



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, May 8, 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 ELMS
PLEDGE OF ALLEGIANCE**

1. APPROVAL OF MINUTES

April 10, 2017

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

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a zoning change from the AG-Agricultural zoning district to the R20-Single Family Residential zoning district on Tract 2A, Abstract 1692, in the Joseph White Survey, located at 816 Shelton Drive, Case ZC17-003
- 3b** Consideration for approval of amendments to the Land Development Code regarding a proposed requirement that newly installed utilities be underground; specifically Chapter 9 – Subdivision Design & Public Facilities, Section 9.17 Street Design Criteria, proposed Section 9.18 Easements, proposed Section 9.19 Private Utilities, and Chapter 14 – Engineering Design Standards, Section 14-175 Miscellaneous, Case GC17-015

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, May 5, 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

City Hall
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Monday, April 10, 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 April 10, 2017, at 7:08 p.m.

Roll Call

Present: Commissioners Susan Mathisen, Sam van Bever, George Dodson, John Frazier, and Jason Elms

Absent: Commissioner Veronica Baughman and Charles Kelley

Staff Present: Ben Bryner, Shane Pace, Fire Chief Brian Riley, Oscar Chavez, Taylor Schauwecker, Robert McKeown, Araceli Botello, and Assistant City Attorney Victoria Thomas

1. SWEARING IN OF NEWLY APPOINTED MEMBERS

Araceli Botello swore in newly appointed member John Frazier, Place 6

2. APPROVAL OF MINUTES

Commissioner van Bever made a motion to approve the March 13, 2017 minutes. Commissioner Mathisen seconded.

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

Aye: 5 – Mathisen, van Bever, Dodson, Frazier, and Elms

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

There were no 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 & CRY Survey, located at 5300 Pleasant Run Road, Case PC17-003

Shane Pace presented the case and briefed the Commission.

Commissioner Elms questioned staff regarding the easement for the fire lane access to the north of the subject property. Staff responded that they could not confirm if the easement had been signed off and filed with the county, but the applicant could respond to the question.

The applicant, Olanrewaju Sobo, 605 Cherry Tree Drive, Keller, came forward and briefed the commission.

Commissioner Elms questioned applicant regarding the status of the easement for the fire lane access. Applicant responded that he believed the easement document was signed and filed three weeks ago.

Chairman Dodson questioned applicant regarding the building being two story. Applicant confirmed.

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

There being no one present wishing to speak, the public hearing was closed at 7:21 p.m.

Commissioner Elms made a motion to approve Case PC17-003 with the condition that the applicant submit the recorded fire lane easement prior to the filling of the plat. Commissioner Mathisen seconded.

The motion to approve Case PC17-003 with the condition that the applicant submit the recorded fire lane easement prior to the filing of the plat carried by the following vote:

Aye: 5 – Mathisen, van Bever, Dodson, Frazier, and Elms

5. PUBLIC AGENDA ITEMS

- 5a** Consideration of a Special Use Permit for Automotive and Motor Vehicle Sales on Lot 2R, Block 1, of the Nystel Addition, located 1821 John McCain Road, Case ZC17-004

Shane Pace presented the case and briefed the Commission.

Commissioner Elms question staff regarding the surface of the adjacent property, on 1815 John McCain Road. Staff responded the adjacent property is paved in concrete.

Commissioner Frazier questioned staff regarding the requirements of the current Special Use Permit for a paved surface on the adjacent property, at 1815 John McCain. Staff responded pavement was required based on the land use, and not a condition of the Special Use Permit. Commissioner Frazier questioned staff regarding the ordinance not permitting gravel or car sales on the subject property. Staff responded there are two ordinances, the existing ordinance for 1815 John McCain, and the proposed draft ordinance in the agenda packet. Commissioner Mathisen made a notation that the existing ordinance for 1815 John McCain Road (2012) does not speak to pavement being a requirement.

Discussion continued regarding the type of surface required on the property.

Chairman Dodson questioned staff regarding the requirement for screening. Staff confirmed, screening is a requirement.

Commissioner Frazier questioned staff regarding whether the request for the Special Use Permit was for vehicle sales or vehicle storage. Staff responded that it was determined vehicle sales was the appropriate designation based on the definition for vehicle sales area. Staff added that there is no specific Special Use Permit for vehicle storage. Chairman Dodson made a notation that it would be up to City Council to make a determination on the appropriate type of use. Staff confirmed.

Discussion continued on the property's use.

The applicant, Andy Gardner, 4203 Mockingbird Lane, came forward and briefed the commission.

Commissioner Elms questioned the applicant regarding the term of the lease. The applicant responded he has 5 months left on the lease and the opportunity to renew for a year.

Commissioner Elms questioned applicant regarding the access to the property. Applicant responded there are two gates, one connects to his property's office and the main gate on the opposite side of the property by the large building.

Commissioner Mathisen questioned applicant regarding the current use for the property. Applicant responded that he is using the property for storage of vehicles.

Commissioner Elms questioned applicant regarding the number of times cars are moved on the property. Applicant responded that they move one, two, or three vehicles about two or three times a day. Commissioner Elms questioned applicant regarding dust on the property. Applicant responded that there is dust, but it does not create a nuisance.

Chairman Dodson questioned applicant regarding gravel on the adjacent properties to the subject property. Applicant confirmed that the properties adjacent to the subject property have gravel on their lots.

Commissioner Mathisen questioned the applicant regarding the requirements for the Special Use Permit. The applicant responded that he would have to meet with the landlord to discuss the requirement, especially with money to invest on a short term lease. Commissioner Mathisen questioned the applicant regarding landscaping the front of the property. The applicant responded he had previously been required for 1815 John McCain Road, but the area is in the driveway easement that belongs to the City and would require him to install an irrigation system.

Discussion continued regarding landscaping requirements of the Special Use Permit.

Commissioner Elms questioned staff regarding the term of a Special Use Permit. Staff responded that a Special Use Permit expires upon the termination of the existing business, and the next use or owner would be required to apply for a Special Use Permit. Staff added the permit can be conditioned for a period of time and then enforce the requirements or return to the Planning and Zoning Commission to revisit the case.

Discussion continued regarding the term of conditions for the Special Use Permit.

The public hearing was opened at 7:57 p.m.

There being no one present wishing to speak, the public hearing was closed at 7:57 p.m.

Commissioner Elms opened discussion regarding establishing a term to meet the requirements of the Special Use Permit. Staff confirmed that a term can be added to the Special Use Permit establishing when requirements need to be completed.

Commissioner Mathisen made a notation to address the type of screening that would be required. Staff responded that the draft ordinance provides a starting point of requirements of a Special Use Permit for discussion.

Commissioner van Bever made a notation that holding the applicant to a standard that is not enforced of other adjacent properties would be inequitable. Commissioner Elms added the distinguishing factor is this that this is a new business and needs to meet the landscaping requirements of a new business.

Discussion continued regarding landscaping requirements.

Commissioner Mathisen made a motion to approve the Special Use Permit for Case ZC17-004 with the condition that within 18 months of this ordinance being approved by the City Council, landscaping shall be provided in the right-of-way adjacent to the property; where one 18 inch shrub or 5 gallon plant will be placed for each 5 feet of street frontage. Commissioner Elms seconded.

The motion to approve the Special Use Permit for Case ZC17-004 with the condition that within 18 months of this ordinance being approved by the City Council, landscaping shall be provided in the right-of-way adjacent to the property; where one 18 inch shrub or 5 gallon plant will be placed for each 5 feet of street frontage carried by the following vote:

Aye: 5 – Mathisen, van Bever, Dodson, Frazier, and Elms

5b Consideration of a zoning change from the R-40-Single Family Residential zoning district to the R-20-Single Family Residential zoning district on Lots 26 and 27, of the Community Home Addition, located at 1609 Cherry Lane, Case ZC17-005

Shane Pace presented the case and briefed the Commission.

The applicant, Collin Travis, 4701 Jim Mitchel Trail W, came forward and briefed the commission.

Commissioner Elms questioned applicant regarding the plan for the second lot, Lot 27. Applicant responded that there is no current plan for Lot 27.

Commissioner Mathisen questioned applicant regarding the location of the existing home. The applicant responded that the home is located on Lot 26 and Lot 27 has a large barn. Commissioner Mathisen questioned applicant if the home encroaches on Lot 27. Applicant responded the house is located on Lot 26.

Commissioner Elms questioned staff if the use is legal non-conforming at this time at ten feet from the property line. Staff confirmed and clarified that

staff was under the impression that construction would span over both of lots.

Chairman Dodson questioned staff if the current zoning for both lots are R-40. Staff confirmed. Chairman Dodson questioned staff if the request for is both lots to be zoned R-20. Staff confirmed. Staff added the request is based on the lots being approximately 27,500 square feet each and the applicant is the single property owner.

Commissioner Elms questioned staff about re-zoning only the property that will be constructed on. Staff responded it is possible since both of the lots were noticed under one address.

Commissioner Mathisen questioned staff about both lots being address under one address. Staff confirmed and added it is addressed based on the Tarrant County Appraisal District taxing it as one lot based on the one home on both lots, where parcel information is taken from the Tarrant Appraisal District.

Chairman Dodson questioned staff if the property is listed as 52,000 square feet roughly. Staff confirmed.

The public hearing was opened at 8:37 p.m.

Kathleen Hennessey, 5013 Stonebridge Drive, came forward and spoke in opposition to the case. Ms. Hennessey addressed concerns regarding the cul-de-sac being out of standard and two gates off Chelsea Park built into the cul-de-sac that create vandalism, trespassing, and damages to trees.

Stan Perry, 5111 Rose Street, came forward and spoke in opposition to the case. Mr. Perry addressed concerns regarding the proposed house will be built closer to his property.

Nancy Rogers, 1612 Cherry Lane, came forward and spoke in opposition to the case. Ms. Rogers addressed concerns of keeping the consistency of the homes in the neighborhood, cul-de-sac, and drainage issues.

The following people wished to record their support but did not wish to speak:

Opposition:

Dan Winters, 5012 Rose Street

Nancy Rogers, 1612 Cherry Lane

There being no one present wishing to speak, the public hearing was closed at 8:52 p.m.

Commissioner Elms made a notation regarding the lots being legally platted in order to build a home, and the request presented is for the adjustment of the setbacks and buildable area. Commissioner Elms questioned staff regarding the current zoning's requirement effect on the subject property's square footage for buildable area. Staff responded that the plat is a legal non-conforming lot and the percentage of the buildable area allowed for the current zoning penalizes the lot for being a smaller lot, creating less of a buildable area.

Discussion continued regarding the request of the applicant for adjustment of setbacks and buildable area.

Commissioner Frazier questioned staff regarding the potential of other properties in similar circumstance to request a rezoning from R-40 to an R-20. Staff confirmed.

Chairman Dodson questioned staff whether the request will allow for these properties to be divided. Staff confirmed that it does not allow for the division of the properties.

Commissioner Mathisen questioned staff regarding the applicant's request for a variance. Staff pointed out to the exhibits regarding the applicant's request for variance.

Discussion continued regarding the applicant's initial request for a variance.

Commissioner van Bever questioned staff regarding the possibility of Lot 26 taking 5 feet from Lot 27. Staff responded the property would need to be replatted and this would create more complexities for the applicant.

The public hearing was re-opened at 8:58 p.m.

Mary Alice King, 5016 Chelsea Drive, came forward and spoke in opposition to the case. Ms. King addressed concerns of drainage issues.

There being no one else present wishing to speak, the public hearing was closed at 9:01 p.m.

Chairman Dodson made a motion to deny Case ZC17-005. Commissioner Elms seconded.

The motion to deny Case ZC17-005 carried by the following vote:

Aye: 4 – Mathisen, van Bever, Dodson, and Elms

Nay: 1 – Frazier

6. ADJOURMENT

The meeting adjourned at 9:08 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
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Agenda Number 3a	Agenda Date 05/08/2017	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a zoning change from the AG-Agricultural zoning district to the R20-Single Family Residential zoning district on Tract 2A, Abstract 1692, in the Joseph White Survey, located at 816 Shelton Drive, Case ZC17-003

Explanation

Jeff Avery, the applicant, has submitted a request to rezone approximately 0.57 acres, located at 816 Shelton Drive, from the AG-Agricultural zoning district to the R-20 Single Family Residential zoning district. The applicant is seeking a zoning change in order to create one single family residential lot for future residential development.

Existing Conditions/Background: The subject property is currently unplatted. The applicant has indicated the intent to construct a new single family home on the subject property and has submitted a minor plat application which is pending approval contingent on the rezoning request.

Proposed Zoning Change:

Request – The applicant is requesting a zoning change from the AG-Agricultural zoning district to the R-20 Single Family Residential zoning district to create one single family residential lot.

Ordinance – Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-20 district 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: 30 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 is conceptual in nature and not up for consideration as part of the zoning request. However, the conceptual exhibit proposes one lot 20,792 square feet, or 0.48 net acres. This conceptual plan appears to meet the R-20 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 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 – Although the zoning designations for the majority of the adjacent properties are AG-Agricultural zoning district and R-40 Single Family Residential zoning district, the subject property is more closely aligned with the R-20 district. The proposed conceptual zoning exhibit meets the minimum standards for the R-20 district, and the subject property is limited in developable area due to existing development on the adjacent properties.

Surrounding Development: The properties to the north and west are zoned AG-Agricultural zoning district and developed with single family homes. The property to the east is zoned AG-Agricultural zoning district and is home to Pleasant Run Baptist Church. The properties to the south are zoned R-40 Single Family Residential zoning 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 density is 2.08 dwelling units per net acre. While the requested zoning change exceeds the net density policy of 1.8 dwelling units per acre, the lot is consistent with the general density policy stated in the Comprehensive Plan:

"...each residential project shall have a minimum lot size of 20,000 square feet and no more than 2 dwelling units per gross acre."

Fees: Park Land Dedication fees are required in the amount of \$1,802 per residential lot. 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: Any future subdivision 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 Friday, April 21, 2017 regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* on Saturday, April 22, 2017 as required by State law and the Land Development Code. To date, no correspondence has been received.

Staff Recommendation: The proposed zoning change is generally consistent with the City's comprehensive plan. Although the requested R-20 district is not the same as the surrounding AG-Agricultural and R-40 district designations, the R-20 district is only compatible zoning district for this property. The development of the adjacent properties limits the land area available for development. Furthermore, the applicant has submitted a minor plat which meets the requirements of the R-20 district which solidifies the intent to create one lot for single family residential development. Staff recommends approval of the proposed rezoning request.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Zoning Exhibit
5. Notification Map
6. Notification List
7. Property Owner Notification
8. Legal Notice
9. Draft Ordinance

AERIAL MAP



ZC17-003

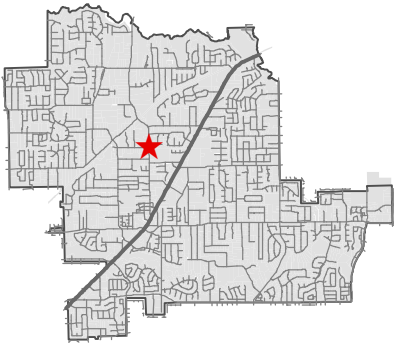
816 SHELTON DRIVE

 Subject Property



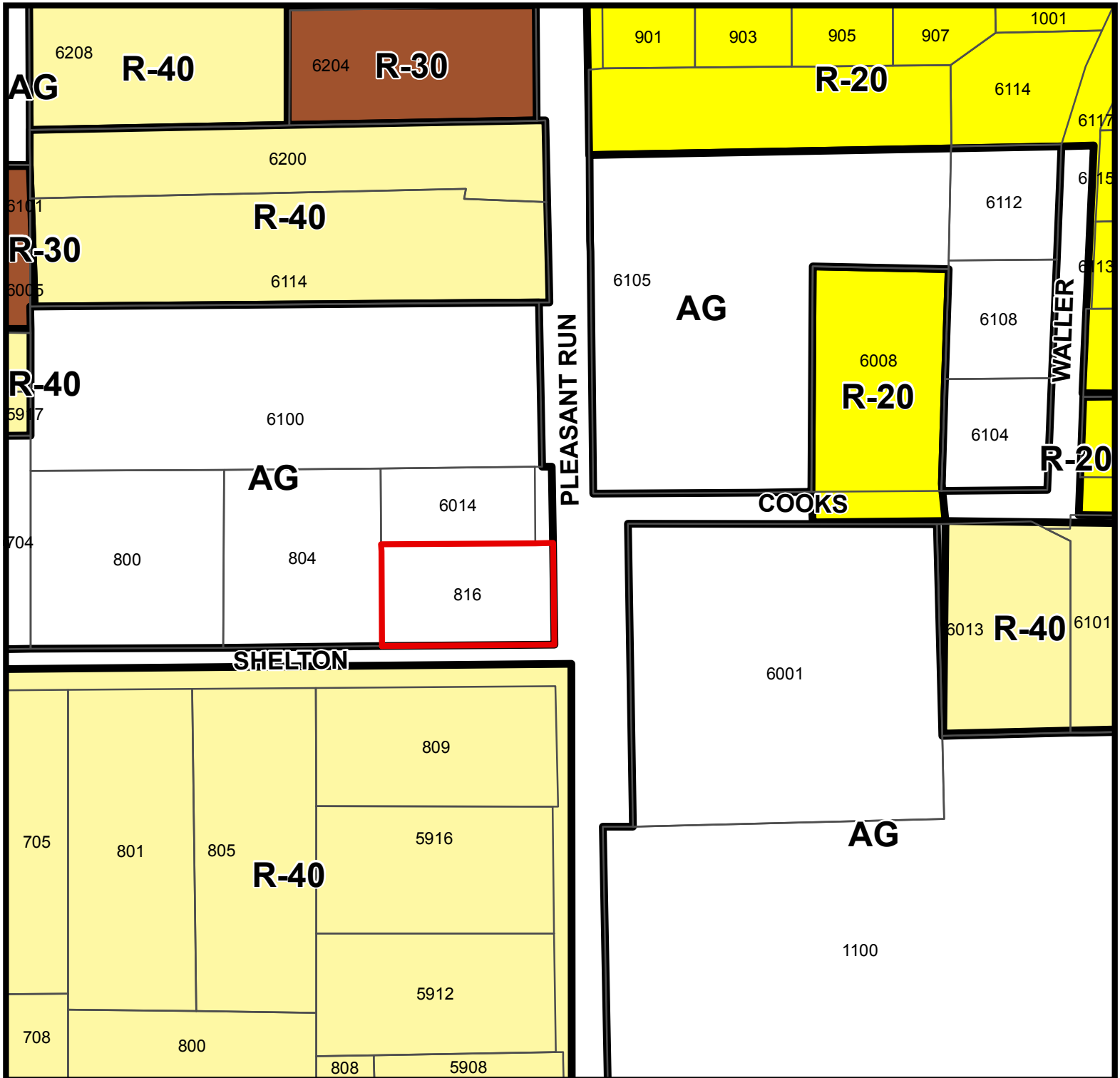
1 inch = 167 feet

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



1 inch = 167 feet

ZC17-003

816 SHELTON DRIVE

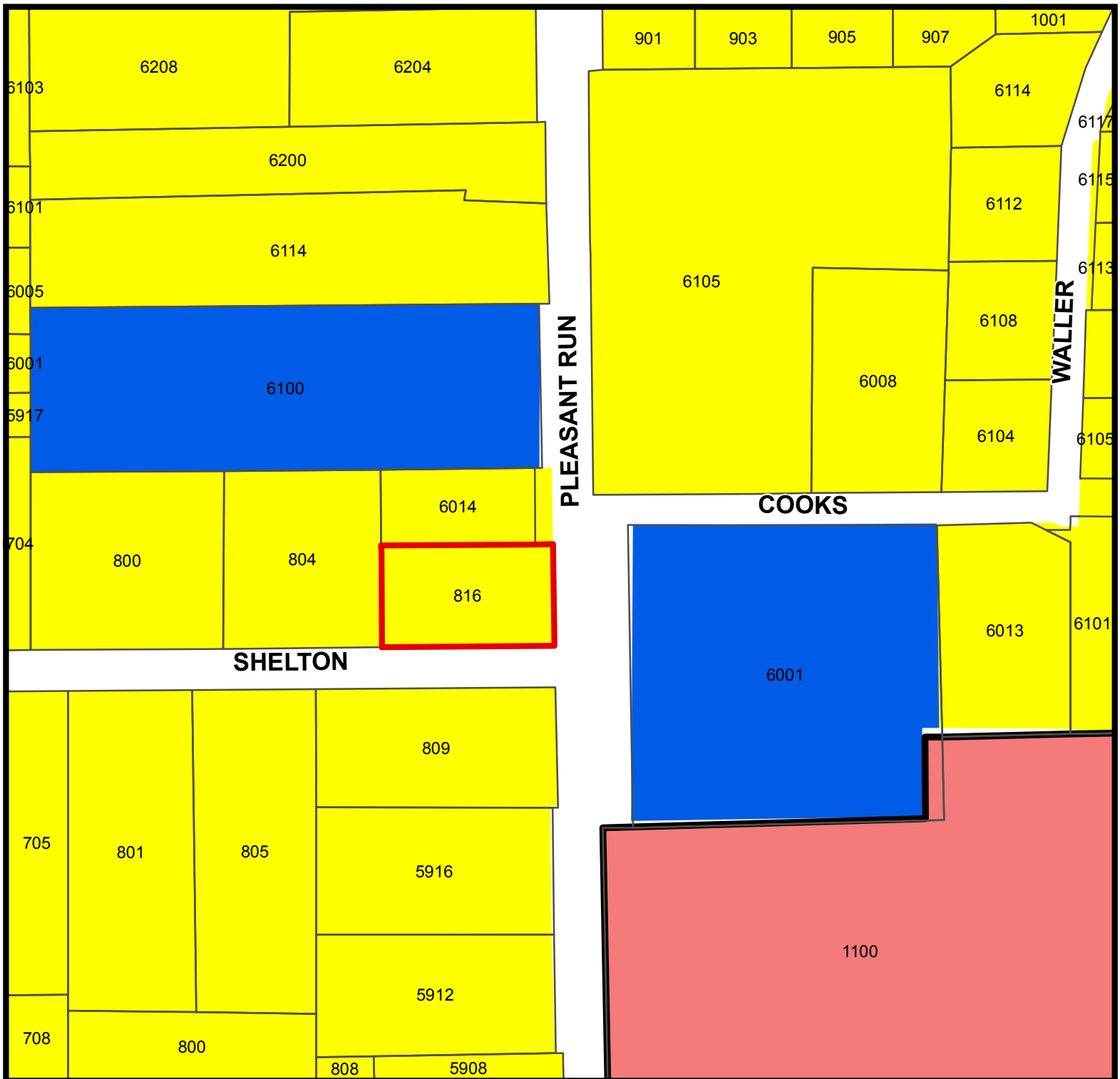
- Subject Property
- AG Agricultural
- R-20 Single Family Residential (20,000 sq. ft. min)
- R-30 Single Family Residential (30,000 sq. ft. min)
- R-40 Single Family Residential (40,000 sq. ft. min)

Vicinity Map



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FUTURE LAND USE MAP



ZC17-003

816 SHELTON DRIVE

- SUBJECT PROPERTY
- RESIDENTIAL
- INSTITUTIONAL
- COLLEYVILLE BLVD CORRIDOR



1 inch = 167 feet

Vicinity Map

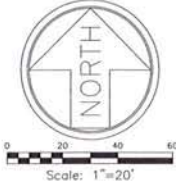


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Zoning Exhibit



Vicinity Map



Applicant
Jeff Avery
Avery Custom Homes
1314 Worthington Drive
Grapevine, TX 76051

Owner of Record
Ellie P. Stowe
13548 West Mauna Loa Lane
Surprise, AZ 85379

Land Surveyor
Roger W. Hart, RPLS
Area Surveying, Inc.
6080 S. Hulen St., Suite 360 #226
Fort Worth, TX 76132

Notes:

1. Bearings based on Record Bearings. Bearing Source: South line of Lot 1, Block 1, Grossman Addition, according to the plat recorded in Instrument No. D214183221, Real Property Records, Tarrant County, Texas.
2. According to Flood Insurance Rate Map Number 48439C0299K, dated September 25, 2009, this property does not lie in the 100-Year Flood Plain.
3. There are a few scattered trees on the westerly portion of this property. We will work with the Project Architect to preserve as many of these trees as possible. A Minor Plat of this property is also being submitted to create one (1) platred lot.
4. The Easement and Building Lines shown hereon are proposed and shall be created by the Minor Plat.
5. Abbreviations:
UDE = Utility and/or Drainage Easement
SF = Square Feet
IPF = Iron Pin Found
POB = Point Of Beginning
BL = Building Line
UE = Utility Easement
ROW = Right of Way
PRCT = Plat Records, Tarrant County, Texas
RPRCT = Real Property Records, Tarrant County, Texas

Lot 2, Block 1, WHITE HOMESTEAD ADDITION, Volume 388-165, Page 9, PRCT, Use: Single Family - Zoning: AG Agricultural

Lot 1, Block 1, GROSSMAN ADDITION, Instrument No. D214183221, RPRCT, Use: Single Family - Zoning: AG Agricultural

Portion of Lot 7B, Block 1, PLEASANT OAKS ESTATES ADDITION, Volume 388-25, Page 88, PRCT; Thomas & Julia Braun, Instrument No. D204384397, RPRCT, Use: Single Family - Zoning: R-40 Single Family Residential

Legal Description

No. 454482

Description for a tract of land in the Joseph White Survey, Abstract Number 1692, City of Colleyville, Tarrant County, Texas, and being described by metes and bounds as follows:

Beginning at an iron pin found for the southwest corner of Lot 1, Block 1, Grossman Addition, according to the plat recorded in Instrument No. D214183221, Real Property Records, Tarrant County, Texas;
Thence EAST a distance of 210.09 feet to an iron pin found in the west line of Pleasant Run Road;
Thence S 00°00'06" E a distance of 117.39 feet to an iron pin found at the intersection of the west line of Pleasant Run Road with the north line of Shelton Drive;
Thence N 89°57'23" W a distance of 210.10 feet along the north line of Shelton Drive to an iron pin found;
Thence N 00°00'06" E a distance of 117.23 feet to the Point of beginning, said described tract containing 0.6 of an acre of land.

PLEASANT RUN BAPTIST CHURCH ADDITION, Cabinet A, Slide 9193, PRCT, Use: Religious Institution - Zoning: AG Agricultural

ZONING EXHIBIT FOR ZONING CHANGEREQUEST FROM AG TO R-20
Proposed Lot 1, Block 1.

Stowe Addition

Being a tract of land in the
Joseph White Survey, Abstract Number
1692,
City of Colleyville, Tarrant County, Texas.

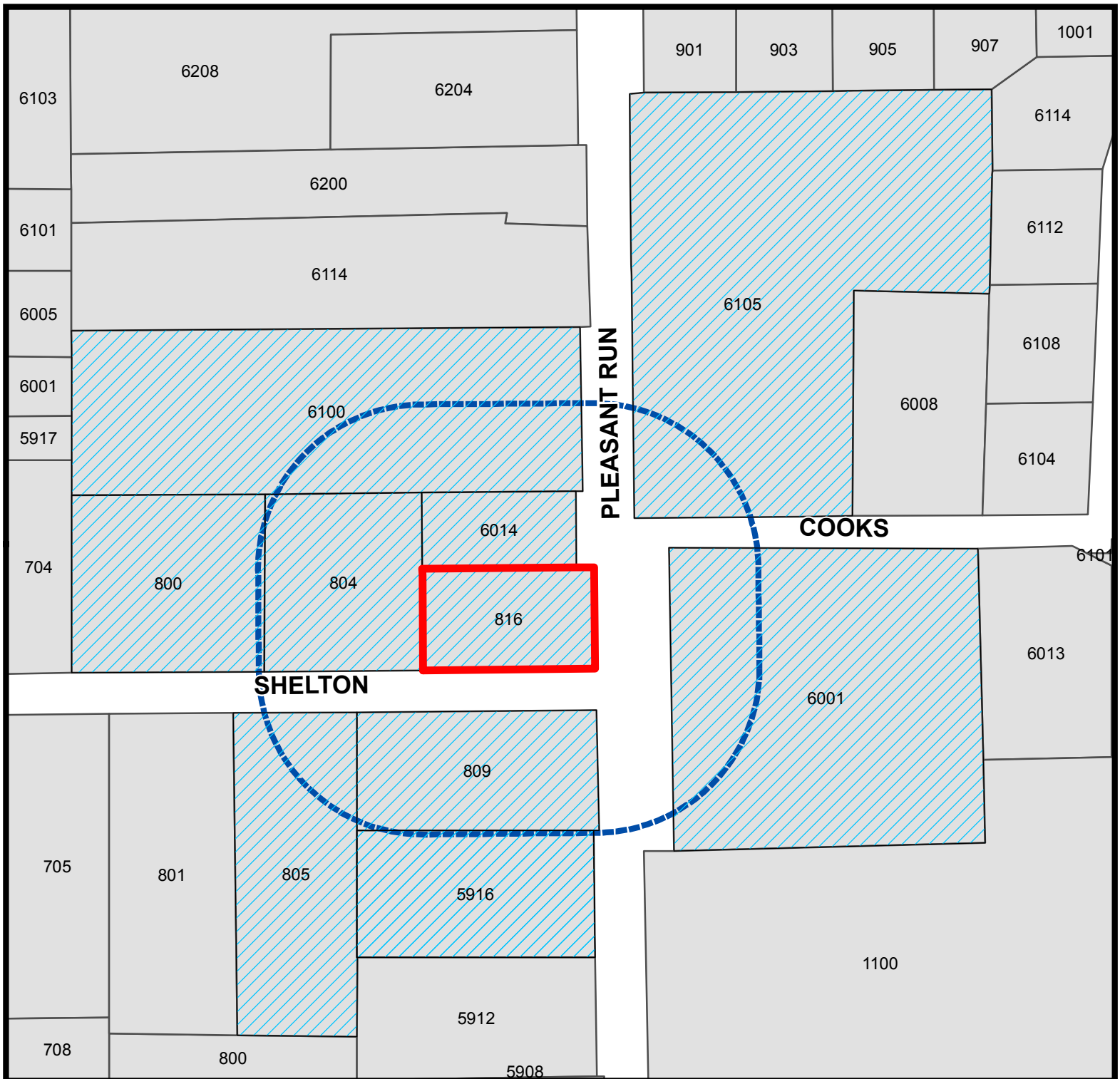
Gross Area: 0.57 Acre (24,646 SF) - Net Area: 0.48 Acre (20,792 SF)

Prepared February, 2017
Revised 03/14/17



Area Surveying, Inc.
Roger W. Hart, RPLS
Phone: (817) 254-4490 | Email: rwhart@areasurveying.com
Fax: (817) 254-4490 | Suite 360 #226 | Fort Worth, TX 76132
Texas Board of Professional Land Surveying & Engineering, No. 15080202

NOTIFICATION MAP



ZC17-003

816 SHELTON DRIVE

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



1 inch = 167 feet

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
COULTER, MONA COOK	6105 PLEASANT RUN RD	COLLEYVILLE, TX	76034	6105 PLEASANT RUN RD
CONGREGATION BETH ISRAEL	PO BOX 397	COLLEYVILLE, TX	76034	6100 PLEASANT RUN RD
PLEASANT RUN BAPTIST CHURCH	6005 PLEASANT RUN RD	COLLEYVILLE, TX	76034	6001 PLEASANT RUN RD
DAY, JAMES B	805 SHELTON DR	COLLEYVILLE, TX	76034	805 SHELTON DR
STOWE, ELLIE P	13548 W MAUNA LOA LN	SURPRISE, AZ	85379	816 SHELTON DR
KERLEE, TWYLA	800 SHELTON DR	COLLEYVILLE, TX	76034	800 SHELTON DR
BRAUN, THOMAS	309 COUNTRY LN	EULESS, TX	76039	809 SHELTON DR
GROSSMAN, LISA	6014 PLEASANT RUN RD	COLLEYVILLE, TX	76034	6014 PLEASANT RUN RD
WALKER, DONNA	804 SHELTON DR	COLLEYVILLE, TX	76034	804 SHELTON DR
TOP LAWN & LANDSCAPE INC	5916 PLEASANT RUN RD	COLLEYVILLE, TX	76034	5916 PLEASANT RUN RD
CRUSON, GLEN A	5916 PLEASANT RUN RD	COLLEYVILLE, TX	76034	5916 PLEASANT RUN RD
AVERY, JEFF	1314 WORTHINGTON DRIVE	GRAPEVINE, TX	76051	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, April 21, 2017 by Araceli Botello

Property Owner Notification



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC17-003

Applicant: Jeff Avery

Location: 816 Shelton Drive

Property Description: Tract 2A, Abstract 1692, in the Joseph White Survey

Present Zoning: AG – Agricultural District

Request: Consideration of a zoning change from the AG- Agricultural zoning district to the R20-Single Family Residential zoning 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, May 8, 2017 at 7:00 p.m.
City Council Meeting: Tuesday, June 6, 2017 & Tuesday, June 20, 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

Legal Notice

April 21, 2017

SENT VIA EMAIL on Friday, April 21, 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, April 22, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 5/8/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-003 - Consideration of a zoning change from the AG- Agricultural zoning district to the R20-Single Family Residential zoning district on Tract 2A, Abstract 1692, in the Joseph White Survey, located at 816 Shelton Drive

Case GC17-015 - Consideration for approval of amendments to the Land Development Code regarding a proposed requirement that newly installed utilities be underground; specifically Chapter 9 – Subdivision Design & Public Facilities, Section 9.17 Street Design Criteria, proposed Section 9.18 Easements, proposed Section 9.19 Private Utilities, and Chapter 14 – Engineering Design Standards, Section 14-175 Miscellaneous

The City Council will hold a Public Hearing on the above items on 6/6/17 and 6/20/17 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

ORDINANCE O-17-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.57 ACRES, TRACT 2A, ABSTRACT 1692, IN THE JOSEPH WHITE SURVEY, LOCATED AT 816 SHELTON DRIVE, FROM THE AG-AGRICULTURAL 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 ZC17-003; 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 0.57 acres, Tract 2A, Abstract 1692, in the Joseph White Survey, located at 816 Shelton Drive, from the AG-Agricultural 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 June 2017.

The second reading and public hearing being conducted on the 20th day of June 2017.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 20TH DAY OF JUNE 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:

Whit Wyatt
City Attorney

Exhibit "A"- Zoning Map

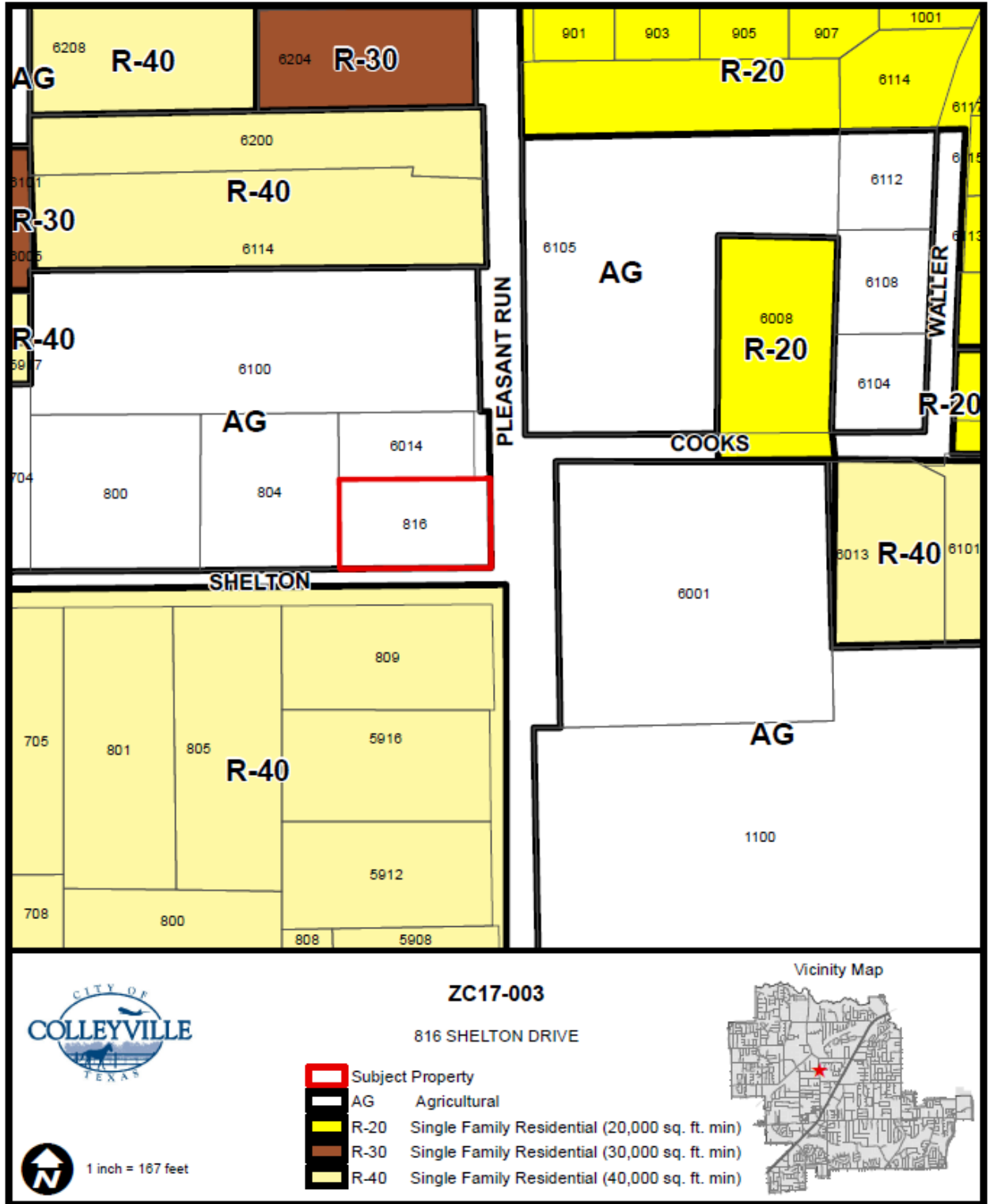


Exhibit “B”- Metes & Bounds Description

Legal Description

Description for a tract of land in the Joseph White Survey, Abstract Number 1692, City of Colleyville, Tarrant County, Texas, and being described by metes and bounds as follows:

Beginning at an iron pin found for the southwest corner of Lot 1, Block 1, Grossman Addition, according to the plat recorded in Instrument No. D214183221, Real Property Records, Tarrant County, Texas;

Thence EAST a distance of 210.09 feet to an iron pin found in the west line of Pleasant Run Road;

Thence S 00°00'06" E a distance of 117.39 feet to an iron pin found at the intersection of the west line of Pleasant Run Road with the north line of Shelton Drive;

Thence N 89°57'23" W a distance of 210.10 feet along the north line of Shelton Drive to an iron pin found;

Thence N 00°00'06" E a distance of 117.23 feet to the Point of beginning, said described tract containing 0.6 of an acre of land.



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3b	Agenda Date 05/08/2017	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration for approval of amendments to the Land Development Code regarding a proposed requirement that newly installed utilities be underground; specifically Chapter 9 – Subdivision Design & Public Facilities, Section 9.17 Street Design Criteria, proposed Section 9.18 Easements, proposed Section 9.19 Private Utilities, and Chapter 14 – Engineering Design Standards, Section 14-175 Miscellaneous, Case GC17-015

Explanation

Staff proposes amendments to Chapter 9 – Subdivision Design & Public Facilities and Chapter 14 – Engineering Design Standards of the Land Development Code (LDC) to require future developments to install utility lines underground. Specifically, Section 9.17 Street Design Criteria, proposed Section 9.18 Easements, proposed Section 9.19 Private Utilities, and Section 14-175 Miscellaneous are the sections to be added and amended.

Currently, utility lines are only required to be installed underground in newly developed subdivisions. The ordinance permits utility lines along the perimeter of a development to remain above ground. This allows for a continuation of utilities above ground on major (perimeter) streets even when newly installed. City Council requested that staff present amendments to the LDC in an effort to require newly installed utilities to be underground.

Background. The City Council has expressed a strong desire to bury the overhead utility lines along Colleyville Boulevard. At the January 17, 2017 City Council worksession, the City Council discussed the possible prohibition of the installation of new overhead utility lines along Colleyville Boulevard by requiring that future developments install utility lines underground. Currently the Land Development Code (LDC) requires underground installation inside a new subdivision but has little regulation along the perimeter of a development. Typical utilities that utilize overhead lines include electricity, telephone, and cable television. The discussion included assuring that the regulation be applicable city wide.

At the April 18, 2017 City Council worksession, the City Council reviewed the proposed amendments to the LDC that would provide a new policy and require that all newly installed utility lines be located underground. The City Council directed staff to proceed with the amendment process.

Purpose. The purpose of this item is to review the proposed amendments to the LDC that would prohibit the installation of new overhead utility lines along Colleyville

Boulevard and elsewhere in the city by requiring that future developments install utility lines underground.

Benchmark Analysis. Per the table below, it is common for cities to have ordinances restricting the installation of new overhead utility lines. The primary reason for such ordinances is to increase the aesthetics within a community and also to require new development to bear all, or a portion of, the cost.

Community	Underground Utilities Required		
	Existing Developed Property	New Residential	New Commercial
Southlake	No	Yes	Yes
North Richland Hills	No	Yes	Yes
Grapevine	No	Yes	Yes
Keller	No	Yes	Yes
Flower Mound	No	Yes	Yes
Coppell	No	Yes	Yes
Colleyville	No	Yes	No

Community	Notes
Southlake	Private utilities at rear of lot unless approved by Council - both residential & commercial
North Richland Hills	Residential subdivision requires underground utilities at rear of lot
Flower Mound	Also requires underground utilities with redevelopment where no plat required
Colleyville	Utilities along perimeter may be above ground

For the City of Colleyville, a requirement for all new development city wide (not just for new development along Colleyville Boulevard) would be consistent with many of the immediately adjacent communities as well as others within the region.

Factor to Consider. New development vs. redevelopment – Communities with a prohibition of overhead utilities typically only require underground utilities with new development. This is because the infrastructure does not exist therefore can be accommodated easier. Redevelopment will have existing overhead utility lines to contend with that can make the project difficult to initiate if the lines must be buried.

Proposed Amendments. Based on the City Council's direction, staff reviewed the policy as well as a review of the procedures of six cities that surround Colleyville. A full benchmark analysis is provided as attachment "A". Staff proposes the following amendments to Chapter 9 – Subdivision Design & Public Facilities and Chapter 14 – Engineering Design Standards in the Land Development Code, which are also attached as mark-ups in attachment "B" and "C".

Section 14-175 Miscellaneous:

- B. Underground Utilities – All newly installed distribution lines, cables, etc. for utilities other than those listed above shall be installed below ground within the subdivision per regulations found in Section 9.19 Private Utilities.

Section 9.19 Private Utilities: *(new section)*

- A. Newly Installed Utilities Required to be Underground (O-17-xxxx/xx-xx-17)
1. All newly installed gas, electric, telephone utilities, street lighting, and cable television lines shall be underground except where conditions do not warrant underground installations and as approved by the City Council.
 2. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground.
 3. Existing feeder and other major transmission lines that could not practically be placed underground may remain overhead. However, a subdivider shall endeavor, and whenever practical (as determined by the Development Review Committee), the City may require that feeder lines are placed away from traffic arteries (collector and arterial) and/or be placed underground.
 4. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.
 5. All new service lines shall be placed underground.
 6. Overhead services will not be permitted to cross public rights-of-ways.
 7. All borings will be required to be completed by methods as approved by the city.

Other changes to chapter 9 include minor changes related to grammar, reference amendments, and structure.

Staff Recommendation: Staff recommends approval of the amendments. The proposed amendments would require that new utilities be installed underground and are consistent with surrounding communities. The standard is for newly installed lines only to be under this obligation.

Recommendation

Approve

Attachments

1. Attachment A: Benchmark Analysis
2. Attachment B: Ch. 9 Subdivision Design & Public Facilities Amendments
3. Attachment C: Ch. 14 Engineering Design Standards Amendments - Excerpt

4. Legal Notice
5. Draft Ordinance

Benchmark Analysis

COLLEYVILLE

Section 14-175 Miscellaneous

- B. Underground Utilities – All distribution lines, cables, etc. for utilities other than those listed above shall be installed below ground within the subdivision. Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the subdivision being served. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the Director of Public Works.

SOUTHLAKE

Section 8.05. Newly Installed Utilities Required to be Underground (As amended by Ord. No. 483-O)

- A. Generally: In addition to all other requirements set forth in other applicable ordinances and regulations of the City, all subdivisions and plats submitted pursuant to this ordinance shall:
1. Require and provide that all newly installed electric utility lines and wires that will be operated at nominal voltages, all telephone utility lines and wires, all cable television and other communication or utility lines and wires, and all terminals shall be installed, placed and constructed underground; and cable television, telephone, and electric transformer and primary switching gear may be pad mounted or placed underground.
- B. Charges: Nothing in this ordinance or any other ordinance of the City of Southlake shall prohibit or restrict any electric, telephone or other utility or communications company from charging the owner, developer or subdivider of or within a subdivision for the difference between the cost of constructing overhead lines and wires and placing the same underground, or from charging the owner developer or subdivider of or within a subdivision for extension of its lines and wires, in accordance with the methods and procedures set forth in the respective utility's or communications company's approval tariff. It shall be the responsibility and duty of any such owner, developer or subdivider of, or within a subdivision, to pay all such charges to any such utility or communications company. No such utility or communications company shall be required to begin construction unless and until the owner, developer or subdivider of, or within a subdivision, has made arrangements satisfactory to the utility or communications company for the payment of the charges specified in this Section.
- C. Provision of Temporary Utility Service: Nothing in this ordinance shall in any way prohibit or restrict any utility company from providing temporary utility service, provided that such temporary service shall be limited to twelve (12) months, and shall be subject to a \$2,000.00 fine for each day in excess of that.
- D. Street Lighting: Nothing in this ordinance shall restrict or prohibit the placement, erection, or construction of street lighting poles or standards above ground, provided all lines and wires used to provide such lighting are placed underground.
- E. Placement of Equipment: All electric, telephone, and cable, utilities shall be placed in the rear easement unless otherwise approved by City Council as a part of platting process. Mechanical

Benchmark Analysis

equipment, transformers, and other visible installations will not be permitted in the front yards of any lots. Occasional location in the front yard area may be permitted for unusual conditions if said locations have been indicated on an approved preliminary plat. All such equipment that is installed above ground will be low profile in nature and will not exceed thirty (30) inches in height. Placement of such equipment shall be such that it is located as near the rear property line as possible. Switch gear will be located such that it maintains low visibility but may be placed convenient to and accessible from the street.

- F. All above ground equipment shall be screened from public view, in such a manner that the ground equipment cannot be seen from a public right-of-way. Said screening shall be completed at the time of installation by the utility company and/or developer.

NORTH RICHLAND HILLS

Sec. 110-367. - Construction in public rights-of-way.

- (a) *Utilities to be in rights-of-way or easements; underground utilities, exceptions.* All public utilities shall be constructed within a public street right-of-way or an appropriate public utility easement. When a proposed water or sewer line or a drainage facility will be placed adjacent to a public road maintained by the Texas Department of transportation, a separate specific use easement document shall be provided for each utility or drainage facility. Public utilities shall be placed underground in new subdivisions absent a compelling demonstration that this requirement is unreasonable, or unfeasible.
- (b) *Underground utilities at rear of lot (October 13, 2003 to November 10, 2003).* In residential subdivisions with final plats approved on or after October 13, 2003, and on or before November 10, 2003, underground electric utilities may be allowed in an easement not greater than 10 feet wide along the front or side property lines as long as above-ground electrical transformers and other electrical appurtenances in such subdivisions do not exceed 36 inches in height, are placed on a concrete pad not exceeding 18 square feet in area enclosed on three sides by living evergreen plant screening at least 10 inches higher than the transformer, but not exceeding four and one-half feet in height, with the open side away from the nearest street. The owner of the lot where the transformer is located shall be responsible for the initial planting of the plant screening which shall be in place prior to final inspection of the house on such lot. In the event the homeowner's association wishes to install the plant screening, it may do so before any homes receive final inspection. The homeowner's association will be responsible for the maintenance of the screening in either case. The foregoing requirements shall be exclusive and the remaining subsections of this section shall not apply.
- (c) *Underground utilities at rear of lot (after November 10, 2003).* In residential subdivisions platted after November 10, 2003, all new residential subdivisions shall require electrical, telecommunications and cable facilities, including new service drops, to be placed underground in an easement at the rear lot line. Where rear lot utilities are located on corner lots, above ground appurtenances must be located a maximum of five feet from the side building line.
- (d) *Transformers.* All electrical transformers must be accessible by a seven (7) foot wide dedicated Oncor utility easement that extends to the transformer. Physical access to the transformer will be

Benchmark Analysis

provided via a five-foot wide removable fence panel or gate located in the easement. Property owners will be responsible for providing security for the transformer and will make sure that the transformer is free from obstruction. The city will make reasonable efforts through communication and code enforcement to assure that residents provide unobstructed access including unlocked gates. The necessity for removal of minimal fencing and/or landscaping within easements to permit the replacement of facilities, appurtenances, and equipment is considered to be within the definition of reasonable access.

Transformers and other appurtenances shall not exceed 36 inches in height and transformers shall be placed on a concrete pad not exceeding 18 square feet in area. Fire hydrants and traffic signal controllers are exempted from the rear lot or tract line requirement.

In all cases, before construction of facilities commence, the easement shall be reduced to final grade, at developer's sole cost and expense. Additionally, if such easement is located within a floodplain, the entire surface of the easement shall be raised above the floodplain elevation, at developer's sole cost and expense, before construction of the facilities commences. Sight visibility easements and horizontal clear triangles are not appropriate locations for the placement of aboveground facilities, appurtenances, and equipment as they would create safety concerns by blocking or impairing the visibility of vehicular traffic.

- (e) *Exceptions.* Exceptions to the rear lot location may be granted by providing facts and circumstances to the Planning and Zoning Commission at the preliminary plat stage to demonstrate rear lot utility location is not technically or environmentally feasible. Since the impact of technical and environmental factors may differ, exceptions for each utility will be considered separately and on a stand alone basis.
- (f) *Requirements for nonrear lot locations.* Service lines, aboveground appurtenances and equipment locations for utility service approved by the Planning and Zoning Commission for other than the required rear lot locations must follow the guidelines below:
 - (1) Underground utility service lines shall be located within a 10 foot wide easement, equally divided and paralleling the side property line of two adjacent lots. Aboveground electrical transformers and other utility appurtenances located within such easements shall be located five feet from the front building setback line.
 - (2) Transformers will be hinged to provide for rear service access. Access to the rear must be free from obstructions. Additionally, the use of surface "hand boxes" versus pedestals for electric utilities is required.
 - (3) Screening of the above ground appurtenance by a live vegetative screen is recommended for the street front and sides of the pad. Maintenance of the optional screening shall be the responsibility of the owners of the adjacent lots where the appurtenance is located.
 - (4) In situations where the grade requires retaining walls, the transformer pad will be located on the lower grade and the retaining walls will be "jogged" to accommodate the transformer pad and provide adequate service access.
 - (5) Exceptions to any requirement must be resolved at the preliminary plat stage.

Benchmark Analysis

Nothing herein shall be construed as to require utility companies to "underground" existing or new electric facilities, nor to prohibit the upgrading, reconstruction or reconductoring of existing overhead facilities in the city's public rights-of-way.

(Ord. No. 1982, § 1(330), 3-24-1994; Ord. No. 2774, § 1, 3-11-2004)

KELLER

Section 5.22 - Private Utility Services

- A. Utility companies shall submit plans, showing the extent and location of construction, to the City and receive a construction permit when constructing new overhead lines, underground lines, and upgrading existing lines within the rights-of-way. Non-emergency utility work shall be coordinated with the city's capital improvement plan to reduce disruption due to construction to the community. Utility companies are not required to obtain a permit in the event of an emergency in order to restore service.
- B. From and after the effective date of this Code, all subdivision plats, site plans and construction plans filed and submitted to the City for approval shall provide for utility services such as electrical, gas, telephone, and cable TV utility (lateral and/or service distribution) lines and wires including, but not limited to, street lighting, to be placed underground. Existing feeder and other major transmission lines that could not practically be placed underground may remain overhead. However, a subdivider shall endeavor, and whenever practical (as determined by the Development Review Committee), the City may require that feeder lines are placed away from traffic arteries (Thoroughfare Types A6D, A4D, C4U, C2U, and C3) and/or be placed underground. Overhead feeder lines shall not be placed along both sides of the street rights-of-way. The developer shall be responsible for obtaining verification from the utility companies for easement locations and widths prior to the final approval of construction plans by the City. Any changes during construction shall be approved by the utility companies and the City of Keller.
- C. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.
- D. All new service lines shall be placed underground.
- E. In special or unique circumstances or to avoid severe hardships that are not strictly financial, the City may authorize exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and of overhead telephone or cable TV lines and may approve any plat or site plan with such approved exceptions.
- F. Where electrical service is to be placed underground, all other utilities, including circuits for street and site lighting, except street lighting standards, shall also be placed underground.
- G. All electrical and telephone support equipment (transformers, amplifiers, switching devices, etc.,) necessary for underground installations shall be pad mounted and screened with live screening to

Benchmark Analysis

block its view from public streets. Installation and maintenance of screening for electrical pad transformers and switching equipment shall be the responsibility and at the cost of the Developer/Owner. The location and depth of the screening material must be coordinated with the utility companies to ensure that safe and efficient access is maintained to the equipment. The location of all new equipment shall be shown on all Site Plans and Construction Plans.

- H. Each of the utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities. Each utility company shall have the right to charge or recover costs associated with installing underground utilities in accordance with the respective utility's Tariff for Service and/or Line Extension Policy. No utility company shall be required to begin construction of underground facilities unless and until the owner or developer of the subdivision has made arrangements with the respective utility company for payment in accordance with that respective utility's Tariff for Service and/or Line Extension Policy governing utility installations and their cost.
- I. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.
- J. All installations regulated by this section shall also conform to the standards for utility construction as per Design Standards and Technical Construction Standards of this UDC.

FLOWER MOUND

Sec. 90-423. - Underground utilities.

All existing overhead utilities, save and except transmission facilities identified herein below, and all new utility extensions shall be placed underground in conjunction with the development or redevelopment of a property, subject to the following provisions:

- (1) Each of the utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing in this section shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground facilities in accordance with the provisions of such utility company's approved tariff. No utility company shall be required to begin construction of underground facilities unless and until the customer, owner, developer and/or party requesting such facilities has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead utilities and underground facilities.
- (2) All electrical, telephone, data transmission, and cable television support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installation shall be pedestal- and/or pad-mounted or placed underground, and the difference in cost of such facilities shall be paid to the installing utility in accordance with provisions established in subsection (a)(1).
- (3) In those cases where temporary overhead service is necessary (e.g., emergency repairs, construction field offices, etc.) these installations shall not be in service for a period exceeding six months.

Benchmark Analysis

- (4) Transmission facilities as indicated in exhibit 'A' are not required to be placed underground upon the development or redevelopment of the properties containing such facilities.
- (5) Exceptions to the standards contained in this section may be granted by the town council subsequent to a public hearing scheduled upon request of the owner or developer.

(Code 1989, ch. 12, § 4.11; Ord. No. 93-05, § 2, 12-5-2005)

GRAPEVINE

1.6 Utilities to be underground.

A. Definitions.

Utility. A company providing electrical, telephone, cable TV, and fiber optic services within the City of Grapevine under a franchise agreement with the City of Grapevine.

Transmission lines. Those electrical lines operated at nominal voltages of 60,000 volts or higher.

Feeder lines. Those electrical lines that emanate from substations to distribute power throughout an area.

Lateral lines. Those electrical lines that emanate from an electric feeder line and are used to distribute power to smaller areas of electric consumers and service lines.

Service lines. Those electrical lines which through a transformer connect a lateral line to a customer's service entrance.

- B. Attached hereto as Exhibit "A", and made a part hereof for illustrative purposes only, is a diagram depicting electrical distribution equipment. (Exhibit "A" is not included herein but is on file and available for inspection in the office of the city clerk)
- C. Subject to the requirements and conditions of this ordinance, new electric lateral lines and service lines shall be placed underground, throughout new subdivisions for which final plats or site plans are approved subsequent to the effective date of this ordinance, except when such lateral lines or service lines are emplaced or installed in connection with a utility's replacement, supplementation, or upgrade of an existing aerial utility system.
- D. Electric transmission and feeder lines may, at the discretion of the responsible utility company, be placed above ground.
- E. In case of special or unique circumstances, or to avoid undue hardship, the city council of the city may authorize variances or exceptions to the requirements of Item 1.6(C).
- F. Where, in accordance with this ordinance, electric utility service lines are required to be placed underground, telephone service, cable TV, fiber optic and street lighting shall also be placed underground, except for light standards.
- G. Where electric lateral lines and service lines are approved to be placed above ground, telephone service, cable TV, fiber optic and street lighting may also be placed above ground if attached to existing electric poles.

Benchmark Analysis

- H. All electric, telephone, fiber optic, and cable TV support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground, and the difference in the cost of providing or installing such facilities, resulting from their installation underground, shall be paid to the installing utility company in accordance with the requirements of Item 1.6(I) hereinbelow.
- I. A utility company which provides underground utility service, to include, without limitation, installing underground utility lines, shall be reimbursed for and recover the difference in cost, if any, between the installation, operation, maintenance, and anticipated upgrade of such service, and the installation, operation, maintenance, and anticipated upgrade of comparable or equivalent overhead service. The amount to be recovered shall be based on the utility company's reasonable estimate of such difference in cost, and shall be paid to the utility company, by the utility customer receiving such service, at such time as the underground utility service is first provided. Utility companies shall be responsible for developing administrative policies and cost reimbursement procedures to allow for the recovery of such differences in cost. No utility company shall be required to begin construction of underground facilities unless and until the owner or developer of the property has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities.
- J. Temporary service during construction may be provided by overhead utility lines and facilities prior to final release of the underground service. Following final release of the underground permanent service, the temporary overhead service shall be removed within 45 days.
- K. The electric utility company may plan and construct overhead electric feeder lines on perimeters of subdivisions or property without obtaining a variance. Telephone, cable television, and fiber optic lines may be constructed overhead where overhead electric utility lines are permitted.
- L. Nothing contained herein shall be construed to require any existing overhead facilities to be placed underground or to prohibit the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction.

COPPELL

Sec. 13-12-1. - Utility services—General.

- A. All services for utilities shall be made available to each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made.
- B. All gas, electric, telephone utilities, street lighting, and cable television shall be underground except where conditions do not warrant underground installations.
- C. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground.

Benchmark Analysis

- D. The electric utility company shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of underground electric service. These policies shall permit the electric company to recover the cost differential between extending and installing overhead and underground service.
- E. The developer shall furnish all easements and right-of-way necessary for construction of electric, gas, street lighting, telephone and cable television service to the subdivision.
- F. Overhead services will not be permitted to cross public rights-of-ways.
- G. All borings will be required to be completed by methods as approved by the city.

(Ord. No. 2015-1421 , § 1(Exh. A), 9-22-15)

Chapter 9

Subdivision Design & Public Facilities

Rev. 02/18/2014

Section 9.1 Purpose of This Chapter

The purpose of this Chapter is to establish design guidelines necessary for proper layout of a subdivision and to establish the public improvement requirements for the development of a subdivision, but more specifically to:

1. ensure that public facilities and services are available to all subdivisions in the City; and
2. establish reasonable standards of design for public facilities.

Section 9.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 9.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 9.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 9.5 Subdivision Design Guidelines

Every subdivision plat shall be reviewed for conformance with the design guidelines contained in this Land Development Code. The City recognizes that suitability characteristics vary from site to site and when approving a subdivision plat the following guidelines shall be used for interpretation, application and enforcement of the design guidelines contained in this Land Development Code:

1. It is the intention of these subdivision design guidelines to encourage new and creative ways to develop subdivisions. Developers and city officials are encouraged to utilize new and innovative ways to improve safety, economy, tax yield, maintenance cost, response time, drainage, vehicular access, and pedestrian passage.

2. Whenever a developer can demonstrate an alternative method of meeting the requirements of this Land Development Code, it shall be incumbent upon the city staff, the Planning and Zoning Commission, and the City Council to review the proposed variations and approve, approve with modifications, or disapprove the proposed alternatives as appropriate for the conditions.

Section 9.6 Blocks

- A. General Design – Blocks should have sufficient depth to provide for two (2) tiers of lots of appropriate depths, except that blocks adjacent to major streets, railroads or waterways shall have only one tier of lots.
- B. Block Lengths & Widths – Residential and industrial blocks generally shall be no longer than sixteen hundred (1,600) feet and business blocks no longer than one thousand (1,000) feet. Where long blocks in the vicinity of a school, park or shopping center are proposed, the City Council may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block.

Section 9.7 Lots

- A. Lot Arrangement – Lots shall be arranged to provide access to lots from approved streets and to avoid foreseeable difficulties due to topography and natural physical features inherent to the property.
- B. Lot Area and Dimensions – Lot area and dimensions shall be consistent with the minimum requirements of the applicable zoning district and the following:
 1. *Special Lot Width Requirement* - The width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width. In the case of lots on the turning circle of a cul-de-sac, the width may be less than eighty (80) percent of the required lot width.
 2. The City may approve a plat which contains a lot that does not meet the minimum requirements when special conditions exist.
- C. Frontage on Public Access Required – All lots shall have frontage on a public street, except a non-residential lot may be approved when the proposed public access has been determined by City to be adequate to meet the intent of this requirement. The lot line common to the street right-of-way line shall be the front line; except that a lot may have more than one lot line common to a street right-of-way line.
- D. Access from Major Thoroughfares
 1. Residential Lots - No residential lot shall front on or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, except where the proposed subdivision meets all the following criteria:
 - a. Where the only street frontage which may be provided to the residential lot is from a collector street due to the shape, topography, or other physical condition of the property;
 - b. The Director of Public Works or designee has provided favorable recommendation; and
 - c. Where the residential lot is designed and dimensioned to permit loop driveways or on-site turnaround facilities so that vehicles head into the collector street.
 2. Non-residential Lots – Non-residential lots which have frontage onto or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, shall have driveway locations which *comply with the spacing requirements established elsewhere in Chapter 14 – Engineering Design Standards* of this Land Development Code.

- E. Buildable Area – Every lot shall contain a buildable area that is adequate in size for the proposed development. The buildable area shall be situated out of the 100 year flood plain.
- F. Flag Lots Prohibited – It is the policy of the City to prohibit the creation of flag lots unnecessarily, and to discourage the creation of any lot which, by virtue of its relatively great depth in relation to its width, is likely to facilitate future requests for re-subdivision to create a flag lot.
- G. Building Lines – Front building lines shall be shown on all lots in the subdivision. Building lines shall be shown along each street-facing of corner lots and through-lots. The building line shall be consistent with the requirements of the applicable zoning district, however, the City may approve a building line which differs from the zoning requirements when special conditions exist.
- H. Side Lot Lines – Where possible, all side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- I. Lot Drainage and Grading
 - 1. Grading and drainage of all lots shall be designed in a manner which will allow one lot to drain across an adjacent lot and into a permanent structure, such as a concrete flume, lined channel, or proper inlet to an adequate drainage facility, or to a street right-of-way. If an approved drainage structure is not present, it will be required of the developer to construct the necessary facilities. (O-00-1261 / 12-19-00)
 - 2. Sheet flow techniques shall be used for lot to lot drainage where possible. (O-00-1261 / 12-19-00)
 - 3. Single lots shall accommodate their own drainage into an approved structure where topographic elevations allow this to occur. (O-00-1261 / 12-19-00)
 - 4. For lots that an approved engineered grading plan does not exist, the developer of the site shall submit a grading plan prepared by a licensed Professional Engineer.

Section 9.8 Waterbodies and Water Courses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the adjacent lots. The City may approve an alternate plan provided the ownership of and responsibility for maintenance of the water body is so placed that it will not become a City responsibility. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, of design approved by the City. Any lot which includes a water body and contains a building site, shall contain a buildable area that is not less than the minimum buildable area for the applicable zoning district.

Section 9.9 Street Names

The developer shall submit all existing and proposed street names on any proposed subdivision plat. New street names shall be sufficiently different in sound and in spelling from other road names in the city so as to not cause confusion to the general public or for emergency response. A road which is, or planned, as a continuation of an existing road shall bear the same name.

Section 9.10 Reserve Strips and Common Areas

The creation of reserve strips shall not be permitted adjacent to a proposed street or to adjacent property in such a manner as to deny access from adjacent property to the street. No common areas shall be allowed in a subdivision except where notation has been placed on the plat to prohibit development on the common area.

Section 9.11 Double Frontage Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from a collector street or to overcome specific disadvantages of topography and orientation. The City may require that a notation be placed on the plat to limit the facing of main structures or to limit driveway access from a collector street.

Section 9.12 General Infrastructure Policy

(03-03-09 / O-09-1712)

- A. General Requirement – The developer of a subdivision shall install all water, sewer, street, sidewalk and drainage improvements, and any other facilities required by this Land Development Code, which are necessary for the proper development of the subdivision. The design, construction and inspection of any public facilities shall be a cost to the developer, unless the City has entered into an agreement for cost sharing. All such facilities shall be designed and constructed in accordance with the criteria contained in this Land Development Code and be in conformance with the general layout of the City of Colleyville Master Land Use Plan and Capital Improvements Plan. The public facility requirement of this section shall be applicable to the upgrading of any existing facilities which do not meet current standards.
- B. Apportionment of Infrastructure Costs – As a condition of the approval of a development, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the projected impact of the proposed development, as determined by a professional engineer, licensed in the State of Texas, and who is retained by the City of Colleyville.
1. In making the rough proportionality determination, consideration shall be given to the availability of adequate and minimum levels of public facilities and accessibility to the site for delivery of emergency services.
 2. The professional engineer making the proportionality determination may rely on categorical findings from comparable public improvement projects for establishing a cost basis. The basis used for determining estimated costs shall be revised annually on July 1 by the Colleyville Engineering Department.
 3. A developer who disputes the determination by said professional engineer may appeal to the City Council and present testimony and evidence in support of the appeal. The appeal shall be written and filed with the City Secretary within ten (10) days after the date action taken by the Planning and Zoning Commission on the development proposal. The developer shall not be required to waive the right to appeal as a condition of approval of the development project.
- C. Optional Escrow Provision – Where, in the opinion of the City, construction of a required public improvement should be deferred to a future date, the developer shall place in escrow with the City, an amount equal to the estimated cost of the improvements, as determined by the the Director of Public Works or designee. The Planning and Zoning Commission or City Council may consider an alternate arrangement when appropriate. Any escrow related to the construction of sidewalks shall adhere to the requirements set forth in Section F.
- D. City Participation in Over-Sizing – Where over-sizing of a public improvement is required by the Comprehensive Master Plan, Thoroughfare Plan, Water or Sewer Capital Improvements Plan or other planning document adopted by the City, City participation shall be in accordance with the provisions of any applicable Impact Fee Ordinance or City-Developer Agreement, which has been approved by the City Council.
- E. Public Easements – All public improvements shall be constructed within easements or rights-of-way that have been dedicated for public use. The width of an easement or right-of-way shall be in accordance with the specifications contained elsewhere in this Land Development Code.
- F. Escrow Policy for Sidewalks

1. Request for Escrow

Whenever these regulations require a property owner to construct a sidewalk for a dwelling unit, the property owner may petition the City for deposit of an escrowed amount, as established in this Section, in lieu of the required construction of a sidewalk. The Director of Public Works or designee shall determine whether the escrow is reasonable in lieu of the obligation to construct the improvement. If an escrow request is denied, then the applicant may appeal that denial to the City Council if a written request for appeal is received by the Director of Public Works or designee within ten (10) days of the denial.

2. Deposit with the City

Whenever the City agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the costs of design and construction in escrow with the City. This amount shall be paid prior to release of construction plans by the Director of Public Works. The obligations and responsibilities of the property owner shall become those of the property owner's transferees, heirs, successors, and assigns; and the liability therefore shall be joint and several.

3. Determination of Escrow Amount

The amount of the escrow shall be determined by using the average of the comparable bids awarded by the City in the preceding six (6) months for sidewalk design and construction or, if none exist, then current market value of the design and construction of a sidewalk in the City, to be determined by the Director of Public Works. The determination shall be based on reasonable current market value made as of the time the escrow is due.

4. Use of Escrow Funds

Six (6) Sidewalk Districts are hereby established throughout the City. These districts shall share the same boundaries as the six (6) neighborhoods depicted on the Neighborhood Boundary Map in the 2004 – 2025 Colleyville Plan. The Sidewalk Districts are established so that sidewalk escrow funds will be expended within sufficient proximity to the dwelling unit that deposited the sidewalk escrow fee so as to reasonably benefit that dwelling unit. Funds escrowed pursuant to this Land Development Code shall be expended on design and construction of sidewalks located at any place within the same Sidewalk District as the dwelling unit depositing the sidewalk escrow fee.

5. Existing Escrow Funds

- i. All funds currently escrowed in lieu of sidewalk construction before the effective date of this Ordinance are subject to expenditure under this Ordinance unless a written objection is filed, by the owner of the lot for which the funds are escrowed, with the Director of Community Development within thirty (30) days after notice of this Ordinance is received. Notice of this Ordinance shall be sent to the current owner of the lot for which the funds are escrowed at the address listed in the most recent tax rolls of the City. If the person receiving notice under this subsection is not the current owner, then they must immediately notify the City of the person who purchased the property and provide the City with the address of that person.
- ii. If an objection is filed pursuant to the previous subsection, the Director of Community Development shall decide, within thirty (30) days, if the circumstances involving the particular lot and surrounding Sidewalk District reasonably require a return of the escrowed funds. The owner of the lot may appeal the decision of the Director of Community Development by filing a written objection, explaining the owner's argument and requesting for a hearing before the City Council, with the City Secretary not later than ten (10) days after the Director of Community Development's decision. After hearing the lot owner's objections, City Council may either refund the escrowed money or deny the refund and order the funds to be used for future sidewalk construction on that lot or in that sidewalk district.

- iii. This Ordinance shall apply to any and all funds paid into the sidewalk escrow fund in lieu of sidewalk construction after the effective date of this Ordinance.

Section 9.13 Water System Requirements

- A. Water Lines – The developer of a subdivision shall be required to install, at no cost to the City, a water distribution system adequate for domestic supply and for fire protection needs which serves each lot. The water system shall be connected to the municipal water system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.
- B. Fire Hydrants – The developer of a subdivision shall be required to install, at no cost to the City, a sufficient number of fire hydrants to provide fire protection to every lot in the subdivision. All structures in residential areas shall have fire hydrants within 500 feet and a 600-foot hose-lay. All structures in commercial areas shall have fire hydrants within 300 feet and a 500-foot hose-lay. The design and construction of the fire hydrant system shall be in accordance with the city design standards and specifications contained in this Land Development Code. The layout of the fire hydrant coverage shall be approved by the Fire Marshal and be in accordance with the standards of the Texas State Board of Insurance requirements. (O-00-1261 / 12-19-00)

Section 9.14 Sewage System Requirements

- A. Sewage Collection Lines – The developer of a subdivision shall be required to install, at no cost to the City, a sewage collection system adequate which shall serve each lot. The sewage collection system shall be connected to the municipal sewage system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.
- B. Private Sewage Treatment Systems – Private sewage treatments systems, including septic tanks, shall be prohibited except where approved by the Director of Public Works or designee and the Tarrant County Health Department.

Section 9.15 Storm Water Facility Requirements

- A. Drainage Improvement Requirements – The developer shall provide for the design of storm water management in the proposed subdivision and shall be required to furnish, install, construct, or extend, at his own expense, all storm sewers and drainage structure facilities necessary for the proper development of the subdivision. Storm water facilities shall conform to the storm water drainage master plan and shall be designed in accordance with the design standards and specifications contained in this Land Development Code. Alternate earthen channels may be approved when in accordance with the criteria established in *Chapter 14 – Engineering Design Standards*.
- B. Drainage Easements – All public drainage facilities shall be constructed within a public drainage easement or drainage right-of-way as required by the City. The following statement of restriction shall be placed in the dedication instrument of the subdivision plat:

Drainage Easement Restriction: No construction or filling, without the written approval of the City of Colleyville shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result, and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two feet above the 100-year flood elevation.

- C. Development of Flood Plain – Land within the 100-year flood plain shall be subject to the Colleyville Flood Plain Ordinance. Any land which in the natural state is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, re-subdivided, or developed until receipt of evidence that the

construction of specific improvements proposed by the developer can be expected to yield a usable building site. Thereafter, the Planning and Zoning Commission may recommend approval of the plat. However, construction upon such land shall be prohibited until the specific improvements have been planned and construction completed.

D. Floodway Easements

1. Floodway easements shall be provided along natural drainage-ways and lakes reservations. Floodway easements shall encompass all areas beneath the water surface elevation of the base flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined and required by the Director of Public Works or designee.
2. The following statement of restrictions shall be placed in the dedication instrument of the subdivision plat:

Floodway Easement Restriction: No construction shall be allowed within a floodway easement without the written approval of the City of Colleyville, and then only after detailed engineering plans and studies show that no flooding will result.

E. Off-Site Drainage – The following provisions shall be applicable to off-site drainage of new subdivisions:

1. The developer shall accept and be responsible for all runoff from properties upstream of the proposed development. The proposed improvements shall be designed for fully developed conditions.
2. Where a drainage study indicates that additional runoff from the developing property will overload downstream drainage facilities and result in hazardous conditions, the City may withhold approval of the development until appropriate provisions have been made. These provisions shall include any drainage design or construction plans necessary to accommodate the off-site drainage problem.

Section 9.16 Street Improvement Requirements

- A. General Requirement – The developer shall construct, at his expense, street facilities necessary for the proper development of the subdivision. The street system shall provide access to every lot in the subdivision and be designed and constructed in accordance with the criteria contained in this Land Development Code.
- B. Improvements to Existing Unimproved Streets and Utilities – This section is applicable to a proposed development situated adjacent to an existing street or municipal utility, which does not meet the standards contained in the Land Development Code. (O-06-1562 / 02-07-06)

1. *Improvements Required* – If a proposed subdivision is situated adjacent to an existing street or municipal utility, which does not meet the standards contained in this Land Development Code, the developer shall bear the cost for constructing the infrastructure improvements required by this Land Development Code in accordance with the General Infrastructure Policy contained elsewhere in the Land Development Code.

For the purpose of this regulation, the calculation used for estimating the reconstruction costs for an unimproved street shall include all street paving, curb and gutter, sidewalks, hike and bike trails, water and sewer utilities, and drainage improvements. The improvements shall be sized in accordance with the most recently approved Master Thoroughfare Plan or Capital Improvements Plan, which is applicable.

2. *Escrow* – The Administrative Official may recommend approval of a subdivision plat to the Approving Body conditioned upon the deposit in escrow of the estimated costs of the adjacent unimproved street

and utility improvements in-lieu of the actual construction of said facilities. Any escrow, without interest, shall be applied against any assessment for improvements levied on such property, but shall not be deemed to release such property from liability for any future costs assessed which exceed the escrow.

3. *One and Two Lot Residential Subdivisions* – If a proposed residential subdivision contains only one or two lots and the developer does not own any contiguous property, in lieu of actual construction, the developer shall pay the applicable perimeter street costs in accordance with the General Infrastructure Policy contained elsewhere in this Land Development Code for the initial one hundred feet of street frontage. The applicable perimeter street costs shall be reduced 0.2% per linear foot of frontage in excess of one hundred feet, not to exceed fifty percent of the applicable additional street frontage.

Exemption: A lot platted under this Section that contains an existing single-family dwelling at the time a subdivision plat application is filed with the City and the lot is situated within a zoning district that allows single-family residential uses, said lot shall have an automatic exemption from the perimeter street costs, provided that existing perimeter street facilities are sufficient to assure the safe, effective and orderly movement of traffic in and about the subdivision and utility services are adequate to serve the development. The following notation shall be placed on the plat: *“Any future divisions of these lots will require full compliance with the unimproved street requirements applicable at the time of any subsequent re-platting.”*

Section 9.17 Street Design Criteria

- A. Street Functional Classification – All streets shall be designed in accordance with the functional classification shown on the most recent version of the Master Thoroughfare Plan and the following:

Functional Classification of Streets	
Street Classification	Functions - Uses
Local	Carries traffic from residential and commercial areas to collector streets and interconnects individual sites. Local streets carry light traffic volumes and trips are of a short duration.
Collector Major Minor	Carries traffic from local streets to arterial streets. Uses served would include medium and high density residential, limited commercial facilities, elementary schools, some small offices and as direct access within industrial parks. Collector streets also carry heavy traffic to major commercial and industrial facilities from arterial streets. Uses would include office parks, industrial parks, and community level commercial facilities.
Arterial Major Minor	The main function of an arterial is to carry traffic from on urban area to another. The arterial streets serve the major activity centers of urbanized areas. An arterial street is used for longer urban trips and carries a high portion of the total traffic with a minimum of mileage.

- B. Street Design

1. *In-General* – Streets shall be designed with due regard to topography, with due consideration of the abutting uses, and the anticipated destination of traffic and traffic volumes at full development of the neighborhood. Where necessary to prevent traffic congestion and to ease the movement of vehicles to and from principal traffic generators, additional right-of-way width or other special design shall be provided. Where topographical conditions make other treatment necessary to secure the best overall design, these standards may be modified by the Director of Public Works or designee..
2. *Street Continuity* – The street layout shall provide for the continuation of the collector street system as shown on the Master Thoroughfare Plan. Streets shall provide connection to streets in adjacent subdivisions, but local streets shall be designed so as to discourage use by through traffic and to require the minimum number of streets necessary for convenient and safe access to property.

3. *Curvilinear Streets Encouraged* - The developer is encouraged to consider curvilinear, cul-de-sac, and loop street designs where such use would result in a more functional layout and not necessarily adhere to a rigid rectangular street pattern.
4. *Right-of-way Widths* – Every subdivision plat shall dedicate sufficient right-of-way to comply with the requirements of the Master Thoroughfare Plan. The right-of-way widths shall be designed for the intended use and anticipated traffic volume at optimum development of the area served. Additional right-of-way may be required at street intersections and to provide for left and right turn lanes at high-volume intersections.
5. *Cul-de-sac Lengths* – No street shall be designed as a permanent dead-end street, but shall be designed to incorporate a cul-de-sac which complies with this Section. (O-00-1261 / 12-19-00)
 - a. *Diameter* – A cul-de-sac street shall be provided at the closed end with a minimum property line right-of-way diameter of one hundred feet, and a pavement turn-around with a minimum outside diameter of eighty feet (80'). (O-00-1261 / 12-19-00)
 - b. *Length* – No cul-de-sac street shall exceed six hundred feet (600') in length, unless additional right-of-way width and additional pavement width are provided as required in this Section. Furthermore, no cul-de-sac street shall exceed the maximum length of one-thousand two hundred feet (1,200'). For purpose of this regulation, cul-de-sac length shall be measured along the centerline of the cul-de-sac from the intersecting street right-of-way line to the center point of the cul-de-sac. (O-00-1261 / 12-19-00)
 - c. *Width* – A cul-de-sac street shall have a minimum right-of-way width of fifty feet (50') and a minimum pavement width of thirty-one feet (31'), back-to-back of curb. However, a cul-de-sac street which exceeds six-hundred feet (600') in length shall have a minimum right-of-way width of fifty-six feet (56') and minimum pavement width of thirty-six feet (36'), back-to-back of curb. (O-00-1261 / 12-19-00)
 - d. *Maximum Number of Lots* – The maximum number of single-family lots served on a cul-de-sac street shall be as shown in the following table: (O-00-1261 / 12-19-00)

Maximum SF Residences Served on Cul-de-sac	
District	Max. Number of Lots Served
AG	5
RE	5
R-40	10
R-30	10
R-20	12
R-15	12
PUD-R	12

- e. *Temporary Turn-Around* – A temporary turn-around is required when a street is temporarily dead-ended and is longer than one-hundred and fifty (150) feet, as measured from the intersecting street right-of-way line. The temporary turn-around shall be within a temporary easement and constructed of asphalt or concrete. (O-00-1261 / 12-19-00)
6. *Temporary Dead-End Streets* - Temporary dead-end streets shall have provision for future extension of the street and utilities and, if a temporary cul-de-sac is utilized, a reversionary right to the land abutting the turnaround for excess right-of-way shall be provided.
7. *Stub-outs for Future Extensions* - Permanent dead-end roads shall not be allowed. The street layout shall be extended to the tract boundary to provide for future access into adjoining tracts to assure adequate neighborhood circulation, unless prevented by topography or other physical conditions, or unless, the Planning and Zoning Commission determines that the extension is neither necessary for

future development of adjacent tracts. In general, these extensions should be not more than one thousand (1,000) feet apart.

8. *Pavement Required* - All street surfaces within or abutting the proposed subdivision shall be paved, with curbs and gutters installed, and constructed in accordance with the standards and specifications contained elsewhere in this Land Development Code.
9. *Frontage Access Road* - Where a subdivision abuts or contains an existing or proposed collector street or railroad right-of-way or abuts a commercial or industrial land use, the City may require a frontage street approximately parallel to and on each side of such right-of-way to separate through and local traffic, or reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or equivalent treatment as may be necessary for adequate protection of residential properties.
10. *Half Streets* - Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining land is subdivided, the other half of the street shall be platted within such tract.
11. *Number of Subdivision Entryways* – Every subdivision shall be designed to provide sufficient access into the development to accommodate anticipated traffic demands and to provide for emergency public services using the criteria contained in this Section. (O-01-1280 / 08-08-01)
 - a. Where a proposed subdivision, or cul-de-sac street, contains more than twelve (12) lots, the development shall provide for two entryways as follows:
 - i. The development shall provide one street entryway and one emergency access easement. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway. The widths of the right-of-way and driving surfaces of the street entryway and the emergency access easement shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - ii. The development shall provide two street entryways separated not less than one-hundred feet between the centerlines of the driving surfaces. The widths of the right-of-way and driving surfaces of the two entryways shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - iii. The development shall provide a divided entryway and one emergency access easement. The driving surfaces of the divided entryway shall be separated by a median not less than ten (10) feet in width and provide for one-way traffic. The widths of the right-of-way and driving surfaces of the divided entryway shall be in accordance with the standards contained elsewhere in this Land Development Code. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway and be constructed in accordance with the standards contained elsewhere in this Land Development Code.
 - b. If it is physically impractical or otherwise impossible to provide two entryways or to incorporate an emergency access easement into the development in accordance with the above stated requirements, the following alternative may be considered by the approving body:
 - i. A single pavement width of forty-one (41) feet shall be constructed. Said pavement shall extend back from the intersecting street right-of-way a minimum distance of one-hundred (100') feet. All residences within the subdivision shall contain automatic fire-sprinkler systems.
 - c. If it is physically impractical or otherwise impossible to comply with the above-stated requirements, an alternative design may be submitted to the City Council for consideration. The approving body

may approve the alternate design if it finds that the above-state requirements can not be satisfied and that all efforts have been made by the developer to comply with said requirements.

12. *Reverse Curves* - Between reverse curves there shall be a tangent section of centerline not less than one hundred feet (100') long.

C. Intersections

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable.
2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City.
3. Street jogs with centerline offsets of less than one hundred thirty-five (135) feet shall not be permitted.
4. Local streets intersecting a collector street or larger shall have a tangent section of centerline at least fifty (50) feet in length measured from the right-of-way line of the collector street; however, no such tangent is required when the minor street curve has a centerline radius greater than four hundred (400) feet with the center located on the collector street right-of-way line.
5. At local street intersections, the property line corner shall be rounded by an arc having a radius of twelve (12) feet. This radius shall be increased when the smallest angle of intersection is less than eighty (80) degrees. At intersections of streets with major and collector streets the property line corners shall be rounded by an arc having a radius of twenty-five (25) feet. The Director of Public Works or designee may approve comparable cut-offs or cords in place of rounded corners.
6. Where practical, spacing of intersections along collector streets shall be at least 500 feet apart.

D. Alleys – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-around facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:

1. Twenty feet (20') where residential building sites are provided on both sides;
2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;
3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.

Section 9.18 Easements

DA. Easements – Easements for drainage and utility construction, service, and maintenance shall be provided in locations approved by the City and affected utilities according to the following standards:

1. Easement for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided on each lot and extend along the entire length of the rear property line. Easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.

2. For lots of more than two hundred (200) feet deep, the utility easement shall be not less than sixteen (16) feet wide.
3. The width of any drainage easement shall be determined by the Director of Public Works or designee or in accordance with the need for drainage improvements established by any drainage study.
4. All utility easements shall be dedicated as utility and/or drainage easements.
5. When an easement is granted for public purposes as a separate instrument, the following statement of restrictions shall be placed in dedication instrument:

Utility Easements

Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

EB. Easements Adjacent to State Highways – When a proposed water or sewer line or drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility.

FC. Emergency Access Easements – Emergency access easements shall have a clear unobstructed width to accommodate a pavement section of not less than twenty-four (24) feet in width. The emergency access easement shall connect at each end to a dedicated public street or shall have a suitable size turnaround at the dead-end, and appropriate turning space at inside corners to permit free movement of emergency vehicles. An emergency access easement may be used as a driveway to gain access to parking or loading spaces, but shall not be used for parking. All emergency access gates shall provide for an opening of not less than twenty four (24) feet wide by fourteen (14) feet in height and include a locking and opening mechanism acceptable to the Fire Department. (03-20-07 / O-07-1613)

~~G. Alleys – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back around facilities at the dead end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:~~

- ~~1. Twenty feet (20') where residential building sites are provided on both sides;~~
- ~~2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;~~
- ~~3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.~~

H.D. Mutual Access Easements (O-02-1336 / 04-16-02)

1. *Purpose* – The purpose of this requirement is to provide public access to adjacent properties by reducing the number of driveway cuts and potential traffic accidents on adjacent streets.
2. *Applicability* – This Section shall be applicable to properties abutting and that may derive access from a Collector Street or Arterial Street as shown on the Master Thoroughfare Plan.

3. *Requirement* – The City shall require the dedication of a mutual access easement to provide cross access to adjacent properties or shared use of a driveway to conform with the minimum driveway standards contained in Chapter 14 of this Land Development Code.
4. *Easement Dimensions* – Easements for shared driveways shall be 16 feet in width and 35 feet in length, but may vary given the shape of the particular tract. Easements extending across the entire width of the property shall not be less than 24 feet in width.

Section 9.19 Private Utilities

A. Newly Installed Utilities Required to be Underground (O-17-xxxX / xx-xx-17)

1. All newly installed gas, electric, telephone utilities, street lighting, and cable television lines shall be underground except where conditions do not warrant underground installations and as approved by the City Council.
2. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground.
3. Existing feeder and other major transmission lines that could not practically be placed underground may remain overhead. However, a subdivider shall endeavor, and whenever practical (as determined by the Development Review Committee), the City may require that feeder lines are placed away from traffic arteries (collector and arterial) and/or be placed underground.
4. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.
5. All new service lines shall be placed underground.
6. Overhead services will not be permitted to cross public rights-of-ways.
7. All borings will be required to be completed by methods as approved by the city.

Section 9.1820 Traffic Impact Analysis

When a proposed subdivision plat is estimated to generate more than 1,000 vehicle trips per day, a traffic impact analysis shall be required with the earliest submittal of a plat application. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public Works or designee. The purpose of the traffic impact analysis is to determine the need for traffic mitigation measures which may include, but are not limited to, dedication of additional right-of-way, construction of turning lanes, or construction of traffic control facilities. This requirement may be waived when a traffic impact analysis was submitted at the time the current zoning was adopted and the traffic impact analysis is less than one year old. Any mitigating measures required shall be the responsibility of the developer, unless a cost-sharing agreement is approved by the City.

Section 9.1921 Sidewalks

A. General Sidewalk Requirement

1. Sidewalks shall be constructed prior to completion of any primary structure for all lots that: (1) are required as part of a Planned Unit Development or Special use Permit; or, (2) front on a new street dedicated in conjunction with a subdivision plan; or, (3) front on an existing City Street. Other than properties zoned as Planned Unit Developments or containing Special Use Permits with specific sidewalk provisions, sidewalks shall be required to be constructed prior to the final inspection. Any variance to the sidewalk construction requirements described above shall be considered by the City Council.

2. The sidewalks shall be constructed adjacent to and within the public street right-of-way and include curb ramps where applicable. Where no public right-of-way exists, the sidewalk shall be located within a public access easement that provides accommodation of the future street right-of-way dedication. When a subdivision is proposed with a masonry or other permanent perimeter screening wall adjacent to a street, the sidewalk shall be constructed by the developer at the same time as the screening wall. All sidewalks shall conform to the standards and specifications contained in this Land Development Code.
 3. When circumstances exist wherein it is not practical to construct a sidewalk, the developer may be afforded the opportunity to escrow funds in an amount sufficient to pay for the construction of a sidewalk at some future date.
 4. The issuance of a building permit is contingent on the written commitment of the applicant to construct a sidewalk or pay the required escrow amount.
- B. Trails System Sidewalks – When a proposed sidewalk coincides with the general location of a future sidewalk shown in the most recently approved Colleyville Trails System Plan, the sidewalk shall be constructed in accordance with the design standards for a trails system sidewalk. The standards and specifications for a trails system sidewalk are contained elsewhere in this Land Development Code. The developer shall be required to provide additional street right-of-way dedication or a public access easement of sufficient width to accommodate the trails system sidewalk. Where the trails system sidewalk will be located at the rear or to the side of a lot, such as within a green-belt or similar open space, the developer shall provide sufficient right-of-way or public access easement to accommodate the sidewalk.

Section 9.2022 Street Lighting

- A. General Requirements – The developer shall be required to install, at no cost to the City, a street lighting system at all street intersections, at the end of all cul-de-sac streets, and at additional locations in accordance with the criteria contained elsewhere in *Chapter 14 – Engineering Design Standards* of this Land Development Code. All City Lighting shall be consistent with standard light pole ONCOR Texas Style Pole D with Luminaire F with a Finial Band. Any variance from this standard requires written approval from the Director of Public Works or designee.

Section 9.2123 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1261	12/19/00	Cul-de sac street lengths
O-00-1261	12/19/00	Lot Drainage and Grading
O-00-1261	12/19/00	Fire Hydrants
O-00-1261	12/19/00	Divided Entryways
O-00-1280	08/08/01	Number of Subdivision Entryways
O-00-1214	12/18/01	Existing Unimproved Street Requirements
O-02-1336	04/16/02	Mutual Access Easements
O-06-1562	02/07/06	General Infrastructure Policy
O-07-1613	03/20/07	Emergency Access Gates
O-09-1712	03/03/09	Amendment to sidewalk regulations – Sections 9.12 and 9.19
O-12-1860	01/08/13	Amendment to sidewalk regulations adding appeal process to the City Council from the P&Z
O-14-1907	02/18/14	Amendment to Sidewalk Regulations & General Update
O-17-xxxx		Underground Utility Requirement

should be contacted include U.S. Army Corps of Engineers, Tarrant County Water Control Board, TCEQ, the Trinity River Authority, and FEMA.

Regardless of approvals obtained from those agencies listed above, no filling, development or construction in any area subject to inundation by a lake shall occur without the approval of the City Manager. The City Manager may require any studies necessary to determine that filling, development or construction will not have a detrimental effect on adjacent, upstream or downstream properties and buildings. This subsection in no way diminishes other requirements of this section.

- O. Lot Drainage and Grading – Grading and drainage of all residential lots shall be designed in a manner which will allow one lot to drain across an adjacent lot and into a permanent structure, such as a concrete flume, lined channel, or proper inlet to an adequate drainage facility, or to a street right-of-way. If an approved drainage structure is not present, it will be required of the developer to construct the necessary facilities. (O-00-1261 / 12/19/00)
 - 1. Sheet flow techniques shall be used for lot to lot drainage where possible. (O-00-1261 / 12/19/00)
 - 2. Single lots shall accommodate their own drainage into an approved structure where topographic elevations allow this to occur. (O-00-1261 / 12/19/00)

Section 14-175 Miscellaneous

- A. Trench Safety – In conformance with House Bills 662 and 665 as passed by the Seventieth Legislature Regular Session of the State of Texas, all construction projects within the City of Colleyville or its extraterritorial jurisdiction as provided by the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes) shall contain provisions for trench safety. On construction projects in which trench excavation will exceed a depth of five (5) feet, the uniform set of general conditions must require that the bid documents and the contract include detailed plans and specifications for adequate safety systems that meet Occupational Safety and Health Administration standards and that these plans and specifications include a pay item for these same safety systems.
- B. Underground Utilities – All newly installed distribution lines, cables, etc. for utilities other than those listed above shall be installed below ground within the subdivision per regulations found in Section 9.19 Private Utilities. ~~Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the subdivision being served. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the Director of Public Works.~~

Section 14-180 Drainage Studies and Engineering Certification

- A. Preliminary Drainage Analysis Guidelines – The purpose of a *Preliminary Drainage Analysis* is to determine the need for drainage facilities and/or drainage easements either within the proposed development or offsite. A *Preliminary Drainage Analysis* is required for every subdivision plat or a development requesting a building permit on a parcel which does not have a previously approved drainage analysis, unless the Director of Public Works has waived this requirement due to existing conditions. The *Preliminary Drainage Analysis* shall consist of the following information:
 - 1. A topographical map drawn at a scale of 1" = 200' which depicts the watershed that drains to and across the subdivision or development. The map must include the subdivision and an area extending a minimum of 200' in all directions from the proposed subdivision. Sheets shall be either 18" X 24" or 24" X 36" in size and may contain sheet to sheet match lines. The map must include contour lines at five (5') foot vertical intervals in terrain with a slope of two (2%) percent or more, or two (2') foot vertical intervals in terrain with a slope of less than two (2%) percent. Data from the City topographic maps will be acceptable where available. Data from USGS Quad sheets may be acceptable only where City topographic maps are not available. The datum for "0" topography shall be that of the United States Coast and Geodetic Survey or the City of Colleyville GIS datum.

The map shall indicate any offsite or adjoining areas outside the limits of the area being developed

Legal Notice

April 21, 2017

SENT VIA EMAIL on Friday, April 21, 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, April 22, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 5/8/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-003 - Consideration of a zoning change from the AG- Agricultural zoning district to the R20-Single Family Residential zoning district on Tract 2A, Abstract 1692, in the Joseph White Survey, located at 816 Shelton Drive

Case GC17-015 - Consideration for approval of amendments to the Land Development Code regarding a proposed requirement that newly installed utilities be underground; specifically Chapter 9 – Subdivision Design & Public Facilities, Section 9.17 Street Design Criteria, proposed Section 9.18 Easements, proposed Section 9.19 Private Utilities, and Chapter 14 – Engineering Design Standards, Section 14-175 Miscellaneous

The City Council will hold a Public Hearing on the above items on 6/6/17 and 6/20/17 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

ORDINANCE O-17-xxxx

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 9 – SUBDIVISION DESIGN & PUBLIC FACILITIES AND CHAPTER 14 – ENGINEERING DESIGN STANDARDS OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Section 9.17 Street Design Criteria, Proposed Section 9.18 Easements, Proposed Section 9.19 Private Utilities, and Section 14-175 Miscellaneous of the Land Development Code to require that newly installed utilities be underground; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

Sec. 1. THAT *Chapter 9 – Subdivision Design & Public Facilities, Sections 9.17, 9.18, and 9.19 and Chapter 14 - Engineering Design Standards, Section 14-175* of the Land Development Code, are hereby amended to read as depicted in the attached Exhibit "A".

Sec. 2. 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. 3. 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. 4. 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. 5. THAT this ordinance shall take effect immediately from and after its passage.
- Sec. 6. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 6th day of June 2017.

The second reading and public hearing being conducted on the 20th day of June 2017.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 20TH DAY OF JUNE 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 L. Wyatt
City Attorney

Exhibit "A"

{Add letter 'D' to this section}

Section 9.17 Street Design Criteria

D. Alleys – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-around facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:

1. Twenty feet (20') where residential building sites are provided on both sides;
2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;
3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.

{Create this section for existing regulations pertaining to easements}

Section 9.18 Easements

A. Easements – Easements for drainage and utility construction, service, and maintenance shall be provided in locations approved by the City and affected utilities according to the following standards:

1. Easement for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided on each lot and extend along the entire length of the rear property line. Easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.

2. For lots of more than two hundred (200) feet deep, the utility easement shall be not less than sixteen (16) feet wide.
3. The width of any drainage easement shall be determined by the Director of Public Works or designee or in accordance with the need for drainage improvements established by any drainage study.
4. All utility easements shall be dedicated as utility and/or drainage easements.
5. When an easement is granted for public purposes as a separate instrument, the following statement of restrictions shall be placed in dedication instrument:

Utility Easements

Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

- B. Easements Adjacent to State Highways – When a proposed water or sewer line or drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility.
- C. Emergency Access Easements – Emergency access easements shall have a clear unobstructed width to accommodate a pavement section of not less than twenty-four (24) feet in width. The emergency access easement shall connect at each end to a dedicated public street or shall have a suitable size turnaround at the dead-end, and appropriate turning space at inside corners to permit free movement of emergency vehicles. An emergency access easement may be used as a driveway to gain access to parking or loading spaces, but shall not be used for parking. All emergency access gates shall provide for an opening of not less than twenty four (24) feet wide by fourteen (14) feet in height and include a locking and opening mechanism acceptable to the Fire Department. (03-20-07 / O-07-1613)
- D. Mutual Access Easements (O-02-1336 / 04-16-02)

1. *Purpose* – The purpose of this requirement is to provide public access to adjacent properties by reducing the number of driveway cuts and potential traffic accidents on adjacent streets.
2. *Applicability* – This Section shall be applicable to properties abutting and that may derive access from a Collector Street or Arterial Street as shown on the Master Thoroughfare Plan.
3. *Requirement* – The City shall require the dedication of a mutual access easement to provide cross access to adjacent properties or shared use of a driveway to conform with the minimum driveway standards contained in Chapter 14 of this Land Development Code.
4. *Easement Dimensions* – Easements for shared driveways shall be 16 feet in width and 35 feet in length, but may vary given the shape of the particular tract. Easements extending across the entire width of the property shall not be less than 24 feet in width.

{Create this section with proposed new language for underground utilities}

Section 9.19 Private Utilities

A. Newly Installed Utilities Required to be Underground (O-17-xxxx / xx-xx-17)

1. All newly installed gas, electric, telephone utilities, street lighting, and cable television lines shall be underground except where conditions do not warrant underground installations and as approved by the City Council.
1. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground.
2. Existing feeder and other major transmission lines that could not practically be placed underground may remain overhead. However, a subdivider shall endeavor, and whenever practical (as determined by the Development Review Committee), the City may require that feeder lines are placed away from traffic arteries (collector and arterial) and/or be placed underground.
3. Where existing overhead service or lateral/distribution utilities lines are located within the land proposed for development and the lines must be relocated to accommodate the development, the developer is responsible for relocation and placement of the lines underground.

4. All new service lines shall be placed underground.
5. Overhead services will not be permitted to cross public rights-of-ways.
6. All borings will be required to be completed by methods as approved by the city.

{Amend this section and refer to proposed section for underground utilities}

Section 14-175 Miscellaneous

- B. Underground Utilities – All newly installed distribution lines, cables, etc. for utilities other than those listed above shall be installed below ground within the subdivision per regulations found in Section 9.19 Private Utilities. ~~Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the subdivision being served. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the Director of Public Works.~~