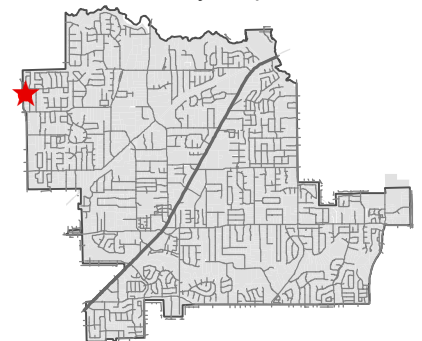
CASE VC16-003
8500 PRECINCT LINE

- Subject_Property
- Properties within 200 ft.
- 200 ft
- City Limit



1 inch = 104 feet

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City, State	Owner Zip	Situs Address
L125 PARTNERS LTD	5592 DAVIS BLVD	NORTH RICHLAND HILLS, TX	76180	8500 PRECINCT LINE RD
PYRON PROPERTIES LLC	3208 GLADE POINTE CT	HURST, TX	76054	8508 PRECINCT LINE RD
BOLLING, CECIL	6712 CURTIS RD	COLLEYVILLE, TX	76034	6712 CURTIS RD
MORRISON, TROY	6800 CURTIS RD	COLLEYVILLE, TX	76034	6800 CURTIS RD
BOYD, WILLIAM S	6708 CURTIS RD	COLLEYVILLE, TX	76034	6708 CURTIS RD
BOYD, M LESLIE	6708 CURTIS RD	COLLEYVILLE, TX	76034	8412 PRECINCT LINE RD
ALECU FAMILY TR	6308 REMINGTON PKWY	COLLEYVILLE, TX	76034	6808 CURTIS RD
WALKER, DELMAR J DC	8504 PRECINCT LINE RD STE 14	COLLEYVILLE, TX	76034	8504 PRECINCT LINE RD
MCCANN, ALVIN L	6804 CURTIS RD	COLLEYVILLE, TX	76034	6804 CURTIS RD
KELLER ISD	350 KELLER PARKWAY	KELLER, TX	76248	STATE LAW REQUIRED
COMSTOCK, BOB	5592 DAVIS BLVD	NORTH RICHLAND HILLS, TX	76180	APPLICANT

Public hearing notices were mailed
Friday, April 29, 2016 by Shane Pace