



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, June 12, 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 MATHISEN
PLEDGE OF ALLEGIANCE**

1. APPROVAL OF MINUTES

May 8, 2017

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

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a replat, being Lots 2R1, 2R2, & 2R3, Block 1, of the Morris Addition, a replat of Lot 2, Block 1, of the Morris Addition, located at 7201 Pleasant Run Road, Case PC17-006
- 3b** Consideration of a zoning change from the AG- Agricultural zoning district to the R40- Single Family Residential zoning district on Tract 5A01, Abstract 294, in the Robert Chowning Survey, located at 6260 Pool Road, Case ZC17-007
- 3c** Consideration of a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC16-007
- 3d** Consideration of a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC17-010
- 3e** 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, **TABLED FROM MAY 8, 2017 MEETING**

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, June 9, 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
100 Main Street
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Monday, May 8, 2017

City Council Chambers

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission meeting was called to order by Chairman Dodson on May 8, 2017, at 7:05 p.m.

Roll Call

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

Absent: Commissioners Veronica Baughman and Charles Kelley

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

1. APPROVAL OF MINUTES

Commissioner Mathisen made a motion to approve the April 10, 2017 minutes as corrected. Commissioner Frazier seconded.

The motion to approve carried by the following vote:

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

Absent: 2 – Baughman and Kelley

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

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

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a zoning change from AG–Agricultural zoning district to the R-20-Single Family Residential zoning district on Tract 2A, Abstract 1692, in the Joseph White Survey, located at 816 Shelton Drive, Case ZC17-003

Commissioner Elms recused himself from the meeting.

Shane Pace presented the case and briefed the Commission.

Commissioner Mathisen questioned staff regarding the zoning compatibility of the subject property. Staff responded that in land area, size, and shape, the subject property falls within the required parameter of the R-20 zoning district. Staff added the Agricultural zoning district requires of minimum of three acres, a larger lot width, and depth, and the subject property is significantly smaller for these requirements.

Chairman Dodson questioned staff regarding the subject property being grandfathered. Staff responded stating to potentially establish lot of record status, a deed record prior to May of 1978 describing the exact current property boundaries, would have to be provided. Staff added a lot of record has not been provided to date.

Commissioner Frazier questioned staff regarding building on the subject property under the current zoning. Staff responded the subject property cannot be built on without providing some documentation such as lot of record. Commissioner Frazier questioned staff regarding building on the subject property would be permitted through providing the lot of record or approval by the Commission for the R-20 zoning district request. Staff confirmed.

Commissioner Mathisen questioned staff regarding the building requirements for the Agricultural and R-20 zoning districts. Staff responded the Agricultural zoning district allows for a maximum of 20 percent lot coverage and the R-20 district allows for a maximum of 30 percent coverage. Staff added there is a 4,000 to 6,000 square foot difference on the subject property's lot coverage in the Agricultural and R-20 zoning district.

Commissioner Frazier questioned staff regarding the building side yard setbacks for Agricultural and R-20 zoning district. Staff responded the R-20 zoning district requires 10 feet and the Agricultural zoning district requires 25 feet. Commissioner Frazier made a notation on the plat exhibit showing the subject property's 30 feet front and side yard setbacks. Staff responded that the subject property is a corner lot and a 30 foot setback is required for the side and front yard setback on an R-20 zoning district. Discussion continued regarding the Agricultural and R-20 zoning district's requirements.

Commissioner Frazier questioned staff regarding the letter submitted by the property owner on 1614 Pleasant Run Road. Staff responded the letter addresses the property at 1614 Pleasant Run Road which was zoned Agricultural and requested a zoning change to the R-20 zoning district in 2014. Staff noted the property's gross area was 19,000 square feet. Staff

added that through lot of record, the property was granted to remain as Agricultural by the Planning and Zoning Commission, with waivers for lot width and depth, waivers for 10 foot side setbacks, and 25 foot rear setback, and held to 20 percent maximum lot coverage.

The applicant, Jeff Avery, 1314 Worthington Street, Grapevine, came forward and briefed the Commission.

Commissioner Frazier questioned the applicant regarding designing the home on the subject property. Applicant responded he has not designed a home to build on the property yet, but it will be a one of kind custom home.

Chairman Dodson questioned applicant regarding selling the lot. Applicant responded he is representing the Estate in the zoning case, but has made an offer to buy the property.

Commissioner Frazier questioned the applicant regarding when the lots were conjoined. Applicant responded that he did not have the information with him, he would have to look for the information.

Surveyor Roger Hart, 6080 South Hulen, Fort Worth, came forward and briefed the Commission. The surveyor responded that the properties were part of an Estate split by the Stowe family many years ago and the properties were split by meets and bounds.

The public hearing was opened at 7:26 p.m.

James Day, 805 Shelton Drive, came forward and spoke in opposition to the case. Mr. Day addressed concerns regarding the front facing of the home, setback, and the consistency of the neighborhood zoning.

Donna Walker, 804 Shelton Drive, came forward and spoke in opposition to the case. Ms. Walker addressed concerns regarding the setbacks and the zoning of the property.

There being no others present wishing to speak, the public hearing was closed at 7:31 p.m.

Commissioner van Bever questioned staff regarding the Comprehensive Plan and fit for the area. Staff responded that the Comprehensive Plan speaks to the Future Land Use Map by designating Residential and Commercial Use. Staff added that the subject property is designated as Residential Use and is not changing to commercial, but remaining as is.

Commissioner Mathisen opened discussion regarding retaining the character of the neighborhoods as addressed in the Comprehensive Plan.

Commissioner Frazier made a motion to deny Case ZC17-003. Commissioner Mathisen seconded.

The motion to deny carried by the following vote:

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

Absent: 2 – Baughman and Kelley

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 Easement, proposed Section 9.19 Private Utilities, and Chapter 14 – Engineering Design Standards, Section 14-175 Miscellaneous, and Case GC17-015

Commissioner Elms rejoined the meeting.

Ben Bryner presented the case and briefed the Commission.

Commissioner Frazier requested staff go over the amendments proposed by the Commission for the underground utilities proposal.

Staff noted the following amendments to the underground utility proposal as requested by the Commission:

The installations be placed along the rear of the property or screening for the utility boxes for visibility purposes.

Use or inclusion of fiber in the list of utilities

Temporary utility poles permitted for new development and during construction, but removed before final acceptance of the public utilities and streets or final improvements.

Commissioner Mathisen questioned staff regarding the time frame for temporary utility poles. Staff responded that temporary utility poles will have to be removed before Public Works accepts improvements.

Inclusion of definitions regarding different levels of lines, such as distribution, feeder, and transmission to be included in the ordinance.

Commissioner Elms made a notation to Item 7 (Section 9.19 Private Utilities) "All borings will be required to be completed by methods as

approved by the city", replace the word "borings" with the words "perpendicular crossings".

The public hearing was opened at 7:45 p.m.

There being no one present wishing to speak, the public hearing was closed at 7:45 p.m.

Commissioner Mathisen made a motion to table Case GC17-015 to the June 12, 2017 Planning and Zoning Commission Meeting. Chairman Dodson seconded.

The motion carried by the following vote:

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

Absent: 2 – Baughman and Kelley

6. ADJOURMENT

The meeting adjourned at 7:47 p.m.

The minutes were written and prepared by:



Araceli Botello
Planning Technician

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



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
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Agenda Number 3a	Agenda Date 06/12/2017	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a replat, being Lots 2R1, 2R2, & 2R3, Block 1, of the Morris Addition, a replat of Lot 2, Block 1, of the Morris Addition, located at 7201 Pleasant Run Road, Case PC17-006

Explanation

Waguhi Guirguis, the applicant, requests approval of a replat of the Morris Addition on approximately 6.48 acres, located at 7201 Pleasant Run Road. The applicant proposes to subdivide one lot into three lots with the intention of constructing a single family home on each lot.

Existing Conditions/Background: The subject property is currently zoned R-40 Single Family Residential district and is a platted lot of the Morris Addition. The property is generally located on the east side of Pleasant Run Road and north of John McCain Road.

A rezoning request from the AG- Agricultural district to the R-40 Single Family Residential district was approved by City Council on October 18, 2016.

The replat up for consideration proposes to create three lots for future residential development.

Lot Dimensions and Setbacks:

Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-40 zoning regulations require the following standards:

Minimum Lot Area: 40,000 square feet
Minimum Lot Width: 150 feet
Minimum Lot Depth: 150 feet
Minimum Front Yard Setback: 40 feet
Minimum Side Yard Setbacks: 15 feet
Minimum Rear Yard Setback: 25 feet
Maximum Lot Coverage: 20 percent

As submitted, the proposed plat meets all of the requirements of the Land Development Code.

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

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 of the subject property on Friday, May 26, 2017. Notice was published in the Fort Worth Star-Telegram as required by State law and the Land Development Code on Saturday, May 27, 2017. To date, no correspondence has been received.

Staff Recommendation: The proposed replat meets the requirements of the Land Development Code, staff recommends approval.

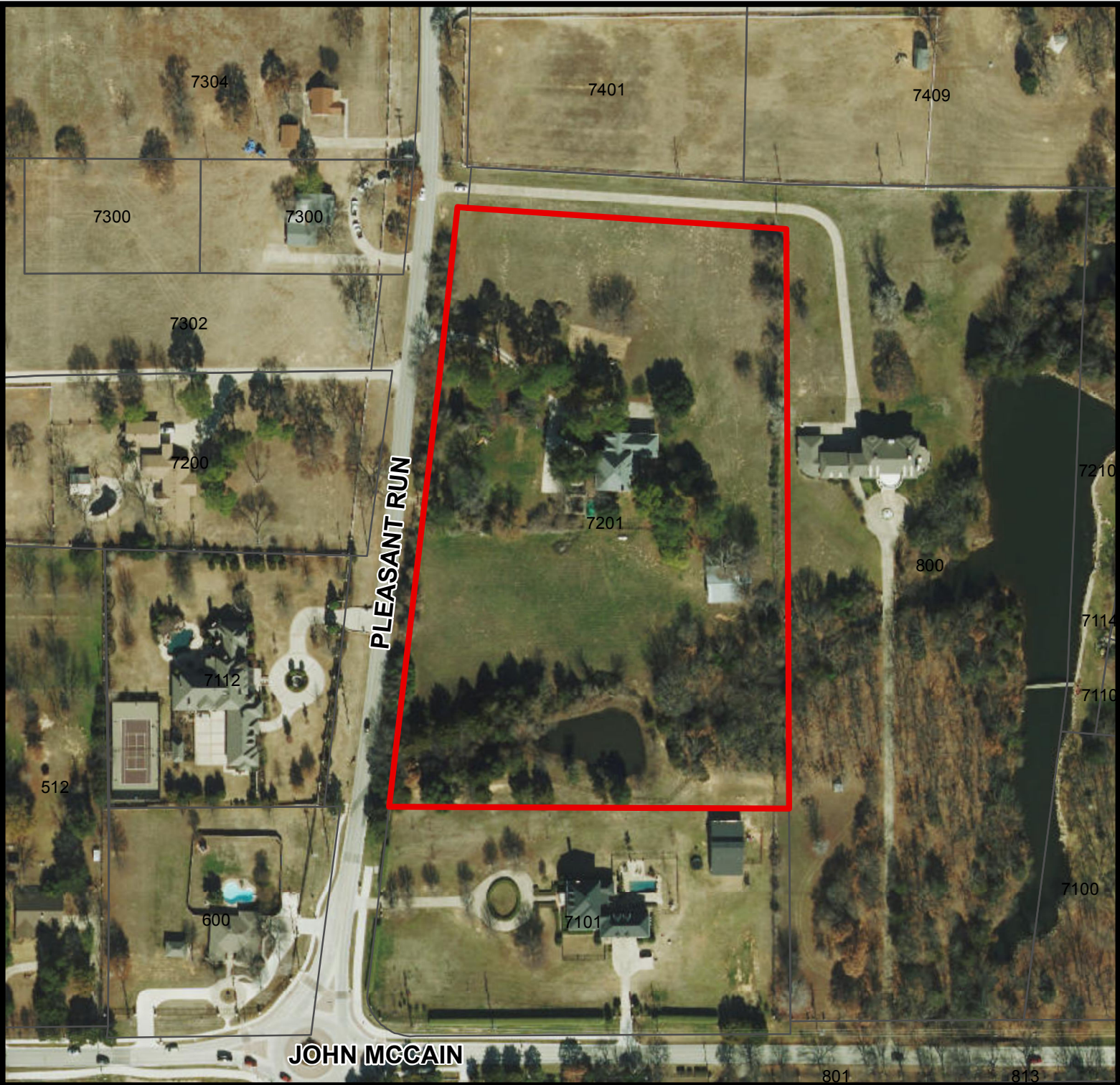
Recommendation

Approve

Attachments

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

AERIAL MAP



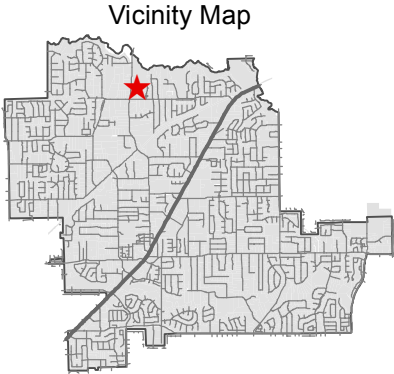
PC17-006

7201 PLEASANT RUN ROAD

 Subject Property

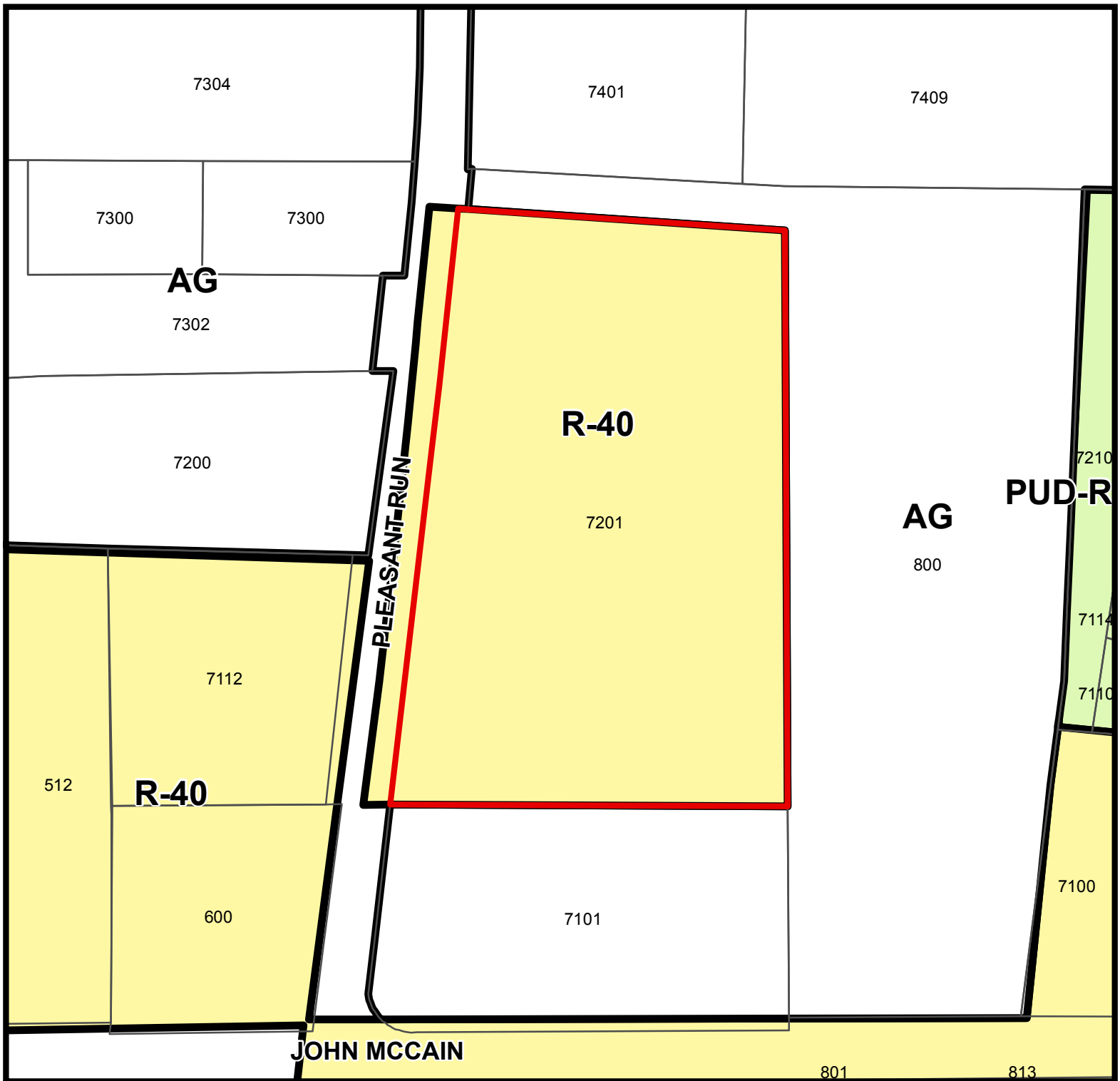


1 inch = 167 feet



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

ZONING MAP



PC17-006

7201 PLEASANT RUN ROAD

-  Subject Property
-  AG Agricultural
-  PUD-R Planned Unit Development, Residential
-  R-40 Single Family Residential (40,000 sq. ft. min)



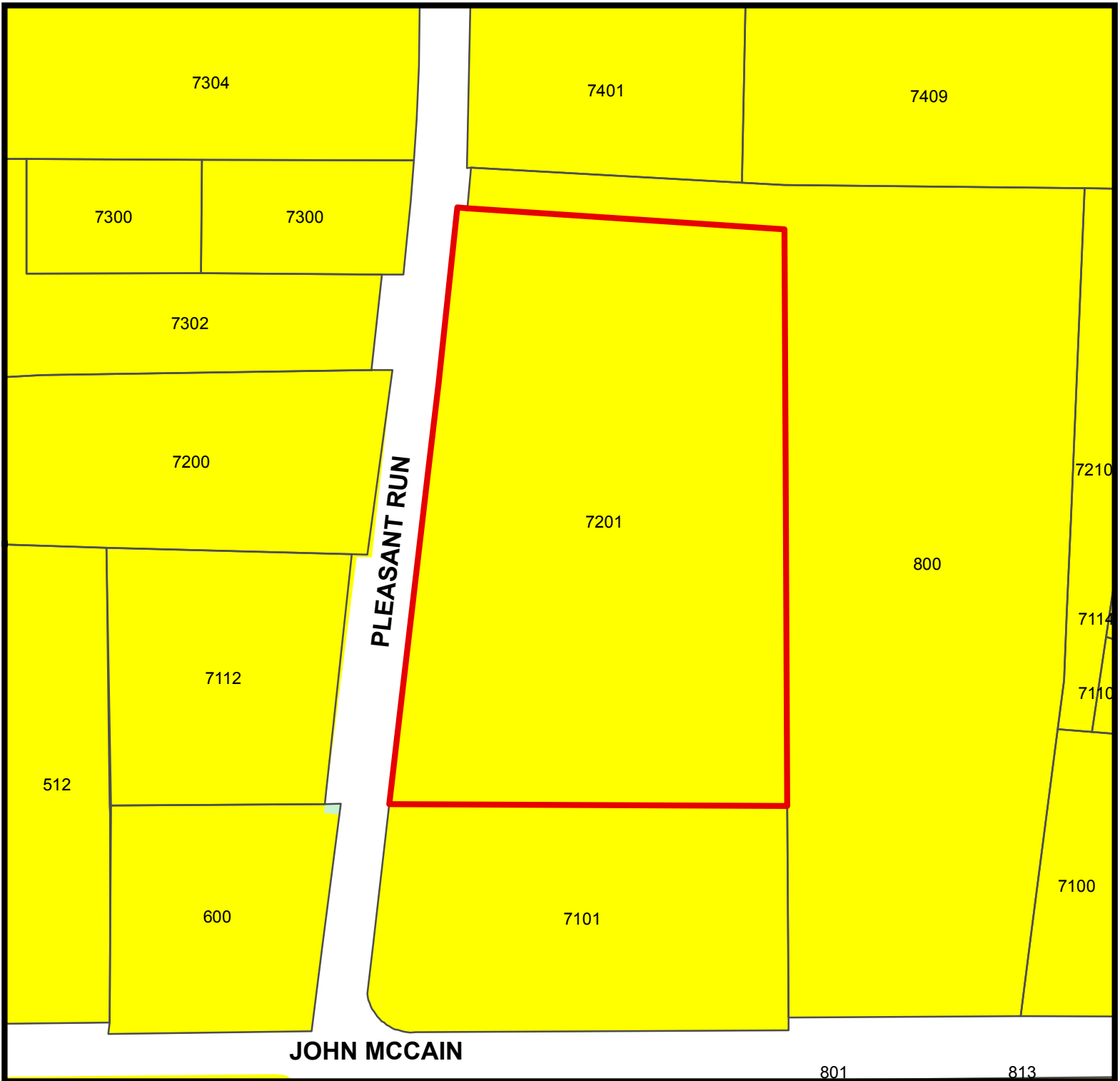
1 inch = 167 feet

Vicinity Map



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FUTURE LAND USE MAP



1 inch = 167 feet

PC17-006

7201 PLEASANT RUN ROAD



Subject Property



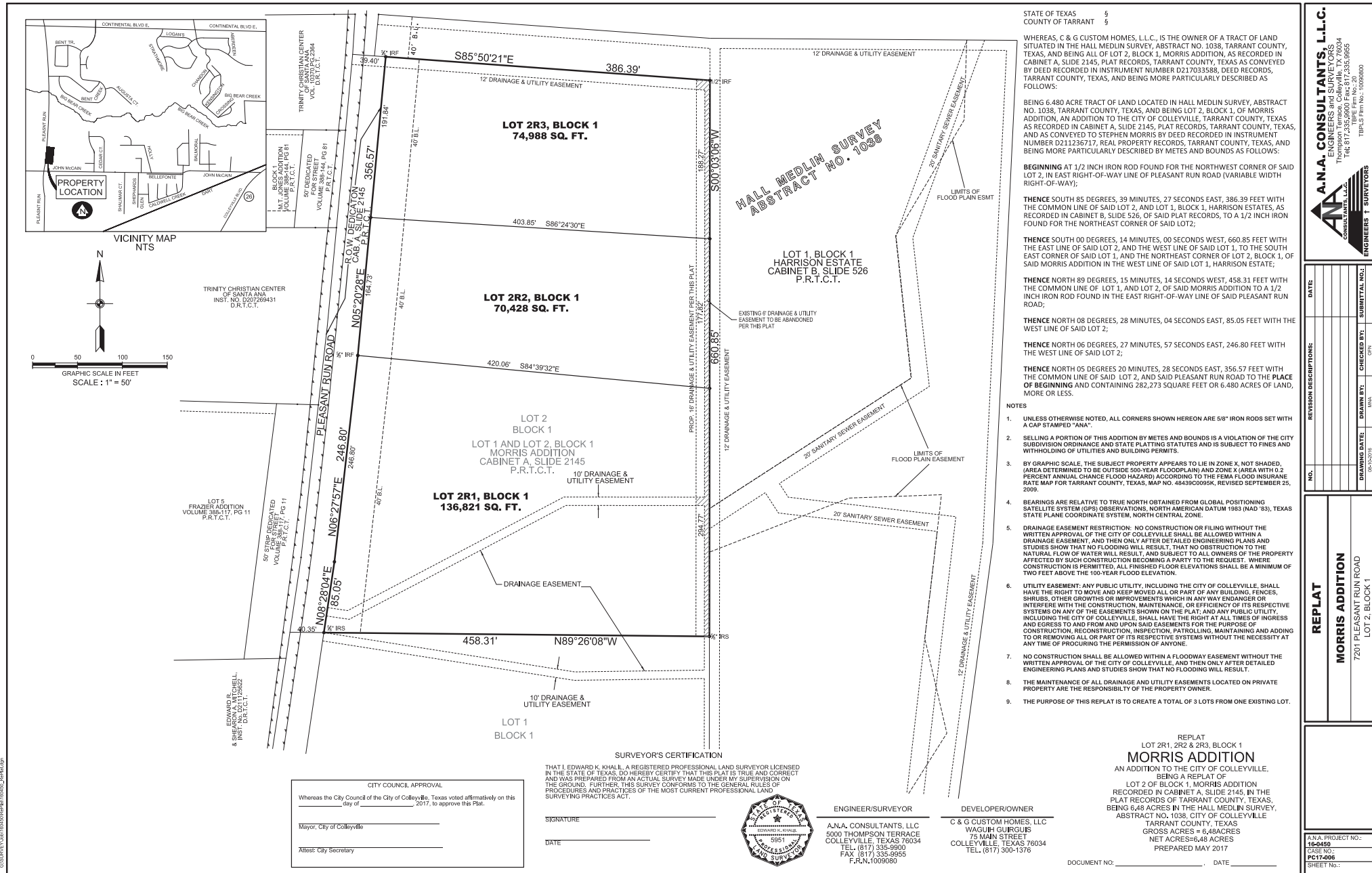
Residential

Vicinity Map

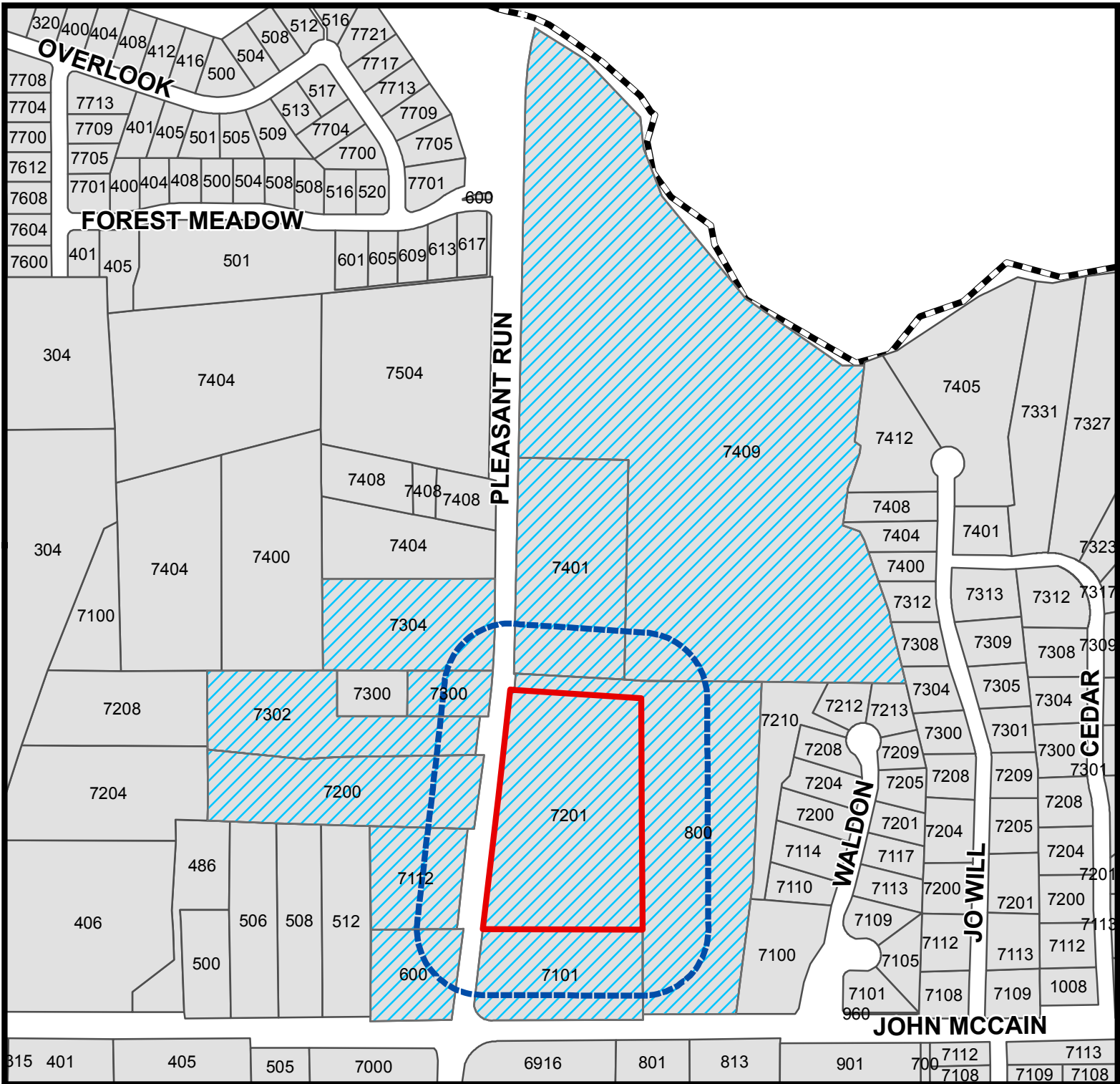


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Plat Exhibit



NOTIFICATION MAP



PC17-006

7201 PLEASANT RUN ROAD



Subject Property



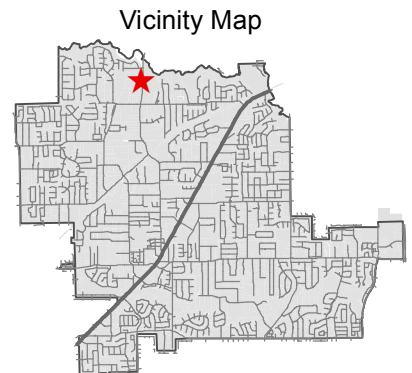
200ft Buffer



Properties within 200ft



1 inch = 417 feet



Vicinity Map

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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
TRINITY CH CENTER OF SANTA ANA	2442 MICHELLE DR	TUSTIN, CA	92780	7200 PLEASANT RUN RD
TRINITY CHRISTIAN CENTER INC	2442 MICHELLE DR	TUSTIN, CA	92780	7409 PLEASANT RUN RD
TRINITY CHRISTIAN CENTER INC	2442 MICHELLE DR	TUSTIN, CA	92780	7409 PLEASANT RUN RD
TRINITY CHRIS CTR SANTA ANA	2442 MICHELLE DR	TUSTIN, CA	92780	7300 PLEASANT RUN RD
MORRIS, STEPHEN	7201 PLEASANT RUN RD	COLLEYVILLE, TX	76034	7201 PLEASANT RUN RD
TRINITY CHRISTIAN CENTER INC	2442 MICHELLE DR	TUSTIN, CA	92780	7401 PLEASANT RUN RD
HARRISON, CYNTHIA	800 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	800 JOHN MCCAIN RD
TRINITY CHRISTIAN CENTER INC	2442 MICHELLE DR	TUSTIN, CA	92780	7401 PLEASANT RUN RD
TRINITY CHRIS CTR SANTA ANA	PO BOX A	SANTA ANA, CA	92711	7302 PLEASANT RUN RD
MILLER, DOUGLAS L	7112 PLEASANT RUN RD	COLLEYVILLE, TX	76034	7112 PLEASANT RUN RD
GOIN, DONALD	7101 PLEASANT RUN RD	COLLEYVILLE, TX	76034	7101 PLEASANT RUN RD
TRINITY CHRIS CTR SANTA ANA	2442 MICHELLE DR	TUSTIN, CA	92780	7304 PLEASANT RUN RD
MITCHELL, EDWARD	600 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	600 JOHN MCCAIN RD
WILLIAMSBURG ESTATE HOA	7113 WALDON COURT	COLLEYVILLE, TX	76034	COURTESY NOTICE
GUIRGUIS, WAGUIH	75 MAIN STREET	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, May 26, 2017 by Araceli Botello

Property Owner Notification



NOTICE OF PUBLIC HEARING

Zoning Case Number: PC17-006

Owner: Waguih Guirguis

Applicant: Mark Assaad

Location: 7201 Pleasant Run Road

Property Description: Lot 2, Block 1, of the Morris Addition

Present Zoning: R-40 Single Family Residential District

Request: Consideration of a replat, being Lots 2R1, 2R2, & 2R3, Block 1, of the Morris Addition, a replat of Lot 2, Block 1, of the Morris Addition, located at 7201 Pleasant Run Road

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, June 12, 2017 at 7:00 p.m.
City Council Meeting: Tuesday, July 11, 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. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request.

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 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

Legal Notice

May 26, 2017

SENT VIA EMAIL on Friday, May 26, 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, May 27, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 6/12/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case PC17-006 - Consideration of a replat, being Lots 2R1, 2R2, & 2R3, Block 1, of the Morris Addition, a replat of Lot 2, Block 1, of the Morris Addition, located at 7201 Pleasant Run Road

The City Council will hold a Public Hearing on the above items on 7/11/17 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



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 06/12/2017	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a zoning change from the AG- Agricultural zoning district to the R40-Single Family Residential zoning district on Tract 5A01, Abstract 294, in the Robert Chowning Survey, located at 6260 Pool Road, Case ZC17-007

Explanation

Sharon Chan, the applicant, has submitted a request to rezone approximately 1.30 acres, located at 6260 Pool Road, from the AG Agricultural district to the R-40 Single Family Residential 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. A minor plat will be required to be approved prior to issuance of a building permit on the subject property.

Proposed Zoning Change:

Request – The applicant is requesting a zoning change from the AG Agricultural district to the R-40 Single Family Residential 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-40 zoning regulations require the following standards:

- Minimum Lot Area: 40,000 square feet
- Minimum Lot Width: 150 feet
- Minimum Lot Depth: 155 feet
- Minimum Front Yard Setback: 40 feet
- Minimum Side Yard Setbacks: 15 feet
- Minimum Rear Yard Setback: 25 feet
- Maximum Lot Coverage: 20 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 of 56,802 square feet, or 1.30 acres. This conceptual plan appears to meet the R-40 zoning district's minimum lot area of 40,000 square feet and other standards as listed above. Chapter 3 (Land Use) of the Land Development Code identifies the purpose and intent of the R-20 zoning district as primarily oriented

toward low-density residential purposes and open space uses. Additionally, it states the principal uses shall be moderately low-density detached single family homes.

Analysis – Although the zoning designations for the majority of the adjacent properties are AG Agricultural and R-20 Single Family Residential, the subject property is clearly aligned with the R-40 district. The proposed conceptual zoning exhibit meets the minimum standards for the R-40 district and is consistent with the development patterns in the immediate area. Additionally, the zoning request will create a large estate lot along Pool Road which is aligned with the Comprehensive Plan and the larger vision for this portion of Colleyville.

Surrounding Development: The properties to the north and west are zoned AG Agricultural district and developed with one single family home. The properties to the south are zoned R-20 Single Family Residential district and AG Agricultural district and developed with single family homes. The properties to the east are located within the City of Grapevine 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 0.76 dwelling units per net acre. The proposed rezoning request is complies with the density policy stated in the Comprehensive Plan.

Fees: Park Land Dedication fees are not required for the subject property.

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, May 26, 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, May 27, 2017 as required by State law and the Land Development Code. To date, staff has received one letter of support for this item.

Staff Recommendation: The proposed zoning change is generally consistent with the City's comprehensive plan. Although the requested R-40 District is not the same as the surrounding AG Agricultural and R-20 district designations, the R-40 district is most compatible zoning district for this property. The applicant will be required to submit a minor plat which meets the requirements of the R-40 district prior to issuance of a building permit. 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. Statement of Planning Objectives
6. Notification Map
7. Notification List
8. Property Owner Notification
9. Legal Notice
10. Letter of Support
11. Draft Ordinance

AERIAL MAP



ZC17-007

6260 POOL ROAD

 Subject Property



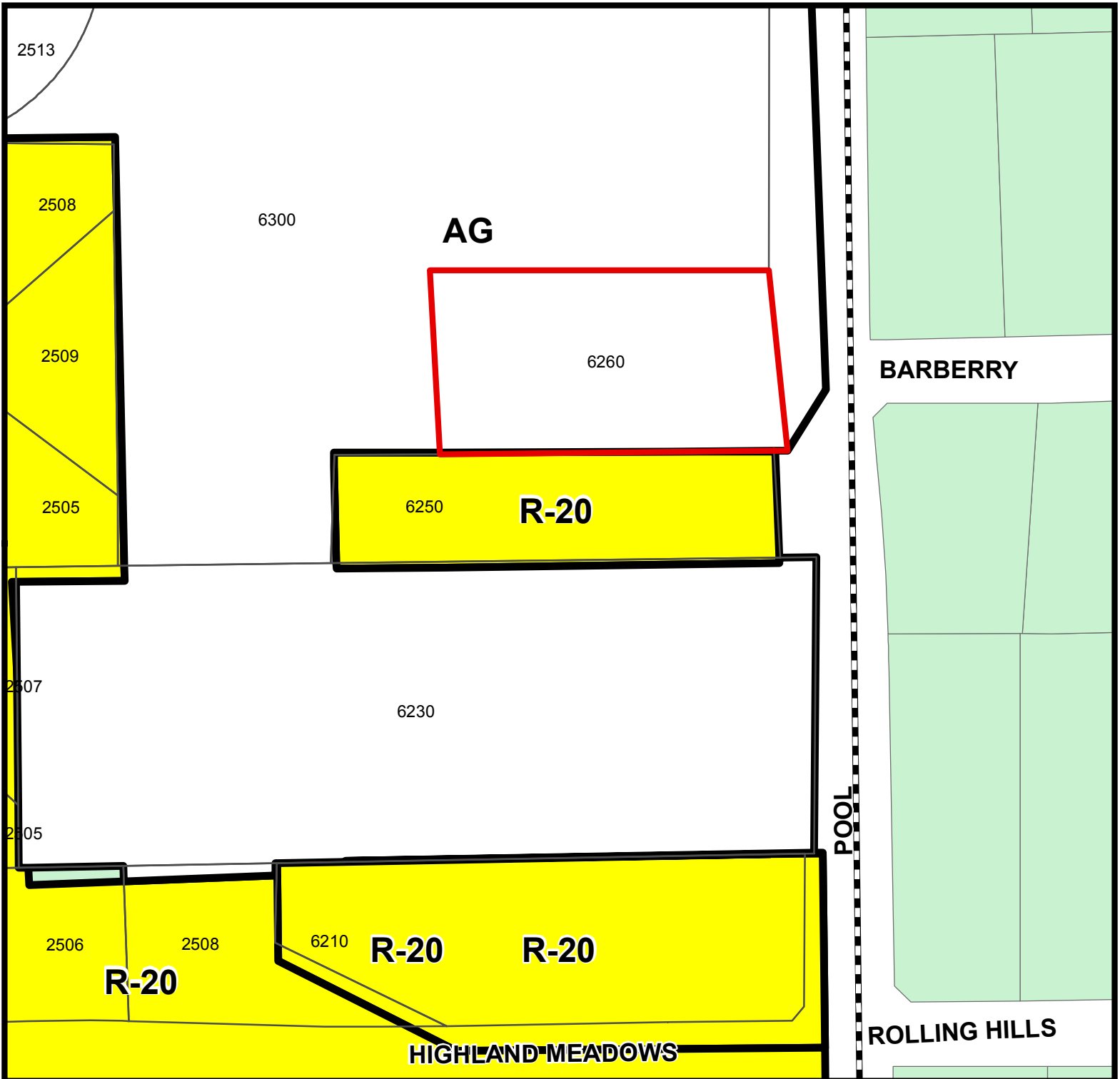
1 inch = 125 feet

Vicinity Map



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ZONING MAP



ZC17-007

6260 POOL ROAD

-  Subject Property
-  AG Agricultural
-  R-20 Single Family Residential (20,000 sq. ft. min)
-  Properties outside the City Limit
-  City Limit



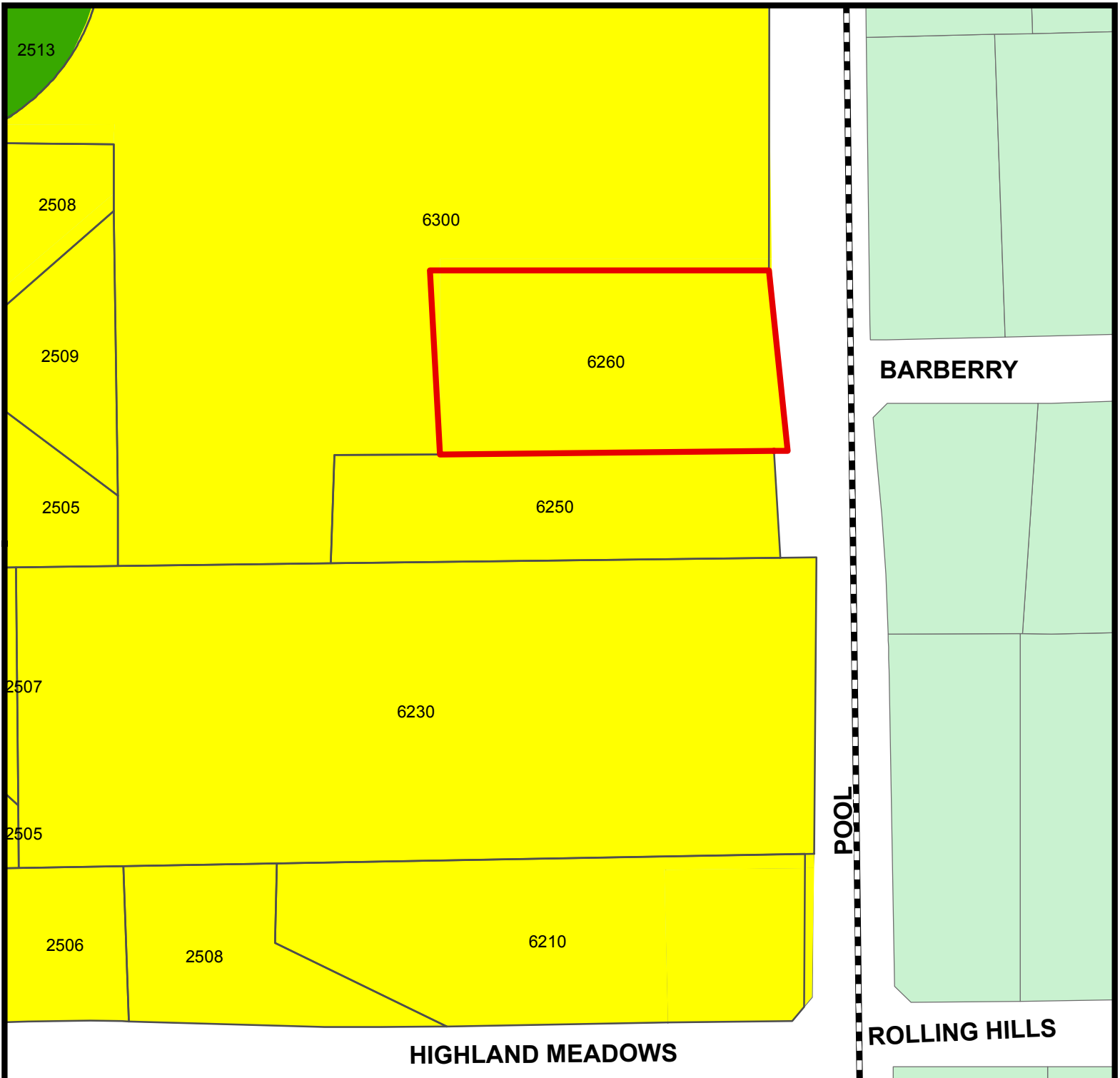
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FUTURE LAND USE MAP



ZC17-007

6260 POOL ROAD

-  Subject Property
-  Residential
-  Parks/Open Space
-  Properties outside the City Limit
-  City Limit



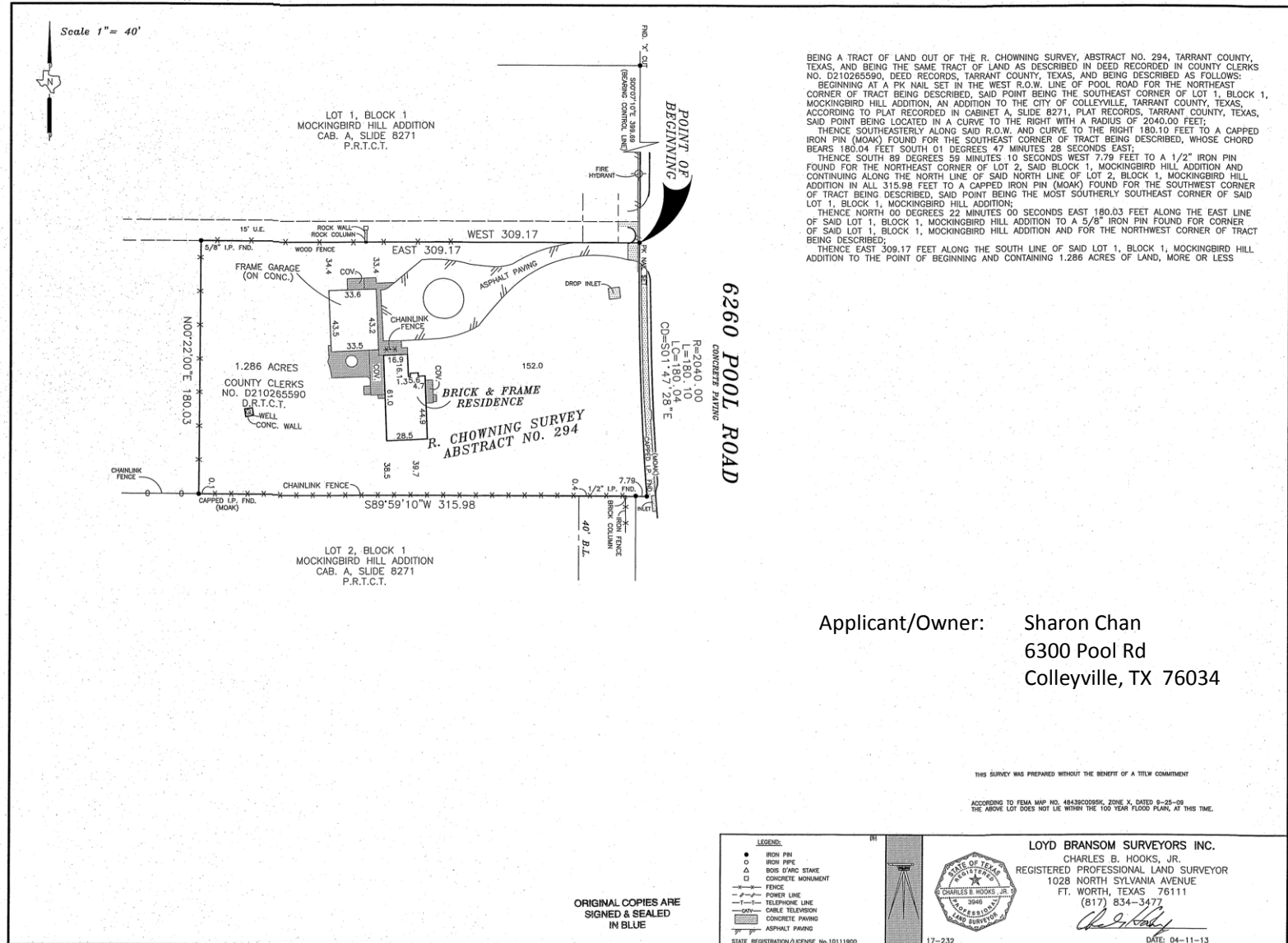
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Zoning Exhibit



ZONING EXHIBIT FOR ZONING CHANGE FROM AGRICULTURAL TO RESIDENTIAL

Statement of Planning Objectives

April 19, 2017

Re: Request for Zoning change from agricultural to residential for 6260 Pool Rd

Dear City of Colleyville,

I am the owner/applicant for 6260 Pool Rd. 6260 Pool Rd is a 1.3 acre lot with a small single-family residential house on it. The lot is currently not zoned because the small single-family house on this lot was built before the city incorporated.

I would like to rezone 6260 Pool Rd to R40 residential to ensure this 1.3 acre lot is not sub-divided and is not used for commercial use. I would like to ensure any future home built on this lot remains a single-family home estate like all the residential properties surrounding it.

Thank you for your consideration.

Sincerely,

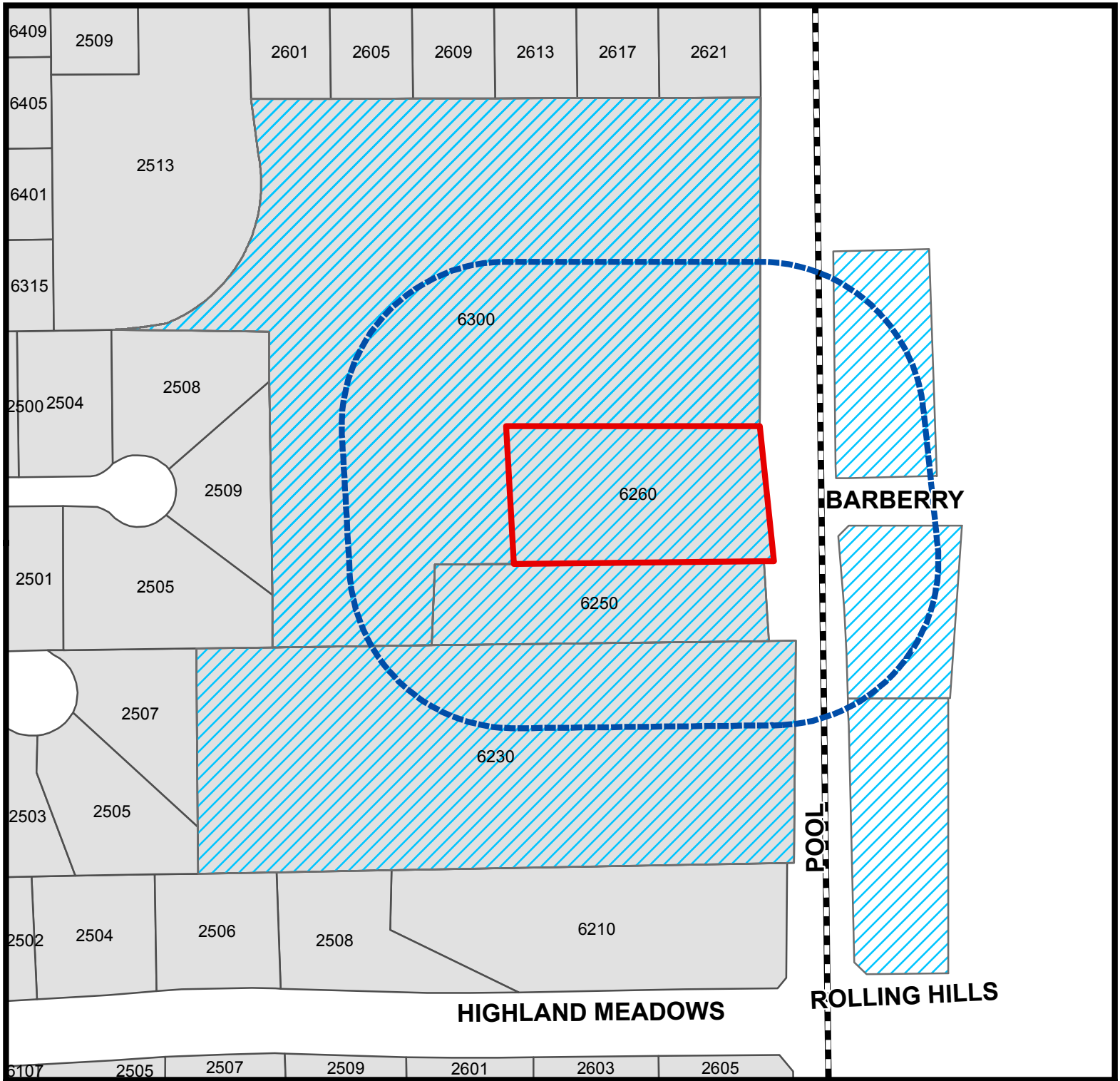


Sharon Chan

6300 Pool Rd

Colleyville, TX 76034

NOTIFICATION MAP



ZC17-007

6260 POOL ROAD



Subject Property

200ft Buffer

Properties within 200ft



1 inch = 167 feet

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
SLACK, STEPHEN G	3550 BARBERRY RD	GRAPEVINE, TX	76051	3550 BARBERRY RD
SLK BUILDERS LLC	9286 RANCH RD # 1623	BLANCO, TX	78606	6230 POOL RD
ROUNTREE, KAY	3526 ROLLING HILLS LN	GRAPEVINE, TX	76051	3532 ROLLING HILLS LN
JACOBI, JAMES A	6250 POOL RD	COLLEYVILLE, TX	76034	6250 POOL RD
CHAN, ALFONSO G	4819 LAKESIDE DR	COLLEYVILLE, TX	76034	6300 POOL RD
CHAN, ALFONSO G	4819 LAKESIDE DR	COLLEYVILLE, TX	76034	6300 POOL RD
OLTMANN, JONATHAN	4343 KENWOOD DR	GRAPEVINE, TX	76051	3551 BARBERRY RD
CHAN, ALFONSO	4819 LAKESIDE DR	COLLEYVILLE, TX	76034	6260 POOL RD
HERITAGE COLONY ADDITION	P.O. BOX 1122	COLLEYVILLE, TX	76034	COURTESY NOTICE
HIGHLAND MEADOWS ADDITION	2101 HIGH GATE DRIVE	COLLEYVILLE, TX	76034	COURTESY NOTICE
CHAN, SHARON	6300 POOL ROAD	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, May 26, 2017 by Araceli Botello

Property Owner Notification



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC17-007
Applicant: Sharon Chan
Owner: Sharon Chan
Location: 6260 Pool Road
Property Description: Tract 5A01, Abstract 294, in the Robert Chowning Survey
Present Zoning: AG-Agricultural District
Request: Consideration of a zoning change from the AG-Agricultural district to the R-40 Single Family Residential district

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

Planning and Zoning Commission Meeting: Monday, June 12, 2017 at 7:00 p.m.
City Council Meeting: Tuesday, July 11, 2017 & Tuesday, July 18, 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 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

Legal Notice

May 26, 2017

SENT VIA EMAIL on Friday, May 26, 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, May 27, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 6/12/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-007 - Consideration of a zoning change from the AG- Agricultural zoning district to the R40- Single Family Residential zoning district on Tract 5A01, Abstract 294, in the Robert Chowning Survey, located at 6260 Pool Road

Case ZC16-007 - Consideration of a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

Case ZC17-010 - Consideration of a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

The City Council will hold a Public Hearing on the above items on 7/11/17 and 7/18/17 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

Letter of Support

April 19, 2017

Re: Zoning change of 6260 Pool from Agricultural to Residential

Dear City of Colleyville,

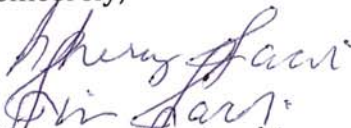
My husband and I live at 6250 Pool Rd, immediately next door (south) of 6260 Pool Rd. The City of Colleyville currently lists 6260 Pool Rd as zoned agricultural. There is a small bungalow house and garage on the property that was built prior to the city incorporating, and so the land was never zoned or platted residential through the city. The land is now up for sale, and I worry with the large garage attached, that a prospective buyer will be encouraged to operate a secret business from this garage.

Pool Rd has changed over the years to become 100% residential. 6260 is surrounded by newly built million dollar plus homes. It would be wise to allow 6260 to become the 1.3-acre residential estate lot is should be so that a similar value home may be built upon it. Such an allowance will increase the tax revenue for the city and county and support increased tax values for the neighboring properties.

I completely support the proposed zoning change of 6260 Pool Rd from agricultural to residential so that a similar home may be built on this 1.3 acre estate lot property.

Thank you for your consideration.

Sincerely,


Sherry and Jim Jacobi
6250 Pool Rd
Colleyville, TX 76034
(972) 746-5049



ZONING EXHIBIT FOR ZONING CHANGE REQUEST
FROM AGRICULTURAL TO RESIDENTIAL

ORDINANCE O-17-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 1.30 ACRES, TRACT 5A01, ABSTRACT 294, IN THE ROBERT CHOWNING SURVEY, LOCATED AT 6260 POOL ROAD, FROM THE AG-AGRICULTURAL DISTRICT TO THE R-40 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 ZC17-007; and

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

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 1.30 acres, Tract 5A01, Abstract 294, in the Robert Chowning Survey, located at 6260 Pool Road, from the AG-Agricultural district to the R-40 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 11th day of July 2017.

The second reading and public hearing being conducted on the 18th day of July 2017.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 18TH DAY OF JULY 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 3, Kelly Wheat	_____	Place 6, Mike Taylor	_____
Place 4, George Dobson	_____		

ATTEST:

CITY OF COLLEYVILLE

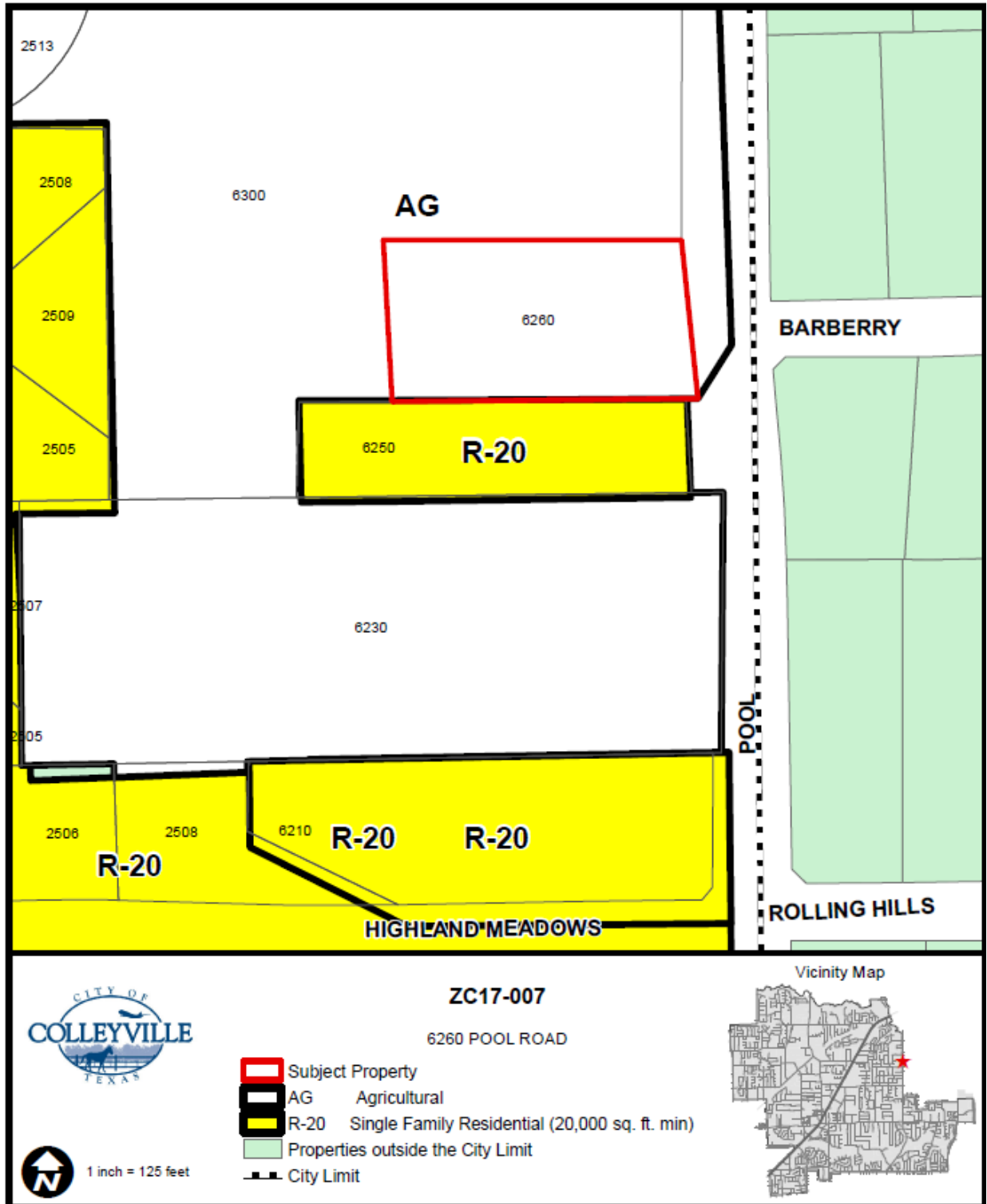
Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whit Wyatt
City Attorney

Exhibit "A"- Zoning Map



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Exhibit “B”- Metes & Bounds Description

Legal Description

Metes and bounds for 6260 Pool Rd, Colleyville, TX 76034

Being a tract of land out of the R. Chowning Survey, abstract no. 294, Tarrant County, Texas, and being the same tract of land as described in deed recorded in county clerks No. D210265590, deed records, Tarrant county, Texas, and being described as follows:

Beginning at a PK nail set in the west R.O.W. line of Pool Road for the northeast corner of tract being described, said point being the southeast corner of Lot 1, Block 1, Mockingbird Hill Addition, an addition to the city of Colleyville, Tarrant county, Texas, according to plat recorded in Cabinet A, Slide 8271, plat records, Tarrant county, Texas, said point being located in a curve to the right with a radius of 2040.00 Feet;

Thence southeasterly along said R.O.W. and curve to the right of 180.10 feet to a capped iron pin (MOAK) found for the southeast corner of tract being described, whose chord bears 180.04 feet south 01 degrees 47 minutes 28 seconds east;

Thence south 89 degrees 59 minutes 10 seconds west 7.79 feet to a ½” iron pin found for the northeast corner of Lot 2, said Block 1, Mockingbird Hill Addition in all 315.98 feet to a capped iron pin (MOAK) found for the southwest corner of tract being described, said point being the most southerly southeast corner of said Lot 1, Block 1, Mockingbird Hill Addition.

Thence north 00 degrees 22 minutes 00 seconds east 180.03 feet along the east line of said Lot 1, Block 1, Mockingbird Hill Addition to a 5/8” iron pin found for corner of said Lot 1, Block 1, Mockingbird Hill Addition and for the northwest corner of tract being described:

Thence east 309.17 feet along the south line of said Lot 1, Block 1, Mockingbird Hill Addition to the point of beginning and containing 1.286 acres of land, More or Less.



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3c	Agenda Date 06/12/2017	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC16-007

Explanation

David Bond of Spiars Engineering, the applicant, has submitted a request for a Special Use Permit (SUP) to allow a Convenience Stores with Gasoline Sales at 7015 Colleyville Boulevard. The subject property is zoned CC1-Village Retail district and PUD-C Planned Unit Development Commercial (Ordinance O-08-1699). A Convenience Stores with Gasoline Sales is allowed in the CC1-Village Retail district with the approval of an SUP.

Existing Conditions/Background: The subject property is generally located on the southeast side of Colleyville Boulevard and south of John McCain Road. It is platted as Lot 1R, Block 1, of the Gardens Addition, and is currently undeveloped.

Ordinance O-08-1699 was approved for the rear portion of the subject property in June 2008. The PUD-C ordinance describes the purpose as for a retention/detention pond, private open space, and the accessory use of a parking lot. The proposed SUP up for consideration does not seek to change this use on the rear portion of the property. Therefore, the zoning in place shall remain in effect.

Proposed Business: Per the attached Statement of Planning Objectives the proposed name of the business is "RaceTrac". The applicant intends to construct an approximately 5,500 square foot retail store with gasoline sales on the property. The proposed business will operate 24 hours per day, 365 day per year. The conceptual site plan identifies eight fueling stations with a total of 16 gasoline pumps.

Ordinance – Chapter 3 (Land Use) of the Land Development Code identifies the purpose of a Special Use Permit as:

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

Analysis – The site plan, landscape plan, and building elevations submitted by the applicant are considered conceptual in nature. However, the plans provide an adequate level of detail to allow staff to determine the feasibility of the proposed land use and the ability to comply with the requirements of the Land Development Code. Based on staff's review of all supporting materials, the proposed use appears to comply with the requirements of the Land Development Code. Should the SUP request be approved, the applicant will be required to submit a site plan for staff review and approval. At this time staff will review in detail all components of the proposed project to ensure compliance.

Although the site plan is conceptual and future reviews will be required, staff offers the following comments/observations which will need to be resolved prior to approval of a site plan or building permit.

Fire and Engineering Comments:

1. A utility plan indicating the hose lay distance from the existing fire hydrants will be required.
2. The concrete for the fire lane stub-out to the southern property will be required to be poured all the way to the property line.
3. The turning radius shown on the north of the property fire lane is not correct. All radii are required to be 30 feet.
4. Clarify the future plans or concept of open space at the rear of the development.
5. In the event the current open space is developed, public utilities will need to be provided.
6. A Utility Plan that provides water and sewer service to the front and rear of the proposed development will be required.
7. A Drainage Plan with a complete hydraulic analysis for the entire development will be required.
8. Coordination on the proposed driveway spacing and plan is required with TxDOT.
9. A Traffic Impact Analysis (TIA) will be required for review.
10. A copy of all documentation and agreements for the shared access concept with the property to the north will be required.
11. A minimum 30' turning radius will be required for the entire proposed fire lane.
12. Confirm that the proposed 8' sidewalks are within the right-of-way or a public easement.

Landscaping and Landscape Buffer Comments:

1. Based on review of the preliminary site and landscape plans, there is nothing that would prevent the applicant from meeting all landscaping and buffer requirements and they have not proposed any requested variances.

Tree Preservation Comments:

1. Based on review of the preliminary site plan, tree survey, and tree preservation plans, there is nothing about the use or general layout that would prevent the applicant from meeting all tree preservation and mitigation requirements and they have not proposed any variances.
2. Preliminarily, they appear to require preservation of 60% of the non-exempt protected trees and are providing 63%.
3. Preliminarily, they would appear to require 217 inches of tree mitigation or \$54,250 into the tree fund.
4. Major species on site (by quantity) include American elm, cedar elm, and Eastern redcedar. Minor species on site (by quantity) include gum bumelia, osage orange, pecan, post oak, slash pine, white mulberry, and hackberry.

Hours of Operation: According to the applicant, the business will operate during the following hours:

- Monday – Sunday: 12:00 am to 12:00 pm

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property within the Northern Gateway of the Colleyville Boulevard Corridor. The proposed SUP is not consistent with the Comprehensive plan.

Specifically, the vision for the Northern Gateway calls for the following items:

- Quality retail and restaurant uses that generate sales tax with office and/or retail-service uses as transitions to existing neighborhoods
 - Although the proposed gas station has retail and food components, the Northern Gateway was intended for high quality retail and restaurant uses that generate sales tax. This area is further designated for retail and commercial mixed-use.
- Buildings closer to Colleyville Corridor to minimize visibility of any surface parking along the Corridor

- With the proposed canopy and surface parking in the front of the proposed building along the Corridor, the proposed layout does not comply with this standard.
- Multi-story buildings immediately adjacent to the Corridor, in addition to corner tower elements to add interest and character along the Corridor
 - Although the proposed building has a corner tower element, it is hidden behind the canopy structure and the building is a single story.
- Appropriate transitions adjoining neighborhoods
 - Although a masonry wall is proposed on the east side adjoining single family residential uses, the proposed use will operate 24/7 and will be an intense land use. This is not an appropriate transition to residential land uses.
- Connection to the Cotton Belt Recreational Trail.
 - No connection to the Cotton Belt Recreational Trail is proposed.
- A detention area is designated along the northwestern portion of the subject property in the comprehensive plan as a gateway element.
 - No gateway element is proposed.

Surrounding Development: The property to the north is zoned PUD-C and developed with commercial and retail uses. The property to the east is zoned PUD-C and developed with single family residential homes. The property to the south is zoned AG-Agricultural district and developed with one single family home. The properties to the west are zoned CC2 – Shopping Center district and are currently undeveloped.

Public Notification: Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request on Friday, May 26, 2017. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* on Saturday, May 27, 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 not consistent with the City's comprehensive plan. Additionally the request is not a compatible land use with residential adjacency. Staff recommends denial of the Special Use Permit.

Recommendation

Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Landscape Plan
7. Architectural Renderings
8. Building Elevations
9. Canopy Elevations
10. Notification Map
11. Notification List
12. Property Owner Notification
13. Legal Notice
14. Draft Ordinance

AERIAL MAP



ZC16-007

7015 COLLEYVILLE BOULEVARD

 Subject Property



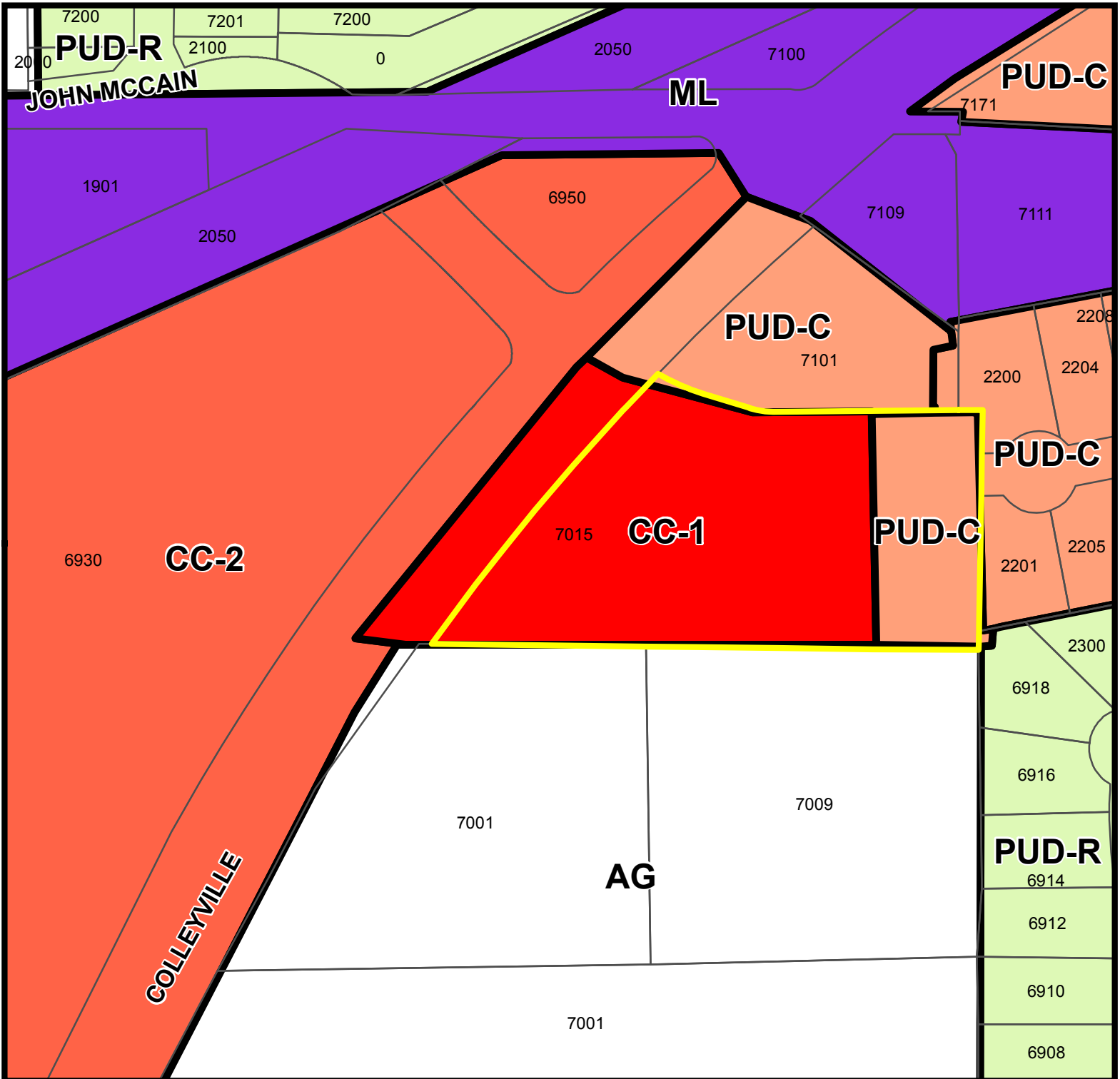
1 inch = 167 feet

Vicinity Map



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ZONING MAP



ZC16-007

7015 COLLEYVILLE BOULEVARD

- Subject Property
- AG Agricultural
- CC-1 Village Retail
- CC-2 Shopping Center
- ML Light Manufacturing
- PUD-C Planned Unit Development, Commercial
- PUD-R Planned Unit Development, Residential



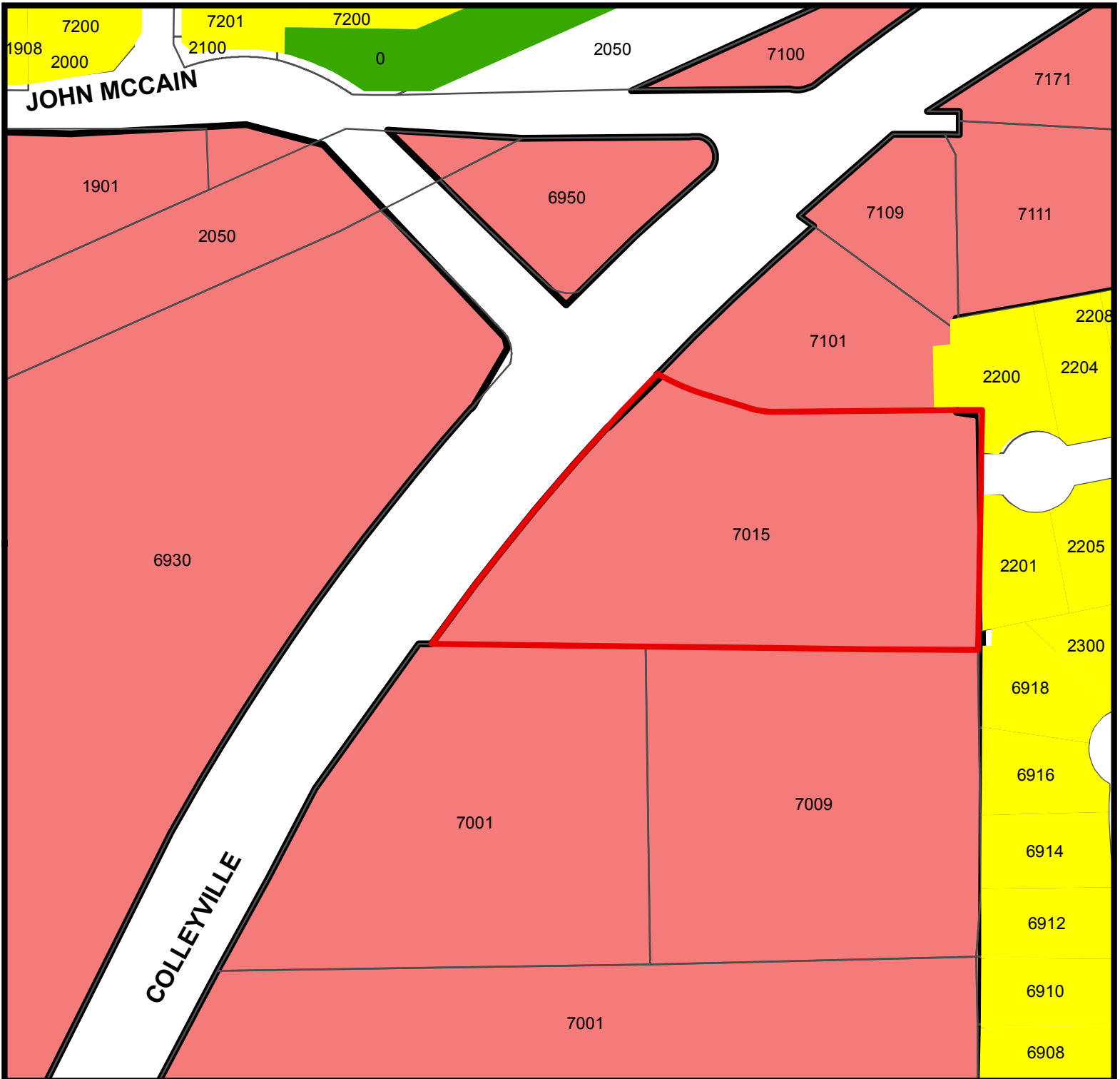
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Vicinity Map



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FUTURE LAND USE MAP



ZC16-007

7015 COLLEYVILLE BOULEVARD

- Subject Property
- Residential
- Parks/Open Space
- Colleyville Boulevard Corridor



1 inch = 167 feet

Vicinity Map



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Statement of Planning Objectives

Statement of Planning Objectives

The purpose of the request is to obtain a SUP to accommodate a new retail store with gasoline sales. The approximately 3.81-acre request site is currently zoned PUD-C and Village Retail District (CC-1). The property is presently undeveloped. The property to the north is zoned PUD-C and is developed with retail shopping. The properties to the east and south are zoned Planned Unit Development–Residential (PUD-R) and Agricultural (AG) respectively, and are developed with residential uses. The property to the west, across Colleyville Boulevard, is zoned Shopping Center District (CC-2) and is undeveloped.

The applicant proposes to develop an approximately 5,500 square foot RaceTrac retail store with gasoline sales on the property. The development features enhanced exterior brick and other masonry building materials. The structure includes significant retail window areas and a covered indoor patio to provide an inviting environment to pedestrians. The store's interior retail sales include a modern frozen yogurt station, coffee station, and a wide-variety of food items. The rear of the lot to the east will be left for future office development in accordance with Colleyville Comprehensive Plan.

The fuel stations are oriented along Colleyville Boulevard away from the residential neighborhood on the east side of the site. Over 30% of the site is designated as open space. A majority of this space is located between the retail store and the neighborhood to provide a substantial buffer to the residences. The development proposes landscape screening adjacent to the neighborhood's existing fence. Finally, there is a 20-foot typical landscape buffer with trees located along the eastern and southern property lines to provide additional screening.

The proposed location is ideal for providing neighborhood serving retail and amenities to the public with an industry leading quality store in terms of architecture, quality materials, modern site design and landscaping, and interior store offerings such as fresh foods, frozen yogurt, and an array of tea and coffee drinks.

The development conforms to the criteria established in the City's future land use plan, *Destination Colleyville*, in a myriad of ways:

A. Consistency with the Comprehensive Plan

Destination Colleyville envisions that the property be located in the Colleyville Boulevard Corridor, which, among others, calls for retail uses. (p. 118, 123). The property is located within the "Northern Gateway" of the Corridor, which should accommodate "new development on relatively undeveloped property as a new mixed commercial node, highlighting this northern entry point into the city along the corridor." (p. 124). The proposed development is consistent with the Plan in that it offers a fresh, modern design that serves as a welcome point into the city by offering gas and refreshments that in turn enable residents and visitors alike to enter into the city for both business and leisure.

Statement of Planning Objectives

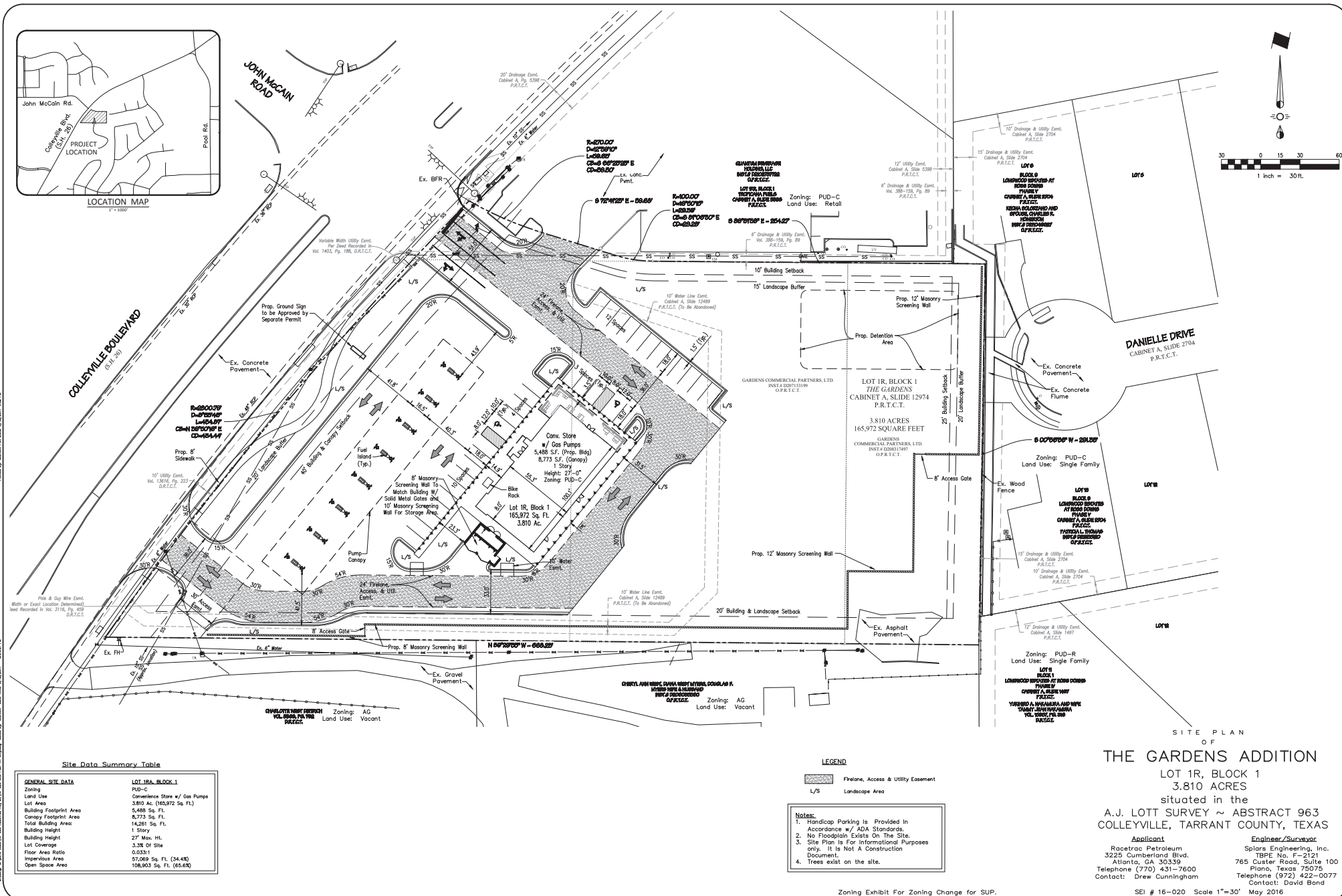
B. Enhancing Colleyville's Economic Resilience

Destination Colleyville states that one of its principles is to “enhance Colleyville’s economic resilience.” (p. 25). The Plan envisions accomplishing this goal by “diversifying Colleyville’s tax base,” which may include “encouraging non-residential development . . . along Colleyville Boulevard, at the northern gateway to Colleyville.” (p. 25). The proposed development accomplishes this goal by providing an essential service to the community: the sale of gas and food on a currently undeveloped lot that does not provide any service to the community nor generate economic growth. The development will provide a respite for travelers entering the city as well as foster a sense of community in the neighborhood as a gathering point for frozen yogurt, coffee, and a wide variety of food items. Such an attraction will activate the area and promote new development. The masonry building materials ensure a high quality development that will also encourage other quality development in the area, further diversifying Colleyville’s tax base and accomplishing a goal of the Comprehensive Plan.

C. Preservation of Neighborhoods

Destination Colleyville also calls for the “preservation of high quality, established neighborhoods with an emphasis on large lots and natural settings with a “country feel.” (p. 28). The proposed development will accomplish this goal by providing a 20-foot typical landscape buffer between the proposed development and the residential development to the east and south. An 8-foot masonry screening wall runs along a portion of the southern property line and a 12-foot masonry screening wall runs along the east property line. Furthermore, the gas pumps in the proposed development are located on the western portion of the site, both located and oriented away from the adjacent residential development. The proposed development provides an appropriate transition from retail uses to the nearby neighborhoods. By requiring quality materials such as brick and stone, the proposed development ensures that it will be a pleasant site for passers-by and compliment the nearby neighborhood.

Site Plan



Architectural Renderings



Architectural Renderings



Architectural Renderings



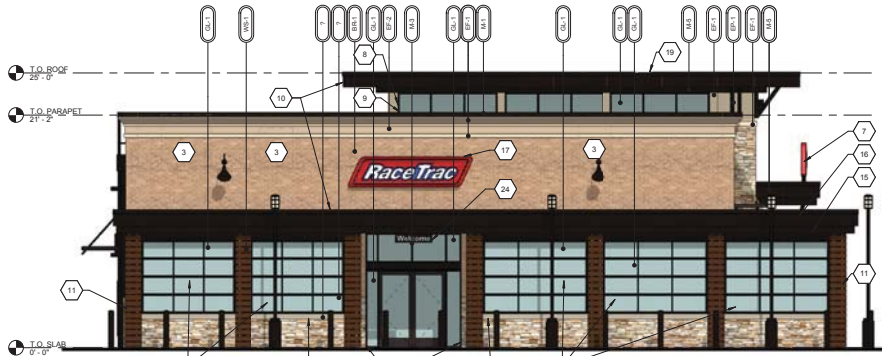
Architectural Renderings



Architectural Renderings

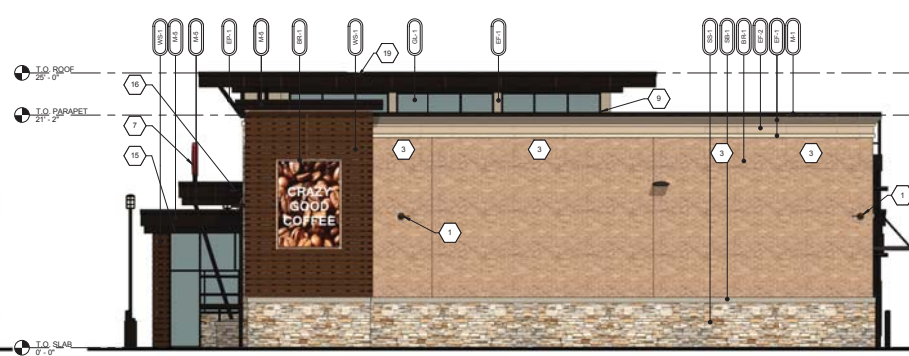


Building Elevations



3 LEFT ELEVATION
3/16" = 1'-0"

MATERIAL	SQ. FOOT	% OF ELEVATION
STONE	148	11%
BRICK	366	28%
EIFS	104	8%
GLAZING	268	20%
METAL	24	2%
WOOD	110	8%



2 RIGHT ELEVATION
3/16" = 1'-0"

MATERIAL	SQ. FOOT	% OF ELEVATION
STONE	268	21%
BRICK	711	57%
EIFS	86	7%
GLAZING	0	0%
METAL	32	3%
WOOD	143	12%

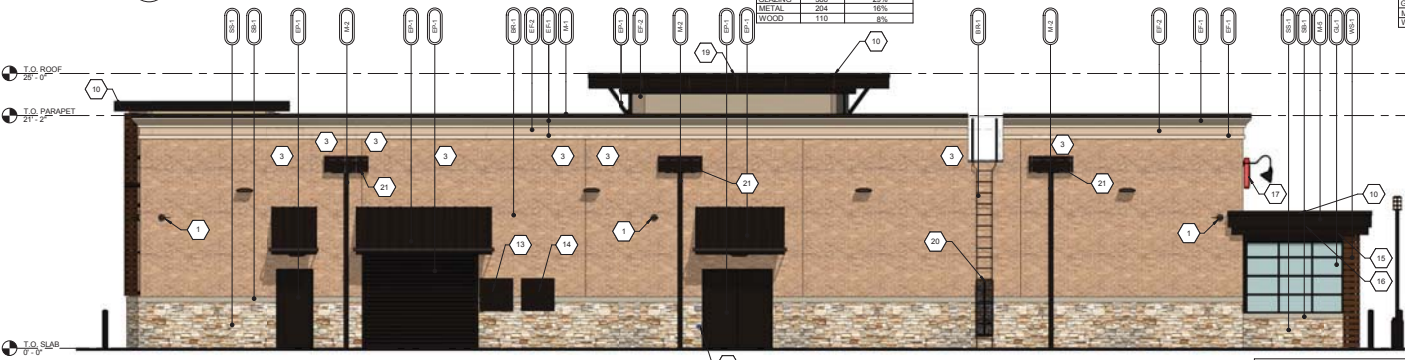
ELEVATION	SIGNAGE	DIMENSIONS	AREA
FRONT	RT PARALLELOGRAM	13'-5 1/8" X 3'-0"	40 SF
RIGHT	BANNER	7'-6" X 5'-6"	42 SF
LEFT	RT PARALLELOGRAM	13'-5 1/8" X 3'-0"	40 SF

ELEVATION KEY NOTES

- 1 WALL MOUNTED SECURITY CAMERA
- 2 3" SQUARE DOWNSPOUT. REFER TO CIVIL DRAWINGS FOR CONNECTIONS.
- 3 MECHANICAL EQUIPMENT BEYOND
- 4 REFER TO DETAILS FOR CAST STONE SHAPES.
- 5 HOSE BIBB. REFER TO PLUMBING DRAWINGS.
- 6 PATIO CEILING FANS IN CEILING BEYOND. REFER TO REFLECTED CEILING PLAN AND SPECIFICATIONS.
- 7 ILLUMINATED SIGN PANEL BY OWNER MOUNTED ON MINIMUM 4" STEEL TUBES OR HSS TUBES. PAINT EPI-1.
- 8 BRONZE BREAK METAL WRAP AT WINDOW JAMB. TYPICAL.
- 9 EPDM ROOFING TO BE RUN UP CLERESTORY TO UNDERSIDE OF WINDOW. REFER TO WALL SECTIONS & DETAIL 2/4/31.
- 10 ACM PANEL REVEAL LINE. REFER TO REFLECTED CEILING PLAN FOR DIMENSIONS.
- 11 3" SQUARE METAL DOWNSPOUT ATTACHED TO WALL WITH BRACKETS. REFER TO CIVIL FOR CONNECTIONS.
- 12 EMERGENCY FUEL SHUT OFF SWITCH. MOUNT TOP OF SIGN AT 50" A.F.F.
- 13 LOCATION OF ELECTRICAL SERVICE C/T AND METER.
- 14 GENERATOR TAP BOX - SEE ELECTRICAL FOR LOCATION.
- 15 SECURITY CAMERA MOUNTED ON SOFFIT OF PATIO SEATING AREA.
- 16 OVERFLOW SPILL SCUPPER.
- 17 ILLUMINATED SIGN PANEL BY OWNER MOUNTED TO WALL. PANT ATTACHMENTS EPI-1.
- 18 PACKAGE PASSER. REFER TO EQUIPMENT PLAN.
- 19 SPILL SCUPPER. REFER TO DETAIL.
- 20 PROVIDE METAL GUARD GATE AT LADDER TO 8" AFF WITH LOCKING HASP.
- 21 4'-0" WIDE X 1'-3" HIGH SCUPPER. REFER TO DETAILS ON SHEET A201.
- 22 OPERABLE GARAGE DOOR SYSTEM.
- 23 ORANGE WINDOW CLINGS BY RACETRAC.
- 24 WELCOME SIGN.

EXTERIOR MATERIAL SCHEDULE

AWNING	AW-1	ALUMINUM AWNING	SELECTED BY RACETRAC
BRICK	BR-1	LAREDO BRICK	MORTAR COLOR "LIGHT BUFF"
CAST STONE	CS-1	CONTINENTAL CAST STONE OR APPROVED OTHER	COLOR 1102 NATURAL STONE; MORTAR COLOR "LIGHT BUFF"
EIFS	EIF-1	STO	STO THERM G
EIF-2	STO	STO THERM G	"FINE FINISH" APPLICATION; COLOR TO MATCH SW #6113 "INTERACTIVE CREAM"
GLAZING	GL-1	1" NON-IMPACT RATED INSULATED GLAZING	"FINE FINISH" APPLICATION; COLOR TO MATCH SW #6094 "SENSATIONAL SAND"
GL-2	1" NON-IMPACT RATED ACID ETCHED INSULATED GLAZING	CLIMATE ZONES 2 OR 3. IGU AT STONEFRONT 0.27 U-FACTOR, SHGC PP-40 25-40 27 1/4" PPG SOLARBAN 70-XL LOW-E #2 +1/2" AIR + 1/4" CLEAR	CLIMATE ZONES 2 OR 3. IGU AT STONEFRONT 0.27 U-FACTOR, SHGC PP-40 25-40 27 1/4" PPG SOLARBAN 70-XL LOW-E #2 +1/2" AIR + 1/4" CLEAR SATIN ETCH #3
METAL	M-1	PREFINISHED 24" PIECE COMPRESSION METAL COVER	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
M-2	VISTAWALL	FG-3000 STOREFRONT SYSTEM	METAL TO MATCH STOREFRONT COLOR DARK BRONZE
M-3	REYNOLBOND	METAL TO MATCH STOREFRONT COLOR DARK BRONZE	PREFINISHED DARK BRONZE ANODIZED ALUMINUM AA-MCC2044
M-4	VERSATEX	W/PA TONGUE AND GROOVE	PAINT INTERACTIVE CREAM
PAINT	EPI-1	SHERWIN WILLIAMS	EXTERIOR PAINT TO MATCH DARK BRONZE
EPI-2	SHERWIN WILLIAMS	EXTERIOR PAINT AS SELECTED BY RACETRAC	PAINT AS SELECTED BY RACETRAC FOR SLAT WALL METAL SUPPORTS
ROOFING	EPD	50 ML MEMBRANE ROOFING SYSTEM	WHITE; MECHANICALLY FASTENED
SS-1	BORAL	ASPEN COUNTRY LEDGESTONE	WET STACK APPLICATION. MORTAR COLOR "LIGHT BUFF"
SB-1	BORAL	TUSCAN INTEL CHAMPAGNE	MORTAR COLOR "LIGHT BUFF"
WOOD SLATS	WS-1	COMPACTWOOD 1 1/2" THICKNESS	WALNUT GC "CW-GCWL-S-0410-12"



4 REAR ELEVATION
3/16" = 1'-0"

MATERIAL	SQ. FOOT	% OF ELEVATION
STONE	404	18%
BRICK	1396	59%
EIFS	162	8%
GLAZING	60	3%
METAL	254	11%
WOOD	16	1%



1 FRONT ELEVATION
3/16" = 1'-0"

MATERIAL	SQ. FOOT	% OF ELEVATION
STONE	609	21%
BRICK	867	28%
EIFS	147	5%
GLAZING	650	27%
METAL	222	8%
WOOD	220	8%

RaceTrac
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DESIGN PROFESSIONALS

ISSUE/REVISION RECORD	
DATE	DESCRIPTION
3/22/16	UPDATED

RaceTrac
RACETRAC PETROLEUM, INC.
3225 CUMBERLAND BOULEVARD
SUITE 100
ATLANTA, GEORGIA 30329
(770) 421-3300

PROJECT NAME
ANYTOWN, CITY

STATE 00000
ADDRESS

RACETRAC STORE NUMBER

#000

PROTOTYPE SERIES S-5K

2016 BR-LH-M0(-) 0301

PLAN MODIFICATION NOTICE

SPB NO. XXX DATE (3.01.16)

STANDARD PLAN BELIEVERS (SPB) MODIFY THE PROTOTYPE SERIES SET WHICH BEING THE LISTED SPB REPRESENTS THE LATEST MODIFICATION INCORPORATED TO THIS PROTOTYPE SERIES SET BY RACETRAC. THE USER REVISION RECORD LOCATED ABOVE LISTS ANY REVISIONS OR SPB INCORPORATED IN THIS SET AFTER THE ORIGINAL RELEASE. CONTACT RACETRAC FOR MORE INFO AND CONSTRUCTION FOR ANY SUBSEQUENT REVISIONS NOT INCORPORATED HEREIN.

PROFESSIONAL SEAL

PROJECT NUMBER

2015127.XX

SHEET TITLE

EXTERIOR ELEVATIONS

SHEET NUMBER

A300B

Canopy Elevations



2 CANOPY FRONT ELEVATION
1/8" = 1'-0"



1 CANOPY LEFT ELEVATION
1/8" = 1'-0"

FUEL CANOPY MATERIAL LEGEND			
ID	MANUF.	MATERIAL	COMMENTS
BRCK			
SB-1	BORAL	LAREDO BRICK	MORTAR COLOR "LIGHT BUFF"
FASCIA			
BLUE			2" BLUE STRIPE
RED			REFER TO SPECIFICATION CHART ON SHEET 100
WHITE			4" WHITE STRIPE
PAINT			
EP-1	SHERWIN WILLIAMS	EXTERIOR PAINT TO MATCH DARK BRONZE	
STACKED STONE	BORAL	ASPEN COUNTRY LEDGESTONE	WET STACK APPLICATION MORTAR COLOR "LIGHT BUFF"
STONE BAND			
SB-1	BORAL	TUSCAN LINTEL CHAMPAGNE	MORTAR COLOR "LIGHT BUFF"
FT-4	EMSER	ALCHEMY IN COPPER 6"x6" FROM VENDOR 12"x24" TO BE CUT DOWN TO 12"x6" BY INSTALLER	INDIVIDUAL TILES LAID STRAIGHT WITH 1/4" SPACING. GROUT MEDIUM WHITE. PROGRAM 100145 "MOCHA"

STANDARD CANOPY FASCIA COLOR SPECIFICATION CHART		
COLOR CALLOUT	CANOPY MANUFACTURER	STANDARD COLOR SPECIFICATION
"TAN"	LANE CANOPIES	ETT TAN FASCIA
	MUGEE CANOPIES	ETT TAN FASCIA
	MADISON CANOPIES	PUEBLO TAN FASCIA
"RED"	LANE CANOPIES	TRD RED FASCIA
	MUGEE CANOPIES	TRD RED FASCIA
	MADISON CANOPIES	PROGRAM RED FASCIA

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DESIGN PROFESSIONALS

ISSUE/REVISION RECORD	
DATE	DESCRIPTION
01/04/16	SUBMITTED
02/06/16	UPDATED
07/29/16	UPDATED

RaceTrac
RACETRAC PETROLEUM, INC.
3225 COMMERCE BOULEVARD
SUITE 100
ATLANTA, GEORGIA 30339
(770) 421-7000

PROJECT NAME
ANYTOWN, CITY

CITY
STATE 00000
ADDRESS

RACETRAC STORE NUMBER
#000

PROTOTYPE SERIES 3.3K
2016 BR-LH-MQ(-) 15R01

PLAN MODIFICATION NOTICE
SPB NO. 004 DATE 08.02.16

STANDARD PLAN BULLETIN (SPB) NUMBER THE PROTOTYPE SERIES 3.3K. THE LATEST SPB REPRESENTS THE LATEST MODIFICATION INCORPORATED TO THIS PROTOTYPE SERIES SET. IT IS RECOMMENDED THAT ALL PROJECTS BE UPDATED TO THE LATEST SPB. ANY CHANGES TO THE ORIGINAL RELEASED SPB ARE NOT RECOMMENDED. CONTACT RACETRAC ENGINEERING AND CONSTRUCTION FOR ANY FURTHER BULLETIN NOT INCORPORATED HEREIN.

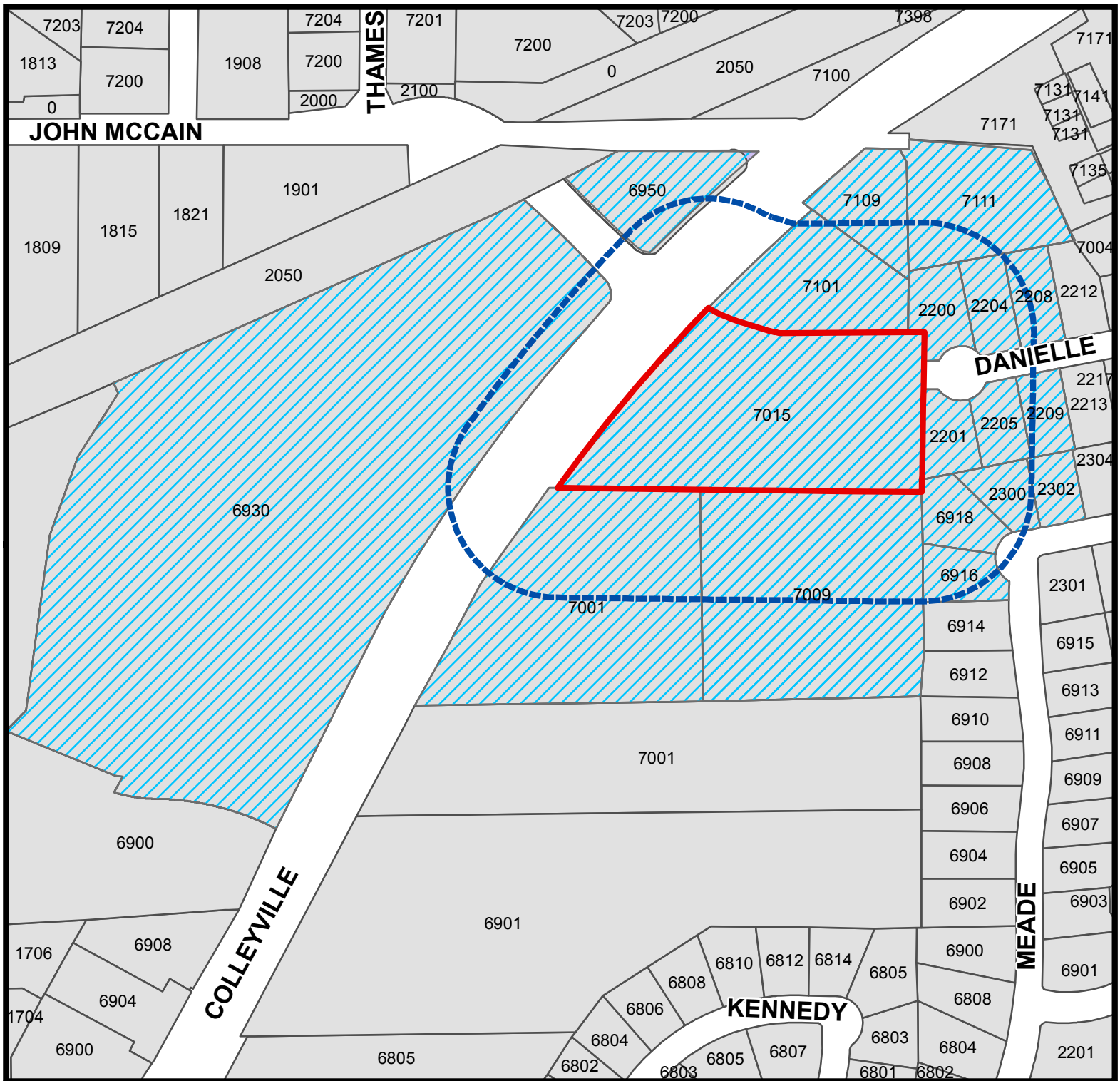
PROFESSIONAL SEAL

PROJECT NUMBER
2016157-99

SHEET TITLE
FUEL CANOPY ELEVATIONS

SHEET NUMBER
A100B

NOTIFICATION MAP



ZC16-007

7015 COLLEYVILLE BOULEVARD

-  Subject_Property
-  200ft Buffer
-  Properties within 200ft



1 inch = 250 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.

Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
WILLIAM AND DEENA RAMSEY REVOC	6918 MEADE DR	COLLEYVILLE, TX	76034	6918 MEADE DR
CUSTOMER SOLUTIONS INC	906 LAGUNA TR	KELLER, TX	76248	7109 COLLEYVILLE BLVD #
CUSTOMER SOLUTIONS INC	906 LAGUNA TR	KELLER, TX	76248	7109 COLLEYVILLE BLVD # B
BEAR CREEK SPIRIT AND WINE LLC	7101 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7101 COLLEYVILLE BLVD
QUANTUM BEVERAGE HOLDINGS LLC	7401 BRAEMAR TERR	COLLEYVILLE, TX	76034	7101 COLLEYVILLE BLVD
FACTOR, KRISTOPHER C	2302 STILL POINT LN	COLLEYVILLE, TX	76034	2302 STILL POINT LN
WEST, CHERYL ANN	7009 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7009 COLLEYVILLE BLVD
WEST, DIANE MYERS	7009 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7009 COLLEYVILLE BLVD
ELBORAI, ADEL M	2300 STILL POINT LN	COLLEYVILLE, TX	76034	2300 STILL POINT LN
DIETRICH, CHARLOTTE W	7001 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7001 COLLEYVILLE BLVD
GARDENS COMM PARTNERS LTD	101 NW NEWTON DR	BURLESON, TX	76028	7015 COLLEYVILLE BLVD
GARDENS COMM PARTNERS LTD	101 NW NEWTON DR	BURLESON, TX	76028	7015 COLLEYVILLE BLVD
CASTRO, CHRIS	2205 DANIELLE DR	COLLEYVILLE, TX	76034	2205 DANIELLE DR
PECAN CREEK VILLAGE CNTR PRTN	8231 E PRENTICE AVE	GREENWOOD VILLAGE, CO	80111	6930 COLLEYVILLE BLVD
JARWAN, ESAM	2208 DANIELLE DR	COLLEYVILLE, TX	76034	2208 DANIELLE DR
ESPINOZA, MARVIN	6916 MEADE DR	COLLEYVILLE, TX	76034	6916 MEADE DR
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	6950 COLLEYVILLE BLVD
SOLORZANO, KEONA	2200 DANIELLE DR	COLLEYVILLE, TX	76034	2200 DANIELLE DR
KUHN, ALYCE	2204 DANIELLE DR	COLLEYVILLE, TX	76034	2204 DANIELLE DR
HAMRAEE, FARZIN	2209 DANIELLE DR	COLLEYVILLE, TX	76034	2209 DANIELLE DR
THOMAS-AISTRUP, PATRICIA	2201 DANIELLE DR	COLLEYVILLE, TX	76034	2201 DANIELLE DR
KAUFFMAN, KURT	7111 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7111 COLLEYVILLE BLVD
UNIQUE LANDSCAPING DESIGN	7111 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7111 COLLEYVILLE BLVD
TIMARON-CASCADES AT TIMARRON	700 WENTWOOD DRIVE	SOUTHLAKE, TX	76092	COURTESY NOTICE
BOND, DAVID	765 CUSTER ROAD, SUITE 100	PLANO, TX	75075	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, May 26, 2017 by Araceli Botello

Property Owner Notification



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC16-007
Applicant: David Bond
Owner: Gardens Commercial Partners, Ltd
Location: 7015 Colleyville Boulevard
Property Description: Lot 1R, Block 1, of the Gardens Addition
Present Zoning: CC1-Village Retail District and PUDC- Planned Unit Development Commercial District
Request: Consideration of a Special Use Permit for a Convenience Store with Gasoline Sales

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

Planning and Zoning Commission Meeting: Monday, June 12, 2017 at 7:00 p.m.
City Council Meeting: Tuesday, July 11, 2017 & Tuesday, July 18, 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 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

Legal Notice

May 26, 2017

SENT VIA EMAIL on Friday, May 26, 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, May 27, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 6/12/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-007 - Consideration of a zoning change from the AG- Agricultural zoning district to the R40- Single Family Residential zoning district on Tract 5A01, Abstract 294, in the Robert Chowning Survey, located at 6260 Pool Road

Case ZC16-007 - Consideration of a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

Case ZC17-010 - Consideration of a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

The City Council will hold a Public Hearing on the above items on 7/11/17 and 7/18/17 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 BY CHANGING THE ZONING ON LOT 1R, BLOCK 1, OF THE GARDENS ADDITION, LOCATED AT 7015 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR A CONVENIENCE STORE WITH GASOLINE SALES; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a convenience store with gasoline sales under Case No. ZC16-007; and

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

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, by authorizing a Special Use Permit for a convenience store with gasoline sales, as depicted on 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 Land Development Code of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. All requirements of the Land Development Code shall be met, except where amended herein.
- Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT 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 11th day of July 2017.

The second reading and public hearing being conducted on the 18th day of July 2017.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 18TH DAY OF JULY 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 3, Kathy Wheat	_____	Place 6, Mike Taylor	_____
Place 4, George Dodson	_____		

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" – Zoning Map

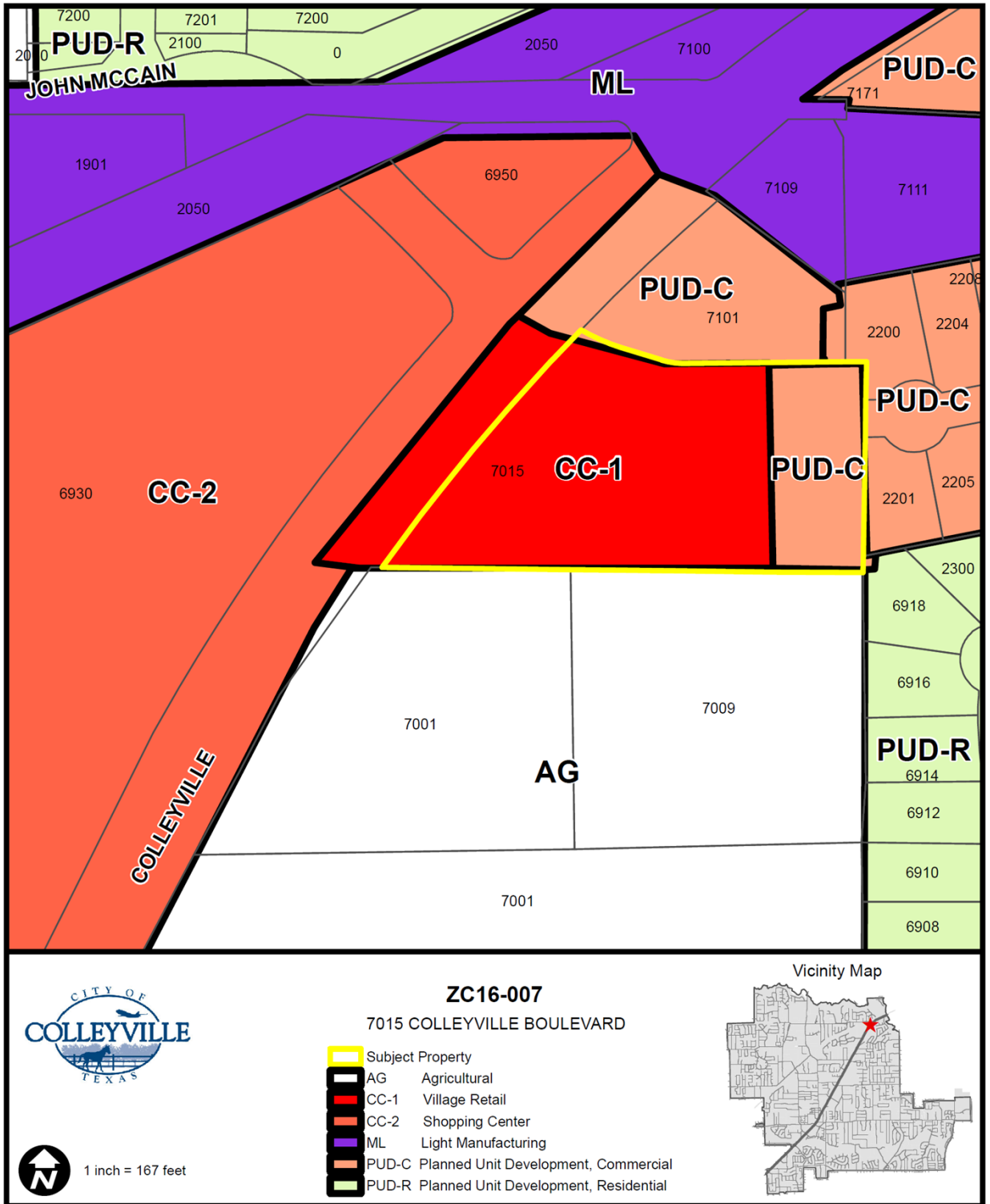


Exhibit "B" – Aerial Map





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3d	Agenda Date 06/12/2017	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, Case ZC17-010

Explanation

David Bond of Spiars Engineering, the applicant, has submitted a request for a Special Use Permit (SUP) to allow beer and wine sales for off-premise consumption in conjunction with a convenience store with gasoline sales at 7015 Colleyville Boulevard. The subject property is zoned CC1-Village Retail district and PUD-C Planned Unit Development Commercial (Ordinance O-08-1699). Beer and wine sales for off-premise consumption is allowed in the CC1-Village Retail district with the approval of an SUP.

Existing Conditions/Background: The subject property is generally located on the southeast side of Colleyville Boulevard and south of John McCain Road. It is platted as Lot 1R, Block 1, of the Gardens Addition and is currently undeveloped.

Ordinance O-08-1699 was approved for the rear portion of the subject property in June 2008. The PUD-C ordinance describes the purpose for a retention/detention pond, private open space, and the accessory use of a parking lot. The proposed SUP up for consideration does not seek to change this use on the rear portion of the property. Therefore, the zoning in place shall remain in effect.

Proposed Special Use Permit:

Request – The applicant is requesting approval of an SUP to allow beer and wine sales for off-premises consumption in conjunction with a new convenience store with gasoline sales.

Ordinance – There are four components of procedure that a business must complete to sell beer and wine for off-premises consumption in Colleyville: (1) a Special Use Permit (SUP) approval by the City Council for beer and wine sales (off-premises consumption); (2) submission of draft Texas Alcoholic Beverage Commission (TABC) License paperwork to the City Secretary's Office for review and approval; (3) submission of completed TABC License paperwork to the TABC; and, (4) the issuance of an Alcoholic Beverage License through the City Secretary's Office.

- Section 3.25 of the Land Development Code states that an SUP is to “allow a use not normally allowed in a zoning district which could be of benefit in a particular case to the general welfare, provided adequate development standards, and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood.” SUP’s for alcohol sales automatically expire upon the abandonment of the business, change in the use, a change in ownership, or upon termination of the Certificate of Occupancy.
- Section 6-3 of the Code of Ordinances requires businesses that sell alcoholic beverages to be located at least 300 feet from a church, school, or public hospital. The distance is measured from property line to property line for schools, and from front door to front door along the street-front property lines for churches and hospitals.

Analysis: The proposed RaceTrac is a retail convenience store, with primary retail sales that include a modern frozen yogurt station, coffee station, and a wide-variety of food items. The proposed RaceTrac convenience store will be approximately 5,500 square feet.

The applicant is requesting to sell alcoholic beverages that include beer and wine only. Other liquor sales would not be permitted. On-premise consumption of beer and wine would not be permitted on the property and is prohibited by state law.

Although the proposed business will operate 24/7, the sale of off-premise alcoholic beverage sales will be restricted and limited to the available hours per the Texas Alcoholic Beverage Code (TABC) which outlines Monday - Friday: 7am - midnight; Saturday: 7am - 1am and Sunday: noon to midnight.

Should the proposed business go out of business, or no longer operate for more than six months, any SUP for alcohol sales will expire. Section 3.25(6) Special Use Permit of the Land Development Code states:

“6. Termination and Abandonment of Use – In the event the building, premises or land uses authorized by a Special Use Permit are terminated or abandoned for a period of six (6) months or longer, the use of the same shall thereafter conform to the regulations applicable to the zoning district, unless a new and spate Special Use Permit is approved for continuation of the use.”

The requested location is in compliance with the distance requirements of the Code of Ordinances and the applicant is proposing to comply with other requirements of the Code of Ordinances and State law.

Surrounding Development: The property to the north is zoned PUD-C and developed with commercial and retail uses. The property to the east is zoned PUD-C and developed with single family residential homes. The property to the south is zoned AG-

Agricultural district and developed with one single family home. The properties to the west are zoned CC2 – Shopping Center district and are currently undeveloped.

Public Notification: Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request on Friday, May 26, 2017. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the Fort Worth Star-Telegram on Saturday, May 27, 2017 as required by State law and the Land Development Code. To date, no correspondence has been received.

Staff Recommendation: The proposed Special Use Permit (SUP) would authorize the sale of beer and wine for off-premises consumption for the RaceTrac at 7015 Colleyville Boulevard. The proposed business is not consistent with City's Comprehensive Plan and may adversely impact surrounding uses. Staff recommends denial of the request.

Recommendation

Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Notification Map
7. Notification List
8. Property Owner Notification
9. Legal Notice
10. Draft Ordinance

AERIAL MAP



ZC16-007

7015 COLLEYVILLE BOULEVARD

 Subject Property



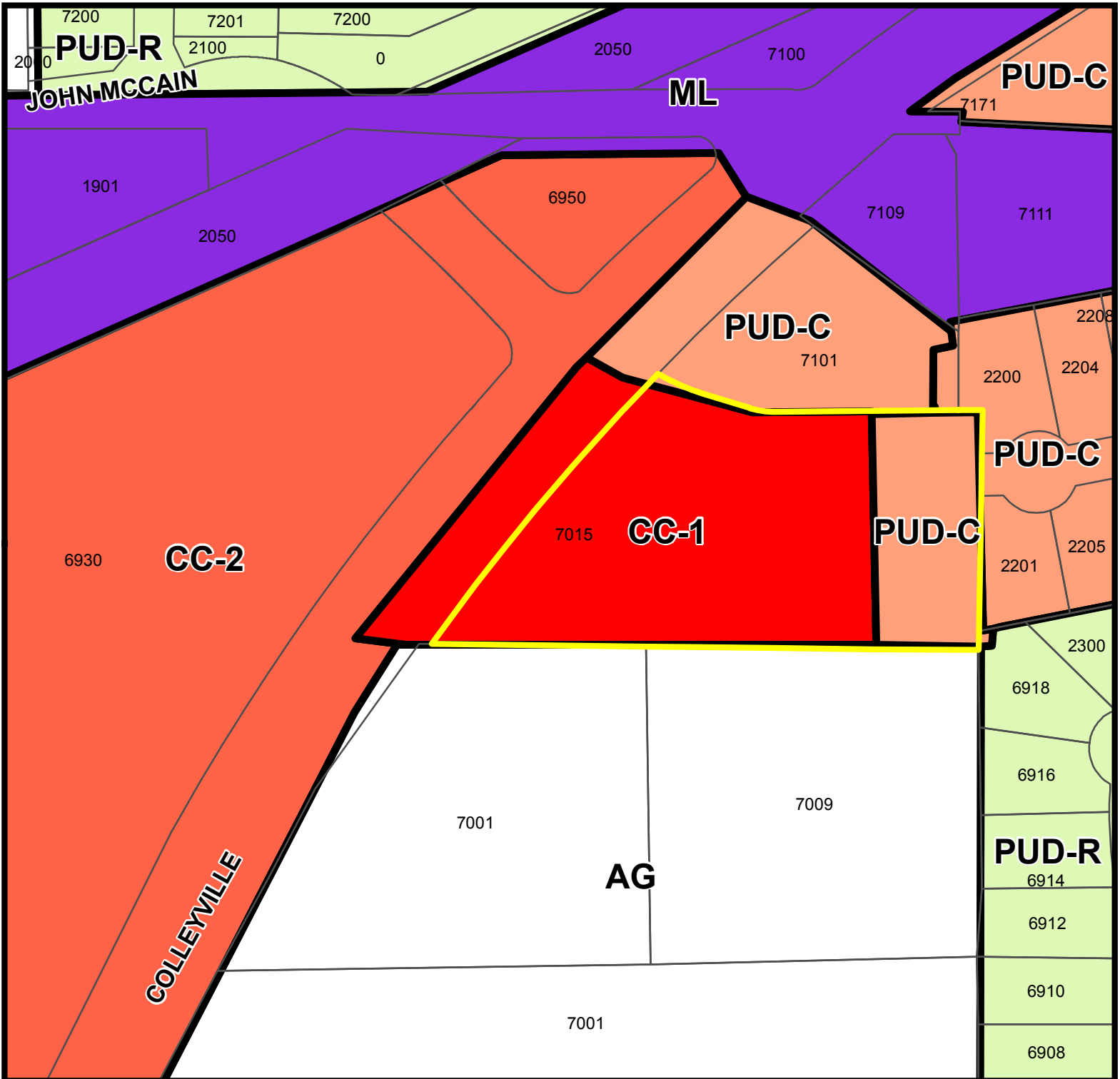
1 inch = 167 feet

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

ZC16-007

7015 COLLEYVILLE BOULEVARD

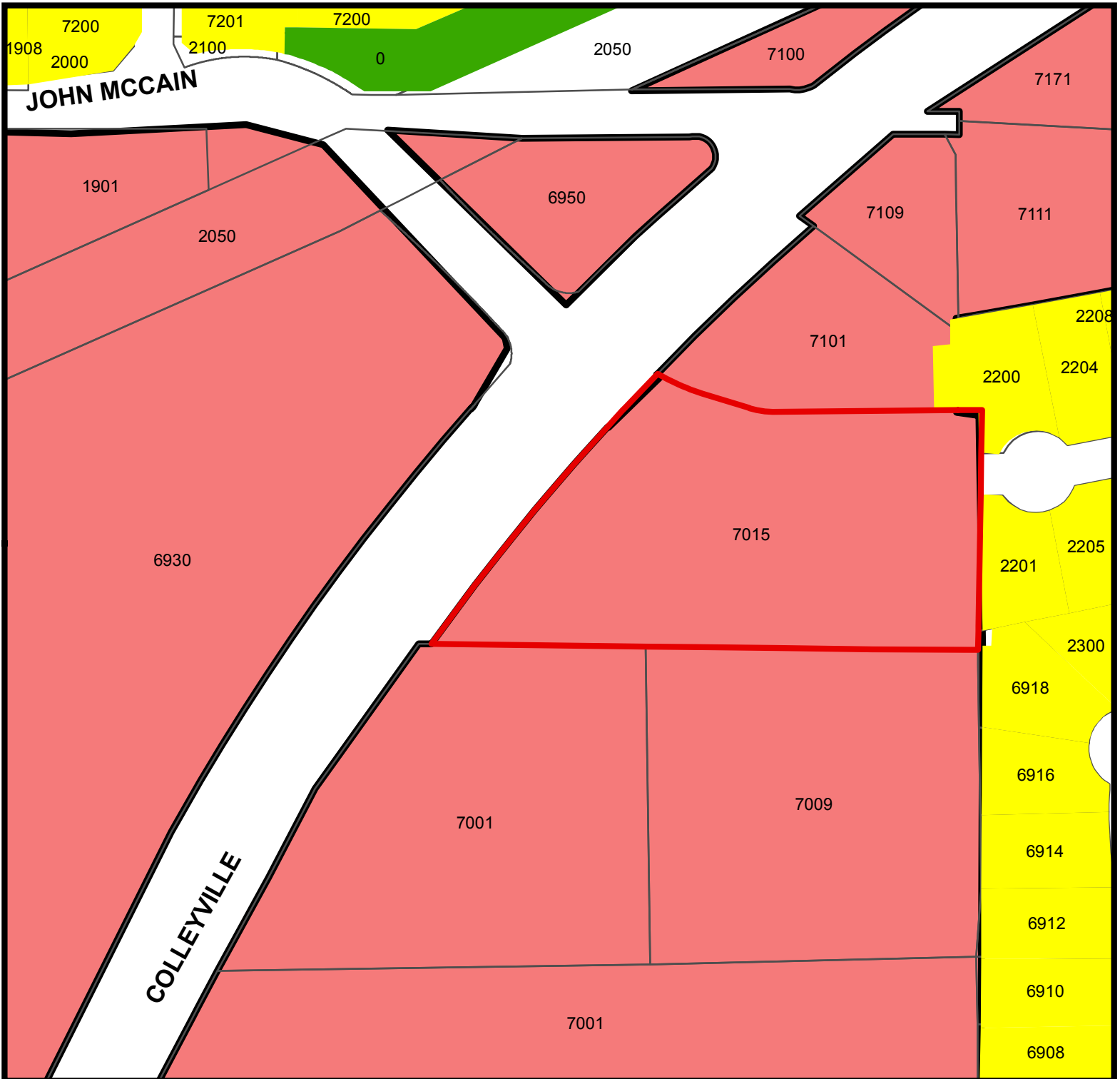
	Subject Property
	AG Agricultural
	CC-1 Village Retail
	CC-2 Shopping Center
	ML Light Manufacturing
	PUD-C Planned Unit Development, Commercial
	PUD-R Planned Unit Development, Residential

Vicinity Map



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FUTURE LAND USE MAP



ZC16-007

7015 COLLEYVILLE BOULEVARD

- Subject Property
- Residential
- Parks/Open Space
- Colleyville Boulevard Corridor



1 inch = 167 feet

Vicinity Map



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Statement of Planning Objectives

Statement of Planning Objectives

The purpose of the request is to obtain a SUP to accommodate a new retail store with gasoline sales. The approximately 3.81-acre request site is currently zoned PUD-C and Village Retail District (CC-1). The property is presently undeveloped. The property to the north is zoned PUD-C and is developed with retail shopping. The properties to the east and south are zoned Planned Unit Development–Residential (PUD-R) and Agricultural (AG) respectively, and are developed with residential uses. The property to the west, across Colleyville Boulevard, is zoned Shopping Center District (CC-2) and is undeveloped.

The applicant proposes to develop an approximately 5,500 square foot RaceTrac retail store with gasoline sales on the property. The development features enhanced exterior brick and other masonry building materials. The structure includes significant retail window areas and a covered indoor patio to provide an inviting environment to pedestrians. The store's interior retail sales include a modern frozen yogurt station, coffee station, and a wide-variety of food items. The rear of the lot to the east will be left for future office development in accordance with Colleyville Comprehensive Plan.

The fuel stations are oriented along Colleyville Boulevard away from the residential neighborhood on the east side of the site. Over 30% of the site is designated as open space. A majority of this space is located between the retail store and the neighborhood to provide a substantial buffer to the residences. The development proposes landscape screening adjacent to the neighborhood's existing fence. Finally, there is a 20-foot typical landscape buffer with trees located along the eastern and southern property lines to provide additional screening.

The proposed location is ideal for providing neighborhood serving retail and amenities to the public with an industry leading quality store in terms of architecture, quality materials, modern site design and landscaping, and interior store offerings such as fresh foods, frozen yogurt, and an array of tea and coffee drinks.

The development conforms to the criteria established in the City's future land use plan, *Destination Colleyville*, in a myriad of ways:

A. Consistency with the Comprehensive Plan

Destination Colleyville envisions that the property be located in the Colleyville Boulevard Corridor, which, among others, calls for retail uses. (p. 118, 123). The property is located within the "Northern Gateway" of the Corridor, which should accommodate "new development on relatively undeveloped property as a new mixed commercial node, highlighting this northern entry point into the city along the corridor." (p. 124). The proposed development is consistent with the Plan in that it offers a fresh, modern design that serves as a welcome point into the city by offering gas and refreshments that in turn enable residents and visitors alike to enter into the city for both business and leisure.

Statement of Planning Objectives

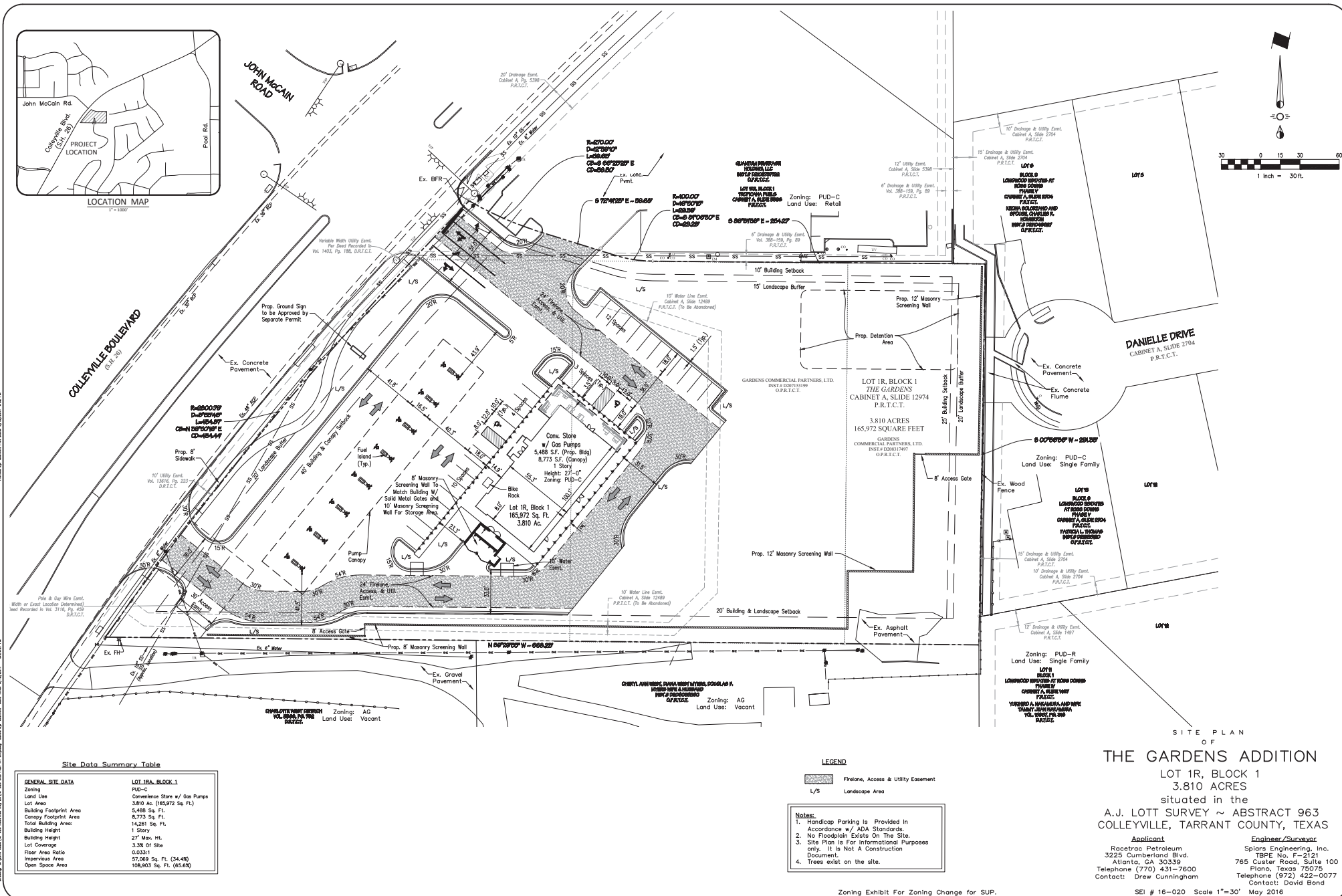
B. Enhancing Colleyville's Economic Resilience

Destination Colleyville states that one of its principles is to “enhance Colleyville’s economic resilience.” (p. 25). The Plan envisions accomplishing this goal by “diversifying Colleyville’s tax base,” which may include “encouraging non-residential development . . . along Colleyville Boulevard, at the northern gateway to Colleyville.” (p. 25). The proposed development accomplishes this goal by providing an essential service to the community: the sale of gas and food on a currently undeveloped lot that does not provide any service to the community nor generate economic growth. The development will provide a respite for travelers entering the city as well as foster a sense of community in the neighborhood as a gathering point for frozen yogurt, coffee, and a wide variety of food items. Such an attraction will activate the area and promote new development. The masonry building materials ensure a high quality development that will also encourage other quality development in the area, further diversifying Colleyville’s tax base and accomplishing a goal of the Comprehensive Plan.

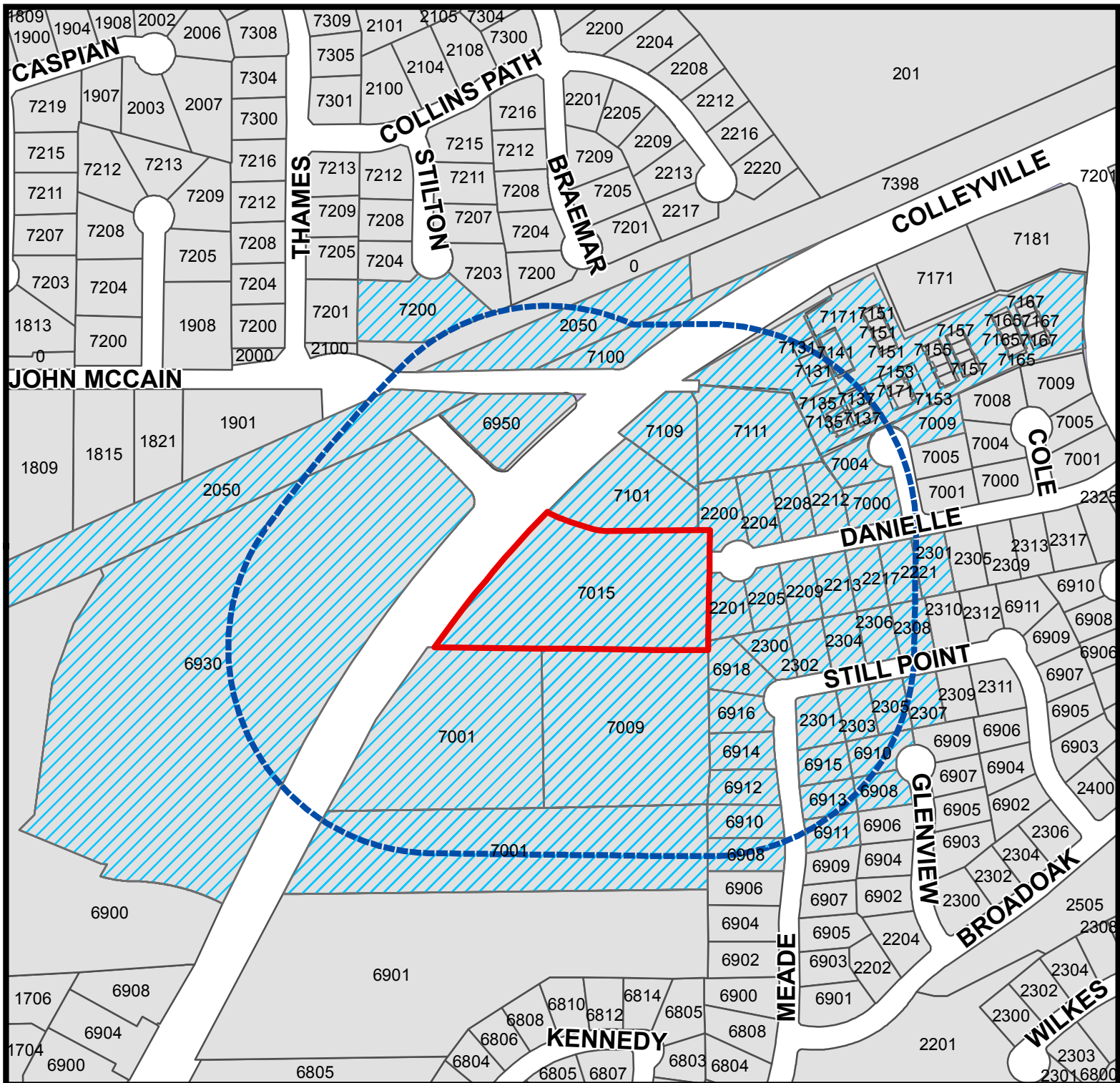
C. Preservation of Neighborhoods

Destination Colleyville also calls for the “preservation of high quality, established neighborhoods with an emphasis on large lots and natural settings with a “country feel.” (p. 28). The proposed development will accomplish this goal by providing a 20-foot typical landscape buffer between the proposed development and the residential development to the east and south. An 8-foot masonry screening wall runs along a portion of the southern property line and a 12-foot masonry screening wall runs along the east property line. Furthermore, the gas pumps in the proposed development are located on the western portion of the site, both located and oriented away from the adjacent residential development. The proposed development provides an appropriate transition from retail uses to the nearby neighborhoods. By requiring quality materials such as brick and stone, the proposed development ensures that it will be a pleasant site for passers-by and compliment the nearby neighborhood.

Site Plan



NOTIFICATION MAP



ZC17-10

7015 COLLEYVILLE BOULEVARD

- Subject Property
- 500ft Buffer
- Properties within 500ft



1 inch = 333 feet

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
WILLIAM AND DEENA RAMSEY REVOC	6918 MEADE DR	COLLEYVILLE, TX	76034	6918 MEADE DR
REGIONAL RAIL ROW CO	PO BOX 660163	DALLAS, TX	75266	2050 JOHN MCCAIN RD
REGIONAL RAIL ROW CO	PO BOX 660163	DALLAS, TX	75266	2050 JOHN MCCAIN RD
SOLORZANO, KEONA	2200 DANIELLE DR	COLLEYVILLE, TX	76034	2200 DANIELLE DR
THOMAS-AISTRUP, PATRICIA	2201 DANIELLE DR	COLLEYVILLE, TX	76034	2201 DANIELLE DR
KUHN, ALYCE	2204 DANIELLE DR	COLLEYVILLE, TX	76034	2204 DANIELLE DR
CASTRO, CHRIS	2205 DANIELLE DR	COLLEYVILLE, TX	76034	2205 DANIELLE DR
JARWAN, ESAM	2208 DANIELLE DR	COLLEYVILLE, TX	76034	2208 DANIELLE DR
HAMRAEE, FARZIN	2209 DANIELLE DR	COLLEYVILLE, TX	76034	2209 DANIELLE DR
SHAIA, CHRISTOPHER	2212 DANIELLE DR	COLLEYVILLE, TX	76034	2212 DANIELLE DR
SMITH, JOHN A	2213 DANIELLE DR	COLLEYVILLE, TX	76034	2213 DANIELLE DR
COPELAND, LARRY BRENT	2217 DANIELLE DR	COLLEYVILLE, TX	76034	2217 DANIELLE DR
PEREIRA, LEONID M	2221 DANIELLE DR	COLLEYVILLE, TX	76034	2221 DANIELLE DR
ELBORAI, ADEL M	2300 STILL POINT LN	COLLEYVILLE, TX	76034	2300 STILL POINT LN
WARD, CHAS R	2301 DANIELLE DR	COLLEYVILLE, TX	76034	2301 DANIELLE DR
BOWMAN, KIRK A	2301 STILL POINT LN	COLLEYVILLE, TX	76034	2301 STILL POINT LN
FACTOR, KRISTOPHER C	2302 STILL POINT LN	COLLEYVILLE, TX	76034	2302 STILL POINT LN
SNOW, JAY F	2303 STILL POINT LN	COLLEYVILLE, TX	76034	2303 STILL POINT LN
PHELPS, KIMBERLIE A	2304 STILL POINT LN	COLLEYVILLE, TX	76034	2304 STILL POINT LN
WILLIAMS, JUDY	2305 STILL POINT LN	COLLEYVILLE, TX	76034	2305 STILL POINT LN
PONTES, DAVID N	2306 STILL POINT LN	COLLEYVILLE, TX	76034	2306 STILL POINT LN
REPASS, ROBERT	2307 STILL POINT LN	COLLEYVILLE, TX	76034	2307 STILL POINT LN
KAZI, TAREQUE	2308 STILL POINT LN	COLLEYVILLE, TX	76034	2308 STILL POINT LN
ALEXANDER, KAREN J	6908 GLENVIEW LN	COLLEYVILLE, TX	76034	6908 GLENVIEW LN
MARTIN, ROBERT V	6908 MEADE DR	COLLEYVILLE, TX	76034	6908 MEADE DR
RAKIGIJA, NICHOLAS	6910 GLENVIEW LN	COLLEYVILLE, TX	76034	6910 GLENVIEW LN
CHEVALIER, RICK W	6910 MEADE DR	COLLEYVILLE, TX	76034	6910 MEADE DR
HARDEN, NICOLE PARILOVA	6911 MEADE DR	COLLEYVILLE, TX	76034	6911 MEADE DR
POOLE, JOHN T	6912 MEADE DR	COLLEYVILLE, TX	76034	6912 MEADE DR
SMITH, THOMAS J	6913 MEADE DR	COLLEYVILLE, TX	76034	6913 MEADE DR
LOWACK, TOMMY	6914 MEADE DR	COLLEYVILLE, TX	76034	6914 MEADE DR
DUNN, DONALD R	6915 MEADE DR	COLLEYVILLE, TX	76034	6915 MEADE DR
ESPINOZA, MARVIN	6916 MEADE DR	COLLEYVILLE, TX	76034	6916 MEADE DR
PECAN CREEK VILLAGE CNTR PRTN	8231 E PRENTICE AVE	GREENWOOD VILLAGE, CO	80111	6930 COLLEYVILLE BLVD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	6950 COLLEYVILLE BLVD
TABONE, GEORGE	7000 COLEMAN CT	COLLEYVILLE, TX	76034	7000 COLEMAN CT
DIETRICH, CHARLOTTE W	7001 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	7001 COLLEYVILLE BLVD
DIETRICH, CHARLOTTE W	7001 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	7001 COLLEYVILLE BLVD
DIETRICH, CHARLOTTE W	7001 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	7001 COLLEYVILLE BLVD
WOZNAK, CRAIG C	7004 COLEMAN CT	COLLEYVILLE, TX	76034	7004 COLEMAN CT
BHATLA, RAVINDER N	7009 COLEMAN CT	COLLEYVILLE, TX	76034	7009 COLEMAN CT
WEST, CHERYL ANN	7009 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7009 COLLEYVILLE BLVD
WEST, DIANE MYERS	7009 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7009 COLLEYVILLE BLVD
GARDENS COMM PARTNERS LTD	101 NW NEWTON DR	BURLESON, TX	76028	7015 COLLEYVILLE BLVD
GARDENS COMM PARTNERS LTD	101 NW NEWTON DR	BURLESON, TX	76028	7015 COLLEYVILLE BLVD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	7100 COLLEYVILLE BLVD
BEAR CREEK SPIRIT AND WINE LLC	7101 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7101 COLLEYVILLE BLVD
QUANTUM BEVERAGE HOLDINGS LLC	7401 BRAEMAR TERR	COLLEYVILLE, TX	76034	7101 COLLEYVILLE BLVD
CUSTOMER SOLUTIONS INC	906 LAGUNA TR	KELLER, TX	76248	7109 COLLEYVILLE BLVD #
CUSTOMER SOLUTIONS INC	906 LAGUNA TR	KELLER, TX	76248	7109 COLLEYVILLE BLVD # B
KAUFFMAN, KURT	7111 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	7111 COLLEYVILLE BLVD
UNIQUE LANDSCAPING DESIGN	7111 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	7111 COLLEYVILLE BLVD
LONGWOOD PLAZA PARTNERS LP	1901 N AKARD ST	DALLAS, TX	75201	7135 COLLEYVILLE BLVD UNIT 101
LONGWOOD PLAZA PARTNERS LP	1901 N AKARD ST	DALLAS, TX	75201	7135 COLLEYVILLE BLVD UNIT 102
LONGWOOD PLAZA PARTNERS LP	1901 N AKARD ST	DALLAS, TX	75201	7137 COLLEYVILLE BLVD UNIT 101
LONGWOOD PLAZA PARTNERS LP	1901 N AKARD ST	DALLAS, TX	75201	7137 COLLEYVILLE BLVD UNIT 102
LONGWOOD PLAZA PARTNERS LP	1901 N AKARD ST	DALLAS, TX	75201	7153 COLLEYVILLE BLVD
TARRANT COUNTY PS PROPERTY LLC	7141 COLLEYVILLE BLVD STE 101	COLLEYVILLE, TX	76034	7167 COLLEYVILLE BLVD # 101
LONGWOOD PLAZA PARTNERS LP	1901 N AKARD ST	DALLAS, TX	75201	7171 COLLEYVILLE BLVD
MAAKALI INC	8004 RUSHING SPRING DR	NORTH RICHLAND HILLS, TX	76182	7171 COLLEYVILLE BLVD #
TIMARRON OWNERS ASSN INC	700 WENTWOOD DR	SOUTH LAKE, TX	76092	7200 STILTON CT
TIMARON-CASCADES AT TIMARRON	700 WENTWOOD DRIVE	SOUTH LAKE, TX	76092	COURTESY NOTICE
BOND, DAVID	765 CUSTER ROAD, SUITE 100	PLANO, TX	75075	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed Friday,
May 26, 2017 by Araceli Botello

Property Owner Notification



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC17-010
Applicant: David Bond
Owner: Gardens Commercial Partners, Ltd
Location: 7015 Colleyville Boulevard
Present Zoning: CC1-Village Retail District and PUDC- Planned Unit Development Commercial District
Request: Consideration of a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption

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, June 12, 2017 at 7:00 p.m.
City Council Meeting: Tuesday, July 11, 2017 & July 18, 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 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 500 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.



Ben Bryner
Community Development Director
bbryner@colleyville.com

Legal Notice

May 26, 2017

SENT VIA EMAIL on Friday, May 26, 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, May 27, 2017

The City of Colleyville Planning and Zoning Commission gives notice of a Public Hearing on Monday, 6/12/17 at 7:00 p.m. at City Hall, 100 Main Street, Colleyville, Texas:

Case ZC17-007 - Consideration of a zoning change from the AG- Agricultural zoning district to the R40- Single Family Residential zoning district on Tract 5A01, Abstract 294, in the Robert Chowning Survey, located at 6260 Pool Road

Case ZC16-007 - Consideration of a Special Use Permit for a Convenience Store with Gasoline Sales on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

Case ZC17-010 - Consideration of a Special Use Permit for Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption, on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard

The City Council will hold a Public Hearing on the above items on 7/11/17 and 7/18/17 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 BY CHANGING THE ZONING ON LOT 1R, BLOCK 1, OF THE GARDENS ADDITION, LOCATED AT 7015 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION; 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 beer and wine sales for off-premises consumption of alcohol under Case No. ZC17-010; and

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

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 1R, Block 1, of the Gardens Addition, located at 7015 Colleyville Boulevard, by authorizing a Special Use Permit for the sale of beer and wine for off-premise consumption, as depicted on 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 Land Development Code of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the sale of beer and wine for off-premise consumption in conjunction with a convenience store use only.
- b. The name of the business authorized for on-premise consumption alcohol sales by this Special Use Permit shall be called "RaceTrac".
- c. The Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- d. All requirements of the Land Development Code shall be met,

except where amended herein.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT 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 11th day of July 2017.

The second reading and public hearing being conducted on the 18th day of July 2017.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 18TH DAY OF JULY 2017.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 3, Kathy Wheat	_____	Place 6, Mike Taylor	_____
Place 4, George Dodson	_____		

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" – Zoning Map

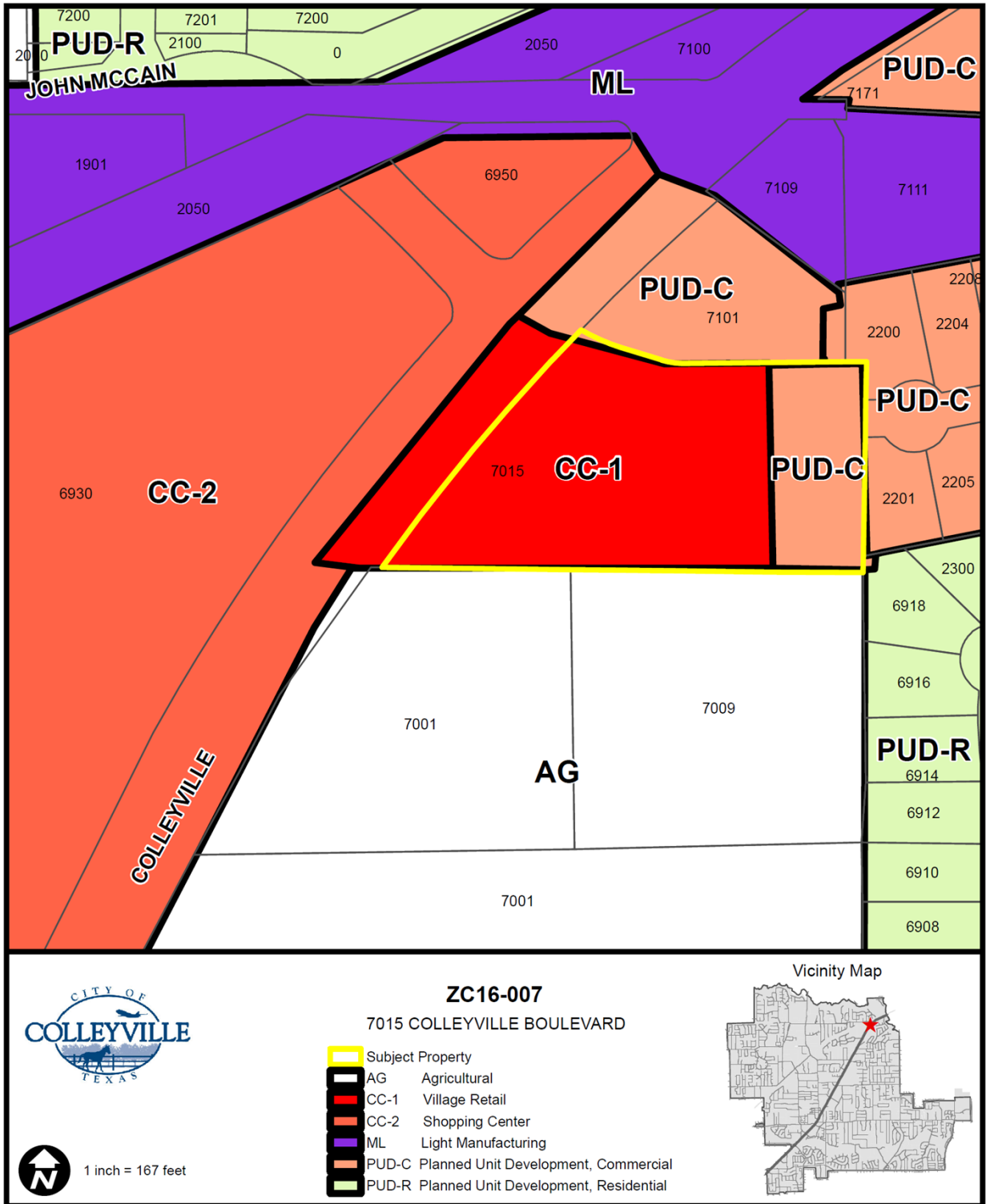


Exhibit "B" – Aerial Map





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3e	Agenda Date 06/12/2017	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, **TABLED FROM MAY 8, 2017 MEETING**

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".

The Planning and Zoning Commission discussed this item at their May 8, 2017 meeting. The Commission determined that several amendments and additions be made in order to clarify the intent of the City for the installation of new utilities. The item was tabled to the June 12, 2017 meeting to go over the revised set of regulations.

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. or other conduits for utilities ~~other than those listed above~~ shall be installed below ground ~~within the subdivision~~ and in accordance with the 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, cable television, and fiber lines shall be underground except where conditions do not warrant underground installations and as approved by the City Council. *(amended from previous)*
 2. All electric, telephone, cable, and fiber utilities shall be placed in the rear easement. Mechanical equipment, transformers, and other visible installations will not be permitted in the front yards of any lots. *(new)*
 3. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground. Nothing in this section 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. *(amended – added street lighting regulation)*
 4. 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. *(new)*
 5. 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.

6. All new service lines shall be placed underground.
7. Overhead services will not be permitted to cross public rights-of-way. All such crossings of a right-of-way will be required to be completed by methods as approved by the city. (*amended*)
8. 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. (*new*)

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 Oncon utility easement that extends to the transformer. Physical access to the transformer will be provided via a five-foot wide removable fence panel or gate located in the easement. Property owners will be

Benchmark Analysis

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.

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)

Benchmark Analysis

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 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.

Benchmark Analysis

- 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.
- (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.

Benchmark Analysis

(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.
- 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.

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- 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.
- 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.

Benchmark Analysis

- 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 one 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

- 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.

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, cable television, and fiber lines shall be underground except where conditions do not warrant underground installations and as approved by the City Council.

2. All electric, telephone, cable, and fiber utilities shall be placed in the rear easement. Mechanical equipment, transformers, and other visible installations will not be permitted in the front yards of any lots.
3. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground. Nothing in this section 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.
4. 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.
5. 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.
6. All new service lines shall be placed underground.
7. Overhead services will not be permitted to cross public rights-of-way. All such crossings of a right-of-way will be required to be completed by methods as approved by the city.
8. 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.

Section 9.20 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 9.21 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 9.22 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 9.23 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., or other conduits~~ for utilities ~~other than those listed above~~ shall be installed below ground ~~within the subdivision and in accordance with the 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 11th day of July 2017.

The second reading and public hearing being conducted on the 18th day of July 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 Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 3, Kathy Wheat	_____	Place 6, Mike Taylor	_____
Place 4, George Dodson	_____		

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, cable television, and fiber lines shall be underground except where conditions do not warrant underground installations and as approved by the City Council.
2. All electric, telephone, cable, and fiber utilities shall be placed in the rear easement. Mechanical equipment, transformers, and other visible installations will not be permitted in the front yards of any lots.
3. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground. Nothing in this section 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.
4. 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.

5. 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.
6. All new service lines shall be placed underground.
7. Overhead services will not be permitted to cross public rights-of-way. All such crossings of a right-of-way will be required to be completed by methods as approved by the city.
8. 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.

{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. or other conduits for utilities ~~other than those listed above~~ shall be installed below ground within the subdivision and in accordance with the 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.~~