



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, June 11, 2018

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 VAN BEVER
PLEDGE OF ALLEGIANCE**

1. APPROVAL OF MINUTES

1a March 26, 2018

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

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a Special Use Permit for Alcoholic Beverage Sales – On-Premises Consumption on Lot 1R1, Block 1, of the Market Addition, located at 5005 Colleyville Boulevard, Suite 240, Case ZC18-015
- 3b** Consideration of a Special Use Permit for Package Store and Alcoholic Beverage Sales – Off-Premises Consumption on Lot 3, Block 2, of the Lavaca Trail Addition, located at 8070 Precinct Line Road, Case ZC18-016
- 3c** Consideration of an amendment to the PUD-C Planned Unit Development-Commercial zoning district to allow for maximum square footage for a restaurant on Lot 1RA2, Block 1, of the Tropicana Fuels Addition, located at 7101 Colleyville Boulevard, Case ZC18-017
- 3d** Consideration of a Final Plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 & 103 John McCain Road and 7189 Cast Iron Forest Trail, Case PC17-004, TABLED FROM THE MAY 14, 2018 MEETING
- 3e** Consideration of a zoning change from the AG Agricultural zoning district to the CC-1 Village Retail zoning district and a Special Use Permit (SUP) for Cemeteries or Mausoleums on Tract 2B & 2B02, Abstract 180, in the J L Byas Survey, located at 5713 Colleyville Boulevard, Case ZC18-001, TABLED FROM THE MAY 14, 2018 MEETING
- 3f** Consideration of amendments to the Land Development Code, specifically Chapter 1 – General Provisions, Chapter 4 – Landscaping and Buffering, and Chapter 6 – Commercial Design Standards

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards June 8, 2018 by 5:00 p.m.



Araceli Botello
Planning Technician

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

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

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



City of Colleyville Planning and Zoning Commission Minutes

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Monday, March 26, 2018

City Council Chambers

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission meeting was called to order by Chairwoman Mathisen on March 26, 2018, at 7:15 p.m.

Roll Call

Present: Raymond Allee, Susan Mathisen, Charles Kelley, Claudia Bevill, and Jason Elms

Absent: Sam van Bever and Veronica Baughman,

Staff Present: Ben Bryner, Felix Landry, Chief Brian Riley, Robert Mckeown, Taylor Schauwecker, Araceli Botello, and City Attorney Whitt Wyatt

1. **CITIZEN COMMENTS / PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**
2. **APPROVAL OF MINUTES**

Commissioner Elms made a motion to approve the January 22, 2018 minutes. Commissioner Bevill seconded.

The motion to approve carried by the following vote:

Aye: 5 – Allee, Mathisen, Kelley, Bevill, and Elms
Nay: 0

Commissioner Kelley made a motion to approve the February 12, 2018 minutes. Commissioner Bevill seconded.

The motion to approve carried by the following vote:

Aye: 5 – Allee, Mathisen, Kelley, Bevill, and Elms
Nay: 0

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a zoning change from the R-40 Single Family Residential zoning district and AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district on Lots 1R1 & 1R2, Block 1, Bear Creek Plantation, located at 1312 John McCain Road and 7309 Holly Lane N, Case ZC18-002, CASE WITHDRAWN BY APPLICANT

Chairwoman Mathisen noted that the applicant has formally request to withdraw and close the case, therefore no action needs to be taken by the Commission at this time.

Community Development Director, Ben Bryner added that staff anticipates that this case will be presented in the future and it will be a new case.

- 3b** Consideration of a zoning change from the AG Agricultural zoning district to the CC-1 Village Retail zoning district and a Special Use Permit (SUP) for Cemeteries or Mausoleums on Tract 2B & 2B02, Abstract 180, in the J L Byas Survey, located at 5713 Colleyville Boulevard, Case ZC18-001, TABLED FROM THE FEBRUARY 12, 2018 MEETING

Chairwoman Mathisen noted that the applicant has request to table the case and therefore requested to open the vote to remove the case from the table and vote on the applicant's request to table the case.

Commissioner Kelley made a motion to remove Case ZC18-001 from the table. Commissioner Elms seconded.

The motion to remove case from the table carried by the following vote:

Aye: 5 – Allee, Mathisen, Kelley, Bevill, and Elms

Nay: 0

Ben Bryner presented the case and briefed the Commission. He added that the applicant has requested to table the case to the May 14, 2018 Planning and Zoning Commission Meeting in order to address concerns of drainage, setbacks, and screening along Hall Johnson Road.

Chairwoman Mathisen requested a motion for the case.

Commissioner Bevill made a motion to table Case ZC18-001 to the May 14, 2018 Planning and Zoning Commission Meeting. Commissioner Kelley seconded.

The motion to table the case carried by the following vote:

Aye: 5 – Allee, Mathisen, Kelley, Bevill, and Elms

Nay: 0

3c Consideration of a Special Use Permit for Alcoholic Beverage Sales – On-Premises Consumption on Lot 3A, Block 2, of the Village Park Addition, located at 4609 Colleyville Boulevard, Case ZC18-003

Felix Landry presented the case and briefed the Commission.

The public hearing was opened at 7:27 p.m.

The applicant, Catherine Chamblee, 600 Congress Avenue, Austin, Texas, came forward and briefed the Commission.

Commissioner Kelley questioned the applicant if the restaurant Chipotle is a franchise or owned by corporate. The applicant responded that the restaurant is owned by corporate.

Commissioner Kelley questioned the applicant regarding the hours of operation for the restaurant. The applicant responded that the hours of operation are from 10:30 a.m. to 10:00 p.m.

The public hearing was closed at 7:31 p.m.

Chairwoman Mathisen requested a motion for the case.

Commissioner Kelley made a motion to approve Case ZC18-003. Commissioner Elms seconded.

The motion to approve carried by the following vote:

Aye: 5 – Allee, Mathisen, Kelley, Bevill, and Elms

Nay: 0

-
- 3d** Consideration of a zoning change from the AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district on Tract 2A01 & 2A02, Abstract 1543, in the George W Teeter Survey, located at 1309 Glade Road, Case ZC18-006

Ben Bryner presented the case and briefed the Commission.

Chairwoman Mathisen questioned staff regarding the square foot of the proposed lots in the subdivision. Staff responded that proposed lot sizes for each lot is about 20,000 square feet.

Chairwoman Mathisen question staff what type of fencing is located along 4920 Glade Road. Staff responded that he would need to do some research. Staff added that the applicant may be able to respond to the question.

Commissioner Elms question staff regarding the lot coverage requirements for the proposed lots. Staff responded that a stipulation can be added for the proposed lots to follow the standard R-20 zoning district's lot requirements which is a 30 percent lot coverage regulation.

Commissioner Kelley questioned staff regarding the R-20 zoning district's tree preservation requirements. Staff responded that the detailed tree preservation analysis is not required for the zoning request. Staff added that the applicant appears to exceed the standard percentage of required canopy for tree preservation outlined in Chapter 5 of the Land Development Code.

Commissioner Kelley addressed concerns regarding fencing to the west of the property and the street not being up to code. He added that he would like to hear from the Fire Marshal on the concerns. The City's Fire Marshal, Robert McKeown, came forward and briefed the commission. The Fire Marshal responded that the street was poured as approved by a previous council. He added that the Land Development Code allows for the installation of fire suppression system as safety measure in the homes when streets are longer than standard or has over 12 lots in a cul-de-sac.

Chairwoman Mathisen question the Fire Marshal regarding concerns of having 16 lots in lieu of the standard 12 lots in a cul-de-sac as proposed. The Fire Marshal responded that the width of the street is not to standard and that more homes could create a greater chance for something to go wrong, but it is not to a level that is alarming.

Discussion continued regarding the width of the street in the proposed development.

Commissioner Kelley questioned staff regarding the R-20 zoning district's

fencing requirements between residential lots. Staff responded that fencing is not required between residential uses. Staff added that fencing is only required when you have adjacency between an alternate use, e.g. commercial adjacent to residential.

Commissioner Kelley questioned staff on the type of use to the east of the subject property. Staff responded that the uses to the east are single-family residential. Commissioner Kelley questioned staff if the zoning is R-20. Staff responded affirmatively.

Commissioner Bevill questioned staff if the request for zoning is PUD-R. Staff responded affirmatively. Commissioner Bevill questioned staff if the PUD-R zoning requires fencing. Staff responded no.

Commissioner Elms questioned staff regarding access from the east side of the subject property. Staff responded that there is mutual access easement to the west of the property only. Staff added that the applicant is proposing to take access from Carmel Place. Commissioner Elms questioned staff regarding accessing a street from an open space lot. Staff responded that typically you don't access a street from an open space lot. Staff added that because there is a mutual access easement dedicated on the plat, it then allows for access from the open space lot.

Commissioner Kelley open discussion regarding placing a more substantial type of screening between the lots in lieu of the ornamental fencing. Chairwoman Mathisen questioned Commissioner Kelley as to the location of his request. Commissioner Kelley responded that the fencing would be between the proposed lots and the lots to the east.

Commissioner Elms pointed to the Zoning Exhibit and questioned staff if the property to the east of the subject property is one lot. Staff responded that there three homes to the east of the subject property, with two homes directly adjacent. Staff clarified that the property to the south is a flag pole lot which is adjacent along the east boundary of the subject property.

Discussion continued regarding screening.

Commissioner Bevill questioned staff regarding the open space requirements for the property to the west of the subject property. Staff responded that the zoning was approved to meet a minimum 14 percent of open space. The subject property is required to meet a minimum of 20 percent of open space.

Commissioner Kelley pointed to the Zoning Exhibit and questioned staff regarding the building on Lot 5X. Staff responded that it is an existing building and would be removed as part of the proposed open area.

The public hearing was opened at 8:03 p.m.

Kathy Hadley, 204 N. Timberline Drive, came forward and spoke in opposition to the case. Ms. Hadley addressed concerns regarding the number of proposed homes and maintaining the country atmosphere.

The design engineer, Bryan Klein, 7075 Twin Hills Avenue, Dallas, Texas, came forward and briefed the commission.

The public hearing was closed at 8:11 p.m.

Chairwoman Mathisen requested a motion for the case.

Commissioner Elms made a motion to approve Case ZC18-006. Commissioner Allee seconded.

The motion to approve carried by the following vote:

Aye: 4 – Allee, Mathisen, Kelley, and Elms

Nay: 1 - Bevill

3e Consideration of an amendment to the PUD-R Planned Unit Development-Residential zoning district regarding the minimum roof pitch requirement for the Carmel Place Estates subdivision, located at 4808 to 4920 Carmel Place, Case ZC18-008

Ben Bryner presented the case and briefed the Commission.

Commissioner Elms questioned staff if the request is to add a minimum roof pitch of 5/12 and allow up to a 12/12 roof pitch. Staff responded affirmatively. Staff added that the request is to allow for a minimum roof pitch of 5/12, but nothing lower than that.

Commissioner Elms questioned staff if the request is to maintain consistency across the development of future homes. Staff responded that the amendment would apply to all lots in the subdivision and that currently there are no homes developed at this time. Further, the first proposed home to be developed with a 5/12 roof pitch could set the standard for the other homes in the area.

Chairwoman Mathisen asked if the applicant would like to present his case before the Commission. The applicant responded with no.

The public hearing was opened at 8:18 p.m.

The public hearing was closed at 8:19 p.m.

Chairwoman Mathisen requested a motion for the case.

**Commissioner Kelley made a motion to approve Case ZC18-008.
Commissioner Allee seconded the motion.**

The motion to approve carried by the following vote:

Aye: 5 – Allee, Mathisen, Kelley, Bevill, and Elms

Nay: 0

4. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

The minutes were written and prepared by:



Araceli Botello
Planning Technician

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



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3a	Agenda Date 06/11/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for Alcoholic Beverage Sales – On-Premises Consumption on Lot 1R1, Block 1, of the Market Addition, located at 5005 Colleyville Boulevard, Suite 240, Case ZC18-015

Explanation

Chalermwong Sukpanishakul, of NAPA Restaurant, has submitted a request for a Special Use Permit (SUP) to allow alcoholic beverage sales for on-premise consumption at 5005 Colleyville Boulevard, Suite 240. The subject property was previously occupied by Sai Thai & Asian Bistro. Alcoholic beverage sales for on-premise consumption are allowed in the CC-1-Village Retail district with the approval of an SUP.

Existing Conditions/Background: The subject property is zoned CC-1 Village Retail district and generally located on the east side of Colleyville Boulevard, north of Old Glade Road. The subject property is a platted lot and currently developed with a multi-tenant commercial building. Suite 240, the proposed location of NAPA Restaurant, was previously occupied by a restaurant known as Sai Thai & Asian Bistro. Sai Thai & Asian Bistro was granted approval of an SUP for the sale of alcoholic beverages for on-premise consumption by Ordinance O-17-2007. However, the SUP expired upon the change of ownership and renaming of the restaurant.

Proposed Special Use Permit:

Request – The applicant is requesting approval of an SUP to allow alcoholic beverage sales for on-premises consumption in conjunction with a new restaurant. The applicant is requesting to sell and serve alcohol as part of the NAPA Restaurant menu. The applicant proposes the following hours of operation as a component to the SUP request:

Sunday - Saturday: 11:00 a.m. –10:00 p.m.

Ordinance – There are four components of procedure that a business must complete to sell and serve alcohol for on-premises consumption in Colleyville: (1) a Special Use Permit (SUP) approval by the City Council for alcohol sales (on-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, (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.” SUPs 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 serve 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.
- Section 6-5 of the Code of Ordinances which states that the restaurant’s alcohol sales must be incidental and secondary to the sale of food for human consumption (further clarified in the Code as non-alcohol and food sales must comprise at least 60 percent of gross receipts).

Analysis: The requested SUP is consistent with previously approved SUPs on the subject property and is permitted by the Land Development Code with City Council approval. The applicant proposes to operate the business in a similar manner to the previous restaurant at this location. The requested location is in compliance with the distance requirements of the Code of Ordinances, and the applicant is proposing to comply with the 60/40 incidental sales requirements as stated above. Approval of an SUP at this location for this user should not adversely impact surrounding uses or the character of the neighborhood.

Surrounding Development: The properties to the north, south, east and west are zoned CC-1-Village Retail district and developed with commercial buildings. One property to the northeast is zoned R-20 Single Family Residential and developed with one single family home.

Comprehensive Plan: The City’s comprehensive plan, *Destination Colleyville*, identifies the subject property as located within the Central Sector of the Colleyville Boulevard Corridor. This area has been identified as having the greatest potential to become a true center of activity by tying together major commercial and entertainment centers along the Corridor.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this

request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date, one correspondence has been received in opposition.

Staff Recommendation: Staff recommends approval of the Special Use Permit (SUP) to authorize the sale of alcoholic beverages for on-premises consumption for the NAPA Restaurant at 5005 Colleyville Boulevard, Suite 240. The proposed business is consistent with the previous uses on the subject property and should not adversely impact surrounding uses.

Recommendation

Approve

Attachments

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

Aerial Map



ZC18-015

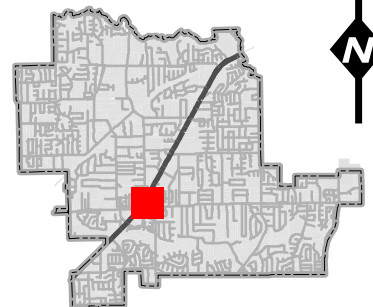
5005 Colleyville Boulevard, Suite 240

DISCLAIMER:

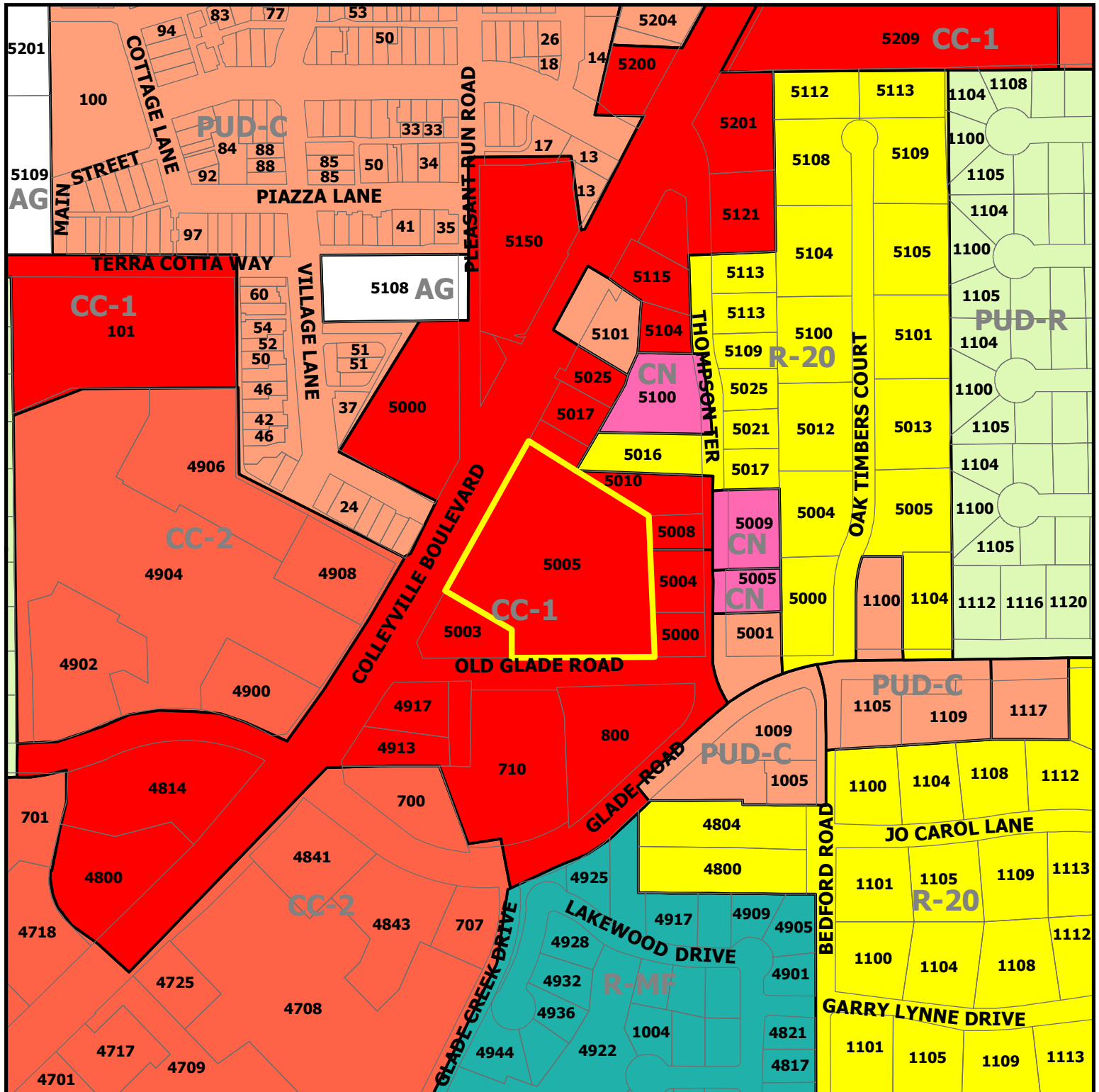
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Subject Property



Zoning Map



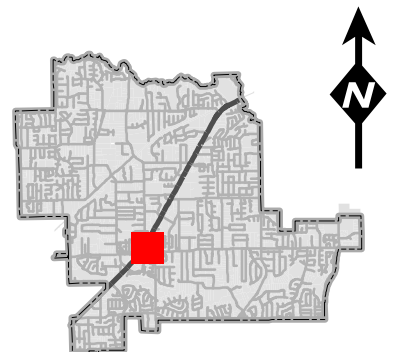
ZC18-015



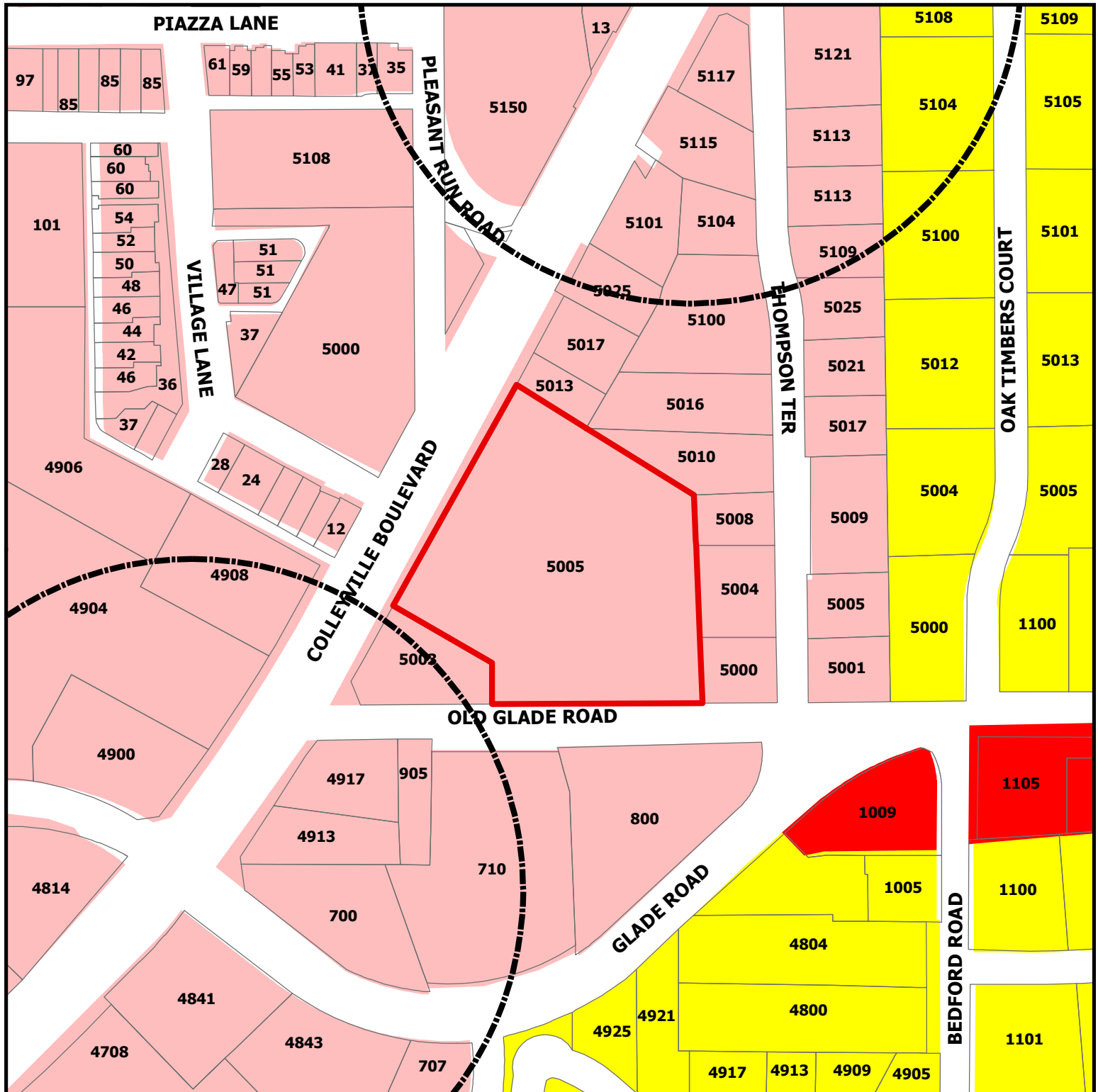
5005 Colleyville Boulevard, Suite 240

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 Subject Property



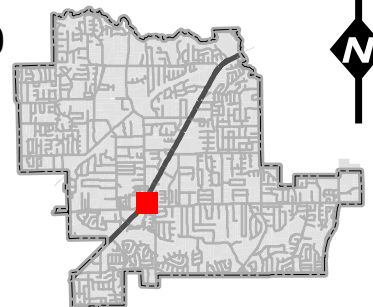
Future Land Use Map



ZC18-015

5005 Colleyville Boulevard, Suite 240

- Subject Property
- Sales Tax Preferred Intersection
- Residential
- Commercial
- Colleyville Blvd Corridor



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Statement of Planning Objectives

NAPA Restaurant

Thai Asian Cuisine

5005 Colleyville Blvd Suite 240, Colleyville TX 76034

March 22, 2018

To whom it may concern,

My name is Chalermwong Sukpanishakul. I am currently the owner of Thai restaurant in Denton, Texas. I've recently acquired the restaurant space at [5005 Colleyville Blvd Suite 240, Colleyville TX](#). The space was formerly Thai & Asian restaurant with a full bar that sell alcohols called "Sai" owned by the well-known Chef Eddy. I am, however, planning to open a neighborhood Thai/Asian restaurant called "NAPA Thai Asian Cuisine" and will also sell alcohols on premise only. The operating hours will be from 11am to 10pm daily. I am asking for your consideration for a Special Use Permit in order for me to get TABC License before I can officially reopen the restaurant. I am very excited to be a part of Colleyville business community. Please do not hesitate to contact me for any other information. My contact number is **(940) 594-7568**. Thank you for your time and consideration.

Sincerely Yours,

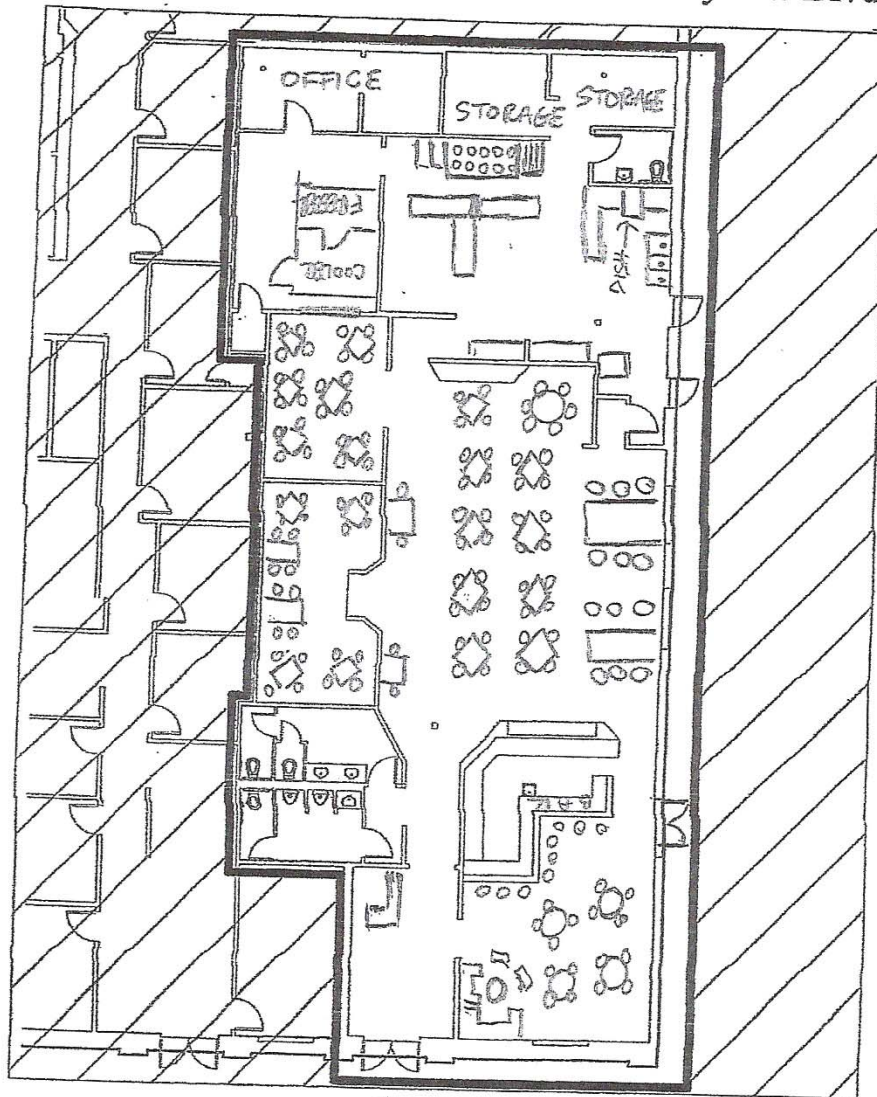
Chalermwong Sukpanishakul (aka FIRST)

Floor Plan

EXHIBIT A-1

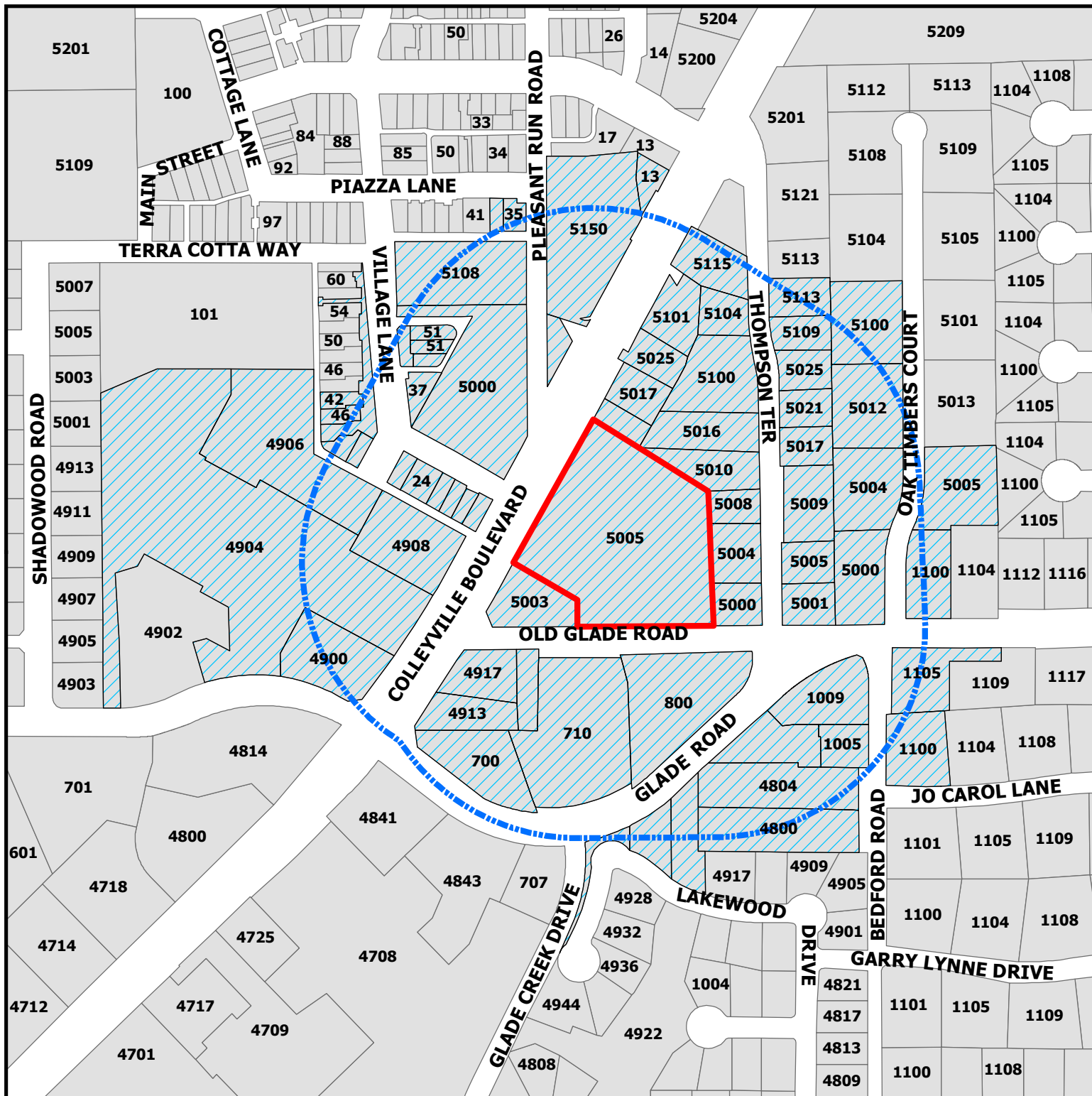
FLOOR PLAN OF PREMISES

4540 sq/ft Restaurant Space - 5005 Colleyville Blvd



FRONT DOOR

Notification Map



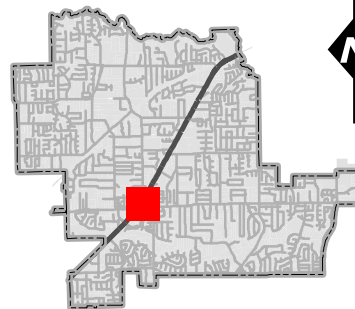
ZC18-015

5005 Colleyville Boulevard, Suite 240

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



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
SC 16 VILLAGE LANE INVESTMENT	505 PECAN ST STE 101	FORT WORTH, TX	76102	16 VILLAGE LN
HOA - LAKEWOOD ESTATES	6707 BRENTWOOD STR RD	FORT WORTH, TX	76112	4921 LAKEWOOD DR
COLLEYVILLE PLAZA LP	580 DECKER DR STE 203	IRVING, TX	75062	4900 COLLEYVILLE BLVD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	5100 COLLEYVILLE BLVD
DUIC, KIMBERLY	37 PIAZZA LN	COLLEYVILLE, TX	76034	37 PIAZZA LN
SIDES, JOSEPH D	2911 COMPTON RD	NASHVILLE, TN	37215	5109 THOMPSON TERR
SIDES, JOSEPH D	2911 COMPTON RD	NASHVILLE, TN	37215	5113 THOMPSON TERR
GLADE RD CAPITAL LLC	PO BOX 1821	COLLEYVILLE, TX	76034	1005 VILLAGE PARK DR
BUCHWALD, RUDOLPH W	1309 ASHFORD CT	COLLEYVILLE, TX	76034	5025 COLLEYVILLE BLVD
COLLEYVILLE PLAZA LP	580 DECKER DR STE 203	IRVING, TX	75062	4908 COLLEYVILLE BLVD
COLLEYVILLE PLAZA LP	580 DECKER DR STE 203	IRVING, TX	75062	4906 COLLEYVILLE BLVD
VILLAGE OWNERS ASSOCIATION INC	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002	12 VILLAGE LN
O'BRIEN, PETE	609 CHEEK SPARGER RD STE 120	COLLEYVILLE, TX	76034	5004 THOMPSON TERR
BUCHANAN LUBBOCK PROPERTIES	3410 LAKE CREEK TR	MANSFIELD, TX	76063	51 VILLAGE LN
BUCHANAN LUBBOCK PROPERTIES	3410 LAKE CREEK TR	MANSFIELD, TX	76063	51 VILLAGE LN
BREWER, GLADYS L	5012 OAK TIMBERS CT	COLLEYVILLE, TX	76034	5012 OAK TIMBERS CT
MCNOSKY, ANTHONY T	5108 PLEASANT RUN RD	COLLEYVILLE, TX	76034	5108 PLEASANT RUN RD
BUCHANAN LUBBOCK PROPERTIES	3410 LAKE CREEK TR	MANSFIELD, TX	76063	51 VILLAGE LN
QUENICHET, JOHN WAYNE	5005 OAK TIMBERS CT	COLLEYVILLE, TX	76034	5005 OAK TIMBERS CT
GLADE ROAD CAPITAL LLC	PO BOX 1821	COLLEYVILLE, TX	76034	1009 GLADE RD
BOJKU, AFRIM	5309 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	5150 COLLEYVILLE BLVD
Y2KITCHEN PROPERTIES LLC	4500 DARTMOORE LN	COLLEYVILLE, TX	76034	5003 COLLEYVILLE BLVD
HAYWORTH, WARD O	2757 MESQUITE LN	GRAPEVINE, TX	76051	5016 THOMPSON TERR
FRUSHER, DONALD	35 PIAZZA LN # 38110	COLLEYVILLE, TX	76034	35 PIAZZA LN # 38 111
RAJU, SESHU	3816 APPLETON LN	FLOWER MOUND, TX	75022	5004 OAK TIMBERS CT
BUCHWALD, RUDOLPH W	1309 ASHFORD CT	COLLEYVILLE, TX	76034	5101 COLLEYVILLE BLVD
JPMORGAN CHASE BANK	PO BOX 2558	HOUSTON, TX	77252	5000 COLLEYVILLE BLVD
DUNN, REX A	312 MARSEILLE DR	HURST, TX	76054	5010 THOMPSON TERR
THOMPSON BENJAMIN ETUX YEE-PIN	1100 GLADE RD	COLLEYVILLE, TX	76034	1100 GLADE RD
GIBSON, NORMAN C	113 TIMBERLINE DR S	COLLEYVILLE, TX	76034	5115 COLLEYVILLE BLVD
GULICK, CYLDE E	5100 OAK TIMBERS CT	COLLEYVILLE, TX	76034	5100 OAK TIMBERS CT
MODERN HOLDINGS LLC	PO BOX 92083	SOUTHLAKE, TX	76092	5100 THOMPSON TERR
BONEY, TRAVIS	4925 LAKEWOOD DR	COLLEYVILLE, TX	76034	4925 LAKEWOOD DR
BOJKU, HAJRI	5309 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	5017 THOMPSON TERR
COCANOUGH ASSET NO 3 LTD	6851 NE LOOP 820 STE 200	NORTH RICHLAND HILLS, TX	76180	5005 COLLEYVILLE BLVD
HANNA, MAGY H	5021 THOMPSON TERR	COLLEYVILLE, TX	76034	5021 THOMPSON TERR
Y2KITCHEN PROPERTIES LLC	5003 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	710 GLADE RD
VILLAGE OWNERS ASSOCIATION INC	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002	47 VILLAGE LN
RYAN WAYNE PROPERTIES LLC	16 VILLAGE LN STE 180	COLLEYVILLE, TX	76034	5017 COLLEYVILLE BLVD
ACROPOLIS INC	15233 VENTURA BLVD SUITE 1160	SHERMAN OAKS, CA	91403	5001 THOMPSON TERR
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	24 VILLAGE LN
ESCOBAR, ROSA	4804 BEDFORD RD	COLLEYVILLE, TX	76034	4804 BEDFORD RD
THOMPSON, JOHN E	5017 MONTCLAIR DR	COLLEYVILLE, TX	76034	905 OLD GLADE RD
NOBLIT, DON	PO BOX 820895	FORT WORTH, TX	76182	4913 COLLEYVILLE BLVD
TMI INTERNATIONAL LLC	5013 COLLEYVILLE BLVD SUITE 20	COLLEYVILLE, TX	76034	5013 COLLEYVILLE BLVD
DUNN, REX A	312 MARSEILLE DR	HURST, TX	76054	5008 THOMPSON TERR
DELGADO, MARK ETAL	5000 THOMPSON TERR	COLLEYVILLE, TX	76034	5000 THOMPSON TERR
SC 16 VILLAGE LANE INVESTMENT	505 PECAN ST STE 101	FORT WORTH, TX	76102	16 VILLAGE LN
HOA - LAKEWOOD ESTATES	12700 PARK CTRL DR STE 600	DALLAS, TX	75251	4935 LAKEWOOD DR
SEHAT, MAJID	4800 BEDFORD RD	COLLEYVILLE, TX	76034	4800 BEDFORD RD
VILLAGE OWNERS ASSOCIATION INC	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002	13 MAIN ST
ACROPOLIS INC	15233 VENTURA BLVD SUITE 1160	SHERMAN OAKS, CA	91403	5005 THOMPSON TERR
HAMIDI, CAMERON S	17858 BENCHMARK DR	DALLAS, TX	75252	37 VILLAGE LN
WAL-MART REAL ESTATE BUS TRUST	PO BOX 8050	BENTONVILLE, AR	72716	4904 COLLEYVILLE BLVD
NOBEL SOURCE COMPANY LLC	640 S HILL ST STE 341	LOS ANGELES, CA	90014	800 GLADE RD
GIBSON, NORMAN C	113 TIMBERLINE DR S	COLLEYVILLE, TX	76034	5104 THOMPSON TERR
SC 16 VILLAGE LANE INVESTMENT	505 PECAN ST STE 101	FORT WORTH, TX	76102	16 VILLAGE LN
RICHARD FAMILY LIMITED PARTNER	5009 THOMPSON TERR STE 102	COLLEYVILLE, TX	76034	5009 THOMPSON TERR
LG COLLEYVILLE LLC	3500 MAPLE DR STE 1600	DALLAS, TX	75219	4917 COLLEYVILLE BLVD
SOUMPHONPHAKDY, ANOULONE	5025 THOMPSON TERR	COLLEYVILLE, TX	76034	5025 THOMPSON TERR
HEA21 LLC	6406 CUTTER RIDGE CT	COLLEYVILLE, TX	76034	28 VILLAGE LN
KING, DALE L	PO BOX 371	COLLEYVILLE, TX	76034	5000 OAK TIMBERS CT
ZELL THREE INC	1190 EXPLORER ST	DUNCANVILLE, TX	75137	700 GLADE RD
VILLAGE OWNERS ASSOCIATION INC	1024 S GREENVILLE AVE STE 230	ALLEN, TX	75002	36 VILLAGE LN
HAMIDI, CAMERON S	17858 BENCHMARK DR	DALLAS, TX	75252	37 VILLAGE LN
HAMIDI, CAMERON S	17858 BENCHMARK DR	DALLAS, TX	75252	37 VILLAGE LN
JAMES, DUSTIN	40 VILLAGE LN	COLLEYVILLE, TX	76034	46 VILLAGE LN
GRIFFIN, REGINAL	42 VILLAGE LN	COLLEYVILLE, TX	76034	42 VILLAGE LN
ADVENIAT REGNUM TUUM, LLC.	1203 S WHITE CHAPEL BLVD STE 2	SOUTHLAKE, TX	76092	1105 GLADE RD
HOLLAND, AXEL	1100 JO CAROL ST	COLLEYVILLE, TX	76034	1100 JO CAROL LN
LAKEWOOD ESTATES	213 MILL CROSSING WEST	COLLEYVILLE, TX	76034	COURTESY NOTICE
SUKPANISHAKUL, CHALERMWONG	6024 GOLDEN DRIVE	DENTON, TX	76208	APPLICANT
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOOD AVE	GRAPEVINE, TX	76051	STATE REQUIRED

Public hearing notices were mailed on Friday, May 25, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-015
Applicant: Chalermwong Sukpanishaku
Owner: Cocanougher Asset No. 3, Ltd
Location: 5005 Colleyville Boulevard, Suite 240
Property Description: Lot 1R1, Block 1, of the Market Addition
Present Zoning: CC-1 Village Retail District
Request: Consideration of a Special Use Permit for Alcoholic Beverage Sales – On-Premises Consumption. The purpose is to allow for the sale of alcohol at the proposed NAPA restaurant.

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 11, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, July 2, 2018 & Tuesday, July 17, 2018 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 a 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. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. 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

Letter of Opposition



From:
Seshu Raju
3816 Appleton Ln,
Flower Mound, TX 75022.

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

May 28th 2018

Dear Sir/Madam:

Regarding ZC18-015 (use permit for alcohol beverage sales) zone change public hearing notice, I would like to express written opinion against the requested change as it will impact my residential property of 5004 Oak Timbers Ct. The zoning change if approved, going to have negative impact and security implications of school age children living nearby residential properties. I would like to protest against the zoning change with this letter as I am unable to attend the scheduled public hearing.

Sincerely,

A handwritten signature in purple ink, appearing to read "Seshu Raju", with a horizontal line underneath.

Seshu Raju.

ORDINANCE O-18-xxxx

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING ON LOT 1R1, BLOCK 1 OF THE MARKET ADDITION, LOCATED AT 5005 COLLEYVILLE BOULEVARD, SUITE 240, BY AUTHORIZING A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE 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 on-premise consumption of alcohol under Case No. ZC18-015; 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 1R1, Block 1, of the Market Addition, located at 5005 Colleyville Boulevard, Suite 240, by authorizing a Special Use Permit for the sale of alcoholic beverages for on-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 Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the sale of alcoholic beverages for on-premise consumption in conjunction with a restaurant use only.
- b. The name of the business authorized for on-premise consumption alcohol sales by this Special Use Permit shall be called "NAPA Restaurant".
- 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.

2. HOURS OF OPERATION

- a. The hours of operation shall not exceed the following schedule:

Sunday - Saturday: 11:00 a.m. – 10:00 p.m.

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 2nd day of July 2018.

The second reading and public hearing being conducted on the 17th day of July 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 17TH DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Zoning Map

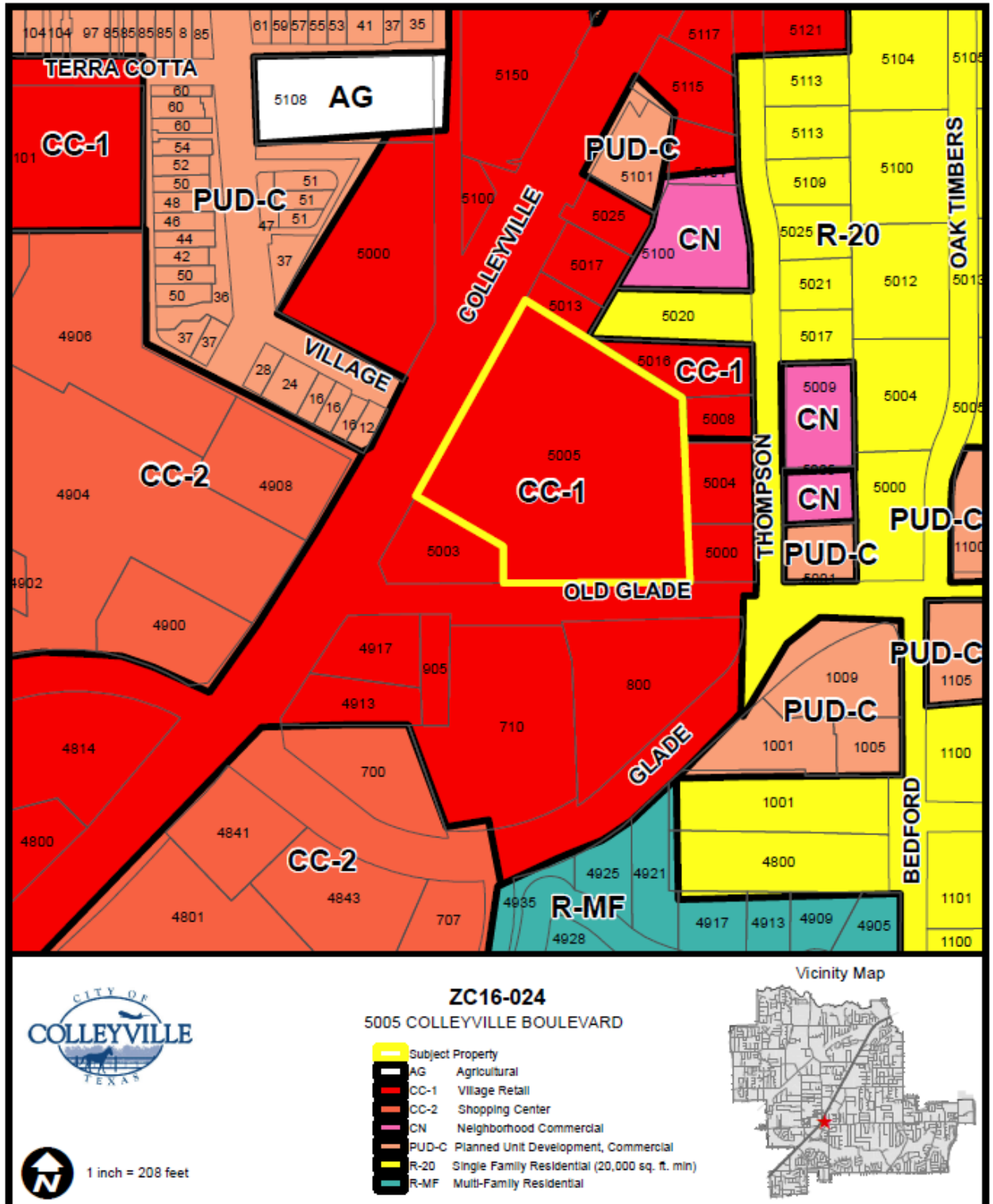


Exhibit "B" – Aerial Map



ZC16-024

5005 COLLEYVILLE BOULEVARD



 Subject Property



1 inch = 208 feet

Vicinity Map





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 06/11/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for Package Store and Alcoholic Beverage Sales – Off-Premises Consumption on Lot 3, Block 2, of the Lavaca Trail Addition, located at 8070 Precinct Line Road, Case ZC18-016

Explanation

Payal Brahmabhatt, the applicant, has submitted a request for a Special Use Permit (SUP) to allow alcoholic beverage sales for a Package Store at 8070 Precinct Line Road, called Fossil Creek Spirits. Mark Stacy previously owned Fossil Creek Liquor, receiving an SUP in 2011. Package stores are allowed in the CC-2-Shopping Center district with the approval of an SUP.

Existing Conditions/Background: The subject property is zoned CC-2 Shopping Center district and generally located on the east side of Precinct Line Road, south of Lavaca Trail. The subject property is a platted lot and is the location of Fossil Creek Spirits. This site has operated as a Package Store since 2011 under ordinance O-11-1795, and the applicant would like to continue the same operation under the same name. However, the SUP expires upon the change of ownership.

Proposed Special Use Permit:

Request – The applicant is requesting approval of an SUP to allow a Package Store at an existing location, Fossil Creek Spirits, which currently operates as a package store. The operation is changing ownership which voids the existing SUP. The applicant proposes to operate the package store as it currently operates.

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 requested SUP is consistent with previously approved SUPs on the subject property and is permitted by the Land Development Code with City Council approval. The applicant proposes to operate the business in a similar manner to the previous Package Store at this location. The requested location is in compliance with the distance requirements of the Code of Ordinances. Approval of an SUP at this location for this user should not adversely impact surrounding uses or the character of the neighborhood.

Surrounding Development: All of the property to the north and south of this location, on the east side of Precinct Line Road, has been designated for commercial development in the City’s comprehensive plan, *Destination Colleyville*. Most of that property has been zoned for commercial development, with some parcels maintaining residential zoning. The only new development along Precinct Line Road has been commercial and office development. The property across Precinct Line Road, to the west, resides in North Richland Hills and has predominately developed residential, with significant commercial development further to the north. To the east resides a variety of different Colleyville residential neighborhoods.

Comprehensive Plan: The City’s comprehensive plan, *Destination Colleyville*, designates the subject property for commercial development. The requested SUP does not conflict with the comprehensive plan.

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

Staff Recommendation: Staff recommends approval of the Special Use Permit (SUP) to authorize a Package Store at 8070 Precinct Line Road in the Fossil Creek Spirits location. The proposed business is consistent with the previous uses on the subject property and should not adversely impact surrounding uses.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Site Plan Exhibit
5. Notification Map
6. Notification List
7. Property Owner Notification Letter
8. Draft Ordinance

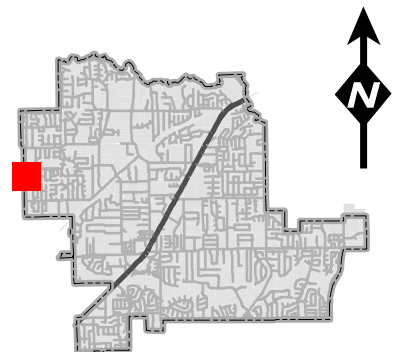
Aerial Map



ZC18-016

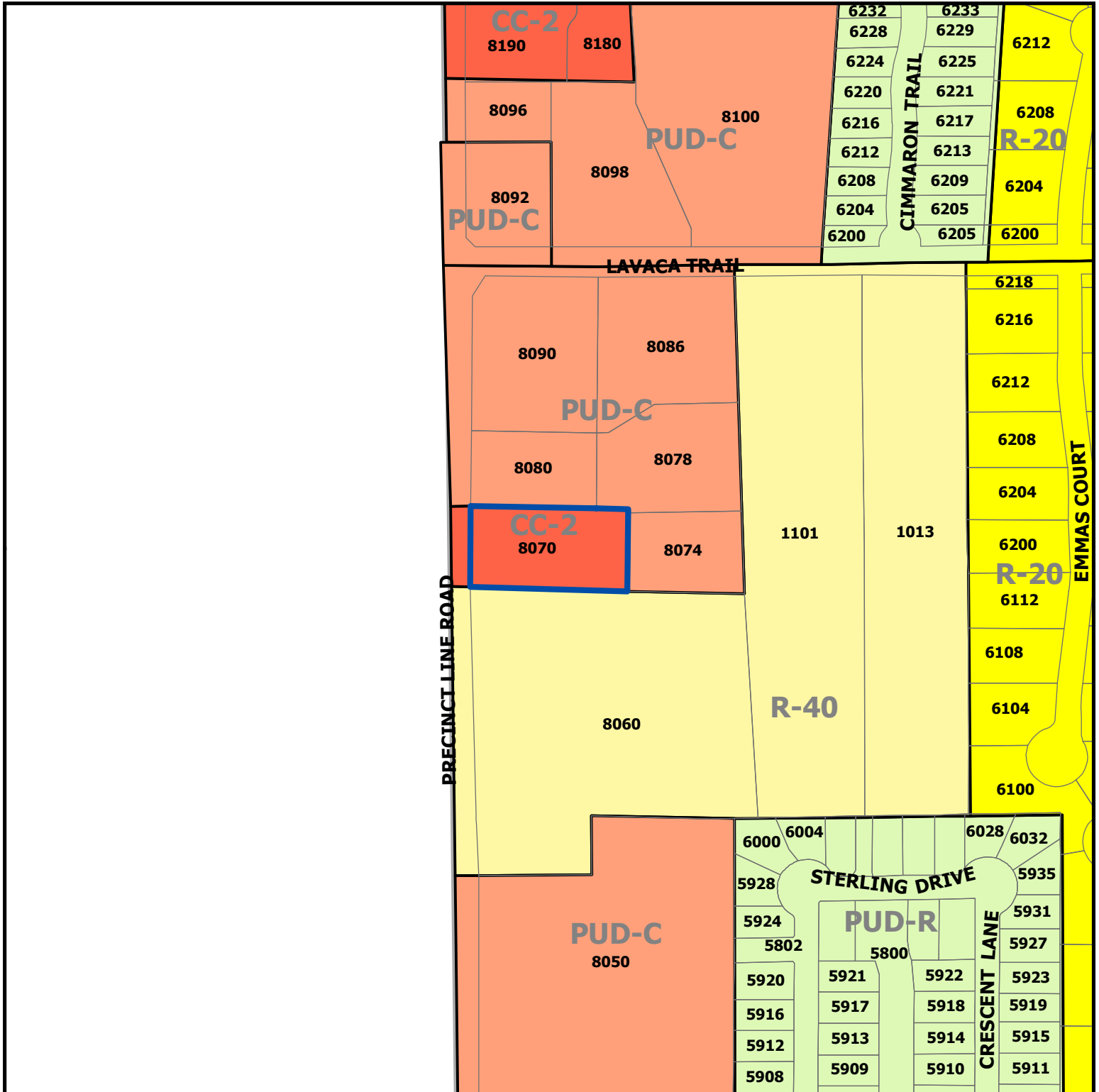
8070 Precinct Line Road

 Subject Property

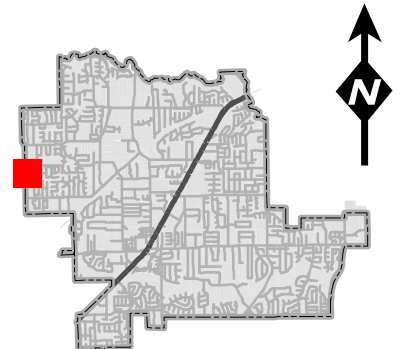


DISCLAIMER:
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Zoning Map



ZC18-016
8070 Precinct Line Road



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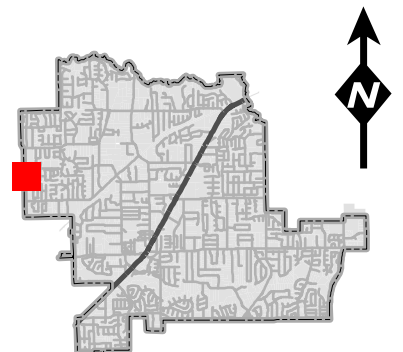
 Subject Property

Future Land Use Map



ZC18-016 8070 Precinct Line Road

- Subject Property
- Sales Tax Preferred Intersection
- Residential
- Commercial
- Open Space; Parks



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Classic Design Group
 Environmental • Architectural Design
 1417 Sullivan Court
 Grand Prairie, TX 76049
 Office 972-861-4422
 Fax 972-861-4341
 e-mail: classic_design_group@aol.com

[illegible]

Received By O. Spiden	Date 1-25-85
Checked by	Original location
SEARCHED	INDEXED
APR 6 1985	AL
FILED	

SITS SUMMARY TABLE		AC	P.U.O. - C22	B
Current Zoning			Percentage Store	
Proposed Zoning				
Prepament Use				
Lot Area		1.181 Acres (50,579.73 Sq. Ft.)		
Building Area		7,000 Square Feet		
Building Height		25'-0" (Approximate)		
Building Height		2 Stories (35'-0" Maximum)		
Lot Coverage		75 Percent		
Open Space Area		4,579.73 Sq. Ft.		
Open Space Area		5,897.4 Sq. Ft.		
Front Area Ratio		0.1921		
Off-Street Parking		1 Space Per 200 Sq. Ft. Front Area		
Total Spaces Required		33 Spaces		
1/4C Spaces Provided		3 Spaces		
1/2C Spaces Provided		1 Space		
3/4C Spaces Provided		2 Spaces		
1/4C Spaces Required		2 Spaces		
1/2C Spaces Required		1 Space		
3/4C Spaces Required		4 Spaces		

Indicates Parking is Provided in Accordance With
 AC-1000 Signage

1. Signs require separate review process, separate approval and separate permit.
2. Paving to be poured and striped, applied and screened per City of Covington city ordinance.
3. Front yards shall remain open and unobstructed. No structure or building shall be allowed in a required front yard.
4. Miscellaneous landscape elements must be constructed (barrier, fence, etc.) for the building, however, not for the lot. The City property requires approval of Department of Public Works.
5. Utility easements, must remain open and unobstructed. No

STREET TREES
TOTAL OF 161.2' LINEAL FEET OF FRONTAGE
1 TREE PER 40' LINEAL FEET REQUIRED
4 (4.02) TREES REQUIRED

20 PERCENT OF TOTAL LAND AREA SHALL BE LANDSCAPED
50 PERCENT TOTAL LAND AREA SHALL BE IN STREET WARD
50/50/70 TOTAL LAND AREA = 20 PERCENT
10,176 SQ. FT. PROVIDED

10,110 = 50 PERCENT = 5,055 SQ. FT. PROVIDED
5,055 SQ. FT. PROVIDED

SHAWDUS
1. SHAWDUS WITH A LINEAL FEET REQUIRED
5. SHAWDUS = 161' 2" LINEAL FEET = 33 SHAWDUS REQUIRED
33 SHAWDUS PROVIDED

ZONING EXHIBIT FOR ZONING CHANGE
REQUEST FROM R-40 TO PUD C02

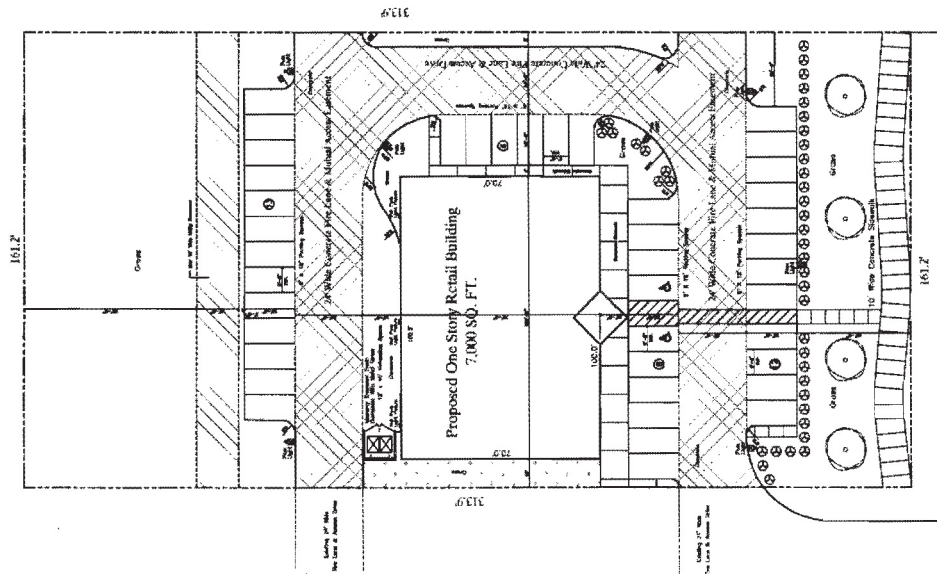
ALL UNDESICATED AREAS SHALL BE IRRIGATED WITH AN IRRIGATION SYSTEM CAPABLE OF PROVIDING THE PROPER AMOUNT OF WATER FOR THE PARTICULAR TYPE OF PLANT MATERIAL USED. IRRIGATION WILL BE PROVIDED BY AN UNDERGROUND SPRINKLER SYSTEM OR A SUBSURFACE CANAL SYSTEM AS APPROVED BY THE CITY ARBORIST.

8. AUTOMATIC UNDERGROUND SPRINKLER SYSTEMS SHALL BE EQUIPPED WITH A BOMB SENSITIVE AND PRECISE ALARM LIFT TO ALL DEPARTMENTS INVOLVED.
9. SMOKEWALL SYSTEMS WOULD BE CONTRASTED TO RECENT OVER-SOON OF WATER CATCH SYSTEMS AND INDUWALLS.
10. PROPERTY TRANSFER SHALL BE PROMPTED AT ALL PUBLIC AND PRIVATE INSTITUTIONS IN ACCORDANCE WITH CURRENT CITY ORDINANCE.
11. LANDSCAPING METHODS SHOULD BE IN PLACE IN ORDER TO MAINTAIN SMALL PLANTS WITH THE VARIETY OF PLANTING.
12. THE PROPERTY OWNER IS RESPONSIBLE FOR REGULAR WEEDING, FERTILIZING, AND MAINTENANCE OF ALL PLANTS AND TREES ON THE PROPERTY. LANDSCAPING, PLANTING, AND MAINTENANCE OF PLANTS AND TREES ON THE PROPERTY.

DEVELOPER
MR. WILLIAM D. SOLDER
505 BROOKSIDE CT.
HUNST, TEXAS 76054

**PRK CHAPMAN COMMERCIAL
REAL ESTATE, LLC**
18830 NORTH DALLAS PARKWAY
SUITE 125
DALLAS, TEXAS 75248

SUBSECTOR
PRECISE LAND SURVEYING, INC.
4825 EASTOWER DRIVE
MESQUITE, TEXAS 75149
OFFICE: 972-681-7072
FAX: 972-279-1508

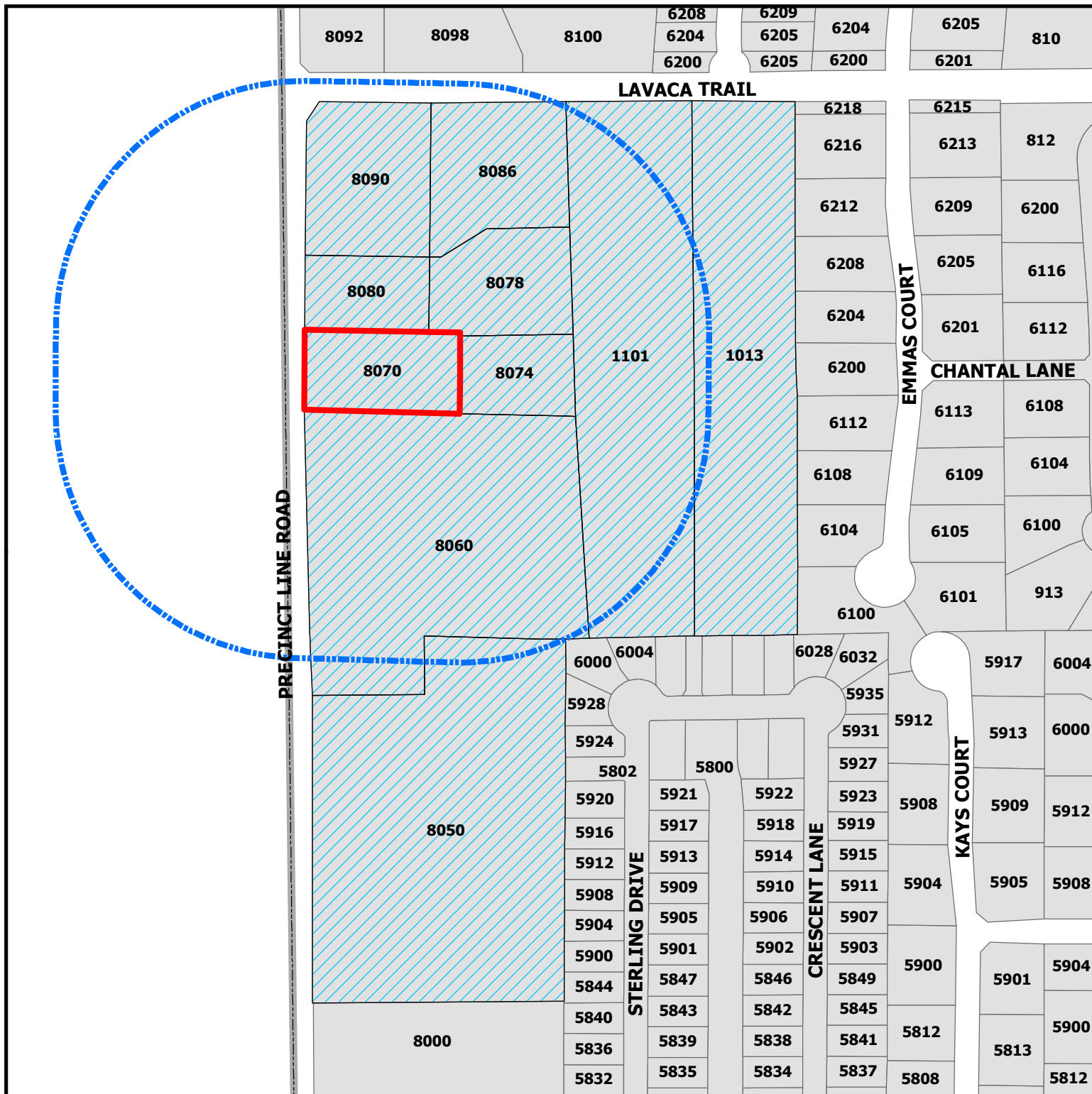


PRECINCT LINE ROAD

01
Site Plan
Sheet 1"=30'-0"

RECEIVED
APR 11 2011
Per _____

Notification Map



ZC18-016

8070 Precinct Line Road



Subject Property



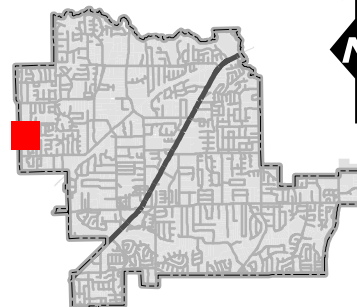
500ft Buffer



Properties within 500ft

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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
TOV VENTURE LTD	16950 DALLAS PKWY STE 120	DALLAS, TX	75248	8070 PRECINCT LINE RD
SL2 SALON SUITES LLC	7600 QUARTERING	NORTH RICHLAND HILLS, TX	76182	8080 PRECINCT LINE RD
JONES, JERRELL W	11111 ABBEYWOOD	OKLAHOMA CITY, OK	73170	8050 PRECINCT LINE RD
WILLIAM D SOUDER INVESTMENTS	2729 CRYSTAL RIDGE CIR	HURST, TX	76054	8060 PRECINCT LINE RD
STANLEY, LARRY J EST	1101 LAVACA TR	COLLEYVILLE, TX	76034	1101 LAVACA TR
RAVENWOOD DEVELOPMENT LLC	131 QUEST CT	KELLER, TX	76248	8078 PRECINCT LINE RD
FEGAN, DENNIS J	1303 BELLEFONTE LN	COLLEYVILLE, TX	76034	1013 LAVACA TR
LINLES PROPERTIES LTD	2601 HIGHLAND MEADOW DR	COLLEYVILLE, TX	76034	8090 PRECINCT LINE RD
RAVENWOOD DEVELOPMENT LLC	131 QUEST CT	KELLER, TX	76248	8086 PRECINCT LINE RD
RAVENWOOD DEVELOPMENT LLC	131 QUEST CT	KELLER, TX	76248	8074 PRECINCT LINE RD
EMERALD PARK ADDITION -COLLEY	5837 CRESCENT	COLLEYVILLE, TX	76034	COURTESY NOTICE
BRAHMBHATT, PAYAL	957 PARK RIDGE DRIVE	ALLEN, TX	75013	APPLICANT
KELLER ISD	350 KELLER PKWY	KELLER, TX	76248	STATE REQUIRED

Public hearing notices were mailed on Friday, May 25, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-016
Applicant: Payal Brahmabhatt
Owner: Tov Venture, Ltd
Location: 8070 Precinct Line Road
Property Description: Lot 3, Block 2, of the Lavaca Trail Addition
Present Zoning: CC-2 Shopping Center District
Request: Consideration of a Special Use Permit for Package Store and Alcoholic Beverage Sales – Off-Premises Consumption. The purpose is to allow for the continued sale of alcohol at the Fossil Creek Liquor store. The SUP request is due to a change of ownership.

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 11, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, July 2, 2018 & Tuesday, July 17, 2018 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 a 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. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. 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

ORDINANCE O-18-xxxx

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING ON LOT 3, BLOCK 2 OF THE LAVACA TRAIL ADDITION, LOCATED AT 8070 PRECINCT LINE ROAD, BY AUTHORIZING A SPECIAL USE PERMIT FOR PACKAGE STORE AND ALCOHOLIC BEVERAGE SALES – 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 on-premise consumption of alcohol under Case No. ZC18-016; 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 3, Block 2 of the Lavaca Trail Addition, located at 8070 Precinct Line Road, by authorizing a Special Use Permit for Package Store and Alcoholic Beverage Sales – Off-Premises 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 Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall only apply to use of a package store and the sale of alcoholic beverages for off-premises consumption.
- b. The name of the business authorized for on-premise consumption alcohol sales by this Special Use Permit shall be called “Fossil Creek Spirits”.
- 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 2nd day of July 2018.

The second reading and public hearing being conducted on the 17th day of July 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 17TH DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

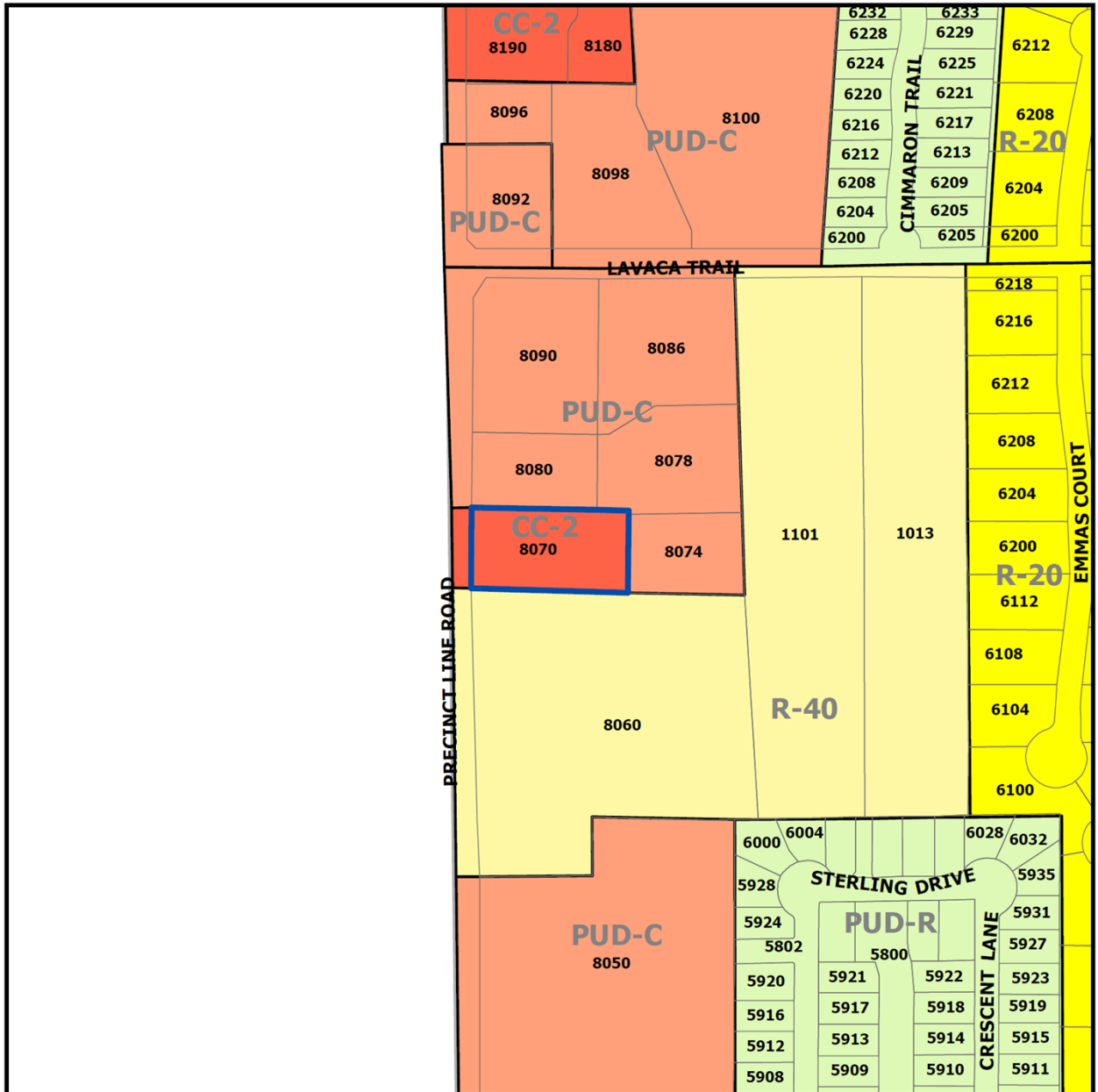
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Zoning Map



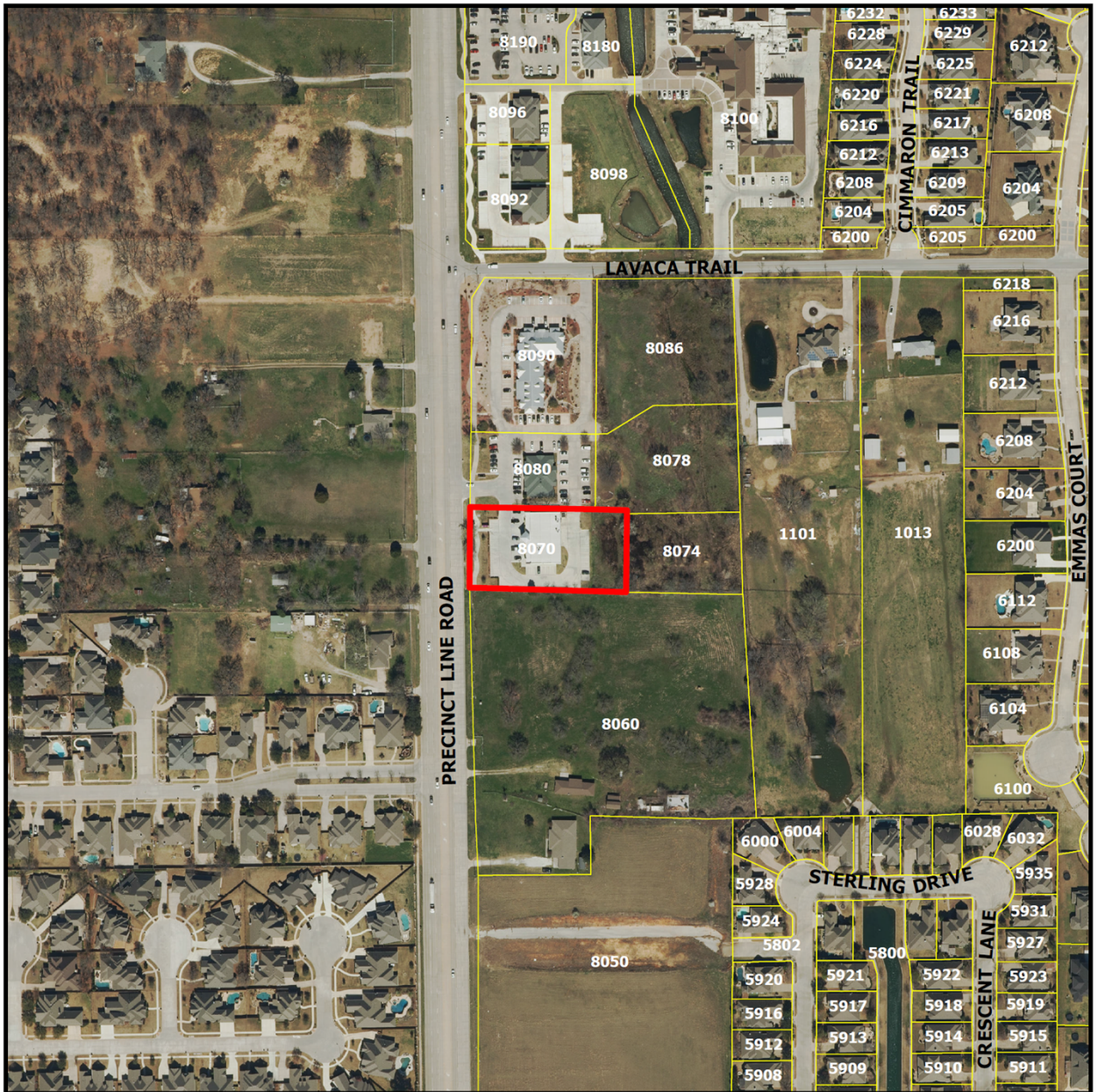
ZC18-016
8070 Precinct Line Road

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 Subject Property



Exhibit "B" – Aerial Map



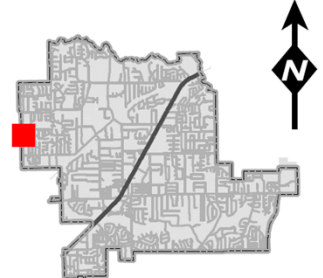
ZC18-016

8070 Precinct Line Road

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 Subject Property





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 06/11/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of an amendment to the PUD-C Planned Unit Development-Commercial zoning district to allow for maximum square footage for a restaurant on Lot 1RA2, Block 1, of the Tropicana Fuels Addition, located at 7101 Colleyville Boulevard, Case ZC18-017

Explanation

Bradley Mayhall, the applicant, has submitted a request for an Amendment to the PUD-C (Planned Unit Development – Commercial) ordinance in order to allow for an increase to the maximum square footage allowed for a restaurant from 1,500 square feet to 2,400 square feet. The current use of the property is a package store called “Bear Creek Spirits & Wine”. The proposed amendment is for a Domino’s restaurant.

Existing Conditions/Background. The subject property is zoned PUD-C and generally located on the east side of Colleyville Boulevard, across from the John McCain Road intersection. The subject property is a platted lot and is the location of “Bear Creek Spirits & Wine”. This site has operated as a Package Store since 2010 under ordinance O-10-1769.

Proposed PUD-C Amendment. With the approval of the package store, the PUD-C ordinance allowed for other uses to include ‘restaurant and catering’ use. This use was limited to 1,500 square feet. The applicant is proposing to locate a Domino’s restaurant which will utilize approximately 2,400 square feet of the main building. All other elements of the existing PUD-C ordinance will remain in effect.

Analysis. The requested PUD-C amendment is consistent with the previously approved zoning on the subject property and the use is permitted by the zoning. The applicant proposes to operate a restaurant business as allowed at this location. The request is to increase the allowed square footage for the use from 1,500 square feet to 2,400 square feet. Approval of the amendment should not adversely impact surrounding uses or the character of the neighborhood.

Surrounding Properties. The surrounding properties are primarily developed as retail and residential uses. The property to the west across Colleyville Boulevard is zoned CC-2 Shopping Center and is undeveloped. The property to the south along SH26 is zoned CC-1 Village Retail and PUD-C Planned Unit Development – Commercial and is undeveloped. The property to the north along Colleyville Boulevard is zoned ML

Light Manufacturing and is currently developed as a dry cleaner. The property to the east is zoned PUD-C Planned Unit Development – Commercial and is developed single-family residential.

Comprehensive Plan. The City's comprehensive plan, *Destination Colleyville*, designates the subject property for commercial development as part of the Colleyville Boulevard commercial corridor. The use of the property as a package store with restaurant use complies with the plan.

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. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date, no correspondence has been received.

Staff Recommendation. Staff recommends approval of the PUD-C amendment to authorize an increase in square footage allowed for restaurant use at 7101 Colleyville Boulevard in the Bear Creek Spirits & Wine location. The proposed Domino's business is consistent with the allowed uses on the subject property and should not adversely impact surrounding uses.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Building Exhibits
7. Existing PUD-C Ordinance O-10-1769
8. Notification Map
9. Notification List
10. Property Owner Notification Letter
11. Draft Ordinance O-18-XXXX

Aerial Map



ZC18-017

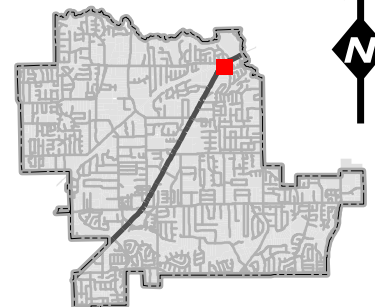
7101 Colleyville Boulevard

DISCLAIMER:

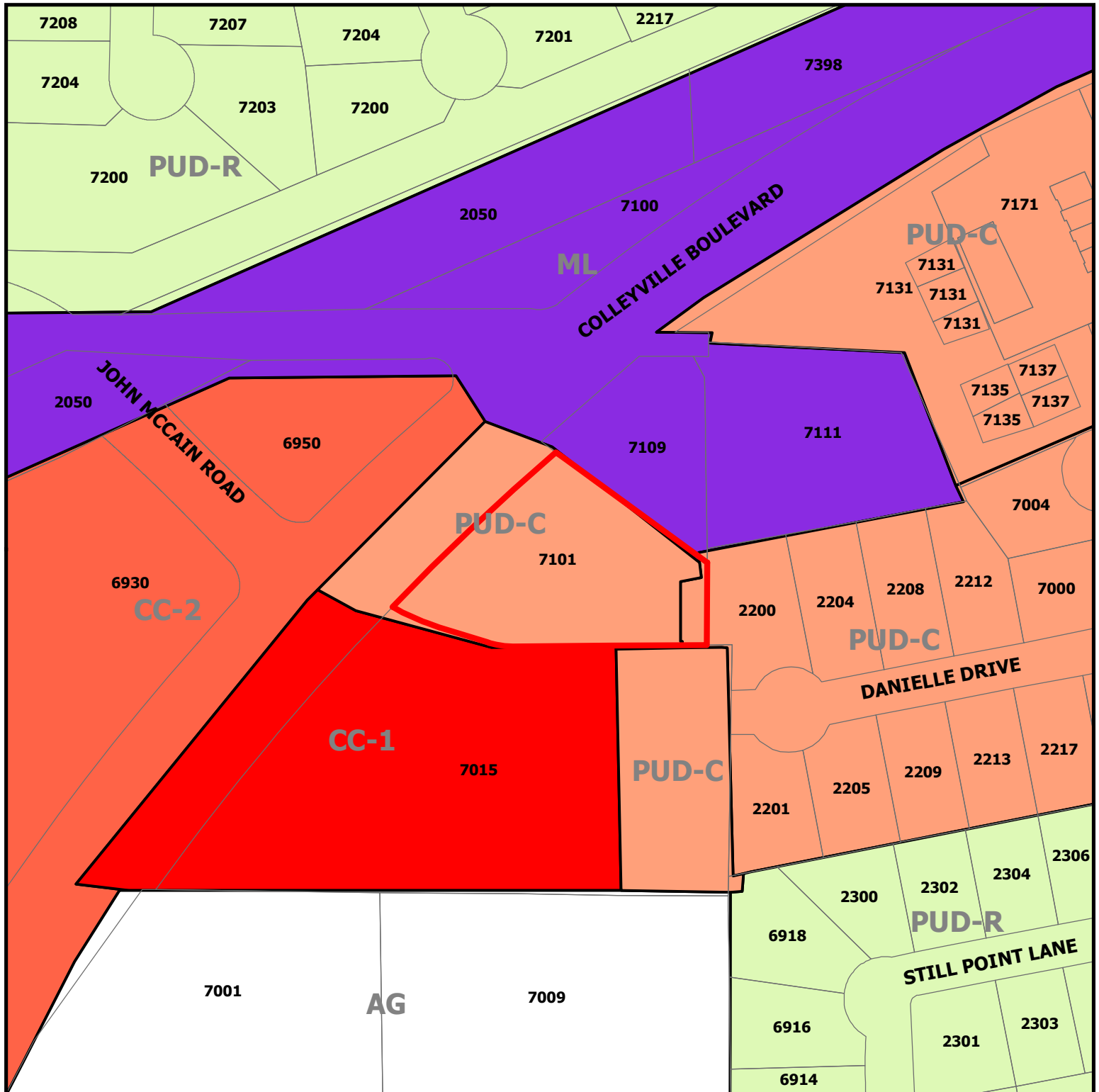
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Subject Property

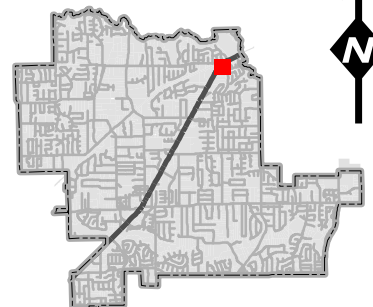


Zoning Map



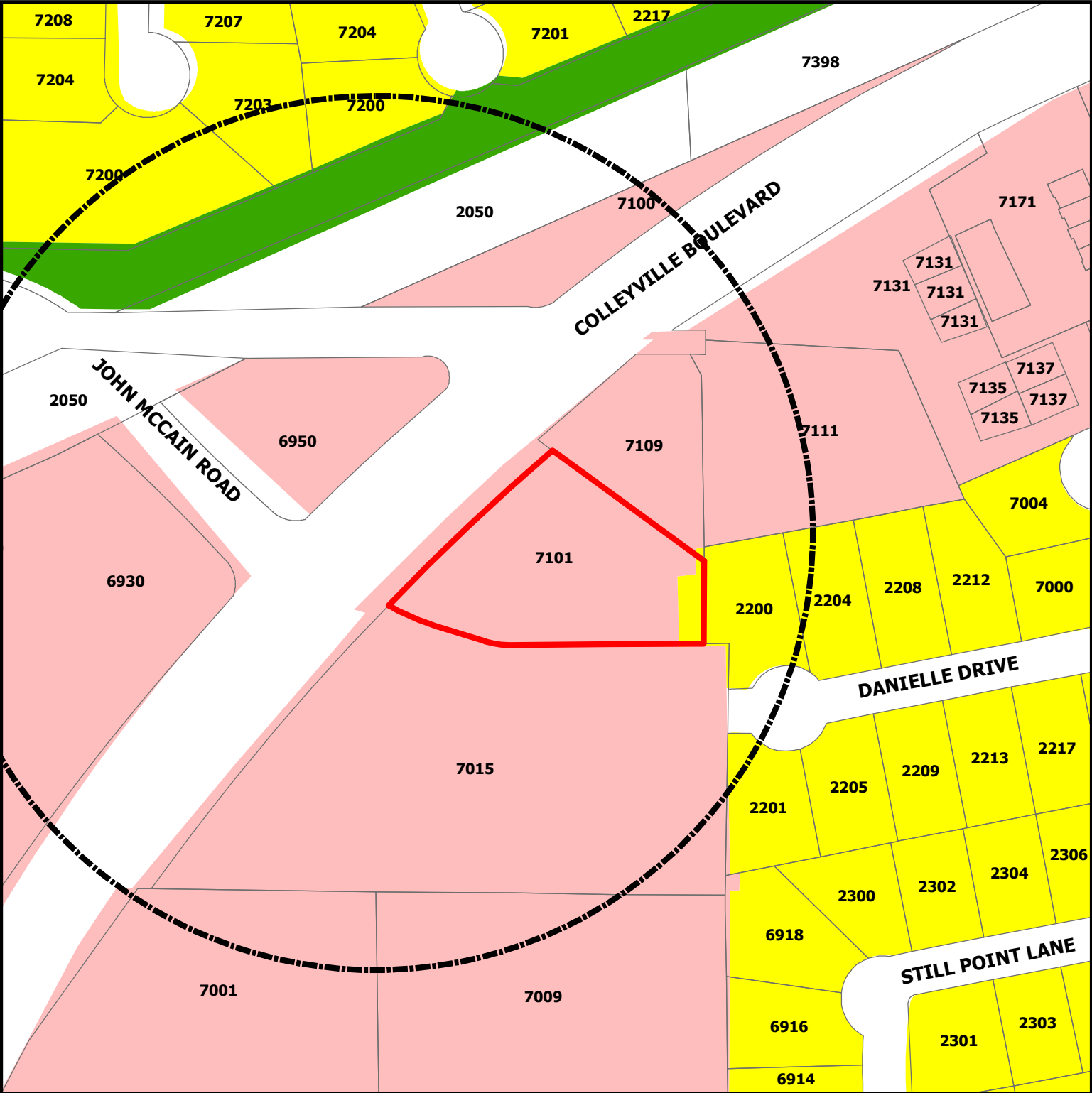
ZC18-017
7101 Colleyville Boulevard

 Subject Property



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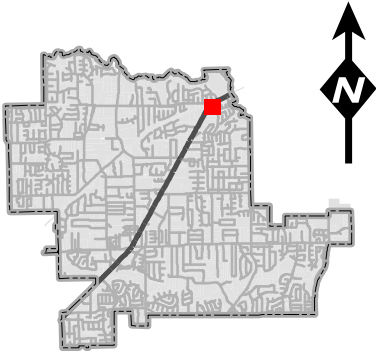
Future Land Use Map



DISCLAIMER:
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ZC18-017 7101 Colleyville Boulevard

- Subject Property
- Sales Tax Preferred Intersection
- Residential
- Colleyville Blvd Corridor
- Open Space; Parks



Statement of Planning Objectives



Statement of Planning Objective and Business Description

Suite A of 7101 Colleyville Blvd. at John McCain Rd. consisting of 2,310 square feet will become the newest Domino's location for Mark of Excellence Pizza Co., the operating franchise of Domino's in the Tarrant county area, by December 15, 2018 pending application and permit approvals. Amendment of the current PUD-C for allowable maximum square footage for a restaurant from 1,500 square feet to 2,400 square feet at this location would allow Domino's to relocate from Ira E. Woods and Pool Rd. in Grapevine and continue to serve Colleyville, S. Southlake and SW Grapevine areas. In its current location the store generated \$73,654.31 in sales tax and \$2,593.18 in Ad Valorem taxes in 2017. The relocation of the store from Grapevine to Colleyville is expected to generate an estimated 20% increase in YTD sales, from \$956,509.22 to \$1,147,811.06.

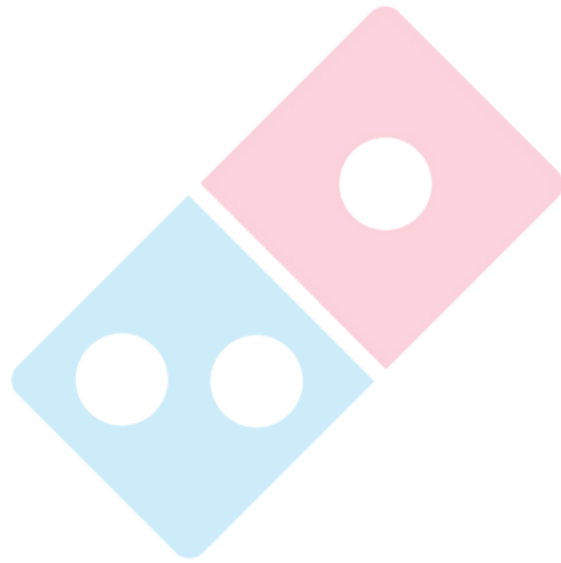
The Colleyville Blvd. and John McCain Rd. intersection provides for a safe and easy property ingress and egress with a turn signal from the intersection. The addition of Domino's to the property will include an estimated increase of 50 customers per day to the location with an additional estimated 65 customers per day opting for delivery from this location, this is in addition to the estimated 330 customers a day visiting the package store, Bear Creek Wine and Spirits, with \$27.50 average ring up during the 363 days per year the store is open.

The hours of operation as mandated by Domino's will be 10:30am to 12am Sunday thru Thursday and 10:30am to 1am Friday and Saturday. The store will be closed on Thanksgiving and Christmas days each year. This location will employ as many as 20 employees with at least 3 on staff at all times.

Construction of this location will start September 15, 2018 pending permit approval and be completed and open for business by December 15, 2018. Construction of suite A will include closing in the demising wall between Suite A and the warehouse portion of Suite B and the addition of double aluminum and glass store front doors that match the existing store front windows already put in place by the property owner. Nationally branded Domino's signage will be added to the exterior walls of the building and interior improvements, an additional restroom and expansion of the current restroom to meet ADA regulations, a lobby with seating for 22 customers, new pizza ovens and food storage equipment, including a walk in cooler and separate dry storage and clean up areas. The existing 810 square foot catering kitchen will be removed, the square footage, with the other 1,500 square feet of

Statement of Planning Objectives

Suite A to allow for production, preparation, storage and support areas for the operation of a Domino's store. A burglar alarm, fire suppression system over the pizza ovens and security cameras placed throughout the suite will be added as well. The pergola located at the front of the building will be closed in with a decorative fence or large planters to separate the parking lot and sidewalks and include outdoor furniture for Domino's customers utilize while visiting the location. The relocation of the dumpster bay to the southeast corner of the property will allow for the necessary gain of additional parking spaces required for operation of a 2,310 square foot restaurant, bringing the total number of parking spaces to 59 with re-striping. When complete, a 2,310 square foot suite will be a Domino's, showcasing a new and updated concept with ties to the Colleyville community, not just another chain restaurant.



Domino's™

Site Plan

APPLICANT: BRADLEY MAYHALL
Mark of Excellence Plaza Co.
1808 Harwood Court
Hurst, TX 76064
817-466-2839

OWNER: QUANTUM BEVERAGE HOLDING LLC
7401 BRAEMAR TERRACE
COLLEEVILLE, TX 76034
817-917-5689

SURVEYOR: FULTON SURVEYING, INC.
115 ST. LOUIS AVENUE
FORT WORTH, TX 76104
817-335-3625

LAND USE TABLE			
DESCRIPTION	AREA	PCT. OF SITE	
BUILDING AREA	9,010 S.F.	13.1 PCT.	
MAIN BUILDING	6,700 S.F.		
DOMINO'S	2,310 S.F.		
PAVED AREA	30,029 S.F.	53.0 PCT.	
OPEN SPACE	19,203 S.F.	33.9 PCT.	
TOTAL AREA	56,650 S.F.	100 PCT.	

SPACES REQUIRED:
BUILDING AREA (MAIN) = 6,700 S.F.
1 SPACE PER 200 S.F. = 34 SPACES
BUILDING AREA (DOMINO'S) = 2,310 S.F.
2 SPACES PER 100 S.F. = 23 SPACES

TOTAL REQUIRED: 57 SPACES
TOTAL PROVIDED: 59 SPACES

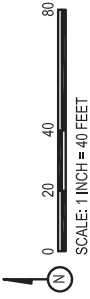
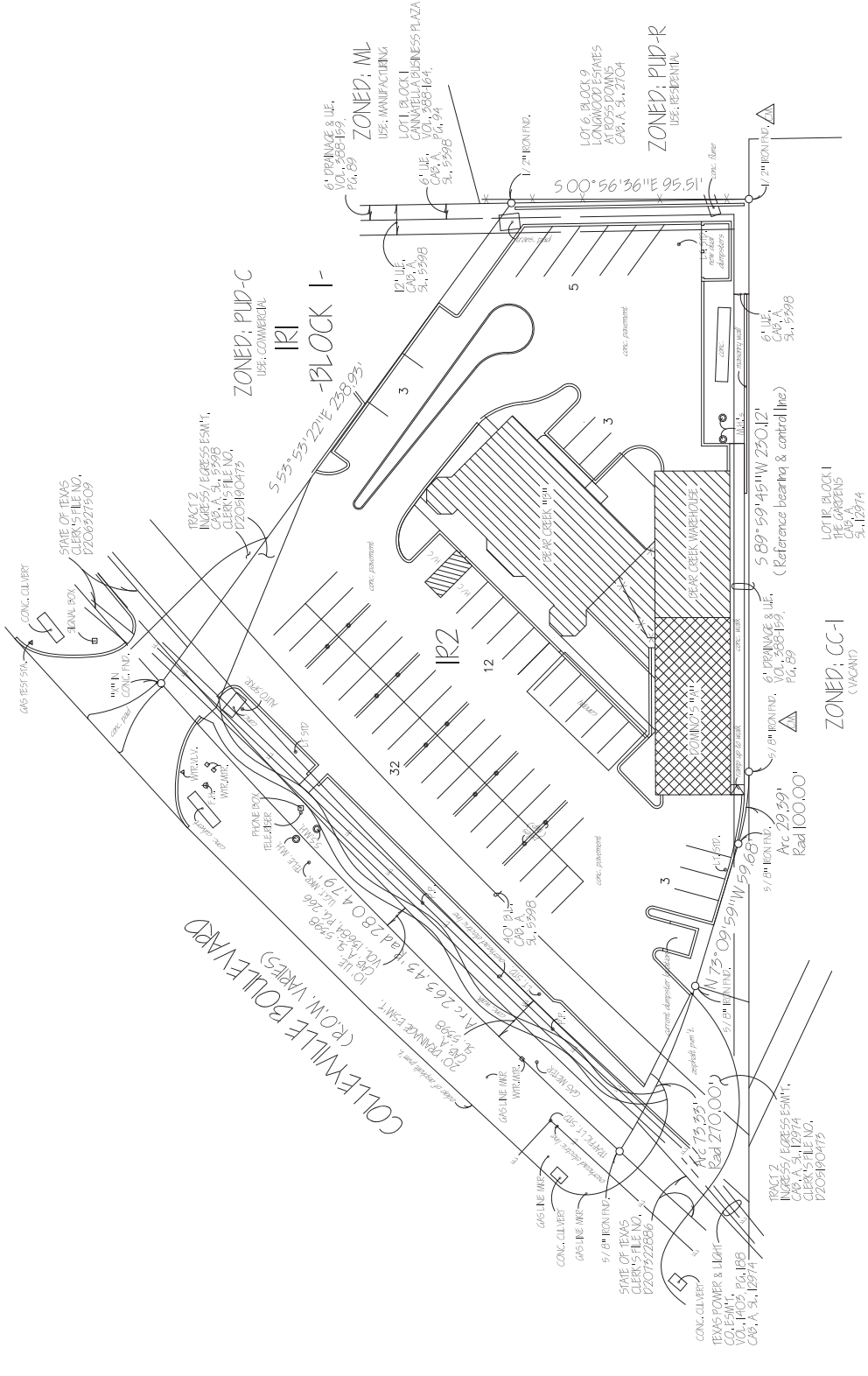
VICINITY MAP - N.T.S.

NOT FOR CONSTRUCTION

Oculus Inc.

ARCHITECTURE | STRATEGIC PLANNING |
INTERIORS | MOVE MANAGEMENT

1 S. MEMORIAL DRIVE | SUITE 1500 | ST. LOUIS, MO
63102 | (314) 367-6100



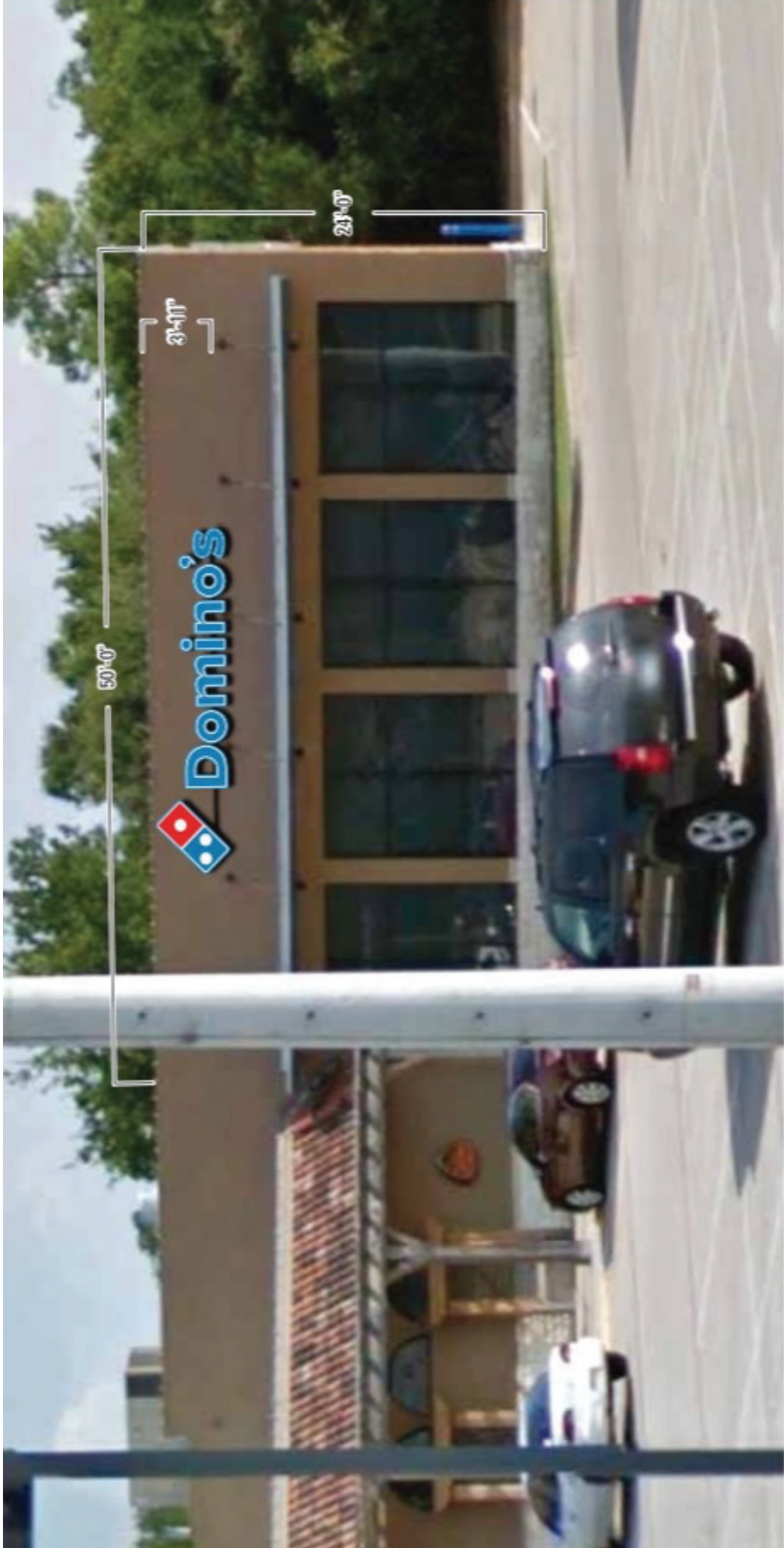
ZONING EXHIBIT FOR ZONING CHANE FOR ZONING AMENDMENT REQUEST
FROM PUD-C SUP FOR 1500 sq.ft. RESTAURANT TO PUD-C SUP 2400 sq.ft.
RESTAURANT

Building Exhibits



NORTH WEST ELEVATION - SCALE: 1/8" = 1'-0" IS APPROXIMATE AND FOR REFERENCE ONLY.

Building Exhibits



NORTH WEST ELEVATION - SCALE: 3/32" = 1'-0"

Building Exhibits



Oculus Inc. | RETAIL

ORDINANCE O-10-1769

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 1R2, BLOCK 1, OF THE TROPICANA FUELS ADDITION LOCATED AT 7101 COLLEYVILLE BOULEVARD FROM THE ML-LIGHT MANUFACTURING ZONING DISTRICT TO A PUDC-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT AND AUTHORIZING A SPECIAL USE PERMIT FOR A PACKAGE STORE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case No. ZC10-020; 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 amending the official zoning map by changing the zoning from the ML-Light Manufacturing zoning district to a PUDC-Planned Unit Development Commercial zoning district and authorizing a Special Use Permit for a package store on Lot 1R2, Block 1, of the Tropicana Fuels Addition located at 7101 Colleyville Boulevard, as depicted on Exhibits "A" and "C" and described in 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 the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUDC is for retail uses as specified below.
- b. A Special Use Permit is hereby granted for a package store as depicted on Exhibit "A" and described in Exhibit "B" and depicted on Exhibit "C".
- c. In addition to the package store use allowed by Special Use Permit, the following secondary uses shall be permitted as described below:
- | | |
|---|---------------------------|
| Restaurant and catering: | 1,500 square foot maximum |
| Wholesale warehousing and distribution of liquor: | 1,328 square foot maximum |
| Office/Customer education and training facility: | 1,500 square foot maximum |
- d. The package store and secondary uses authorized by this PUD and Special Use Permit shall not exceed a combined gross floor area of 9,010 square feet.

2. OPEN SPACE AND LANDSCAPING

- a. This development shall contain a minimum of 21% of open space.
- b. All landscaping and buffering shall meet the minimum requirements of Chapter 4-Landscaping and Buffering in the Land Development Code.

3. SIGNAGE

- a. All signs advertising the package store shall meet the following conditions: (1) all signage, at a minimum, shall meet the minimum requirements of Chapter 7-Sign Regulations in the Land Development Code; (2) Section 108.52 of the Texas Alcoholic Beverage Code is hereby adopted by reference of which all requirements pertaining to signage shall apply to this Special Use Permit; (3) Upon abandonment of the business authorized by this Special Use Permit, all signage advertising the package store shall be removed in its entirety at the expense of the business and/or property owner within thirty days of abandonment.
- b. Any drive-through windows associated with this development are hereby prohibited.

4. GENERAL DEVELOPMENT REQUIREMENTS

- a. The package store authorized by this Special Use Permit shall be required to comply with all provisions of the attached Exhibits "B", "C", and "E".
- b. The building design for the principle structures shall be generally consistent with elevations shown on the attached Exhibit "D".
- c. This Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- d. All requirements of the Land Development Code shall be met, except where amended herein.

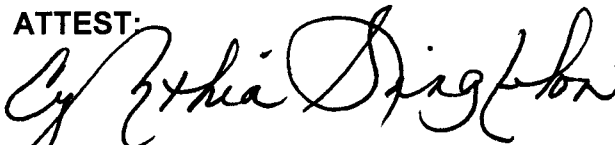
Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two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

- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

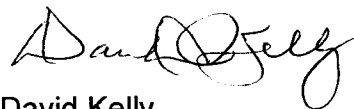
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 4th day of September 2010.

The second reading and public hearing being conducted on the 21st day of September 2010.

ATTEST:

Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" - Location and Zoning Map

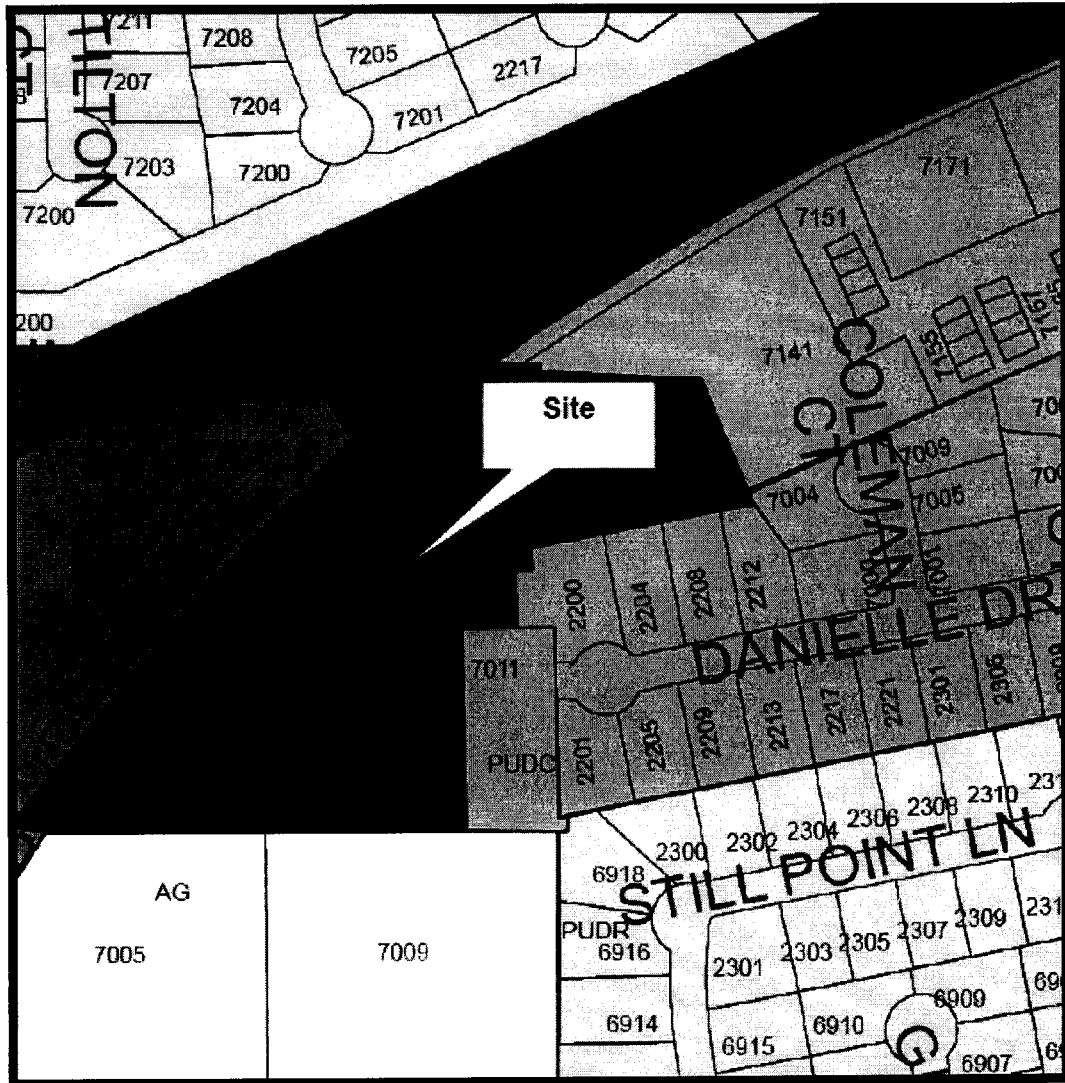


Exhibit "B" – Statement of Planning Objectives

BEAR CREEK SPIRITS & WINE

Statement of Planning Objectives and Business Description

The property and main building located at 7101 Colleyville Boulevard at John McCain will become a fine wine and spirits store by December 17, 2010 pending application and permit approvals. Bear Creek Spirits & Wine will service consumers from the West side of Colleyville and pull from Grapevine, Southlake and the surrounding area. The business will generate an estimated \$313,500 in sales taxes and \$6,062 in Ad Valorem taxes and \$38,000 in property taxes during the first twelve months.

The intersection provides for safe and easy property ingress and egress with a turn signal from the intersection of Colleyville Blvd & John McCain. A comprehensive traffic study will be provided in order to better determine the traffic impact. The business plan includes an estimated 330 customers per day and a \$37.15 average ring up during the 310 days per year the store is open.

The hours of operation as mandated by the state will be 10am to 9pm Monday through Saturday. The store will be closed on all Sundays, Thanksgiving, Christmas and New Years day or the following Monday if these holidays fall on a Sunday. The store will employ as many as seven people with three on staff at all times.

Phase I construction will start October 25, 2010 pending permits and completed by December 17, 2010. This will include combining building A and building B as shown on the floor plan by adding a new 782sf addition between the buildings. All exterior improvements will be completed in phase I which include the enclosure of the front car wash bay door, adding a beer and wine cooler to the back of the main building, demolition of the gas pump awning, removal of all exterior car wash equipment, adding stone on the new addition and front of building B to match building A, adding an awning over the new door and windows, a new patio with a wood arbor (in front of the new addition between the buildings) and new parking lot stripes with a minimum of 50 spaces provided. When phase I is completed, the exterior building will be as shown in the revised elevation drawing. Phase I will also include the interior build out of the main building with a temperature controlled wine cellar, a custom built wood wine cove, tasting bar and a new cash register counter with a drop safe. A new security system with 24 hour digital surveillance cameras strategically placed throughout the interior and exterior building will be added. One wall sign placed on the front of building B and a monument sign will be erected near the property entrance. When complete, phase I will provide 4,325sf of retail space.

Phase II of the build out plan is scheduled to begin April 1, 2011 pending liquidation of the car wash equipment and completed by July 30, 2011. Interior finish out will begin sooner if the car wash equipment is sold prior to April 2011. Plans include building out the interior space between the two buildings and the interior of the car wash bay which will include 1,328sf of storage, 1,857sf of new retail space and 1,500sf of office and an education conference room.

The combined square footage when both phase I and II are completed will be 9,010 of which 6,182sf will be retail space, 1,328sf of storage and 1,500sf for office and the education conference room. No immediate plans are in place for a restaurant. Future plans may include converting the 1,500sf office space into a food concept that compliments the wine & spirits store such as honey glazed hams, smoked turkeys and deli with party platters and appetizers. A small LD wholesale business for servicing local restaurants and bars will be operated out of the store. Some inventory will be stored in the 1,328sf back room which will be used to replenish the retail store and service the on premise accounts. Deliveries will be made out of the back of a Tahoe with a cartage permit. The business may purchase a van for future deliveries. The operation will not require forklifts. No semi-trailer trucks will be allowed in the back of the store.

Site plan of the proposed development at the intersection of Colleyville Boulevard and 1st Street. The plan shows a 'ONE STORY CONC. BLOCK BLDG.' and a 'ONE STORY STUDIO BLDG.' with various landscaping features like trees, shrubs, and a 'CONC. PAVEMENT' area. A 'TRAFFIC LIGHT' is indicated at the intersection. The plan is dated 'JULY 1977'.

Exhibit "D" – Building Elevations

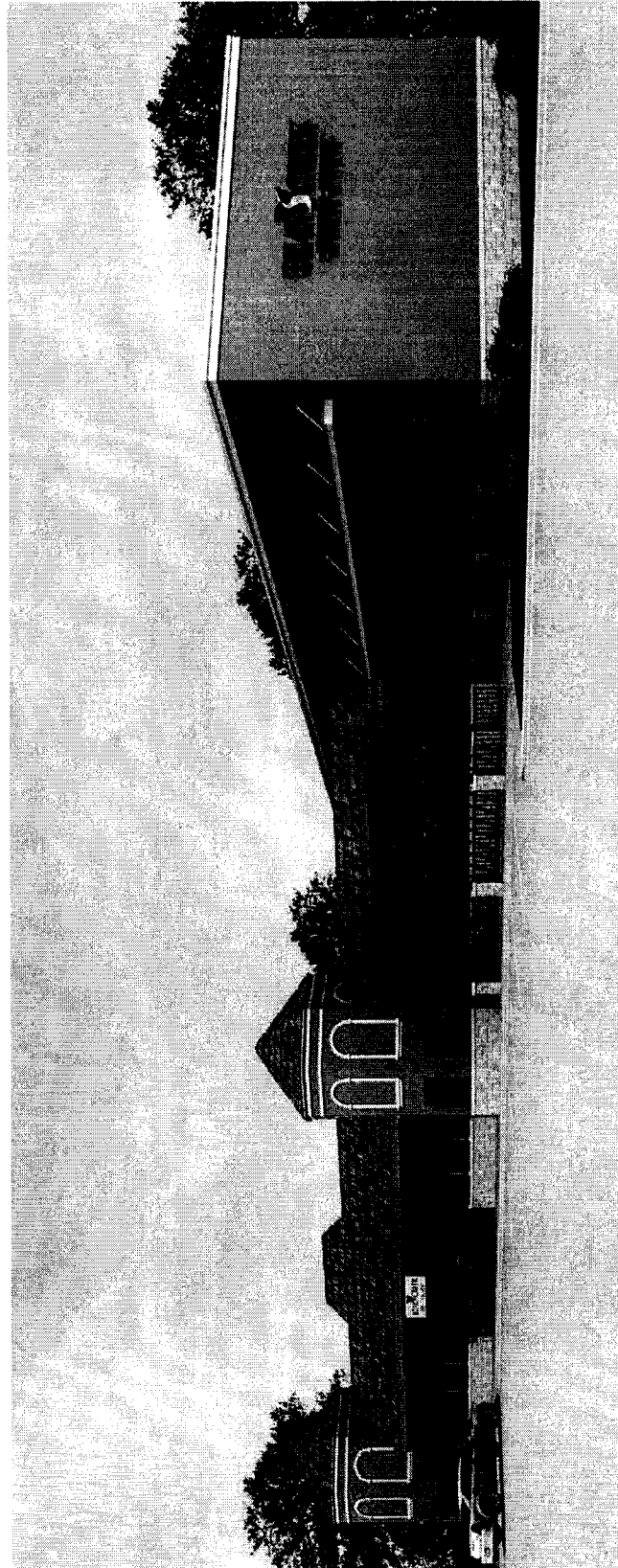


Exhibit "E"

CRIME PREVENTION RECOMMENDATIONS FOR CONVENIENCE STORES AND PACKAGE STORES

Purpose

The purpose of these recommendations are to protect the health, safety, and welfare of the citizens of the City of Colleyville by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that may occur in a convenience store or package store in the City. To this end, these recommendations address best practices in crime prevention through environmental design including height markers, visibility into and around the business, alarm systems, physical security, drop safes, surveillance camera systems, and minimum staffing requirements.

Definitions

Unless otherwise expressly stated, the following terms shall, for the purposes of these recommendations, have the meanings indicated in this section:

"Convenience Store" means an establishment designed, intended, adapted or used primarily to provide for consumer shopping of a brief duration, characterized by a limited product mix (generally emphasizing prepared and snack foods, beverages, tobacco products or gasoline/motor vehicle fuel), close-in parking, and limited retail space.

"Drop Safe" means a cash management device in which money can be deposited without the depositor having access to the contents.

"Employee" means any person listed on the payroll of a convenience store or package store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the store.

"Height Marker" means a measuring strip that is attached on or near the door frame of doors used for ingress and egress to the store to aid in identifying the height of a person suspected of committing a crime.

"Package Store" means a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.

“Manager” means the person designated as the supervisor or person in charge of the operations of the store.

“Owner” means the person or persons who hold title to, leases or has a possessory interest in property for the purpose of operating a convenience/package store.

Height markers

A convenience/package store shall have height markers posted at all public exits to aid in obtaining a physical description on any suspicious person or suspect in a criminal offense.

Visibility

- A) A convenience/package store shall maintain an unobstructed line of sight allowing a clear view of and from the cash register and sales transaction area through all windows and public access doors. Such windows and doors must be clear of all items that would obstruct a clear view including, but not limited to, tinting, signage, advertisements, shelving, and merchandise. Such unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground.
- B) Landscaping shall be maintained in a manner that allows an unobstructed view of all windows and doors in an attempt to prevent blind spots or places of concealment.

Alarm system

- A) A convenience/package store shall have a silent panic or holdup alarm system for which a permit has been issued by the City. This system shall, at a minimum, include a panic button located within reach of the cash register and out of view of the customer. Such panic button will generate an alarm signal indicating a holdup or other life-threatening emergency requiring a police department response.
- B) A convenience/package store shall have posted at all public exits and entrances signs or decals indicating that a security alarm system is in use.

Entrances and Exits

- A) All doorways shall be secured with a deadbolt lock. Deadbolt locks within 40 inches of a breakable surface must be a double cylinder lock.

- B) Service or delivery entrances shall be equipped with an exterior, high resolution digital video camera or a “peep hole”, which enables employees to visually observe the area immediately outside the door.

Drop safe

- A) A convenience/package store shall have a drop safe on the premises to keep the amount of cash available to employees to a minimum. A drop safe must be bolted to the floor and may have a time-delay mechanism to allow small amounts of change to be removed.
- B) A convenience/package store shall have a written cash accountability policy mandating the maximum amounts of cash that can be kept in cash registers.
- C) A convenience/package store shall have posted, at or near the point(s) of sale, decals or signs indicating that employees cannot open the safe and that employees have minimum cash on hand.

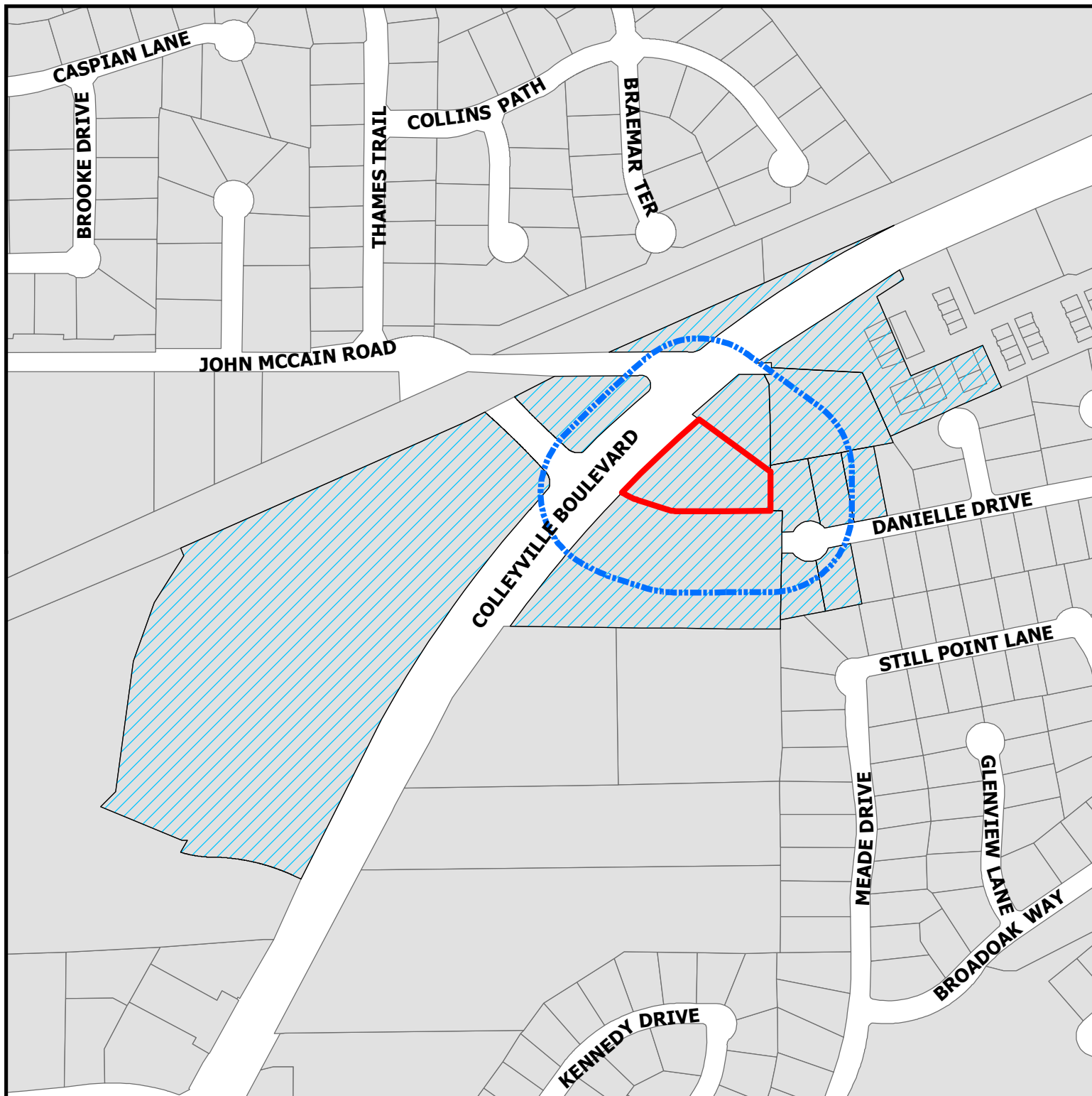
Surveillance camera system

- A) A convenience/package store shall have a minimum of two, color digital high-resolution surveillance cameras. One camera must have an overall view of the counter/register area and the other camera a view of the main entrance/exit area and both shall display the correct date and time of the recording.
- B) The entrance/exit area camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face.
- C) The cameras shall be operated at all times including hours when the store is not open for business.
- D) The owner or manager shall provide the police department, upon request, digital color images in connection with any criminal investigation.
- E) The owner or manager shall maintain a library of the recorded digital images for not less than 30 days.
- F) A convenience/package store shall have posted, at or near the point(s) of sale, signs or decals indicating that surveillance cameras are in use.

Minimum Staffing

- A) A convenience/package store will maintain a minimum staffing of at least two (2) employees on-site at all times when the business is open.

Notification Map



ZC18-017

7101 Colleyville Boulevard

DISCLAIMER:
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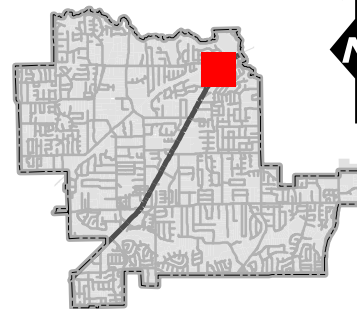
Subject Property



200ft Buffer



Properties within 200ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
JARWAN, ESAM	2208 DANIELLE DR	COLLEYVILLE, TX	76034	2208 DANIELLE DR
KUHN, ALYCE	2204 DANIELLE DR	COLLEYVILLE, TX	76034	2204 DANIELLE DR
CUSTOMER SOLUTIONS INC	906 LAGUNA TR	KELLER, TX	76248	7109 COLLEYVILLE BLVD # B
THOMAS-AISTRUP, PATRICIA	2201 DANIELLE DR	COLLEYVILLE, TX	76034	2201 DANIELLE DR
HALE EQUITY LLC	7131 COLLEYVILLE BLVD STE 101	COLLEYVILLE, TX	76034	7131 COLLEYVILLE BLVD UNIT 101
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
QUANTUM BEVERAGE HOLDINGS LLC	7401 BRAEMAR TERR	COLLEYVILLE, TX	76034	7101 COLLEYVILLE BLVD
UNIQUE LANDSCAPING DESIGN	7111 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	7111 COLLEYVILLE BLVD
SOLORZANO, KEONA	2200 DANIELLE DR	COLLEYVILLE, TX	76034	2200 DANIELLE DR
GARDENS COMM PARTNERS LTD	101 NW NEWTON DR	BURLESON, TX	76028	7015 COLLEYVILLE BLVD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	6950 COLLEYVILLE BLVD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	7100 COLLEYVILLE BLVD
TIMARRON-CASCADES AT TIMARRON	700 WENTWOOD DRIVE	SOUTHLAKE, TX	76092	COURTESY NOTICE
MAYHALL, BRADLEY	1808 HARWOOD COURT	HURST, TX	76054	APPLICANT
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOOD AVE	GRAPEVINE, TX	76051	STATE REQUIRED

Public hearing notices were mailed on Friday, May 25, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-017
Applicant: Bradley Mayhall
Owner: Randy Johnson
Location: 7101 Colleyville Boulevard
Property Description: Lot 1RA2, Block 1, of the Tropicana Fuels Addition
Present Zoning: PUD-C Planned Unit Development Commercial
Request: Consideration of a request to amend the PUD-C Planned Unit Development Commercial zoning district for Lot 1RA2, Block 1, of the Tropicana Fuels Addition. The purpose is to allow for an increase in the square footage allowed for a restaurant, the restaurant being Domino's. The proposed amendment will increase the square footage from 1,500 square feet to 2,400 square feet.

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

Planning and Zoning Commission Meeting: Monday, May 14, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, June 5, 2018 & Tuesday, June 19, 2018 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 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. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. 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

ORDINANCE O-18-XXXX

AMENDING ORDINANCE O-10-1769 CONDITIONS; 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 Council approved Ordinance O-10-1769 on September 21, 2010, to establish the zoning to allow for a Package Store use and secondary uses to include restaurant and catering, wholesale warehousing and distribution of liquor, and office/customer education and training for Lot 1R2, Block 1, of the Tropicana Fuels Addition located at 7101 Colleyville Boulevard; and

WHEREAS, the City of Colleyville has received a request for an amendment to Ordinance O-10-1769, under Case Z-18-017; 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 Lot 1R2, Block 1, of the Tropicana Fuels Addition, located at 7101 Colleyville Boulevard, from the PUD-C Planned Unit Development-Commercial Zoning District to the PUD-C Planned Unit Development-Commercial Zoning District, as depicted in the attached Exhibit "A".

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

1. General

a. The following amendments to Ordinance O-10-1769 are hereby authorized:

i. Section 4.1.c of Ordinance O-10-1769 is hereby amended to revise the square footage maximum for the Restaurant and Catering use from 1,500 square feet to 2,400 square feet.

ii. Ordinance O-10-1769 hereby remains valid and all provisions of Ordinance O-10-1769 shall remain in full force and effect except where amended herein.

Sec. 4. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

- Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 2nd day of July 2018.

The second reading and public hearing being conducted on the 17th day of July 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 17TH DAY OF JULY 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

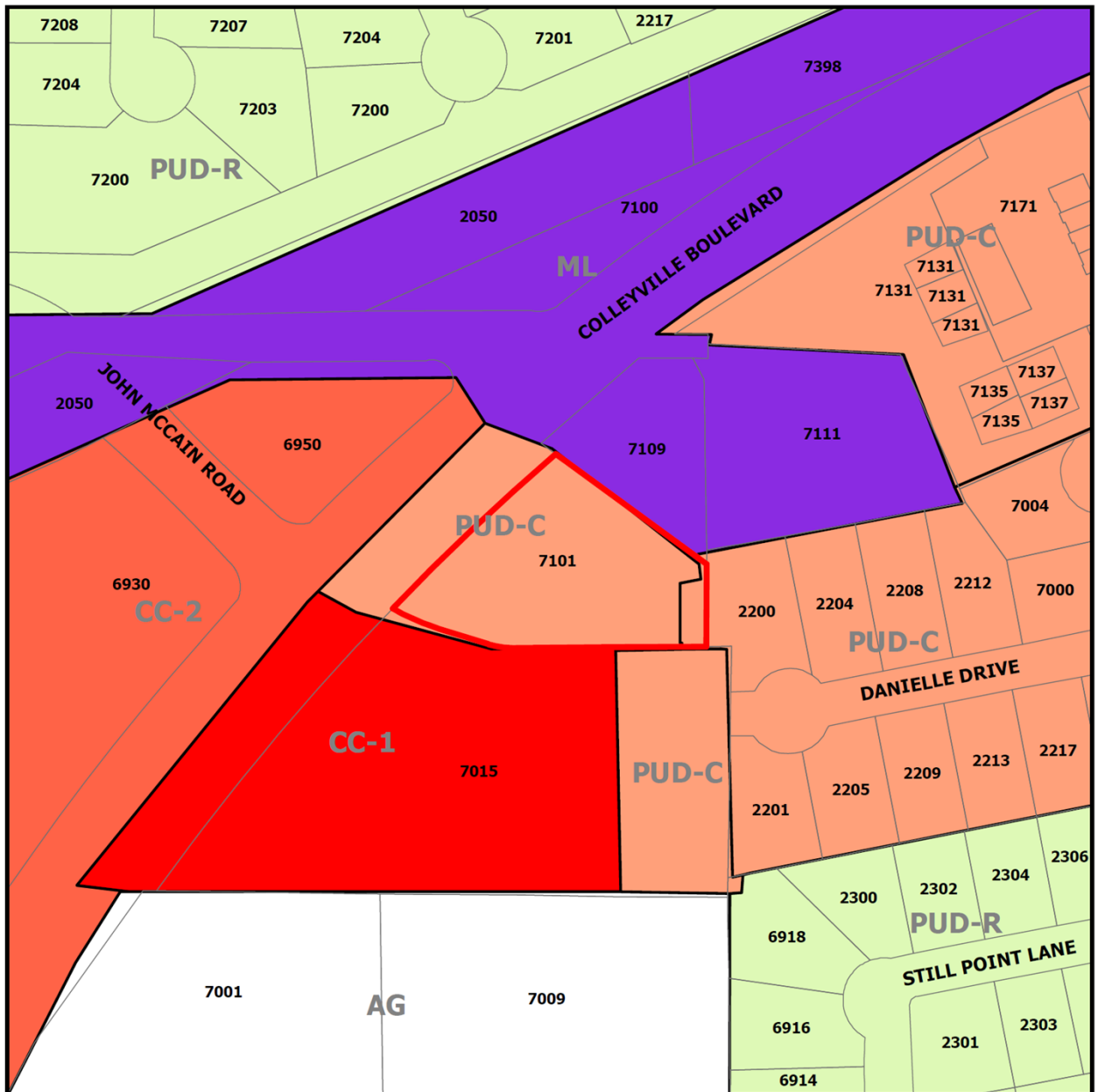
Christine Loven, TRMC
Assistant City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

Exhibit "A"- Zoning Map

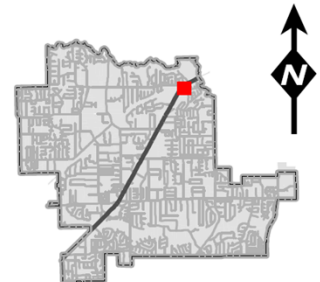


ZC18-017

7101 Colleyville Boulevard

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 Subject Property





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 06/11/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Final Plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 & 103 John McCain Road and 7189 Cast Iron Forest Trail, Case PC17-004, TABLED FROM THE MAY 14, 2018 MEETING

Explanation

Update: This item was Tabled to the June 11, 2018 Commission meeting. The applicant was in discussions with the adjacent property owners regarding the needed easement.

Item Summary: Kevin Kessler, the applicant, requests approval of a Final Plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition on approximately 2.20 acres, located at 105 & 103 John McCain Road and 7189 Cast Iron Forest Trail. The applicant proposes to combine and redevelop 2 lots, an old right-of-way area, and an open space lot into 2 single-family residential lots and an open space lot. The old right-of-way area will be abandoned as part of the plat.

Existing Conditions/Background: The subject property is currently zoned PUD-R Planned Unit Development – Residential district and is a combination of Lots 1 & 2, Block 1, Neidholt Addition, and old right-of-way area, and Lot 2X, Block E, Old Grove Addition. The property is generally located east of Cast Iron Forest Trail and southwest of John McCain Road as it turns north. The property is currently undeveloped. The plat up for consideration proposes to combine and redevelop the property for future residential development on 2 lots and an open space lot.

Lot Dimensions and Setbacks:

Per Ordinances O-04-1475, Lot Requirements and Setbacks, the PUD zoning regulations require the following standards:

- Minimum Lot Area: 13,000 square feet
- Average Lot Area: 16,000 square feet
- Minimum Lot Width: 90 feet
- Minimum Lot Depth: 120 feet
- Minimum Front Yard Setback: 25 feet
- Minimum Side Yard Setbacks: 10 feet
- Minimum Rear Yard Setback: 25 feet

As submitted, the proposed plat meets all of the requirements of the PUD-R zoning and the Land Development Code.

Surrounding Development: The properties to the north, south, and west are zoned PUD-R Planned Unit Development – Residential district and primarily developed with single family homes. The property to the east is zoned R-30 Single Family Residential district and developed with a single family home. There is a large retention/detention pond adjacent to the south.

Analysis: The property is located at the northeast side of the Old Grove neighborhood. The PUD-R zoning approved in 2004 originally planned for 4 lots. The proposal has reduced the lot number to 2 lots for single-family residential development.

The proposed Final Plat also includes a small open space lot adjacent to an existing Emergency Access Easement and drive lane.

Finally, an old right-of-way area is currently unused with no improvements existing. The approval of the Final Plat will include the abandonment of the right-of-way and the area incorporated into the lot area of the proposed area of Lot 1.

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 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, March 23, 2018. Notice was published in the Fort Worth Star-Telegram as required by State law and the Land Development Code on Saturday, March 24, 2018. To date, no correspondence has been received for this item.

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

Recommendation

Approve

Attachments

1. Request to Table
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Plat Exhibit
6. O-04-1475
7. Notification Map
8. Notification List
9. Property Owner Notification Letter
10. Draft Resolution

Request to Table

Ben Bryner

To: Kessler, Kevin C.
Subject: RE: Old Grove Phase II - PC17-004 - Table request to June P&Z

From: Kessler, Kevin C. [mailto:]
Sent: Wednesday, May 2, 2018 9:58 AM
To: Felix Landry <FLandry@colleyville.com>
Cc: Ben Bryner <BBryner@colleyville.com>; Manny Rios <>; Mike Boswell <>; Taylor Schauwecker <TSchauwecker@colleyville.com>
Subject: Old Grove Phase II - PC17-004 - Table request to June P&Z

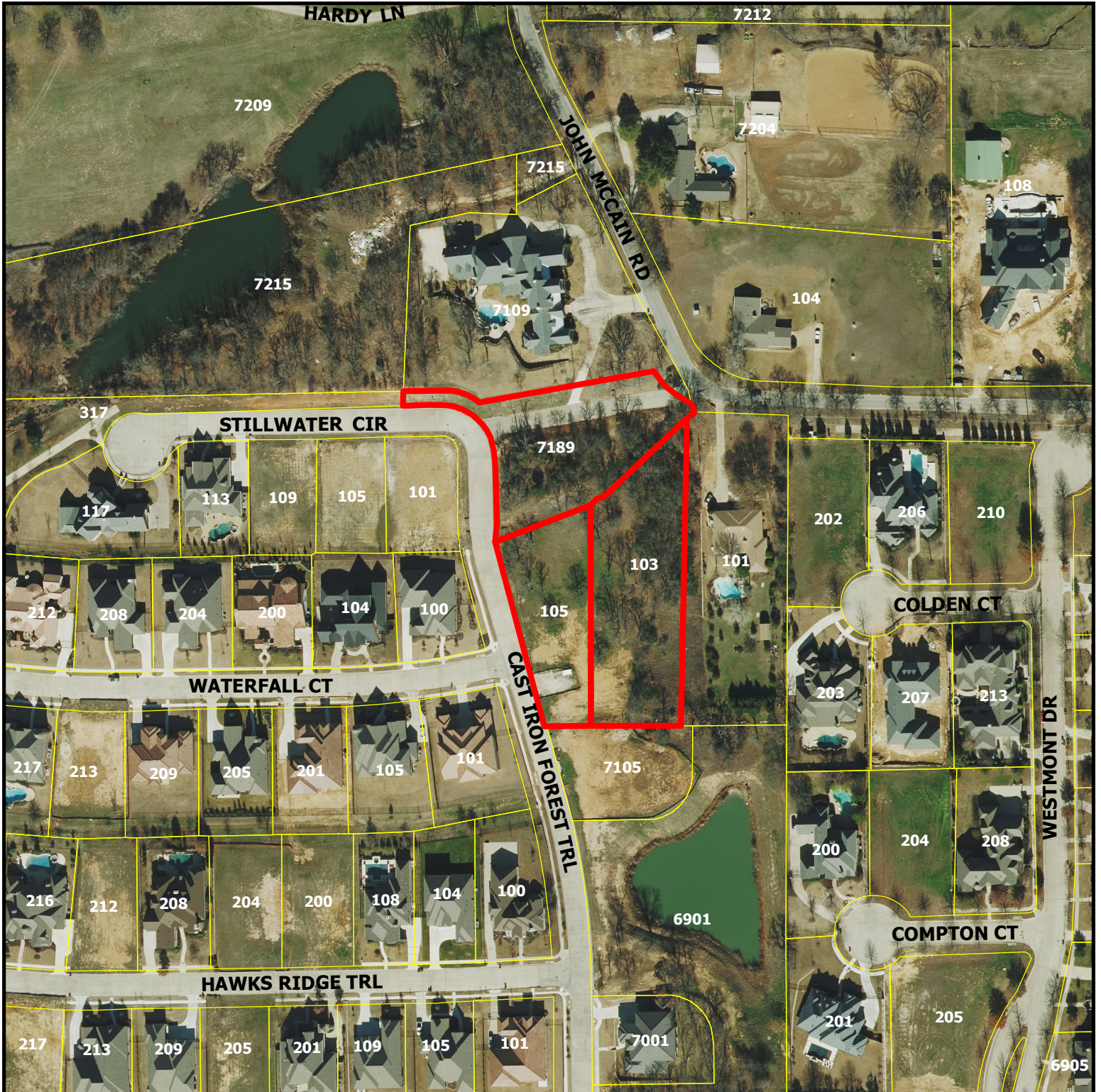
Felix,

We would respectfully request to table item PC17-004, Old Grove Phase II until the June P&Z meeting. We are in discussions with the adjacent property owners regarding easements etc. and they will be out of town for the next few weeks. We want to ensure significant time to discuss options once they are back. Taylor and I just spoke about additional options that we are pursuing. We will be in contact in the next few weeks. Please contact me if you have any additional questions or comments.

Kevin C. Kessler, P.E. | Jacobs | Project Manager- Land Development, Dallas | | www.jacobs.com

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Aerial Map



PC17-004

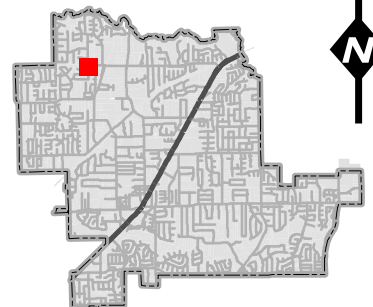
**105 & 103 John McCain Rd and
7189 Cast Iron Forest Trl**

DISCLAIMER:

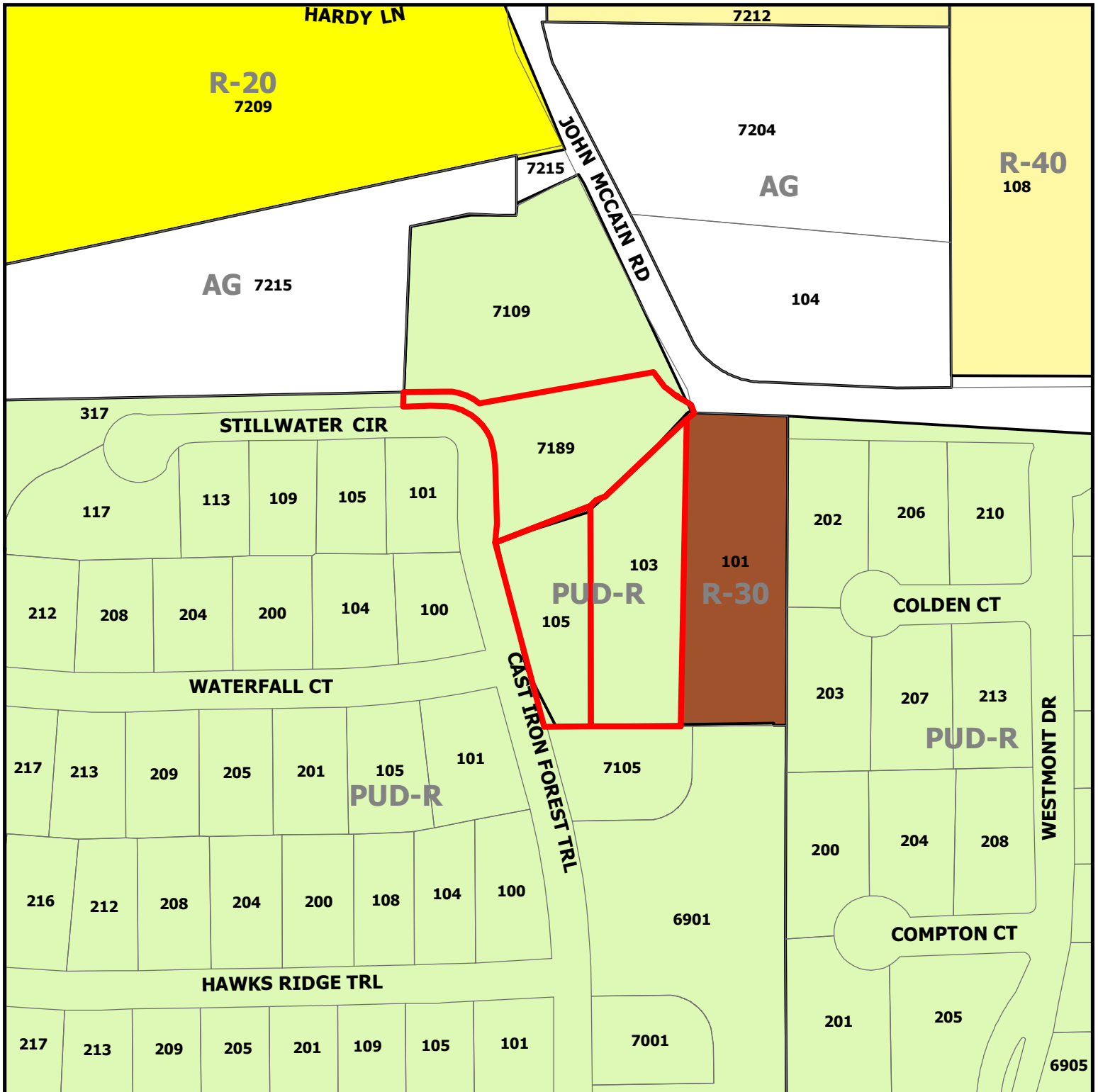
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Subject Property



Zoning Map



PC17-004

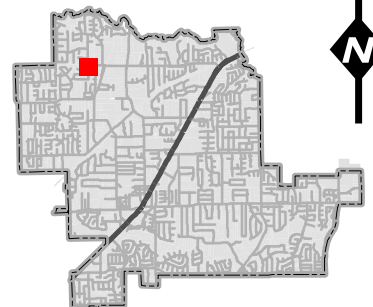
105 & 103 John McCain Rd and 7189 Cast Iron Forest Trl

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Subject Property



Future Land Use Map



PC17-004

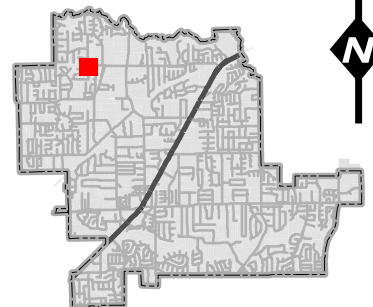
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Subject Property



ORDINANCE O-04-1475

AN ORDINANCE AMENDING CHAPTER 3, LAND USE OF THE LAND DEVELOPMENT CODE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOTS 1 AND 2, BLOCK 1, NEIDHOLT ADDITION, FROM THE R30 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE PUD-R PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed by Old Grove Limited Partnership on July 6, 2004, under Case No. Z-04-026; and

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

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

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

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

Sec. 1. THAT the Master Plan, the Land Development Code of the City of Colleyville, Texas, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Colleyville, Texas, as shown on the Zoning Map attached as Exhibit "A", and described by metes and bounds description attached as Exhibit "B", by changing the zoning of said property from the R30 Single Family Residential district to the PUD-R Planned Unit Development Residential district, as shown on the attached Exhibit "C", including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

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

1. GENERAL

- a. The purpose of the PUD-R area is for single-family residential development.

- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. PERMITTED USES

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

3. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

(1) Minimum Lot Size	13,000 square feet
(2) Minimum Lot Width	90 feet
(3) Minimum Lot Depth	120 feet
(4) Front Building Line	25 feet
(5) Side Building Line	10 feet
(6) Rear Building Line	25 feet

- b. The average lot size 16,000 square feet and shall be calculated over the combined acreage of Whittier Heights Phase I, Old Grove Phase I, Whittier Heights Phase II, and Old Grove Phase II.

4. OPEN SPACE

- a. The PUD-R area shall provide a minimum of twenty percent (20%) of the residential project area as common open space for the leisure and recreational use of the development's residents. The open space shall be calculated over the combined acreage of Whittier Heights Phase I, Old Grove Phase I, Whittier Heights Phase II, and Old Grove Phase II. The open space shall comply with the provisions contained in the Land Development Code.
- b. The common open space may be utilized for storm water detention purposes.

5. CONCEPTUAL SITE PLANS AND PLATTING

- a. The residential lot layout of the PUD-R area shall be generally consistent with the conceptual site plan attached as Exhibit "C", which shall be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "C" to accommodate physical, topographic, drainage or other conditions.

- b. Prior to the issuance of any development permits on the subject property and as a condition to the development of the subject property, the developer shall obtain approval of a final plat of the property in accordance with the procedures and requirements of the Colleyville Land Development Code. In approving the final plat, the approving body shall exercise reasonable discretion with respect to changes from the Preliminary Plat in roadway design, lot sizes, lot shape, building line, setback lines, open space and all other aspects of the plat.
- c. The average residential density is permitted to be 1.8 dwelling units per acre over the combined acreage of Whittier Heights Phase I, Old Grove Phase I, Whittier Heights Phase II, and Old Grove Phase II.

6. STREETS AND SIDEWALKS

- a. Each homebuilder shall construct sidewalks along lot frontages. All sidewalks shall be constructed in accordance with the requirements of the Colleyville Land Development Code.

7. OTHER

- a. This development shall be subject to all impact fees as of the date of approval of the final plat.
- b. No water or sewer extensions are required to be made to adjacent property.
- c. The provisions of the Colleyville Pathways plan shall be incorporated in the project. Pathways shall be designated on the preliminary plan and final plat in a dedicated public right-of-way. Pathways shall be constructed by the developer.

- Sec. 3. THAT any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.
- Sec. 4. THAT the Land Development Code of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.
- Sec. 5. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

Sec. 6. THAT this ordinance shall become effective immediately upon publication.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of August 2004.

The second reading and public hearing being conducted on the 7th day of September 2004.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE:



Joe Hocutt
Mayor

APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster
City Attorney

EXHIBIT A – ZONING MAP

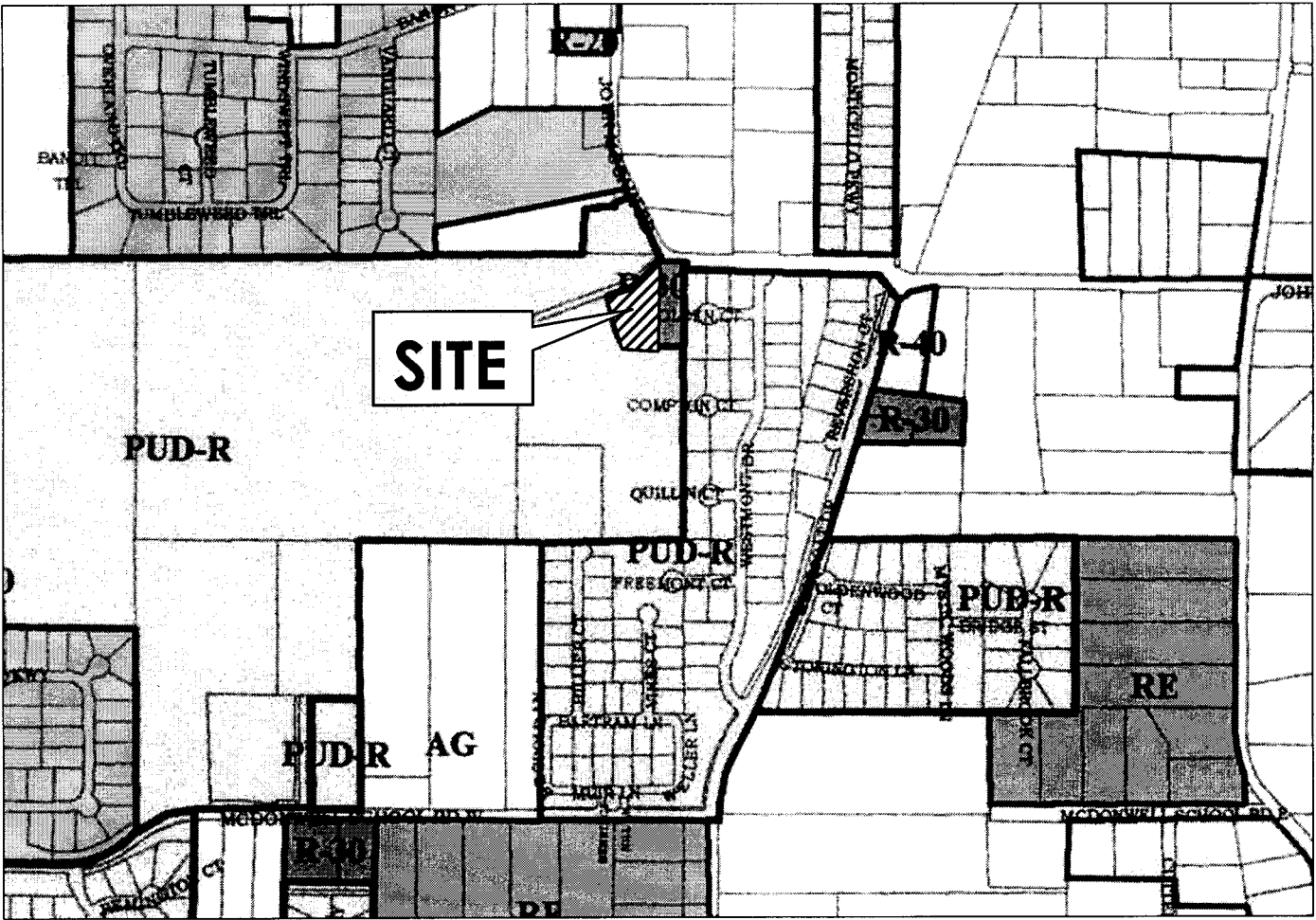


EXHIBIT B – METES AND BOUNDS DESCRIPTION

BEING a tract of land in the D.J. Beddo Survey, Abstract No. 232, situated in the City of Colleyville, Tarrant County, Texas and being all of Lot 1 and Lot 1, Block 1, of the final plat of Lots 1, 2, & 3, Block 1, Neidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-123, Page 64, Plat Records, Tarrant County, Texas (PRTCT), and being a portion of an unnamed right-of-way dedication as set out by aforesaid plat, and being a portion of that tract of land as described in deed to Old Grove Limited Partnership, recorded in Volume 1469, Page 37, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

COMMENCING at a ½-inch rebar found at the southeast corner of Lot 3, Block 1, the said final plat of Lots 1, 2, & 3, Block 1, Neidholt Addition, being an angle point in the west line of Westmont, an addition to the City of Colleyville, Tarrant County, Texas, as recorded in Cabinet A, Slide 6060, PRTCT, being the most easterly northeast corner of said Old Grove tract;

THENCE South 89 degrees 54 minutes 50 seconds West, departing the west line of said Westmont, along the south line of said Neidholt Addition and a reentrant line of said Old Grove tract, a distance of 105.60 feet to southwest corner of said Lot 3 and the southeast corner of said Lot 2, being the POINT OF BEGINNING of the herein described tract of land;

THENCE South 89 degrees 54 minutes 50 seconds West, continuing along the south line of said Neidholt Addition and a reentrant line of said Old Grove tract, at a distance of 116.83 feet passing a 5/8 inch rebar found, said point being 0.25 feet to the south of line, at a distance of 194.00 feet passing a ½ inch rebar capped set at the southwest corner of said Neidholt Addition and a reentrant corner of said Old Grove tract, thereafter traversing said Old Grove tract, continuing a total distance of 199.18 feet to a ½ inch rebar capped set at the southwest corner of the herein described tract of land;

THENCE traversing said Old Grove tract, as follows:

North 15 degrees 12 minutes 36 seconds West, a distance of 220.16 feet to a ½ inch rebar capped set at the point of curvature of a circular curve to the right, having a radius of 250.00 feet;

Northwesterly, along said curve, having a central angle of 15 degrees 05 minutes 37 seconds, an arc distance of 65.86 feet and a chord that bears North 07 degrees 39 minutes 47 seconds West, 65.6 feet to a ½ inch rebar capped set;

North 89 degrees 53 minutes 01 seconds East, non tangent to said curve, a distance of 5.00 feet to a ½ inch rebar capped set;

North 00 degrees 06 minutes 59 seconds West, a distance of 71.04 feet to a ½ inch rebar capped set at the point of curvature of a circular curve to the left having a radius of 75.00 feet;

Northwesterly, along said curve, having a central angle of 22 degrees 32 minutes 37 seconds, an arc distance of 29.51 feet and a chord that bears North 11 degrees 23 minutes 17 seconds West, 29.32 feet to a ½ inch rebar capped set at the northwest corner of the herein described tract;

North 81 degrees 17 minutes 06 seconds East, non tangent to said curve, a distance of 267.80 feet to a ½ inch rebar found in the southwesterly line of John McCain Road (County Road No. 3036, variable width right-of-way), from which a 3/8 inch rebar found bears South 76 degrees 32 minutes 02 seconds West, 6.00 feet;

THENCE South 78 degrees 29 minutes 15 seconds East, along the southwesterly line of said John McCain Road, a distance of 2.40 feet to the northeast corner of the herein described tract;

THENCE South 00 degrees 30 minutes 30 seconds West, departing the southwesterly line of said John McCain Road, at a distance of 27.55 feet passing the northwest corner of said Lot 3 and the northeast corner of said Lot 2, continuing along the west line of said Lot 3 and the east line of said Lot 2, a total distance of 417.12 feet to the POINT OF BEGINNING and containing 97,138 square feet or 2.230 acres of land, more or less.

Notification Map

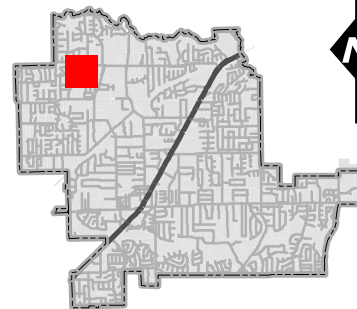


PC17-004

**105 & 103 John McCain Rd and
7189 Cast Iron Forest Trl**

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



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
JOHNSON, MARK	203 COLDEN CT	COLLEYVILLE, TX	76034	203 COLDEN CT
BATTLES, BRANDON	101 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	101 JOHN MCCAIN RD
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	105 STILLWATER CIR
ALLEN, LEROY	101 STILLWATER CIR	COLLEYVILLE, TX	76034	101 STILLWATER CIR
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	105 JOHN MCCAIN RD
FREIG, JOSE	104 HAWKS RIDGE TRL	COLLEYVILLE, TX	76034	104 HAWKS RIDGE TR
BOLTON, JONATHON	202 COLDEN CT	COLLEYVILLE, TX	76034	202 COLDEN CT
HA, THANH THUC	100 HAWKS RIDGE TR	COLLEYVILLE, TX	76034	100 HAWKS RIDGE TR
LAW, JAMES	109 STILLWATER CIR	COLLEYVILLE, TX	76034	109 STILLWATER CIR
RAU, SUSAN	7105 CAST IRON FOREST TRL	COLLEYVILLE, TX	76034	7105 CAST IRON FOREST TR
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	103 JOHN MCCAIN RD
ALLEN, CARL E	200 COMPTON CT	COLLEYVILLE, TX	76034	200 COMPTON CT
KELLY, JOHN	105 WATERFALL CT	COLLEYVILLE, TX	76034	105 WATERFALL CT
CLARK, EDWARD D	104 WATERFALL CT	COLLEYVILLE, TX	76034	104 WATERFALL CT
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	7189 CAST IRON FOREST TR
HIGHTOWER, ROXANNE S	104 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	104 JOHN MCCAIN RD
ETTA, ANITA B	101 WATERFALL CT	COLLEYVILLE, TX	76034	101 WATERFALL CT
OLD GROVE MAINTENENCE ASSN	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	6901 CAST IRON FOREST TR
RIACH, STEVEN E	7109 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7109 JOHN MCCAIN RD
DAWSON, WESLEY	406 PECAN DR	IRVING, TX	75061	7215 JOHN MCCAIN RD
WESTMAN, GARY A	2812 COTSWOLD CT	KELLER, TX	76248	100 WATERFALL CT
OLD GROVE MAINTENENCE ASSN	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	317 OLD GROVE RD
OLD GROVE ADDITION	P.O. Box 1481	COLLEYVILLE, TX	76034	COURTESY NOTICE
WESTMONT ADDITION	5751 KROGER DRIVE	KELLER, TX	76244	COURTESY NOTICE
KELLER ISD	350 KELLER PARKWAY	KELLER, TX	76248	STATE REQUIRED
GRAPEVINE-COLLEYVILLE ISD	3051 IRA E. WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
KESSLER, KEVIN	1999 BRYAN STREET, SUITE 1200	DALLAS, TX	75201	APPLICANT



NOTICE OF PUBLIC HEARING

Zoning Case Number: PC17-004

Owner: Toll Dallas TX LLC

Applicant: Kevin Kessler

Location: 105 & 103 John McCain and 7189 Cast Iron Forest Trail

Property Description: Lots 1 and 2, Block 1, of the Neidholt Addition, Lot 2X, Block E, of the Old Grove Addition, and existing dedicated Right of Way

Present Zoning: PUD-R Planned Unit Development Residential District

Request: Consideration of a Final Plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 & 103 John McCain Road and 7189 Cast Iron Forest Trail. The purpose of the plat is to combine the 3 properties into 2 Single Family Residential lots and 1 open space lot.

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

Planning and Zoning Commission Meeting: Monday, April 9, 2018 at 7:00 p.m.
City Council Meeting: Tuesday, May 1, 2018 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 500 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. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Felix Landry
Principal Planner
flandry@colleyville.com

RESOLUTION R-18-XXXX

**A RESOLUTION APPROVING A FINAL PLAT FOR LOTS 1, 2, AND 3X,
BLOCK 1, OF THE OLD GROVE ADDITION, PHASE II**

WHEREAS, the Planning and Zoning Commission recommended approval of the Final Plat for Lots 1, 2, & 3X, Block 1, of the Old Grove Addition, Phase II on April 9, 2018.

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

Sec. 1. THAT the Final Plat for Lots 1, 2, & 3X, Block 1, of the Old Grove Addition, Phase II on approximately 2.20 acres, attached as Exhibit "A" - Plat Exhibit, is hereby approved.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS
THE 2ND DAY OF JUNE 2018.

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

Christine Loven, TRMC
Assistant City Secretary

Richard Newton
Mayor

[illegible]



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number	Agenda Date	Number
3e	06/11/2018	
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a zoning change from the AG Agricultural zoning district to the CC-1 Village Retail zoning district and a Special Use Permit (SUP) for Cemeteries or Mausoleums on Tract 2B & 2B02, Abstract 180, in the J L Byas Survey, located at 5713 Colleyville Boulevard, Case ZC18-001, TABLED FROM THE MAY 14, 2018 MEETING

Explanation

UPDATE: The Planning & Zoning Commission tabled this item to the June 11, 2018 meeting. The Commission identified several concerns at the previous meeting that they wanted addressed, to include:

- Improvements to the ditch along the eastern boundary – maybe needs to be cleaned out or improved
- Better silt fencing or measures to control erosion
- Drainage – to include information on the planned detention pond area
- Working with the Broughton neighborhood to clean out the pond due to increased erosion from the cemetery site
- Indicating a distance/buffer area from the grave sites to the eastern property line
- Remedy to eliminate the spoils yard
- Appropriate fencing and landscaping along Hall Johnson Road

The applicant has submitted an email with clarification and proposed courses of action regarding these issues.

Request: Michael Green, on behalf of Bluebonnet Hills Funeral Home and Cemetery, submitted a request for a zoning change from AG Agricultural to CC-1 Village Retail district and a request for a Special Use Permit (SUP) for 'Cemeteries or Mausoleums' at 5713 Colleyville Boulevard. The applicant recently began making improvements for the expansion of the cemetery use.

Existing Zoning and Development Conditions. The eastern 25.69 acres of the overall property is zoned AG Agricultural. The applicant is expanding the cemetery use into the remaining undeveloped area. According to the Land Development Code, a cemetery use requires an SUP and a commercial zoning.

Surrounding Properties. The property to the west is part of the Bluebonnet Hills cemetery use and is zoned CC-1 Village Retail with an SUP for the cemetery use. The adjacent property to the north is zoned CC-2 Shopping Center and is developed as the

Bob Moore Sports Center. The adjacent property to the east is zoned PUD-R Planned Unit Development-Residential and is developed as a single-family residential subdivision.

Master Plan. The *Future Land Use Map* designates this property for Institutional use. The use of the property as a cemetery or mausoleum complies with the plan with the approval of an SUP.

Analysis. The Bluebonnet Hills Cemetery has been operation on the subject property for some time. The recent expansion into the far eastern portion of the property has uncovered the zoning deficiency. The approval of the zoning change and associated SUP will allow for the expansion and operation of the cemetery use.

As part of any SUP, conditions may be imposed to ensure compatibility and harmony with surrounding properties. This may include specific regulations pertaining to landscaping and fencing along street frontages and/or along property lines adjacent to residential development. A substantial tree line currently exists along the eastern boundary.

Public Notification. Staff notified property owners within 200 feet of the subject property regarding this request and notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has received no correspondence regarding this request to date.

Summary & Staff Recommendation. The applicant is requesting the zoning change and associated SUP so that the expansion and operation of the cemetery use can be in compliance with the Land Development Code. Staff recommends approval.

Recommendation

Approve

Attachments

1. Applicant's Response To Concerns
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Statement of Planning Objectives
6. Zoning Exhibit
7. Notification Map
8. Notification List
9. Property Owner Notification
10. Letter of Opposition
11. Draft Ordinance

Applicant's Response to Concerns

Ben Bryner

To: Mike Green
Subject: RE: email to HOA - please review and edit as necessary

From: "Halfmann, John"
Date: May 16, 2018 at 5:43:56 AM CDT
To: "[DeWayne@](#)" <>
Cc: "Halfmann, John"
Subject: **Bluebonnet Hills –Broughton Issues**

DeWayne,

I appreciate your patience while we continue to work out the concerns of both Broughton and Bluebonnet.

The Market Director, Cemetery Development Team along with Mike Green and Luis Carrera have been diligently working together to prepare a response to the concerns discussed at our last meeting.

Listed below is resolutions to the concerns you and the HOA committee and myself recently discussed.

Also listed is resolutions to concerns that was not discussed with the Broughton HOA but was brought forward to the city by the HOA across the street.

The following is also being forward to Ben and Taylor with the city for their review as well.

I trust we will need to set up another meeting with you representing the HOA to discuss moving forward with getting all the concerns resolved.

Thanks for your help,

John

1. **We will offer to pay the HOA \$10,000 towards the dredging cost .** This has never been dredged in 15 years and we do not know how much silt has come from the Broughton subdivision which is a large area and was undergoing years of construction with exposed residential lots, etc.... The Broughton subdivision area contributing to the pond is 55 acres, other offsite areas contribute 11.77 acres, BBHFH area contributes 10.25 acres. This put BBHFH at 13.5 % of the total area. At a contribution of \$10,000, BBHFH is at almost 25% of the estimated cost. We do not anticipate that we will be contributing silt off site in the future with the stabilization of our property.
2. **We will regrade and rebuild the existing swale on our eastern property line** that drains the existing drainage area **A-21** on the Overall Drainage Plan above. The swale will be lined and reconstructed in a manner to insure no over spill across the property line except at the point where it intercepts and drains into the swale on the subdivision side of the PL that runs to the detention basin. We will stabilize the area draining into this swale so that it will not generate silt and carry this silt into their property and basin.
3. **The drainage from drainage area A-5 and A-11 will continue to drain to the east as designed in the original Broughton subdivision plans** which accepted all of this drainage water. We will need to make sure this area is stabilized so the drainage is not silt laden

Applicant's Response to Concerns

4. **We will stabilize the remaining garden area up to the fence line with sod so that we can remove the silt fence along this area.**
5. **We will not be building a detention pond on our property.** According to the Overall Drainage Plan prepared by Carrera associates, we are not draining any more water post development completion in the future than the Broughton subdivision drainage plans were originally designed to accommodate from our property. Taylor Schauwecker at the City of Colleyville concurs with that analysis. The original Broughton Subdivision plan anticipated accepting a much larger area of cemetery drainage onto the Broughton property than has actually occurred.
6. **Luis Carrera has reviewed the Keystone wall along Hall Johnson and has stated that it is performing as expected.** As the sod above the wall continues to stabilize any minor silt will subside. The water coming through the existing wall is as designed and has been doing so for many years.
7. **We are proposing one road up into this undeveloped area as shown on the Master Plan** and the water runoff associated with it has been factored into the calculations for the Overall Drainage Plan. It will not add to the drainage volumes already calculated into the Broughton internal drainage design.
8. **We will install a decorative tubular steel fence along Hall Johnson adjacent to the new garden area. In the future we will consider the replacement of the remaining existing fencing along Hall Johnson with the same kind of fence..** The internal turf cemetery ground with tree planting will be consistent with the existing sections along Hall Johnson.
9. **We will agree to a grave setback of 10 feet along the portion of our eastern property line directly adjacent to the Broughton Homes. The remainder of the property boundary will have no setback consistent with the rest of the cemetery.**

John Halfmann
General Manager

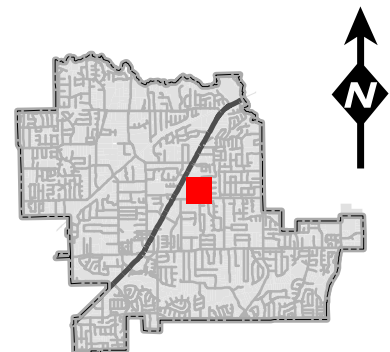
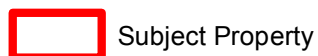
Bluebonnet Hills Funeral Home
and Memorial Park
817.498.5894

Aerial Map

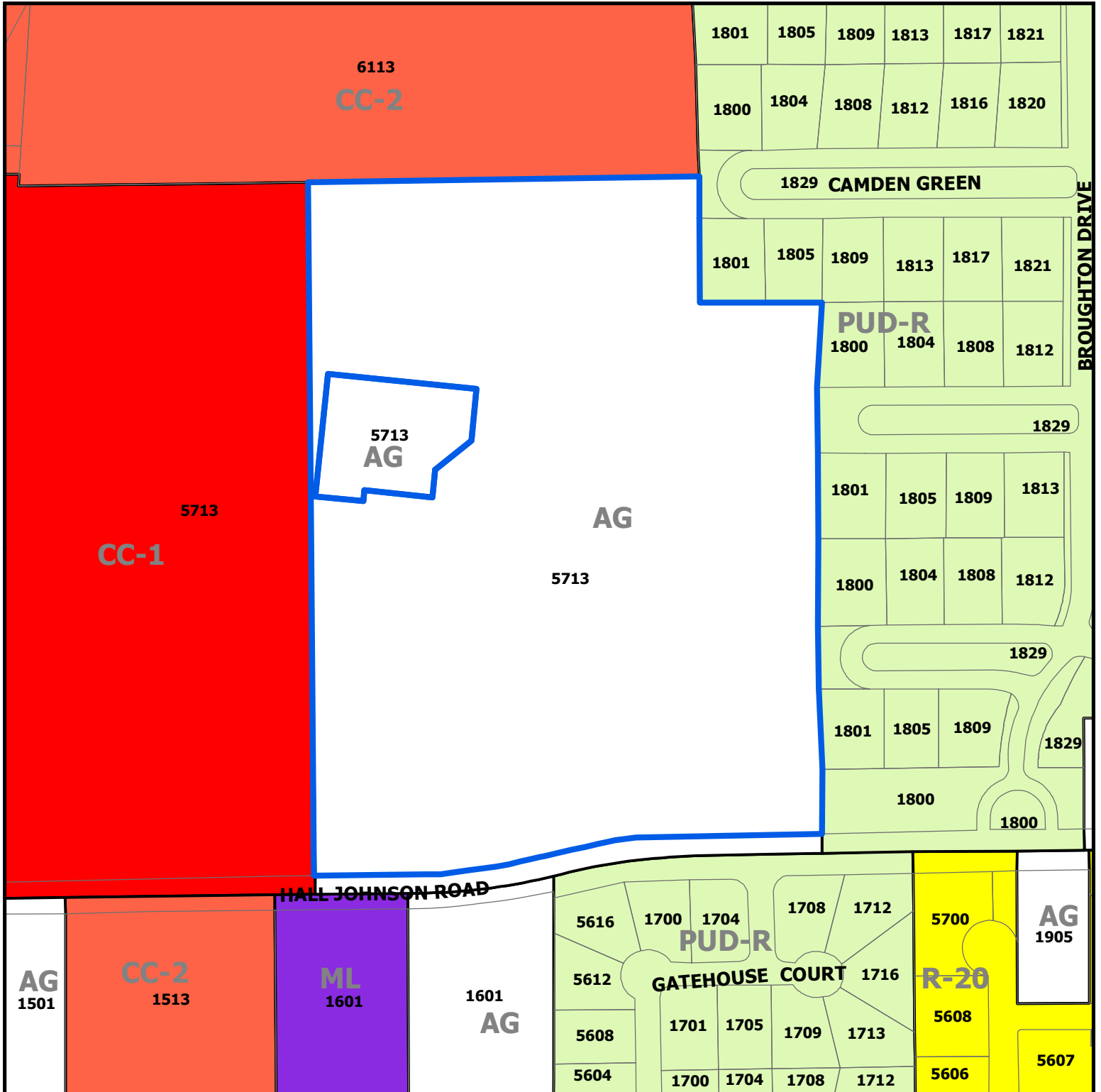


ZC18-001
5713 Colleyville Blvd

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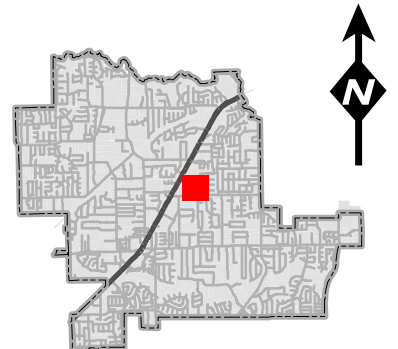


Zoning Map



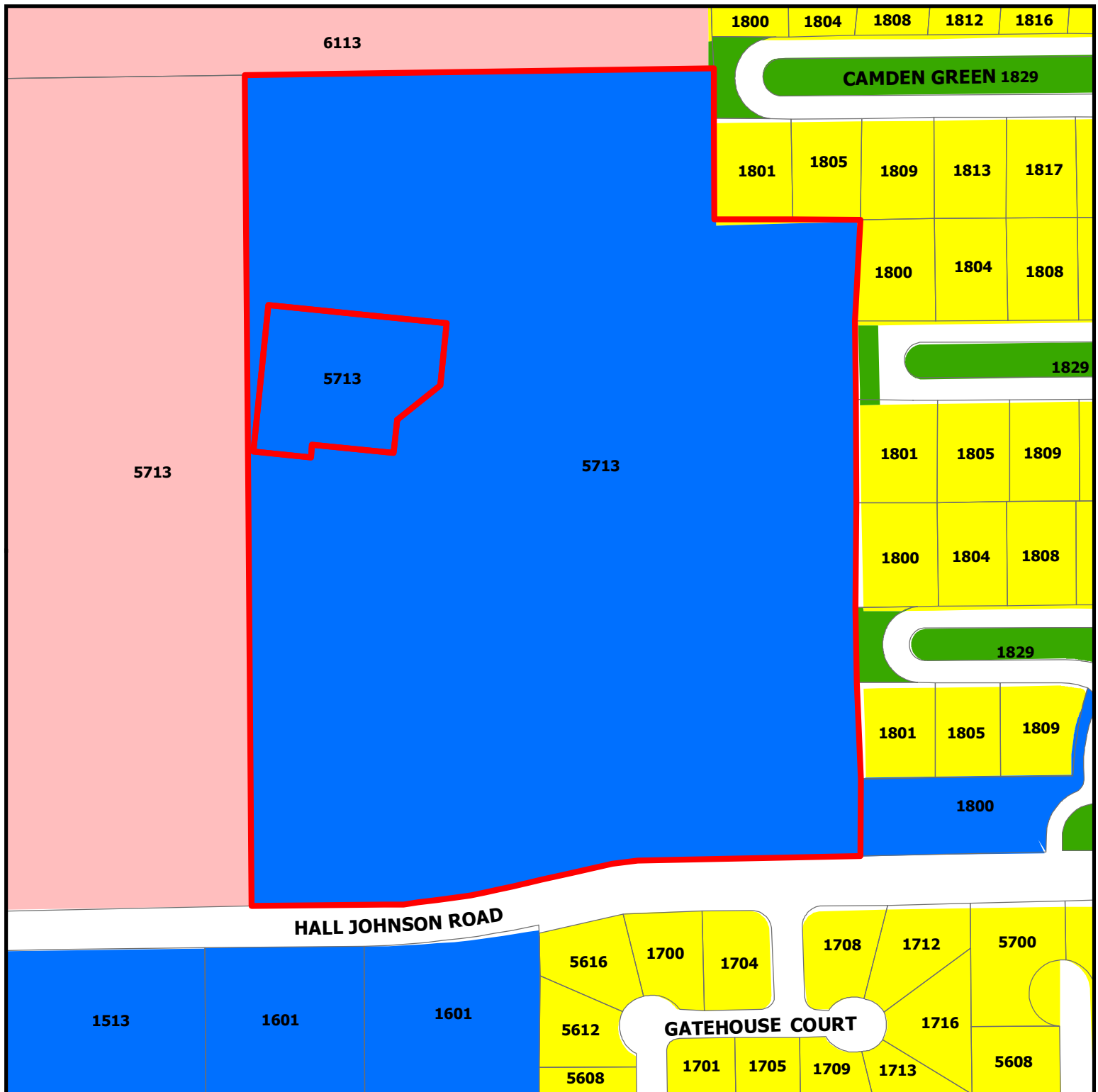
ZC18-001
5713 Colleyville Blvd

 Subject Property



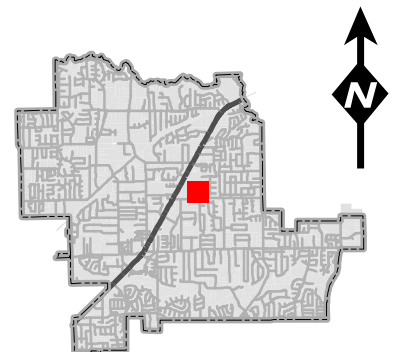
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Future Land Use Map



ZC18-001
5713 Colleyville Blvd

-  Subject Property
 Residential
 Institutional
 Colleyville Blvd Corridor
 Open Space; Parks



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Statement of Planning Objectives

Mike Green

To: BBryner@colleyville.com
Subject: Bluebonnet Hills Funeral Home and Memorial Park Zoning Amendment and SUP

Statement of Planning Objectives

Bluebonnet Hills Funeral home and Memorial Park has long operated and as important community gathering place for grieving, remembering and celebrating the passing of family and friends. This application for Zoning change and Special Use Permit is the natural extension of this community service into the future. It will allow Bluebonnet Hills to continue to offer services to the community in an orderly and consistent manner in a beautiful and managed environment consistent with its many years of operation.

The land uses proposed will consist of cemetery burial gardens in an attractive and aesthetic setting. No new community mausoleum structures are proposed.

Development Schedule

The cemetery improvements will be phased in over several years as the community needs dictate. The general pace will be no more than 1 or 2 acres per phase.

Proposed Ownership

Bluebonnet hills is solely owned by S.E. Texas Funeral Services, Inc and will continue as such.

Utility Provisions

No new utility requirements are anticipated

Traffic Impact Analysis

Cemetery ground expansion does not generate additional trip generation. The interment rate and funeral services remain steady from year to year. Bluebonnet has no history of traffic issues and services are managed and spaced out to minimize conflicts internally as well as externally.

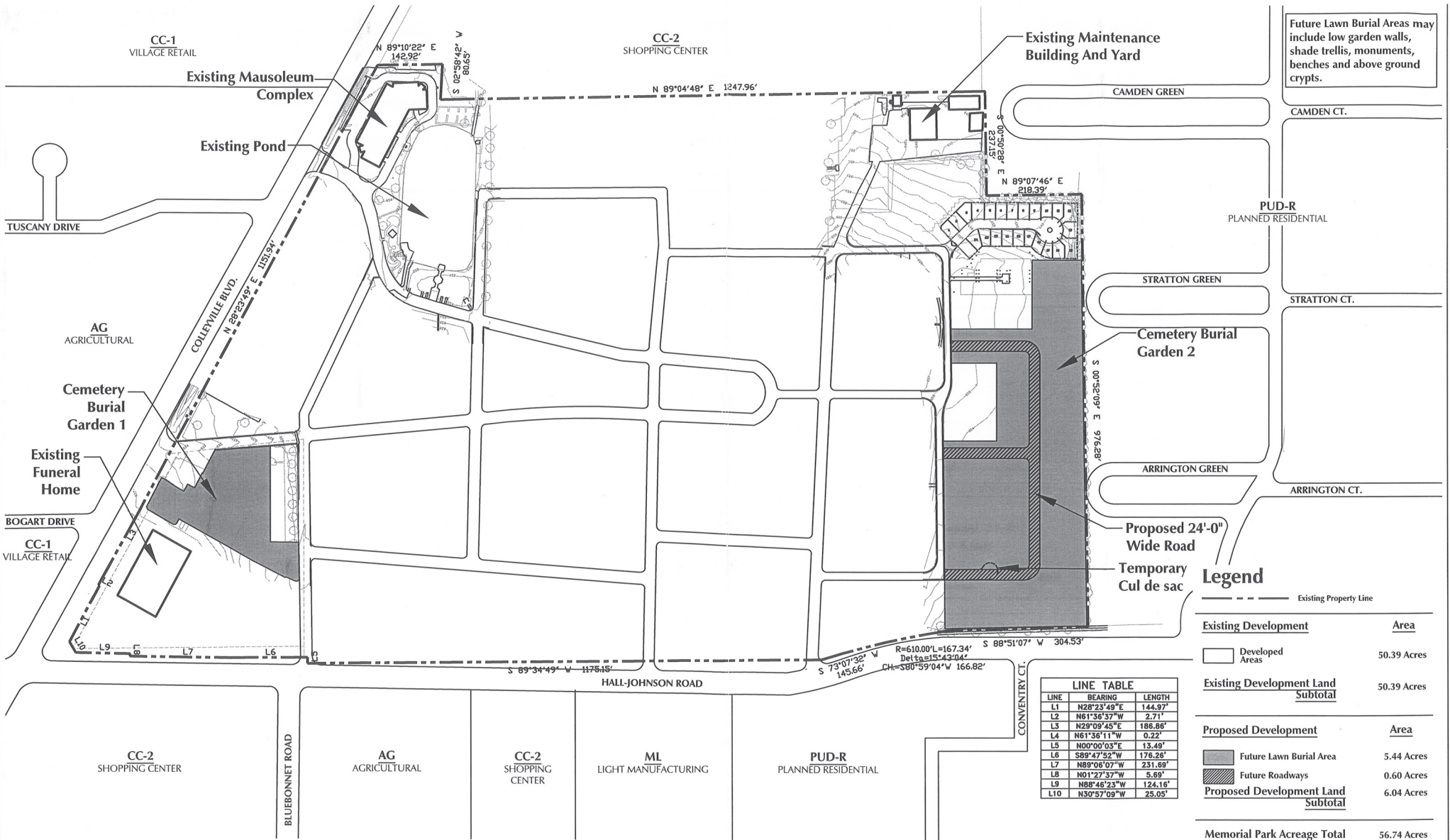
Michael Green, ASLA
Principal
Clark & Green Associates
150 Paularino Avenue, Suite 160
Costa Mesa, Ca. 92626

www.clarkgreen.com

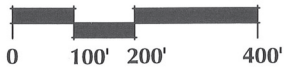
NOTICE - This communication contains confidential and privileged information that is for the sole use of the intended recipient.

Viewing, copying or distribution of this message by unintended recipients is strictly prohibited.

Zoning Exhibit



01-08-18
01-29-18 REV

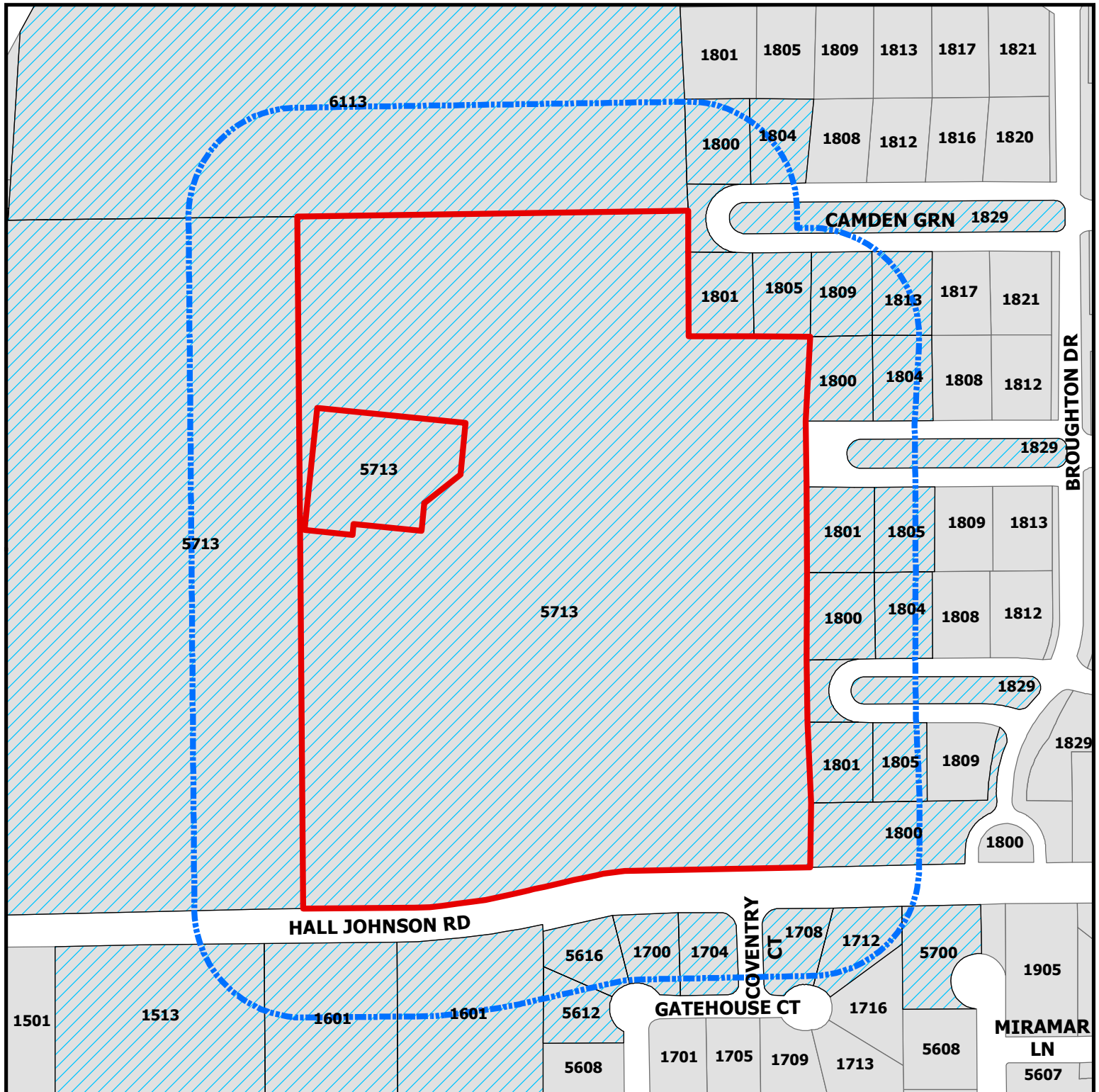


Zoning Exhibit For Zoning Change from _____ to _____

Master Plan

Bluebonnet Hills Funeral Home and Memorial Park
5725 Colleville Blvd., Colleville, TX 76034 (Loc. 9645)

Notification Map



ZC18-001

5713 Colleyville Blvd



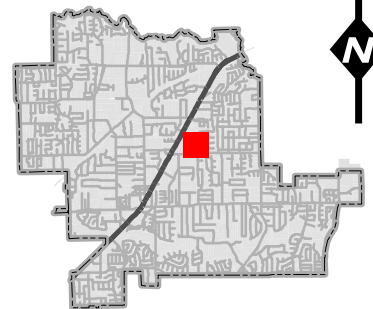
Subject Property



200ft Buffer



Properties within 200ft



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Notification List - ZC18-001

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
COLLIER, CHARLIE G	5616 COVENTRY CT	COLLEYVILLE, TX	76034	5616 COVENTRY CT
MITCHELL, MICHAEL	1804 ARRINGTON GREEN	COLLEYVILLE, TX	76034	1804 ARRINGTON GREEN
WADE, DANIEL	1804 STRATTON GRN	COLLEYVILLE, TX	76034	1804 STRATTON GREEN
TEXADA, RICKY	1801 ARRINGTON GREEN	COLLEYVILLE, TX	76034	1801 ARRINGTON GREEN
BLUEBONNET HILLS CEMETARY	PO BOX 367	COLLEYVILLE, TX	76034	5713 COLLEYVILLE BLVD
TERRY DAVID & PENELOPE D JOINT	1801 CAMDEN GREEN	COLLEYVILLE, TX	76034	1801 CAMDEN GREEN
SULZER, STEFAN R	1804 CAMDEN GRN	COLLEYVILLE, TX	76034	1804 CAMDEN GREEN
USSERY, MICHAEL J	1800 ARRINGTON GRN	COLLEYVILLE, TX	76034	1800 ARRINGTON GREEN
SWAIM, SHELLY	1700 GATEHOUSE CT	COLLEYVILLE, TX	76034	1700 GATEHOUSE CT
KELLEY, BRENT A	1801 STRATTON GRN	COLLEYVILLE, TX	76034	1801 STRATTON GREEN
AL-SHMAISANI, ISSAM	5608 NORMANDY DR	COLLEYVILLE, TX	76034	5700 NORMANDY DR
BLUEBONNET HILLS CEMETERY	PO BOX 11250	NEW ORLEANS, LA	70181	5713 COLLEYVILLE BLVD
BLUEBONNET HILLS CEMETERY	PO BOX 130548	HOUSTON, TX	77219	5713 COLLEYVILLE BLVD
BOUGHTON MAINTENANCE ASSOCIATION	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	1800 BROUGHTON DR
BOUGHTON MAINTENANCE ASSOCIATION	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	1800 BROUGHTON DR
BOUGHTON MAINTENANCE ASSOCIATION	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	1800 BROUGHTON DR
BOUGHTON MAINTENANCE ASSOCIATION	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	1829 CAMDEN GREEN
BOUGHTON MAINTENANCE ASSOCIATION	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	1829 STRATTON GREEN
BOUGHTON MAINTENANCE ASSOCIATION	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	1829 ARRINGTON GREEN
BOYD, LARRY G	PO BOX 279	COLLEYVILLE, TX	76034	1805 ARRINGTON GREEN
CASEY, ROBERT E	1805 STRATTON GRN	COLLEYVILLE, TX	76034	1805 STRATTON GREEN
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	1601 HALL JOHNSON RD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	1601 HALL JOHNSON RD
DIXON, DAVID	1800 STRATTON GRN	COLLEYVILLE, TX	76034	1800 STRATTON GREEN
GLASSCOCK, D L	1708 GATEHOUSE CT	COLLEYVILLE, TX	76034	1708 GATEHOUSE CT
HEIDEL, RUTH V	1712 GATEHOUSE CT	COLLEYVILLE, TX	76034	1712 GATEHOUSE CT
MILLER, DENNIS	1800 CAMDEN GRN	COLLEYVILLE, TX	76034	1800 CAMDEN GREEN
MOORE, BOBBY FAMILY LTD PRTN	6113 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	6113 COLLEYVILLE BLVD
RUCKER, RICHARD B	1704 GATEHOUSE CT	COLLEYVILLE, TX	76034	1704 GATEHOUSE CT
RUSSELL, REX	1805 CAMDEN GRN	COLLEYVILLE, TX	76034	1805 CAMDEN GREEN
SINUNU, STEPHEN A	1813 CAMDEN GRN	COLLEYVILLE, TX	76034	1813 CAMDEN GREEN
SMART, BROOKE	1809 CAMDEN GRN	COLLEYVILLE, TX	76034	1809 CAMDEN GREEN
THIBODEAUX, NELSON J	5612 COVENTRY CT	COLLEYVILLE, TX	76034	5612 COVENTRY CT
WAYPOINT MONTESSORI	1513 HALL JOHNSON RD	COLLEYVILLE, TX	76034	1513 HALL JOHNSON RD
BROUGHTON	2557 SW GRAPEVINE PKWY, SUITE 100	GRAPEVINE, TX	76051	COURTESY NOTICE
MONTCLAIR PARC ADDITION	1108 W. PIONEER PARWAY	ARLINGTON, TX	76013	COURTESY NOTICE
STONE CREST ESTATES	P.O. BOX 332	COLLEYVILLE, TX	76034	COURTESY NOTICE
GREEN, MICHAEL	150 PAULARINO AVE, SUITE 160	COSTA MESA, CA	92626	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed Friday,
January 26, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-001
Applicant: Michael Green
Owner: Cary Grossi
Location: 5713 Colleyville Boulevard
Property Description: Tract 2B & 2B02, Abstract 180, in the J L Byas Survey
Present Zoning: AG – Agricultural District
Request: Consideration of a zoning change from the AG Agricultural zoning district to the CC-1 Village Retail zoning district and a Special Use Permit (SUP) for Cemeteries or Mausoleums. The purpose is to allow for the expansion and operation of the Bluebonnet Hill Cemetery to their eastern boundary.

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, February 12, 2018 at 7:00 p.m.
City Council Meeting: Tuesday, March 6, 2018 & Tuesday, March 20, 2018 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. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Felix Landry
Principal Planner
flandry@colleyville.com

Letter of Opposition

Ben Bryner

To: Stephanie Cheatham
Subject: RE: Bluebonnet Hills Concerns

From: Stephanie Cheatham []
Sent: Friday, April 13, 2018 5:45 PM
To: Ben Bryner <BBryner@colleyville.com>
Cc: Jerry Ducay <JDucay@colleyville.com>; Jonathan E. Cheatham <>
Subject: Bluebonnet Hills Concerns

Dear Mr. Bryner,

We just had our annual HOA meeting for Stone Crest Estates. I wanted to share some of the Bluebonnet Hills concerns with you that came from our HOA meeting. We understand that Bluebonnet is currently reviewing drainage and surface water runoff. We also wanted to make sure that we don't lose sight of some of our other concerns related to appearance and the potential impact to home value in our neighborhood. In discussions that we've had with Bluebonnet, we have requested they make an effort to enhance the appearance in the new construction area along Hall-Johnson. We have suggested an iron fence instead of the chain link fence. (A chain link fence is no longer considered to be acceptable fencing material in Colleyville by most homeowners.) We also requested a row of hedges or some type of landscaping along Hall-Johnson in the new construction area. We feel these requests are very reasonable. The items we are requesting are a minimal expense for Bluebonnet. Our HOA Board is willing to meet with Bluebonnet and make an effort to work with them. I reached out to Bluebonnet this week to inquire about any plans for landscaping and fencing. It didn't sound like they have made progress on plans in this area. We would appreciate your support as we move forward and try to minimize any negative impact to appearance and home values in our neighborhood.

Thank you,
Stephanie Cheatham
Stone Crest Estates HOA President

Sent from my iPhone

ORDINANCE O-18-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 25.69 ACRES ON A TRACT 2 AND TRACT 2B02, ABSTRACT 180, IN THE J L BYAS SURVEY, LOCATED AT 5713 COLLEYVILLE BOULEVARD FROM THE AG AGRICULTURAL ZONING DISTRICT TO THE CC-1 VILLAGE RETAIL ZONING DISTRICT; AUTHORIZING A SPECIAL USE PERMIT FOR A CEMETERY AND MAUSOLEUM; 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 rezoning under Case No. ZC18-001; 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; 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, among other things, to 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 25.69 acres on Tract 2B and Tract 2B02, Abstract 180, in the J L Byas Survey, located at 5713 Colleyville Boulevard from the AG Agricultural zoning district to the CC-1 Village Retail zoning district with a Special Use Permit for a cemetery and mausoleum, as depicted in the attached Exhibit "A" and Exhibit "C", and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. This Special Use Permit shall only apply to the uses in combination of a cemetery and mausoleum as described in Exhibit "B".
- Sec. 5. 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. 6. 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. 7. 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. 8. 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. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 6th day of March 2018.

The second reading and public hearing being conducted on the 20th day of March 2018.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 20th day of March 2018.

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

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Location and Zoning Map

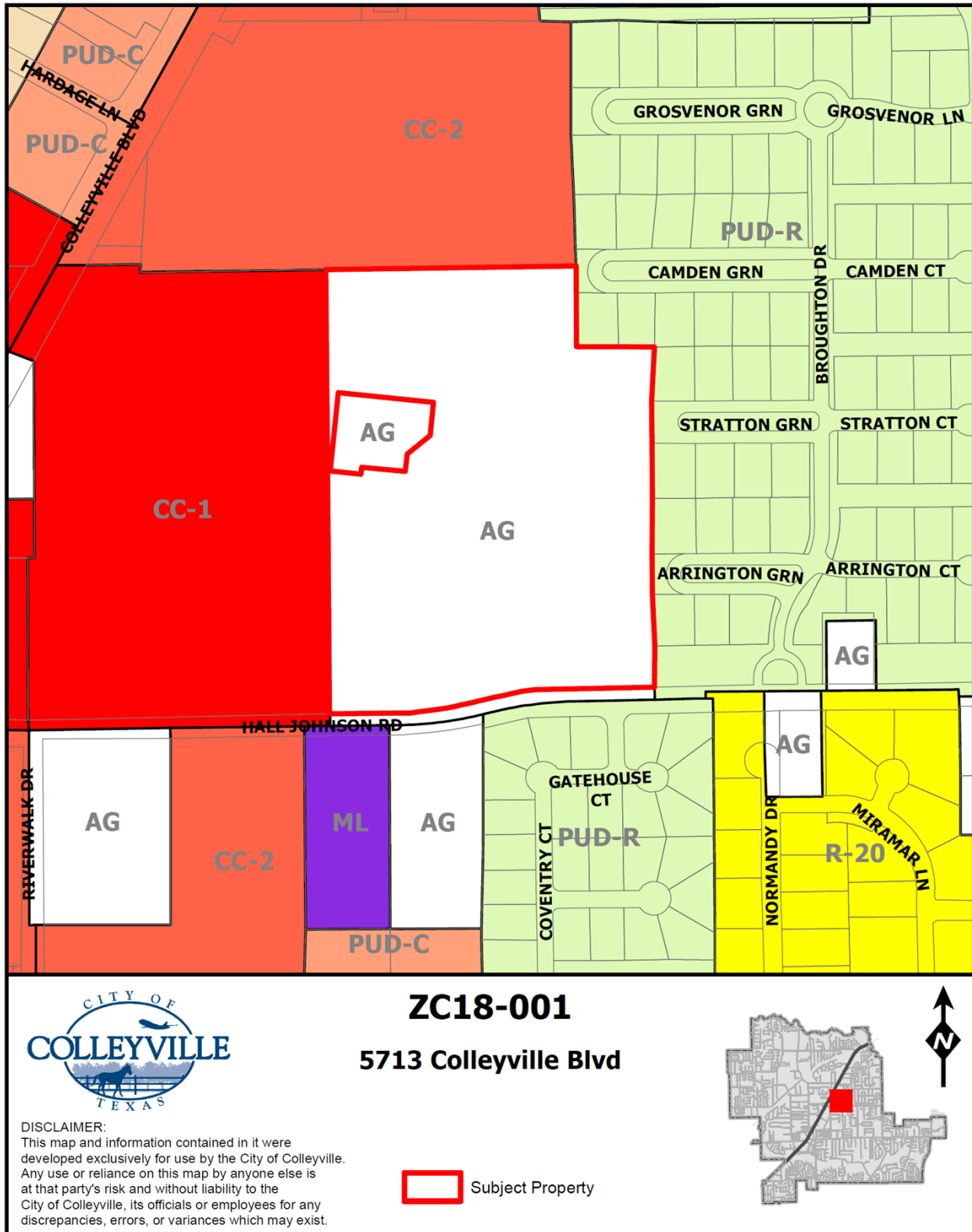


Exhibit "B" – Statement of Planning Objectives

Statement of Planning Objectives

Bluebonnet Hills Funeral home and Memorial Park has long operated and as important community gathering place for grieving, remembering and celebrating the passing of family and friends. This application for Zoning change and Special Use Permit is the natural extension of this community service into the future. It will allow Bluebonnet Hills to continue to offer services to the community in an orderly and consistent manner in a beautiful and managed environment consistent with its many years of operation.

The land uses proposed will consist of cemetery burial gardens in an attractive and aesthetic setting. No new community mausoleum structures are proposed.

Development Schedule

The cemetery improvements will be phased in over several years as the community needs dictate. The general pace will be no more than 1 or 2 acres per phase.

Proposed Ownership

Bluebonnet hills is solely owned by S.E. Texas Funeral Services, Inc and will continue as such.

Utility Provisions

No new utility requirements are anticipated

Traffic Impact Analysis

Cemetery ground expansion does not generate additional trip generation. The interment rate and funeral services remain steady from year to year. Bluebonnet has no history of traffic issues and services are managed and spaced out to minimize conflicts internally as well as externally.

Michael Green, ASLA

Principal

Clark & Green Associates

150 Paularino Avenue, Suite 160

Costa Mesa, Ca. 92626

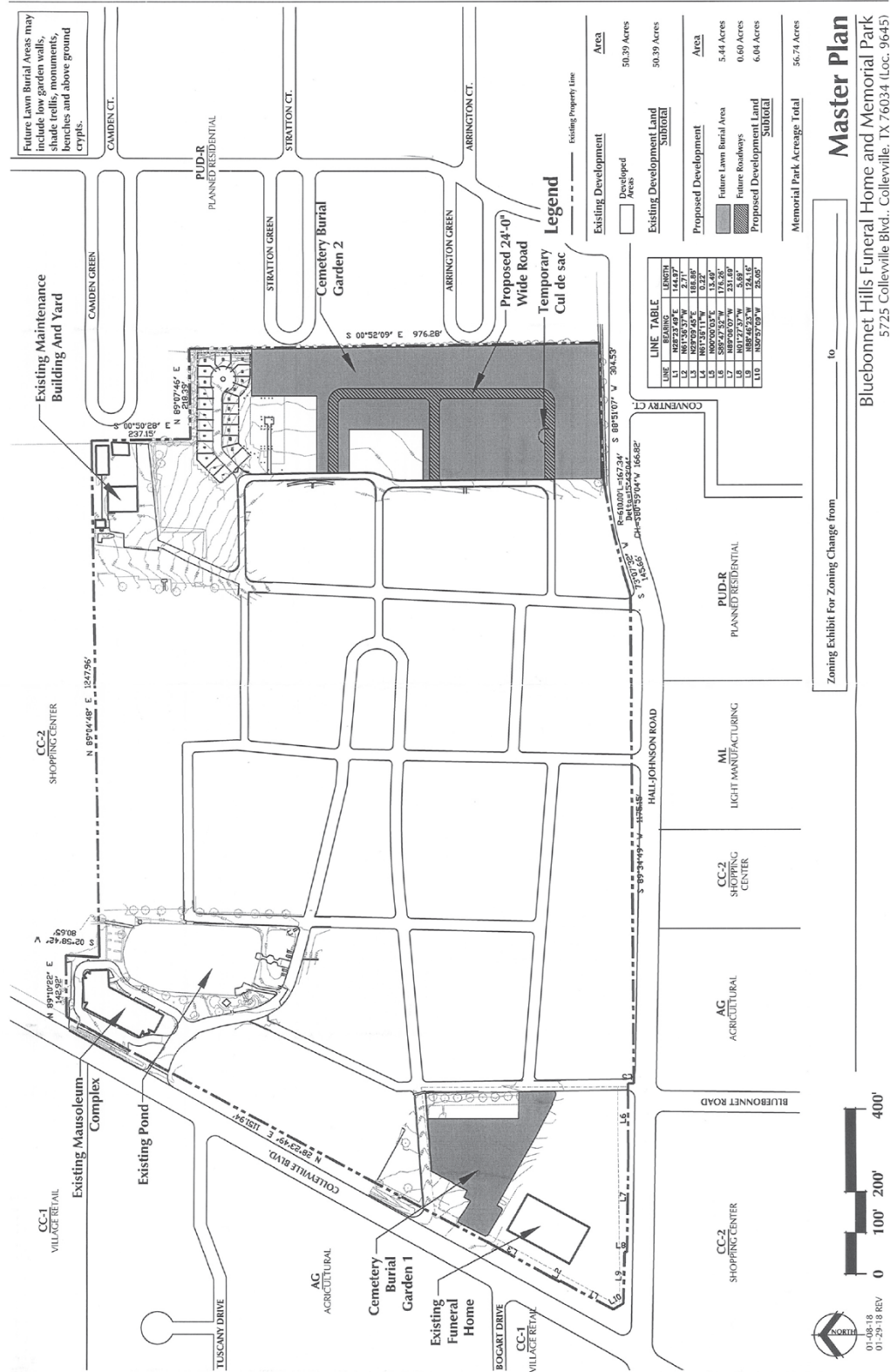
p (714)434.9803

f (714)434.9109

mgreen@clarkgreen.com

www.clarkgreen.com

Exhibit "C" – Zoning Exhibit





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3f	Agenda Date 06/11/2018	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of amendments to the Land Development Code, specifically Chapter 1 – General Provisions, Chapter 4 – Landscaping and Buffering, and Chapter 6 – Commercial Design Standards

Explanation

The City Council had instructed staff to review and propose amendments to each chapter within the City's Land Development Code (LDC). City staff has already reviewed the attached chapters with the City Council at their recent worksession meetings. The process for adopting amendments to the LDC include formal review and recommendation by the Planning and Zoning Commission followed by formal review and approval by the City Council.

The attached chapters are the beginning of the formal adoption process. The remaining chapters will be brought forward over the next several months until the entire Land Development Code has been reviewed.

Recommendation

Approve

Attachments

1. Ch. 01 General Provisions - Redline v3 (05.21.18)
2. Ch. 04 Landscaping and Buffering - Redline v2 (05.21.18)
3. Ch. 06 Commercial Design Standards - Redline v2 (05.25.18)

Chapter 1

General Provisions

Rev. 05/04/2010

Section 1.1 Title

This document shall be known and may be cited as the Land Development Code of the City of Colleyville, Texas.

Section 1.2 Applicability

The provisions of this Land Development Code shall apply to all lots, parcels of land, rights-of-way, buildings and structures located within the Corporate Limits of the City of Colleyville.

Section 1.3 Authorization for Adoption of This Land Development Code

The regulations contained in the various chapters of this Land Development Code have been adopted upon approval of an ordinance, after public hearing, by the City Council of the City of Colleyville in accordance with the authority described within each chapter and the following:

1. *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; and.
2. *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 1.4 Purpose of the Land Development Code

The purpose of this Land Development Code is to promote the health, safety, and general welfare of the community and to:

1. combine zoning, subdivision and other regulations into a single document that can be used for development of property and public facilities in Colleyville, Texas;
2. establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions of subdivided land;
3. provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the entire community be borne by the community as a whole; and
4. avoid overlapping, conflicting or inconsistent regulations found in land use control systems consisting of separate zoning, subdivision, and other ordinances.

Section 1.5 Purpose of This Chapter

The purpose of this Chapter is to:

1. establish rules, regulations and procedures for the administration of this Land Development Code and to establish the process for amending this Code;

2. establish regulations which describe the process for considering waivers, variances and appeals regarding this Land Development Code; and
3. establish specific boards and commissions responsible for considering requests for a waiver or variance from a regulation or to hear an appeal of a decision of an Administrative Official authorized to enforce and administer this Land Development Code.

Section 1.6 Administration and Enforcement

The provisions of the Land Development Code shall be administered, interpreted and enforced by the City Manager, his designee, or by the administrator designated within this Code.

Section 1.7 Fees

The schedule of fees and charges associated with application filing, processing, plan review, or any other fee required by provisions of this Land Development Code, shall be established by the City Council. Furthermore, until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal authorized by this Land Development Code. Fees required by this Land Development Code shall not be refundable, except where a specific provision provides for refunding.

Section 1.8 Compliance Required

All land, buildings, structures or appurtenances thereon located within the City which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the regulations prescribed herein. In their interpretation and application, the provisions of these regulations shall be construed to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals and general welfare. Land used in meeting the requirements of this Land Development Code with respect to a particular use or building shall not be used to meet the requirements for any other use or building. No approval, authorization to proceed, or issuance of any certificate or permit shall be construed as an approval of a violation of the provisions of this document or of other ordinances of the City of Colleyville. Certificates presuming to give authority to violate or cancel the provisions of this document or of other ordinances of the jurisdiction shall be void.

Section 1.9 Certificate of Occupancy Required

Certificate of Occupancy requirements shall be in accordance with the currently adopted Building Code(s) in effect at such time.

1.9.A CERTIFICATE REQUIRED PRIOR TO OCCUPANCY

~~No building, or portion thereof, or parcel of land shall be occupied or used until a certificate of occupancy has been issued by the City. Furthermore, no non-residential building, or portion thereof, or parcel of land shall change in use or occupancy until a certificate of occupancy has been issued by the City. A current certificate of occupancy is required on all land, buildings, or portions thereof except non-habitable accessory buildings. Failure to comply with this provision may result in the issuance of a citation and/or constitute basis for denial of or disconnection from City utilities or to require a franchised utility company to do likewise.~~

1.9.B CONNECTION TO UTILITIES

~~No connection to the City utility systems shall be allowed unless and until a certificate of occupancy has~~

Commented [EW1]: The International Building Code (IBC) and International Residential Code (IRC) contain provisions for CO's and this language is contradictory or otherwise in conflict

been issued by the City Inspector. However, temporary connection of utilities for a specified duration may be authorized by the City Inspector for the purpose of clean up, construction or other such purposes.

1.9.C RECORDS

The Building Inspection Office shall maintain a record of all buildings or parcels of land for which a Certificate of Occupancy has been issued.

1.9.D CERTIFICATE OF OCCUPANCY APPLICATION

Application for a certificate of occupancy shall be made to the Building Inspection Office. No application for a certificate of occupancy shall be approved which does not, at a minimum, contain the following information: business name, business address, business phone number, type of proposed use, business owner, business owner's address, business owner's phone number and emergency phone number, applicant's driver's license number, applicant's date of birth, and applicant's signature.

1.9.E DISPLAY AND STATUS OF CERTIFICATE OF OCCUPANCY

1. All non-residential occupancies shall display a certificate of occupancy on the site and in a conspicuous place.
2. The holder of a certificate of occupancy for a non-residential occupancy is required to notify the Building Inspection Office of any change of address, name changes, or other pertinent information listed on the certificate of occupancy application.

Section 1.10 Project Under Construction at Time of Code Adoption

DELETE THIS SECTION

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction within the city on the effective date of this document and which entire building shall be completed within one (1) year from the effective date of the document or which building shall be maintained under continuous construction even though not completed within one (1) year. Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued while such permit is valid and provided the building shall have been started within 180 days of the date of issuance of the permit and which entire building shall be maintained under continuous construction even though not completed within one (1) year.

Commented [EW2]: Time limitations are already addressed in the currently adopted building codes

Section 1.11 Compliance Required for Building Permits & Utility Services

DELETE THIS SECTION

No building or structure may be erected, constructed or installed on any lot, tract or parcel of land and public utilities shall not be extended or connected to a building or structure unless the lot, tract or parcel of land is in compliance with the provisions and requirements of this Land Development Code and all applicable Building Permits and authorizations to proceed are first obtained.

Commented [EW3]: Language is stating the obvious and utility connections are addressed by current codes and/or policies

Section 1.12 Waivers and Appeals - Generally

Any person seeking approval of a development as required by this Land Development Code may request a waiver of or a variance from a requirement contained in this Code, or appeal a decision of an Administrative Official by submitting a request using the procedures described in this Chapter. Due to the unique arrangement and statutory organization of this Land Development Code, provisions for waivers, variances and appeals of administrative decisions vary from chapter to chapter. The following table shows the approval authority for waiver, variance and appeal requests for the specific chapters of this Land Development Code.

Approval Authority for Waiver, Variance and Appeal Requests					
Chapter Title	City Council	P & Z Commission	ZBA	Sign Board	Staff
Chapter 2 – Definitions	N/A	N/A	See Section 1.16	N/A	N/A
Chapter 3 – Land Use	See Section 1.13	N/A	See Section 1.16	N/A	N/A
Chapter 4 – Landscaping & Buffering	N/A See Section 4.4	N/A See Section 4.4	N/A	N/A	See Section 4.6 N/A
Chapter 5 – Tree Preservation	See Section 1.13	See Section 1.14	N/A	N/A	N/A
Chapter 6 – Building Design	See Section 1.13	See Section 1.14	N/A	N/A	N/A
Chapter 7 – Sign Regulations	See Section 1.13	N/A	N/A	See Section 1.15	N/A
Chapter 8 – Platting Procedures (except perimeter streets)	See Section 1.13	See Section 1.14 & 7.2	N/A	N/A	N/A
Perimeter streets	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 9 – Subdivision Design & Required Facilities	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 10 – Private Streets & Entrance Gates	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 11 – Park Land Dedication	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 12 – Erosion Control	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 13 – Impact Fees	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 14 – Engineering Design	See Section 1.13	N/A	N/A	N/A	N/A
Chapter 15 – Public Works Construction Details	See Section 1.13	N/A	N/A	N/A	N/A

Note to table above: N/A – Not Authorized

Section 1.13 Waivers and Appeals – City Council

- A. Where specifically provided for in this Land Development Code, the City Council shall have the authority to consider requests for a waiver or to hear and decide an appeal from an administrative decision on a regulation. The City Council may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.
- B. Notwithstanding any provision of this Land Development Code relating to waiver procedures contained herein, and to the extent not otherwise prohibited by State law, the City Council shall have the authority to directly consider requests for a waiver to any regulation contained herein in connection with the construction of a mutual access easement/drive adjacent to a Major Arterial as defined in the Master Thoroughfare Plan. The City Council may approved, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety,

health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

Section 1.14 Waivers and Appeals – Planning and Zoning Commission

Where specifically provided for in this Land Development Code, the Planning and Zoning Commission shall have the authority to consider a waiver or ~~to~~ hear and decide an appeal from an administrative decision on a regulation. The Planning and Zoning Commission may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

Section 1.15 Waivers and Appeals – Sign Board of Appeals

Note: Section 1.15 replaced in its entirety. (Ord. O-03-1414 / 09-02-2003)

- A. Creation of Sign Board of Appeals – There is hereby created a Sign Board of Appeals consisting of five (5) members and two (2) alternate members, each to be appointed by the Council for a two year term, or until a successor is appointed. Three members of the Board and one (1) alternate member shall be selected in even numbered years and two members and one (1) alternate member in odd numbered years. In the event of a vacancy, the Council shall appoint a member to serve for the unexpired term. Alternate Board members shall serve in the absence of regular members. The Sign Board of Appeals shall consist of the same members and officers as the Zoning Board of Adjustment.
- B. Authority of the Sign Board of Appeals – The Sign Board of Appeals shall have the authority to hear and decide on requests for a variance from the requirements contained in *Chapter 7 – Sign Regulations* of this Land Development Code. The Sign Board of Appeals shall also have the authority to hear and decide an appeal of an administrative decision on a regulation contained in *Chapter 7 – Sign Regulations* of this Land Development Code. The authority established under this paragraph shall be applicable to a definition contained in *Chapter 2 – Definitions* of this Land Development Code required for the administration and enforcement of the provisions of *Chapter 7 – Sign Regulations*.
- C. Quorum and Organization – Four members of the Sign Board of Appeals shall constitute a quorum. In the event of the absence of the Chairman and Vice-Chairman, the four members constituting the quorum shall elect for that meeting a member to preside as Acting Chairman and to assume all duties of the Chairman.
- D. Meetings, Hearings and Rules of Procedures – The Board shall adopt rules of procedure for the conduct of its meetings. Meetings shall be held at the call of the Chairman or at such times as the Board may determine. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and the rules of procedure adopted by the Sign Board of Appeals. Such rules of procedure may be amended by the Sign Board of Appeals membership. The minutes of the meetings shall be recorded, showing the vote of each member upon the question, and shall be made a matter of public record. The concurring vote of four members of the Board shall be necessary to render a decision on any matter before the Board. The Sign Board of Appeals shall meet monthly, provided there has been an appeal or request for variance filed with the ~~Building Administrative~~ Administrative Official on or before the last date to receive applications prior to the scheduled meeting date. The Building Official shall publish a calendar establishing such final application dates.
- E. Variance – A person may request a variance from a requirement contained in *Chapter 7 – Sign Regulations* by filing said request with the building official ~~Administrative Official~~. A request for a variance shall be accompanied by a non-refundable filing fee. The filing fee shall be established by separate ordinance by the City Council. A request for variance shall be referred for consideration to the Sign Board of Appeals. In considering a request for a variance, the Sign Board of Appeals shall consider,

Commented [EW4]: Provision should not list a specific position

Commented [EW5]: Provision should not list a specific position

among other things, the degree of variance, the reason for the variance requested, the location of the variance request, the duration of the requested variance, the effect on public safety, the protection of neighborhood property, the degree of hardship or injustice involved, and the effects of the variance on the general plan of regulation of signs within the City.

- F. Fees – No action shall be taken on any application submitted to the Sign Board of Appeals until all applicable fees have been paid in full. No refund of any application fee shall be made after the request has been advertised and scheduled for consideration by the Board.
- G. Public Hearing and Written Notification – No action to approve or deny any application shall be taken until the Board has held a public hearing and received comment, and only after written notice of the public hearing of the date, time and place where the variance request is to be considered has been sent to the owners of real property lying within ~~two hundred one thousand~~ (2001,000) feet of the property where the application is being considered. Such notice shall be given to each property owner as listed on the last approved tax roll not less than fifteen (15) days before the date set for hearing by depositing letters properly addressed and postage paid in the United States Post Office.
- H. Appeal to City Council – The decision by the Sign Board of Appeals shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Board. The enforcement official shall re-notify all property owners lying within ~~two hundred one thousand~~ (2001,000) feet of the area being considered and place the applicant's appeal request on the next available agenda for consideration by the City Council.

Commented [BB6]: Increased for more notification coverage; several locations in this chapter

Section 1.16 Variances & Appeals – Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the authority to consider requests for a variance of a zoning regulation or to hear an appeal from an administrative decision on a regulation in *Chapter 3 – Land Use Regulations*; ~~and Chapter 4 – Landscaping and Buffering; and Chapter 6 – Building Design (except for requests regarding tree mitigation requests which are considered by the Planning and Zoning Commission).~~ The Zoning Board of Adjustment shall additionally have the authority to consider requests for an interpretation of any regulation or definition contained in this Land Development Code. The rules and procedures contained in this section shall be applicable to such request.

Commented [BB7]: Authority for Chapter 6 is the P&Z Commission

~~1.16-A~~ **1.16-B** **ZONING BOARD OF ADJUSTMENT ESTABLISHED**

A Zoning Board of Adjustment is hereby established, which shall consist of five (5) members and two (2) alternates, each to be appointed for a two (2) year alternate term by the City Council. All vacancies occurring on the Zoning Board of Adjustment shall be filled by appointment by the City Council. Each year after a new term begins members shall elect a Chairman and Vice-Chairman, a new term beginning at the first meeting in October. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected. The City Council shall appoint two (2) alternate Board members to serve in the absence of regular members.

~~1.16-B~~ **1.16-B** **PROCEEDINGS**

The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman or Vice-Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

Said Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be made a matter of public record and be immediately filed in the office of the City and maintained by the person acting as City Secretary.

1.16.C. HEARINGS; APPEALS; NOTICE

Appeals to the Zoning Board of Adjustment concerning interpretation or administration of a regulation may be taken by any person aggrieved or by any officer, agency, department or commission of the governing body of the City affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed fifteen (15) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official on behalf of the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as written notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by an agent or attorney.

1.16.D. STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

1.16.E. JURISDICTION OF ZBA

When in its judgment the public convenience and welfare will be substantially served, the Board of Adjustment may issue appropriate orders to the Administrative Official to guard against future error; and to promulgate appropriate procedure in addition to that under which the Administrative Official already operates. When the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may in specific cases, after public notice and public hearing, (subject to appropriate conditions and safeguards and in accordance with Section 211.009, Local Government Code, V.T.C.A.), authorize the following variances and special exceptions to the regulations herein established and take action relative to the continuance or discontinuance of a nonconforming use. Thus, the Board has jurisdiction to:

1. Hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the Administrative Official in the enforcement of this code.
2. Interpret the intent of the Zoning District Map where uncertainty exists because the physical features, on the ground vary from those on the Zoning District Map and none of the rules set forth in *Chapter 3 – Land Use, Section 3.5.C - "Rules For interpretation of District Boundaries"* apply.
3. Approve the use of a lot or lots in a residential district contiguous to (even if separated by a street or alley) an apartment, office, retail, commercial or industrial district for off-street parking of passenger vehicles subject to such standards and safeguards as are appropriate for the protection of adjacent residential uses.
4. Initiate on its motion or cause presented by interested property owners an action to bring about the discontinuance of a nonconforming use in accordance with the following:
 - a. Require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.
5. Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of *Chapter 3 – Land Use* of this Land Development Code.

6. Permit the enlargement of a nonconforming use in accordance with the provisions of *Chapter 3 Land Use* of this Land Development Code.
7. Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure and provided that such actions conform to the non-conforming provisions of *Chapter 3 – Land Use* of this Land Development Code.
8. Require the vacation and demolition of a nonconforming structure, which is deemed to be obsolete, dilapidated or substandard.
9. Vary the provisions and conditions required for the development of off-street parking facilities when such variations are found to be in the interest of the area and necessary to secure reasonable parking use of a specific parcel of land.
10. Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, off-street parking or off-street loading or visibility obstruction regulations where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district.
11. Permit such variances of fence heights when in the opinion of the Board such fence will not adversely affect neighboring property.

1.16.F SPECIAL EXCEPTIONS; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES

A special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is required.
2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least fifteen (15) days prior to the public hearing. All property owners within ~~two-hundredone thousand~~ (2001,000) feet of the property shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing.
3. The public hearing shall be held. Any party may appear in person, or by an agent or attorney.
4. The Zoning Board of Adjustment shall make a finding that it is empowered to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
5. In granting a special exception, the Zoning Board of Adjustment may also prescribe a time limit for which the special exception may continue. Failure to comply with this requirement stipulated by the Board shall void the special exception permit issued.
6. Violation of any reasonable provisions, conditions and safeguards that are made a part of the terms under which the special exception permit granted shall be deemed in violation of this

ordinance and punishable under the penalty section of this Land Development Code.

1.16.G VARIANCES; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES

The Zoning Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
 - e. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which requested variance is sought or his agent shall be notified by certified mail. Notice of such hearings shall be posted at the City Hall; and one time in the official publication of the City, stating the time, place and nature of such hearing, at least fifteen (15) days prior to the public hearing. All property owners within ~~two-hundredone thousand~~ (2001,000) feet of the property shall be notified by mail not less than fifteen (15) days prior to the date of the public hearing.
3. The public hearing shall be held. Any party may appear in person, or by an agent or by attorney.
4. The Zoning Board of Adjustment shall make findings that the applicant has met the requirements of paragraph 1 above.
5. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. The Zoning Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under the penalty section of this Land Development Code.

Under no circumstances shall the Board grant a variance to allow a use not otherwise permissible under this section in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

1.16.H DECISION OF ZONING BOARD OF ADJUSTMENT

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Land Development Code, or to effect any variation in the application of this ordinance.

1.16.I APPEAL PROCEDURES - ZBA

1. Any person or persons, or any board, taxpayer, department, commission or agency of the City aggrieved by any decision of the Zoning Board of Adjustment may seek review by a court of record of such decision, and under the time limit specified in Section 211.011, Local Government Code, V.T.C.A. If no appeal has been taken from the Zoning Board of Adjustment ruling within the time limit specified under the above mentioned Article, the Board's ruling shall be final.
2. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by law.
3. It is further the intent of this ordinance that the duties of the City Council in connection with this section shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this ordinance the City Council shall have only the duties of considering and adopting or rejecting proposed amendments, or the repeal of this ordinance, as provided by law.
4. Conditions: The Board or City Council, as may apply, is empowered to impose upon any variance or special exception any condition reasonably necessary to protect the public interest and community welfare.

Section 1.17 Reserved**Section 1.18 Amending the Land Development Code**

The regulations and restrictions imposed by this Land Development Code and the districts and boundaries created by the Official Zoning Map may be amended from time to time using the procedures provided in this section.

1.18.A AMENDING A SUBDIVISION PLAT REGULATION

A subdivision plat regulation as contained in Chapters 8, 9, 10, 11, 12, 14 & 15 of this Land Development Code, may be amended upon adoption of an ordinance approved by the City Council after public hearing. Notice of said public hearing to be given in a newspaper having general circulation in the city not less than ten ~~fifteen~~ (10) days prior to the hearing. The City Council may request the recommendation of the Planning and Zoning Commission on any proposed amendment to a plat regulation. Said amendment shall be additionally subject to the standard rules, regulations and procedural requirements established in Chapter 212 – Local Government Code and Article VI – Charter of the City of Colleyville.

Commented [BB8]: Current practice is 15 days

1.18.B AMENDING A ZONING REGULATION OR THE OFFICIAL ZONING MAP

The City Council may from time to time amend, supplement, change, modify or repeal the regulations and restrictions imposed in Chapter 1 – General Provisions; Chapter 2 – Definitions; or Chapter 3 – Land Use, of this Land Development Code, and the districts and boundaries described on the Official Zoning Map, using the procedures described in this section. Such amendment shall additionally be subject to the rules and procedures in Chapter 211 – Local Government Code, and Article VI of the Charter of the City

of Colleyville.

1. Zoning Regulation Amendments – Any person or corporation may petition the City Council for a change or amendment to the provisions of these regulations; or the Planning and Zoning Commission or City Council may, on its own motion, initiate study and proposal for changes or amendments to a zoning regulation in the public interest.
2. Zoning District Boundary Changes – Any person or corporation having a proprietary interest in a parcel of land may request a change in zoning on such property; or the Planning and Zoning Commission or City Council may, on its own motion, initiate proceedings to consider a change in zoning on a parcel of land. All requests for a change in zoning shall be submitted, together with the required fee, to the Administrative Official, which officer shall cause notices to be sent and the request placed on the Planning and Zoning Commission agenda. Only one application for a zoning change will be considered at any one time on a parcel of land. No additional rezoning application on a parcel of land will be considered until final action of any pending application has been completed, subject to the time limits imposed elsewhere in these regulations.
3. Fees – Until all applicable fees, charges, expenses and delinquent city, county, and school taxes have been paid in full, no action shall be taken on any zoning application. No refund of any application fee shall be made after the request has been scheduled for consideration by the Commission.
4. Commission Public Hearing and Written Notification - Before making report of an application for a planned development, special use permit, or proposed amendment to a zoning regulation or zoning district boundary, the Planning and Zoning Commission shall hold a public hearing and receive comment in accordance with the following:
 - a. No less than ~~ten~~ fifteen (1015) days notice of the time, place and nature of the public hearing shall be published in publication having general circulation in the city of Colleyville.
 - b. When a proposed change affects a specific tract of land, written notice of the public hearing shall be sent to all owners of real property lying within ~~two hundred one thousand~~ (2001,000) feet of the area being considered. Such notice to be given to each property owner as listed on the last approved tax roll not less than ~~ten~~ fifteen (1015) days before the day set for hearing by depositing letters properly addressed and postage paid in the United States Post Office. The applicant will be sent notice by certified mail. The land area within 200 feet of the proposed request shall be used to calculate whether a protest against the request would require a super-majority vote of the City Council to approve the request.
 - i. Alcohol and Package Store SUP Requests – When a rezoning application includes a provision for a Special Use Permit for the sale of alcoholic beverages or a package store, the written notification of the public hearing stated in the preceding paragraph shall be sent to all owners of real property lying within five hundred (500) feet of the area being considered. The land area within 200 feet of the proposed Special Use Permit shall be used to calculate whether a protest against the request would require a super-majority vote of the City Council to approve the Special Use Permit. (Ord. O-03-1399 / 04-15-2003).
5. Sign Posting - The Administrative Official is directed to cause a sign to be placed upon the property clearly visible to passersby, which states that the property is the subject of a rezoning application (or words of like intent). The sign shall be posted at least ten (10) days prior to the hearing and shall remain posted until the hearing. Failure to perform this particular notice provision shall, however, in no way prevent the Planning and Zoning Commission from hearing the application and disposing of the issues involved on the hearing date.
6. Report of Commission – After a public hearing, the Planning and Zoning Commission shall vote on the proposal and report its recommendation to the City Council. The proposal, as recommended by the Commission, shall be placed on the next available City Council agenda, provided proper notice has been given.

Commented [BB9]: Current practice is 15 days; same as ZBA notice

Commented [BB10]: Current practice is 15 days; same as ZBA notice

Commented [BB11]: Similar practice as outlined for Alcohol & Package Store SUP Requests in the paragraph below.

- a. *Amended Proposals*: The Planning and Zoning Commission may consider a request from the applicant to amend the proposal without additional notification of adjacent property owners, provided that the amended request is determined by the Commission as being more restrictive than the initial request and the boundary or content of the amended request is not expanded.
 - b. *Notice of Appeal*: Denial of the proposal by the Planning and Zoning Commission shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Commission. The Administrative Official shall re-notify all property owners lying within two hundred (200) feet of the area being considered and place the applicant's rezoning request on the next available agenda for consideration by the City Council.
 - c. *Failure to Act Provision*: Failure by the Commission to act on an amendment within sixty (60) days of the first date of public hearing shall be considered a recommendation for denial of the amendment.
7. City Council Public Hearing and Newspaper Notice - A zoning regulation or a zoning district boundary may be amended by the City Council upon adoption of an ordinance, but no amendment shall be made without public hearing before the City Council. No less than fifteen (15) days notice of the time, place and nature of such hearing shall be published in publication having general circulation in the City of Colleyville. No amendment to a regulation or to a district boundary shall be considered by the City Council until a report of the proposed amendment has been made by the Planning and Zoning Commission. Unless denied by the Planning and Zoning Commission, every rezoning request receiving final approval of the Commission shall be forwarded to the City Council for consideration, unless the applicant has requested the proposal be withdrawn. The City Council may refer any amended rezoning request back to the Planning and Zoning Commission for further study and recommendation.
 8. Special City Council Voting Requirements - No change of which the Planning and Zoning Commission has recommended denial or in case of a protest against such change, signed by the owners of twenty (20) percent or more of either the area of lots or land included in such proposed change, or lots or land immediately adjoining same and extending two hundred (200) feet therefrom, filed with the City Secretary, shall be passed except by a favorable vote of three-fourths (3/4) of all members of the City Council. In computing the percentage of land area, the area of streets and alleys shall be included in the computation.
 9. Withdrawal - Any proposal or application that is withdrawn by the applicant before a vote is considered by the City Council shall not be subject to the time limit for submittal of a new application.
 10. Time Limit for Re-submittal - No one shall request a zoning change on the same parcel of property more often than once every twelve (12) months. However, a request for a change of zoning of a parcel of property to a different zoning classification than that previously requested may be filed as frequently as desired.
 11. Submittal Requirements for Zoning District Change - Every petition for a zoning district change shall be accompanied by supporting documents of the area petitioned for a zone change. In general the petitioners shall submit a drawing and supporting documents as follows:
 - a. ~~Scale - No smaller than 1/4" = 100'~~
 - b. ~~Zoning and use of adjacent property~~
 - c. ~~Vicinity Map - showing location of the land within the community~~
 - d. ~~Physical features - The location of existing streets, water courses, railroads, etc., on and adjacent to the subject property~~

- e. 100-year flood plain limits within the subject property
- f. Legal description (metes and bounds) of the total site area proposed for rezoning, development, or special use permit to be included on the Zoning Exhibit and submitted on a separate letter or legal size single page.

Concept Plan – The Concept Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:

- a. Proposed layout, indicating the approximate size and dimensions of all residential lots
 - b. Proposed land uses and building locations
 - c. Landscaping, lighting, fencing and screening of common areas
 - d. General locations of existing tree clusters
 - e. Location and construction type of perimeter fencing
 - f. Design of ingress and egress with description of any special pavement treatments
 - g. Location and description of subdivision signs and landscaping at entrance areas
 - h. Street names on all proposed streets
 - i. Drainage Analysis – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in Chapter 14 – Engineering Design Standards of the Land Development Code.
 - j. For properties with significant slope, cross section exhibits shall be required showing the impact of the proposed development with adjacent properties.
- Exception: A change of zoning application may be submitted and approved without a Concept Plan if the scale of the request does not justify preparation of the plan.

g. Preliminary drainage study.

12. **Special Application Requirements** - Site Plan and Supporting Documents Required - Every petition for a zoning district change to R-D, R-MF, MH, C-PO, CN, C-C and M-L and all Special Use Permit requests shall additionally be accompanied by a site plan and supporting documents of the area petitioned for a zone change. The purpose of the site plan is to illustrate the logical arrangement of the elements on the land and to show relationships of elements to each other.

The petitioner is encouraged to meet with the appropriate city staff member in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the City initiating the advertisement for public hearing on the petition. The Administrative Official may waive the site plan requirement altogether when appropriate.

The general type and extent of site plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

- a. Site Plan, meeting all of the requirements of a "Preliminary Plat" Section 3.31.D Site Plan Approval Required as described in the City's subdivision regulations Land Use chapter, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project petition. Additional site plan drawing information which the reviewing body may require include:
 1. Existing and proposed zoning district classifications and boundaries;
 2. General outline of extensive tree cover areas;
 3. Drainage ways and 100-year flood plain limits;

Commented [BB12]: New regulation for Concept Plan & Preliminary Drainage Study requirement

Commented [BB13]: Added per Council direction

Commented [BB14]: In rare situations a site plan may not be warranted based on the limited scale of the zoning request

4. Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;
5. Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;
6. A graphic illustration showing the location of proposed buildings, driveways and all physical elements and a tabular summary schedule indicating:
 - a) The gross acreage and percent of each type of zoning category proposed;
 - b) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multifamily, townhouse, etc., including the total gross project acreage;
 - c) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half of any abutting street, only;
 - d) The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.;
 - e) Proposed maximum lot coverage by building types (i.e., one-family, multifamily, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.
- b. Architectural Drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
- c. Written Documents, in narrative form on 8-1/2" X 11" sheets, including:
 1. Statement(s) on planning objectives to be achieved in the land use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.
 2. Legal description of the total site area proposed for rezoning, development or special use permit.
 3. A development schedule, if any, indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases can be expected to begin and be completed, to the best of the applicant's knowledge and belief.
 4. A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application.
 5. Statement(s) as to how and when the applicant proposes to provide water and sewer to the development.
 6. Signature(s) and title(s) of the applicant(s) and preparer(s) of the written documents certifying the information presented in all of the plans and supporting documents reflect a reasonably accurate portrayal of the general nature, character and feasibility of the applicant's proposals. All signatures will be dated.

13. Traffic Impact Analysis - When a proposed development is projected to generate more than 1000 vehicle trips per day, a traffic impact analysis shall be required with the rezoning request. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public Services. 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.

1.18.C RESERVED

1.18.D AMENDING ALL OTHER REGULATIONS

A regulation contained in any of the other Chapters of this Land Development Code that have not been previously mentioned may be amended upon adoption of an ordinance approved by the City Council after public hearing. Notice of said public hearing to be given in a newspaper having general circulation in the city not less than ~~ten~~ fifteen (1015) days prior to the hearing. The City Council may request the recommendation of the Planning and Zoning Commission on any proposed amendment. Amendments shall be additionally subject to the standard rules, regulations and procedural requirements established in Chapter 51 – Local Government Code and Article VI of the Charter of the City of Colleyville.

Commented [BB15]: Current practice is 15 days

Section 1.19 Violations and Penalties

Any person, firm or corporation violating any of the provisions of this Land Development Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00), unless a lesser fine is provided for in the section of the Code so violated. Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, engineer, planner, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Section 1.20 Relationship to Other Laws and Restrictions

It is not intended by this Land Development Code to interfere with or abrogate or annul any other resolution or rule, regulation or permit, previously adopted or issued or which shall be adopted or issued, not in conflict with any of the provisions contained herein; nor is it intended by this Land Development Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Land Development Code imposes a greater restriction upon land, buildings, or structures than is imposed by other ordinances, covenants, restrictions or agreements, then the provisions of this Code shall govern. If other ordinances are more strict than this Code, then the more strict provisions shall prevail.

Section 1.21 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict only.

Section 1.22 Severability Clause

It is hereby declared to be the intention of the City Council of the City of Colleyville, that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 1.23 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-03-1399	04/15/2003	500 foot notification for alcohol SUP requests
O-03-1414	09/02/2003	Sign Board of Appeals authority
O-10-1750	05-04-2010	Addition of Package Store SUP Requirements
O-17-2006	02/21/2017	Council approval for certain Mutual Access Easements

Chapter 4 Landscaping and Buffering

Rev. July 15, 2003

Section 4.1 Purpose of This Chapter

The purpose of this Chapter is to establish rules and regulations for the minimum placement of landscaping materials in certain zoning districts.

Section 4.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *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. This Chapter is also adopted under the authority of *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 4.3 Applicability of This Chapter

The provisions of this Chapter shall be applicable as follows:

1. For all new construction; or,
2. When an existing building is proposed for remodeling, alteration, addition, or expansion, and the proposed construction value exceeds fifty (50%) percent of the current appraised value of the existing structures, excluding the value of the land; or,
3. When an existing building is proposed for an addition that will increase the square footage of the existing building by twenty (20%) percent or greater; or,
4. As a requirement of the approval of a Special Use Permit or Planned Unit Development.
5. For purpose of this regulation, the value shall be that shown on the most recent tax roll of the Tarrant Appraisal District.

Section 4.4 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance 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 of this Land Development Code to the Administrative Official. The City Council, after review and recommendation by the Planning and Zoning Commission, shall have the authority to consider requests for a waiver or to hear and decide an appeal from an administrative decision on a regulation. The City Council may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or injurious to other property. The applicant shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal~~

Commented [BB1]: Currently the ZBA; proposing authority to the P&Z Commission and Council.

Section 4.5 Definitions

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

Code.

Section 4.6 Required Landscaping

For zoning districts "CPO, CN, CC1, CC2, CC3, ML, PUD-C, PUD-I" and institutional uses including churches, schools and governmental facilities in any district.

Commented [BB2]: Clarification to applicability

1. Intent -The intent of this ordinance is that landscaping shall not be limited to only the application of turf or grass; but landscaping shall include the coordinated planting (or retention) of grass, shrubs, ground cover, flowering plants, and trees and the grading or moving of earth to form a visually aesthetic and pleasing environment. The review of all site plans will consider the applicant's efforts in coordinating a variety of plant materials with the physical features of the property.
2. Landscaping Completed Prior to Issuance of Certificate of Occupancy - All landscaping shall be installed prior to the issuance of a Certificate of Occupancy. A permanent Certificate of Occupancy will be issued only when it is determined by the building official that all landscaping has been installed in accordance with the approved landscape plan. If it is determined, by the Building Official that planting of live material is hindered by adverse weather conditions, a temporary Certificate of Occupancy may be issued for a period up to three months.
3. Required Landscape Mixture - Twenty percent (20%) of the total land area in any proposed development shall be landscaped. At least fifty percent (50%) of the total landscaped area shall be located in the street yard(s) (Exhibit "4-A"). In order to insure for a variety of plant materials the following minimum requirements for grass, shrubs, and trees shall be provided:
 - a. All ground surfaces not used for buildings, sidewalks, roadways or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching.
 - b. Shrubs: Shrubs shall be provided such that one 18" in height plant or five (5) gallon plant shall be planted on-site for each five (5) lineal feet of public street rights-of-way located adjacent to the property.
 - c. Trees: Landscaping shall include the retention or planting of one (1) three (3) inch caliper tree per each forty (40) feet of street frontage on collector streets, or larger, as shown on the Master Thoroughfare Plan, which shall be included in the twenty (20) percent required landscaping. These trees are to be planted ~~on~~ along the street frontage.
 - d. Landscape Plans Required: Prior to the issuance of a building permit for any non-residential use, a Landscape Plan shall be submitted, as an element of the required site plan, to the City Manager or his appointed designee. The City Manager or his appointed designee, which may be either a staff member or other official body of the City, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accordance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
 - e. Content of Landscaping Plans: Landscaping Plans shall be prepared by a Texas Licensed landscape architect. Landscape Plans shall contain the following information:
 1. Minimum scale of one inch equals 40 feet except as approved by the City Manager or his approved designee;
 2. Location of all trees to be preserved;
 3. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
 4. Species of all plant material to be used;
 5. Size of all plant material to be used;
 6. Quantity and spacing of plant material where appropriate;
 7. A general layout and description of irrigation, sprinkler or water systems, including placement

- of water sources as designed by a licensed irrigator;
8. Description of maintenance provisions for the Landscape Plan;
 9. All Landscape Plans to be sealed by a Texas Licensed Landscape Architect;
 10. Provide planting and irrigation specifications as part of the Landscape Plan;
 11. Provide name and address of the owner, location of the subject property, surrounding zoning, utility lines, water mains and easements, public or private streets and drives;
 12. Provide a general grading and drainage plan.
- f. Description of Planting Material: Landscape plant material may be selected from the following list, however the applicant may use other plant material not listed if it is determined to be an appropriate and functional element of the landscape plan.

1. Over-story Trees (Range from 30 to 60 feet)

Common Name	Botanical Name
Bald Cypress	<i>Taxodium distichum</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Pecan	<i>Carya illinoensis</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Bur Oak	<i>Quercus macrocarpa</i>
Red Oak	<i>Quercus shumardii</i>
Sweet Gum	<i>Liquidambar styraciflua</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Live Oak	<i>Quercus virginiana</i>

Common Name	Botanical Name
Western soapberry	<i>Sapindus drummondii</i>
Post Oak	<i>Quercus stallata</i>
Black Jack Oak	<i>Quercus marilandica</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Southern magnolia	<i>Magnolia grandiflora</i>
Slash pine	<i>Pinus elliotii</i>
Japanese black pine	<i>Pinus thunbergii</i>
Austrian pine	<i>Pinus nigra</i>
Afgan pine	<i>Pinus eldarica</i>

2. Accent Trees (Range from 10 to 20 feet)

Common Name	Botanical Name
Redbud	<i>Cercis canadensis</i>
Crape myrtle	<i>Lagerstroemia indica</i>
Yaupon holly	<i>Ilex vomitoria</i>
Bradford pear	<i>Pyrus calleryana</i>
Texas sophora	<i>Sophora affinis</i>
Wild plum	<i>Prunus americana</i>

Common Name	Botanical Name
Crab apple	<i>Malus augustifolia</i>
Deciduous holly	<i>Illex decidua</i>
Flameleaf sumac	<i>Rhus copallina</i>
Cherry-laurel	<i>Prunus caroliniana</i>
Chase tree	<i>Vitex angustifolia</i>

3. Shrubs (Range from 3 to 5 feet)

Common Name	Botanical Name
Dwarf crape myrtle	<i>Lagerstroemia indica nana</i>
Dwarf Bradford holly	<i>Illex cornuta 'bradfordii Nana'</i>
Dwarf Chinese holly	<i>Illex cornuta 'rotunda'</i>
Dwarf yaupon holly	<i>Illex vomitoria 'nana'</i>
Fraser's photinia	<i>Photinia Fraseri</i>
Purple sage	<i>Leucophyllum frutescens</i>

Common Name	Botanical Name
Purple leaf Japanese barberry	<i>Berberis thunbergii 'atropurpurea'</i>
Pampas grass	<i>Cortaderia selloana</i>
Nandina	<i>Nandina domestica</i>
Juniper	<i>Juniperus chinensis</i> spp
Fountain grass	<i>Pennisetum</i> spp

4. Ground Cover (Ranges from 18 inches)

Common Name	Botanical Name
Juniper supp.	<i>Juniperus horizontalis</i> or <i>procumbens</i>
Periwinkle	<i>Vinca major</i>
Monkey Grass	<i>Liriope muscaria</i> spp
Asian jasmine	<i>Trachelospermum asiaticum</i>
Confederate Star Jasmine	<i>Trachelospermum jasminoides</i>
Monkey grass	<i>OP hipogon</i>

5. Vines

Common Name	Botanical Name
Coral honeysuckle	<i>Lonicera sempervirens</i>
Carolina yellow jasmine	<i>Gelsemium semper</i>
Lady banksia rose	<i>Rosa banksiae</i>
Cross vine	<i>Bignonia capreolata</i>
Sweet autumn clematis	<i>Clematis paniculata</i>
Virginia creeper	<i>Parthenocissus quinquefolia</i>
Boston ivy	<i>Parthenocissus tricuspidata</i>

6. Perennial and Annual Flowers

Common Name	Botanical Name
Chrysanthemum	<i>Chrysanthemum</i> spp
Canna	<i>Canna generalis</i>
Copper leaf	<i>Acalyopha Wilkesiana</i>
Periwinkle	<i>Catharanthus roseus</i>
Iris	<i>Iris</i> supp.
Lantana	<i>Lantana Camera</i>
Daffodil	<i>Narcissus Jonquil,</i> <i>Tazetta, & King Alfred</i>

Common Name	Botanical Name
Petunia	<i>Petunia hybrida</i>
Marigold	<i>Tagetes</i> spp
Tulip	<i>Tulipa</i> spp
Zinnia	<i>Zinnia</i> spp
Caladium	<i>Caladium hortulanum</i> <i>'candidum' 'pink beauty'</i>
Moss rose or portulaca	<i>Portulaca grandiflora</i>
Wild Flowers	

- g. Landscaping Credit: Landscape credits may be applied to the overall landscape requirement, as indicated in Section ~~4.54.6.3~~ *Required Landscape Mixture*. However, in no instance shall the credits reduce the total amount of landscaping on a lot to less than fifteen (15) percent of the total land area. Credits will only be allowed if they are maintained as a permanent element of the landscape plan. Credits may be obtained as follows:

- For each two (2) square foot of area that is landscaped in the public street right-of-way, one (1) square foot of landscape credit will be applied to the overall landscaping requirement.
- For each one (1) square foot of area that is landscaped with flowering seasonal color, two (2) square foot of landscape credit will be applied to the overall landscaping requirement.
- Over and above the required shrub planting, for each newly planted shrub 18" in height or contained in a five (5) gallon container, which is maintained in a living and growing condition, fifteen (15) square feet of landscape credit will be applied to the overall landscape requirement.

Commented [BB3]: Corrected cross-reference

4. Over and above the required tree planting, for each newly planted or existing tree of at least three (3) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, one hundred (100) square feet of landscape credit will be applied to the overall landscape requirement. Planting of two (2) ornamental trees of eight (8) feet in height shall receive the same landscape credit as one (1) three (3) inch caliper tree.
 5. Over and above the required tree planting, for each newly planted or existing tree of at least six (6) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, two hundred fifty (250) square feet of landscape credit will be applied to the overall landscape requirement. Each additional one (1) inch diameter of tree over twelve (12) inches shall receive twenty (20) square feet of landscape credit.
- h. Maintenance of Landscaping: All landscaping maintenance shall be the responsibility of the property owner. The following minimum standards shall be required:
1. All landscaping shall be permanently maintained and shall have an underground irrigation system installed by a licensed irrigator and must meet all applicable requirements of the City.
 2. Irrigation systems may be buried on public street rights-of-way. The City or any franchised utility will not be responsible for damage to any landscaping material or equipment while performing repairs of maintenance to its system. However, landscaped right-of-ways shall be irrigated;
 3. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping;
 4. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year; ~~and~~ |
 5. Plant materials which die shall be replaced with plant material of similar variety and size within a six (6) month period; ~~and~~ |
 6. The maintenance requirement contained in this section shall be applicable regardless of the tenant occupancy status of any buildings on the property. (Ord. O-03-1408 / 07/15/03)
- i. Landscaping of Parking Lots: it is the intent of this section to encourage design and construction of parking areas in a manner whereby areas within the parking lot are landscaped as well as areas considered unusable for parking or maneuvering space. The following minimum requirements shall be observed:
1. Parking lots shall contain a minimum of one hundred forty (140) square feet of landscaped island per each eighteen (18) contiguous parking spaces required. This landscape island is to include one (1) three (3) inch caliper tree.
 2. Landscaped islands shall be irrigated by an underground system as indicated in *Paragraph h - Maintenance of Landscaping*. Irrigation of all landscaped areas adjacent to any parking and/or driving surfaces shall be accomplished such that a minimum amount of water is applied to parking and/or driving surfaces.
 3. All shrubbery, flowering plants, and trees planted in parking lot islands or adjacent to parking lots shall be set back three (3) feet from any curb and that provides for "head-in" automobile parking (Exhibit "4-B").
 4. Landscape material in parking lots shall include shrubs and trees or a combination thereof, which in turn may be planted with a combination of grass, ground cover, and/or flowering plants.

5. All landscaping within the parking lot shall be located within a landscape island or module, delineated from the surrounding paved area by a curb or barrier, constructed of masonry or concrete, of not less than six (6) inches in height around the perimeter of the island or module.
6. At least three-fourths (3/4) of the tree drip line area must be in permeable area (See Exhibit "4-C").
7. For larger existing trees located in the parking area, which are being retained and incorporated into the landscape plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
- j. Landscaping Adjacent to Residential Districts: For any development in "C-PO", "CN", "CC1", "CC2", "CC3", "ML", "PUD-C", "PUD-I" and institutional uses including, churches, schools, and governmental facilities (which includes all zoning) except residential districts and "AG" used for residential and pure agricultural uses, zoning districts which abut districts zoned residential or mobile home there shall be a minimum twenty (20) foot wide green belt of "live plant material of the evergreen variety" which is expected to grow to six (6) feet height in two (2) years, a minimum of three (3) feet in height at the time of installation and planted on six (6) foot centers, for the entire distance along which the development abuts the residential district. Where a fire lane is required, the green belt may be reduced to five (5) feet (Exhibit "4-CD"). Exception: When adjacent to institutional uses in residential districts and "AG" used for residential and pure agricultural uses.
- k. Landscaping Adjacent to Colleyville Boulevard: For any development which abuts Colleyville Boulevard there shall be a minimum twenty (20) foot wide landscaped green belt of "live plant material", exclusive of access drives. On corner lots, the twenty feet (20') wide landscaping green belt will wrap around to the depth of the property. This area may be planted with trees and shrubs required at the front of the site noted elsewhere in this Chapter. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard. (O-01-1295 / 08/21/01)
- l. Special Permits; Appeals; Exceptions: Any person aggrieved by this ordinance may appeal its effect to the Zoning Board of Adjustment City Council per Section 4.4 of this chapter on the basis of hardship.
- m. Existing Non-Conforming Uses and/or Structures: All uses that are in existence at the time of this Landscape ordinance, which do not meet the requirements provided herein, will be considered as being nonconforming to these landscape requirements. These nonconforming uses/structures will be subject to the non-conforming provisions of *Chapter 3 – Land Use* of this Land Development Code, unless otherwise provided for in this Section. A variance to landscaping requirements may be granted, regardless of areas of noncompliance, upon completion of the following:
 1. Provide the City Manager or his appointed designee with a landscape plan prepared by the landscape architect for review and approval.
 2. Said landscape plan will illustrate a plan to landscape area as available, provide for irrigation, and provide for completing the plan.
 3. The installation of landscaping as indicated by the landscape plan is completed and approved by the city manager or his appointed designee.

Commented [BB4]: Reworded paragraph to clarify intent

Commented [BB5]: Give authority to P&Z Commission and City Council

Section 4.7 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-01-1295	08/21/01	Landscaping adjacent to Colleyville Boulevard
O-03-1408	07/15/03	Maintenance regarding building vacancy

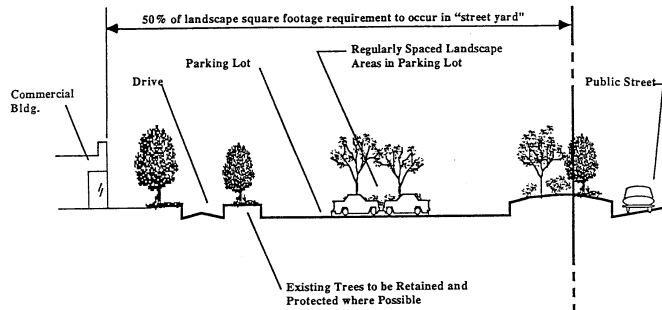


Exhibit "4-A" - Street Yard Landscaping Requirements

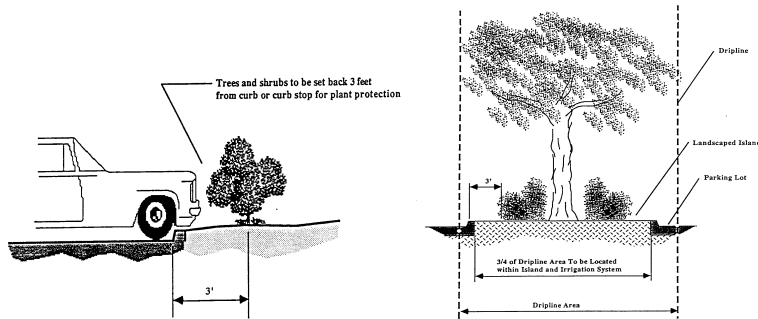


Exhibit "4-B"
Landscape Requirement for Head-in Parking

Exhibit "4-C"
Description of Dripline

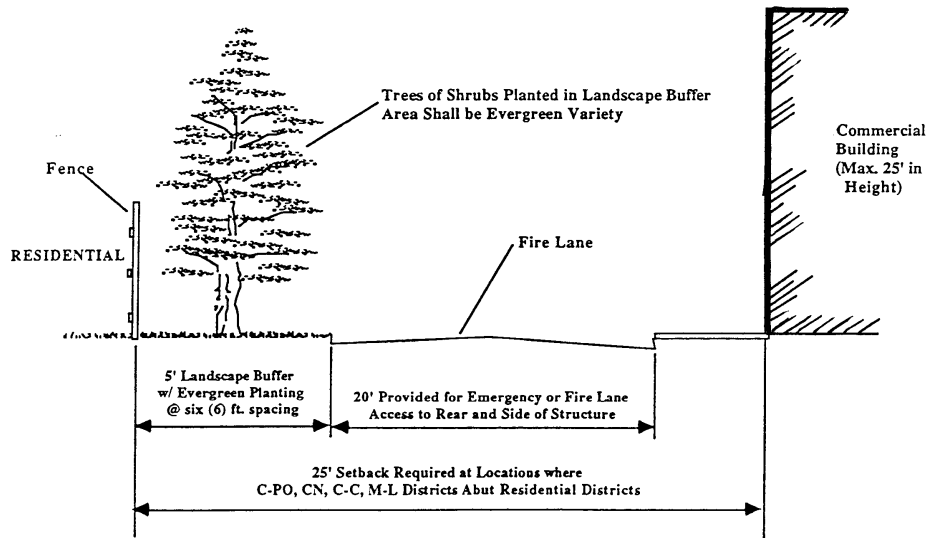


Exhibit "4-D"
Rear and Side Landscape Buffer Requirements
With Fire Lane Provided

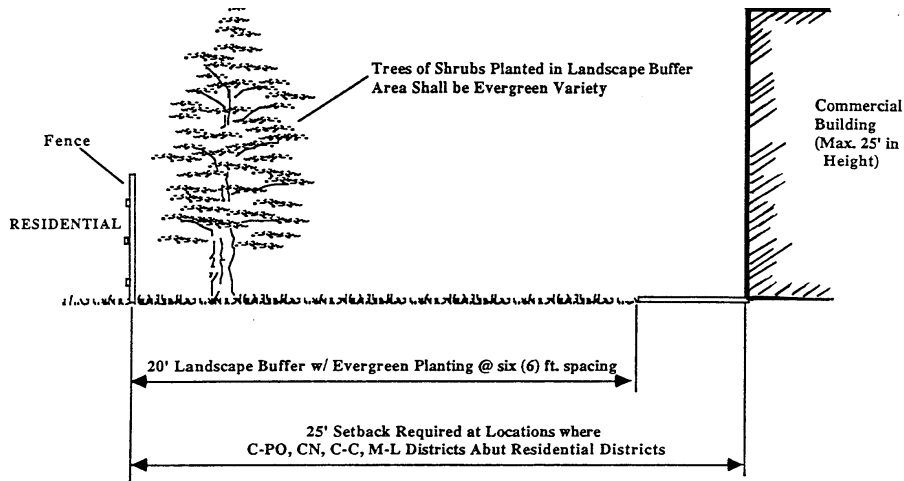


Exhibit "4-E"
Rear and Side Landscape Buffer Requirement
Without Fire Lane Provided

Chapter 6 Commercial Design Standards

Amended 12/13/2011

Section 6.1 Purpose of This Chapter

The purpose of this Chapter is to establish rules and regulations for development of commercial and institutional properties and for the exterior design and exterior building materials of commercial and institutional buildings in all zoning districts.

Section 6.2 Authorization for Adoption of This Chapter

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

1. *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.
2. *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.
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 6.3 Definitions

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

Section 6.4 Building Design Standards

1. Applicability: For any new commercial and institutional buildings, or additions or alterations exceeding 50% of the building improvement value based on the current certified tax roll, the following standards apply. For institutional buildings, if no relevant appraisal data exists on the certified tax roll, the building improvement value shall be obtained through an independent third party appraiser, paid by the building permit applicant, and provided to the City.
2. Facade Articulation - All large commercial buildings shall have facades which comply with the following requirements:
 - a. Horizontal Articulation – No building façade visible from a public street or parking area shall extend horizontally greater than three (3) times the height of the wall without having an off-set of not less than fifteen (15%) percent of the wall's height as shown on the attached Exhibit "A", and such off-set shall continue for a minimum distance equal to at least twenty-five (25%) percent of the length of the longest adjacent plane.
 - b. Vertical Articulation – No building façade visible from a public street or parking area shall extend horizontally for a distance greater than three (3) times the height of the wall unless the wall contains at least one of the following features and every front building façade shall have no less than two of the following features:

Commented [BB1]: These standards taken from the Large Commercial Building standards found in Chapter 3.

- (1) Parapets which change the roof line. The parapet height shall be a minimum of fifteen (15%) percent of the wall's height, and such height change shall continue for a minimum distance equal to at least twenty-five (25%) percent of the length of the longest adjacent plane.
 - (2) Overhanging eaves, extending no less than three (3) feet past the supporting walls.
 - (3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.
 - (4) Three or more roof slope planes.
 - (5) A covered walkway along a minimum of fifty (50%) percent of the front façade length.
3. Side and Rear Facade Features – Side and rear building facades, which are not visible from a public street or parking area, shall include a minimum of three architectural changes, such as: (1) a changing plane not less than five (5) feet in width and eighteen (18) inches in depth, (2) a surface material change of not more than thirty (30) feet in length, as measured horizontally, or (3) a combination of these elements.

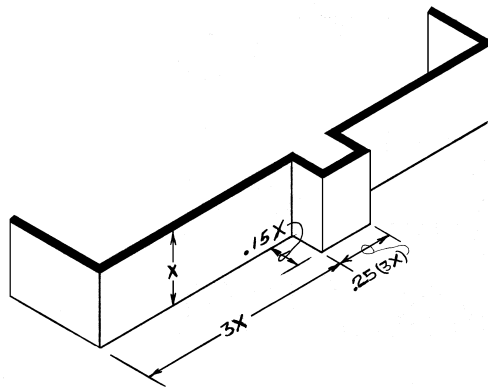


Exhibit "A"
Façade Articulation

6.4. REQUIREMENTS

For any new commercial and institutional buildings or, additions, or alterations exceeding 50% of the building improvement value based on the current certified tax roll, it shall be the duty of the administrative official responsible for review of site plans to calculate the design score for all commercial and institutional buildings as part of the building permit and site planning process. For institutional buildings, if no relevant appraisal data exists on the certified tax roll, the building improvement value shall be obtained through an independent third party appraiser, paid by the building permit applicant and provided to the City. Paragraphs A through G are the basis for the design calculation to meet the requirements of the design standards. The provided worksheet shall be attached to all commercial and institutional building plan submissions for review. The final design will be evaluated by the staff on a pass/fail basis.

Commercial/Institutional Building Design Factors Work Sheet

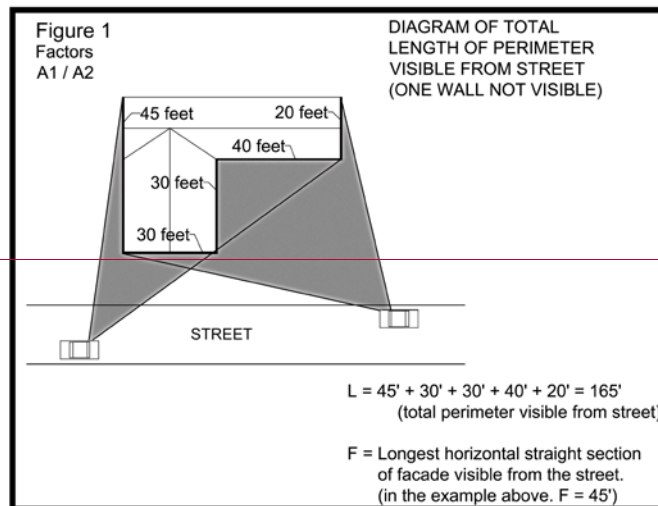
A. – Façade Articulation Variables (10 total possible points – See Figure 1 and 2 below)

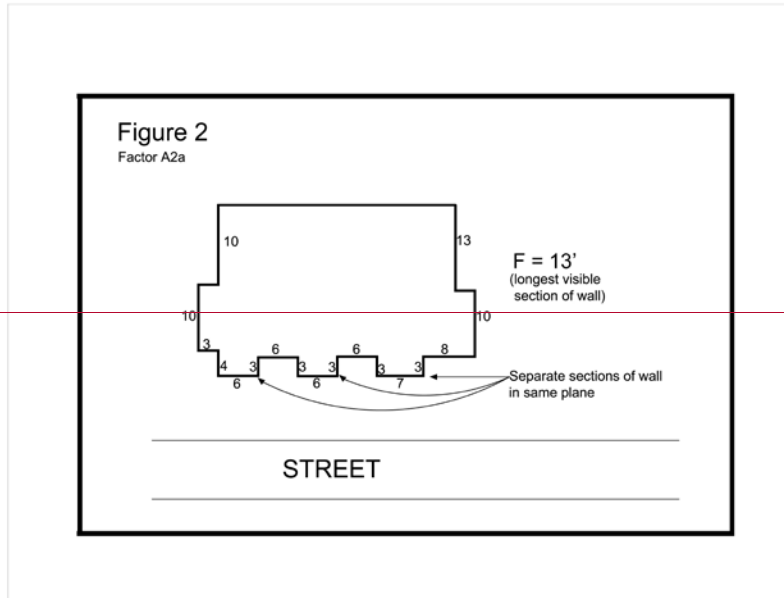
Commented [BB2]: The calculations for building score are very complicated and very hard to understand.

1. L = Length in feet of building perimeter visible from the street. _____ ft.
2. F = Length of the longest horizontal straight section of the exterior façade visible from the street. _____ ft.

In order to determine that any two horizontal straight sections of wall in the same plane are separate walls:

- a. There shall be an intervening physical separation of space or other wall sections which separate the two subject walls by not less than three feet.
 - b. The average offset distance of the intervening space and/or wall section shall be not less than one foot from the subject plane.
 - c. The total perimeter beam length of the intervening space and/or wall section shall not be less than five feet.
 - d. Materials used within the intervening separation may not be identical to materials used in more than one of the two same plane test sections.
 - e. Any two or more same-plane wall sections which do not meet all of the requirements of Paragraphs a, b and c above shall be determined to be part of one complete wall section.
3. A = Articulation ratio or L/F = _____
 4. Ka = Articulation Score = $A \times 2$ = _____ (Sum)





B. Vertical Departure Variables (10 total possible points — See Figure 3 below)

1. **P** = Total surface area of a projection of all surfaces visible from the street and which are relative to the four vertical planes of an imaginary cube which would enclose the building. _____ s.f.

2. **R** = Total surface area of a projection of all sloping or vertical surfaces visible from the street of the building relative to the four vertical planes of an imaginary cube which would enclose the building. _____ s.f.

For the purpose of the calculation of "R";

a. Buildings with principal wall sections which are generally rectangular must be aligned so that principal wall sections are parallel to a face of the test cube.

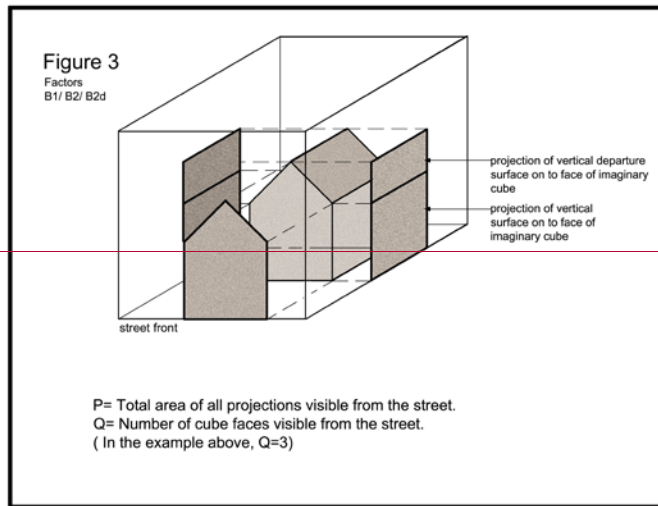
b. Only those surfaces which slope at an angle of not less than 15 degrees nor more than 75 degrees from the vertical plane may be included in this area calculation.

c. Circular, convex or concave regular surfaces which are offset at the central point of the curve by not less than one foot from the vertical surface and have a central angle of not less than 60 degrees may also be included.

d. **Q** = Number of test cube vertical surface projections (1,2,3 or 4) visible from the street. _____

3. **V** = Vertical departure ratio or $R/P =$ _____

4. **Kv** = Vertical Departure Score = $10 \times V =$ _____ (Sum)



C. ~~Shade Coverage Variables (10 total possible points – See Figure 4 below)~~

1. ~~S = Total covered but unenclosed structural exterior area attached to the building as measured in square feet on a horizontal plane. _____ s.f.~~
 - a. ~~The floor area of covered exterior balconies may be included. Attached canopies, porches, verandas, and other shade oriented structural design features may also be included.~~
 - b. ~~The area under detached canopies shall be excluded.~~
2. ~~G = Total area of the interior ground floor of the building. _____ s.f.~~
3. ~~C = Shade coverage ratio or S/G = _____~~
4. ~~Kc = Shade Score = 100 x C = _____ (Sum)~~



D. Horizontal and Diagonal Roof Planes Variables (10 total possible points— See Figure 5 below)

1. ~~F = "F" as previously calculated in Paragraph A(2) above. _____~~
~~5% of F = _____~~

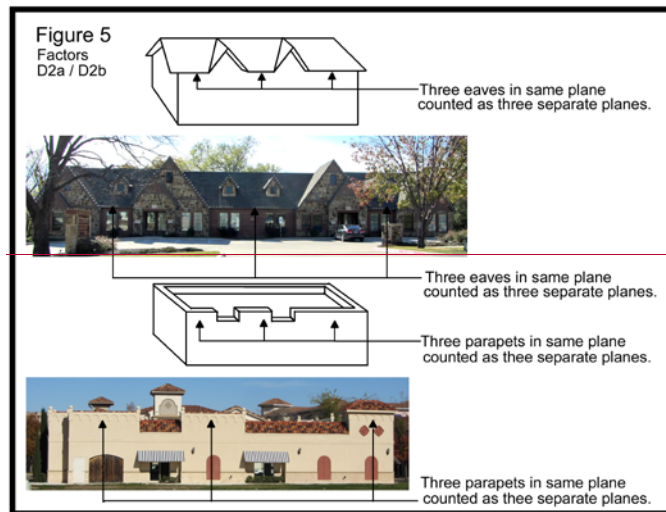
2. ~~E = Total visible horizontal and diagonal eave planes, ridge planes and/or parapet top planes on the building. _____~~

~~For the purpose of this paragraph:~~

- ~~a. Two eaves in the same horizontal plane but which are separated by not less than 5 percent of "F" shall be considered separate planes.~~
- ~~b. Two parapets in the same horizontal plane but which are separated by not less than 5 percent of "F" shall be considered separate planes.~~
- ~~c. A parapet with a wall length of less than 5 percent of "F" shall be considered a crenellation and shall not be counted as a parapet.~~
- ~~d. For every five crenellations, regardless of elevation, one equivalent plane may be added to the calculation of total planes. In like manner, one crenellation shall equal 0.2 horizontal / diagonal planes.~~
- ~~e. For an eave, canopy or mansard which overhangs the vertical surface of the building by not less than 18 inches, one plane shall be counted for the outer edge of the eave and one plane shall be counted at the intersection of the eave and the wall.~~

- f. ~~One plane shall be counted for each diagonal ridge or edge of a sloped roof and, if the edge is also an eave which overhangs the wall by not less than eighteen (18") inches it shall be counted as two planes.~~
- g. ~~For mansards which wrap around a building corner, planes shall not be counted as separate unless there are actual changes in elevation.~~
- h. ~~Two parapet tops which intersect at 90 degrees in the same horizontal plane shall be counted as separate planes.~~
3. ~~Q = Total # of surfaces visible from the street as identified in Paragraph B(2)(d) above.~~

4. ~~H = Horizontal / Diagonal Planes Ratio or E/Q = _____ (Sum)~~



E. Fenestration Variables (10 total possible points)

1. ~~W = Total number of windows, doors, and other openings into the structure through which light may pass.~~ _____

~~For the purpose of this paragraph each opening must be framed on the sides, top and/or bottom by structural building materials with a surface area equal in the aggregate to not less than 50 percent of the surface area of the opening.~~

2. ~~Q = As previously calculated in Paragraph B(2)(d) above.~~ _____
3. ~~N = Fenestration Ratio = W/Q = _____ (Sum)~~

F. Total Design Score: ~~Add all sum scores above to reach a total design score. The submission will be evaluated by the reviewer and a score provided. The reviewer will review as part of your submission your scoring provided based upon your design submission.~~

G. Minimum Design Score Requirement: Notwithstanding any variance per Section 6.6 below, the minimum design score for all commercial and institutional buildings constructed as provided for by this chapter shall be 30 in all zoning districts, except that the design score may require a higher or lower value as a condition of a Special Use Permit or Planned Unit Development zoning district as authorized by the City Council.

Zone—	CN	CPO	CC1	CC2	CC3	ML
Score—	30	30	30	30	30	30

Section 6.5 Exterior Building Color and Material Requirements

1. Exterior Surface Materials – A minimum of ninety (90%) percent of each exterior wall surfaces, excluding door and window openings, shall be constructed of clay-fired brick, native stone, cast stone, or a combination of these materials. Tilt - up concrete construction is permitted, provided the exterior surface is covered with clay-fired brick, native stone, cast stone, or a combination of these materials. Stucco and EIFS (Exterior Installation Finished System) are permitted for not more than ten (10%) percent of the exterior surface. Concrete block, split-faced block or cinder-block shall not be acceptable. Proposals for surface materials with similar durability and appearance of clay-fired brick, native stone, or cast stone may be considered. Materials: The exterior walls of all commercial and institutional buildings constructed as provided for in this chapter shall be composed of 100% percent masonry, glass, or other equivalent material. However, building accents such as wood, EIFS, Hardie Plank or decorative metal trim are permitted such they do not exceed 15 percent of the total exterior wall surface area. Mixing of more than one type of masonry material for exterior walls is encouraged. For the purposes of this chapter, approved non-glass, masonry materials may include brick, finished concrete, stone (natural and man-made), and cementitious stucco. Unfinished concrete masonry unit products such as cinder block or tilt-wall sections are permitted but must have an architecturally finished surface such as split-face, rusticated, natural stone, etc.
2. Exterior Surface Colors – The exterior surfaces shall be of a natural finish, provided the colors are, subtle, or neutral colors. Trim and accent areas may be painted and feature brighter colors, including primary colors, but not more than ten (10%) percent of the wall surface area. High intensity or fluorescent colors are prohibited. Color: Primary exterior wall colors shall contain natural colors that reflect the natural environment of the cross-timbers prairie including soils and vegetation. Fluorescent colors are prohibited. Building elevations showing the proposed exterior wall color shall be submitted with the site plan application at the time of new construction as provided for by this chapter. Any applicant for a building that does not meet the requirement of this section as determined by the Community Development Director may request a variance to the Director's interpretation per Section 6.6 below.
 - a. For commercial and institutional buildings that exist as of the passage of this section, upon the repainting and/or alteration of any structure, the paint and material color shall comply with section 2 above.
3. Exposed Columns – Exposed structural support columns shall be constructed of, or clad in, the same material as the principal structure. Architecturally significant columns (e.g. fluted, etc.) may be permitted.

Commented [BB3]: Taken from the Large Commercial Building standards in Chapter 3

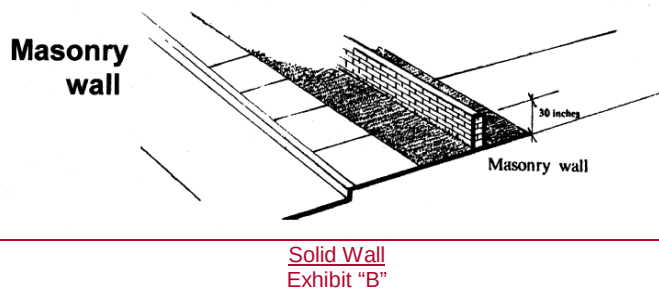
Commented [BB4]: Corrected reference due to new sections

Section 6.6 Additional Development Regulations

1. Low Solid Wall: A solid wall constructed of clay-fired brick, native stone, cast stone, or a combination of these materials, not less than thirty (30) inches in height as shown on the attached Exhibit "B" shall be provided where parking is provided adjacent to a street right-of-way. Said wall shall be constructed generally parallel to and twenty (20) feet from the street right-of-way.

Commented [BB5]: Taken from the Large Commercial Building standards in Chapter 3

2. Delivery / Loading Spaces – All delivery and loading spaces shall be screened from public view from a street right-of-way or an adjacent residential property by an eight (8) foot to ten (10) foot tall solid screening wall constructed of like material to the building. Additional evergreen planting materials shall be provided so that no more than two-thirds of the surface area of the solid screening wall is visible from the street or residential property. The live (evergreen) plant screening shall consist of shrubs, a minimum of three (3) feet in height when planted, and which can be expected to reach six (6) feet or greater in height within three (3) years of planting. Shrubs shall be spaced so that there shall be no gap greater than four (4) feet between mature plant materials. No delivery or loading area shall be operated between the hours of 11:00 p.m. and 6:00 a.m. Parking of delivery vehicles shall not exceed 48 hours duration.
3. Outdoor Display Areas – Outside display of merchandise shall not be allowed unless allowed by a Special Use Permit (SUP) approved by the City Council, provided that it shall be limited to an area within eight (8) feet of the front wall of the primary building and further provided that emergency pedestrian access to the building is not blocked. When allowed by SUP, no merchandise shall be displayed between the hours of 11:00 p. m. and 6:00 a. m.
- For purpose of this regulation, the front wall shall be the front containment wall of the structure and not the front of an overhanging walkway cover.
4. Outside Storage and Sales Areas – There shall be no outside storage or outside sales areas of landscaping materials, plants or general merchandise, except for an outside display area, as provided in the above paragraph. For purpose of this regulation, nothing shall prohibit the sale or display of landscaping materials, plants or general merchandise located behind an enclosed solid screening wall constructed of like materials to the building, provided merchandise is not visible above the top of the screening wall.
5. Cart Storage – All shopping cart storage areas shall be contained within the primary building. Temporary shopping cart parking within parking areas shall be allowed, provided the temporary enclosures shall be ornate and appropriately designed and that the carts are removed to within the primary building on a frequent basis.



Section 6.7 Non-Residential Outdoor Lighting Requirements

A. Purpose

Efficient and effective outdoor night lighting benefits everyone and enhances the City's nighttime character. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare and light trespass that reduce residents' privacy. Excessive glare can be annoying and may cause safety problems. There is a need for lighting requirements that recognize the benefits of efficient and effective outdoor lighting and provides clear guidelines for its installation so as to help

Commented [BB6]: New proposed Outdoor Lighting Standards

maintain and complement the City's character and which strives to provide linkage between the built and natural environment and acknowledges and sustains the unique nature of the City's corporate-commercial, suburban and rural lifestyles. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the City.

B. Objectives

Outdoor lighting for nonresidential uses and multifamily uses has the following objectives:

1. It is intended to reduce the problems created by improperly designed and installed outdoor lighting in those areas zoned for nonresidential uses and multifamily uses;
2. It is intended to eliminate problems of glare and minimize light trespass by establishing regulations which limit the area that certain types of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the town;
3. All lighting installed in nonresidential uses and multifamily uses should be designed with the idea of being a good neighbor, thereby eliminating or reducing unnecessary direct light from shining onto abutting properties or streets;
4. It is the declared purpose of this subdivision that nonconforming luminaries be eliminated and be required to conform to the regulations of this subdivision within a reasonable time.

C. Applicability

1. New fixtures or additional lighting. This subdivision shall apply to all installations of new fixtures or additional lighting to any new or existing nonresidential or multifamily use or structure.
2. Nonconforming Lighting. Luminaries installed prior to the adoption of the ordinance from which this subdivision is derived shall immediately be re-aimed or shielded such that the fixture no longer creates a nuisance as defined in section xx. Shielding may be accomplished by louvers, baffles, visors, or shields placed on the luminaries, or any other method whereby the light therefrom does not constitute a nuisance as defined in section xx
3. Exemptions:
 - (a) Street lighting installed by a governmental agency for public benefit on public rights-of-way; or
 - (b) Public outdoor recreational sport fields and sport courts complex.

D. Enforcement

The enforcement of the rules and the provisions of this subdivision shall be by the Administrative Official, or his duly appointed representative.

E. Measurement

1. Metering Equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter.
2. Method of footcandle measurement. The meter sensor shall be not more than six inches above ground level in a horizontal position. The reading shall be taken only after the cell has been exposed long enough to provide a constant reading.

F. Prohibited Lighting

The following lighting is prohibited. No owner or occupant of land shall permit any of the following conditions to exist:

1. An unshielded light source, including bare bulbs, above 15 watts, except for temporary seasonal lighting;
2. The operation of searchlights, strobes, or pulsating lights;
3. The use of low pressure sodium bulbs as a light source;

4. The use of a partial cutoff light source;
5. The use of a drop lens;
6. Luminaires located within the compatibility buffer between dissimilar uses;
7. Any luminaire that produces a disability glare;
8. Any light or combination of lighting that creates a nuisance as defined in section xx;
9. Any lighting installed to illuminate an unimproved surface or private outdoor recreational activities that exceeds requirements set forth in this statute without an approved variance, as set forth in this statute.

G. Height for light pole standards

Maximum height for light pole standards shall be as follows:

1. In parking areas containing zero to 150 parking spaces, maximum height of lighting pole standards shall not exceed 25 feet.
2. In parking areas containing 151 or more parking spaces, maximum height of lighting pole standards shall not exceed 35 feet.

H. Building mounted lighting

All building mounted luminaires exceeding 15 watts shall be directed down with a full cutoff fixture.

I. Floodlighting

1. Luminaires used for floodlighting shall not direct the luminance above the facade of the object being lighted.
2. Spotlights and floodlights mounted overhead on poles or building walls and used for area lighting, including but not limited to residential areas, shall be installed so that the fixture is full cutoff as defined herein, with no light above 90 degree nadir.

J. Building Entry Points

At all building entry points average projected footcandle readings as determined by the point method photometrics shall not exceed a measurement of five footcandles.

K. Canopy lighting

All canopy lighting shall be fully recessed fixtures with full cutoff lens and shall not exceed 45 footcandles at any point under the canopy.

L. Spacing

1. In parking areas containing zero to 150 parking spaces, minimum spacing of lighting pole standards shall be no less than two times the height of the standard.
2. In parking areas containing 151 or more parking spaces, minimum spacing of lighting pole standards shall be no less than four times the height of the light standard, a ratio of 4 to 1.

M. Parking area lighting

Parking area lighting shall not exceed a measurement of 15 footcandles at any point in the parking area. The average projected footcandle reading as determined by the point method photometrics shall not exceed two footcandles.

N. Residential Adjacency

Where properties with a residential use or zoning, other than Agricultural, are adjacent to a commercial site, the maximum lighting intensity shall not exceed 0.5 footcandles.

Q. Penalty

1. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine as provided in section 1-13. A separate offense shall be deemed committed of each day during or on which a violation or failure to comply occurs or continues to occur.
2. A footcandle reading, as performed in accordance with section 98-1124, in excess of those amounts defined as a nuisance in section 74-3, shall be prima facie evidence of a violation of this subdivision.

O. Variance

1. A variance as to the height restriction may be permitted by the town council for the replacement of luminaires installed prior to the adoption of the ordinance from which this subdivision is derived if such luminaires are damaged, destroyed, or otherwise become inoperable.
2. A variance is permissible for such replacement luminaires only in those situations where more than one luminaire existed prior to the adoption of the ordinance from which this subdivision is derived. The town council may grant a variance, upon application by the property owner or his designee, if the town council determines that the replacement of a damaged, destroyed, or otherwise inoperable luminaire with a luminaire conforming to the height requirement set forth in this subdivision would:
 - (a) Create a nuisance as defined in section 74-3; or
 - (b) Be aesthetically inconsistent with the remaining luminaires in determining whether a replacement luminaire would be aesthetically inconsistent, the City Council may consider the following factors:
 - The location of the replacement luminaire on the subject property;
 - The type of construction material of the replacement luminaire;
 - The location of the subject property; and
 - The outdoor lighting used on adjacent and surrounding property.
3. Notwithstanding these provisions, under no circumstances may the replacement luminaire exceed 35 feet in height.

Q. Architectural lighting of buildings and structures

For spotlights and floodlights mounted at or near ground level and used to light a building wall, sign, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the side of the illuminated object.

R. Architectural lighting of landscaping

Landscape lighting installed for nonresidential uses and multifamily uses shall be installed according to the following:

1. Any lighting that is to be placed in the canopy of a tree shall be directed in a downward position to simulate natural light received by the area.
2. The fixture shall be shielded so that all of the light is directed downward and shall not be directed toward the tree, to reduce light intrusion.
3. All proposed lighting that is to be placed in a tree shall be affixed to the trunk or branch through the use of an adjustable bracketing system that will allow for the continued growth of the tree.

4. The mounting height of landscape lighting shall not exceed 25 feet.

5. No lighting shall be bolted, nailed, or glued to the trunk or any appendages of the tree, and such unauthorized attachment will be treated as a violation of chapter 94, Vegetation, of the town's Code of Ordinances.

Section 6.6 6.8 Variances; Architectural Review Commission City Council

A. A person may request a variance from a requirement contained in *Chapter 6 – Commercial Design Standards* by filing said request with the administrative official. A request for a variance shall be accompanied by a non-refundable application fee. A request for variance shall be referred for consideration to the Architectural Review Commission (ARC) for a recommendation to the City Council. The variance procedure shall proceed as follows:

1. Submit a variance application and pay applicable fee. No action shall be taken on any application submitted to the ARC until all applicable fees have been paid in full. No refund of any application fee shall be made after the request has been advertised and scheduled for consideration by the Commission and City Council.
2. Not later than 30 days from date of the application, a quorum of the Architectural Review Commission (ARC) shall convene a meeting to review the variance request;
3. Public Hearing and Written Notification – No action to approve or deny any application shall be taken until the Commission has held a public hearing and received comment, and only after written notice of the public hearing of the date, time and place where the variance request is to be considered has been sent to the owners of real property lying within two hundred (200) feet of the property where the application is being considered. Such notice shall be given to each property owner as listed on the last approved tax roll not less than ~~ten~~ fifteen (15) days before the date set for hearing by depositing letters properly addressed and postage paid in the United States Post Office
4. ~~Appeal to Final Action by City Council – The decision recommendation by the ARC shall be forwarded to the City Council for final decision at the next available agenda for consideration by the City Council, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Commission. The administrative official shall re-notify all property owners lying within two hundred (200) feet of the area being considered and place the applicant's appeal request on the next available agenda for consideration by the City Council.~~

Commented [EW7]: Re-number section

Commented [BB8]: Per Council direction, City Council to be final approval/denial

Commented [BB9]: Standard policy today

Section 6.7 6.9 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-11-1818	12/13/2011	Amendments to design standards; addition of exterior material and color requirements; amendments to variance procedures and addition of architectural review committee

Commented [EW10]: Re-number section