



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, April 10, 2017

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: COMMISSIONER KELLY
PLEDGE OF ALLEGIANCE**

- 1. SWEARING IN OF NEWLY APPOINTED MEMBERS**
John Frazier
- 2. APPROVAL OF MINUTES**

March 13, 2017

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

4. REGULAR AGENDA ITEMS

- 4a** Consideration of a minor plat for the Glory House-Colleyville Addition on property legally described as Tract 3A, Abstract 206, of the BBB & C RY Survey, located at 5300 Pleasant Run Road, Case PC17-003

5. PUBLIC HEARING AGENDA ITEMS

- 5a** Consideration of Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located at 1821 John McCain Road, Case ZC17-004
- 5b** Consideration of a zoning change from the R40-Single Family Residential zoning district to the R20-Single Family Residential zoning district on Lots 26 and 27, of the Community Home Addition, located at 1609 Cherry Lane, Case ZC17-005

6. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, April 7, 2017 by 5:00 p.m.



Araceli Botello
Planning Technician

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

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Monday, March 13, 2017

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Dodson on March 13, 2017, at 7:00 p.m.

Roll Call

Present: Commissioners Susan Mathisen, Sam van Bever, Veronica Baughman, George Dodson, and Charles Kelley

Absent: Commissioner Jason Elms

Staff Present: Ben Bryner, Fire Chief Brian Riley, Oscar Chavez, Taylor Schauwecker, Robert McKeown, Araceli Botello, and Assistant City Attorney Evan Fisher

1. APPROVAL OF MINUTES

Commissioner Mathisen made a motion to approve the February 13, 2017 minutes. Commissioner Baughman seconded.

The motion to approve the February 13, 2017 minutes carried by the following vote:

Aye: 5 – Mathisen, van Bever, Baughman, Dodson, and Kelley

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

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

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a Special Use Permit for a Servants or Caretakers Quarters and Special Use Permit to allow for an Accessory Building

larger than permitted on Tract 3H, Abstract 211, BBB & C RY Survey, located at 5513 Lowrie Road, Case ZC17-002

Ben Bryner presented the case and briefed the Commission.

The applicant, Joel Justiss, 5513 Lowrie Road, came forward and briefed the Commission.

Chairman Dodson questioned applicant regarding the interior space in the front portion of the garage. Applicant responded the space is for storage and he hopes to build a door to enter into the living quarters.

Commissioner Baughman questioned the applicant regarding the square footage of the storage space. Applicant responded the storage space is 20-22 feet wide and 8 feet in length. Commissioner Kelly and Baughman made a notation that living space is within range of the requirement for a living quarters permitted by the Land Development Code, if the storage space and second floor is not included in the calculations. Staff added the calculations of 600 square feet for the living space are based on the dimensions provided by the floor plan of the living space that do not include of the storage and the stairway area.

Commissioner Mathisen questioned applicant regarding removal of trees on the property. Applicant responded yes, there are two dead trees that will be removed and will have 90 trees remaining on the property.

Commissioner Baughman questioned applicant regarding sewer line connections to the living quarters. Applicant responded that he assumed the same sewer line for the main house will be used for the living quarters.

Discussion continued regarding utility connection.

Commissioner Mathisen questioned applicant regarding any additional options proposed to the living quarters to conform to the requirements of the Land Development Code. Applicant responded that he originally requested 1200 square feet for the living quarters, but reduced his original proposal to meet the required 600 square feet of maximum area allowed for the building expansion.

Discussion continued regarding the permitted square footage allowed.

Commissioner Mathisen questioned applicant regarding feedback from his neighbors regarding his proposed expansion of a living quarters. Applicant responded he has reached out to some neighbors and did not received any objections to his proposal.

The public hearing was opened at 7:21 p.m.

Diana Gibson, 5600 Reagan Road, came forward and spoke in support. Ms. Gibson expressed concerns regarding drainage on her property.

There being no others present wishing to speak, the public hearing was closed at 7:24 p.m.

Commissioner Mathisen questioned staff regarding drainage issues. Staff responded a full drainage plan is not a requirement for small projects, but the standard to address drainage concerns is to minimize increase of run-off into adjacent properties.

Development Engineer, Oscar Chavez, came forward and briefed the commission. Mr. Chavez responded drainage issues are addressed based on the size of the area to be disturbed, an in-depth grading plan is required for drainage review with larger developments. He added the proposed project's disturbed area is minimal, and specifically to the back of the property. He went on to state that the Land Development Code allows for lot to lot grading, but a grading plan can be requested to minimize drainage to adjacent properties.

Discussion continued regarding drainage.

Commissioner van Bever made a motion to approve Case ZC17-002 with the condition that the Servant or Caretakers Quarters be served by the same utilities as the main house. Commissioner Baughman seconded.

The motion to approve Case ZC17-002 with the condition that the Servant or Caretakers Quarters be served by the same utilities as the main house carried by the following vote:

Aye: 5 – Mathisen, van Bever, Baughman, Dodson, and Kelley

4. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

The minutes were written and prepared by:



Araceli Botello
Planning Technician

The meeting minutes were approved on _____ by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
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Agenda Number 4a	Agenda Date 04/10/2017	Number
Type Regular Agenda Items		
Department Community Development		

Title

Consideration of a minor plat for the Glory House-Colleyville Addition on property legally described as Tract 3A, Abstract 206, of the BBB & C RY Survey, located at 5300 Pleasant Run Road, Case PC17-003

Explanation

Olanrewaju Sobo, of Glory House Church, requests approval of a minor plat for the Glory House – Colleyville Addition on approximately 0.64 acres, located at 5300 Pleasant Run Road. The applicant proposes to create one lot with the intent to construct a new building. The applicant is requesting a waiver to the minimum lot width of the CN-Neighborhood Commercial district.

Existing Conditions/Background: The subject property is currently unplatted and undeveloped. Approval of a rezoning request from the AG- Agricultural district to the CN- Neighborhood Commercial district was approved by City Council on December 20, 2016 (O-16-2001). The Glory House Church currently occupies the property at 5310 Pleasant Run Road (the former City of Colleyville Post Office). The church has purchased the property at 5300 Pleasant Run Road and plans to vacate the existing building and construct a new building on the subject property. Following completion of the new building, Glory House Church will only occupy the property at 5300 Pleasant Run Road.

Lot Dimensions and Setbacks: Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the CN-Neighborhood Commercial district regulations require the following standards:

Minimum Lot Area: 10,000 square feet
Minimum Lot Width: 100 feet
Minimum Lot Depth: 120 feet
Minimum Front Yard Setback: 40 feet
Minimum Side Yard Setbacks: 15 feet
Minimum Rear Yard Setback: 10 feet
Maximum Lot Coverage: 40 percent

As submitted, the proposed plat meets all of the requirements of the Land Development Code with the exception of the minimum lot width.

Waiver Request: The applicant is requesting a waiver to the minimum lot width requirements of the CN-Neighborhood Commercial district. As noted above, the minimum lot width requirement is 100 feet (measured at the front building line). The subject property is currently 87 feet wide.

Minor plats are typically approved administratively by City staff. When circumstances arise requiring a waiver to a specific provision, the Land Development Code explicitly prescribes the authority to grant such waivers to the City Council. Therefore the request up for consideration must receive approval from City Council for the plat to be approved and filed.

Analysis: The lot width dimension of 87 feet does not meet the requirements of the CN-Neighborhood Commercial district. Additionally, the lot width does not meet the minimum requirements for any of the commercial or single family residential districts. The Land Development Code only permits lot widths less than 100 feet in the Multi-Family or Planned Unit Development zoning districts.

Section 9.7 of the Land Development Code states that the *"City may approve a plat which contains a lot that does not meet the minimum requirements when special conditions exist."* In this case staff believes there are special conditions. The subject property is constrained in lot width due to existing developed conditions on three sides. The lots to the north and south currently have existing buildings and limited setbacks from the property lines. Therefore, acquiring additional land appears to be unfeasible.

Surrounding Development: The properties to the north are zoned CN-Neighborhood Commercial and R-20 Single Family Residential. The property directly to the north is developed with the existing Glory House Church building. The properties to the west are zoned R-20 Single Family Residential and developed with single family homes. The property to the south is zoned AG-Agricultural district and is developed with one permanent structure (a large metal building). The properties to the east are zoned AG-Agricultural district and developed with single family homes.

Fees: Park Land Dedication fees are required, in the amount of \$800 per acre for non-residential development, when applicable. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: The proposed subdivision must comply with Chapter 5 (Tree Preservation) of the Land Development Code. A Tree Removal Permit and associated Tree Preservation Plan must be approved prior to the removal of any tree, prior to site grading or dirt disturbance, or prior to new construction on the subject property.

In addition to the requirements for approval of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the required percentage of existing protected tree canopy coverage as specified in Chapter 5, unless

or until the Planning and Zoning Commission formally grants a waiver to the required preservation.

Staff has received a preliminary tree survey and it appears the project will maintain compliance with the Land Development Code

Sidewalks: A minimum five-foot wide sidewalk is required along Pleasant Run Road with the construction of any new commercial building.

Drainage and Stormwater Runoff: As required by the Land Development Code, preliminary drainage plans have been submitted with the proposed plat. Water and sanitary sewer services are available to the property. The developer is responsible for the extension of any water and sewer service lines to the individual lot as part of the development process.

Public Notification: Notification of property owners is not required for the approval of a minor plat. However, notices were published on the City's website and the agenda was posted in advance of the meeting for public review per standard procedure and the Texas Local Government Code.

Staff Recommendation: The proposed minor plat meets the requirements of the Land Development Code, with the exception of the minimum lot width. As outlined in this briefing, staff believes special conditions exist on the subject property which warrant the approval of the waiver request. Staff recommends approval.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Plat Exhibit
4. Ordinance

AERIAL MAP



1 inch = 83 feet

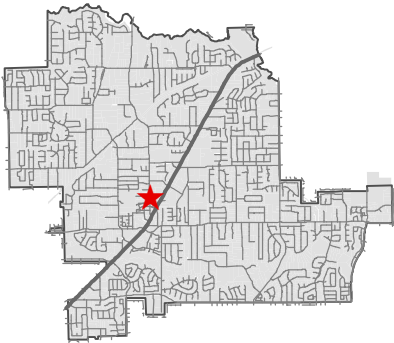
PC17-003

5300 PLEASANT RUN ROAD



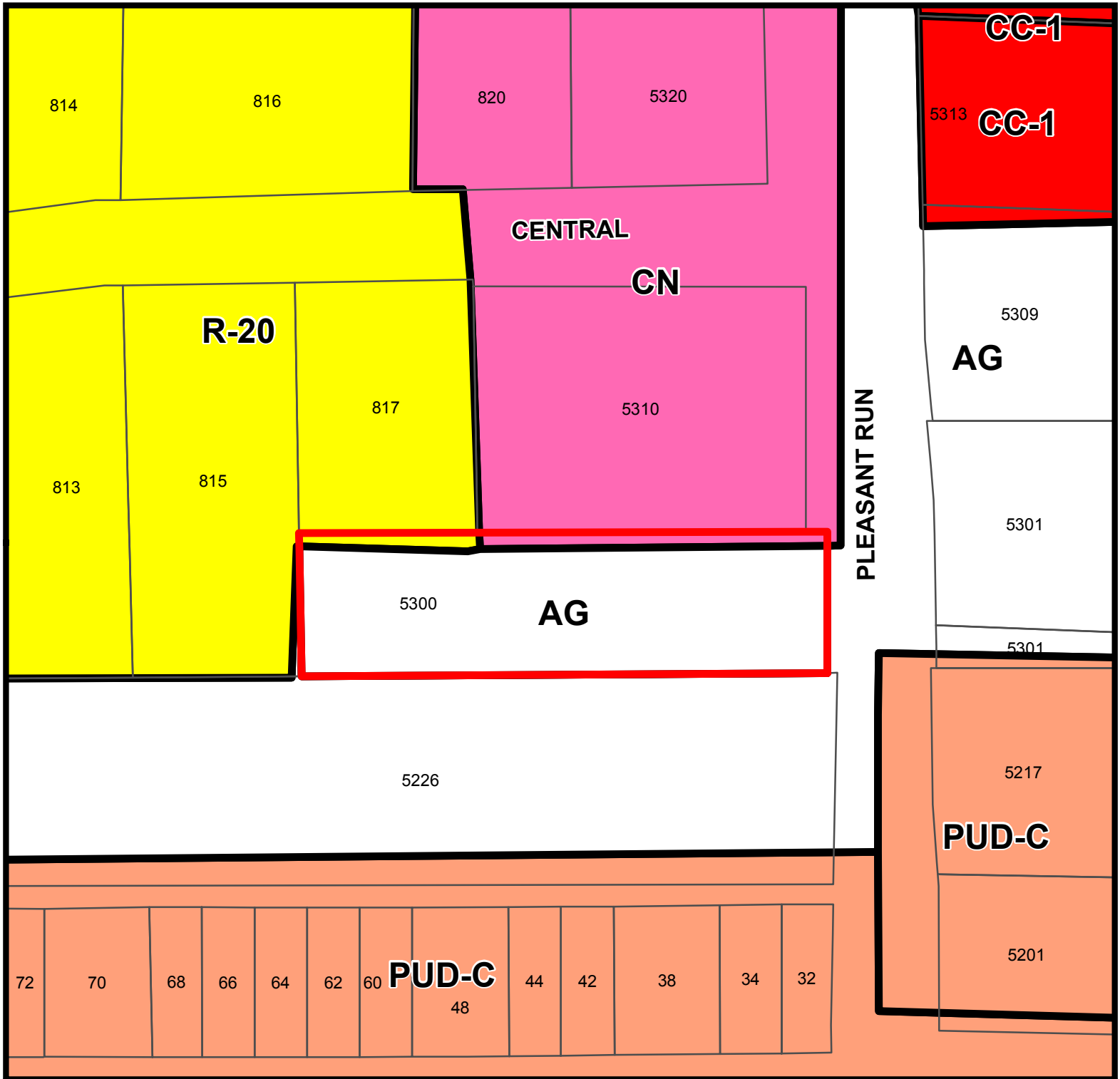
Subject Property

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.

ZONING MAP



PC17-003

5300 PLEASANT RUN ROAD

- Subject Property
- AG Agricultural
- CC-1 Village Retail
- CN Neighborhood Commercial
- PUD-C Planned Unit Development, Commercial
- R-20 Single Family Residential (20,000 sq. ft. min)

Vicinity Map



1 inch = 83 feet

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OWNER:
REDEEMED CHRISTIAN CHURCH OF
GOD GLORY HOUSE COLLEYVILLE
5310 PLEASANT RUN RD
COLLEYVILLE TX 76034
CONTACT: LANRE SOBO
817-793-4140, OLASOBO@GMAIL.COM
DATE: MAR 2017 SCALE: 1"=30'

ORDINANCE O-16-2001

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.64 ACRES, ABSTRACT 206, TRACT 3A, IN THE BBB & C RY SURVEY LOCATED AT 5300 PLEASANT RUN ROAD, FROM THE AG-AGRICULTURAL DISTRICT TO THE CN-NEIGHBORHOOD COMMERCIAL 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 ZC16-019; 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 0.64 acres of Abstract 206, Tract 3A, in the BBB & C RY SURVEY located at 5300 Pleasant Run Road, located at 5300 Pleasant Run Road from the AG-Agricultural district to the CN-Neighborhood Commercial 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 6th day of December 2016.

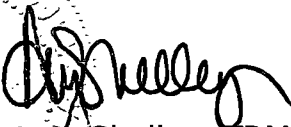
The second reading and public hearing being conducted on the 20th day of December 2016.

PASSED AND APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 20TH DAY OF DECEMBER 2016.

Mayor Richard Newton
Place 1, Tammy Nakamura
Place 2, Bobby Lindamood
Place 4, Jody Short

<u>Aye</u>	Mayor Pro Tem Chris Putnam	<u>Aye</u>
<u>Aye</u>	Place 5, Nancy Coplen	<u>Aye</u>
<u>Aye</u>	Place 6, Mike Taylor	<u>Aye</u>
<u>Aye</u>		

ATTEST:


Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE


Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:


Whitt L. Wyatt
City Attorney

Exhibit "A"- Zoning Map

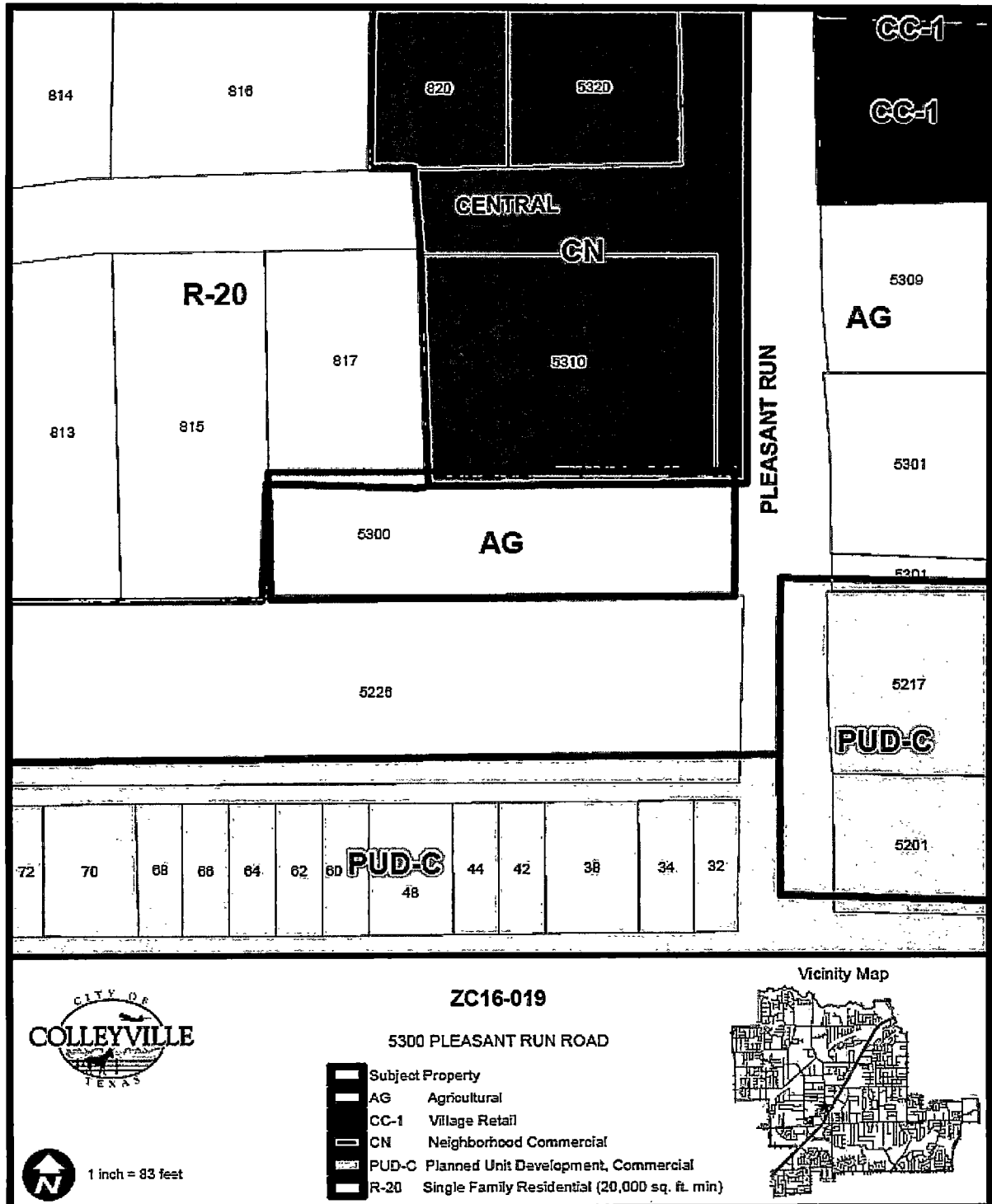


Exhibit "B"- Metes & Bounds Description

PROPERTY DESCRIPTION

Being a tract of land situated in the B.B.B. and C. RAILROAD CO. SURVEY, Abstract No. 206, Tarrant County, Texas, and being all that ~~certain~~ tract of land described in deed to Ruth M. Venable as recorded in Volume 7478, Page 1163, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8-inch iron rod on the west line of Pleasant Run Road (50 foot right-of-way), said iron rod being the northeast corner of said Venable tract and being North 89 degrees 49 minutes 00 seconds East, a distance of 25.00 feet from the southeast corner of Ratliff Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-132, Page 82, Plat Records, Tarrant County, Texas;

THENCE South, a distance of 87.00 feet to the southeast corner of said Venable tract and being the on the west line of said Pleasant Run Road and being the northeast corner of a tract of land described in deed to D & V Walker Family Limited Partnership Number Two as recorded in Instrument No. D204220691, of said Deed Records, from which a found 1/2-inch iron rod bears South 53 degrees 02 minutes 52 seconds West, 3.53 feet;

THENCE South 89 degrees 49 minutes 00 seconds West, a distance of 320.00 feet to the southwest corner of said Venable tract and being on the north line of said Walker Family tract and being the southeast corner of Lot 3, Block 1 of Ratliff Addition, Second Filing, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-162, Page 57, Plat Records, Tarrant County, Texas;

THENCE North, a distance of 87.00 feet to a fence corner at the northwest corner of said Venable tract and being on the east line of said Lot 3 and being the southwest corner of Lot 2, Block 1 of Ratliff Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Cabinet B, Slide 844, of said Plat Records;

THENCE North 89 degrees 49 minutes 00 seconds East, passing the southeast corner of said Lot 2 and the southwest corner of aforesaid Lot 1 at 95.00 feet and passing the southeast corner of said Lot 1 at 295.00 feet and continuing a total distance of 320.00 feet and containing 27,839 square feet or 0.639 of one acre of land.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the above described tract of land.

There are no visible conflicts, visible evidence of easements or rights-of-way, or protrusions, except as shown, and that this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

The subject property does not appear 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 Zone "X" Rating as shown by Map No. 48439C0295 J, dated AUGUST 23, 2000. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This Survey is not to be used for construction purposes and is for the exclusive use of Rattikin Title Company only and this survey is made pursuant to that one certain title commitment under the GF number 05-11085, provided by the title company named hereon.



City of Colleyville Planning and Zoning Commission Agenda Briefing

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Agenda Number 5a	Agenda Date 04/10/2017	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located at 1821 John McCain Road, Case ZC17-004

Explanation

Andy Gardener, owner of A&L Imports Inc., has submitted a request for a Special Use Permit (SUP) to allow for Automotive and Motor Vehicle Sales at 1821 John McCain Road. The applicant currently owns and operates A&L Imports, an automotive sales company, at 1815 John McCain Road. The SUP request up for consideration will allow for the continuation of a "Vehicle Sales Area" on the adjacent property (1821) where the applicant is currently storing vehicles for sale as part of the A&L Imports business.

Existing Conditions/Background: The subject property is zoned ML-Light Manufacturing district and generally located on the south side of John McCain Road and west of Colleyville Boulevard. The subject property is approximately 30,000 square feet and currently being used by A&L Imports to store vehicles for its automotive vehicle sales inventory. The subject property is currently undeveloped with no existing buildings. This property has historically been used to store items such as Recreational Vehicles (RVs), cars and trucks, and cargo trailers. The parking surface being used today is gravel and dirt as seen in the attached photographs provided by the applicant.

To clarify, the SUP request is for the property located at 1821 John McCain Road, a vacant lot being used by A&L Imports to store vehicles. Since A&L Imports is requesting the SUP, it is important to include information pertaining to their business, and the corresponding SUPs all of which are related to 1815 John McCain Road.

There have been two SUPs issued on the property at 1815 John McCain (again, this is the current location of A&L Imports). Ordinance O-04-1472 was approved in August 2004 and permitted "Vehicle Storage". This SUP limited the sale of vehicles to inside of the building. It permitted storage of vehicles outside, but no inventory was permitted. Ordinance O-12-1984 was approved in February 2012. This SUP amended the previous ordinance to include outside vehicle sales. However, this ordinance required that all inventory be brought inside the building each evening with "no overnight parking of inventory".

At no time has a SUP been approved for the subject property (1821 John McCain Road) related to vehicle sales, storage, etc.

Proposed Special Use Permit Request:

Request –In the applicant’s Statement of Planning Objectives (attached), the specific request was to allow for “outdoor storage” at 1821 John McCain Road as an accessory use to A&L Imports business. This request was made in an effort to continue the use of the subject property for the storage of sales inventory for A&L Imports.

Staff reviewed this request and determined that the most appropriate request is a SUP for Automotive and Motor Vehicle Sales. Furthermore, staff believes the request is clearly defined in the Land Development Code as a “Vehicle Sales Area” rather than outside storage. Regardless of the “label” given to the request, the LDC requires a SUP for all Auto Sales related land uses.

Ordinance – Chapter 2 – Definitions, defines a Vehicle Sales Area as:

Vehicle Sales Area. An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

Table 3.24.B – Schedule of Permitted Principal Uses establishes the requirement for a Special Use Permit for Automotive and Vehicle Sales in the ML-Light Manufacturing District.

Analysis – The request up for consideration is separate from the existing SUP for 1815 John McCain. Although the request is to continue the use of the subject property as a vehicle sales area for A&L Imports, the SUP request today, will not amend the existing SUP (Ordinance O-12-1984).

The purpose of a Special Use Permit is to allow a use not normally allowed in a zoning district, which could be of benefit in a particular case to the general welfare, provided adequate development standards, and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood.

As part of the SUP approval process, City Council may:

“...impose such safeguards, requirements and conditions as it deems are necessary to properly protect any surrounding property, surrounding use, or neighborhood character and to insure the appropriate conduct of the special permitted use, including, without limitation, imposing development standards, requiring public facility improvements and means of ingress and egress of public streets, establishing conditions of operation, establishing time limits, establishing location, arrangement and construction of any uses or structures, adopting regulations to protect the general welfare and adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view of other undesirable or hazardous conditions.”

Since this request is to continue an existing use, staff has outlined the “typical” requirements for an SUP of this nature with the intent of allowing City Council to determine the appropriate measures necessary to continue such use. The typical requirements are outlined below:

1. Commercial Site Plan – A commercial site plan meeting the requirements of Section 3.31 of the Land Development Code. This includes items such as identifying the basic layout of the property, ingress and egress, fencing, screening, landscaping, etc.
2. All Weather Surface – Pavement improvements are typically required. If required, the parking area should meet the minimum requirements of Section 3.29.1.B –Parking Space Construction Standards
B. Surfacing (New Structures) – All parking spaces, aisles and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick or paving stone. Such paving shall meet the minimum construction standards contained in the Colleyville Building Code. Such all-weather surface shall be provided for all parking spaces, whether enclosed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel and dirt parking surfaces are prohibited.
3. Grading, and Drainage Plans – If pavement improvements are required for the property, a grading and drainage plan signed and sealed by a Professional Engineer in the State of Texas will be required for review.
4. Landscaping – Chapter 4 – Landscaping and Buffering of the Land Development Code states that the requirements of the Chapter may be applicable with the approval of a SUP. Staff recommends the landscaping be consistent with the existing conditions at 1815 John McCain road and meet the minimum landscape requirements set forth in the attached Ordinance O-04-1472.
“Landscaping shall be provided in the right-of-way adjacent to the property, as shown in Exhibit “B”. Shrubs shall be provided such that one eighteen inch or five-gallon plant shall be planted for each five (5) feet of street frontage.”
5. Screening - Staff recommends the screening be consistent with the existing conditions at 1815 John McCain road, and meet the minimum screening requirements set forth in the attached Ordinance O-04-1472.
“The existing chain- link fence across the front of the property shall be removed prior to occupancy of the building. Any new fences constructed on the property shall comply with the requirements of the Land Development Code.”

Surrounding Development: The properties to the north are zoned R-20 Single Family Residential district and AG- Agricultural district and developed with single family homes. The properties to the east and west are zoned ML-Light Manufacturing and

developed with commercial and light industrial uses. The properties to the south are zoned ML- Light Manufacturing district and CC2- Shopping Center district and developed with the Cottonbelt Trail and railroad line.

Public Notification: Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request on Friday, March 24, 2017. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* on Saturday, March 25, 2017 as required by State law and the Land Development Code. To date, no correspondence has been received.

Staff Recommendation: The applicant has submitted a request for a SUP to allow for Automotive and Motor Vehicle Sales at 1821 John McCain Road. The request will allow A&L Imports to continue the use of the subject property as a Vehicle Sales Area. This use is consistent with the previous land use on the subject property and the adjacent property. The proposal should not adversely affect the surrounding properties. Staff recommends approval of the request with any conditions the City Council may feel are appropriate.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Photos Provided By Applicant - Existing Conditions
6. Photos Provided By Applicant - Previous Use
7. Existing Ordinance - 1815 John McCain O-12-1824
8. Original Ordinance - 1815 John McCain O-04-1472
9. Legal Notice
10. Property Owner Notification
11. Notification Map
12. Notification List
13. Draft Ordinance

AERIAL MAP



ZC17-004

1821 JOHN MCCAIN ROAD

 Subject Property



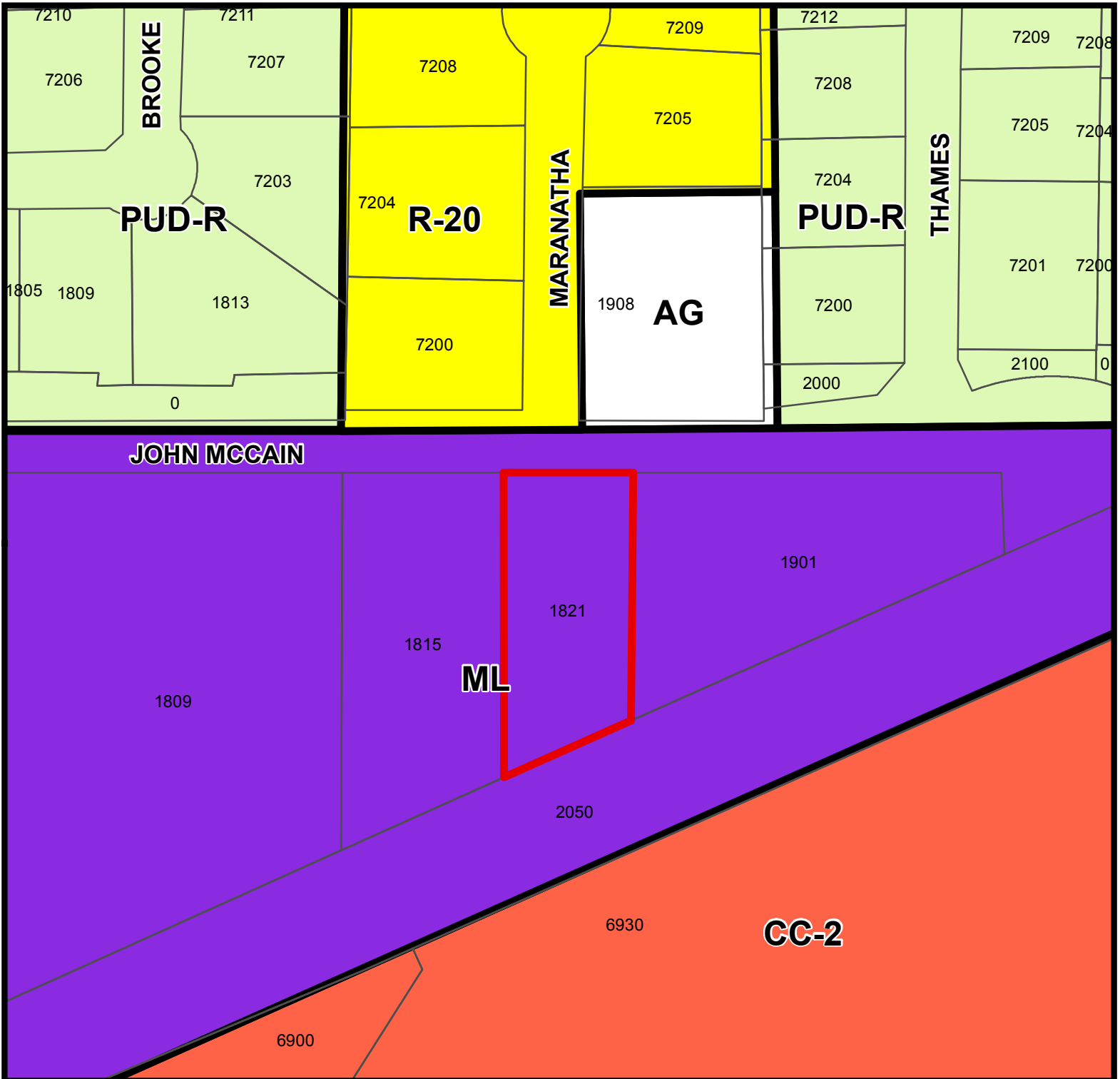
1 inch = 125 feet

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.

ZONING MAP



ZC17-004

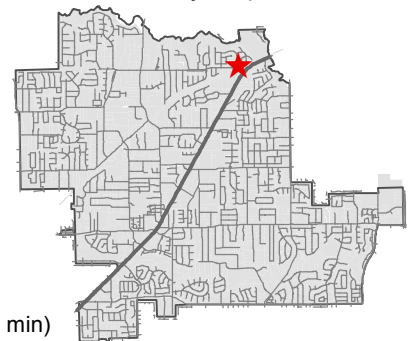
1821 JOHN MCCAIN ROAD

- Subject Property
- AG Agricultural
- CC-2 Shopping Center
- ML Light Manufacturing
- PUD-R Planned Unit Development, Residential
- R-20 Single Family Residential (20,000 sq. ft. min)



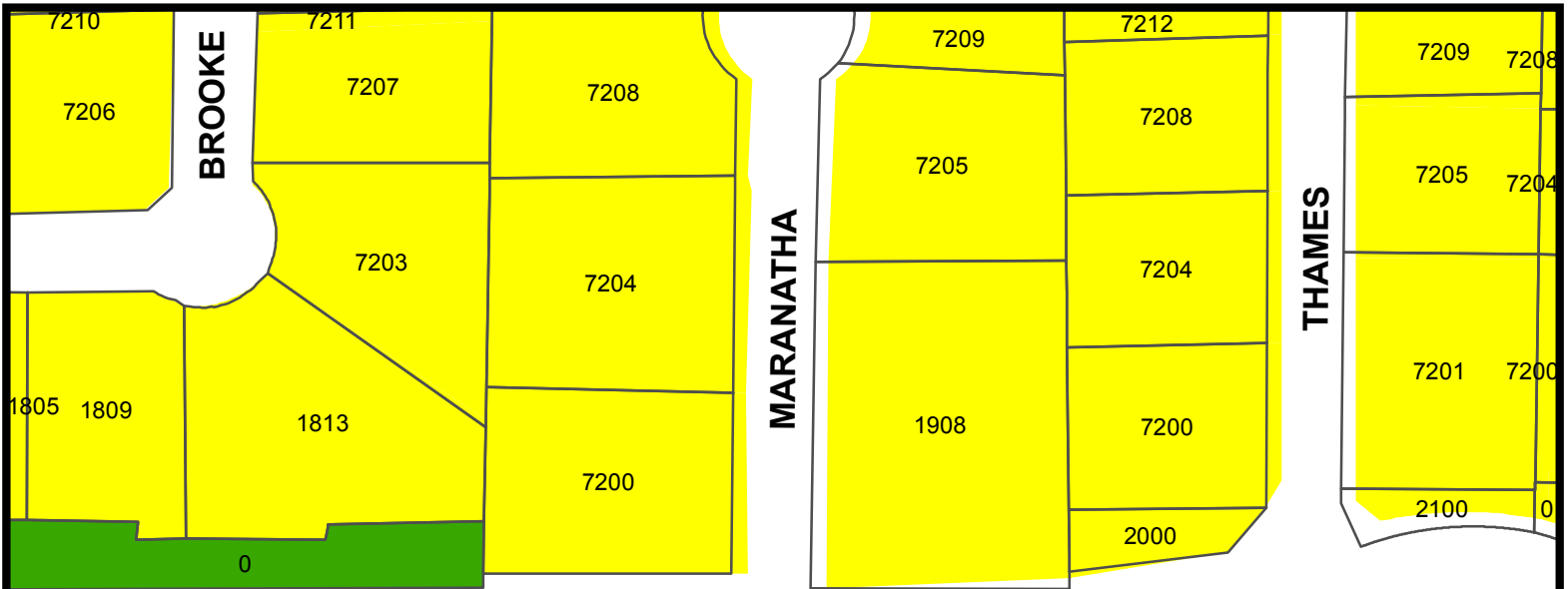
1 inch = 125 feet

Vicinity Map

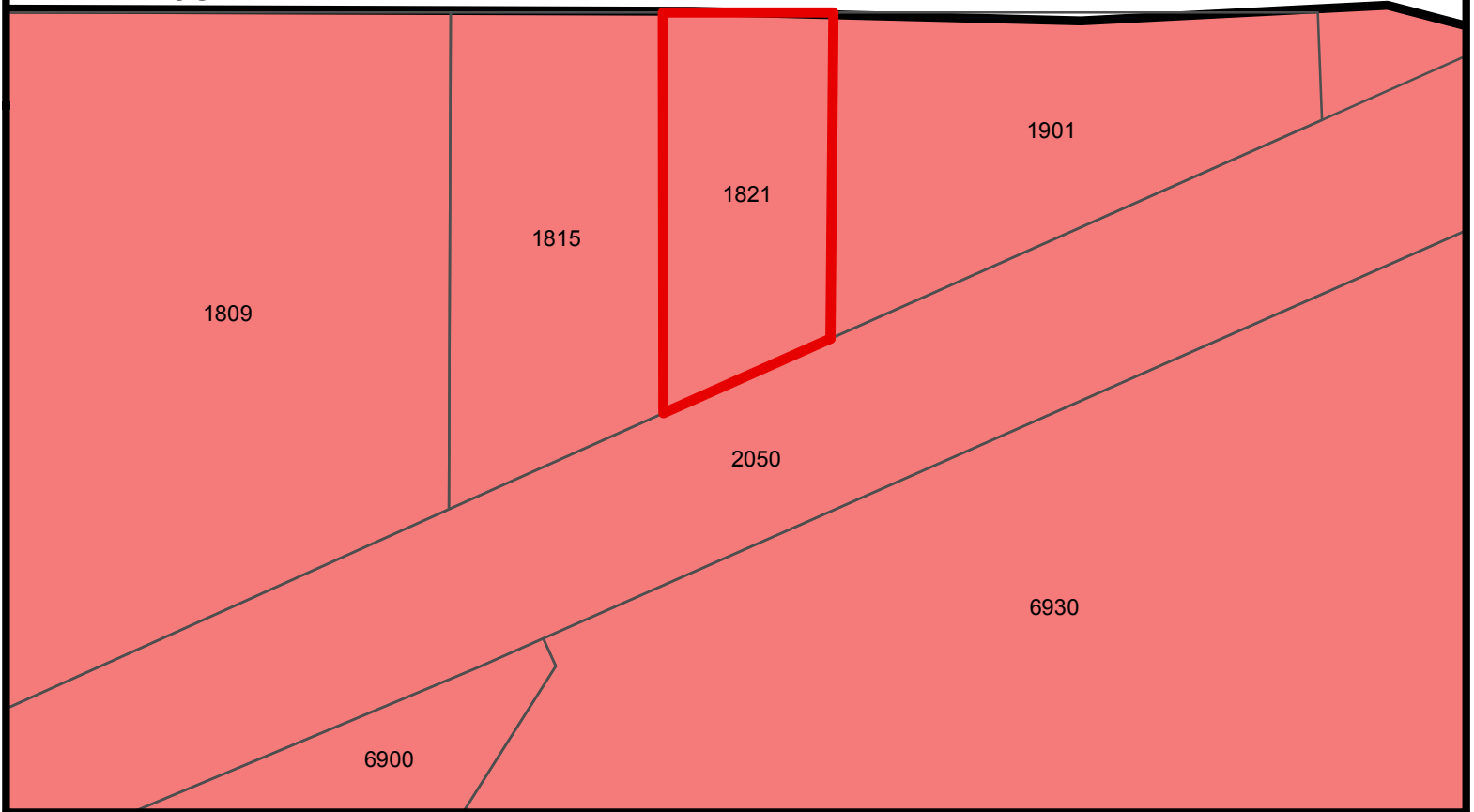


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FUTURE LAND USE MAP



JOHN MCCAIN



1 inch = 125 feet

ZC17-004

1821 JOHN MCCAIN ROAD

- Subject Property
- RESIDENTIAL
- PARKS/ OPEN SPACE
- COLLEYVILLE BLVD CORRIDOR

Vicinity Map



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Statement of Planning Objectives

Statement of Planning Objectives

The property located at 1821 John McCain Road, in Colleyville, is currently zoned as "Light Manufacturing". Under this zoning description, in Section 3.22 under Purpose, and again on Page 27, under Supplemental Requirements, it states that "**outdoor storage is permitted**".

MDP Management Trust owns this property. In September of 2016, A&L Imports signed a lease with MDP Management Trust, to lease the lot from them, for the purpose of storing vehicles outside at this location. The lot is right next door to A&L Imports' current building.

Prior to this lease - the lot was used for storage of vehicles, RVs, boats, trailers, dumpsters, etc. - as shown in the attached exhibits.

MDP Management Trust informed A&L Imports that the current zoning on the property included outdoor vehicle storage, and that no new Special Use Permit would be needed, since the use of the property was not changing at all. For this reason - no permit was applied for back in September.

A&L Imports plans to use the property for the outdoor storage of vehicles, as shown in the exhibits attached, showing our use of the property since the date of this lease.

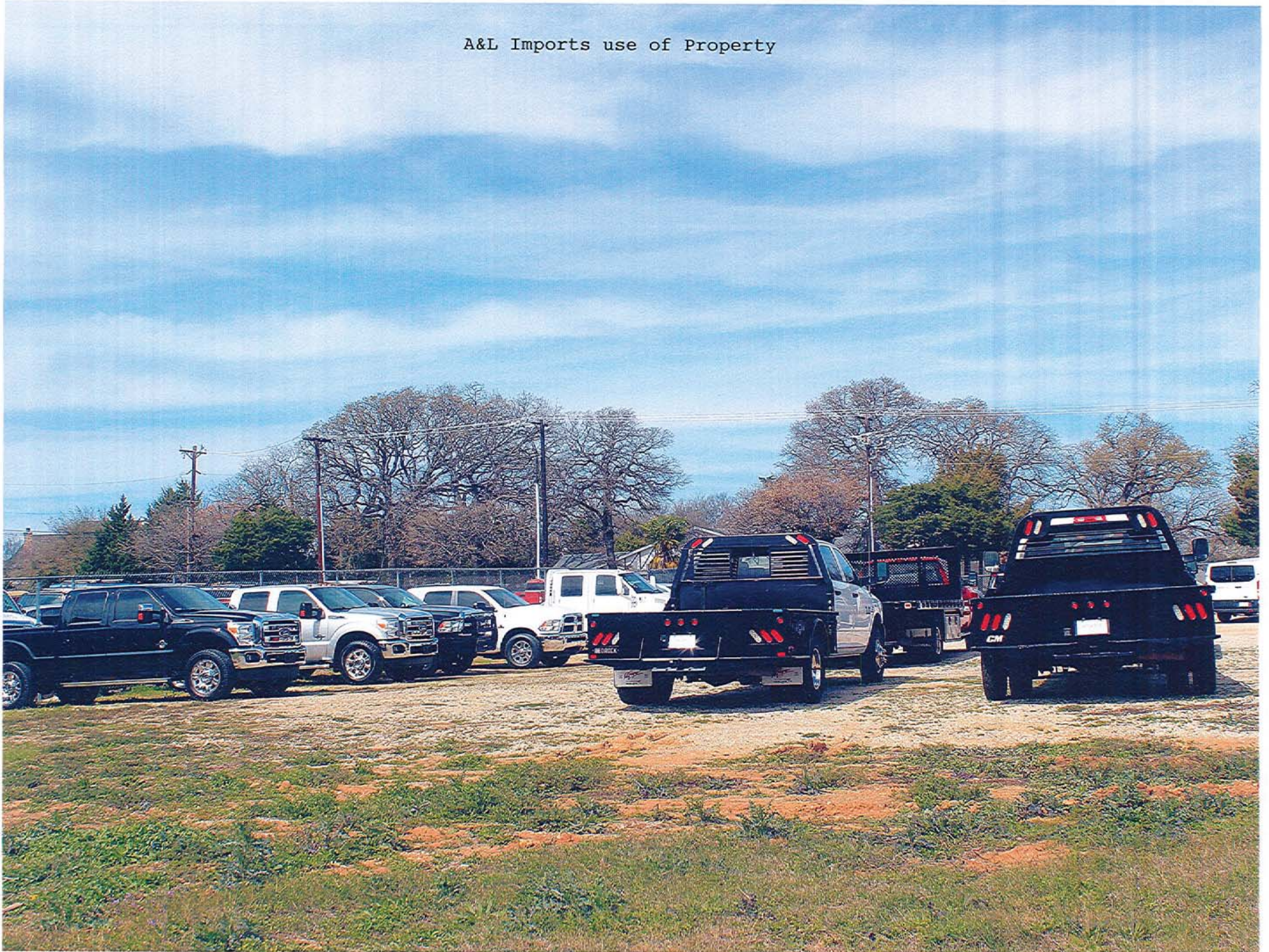
Photos Provided By Applicant - Existing Conditions

A&L Imports use of property



Photos Provided By Applicant - Existing Conditions

A&L Imports use of Property

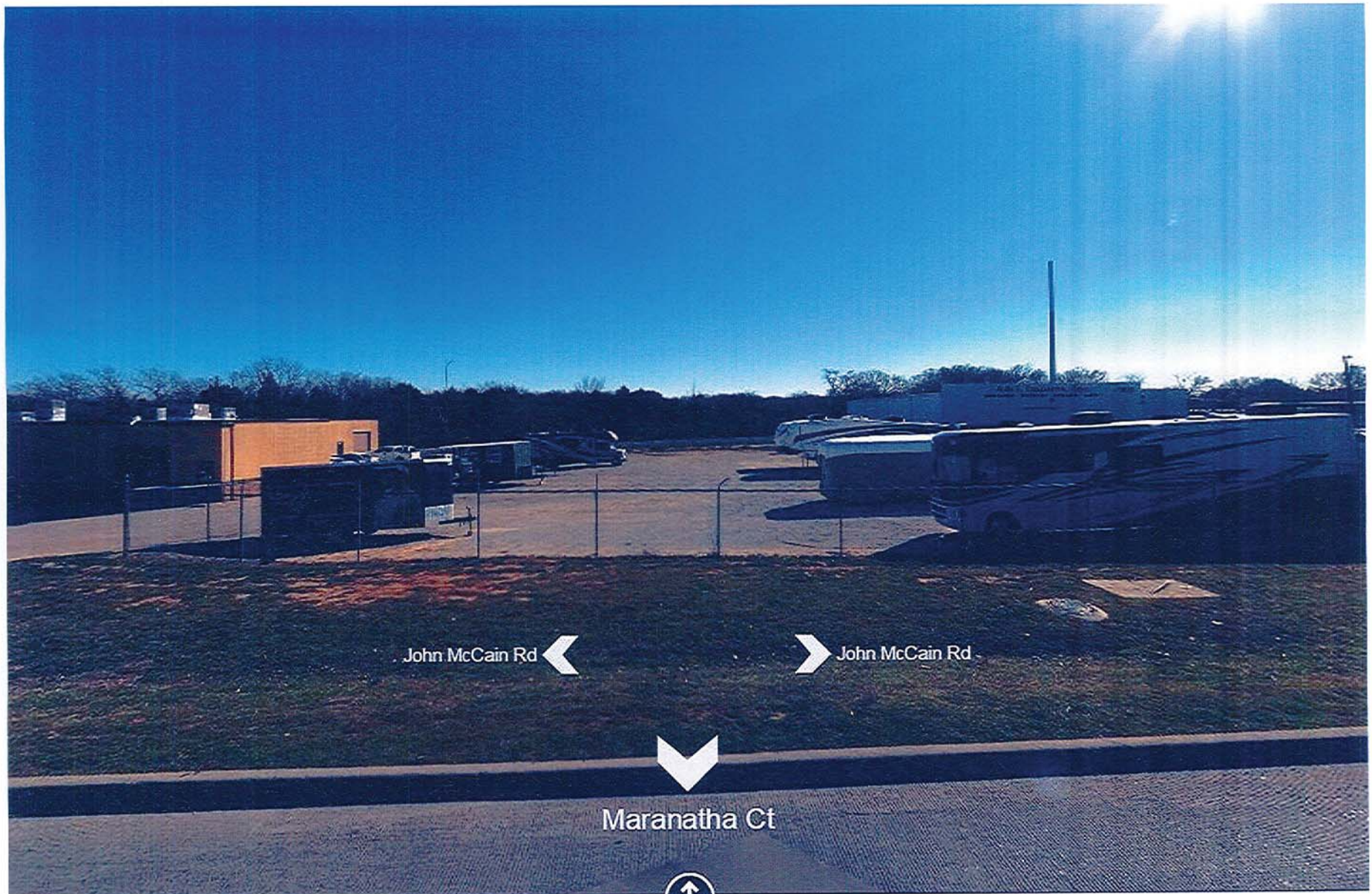


Photos Provided By Applicant - Existing Conditions

A&L Imports use of Property



Photos Provided by Applicant - Previous Use

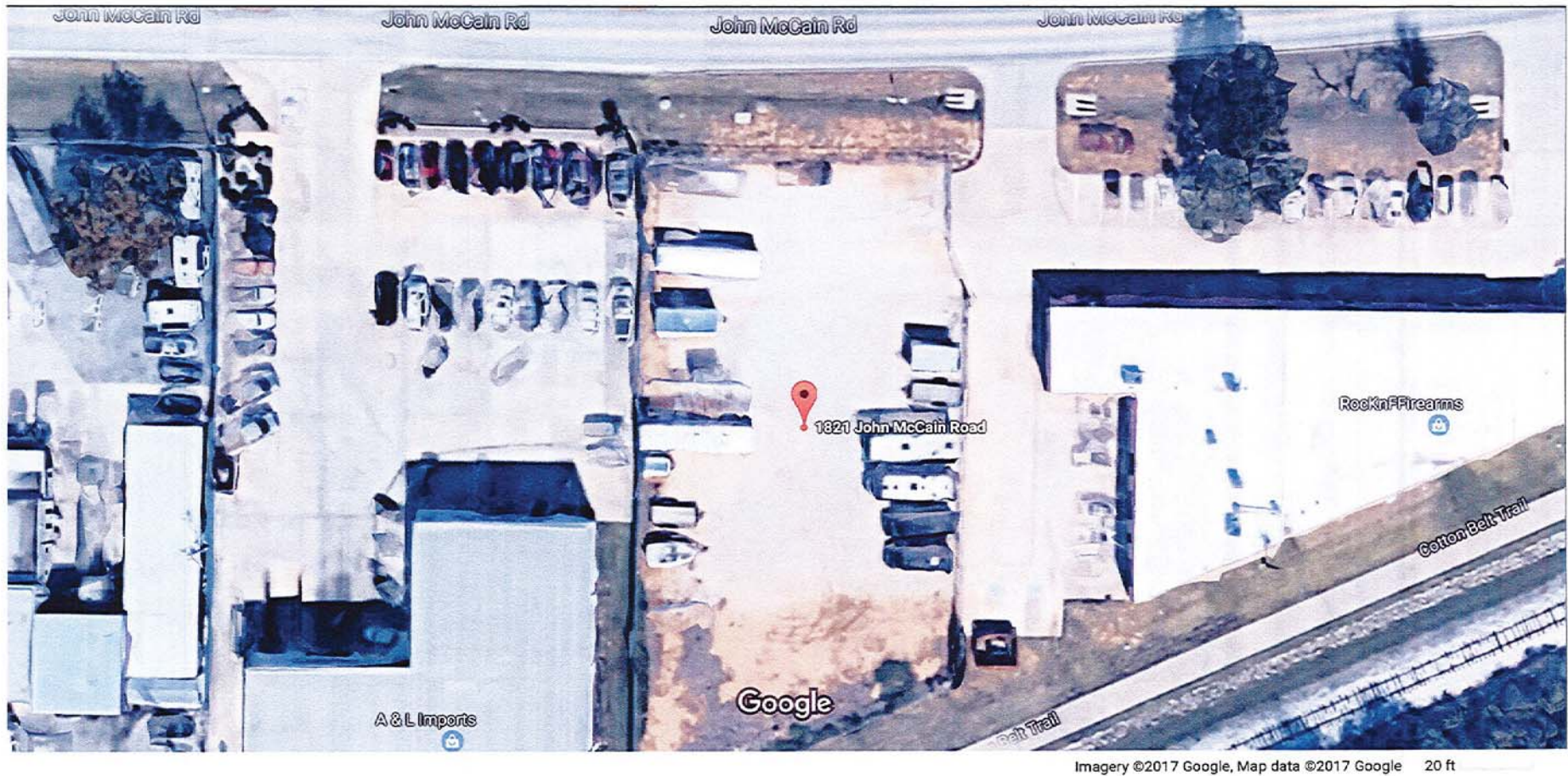


Photos Provided by Applicant - Previous Use

1821 John McCain Rd - Google Maps

Page 1 of 1

Google Maps 1821 John McCain Rd



Property Use Prior to A&L Imports lease -- Storage of vehicles, RVs, boats, trailers.

Photos Provided by Applicant - Previous Use

1895 John McCain Rd - Google Maps

Page 1 of 2

Google Maps [REDACTED] John McCain Rd



Image capture: Aug 2016 © 2017 Google

Colleyville, Texas

Street View - Aug 2016

Prior to A&L Imports Lease

<https://www.google.com/maps/place/1821+John+McCain+Rd,+Colleyville,+TX+76034/@32.9117548,-97.1381456,3a,75y,182.37h,88.39t/data=!3...> 3/2/2017

Existing Ordinance - 1815 John McCain

ORDINANCE O-12-1824

AN ORDINANCE AMENDING ORDINANCE O-04-1472 CONDITIONS; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; AUTHORIZING A SPECIAL USE PERMIT FOR OUTSIDE VEHICLE SALES ON LOT 1R, BLOCK 1, NYSTEL ADDITION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-04-1472 on August 4, 2004, to establish the a Special Use Permit on Lot 1R, Block 1, of the Nystel Addition; and

WHEREAS, the City of Colleyville has received a request for an amendment to Ordinance O-04-1472, under Case ZC11-028; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the

Existing Ordinance - 1815 John McCain

Ordinance O-12-1824

Page 2 of 3

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, is hereby amended by amending Ordinance O-04-1472 conditions on Lot 1, Block 1, of the Nystel Addition as depicted on the attached Exhibit "A".

Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

a. Section 1(a) of Ordinance O-04-1472, is hereby amended to include outside vehicle sales.

b. Vehicle sales are hereby permitted by this Special Use Permit amendment.

c. There shall be no overnight outdoor parking of inventory.

d. There shall be no additional signage on the subject property.

e. Delivery trucks shall not idle or have on lights after business hours.

f. This Special Use Permit amendment and Ordinance O-04-1472 shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.

g. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 4. 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. 5. THAT any person, firm or corporation violating any of the provisions or

Existing Ordinance - 1815 John McCain

Ordinance O-12-1824

Page 3 of 3

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.

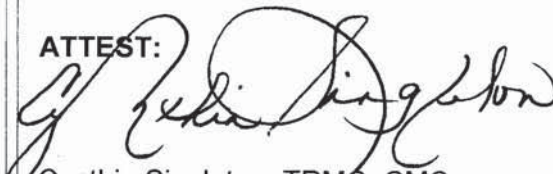
- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. 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. 8. 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.
- Sec. 9. THAT Ordinance O-04-1472 shall remain in full force and effect, except where amended by this ordinance.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 14th day of February 2012.

The second reading and public hearing being conducted on the 21st day of February 2012.

ATTEST:


Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE

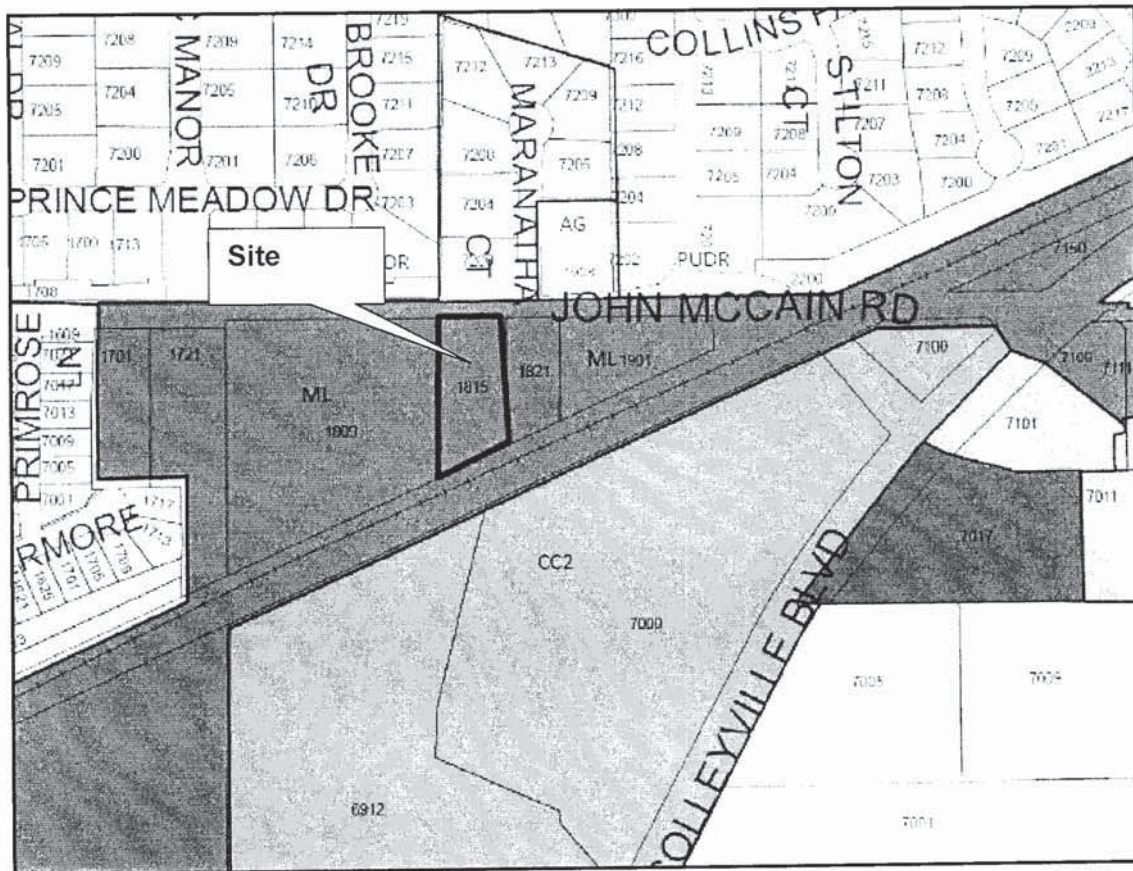

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:


Matthew C. G. Boyle
City Attorney

Existing Ordinance - 1815 John McCain

Exhibit "A" - Location and Zoning Map



Original Ordinance - 1815 John McCain

ORDINANCE O-04-1472

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF COLLEYVILLE, TEXAS, BY AUTHORIZING A SPECIAL USE PERMIT FOR VEHICLE STORAGE ON LOT 1R, BLOCK 1, NYSTEL ADDITION; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a Special Use Permit was filed by Andy Gardner on June 1, 2004, under Case No. Z-04-024; 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 accompanying Zoning Map (Exhibit "A") are hereby amended insofar as they relate to certain land located in Colleyville, Texas, described as Lot 1R, Block 1, Nystel Addition, by authorizing a Special Use Permit for vehicle storage, subject to the following conditions:

- a. All vehicles for sale shall be stored inside the building. No vehicle outside the building shall be advertised for sale.
- b. The delivery of vehicles by tractor-trailer to the property shall be restricted to the hours between 9:00 a.m. and 3:00 p.m., Monday through Friday.
- c. Automobile repair and service, as defined by the Land Development Code, shall be prohibited.
- d. Landscaping shall be provided in the right-of-way adjacent to the property, as shown in Exhibit "B". Shrubs shall be provided such that one eighteen inch or five-gallon plant shall be planted for each five (5) feet of street frontage.
- e. The existing chain-link fence across the front of the property shall be removed prior to occupancy of the building. Any new fences constructed on the property shall comply with the requirements of the Land Development Code.

Original Ordinance - 1815 John McCain

Ordinance O-04-1472

Page 2 of 2

- Sec. 2. 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. 3. 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. 4. 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. 5. THAT this ordinance shall become effective immediately upon publication.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 20th day of July 2004.

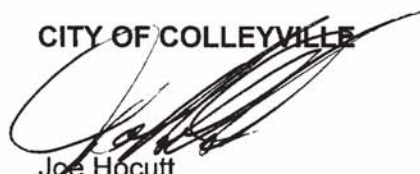
The second reading and public hearing being conducted on the 4th day of August 2004.

ATTEST:



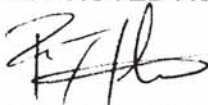
Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



Joe Hocutt
Mayor

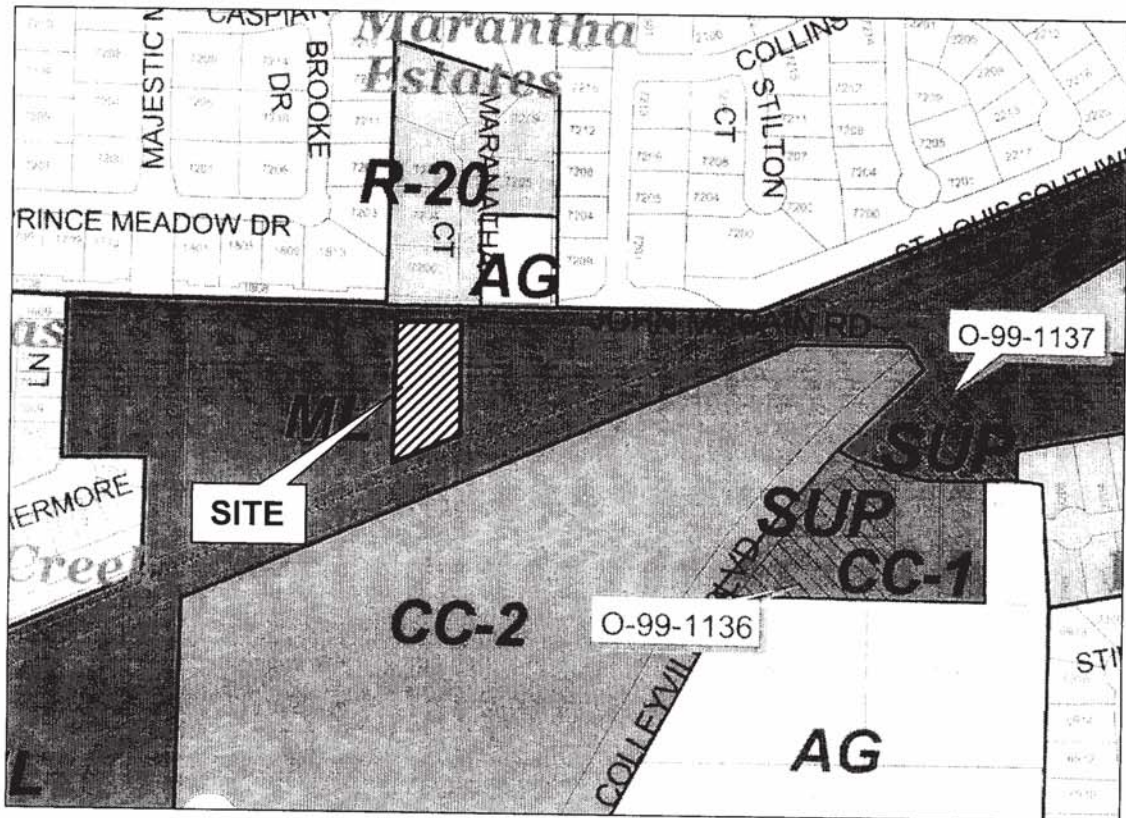
APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster
City Attorney

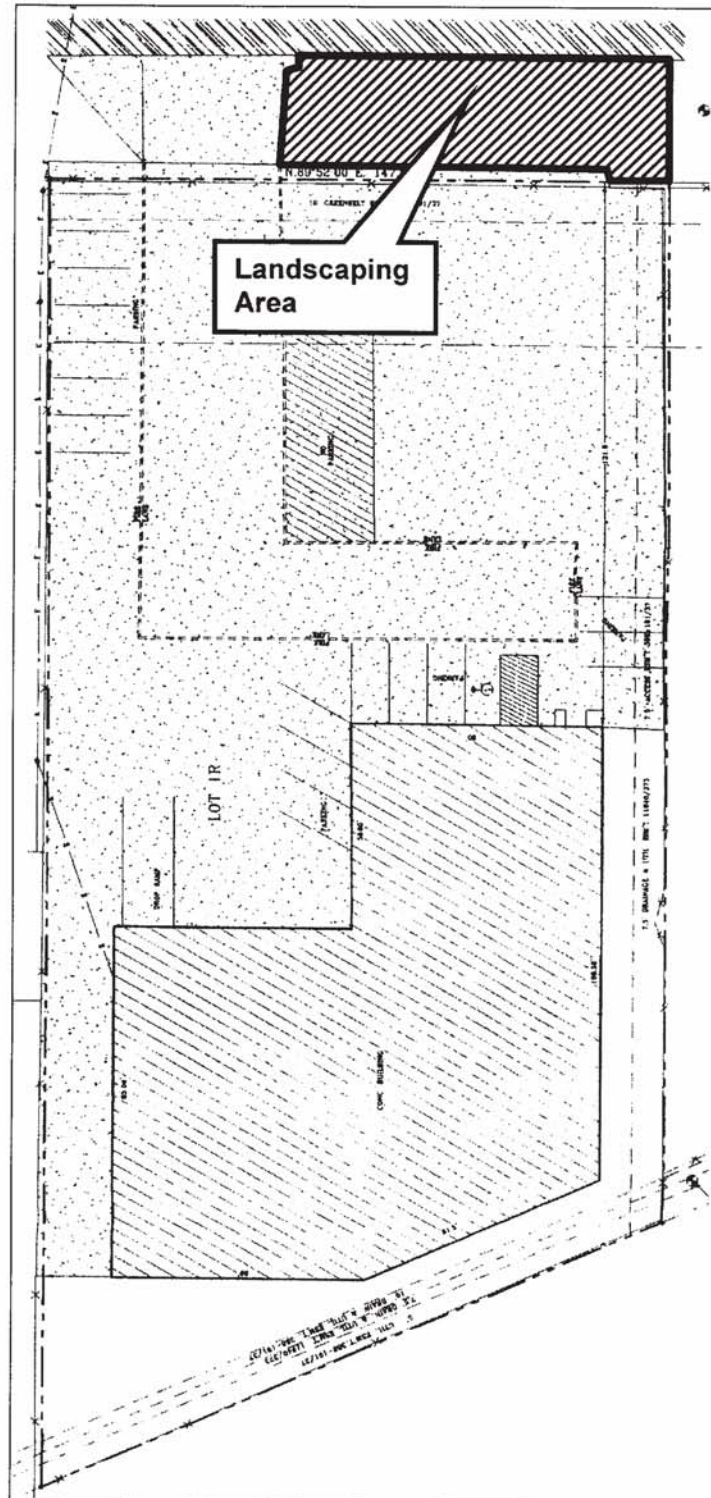
Original Ordinance - 1815 John McCain

EXHIBIT A – ZONING MAP



Original Ordinance - 1815 John McCain

EXHIBIT B – LANDSCAPING AREA



Legal Notice

March 24, 2017

SENT VIA EMAIL on Friday, March 24, 2017

Christine Lopez
Legal Notices
Fort Worth Star-Telegram
400 W. Seventh Street
Fort Worth, TX 76102

Dear Christine:

Please publish and furnish an affidavit (N.E. Section):
Saturday, March 25, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 4/10/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-004 - Consideration of Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located at 1821 John McCain Road

The City Council will hold a Public Hearing on the above items on 4/18/17 and 5/02/17 at 7:30 p.m. at City Hall, 100 Main Street, Colleyville, Texas.

All interested citizens will be given the opportunity to speak and be heard.

CITY OF COLLEYVILLE



Araceli Botello
Planning Technician

Property Owner Notification



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC17-004
Applicant: Andy Gardner
Location: 1821 John McCain Road
Property Description: Lot 2R, Block 1, of the Nystel Addition
Present Zoning: ML- Light Manufacturing District
Request: Consideration of Special Use Permit for Automotive and Motor Vehicle Sales

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, April 10, 2017 at 7:00 p.m.
City Council Meeting: Tuesday, April 18, 2017 & Tuesday, May 2, 2017 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

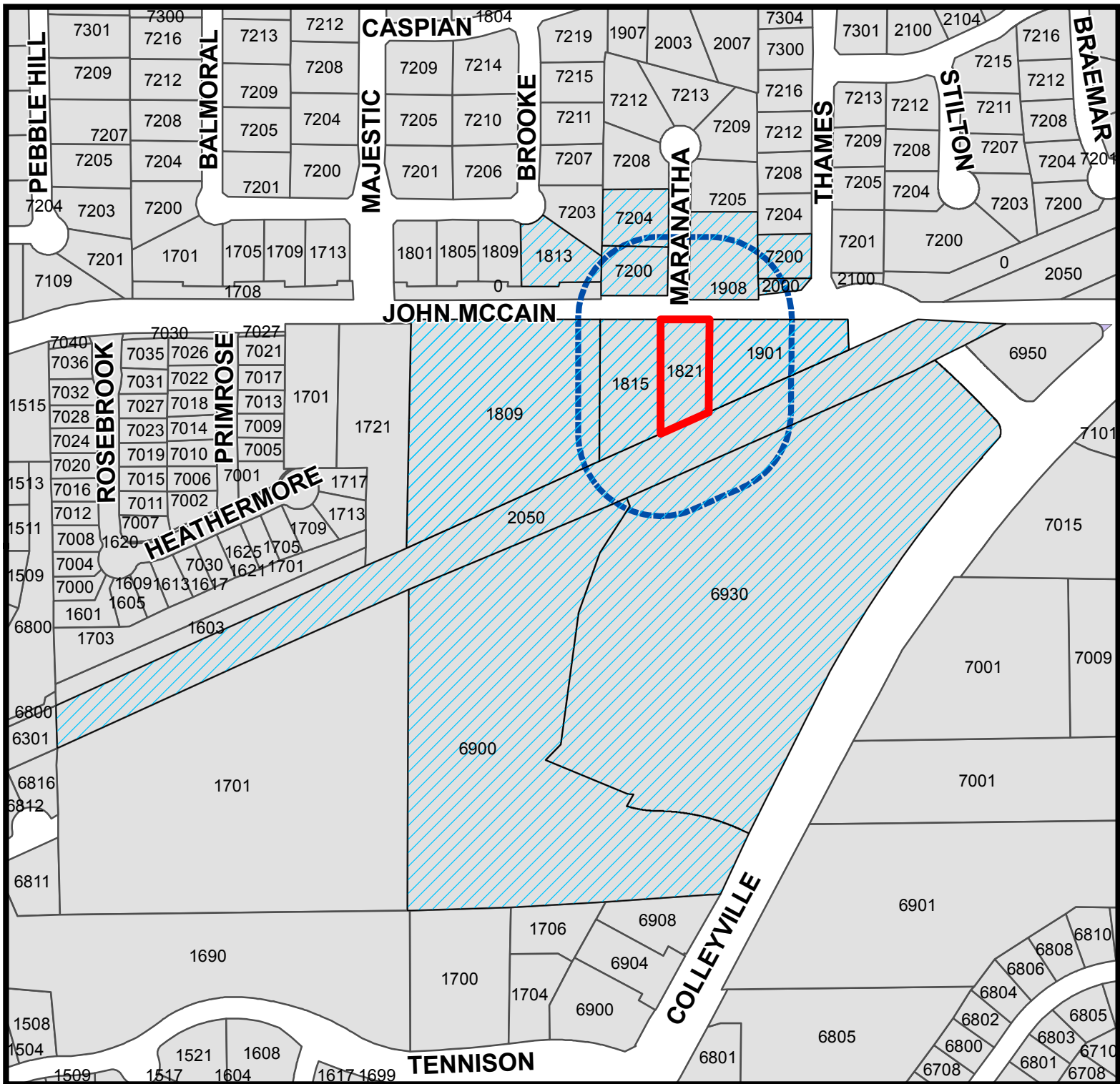
**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Shane Pace
Principal Planner
space@colleyville.com

NOTIFICATION MAP



ZC17-004

1821 JOHN MCCAIN ROAD

- Subject Property
- Properties within 200ft
- 200ft Buffer



1 inch = 333 feet

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
GARDNER, ANDREW	1815 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1815 JOHN MCCAIN RD
GARDNER, ANDREW	1815 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1815 JOHN MCCAIN RD
REGIONAL RAIL ROW CO	PO BOX 660163	DALLAS, TX	75266	2050 JOHN MCCAIN RD
1901 JOHN MCCAIN LLC	7308 THAMES TR	COLLEYVILLE, TX	76034	1821 JOHN MCCAIN RD
TIMARRON OWNERS ASSN INC	700 WENTWOOD DR	SOUTHLAKE, TX	76092	2000 JOHN MCCAIN RD
TURNER, C ALLEN	1908 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1908 JOHN MCCAIN RD
PECAN CREEK VILLAGE CNTR PRTN	8231 E PRENTICE AVE	GREENWOOD VILLAGE, CO	80111	6930 COLLEYVILLE BLVD
DEES, JOHN	7200 MARANATHA CT	COLLEYVILLE, TX	76034	7200 MARANATHA CT
WHITAKER, M C	7204 MARANATHA CT	COLLEYVILLE, TX	76034	7204 MARANATHA CT
CHESAPEAKE LAND DEV CO LLC	6100 N WESTERN AVE	OKLAHOMA CITY, OK	73118	6900 COLLEYVILLE BLVD
ANDERSON, DAVID	1813 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1813 PRINCE MEADOW DR
ALLSTAR DOOR & MAINTENANCE LP	PO BOX 92565	SOUTHLAKE, TX	76092	4205 COLLEYVILLE BLVD
LOW-T CENTERS INC	1901 JOHN MCCAIN RD STE A	COLLEYVILLE, TX	76034	1901 JOHN MCCAIN RD # A
LOW T TOYZ LLC	1901 JOHN MCCAIN RD STE A	COLLEYVILLE, TX	76034	1901 JOHN MCCAIN RD # A
1901 JOHN MCCAIN LLC	7308 THAMES TR	COLLEYVILLE, TX	76034	1901 JOHN MCCAIN RD
BRM ROOFING & CONSTRUCTION SVC	8205 KENTWOOD DR	N RICHLND HLS, TX	76182	1901 JOHN MCCAIN RD # D
RENDER, RICHARD E	7200 THAMES TR	COLLEYVILLE, TX	76034	7200 THAMES TR
PROFESSIONAL SALES LLP	1809 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1809 JOHN MCCAIN RD
NELSON, ARNOLD E	5800 HUNTER TR	COLLEYVILLE, TX	76034	1809 JOHN MCCAIN RD
TIMARRON OWNER ASSOCIATION	700 WENTWOOD DRIVE	SOUTHLAKE, TX	76092	COURTESY NOTICE
GARDNER, ANDY	1815 JOHN MCCAIN ROAD	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed Friday,
March 24, 2017 by Araceli Botello

ORDINANCE O-17-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON LOT 2R, BLOCK 1, OF THE NYSTEL ADDITION, LOCATED AT 1821 JOHN MCCAIN ROAD BY AUTHORIZING A SPECIAL USE PERMIT FOR AUTOMOTIVE AND MOTOR VEHICLE SALES; 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 a Special Use Permit for Automotive and Motor Vehicle Sales under Case No. ZC17-004; and

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

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located at 1821 John McCain Road, as depicted on the attached as Exhibit "A".
- 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 the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. Only vehicles for sale shall be stored on the subject property.
- b. The delivery of vehicles by tractor-trailer to the property shall be restricted to the hours between 9: 00 a.m. and 3: 00 p. m., Monday through Friday.
- c. Delivery trucks shall not idle or have on lights after business hours.
- d. There shall be no additional signage on the subject property.
- e. Automobile repair and service, as defined by the Land Development Code, shall be prohibited.

- f. Landscaping shall be provided in the right-of-way adjacent to the property, as shown in Exhibit "B". Shrubs shall be provided such that one eighteen inch or five-gallon plant shall be planted for each five (5) feet of street frontage.
- g. The existing chain- link fence across the front of the property shall be removed prior to occupancy of the building. Any new fences constructed on the property shall comply with the requirements of the Land Development Code.
- h. This Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- i. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 5. 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. 6. 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. 7. 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. 8. 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 18th day of April 2017.

The second reading and public hearing being conducted on the 2nd day of May 2017.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 2nd day of May 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 2, Bobby Lindamood	_____	Place 6, Mike Taylor	_____
Place 4, Jody Short	_____		

ATTEST:

CITY OF COLLEYVILLE

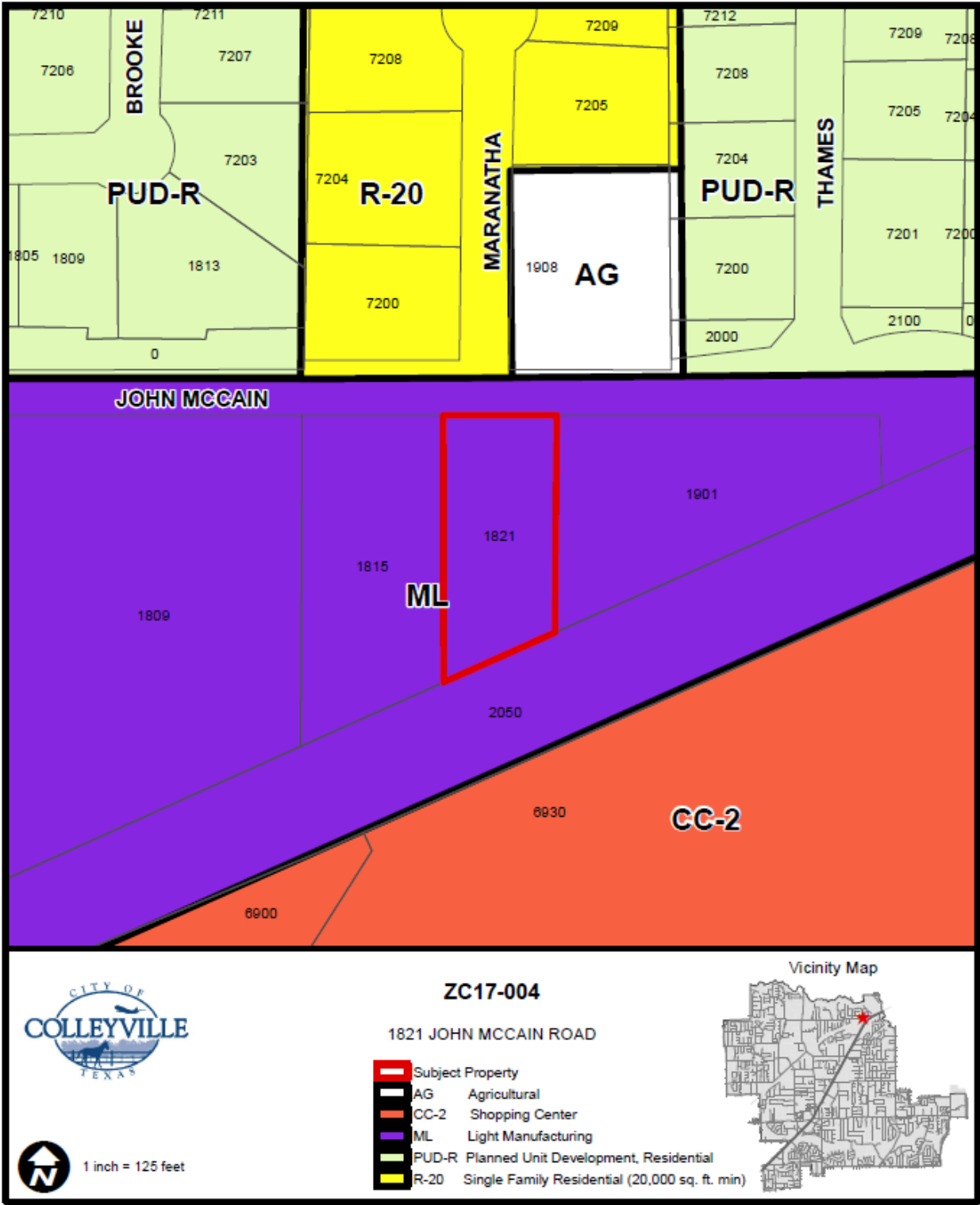
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 5b	Agenda Date 04/10/2017	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a zoning change from the R40-Single Family Residential zoning district to the R20-Single Family Residential zoning district on Lots 26 and 27, of the Community Home Addition, located at 1609 Cherry Lane, Case ZC17-005

Explanation

Property owners Colin and Janice Travis have submitted a request to rezone approximately 1.29 acres located at 1609 Cherry Lane from the R-40 Single Family Residential district to the R-20-Single Family Residential district. The applicants are seeking a zoning change to allow for an increase in lot coverage and reduced setbacks. This request is a result of the existing platted lots being less than the required 40,000 square feet for the existing R-40 district.

Existing Conditions/Background: The subject properties are platted lots of the Community Home Addition and zoned R-40 Single Family Residential District. The subject properties are generally located on the south side of Cherry Lane and east of Bluebonnet Drive. The subject properties are currently developed with one single family residential home across both lots which is proposed to be demolished.

The subject properties were platted in 1952 prior to the incorporation of the City of Colleyville. At that time the property was most likely in the City of Grapevine or its Extraterritorial Jurisdiction (ETJ). No zoning regulations were in place at the time the plat was approved. Therefore the creation of a 27 lot subdivision with a majority of the lots being less than 40,000 square feet was not an issue. However, today the conditions on the ground are not consistent with the zoning district in which the subdivision is located. This creates the potential for a conflict or variance requests when a homeowner wishes to construct a large home during the redevelopment process.

Proposed Zoning Change:

Request – The applicant is requesting a zoning change from the R-40 Single Family Residential district to the R-20 Single Family Residential district to ultimately allow for an increase in lot coverage and a reduction in side yard setbacks for 2 platted lots. Based on the current R-40 zoning district regulations, the subject property does not meet the minimum requirements for lot width and lot area.

Ordinance – Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-20 zoning regulations require the following standards:

Minimum Lot Area: 20,000 square feet
Minimum Lot Width: 100 feet
Minimum Lot Depth: 125 feet
Minimum Front Yard Setback: 33 feet
Minimum Side Yard Setbacks: 10 feet
Minimum Rear Yard Setback: 25 feet
Maximum Lot Coverage: 30 percent

The applicant has provided a zoning exhibit which identifies the two existing lots as Lot 26 and Lot 27 of the Community Home Addition. The exhibit confirms that the lot areas for each lot are approximately 27,500 square feet. The lots meet the R-20 zoning district's minimum lot area of 20,000 square feet and other standards as listed above. Chapter 3 (Land Use) of the Land Development Code identifies the purpose and intent of the R-20 zoning district as primarily oriented toward low-density residential purposes and open space uses. Additionally, it states the principal uses shall be moderately low-density detached single family homes.

Analysis – The applicant originally submitted a request for a variance to the maximum lot coverage for the R-40 zoning district and an encroachment into the side yard setback. This request was predicated on the applicants desire to construct a single-story 6,566 square foot home on Lot 26. The maximum lot coverage allowed in the R-40 district is 20 percent. The request was to allow for a lot coverage of 25 percent. After review of the original variance request, staff determined that the most appropriate resolution is to rezone the subject property to the R-20 district which is more closely aligned with the size of the existing platted lots. This will prevent the need for variances on both lots and will allow the property owners to build a home commensurate to the surrounding homes and development patterns.

Although the R-20 district as requested would be different than the zoning designations to the north, south, and west, it appears generally consistent with the development pattern in the area. Additionally, the properties immediately adjacent to the east are zoned R-20.

The subject property meets the minimum requirements of the R-20 district, and does not meet the minimum requirements of the R-40 district. Should the request be approved, the subject property will be in compliance with all zoning regulations.

Finally, should the rezoning request be approved, there is no potential for the lots to be subdivided into smaller lots. The regulations contained in the Land Development Code will not permit subdivision of the existing lots due to the minimum lot size requirement.

Surrounding Development: The properties to the north, south, and west are zoned R-40 Single Family Residential district and developed with single family homes. The properties to the east are zoned R-20 Single Family Residential district and developed with single family homes.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for single family residential uses. The proposed rezoning request does not seek to change the use on the subject property from single family residential uses. The comprehensive plan's Residential Density Policy states that the maximum density of each residential project shall be 1.8 dwelling units per net acre. The proposed net density is 1.55 dwelling units per acre. The requested zoning change is consistent with the comprehensive plan.

Fees: Park Land Dedication fees are not required for this request since a single family home currently exists on the subject property. Impact Fees may also be required per Chapter 13 (Impact Fees) of the Land Development Code and will be due prior to the issuance of a Building Permit.

Tree Preservation: Any future development of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

Public Notification: Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property on regarding this request on Friday, March 24, 2017. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the Fort Worth Star-Telegram on Saturday, March 25, 2017 as required by State law and the Land Development Code. To date, staff has received seven letters of opposition to this request. The total percentage of property owners within 200 feet in opposition is 41.18 percent. Based on the percentage of opposition, the request will require an affirmative vote by three-fourths (3/4) of the members of City Council for approval.

Staff Recommendation: The proposed zoning change is consistent with the City's comprehensive plan. Although the requested R-20 district differs from R-40 zoning designations, the platted lots are more closely aligned with the requirements of the R-20 district. Additionally, the proposed development is generally consistent with the surrounding properties and development pattern. Staff recommends approval of the proposed rezoning request.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Zoning Exhibit
6. Original Request - Proposed Site Plan
7. Surrounding Lot Sizes
8. Letters of Opposition
9. Opposition Map
10. Legal Notice
11. Property Owner Notification
12. Notification Map
13. Notification List
14. Draft Ordinance

AERIAL MAP



ZC17-005

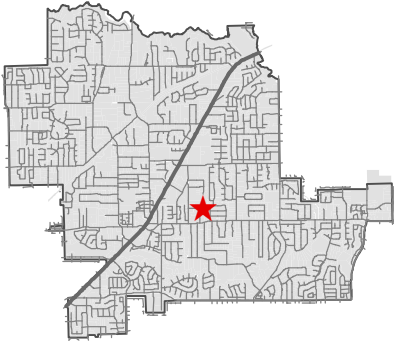
1609 CHERRY LANE

 Subject Property



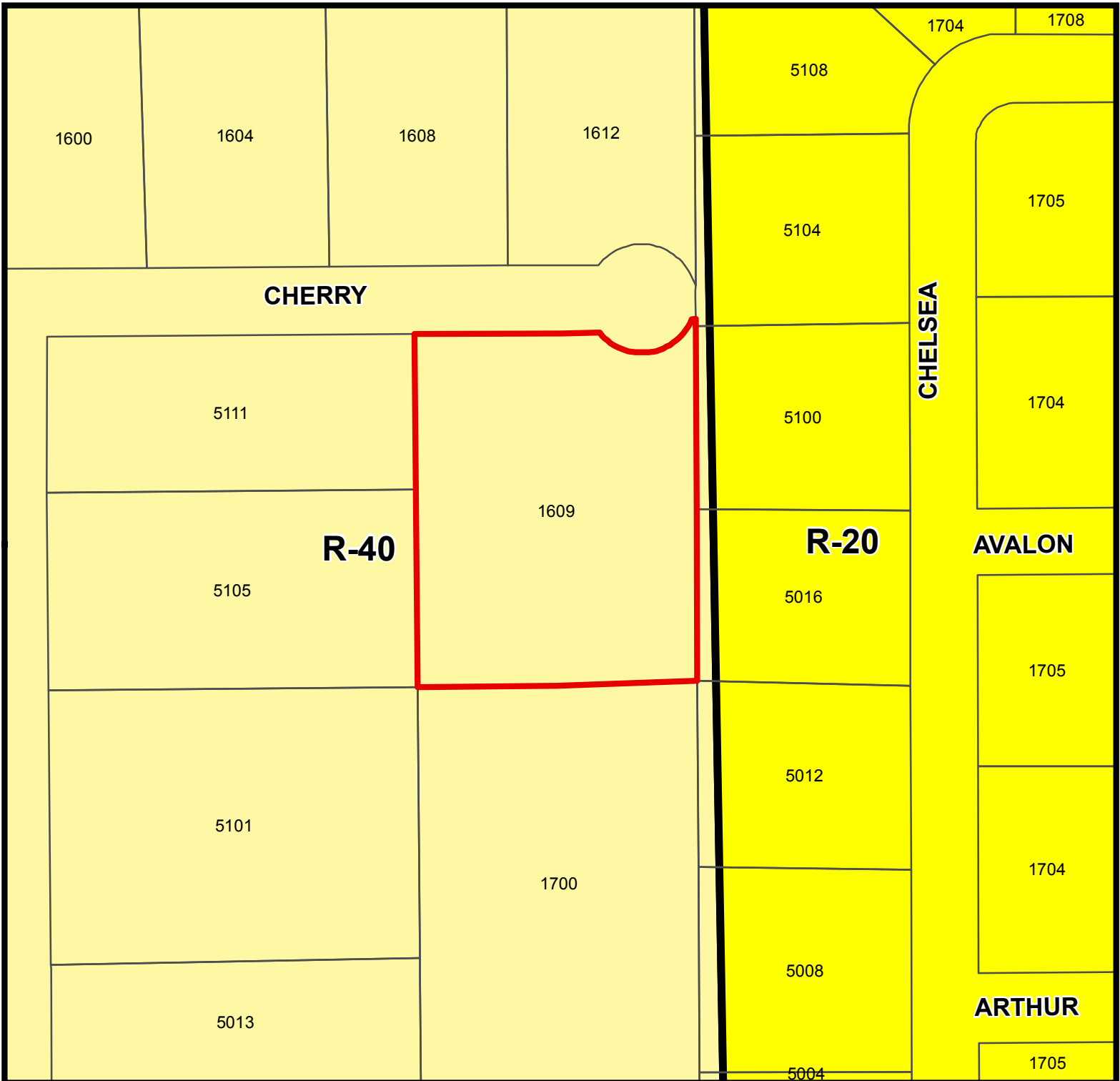
1 inch = 104 feet

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.

ZONING MAP



ZC17-005

1609 CHERRY LANE

-  Subject Property
-  R-20 Single Family Residential (20,000 sq. ft. min)
-  R-40 Single Family Residential (40,000 sq. ft. min)



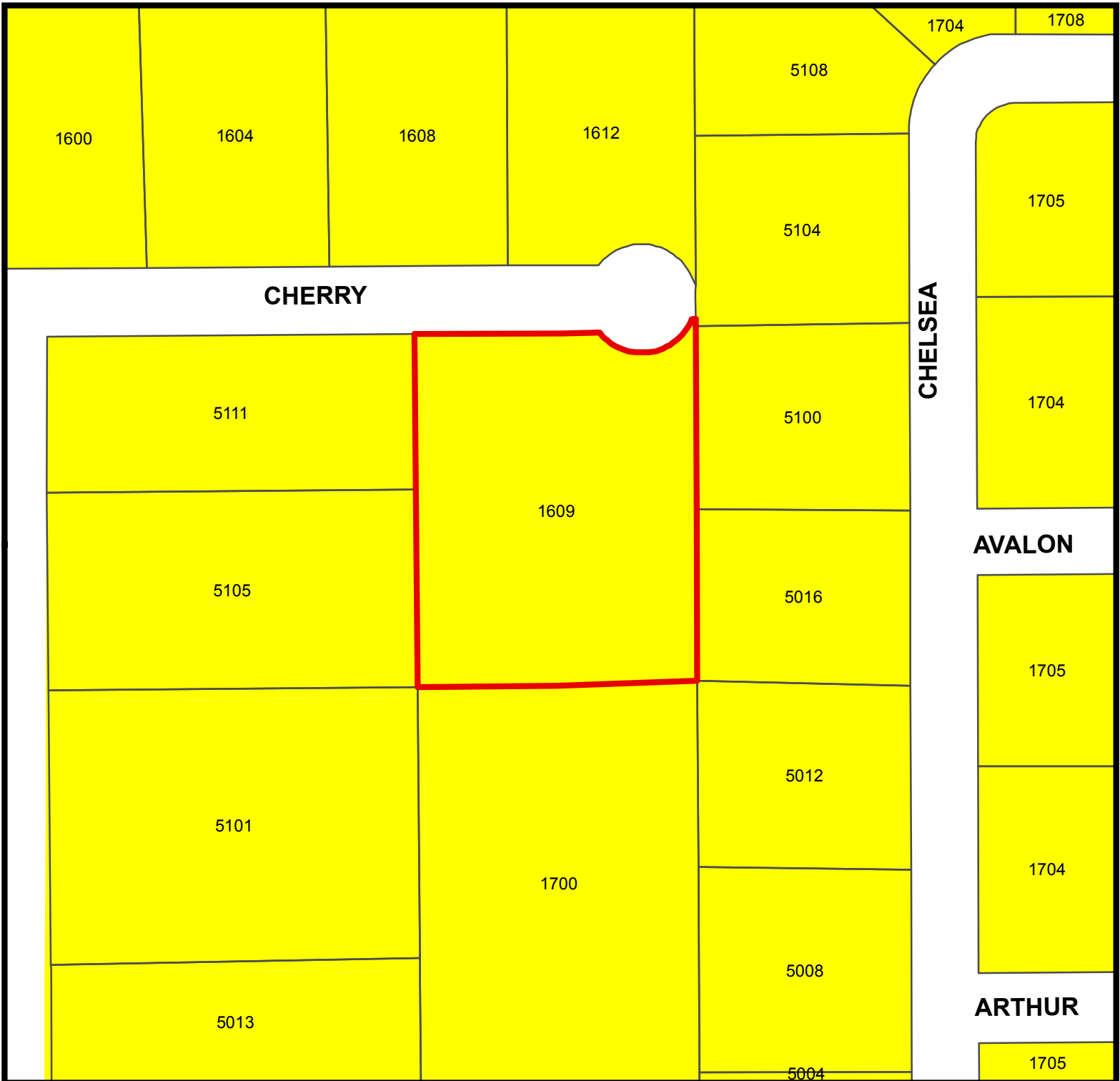
1 inch = 104 feet

Vicinity Map



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FUTURE LAND USE MAP



ZC17-005

1609 CHERRY LANE



Subject Property



RESIDENTIAL



1 inch = 104 feet

Vicinity Map



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Statement of Planning Objectives

ZONING CHANGE REQUEST

We would like to request the following zoning change on the property located at 1609 Cherry Lane, Colleyville, per Plat N. 90.00.00" E 104.50', Lot 26, Lot 27, Community Home Addition.

Per the City of Colleyville, Lot 26 & 27 of Community Home Addition is "A Lot of Record that each can be developed separately".

Lots 10-27 of Community Home Addition shown on the attached are all less square footage than R-40 requires, with the exception of two lots.

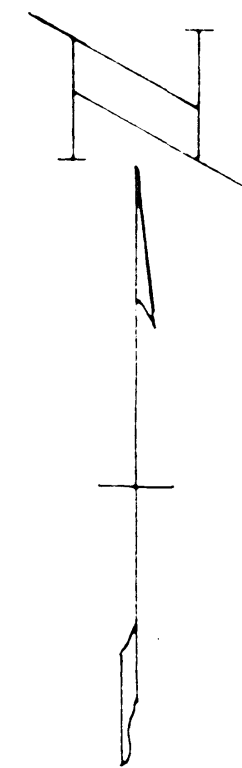
Lot 26 is 27,566 sq ft, but is zoned R40.

Lot 27 is 27,355 sq ft, but is zoned R40.

We are requesting a zoning change from R-40 to R-20, to enable us to build a house, standard with the adjoining neighbor properties.

The total slab of the proposed house is approximately 6566 sq ft.

We are requesting a zoning change to enable us to build from 20% lot coverage to 30% lot coverage.



SCALE: 1" = 200'

APPROVED 1952

GRAPEVINE, TEXAS

BY W. H. H. H. H. MAYOR

BY SECRETARY

AUTHORIZED BY ORDER OF THE
COMMISSIONERS COURT OF
TARRANT COUNTY, TEXAS.

THIS 24th DAY OF May 1952

MELVIN (MEL) FAULK
COUNTY CLERK

BY an entry
CLERK OF COMM COURT

G.W. TEETER SURVEY

PLAT SHOWING

LOTS 1 - 27

COMMUNITY HOME ADDITION

TO

GRAPEVINE, TARRANT COUNTY, TEXAS

SURVEYED APRIL, 1952

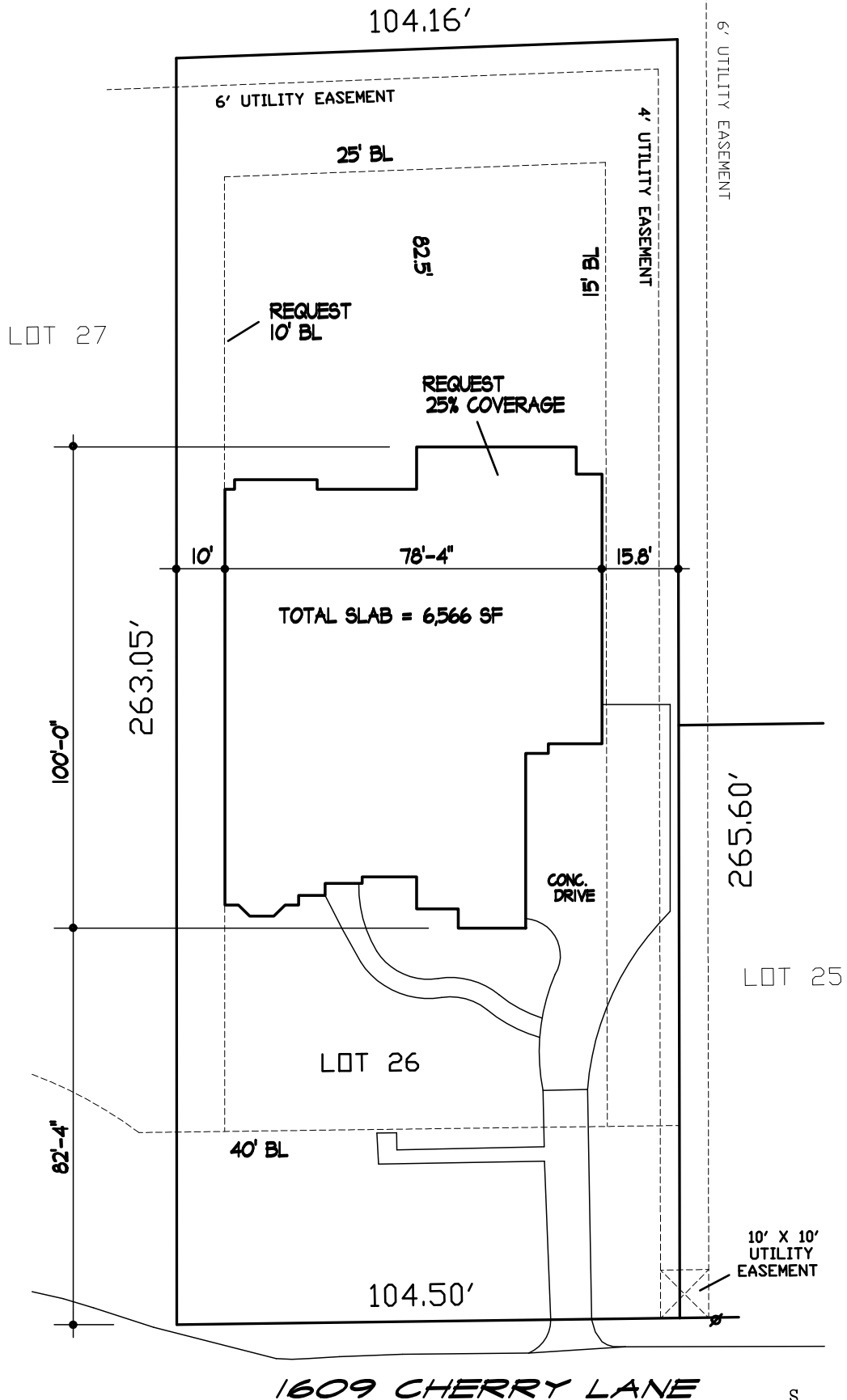
BY

FRANK H. PAYNE & ASSOC
CIVIL ENGINEERS



Plat Record Volume
388 - R
page 40
perched 1952

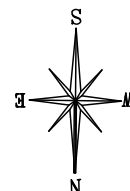
Original Request - Proposed Site Plan



PLOT PLAN

SCALE: 1"=30'

LOT 26
COMMUNITY HOME ADD'N
COLLEYVILLE, TEXAS



SURROUNDING LOT SIZES



1 inch = 250 feet

ZC17-005

1609 CHERRY LANE

Subject Property

Lot_Size

- Greater than 40,000 sq. ft.
- 30,000-39,999 sq. ft.
- Less than 30,000 sq. ft.

Vicinity Map



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Letters of Opposition

March 28, 2017

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

RE: Zoning Case ZC17-005;1609 Cherry Lane Colleyville, TX

To Whom It May Concern:

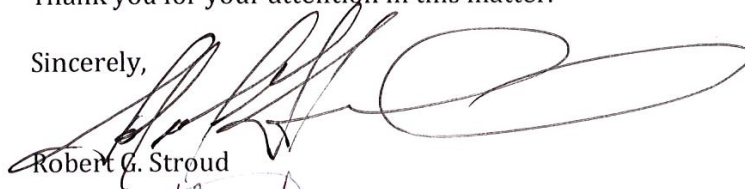
This letter is in regards to rezoning of the above property; We live at 5101 Rose Street; We have lived there for 11 years. The back of our property backs up partially to 1609 Cherry Lane; so it is within 200 feet of this property. Our names are Robert and Joyce Stroud.

This letter is to serve as our written protest to the requested zoning change from R-40 single family residential district to R-20 single family residential district;

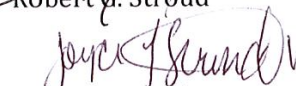
Doing this will ruin the entire feel of our "Community Addition". The trees alone that will be destroyed will be very sad. Your approval of the change on Cherry Street and Bluebonnet has caused enough change, not counting the "Preservation" subdivision.

Thank you for your attention in this matter.

Sincerely,



Robert G. Stroud



Joyce L. Stroud



Letters of Opposition

March 29, 2017

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

Ref: Zoning Case ZC17-005, 1609 Cherry Lane, Colleyville, TX
Lots 26 and 27 of the Community Home Addition

To Whom It May Concern:

My name is Matt & Suzy Speight

I live at 1504 Cherry Ln
Colleyville, TX

Please let this serve as our written protest to the requested zoning change from R-40 Single Family Residential district to R-20 Single Family Residential district for the subject property.

Thank you for your consideration.

Suzy Speight
Signature

Matt Speight
Signature



Letters of Opposition

Dean Phillips
Box 210445
Bedford, Texas 76095

March 29 2017

Community Development Department

City of Colleyville
100 Main Street
Colleyville, Texas 76034

Subject: Zoning Case ZC17-005; 1609 Cherry Lane, Colleyville, Texas

Dear Director of Zoning and planning:

Our property is within 200 ft of 1609 Cherry Lane.

This is **a formal written protest** to the requested zoning change from R-20 Single Family Residential district for the subject property.

It would be very beneficial to the City of Colleyville, the citizens of Colleyville, and for future residents;

1. To have a universal zoning plan for all communities to reduce and potentially eliminate:

100's of hours of planning, hearings

Risk of litigation

on projects that are refused by the city.

2. And Provide a better pathway for economic development and future growth for the city for all real estate owners and investors in the real-estate of Colleyville.

Regards,

Dean Phillips, Sara Phillips
1604 Cherry

Dean Phillips
Sara Phillips



Letters of Opposition

March 28, 2017

Community Development Department
City of Colleyville
100 Main St
Colleyville, TX 76034

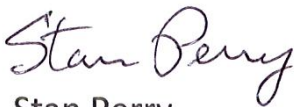
Subject: Zoning Case ZC17-005; 1609 Cherry Lane, Colleyville, TX.

To Whom It May Concern:

My name is Stan Perry. My wife, Carol, and I live at 5111 Rose Street, Colleyville, TX. Our property backs up to the property at 1609 Cherry Lane and, therefore, is definitely within 200 ft of the subject property. Please let this serve as our written protest to the requested zoning change from R-40 Single Family Residential district to R-20 Single Family Residential district.

When we purchased our lot over 10 years ago we researched the zoning, and we were happy to find that it was R-40 which allowed us to build the house we wanted with adequate spacing around it. It also affected our expectations for the potential changes we might see in our neighborhood and the spacing we could expect around and in front of the houses which might be constructed in the future.

Thank you for your consideration,


Stan Perry


Carol Perry



Letters of Opposition

March 29, 2017

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

Ref: Zoning Case ZC17-005, 1609 Cherry Lane, Colleyville, TX
Lots 26 and 27 of the Community Home Addition

To Whom It May Concern:

My name is Dana N. and Patti R. Harrington

I live at 5012 CHELSEA DRIVE
Colleyville, TX

Please let this serve as our written protest to the requested zoning change from R-40 Single Family Residential district to R-20 Single Family Residential district for the subject property.

Thank you for your consideration.

Dana N. Harrington
Signature

Patti R. Harrington
Signature



Letters of Opposition

March 28, 2017

Community Development Department
City of Colleyville
100 Main St
Colleyville, TX 76034

Subject: Zoning Case ZC17-005; 1609 Cherry Lane, Colleyville, TX.

To Whom It May Concern:

My name is Mary Alice King
I live at 5016 Chelsea Dr

Colleyville, TX

Our property is within 200 ft of 1609 Cherry Lane.

Please let this serve as our written protest to the requested zoning
change from R-40 Single Family Residential district to R-20 Single Family
Residential district for the subject property

Thank you for your consideration,

Signature Mary Alice King



Letters of Opposition

March 28, 2017

Community Development Department
City of Colleyville
100 Main St
Colleyville, TX 76034



Subject: Zoning Case ZC17-005; 1609 Cherry Lane, Colleyville, TX.

To Whom It May Concern:

My name is Brian Hickey

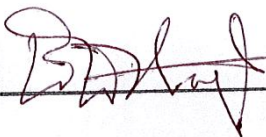
I live at 5100 Chelsea

Colleyville, TX

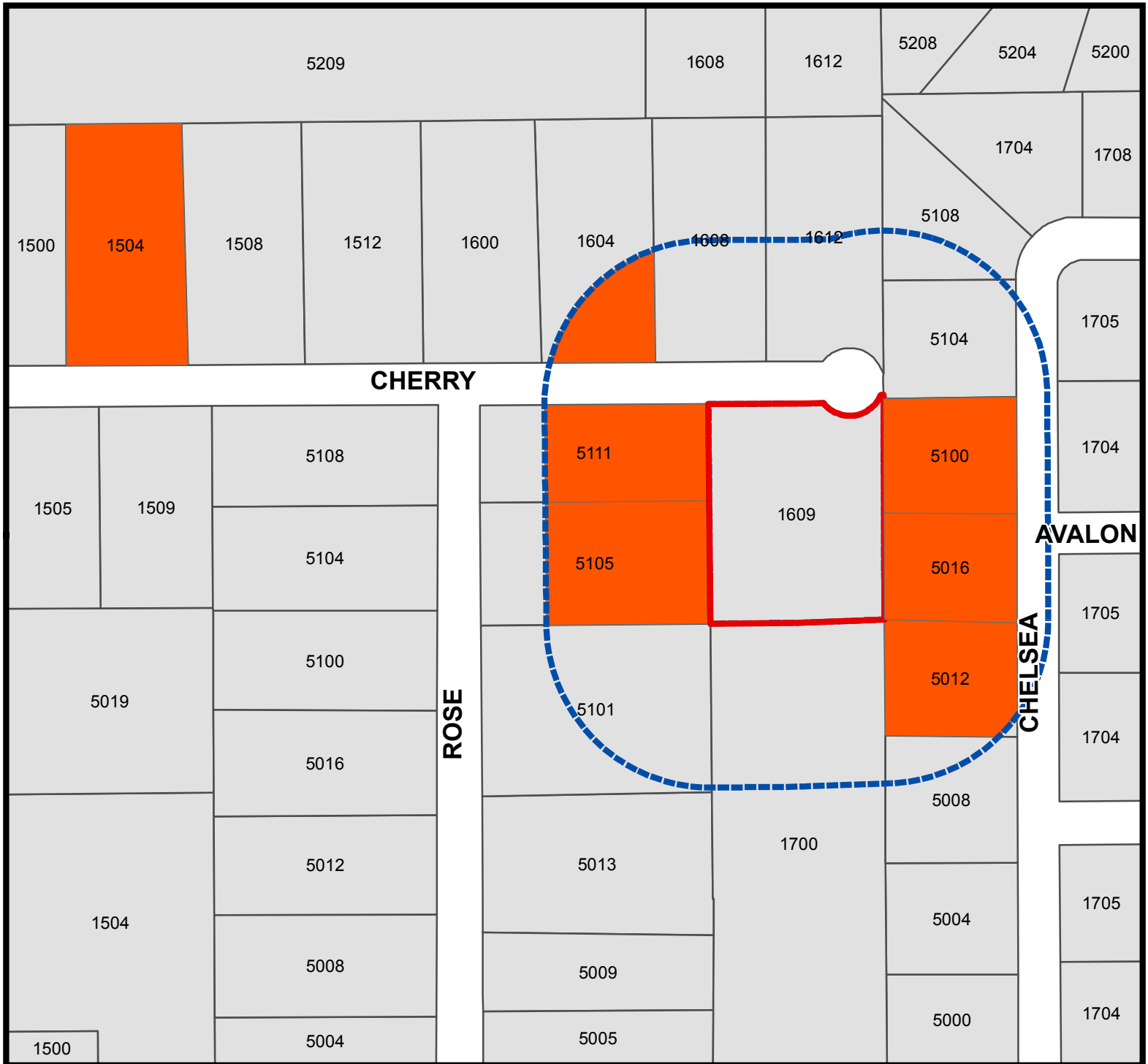
Our property is within 200 ft of 1609 Cherry Lane.

Please let this serve as our written protest to the requested zoning
change from R-40 Single Family Residential district to R-20 Single Family
Residential district for the subject property

Thank you for your consideration,

Signature 

OPPOSITION MAP



1 inch = 171 feet

ZC17-005

1609 CHERRY LANE



Subject Property



Opposition Area



Parcels Opposed

Vicinity Map



Total Land Area in Buffer (Includes R.O.W): 320440 Sq Ft /15.18 Total Acres
Total Land Area Opposed (within 200 ft Notice Area): 131,960 Sq Ft/ 3.02 Total Acres
Percent of Land Opposed (within the 200 ft. Notice Area): 41.18%

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Legal Notice

March 24, 2017

SENT VIA EMAIL on Friday, March 24, 2017

Christine Lopez
Legal Notices
Fort Worth Star-Telegram
400 W. Seventh Street
Fort Worth, TX 76102

Dear Christine:

Please publish and furnish an affidavit (N.E. Section):
Saturday, March 25, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 4/10/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-005 - Consideration of a zoning change from the R40-Single Family Residential zoning district to the R20-Single Family Residential zoning district on Lots 26 and 27, of the Community Home Addition, located at 1609 Cherry Lane

The City Council will hold a Public Hearing on the above items on 5/02/17 and 5/16/17 at 7:30 p.m. at City Hall, 100 Main Street, Colleyville, Texas.

All interested citizens will be given the opportunity to speak and be heard.

CITY OF COLLEYVILLE



Araceli Botello
Planning Technician

Property Owner Notification



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC17-005

Applicant: Colin and Janice Travis

Location: 1609 Cherry Lane

Property Description: Lots 26 and 27, of the Community Home Addition

Present Zoning: R40- Single Family Residential District

Request: Consideration of a zoning change from the R-40 Single Family Residential district to the R-20 Single Family Residential district

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, April 10, 2017 at 7:00 p.m.
City Council Meeting: Tuesday, May 2, 2017 & Tuesday, May 16, 2017 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

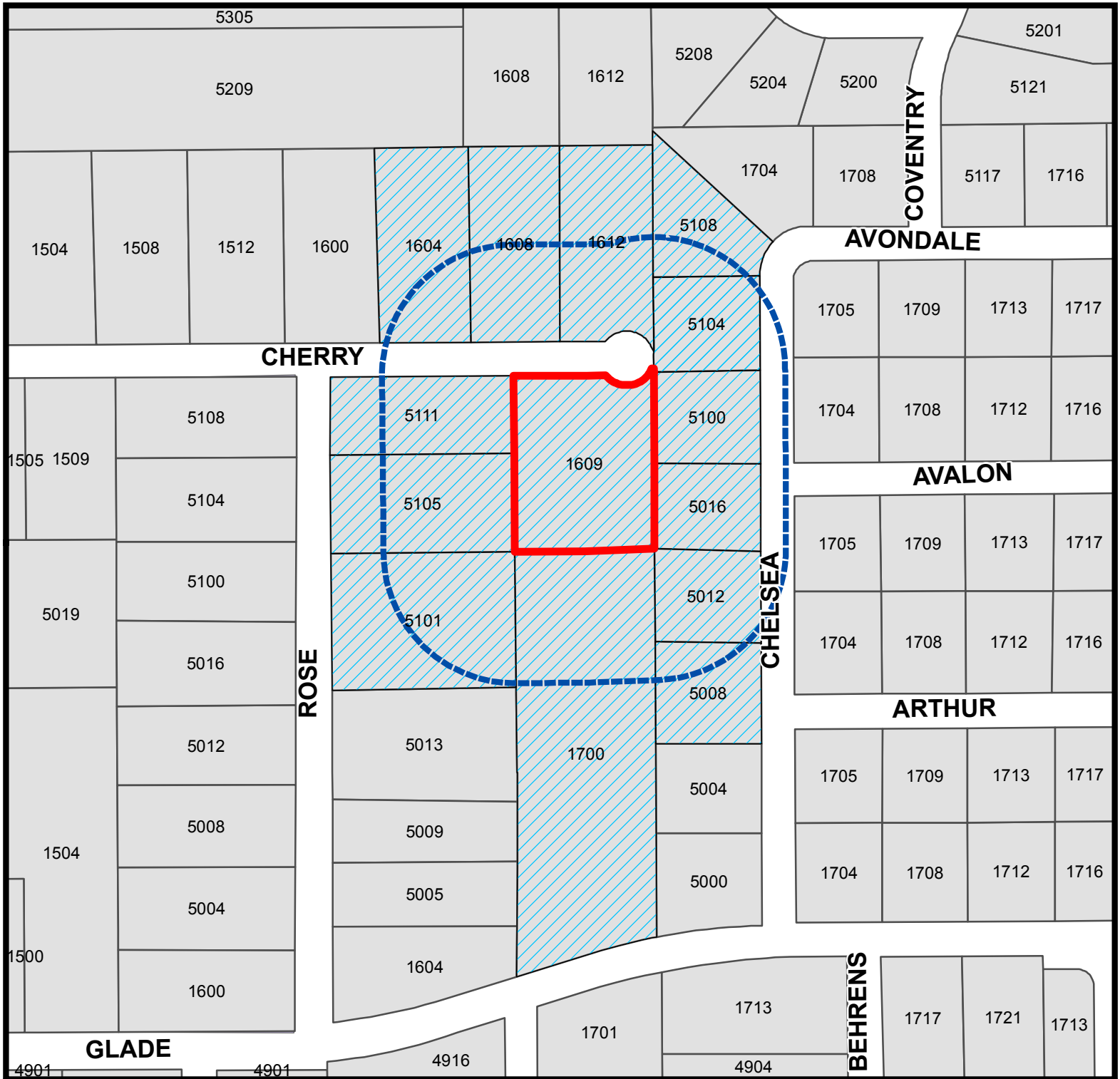
**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Shane Pace
Principal Planner
space@colleyville.com

NOTIFICATION MAP



ZC17-005

1609 CHERRY LANE

-  Subject Property
-  200ft Buffer
-  Properties within 200ft



1 inch = 208 feet

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
HERRON, DAVID	5105 ROSE ST	COLLEYVILLE, TX	76034	5105 ROSE ST
PAYNE, ELEANOR MARIE	6983 COX LN	NORTH RICHLAND HILLS, TX	76182	1609 CHERRY LN
HARRINGTON, D NEAL	5012 CHELSEA DR	COLLEYVILLE, TX	76034	5012 CHELSEA DR
DUCIC, YADRANKO	1700 GLADE RD	COLLEYVILLE, TX	76034	1700 GLADE RD
HICKEY, BRIAN DOUGLAS	5100 CHELSEA DR	COLLEYVILLE, TX	76034	5100 CHELSEA DR
PERRY, STAN	5111 ROSE ST	COLLEYVILLE, TX	76034	5111 ROSE ST
ROGERS, NANCY JO	1612 CHERRY LN	COLLEYVILLE, TX	76034	1612 CHERRY LN
MANGHAM, WEBSTER M	5008 CHELSEA DR	COLLEYVILLE, TX	76034	5008 CHELSEA DR
STROUD, ROBERT G	5101 ROSE ST	COLLEYVILLE, TX	76034	5101 ROSE ST
MILLER, TRACY S	5108 CHELSEA DR	COLLEYVILLE, TX	76034	5108 CHELSEA DR
ROGERS, NANCY	1612 CHERRY LN	COLLEYVILLE, TX	76034	1608 CHERRY LN
PHILLIPS, DEAN F	PO BOX 610411	DALLAS, TX	75261	1604 CHERRY LN
KING, MARY	5016 CHELSEA DR	COLLEYVILLE, TX	76034	5016 CHELSEA DR
BURAL, LYNN	5104 CHELSEA DR	COLLEYVILLE, TX	76034	5104 CHELSEA DR
FIRST ELB LIMITED INC	5104 CHELSEA DR	COLLEYVILLE, TX	76034	5104 CHELSEA DR
CHELSEA PARK HOA	1816 AVONDALE DRIVE	COLLEYVILLE, TX	76034	COURTESY NOTICE
TRAVIS, COLIN AND JANICE	4701 JIM MITCHELL TR. WEST	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, March 24, 2017 by Araceli Botello

ORDINANCE O-17-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 1.29 ACRES, LOTS 26 AND 27 OF THE COMMUNITY HOME ADDITION LOCATED AT 1609 CHERRY LANE, FROM THE R-40 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE R-20 SINGLE FAMILY RESIDENTIAL 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 ZC17-005; 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 1.29 acres, Lots 26 and 27 of the Community Home Addition, located at 1609 Cherry Lane, from the R-40 Single Family Residential district to the R-20 Single Family Residential 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 6th day of December 2016.

The second reading and public hearing being conducted on the 20th day of December 2016.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 20TH DAY OF DECEMBER 2016.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 2, Bobby Lindamood	_____	Place 6, Mike Taylor	_____
Place 4, Jody Short	_____		

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whit Wyatt
City Attorney

Exhibit "A"- Zoning Map

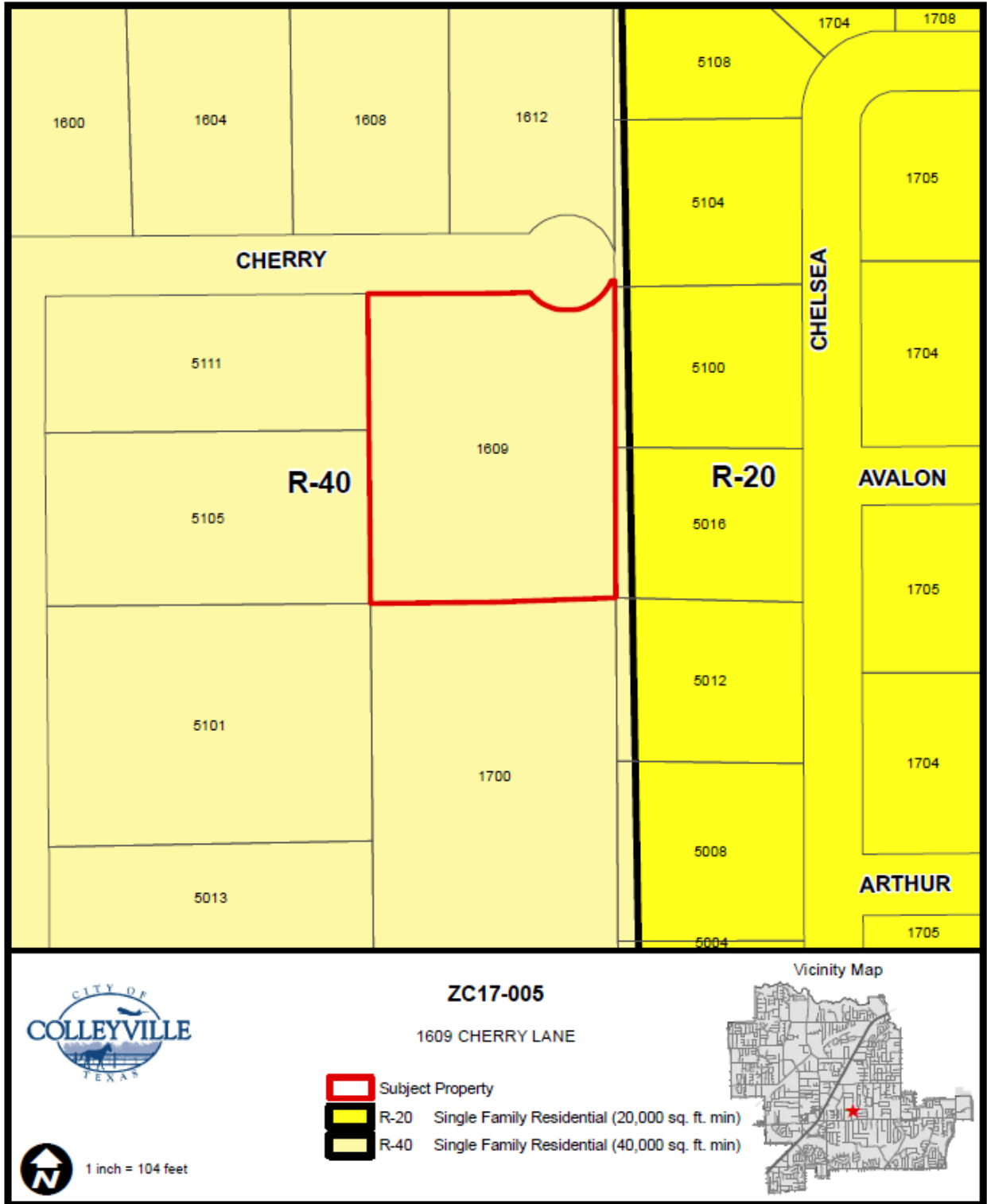


Exhibit "B"- Metes & Bounds Description

BEING a 1.229 acre tract situated in the D. R. Blanton Survey, Abstract Number 233, in the City of Colleyville, Tarrant County, Texas, and being all of Lot 26 and Lot 27, Community Home Addition, an addition to the City of Grapevine, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-R, Page 40 of the Plat Records of Tarrant County, Texas (PRTCT), and being that certain tract of land described by deed to Colin Travis and Janice Travis, as recorded in/under Document Number D217034754 of the Official Public Records of Tarrant County, Texas (OPRTCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/4 inch iron rod found for the northwest corner of the herein described tract, also being the northwest corner of said Lot 26, and the northeast corner of Lot 25 of said Community Home Addition, said point being in the south right-of-way line of Cherry Lane, having a 60 foot wide right-of-way;

THENCE North 89 degrees 39 minutes 43 seconds East, with the north line of the herein described tract and the south right-of-way line of said Cherry Lane, passing a 1/2 inch iron rod with a red cap marked "B&D Surveying" found for the northeast corner of said Lot 26 and the northwest corner of the aforementioned Lot 27 at a distance of 104.50 feet, continuing for a total distance of 127.70 feet to a PK Nail set in asphalt for corner, being at the beginning of a non-tangent curve to the left having a radius of 50.00 feet, with a central angle of 102°55'36", whose long chord bears N89°17'29"E at a distance of 78.22 feet;

THENCE continuing with the south line of said Cherry Lane and the north line of the herein described tract, also being the north line of said Lot 27, an arc length of 89.82 feet to a 60D Nail found for the northeast corner of the herein described tract, also being the northeast corner of said Lot 27, and being in the west line of Lot 6, Block 1, Chelsea Park, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in/under Volume 68, Page 1, PRTCT;

THENCE South 00 degrees 20 minutes 17 seconds East, with the east line of the herein described tract, also being the east line of said Lot 27, and with the west line of said Block 1 of said Chelsea Park subdivision, a distance of 260.97 feet to a 1/2 inch iron rod with a red cap marked "B&D Surveying" found for the southeast corner of the herein described tract, also being the southeast corner of said Lot 27, being in the west line of Lot 5 of said Block 1 and being the northeast corner of that certain tract of land described by deed to Yadranko Ducic, as recorded in/under Document Number D213121509, OPRTCT;

THENCE departing the west line of said Lot 5, Block 1, South 88 degrees 15 minutes 29 seconds West, with the south line of the herein described tract and the north line of said Yadranko Ducic tract, passing a 3/4 inch iron pipe found for the southwest corner of said Lot 27 and the southeast corner of the aforementioned Lot 26 at a distance of 104.82 feet, continuing for a total distance of 208.98 feet to a 5/8 inch iron rod found for the southwest corner of the herein described tract, also being the southwest of said Lot 26, the northwest corner of said Yadranko Ducic tract, and being in the east line of Lot 23A, Community Home Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in/under Cabinet A, Slide 9513, PRTCT;

THENCE North 00 degrees 18 minutes 27 seconds East, with the west line of the herein described tract, also being the west line of said Lot 26, and with the east line of said Lot 23A and continuing with the west line of the aforementioned Lot 25, a distance of 265.60 feet to the **POINT OF BEGINNING**, containing 1.229 acres or 53,544 square feet of land, plus or minus.