



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, June 8, 2020

City Council Chambers

**PRE COMMISSION MEETING
6:15 P.M.
CITY COUNCIL CHAMBERS
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 KOCH
PLEDGE OF ALLEGIANCE**

- 1. CITIZEN COMMENTS**
- 2. APPROVAL OF MINUTES**

January 13, 2020 Planning and Zoning Commission
January 27, 2020 Planning and Zoning Commission Worksession
February 10, 2020 Planning and Zoning Commission
February 24, 2020 Planning and Zoning Commission Worksession
February 24, 2020 Planning and Zoning Commission

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a Special Use Permit for a Fence to extend into the required street side yard on Lot 1, Block 1, of the Stowe Addition, located at 816 Shelton Drive, Case ZC20-009
- 3b** Consideration of a Special Use Permit for a Fence to extend into the required street side yard on Lot 1, Block 8, Creekside at Colleyville, Phase 3, located at 3501 LeJoie Lane, Case ZC20-010
- 3c** Consideration of a Special Use Permit for a Fence to extend into the required street side yard on Lots 9 & 10, Block 8, Creekside at Colleyville, Phase 3, located at 3609 LeJoie Lane and 3608 Valmur Avenue, Case ZC20-011
- 3d** **WITHDRAWN BY APPLICANT** - Consideration of an amendment to the PUD-C Planned Unit Development-Commercial district for Winding Creek development, specifically for hours of operation on Lot 9R and 10R, Block 1, of the Winding Creek Addition, located at 6412 and 6416 Colleyville Boulevard, Case ZC20-012
- 3e** Consideration of amendments to Chapter 1, Section 1.17 of the Land Development Code, specifically for the permitting of expiration of vested project rights

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards on June 4, 2020 by 5:00 p.m.



Christine Loven, TRMC
City Secretary

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 Agenda Briefing

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

Agenda Number	Agenda Date 6/8/2020	Number
Type Approval of Minutes		
Department Community Development		

Title

January 13, 2020 Planning and Zoning Commission
January 27, 2020 Planning and Zoning Commission Worksession
February 10, 2020 Planning and Zoning Commission
February 24, 2020 Planning and Zoning Commission Worksession
February 24, 2020 Planning and Zoning Commission

Explanation

Approval of the minutes for the following meetings:

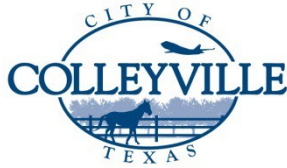
January 13, 2020 Planning and Zoning Commission
January 27, 2020 Planning and Zoning Commission Worksession
February 10, 2020 Planning and Zoning Commission
February 24, 2020 Planning and Zoning Commission Worksession
February 24, 2020 Planning and Zoning Commission

Recommendation

Approve

Attachments

1. January 13, 2020 P&Z Minutes
2. January 27, 2020 P&Z Worksession Minutes
3. February 10, 2020 P&Z Minutes
4. February 24, 2020 P&Z Worksession Minutes
5. February 24, 2020 P&Z Minutes



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
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Monday, January 13, 2020

City Council Chambers

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission meeting was called to order by Vice Chair Moore on January 13, 2020, at 7:09 p.m.

Roll Call

Present: Ryan Moore, Sayeda Syed, Kimberly Holt, Matt Koch, Claudia Bevill, and George Bond

Absent: Susan Mathisen

Staff Present: Ben Bryner, Jacquelyn Reyff, Araceli Botello, Rob McKeown, and Eddie Tangadunrat

1. CITIZEN COMMENTS/PRESENTATION REGARDING ITEMS NOT ON THE AGENDA

There were no citizens wishing to speak.

2. APPROVAL OF MINUTES

March 25, 2019 Minutes (Worksession)
March 25, 2019 Minutes (Regular Meeting)
April 8, 2019 Minutes (Regular Meeting)
April 22, 2019 Minutes (Worksession)

Commissioner Holt made a motion to approve the March 25, 2019 worksession minutes, the March 25, 2019 regular meeting minutes, the April 8, 2019 regular meeting minutes, and the April 22, 2019 worksession minutes. Commissioner Bevill seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Moore, Syed, Holt, Koch, Bevill, Bond
Nay: 0

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a request for a Replat for Lot 1, Block 1, Bristol Estate, being a replat of a portion of Block 2, of the Pleasant Oaks Estates Addition, located at 501 Beverly Drive, Case PC19-017

Jacquelyn Reyff presented the item and briefed the Commission.

Applicants Dave and Gracie Bristol, 501 Beverly Drive, briefed the Commission.

The public hearing was opened at 7:15 p.m. There were no citizens present wishing to speak and the public hearing was closed at 7:15 p.m.

Commissioner Koch made a motion to approve Case PC19-017. Commissioner Bevill seconded the motion.

The motion to approve Case PC19-017 carried with the following vote:

Aye: 6 – Moore, Syed, Holt, Koch, Bevill, Bond
Nay: 0

- 3b** Consideration of a request for a Final Plat for Lots 1-34 and Lots OS1–OS-10, Block 1, Oak Alley Estates, being Lots 1R1 and 1R2, Block1, Bear Creek Plantation, located at 1312 John McCain Road and 7309 Holly Lane North, Case PC19-021

Jacquelyn Reyff presented the item and briefed the Commission.

The public hearing was opened at 7:19 p.m. There were no citizens present wishing to speak and the public hearing was closed at 7:19 p.m.

Commissioner Bevill made a motion to approve Case PC19-021. Commissioner Holt seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Moore, Syed, Holt, Koch, Bevill, Bond
Nay: 0

- 3c** Consideration of a request for a Special Use Permit for an Accessory Dwelling on Lot 1, Block 1, Schiller Addition, located at 2001 Hall Johnson Road, Case ZC19-022

Jacquelyn Reyff presented the item and briefed the Commission.

Owner Adam Schiller, 2001 Hall-Johnson Road, briefed the Commission.

Nancy Scott, builder, 217 Fountainview Drive, Euless, briefed and answered questions of the Commission.

The public hearing was opened at 7:26 p.m. With no citizens present wishing to speak, the public hearing was closed at 7:27 p.m.

There was general discussion regarding a private driveway and the history of the property.

Commissioner Bevill made a motion to approve Case ZC19-022. Commissioner Holt seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Moore, Syed, Holt, Koch, Bevill, Bond
Nay: 0

3d Consideration of a request for a Special Use Permit for an Accessory Building to exceed the 4% lot coverage allowance and for an Accessory Dwelling on Lot 1, Block 1, G&R Addition, located at 2313 Hall Johnson Road, Case ZC19-023, APPLICANT HAS REQUESTED TO TABLE THIS ITEM TO THE FEBRUARY 10, 2020 PLANNING AND ZONING COMMISSION MEETING

Commissioner Holt made a motion to table Case ZC19-023 to the February 10, 2020 meeting. Commissioner Bond seconded the motion.

The motion to table carried with the following vote:

Aye: 6 – Moore, Syed, Holt, Koch, Bevill, Bond
Nay: 0

3e Consideration of a request to amend the PUD-C Planned Unit Development – Commercial district for the Heritage Farms addition, being Lots 1-3, Block A, Heritage Farms, located at 913 Cheek Sparger Road, 3808 Wayne Drive, and 3900 Bedford Court, Case ZC19-009

Jacquelyn Reyff presented the item and briefed the Commission, noting the differences to the previously approved plan.

Barry Hudson, Senior Planner with Dunaway Associates, 500 Bailey, Suite 400, Fort Worth, briefed the Commission.

Don Stevens, 39 Tethervine Place, The Woodlands, Chief Financial Officer and Interim CEO of Methodist Retirement Communities, briefed the Commission.

Rocky Berg, Three Architecture, 4040 North Central Expressway, Suite 200, Dallas, briefed the Commission.

There was general discussion regarding the accessibility of the independent living buildings.

Jeff Davis, Dunaway Associates, 500 Bailey, Suite 400, Fort Worth, briefed the Commission.

There was discussion regarding the differences between an assisted living home and an apartment complex.

The public hearing was opened at 8:21 p.m.

Jill Alvarez, 3705 Woodmont Court, Bedford, spoke in support of the case; however, Ms. Alvarez stated she had a concern regarding drainage.

Tom Buckelew, 3709 Woodmont Court, Bedford, spoke in opposition to the case. Mr. Buckelew spoke regarding concerns of drainage and the negative impact the development will have on Bedford residents.

Jason Finch, 3721 Woodmont Court, Bedford, spoke in opposition to the case. Mr. Finch spoke regarding setbacks, drainage, and the impact the development will have on his lifestyle and property value.

Greg Smith, 1902 Summit Ridge Drive, Euless, representing Covenant Christian Academy, 901 Cheek-Sparger Road, spoke in support of the case.

Raul Garrison, 909 Brestol Court, Bedford, spoke in opposition to the case. Mr. Garrison questioned if there would be a fence built around the development, and spoke regarding concerns of the negative impact to his property value, children living in the area, and traffic.

Roy Harrison, 900 Brestol Court East, Bedford, spoke in opposition to the case. Mr. Harrison spoke regarding concerns of traffic, and the negative impact on Bedford residents.

Joanne Iuele, 908 Brestol Court East, Bedford, spoke in opposition to the case. Ms. Iuele spoke regarding concerns of drainage, parking, loss of trees, and the negative impact to wildlife and property taxes.

Steve Slayton, 1125 Michael Sean, Bedford, spoke in opposition to the case. Mr. Slayton spoke regarding concerns of safety and drainage.

Jocelyne Buckelew, 3709 Woodmont Court, Bedford, spoke in opposition to the case. Mrs. Buckelew spoke regarding concerns of noise and construction.

Tara Finch, 3721 Woodmont Court, Bedford, did not wish to speak, but wished to have her opposition recorded.

David and Rebecca Brindley, 3724 Woodmont Court, Bedford, did not wish to speak, but wished to have their opposition recorded.

The public hearing was closed at 8:54 p.m.

Mr. Hudson spoke to the concerns addressed by the speakers regarding the senior living facility, traffic, wildlife, screening, security, phasing of the project, and drainage.

Mr. Berg responded to concerns regarding the security of the senior living facility and setbacks.

Mr. Davis responded to drainage concerns.

There was general discussion regarding roadways, the time needed to complete the project, and fencing, and extensive discussion regarding drainage.

Commissioner Koch made a motion to table Case ZC19-009. Commissioner Syed seconded the motion.

The motion to table carried with the following vote:

Aye: 6 – Moore, Syed, Holt, Koch, Bevill, Bond

Nay: 0

3f Consideration of amendments to Chapter 3, Section 3.24.B – Schedule Of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations of the Land Development Code

Ben Bryner presented the proposed amendments and briefed the Commission.

The public hearing was opened at 10:02 p.m. With no citizens present wishing

to speak, the public hearing was closed at 10:02 p.m.

There was general discussion regarding the proposed changes.

Commissioner Bevill made a motion to approve the proposed changes with a modification that an accessory building can be occupied up to 30 days without requiring approval of a Special Use Permit. Commissioner Holt seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Moore, Syed, Holt, Koch, Bevill, Bond
Nay: 0

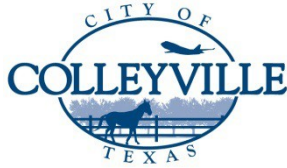
4. ADJOURNMENT

The meeting adjourned at 10:10 p.m.

The minutes were written and prepared by:

Keera Seiger
Assistant to the City Secretary

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



City of Colleyville Planning and Zoning Commission Worksession Minutes

City Hall
100 Main Street
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Monday, January 27, 2020

City Council Chambers

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission worksession was called to order by Chair Mathisen on January 27, 2020, at 6:15 p.m.

Roll Call

Present: Ryan Moore, Syeda Syed, Kimberly Holt, Susan Mathisen, and George Bond

Absent: Matt Koch and Claudia Bevill

Staff Present: Ben Bryner, Jacquelyn Reyff, Robert McKeown, Eddie Tangadunrat, Araceli Botello

1. REGULAR AGENDA ITEMS

- 1a** Presentation and discussion of a request for a Preliminary/Final Plat for Lots 111, Block A, Lots 113, Block B, and Lots 13, Block X, of the Preston Manor Addition, being Tracts 6A1, 6A2, 6A2A, 6A2B1, Abstract 1487, in the O C Sturm Survey, and Tracts 1B, 1B1, 1B2A, Abstract 1176, in the J J Newton Survey, located at 401 Shelton Drive, Case PC20001

Jackie Reyff presented the case and briefed the Commission.

Applicant Osama Nashed and the engineer for the project were present to answer questions of the Commission.

There was general discussion regarding the development, entrances, the railroad, and the price point of homes in the proposed development.

- 1b** Presentation and discussion of a zoning change request from the AG Agricultural district to the CC1 Village Retail district on Tract 2B & 2B02, Abstract 180, in the J L Byas Survey, located at 5713 Colleyville Boulevard, Case ZC20001

Jackie Reyff presented the case and briefed the Commission.

- 1c** Presentation and discussion of a request for a Special Use Permit for Cemeteries or Mausoleums on Tract 2B & 2B02, Abstract 180, in the J L Byas Survey, located at 5713 Colleyville Boulevard, Case ZC20 002

Jackie Reyff presented the case and briefed the Commission.

Applicant Robert Reeves was present to brief and answer questions of the Commission. Mr. Reeves spoke regarding the conditions of the SUP.

- 1d** Presentation and discussion of a request for a Special Use Permit for an Accessory Building to exceed the 4% lot coverage allowance and for an Accessory Dwelling on Lot 1, Block 1, G&R Addition, located at 2313 Hall Johnson Road, Case ZC19023, TABLED FROM THE JANUARY 13, 2020 PLANNING AND ZONING COMMISSION

Ben Bryner presented the case and briefed the Commission.

There was general discussion regarding the use of the accessory building, regulations for materials and building structures for residential properties, and the history of the property.

- 1e** Discussion of future Planning and Zoning Commission Meeting Dates

Ben Bryner briefed the Commission. There was general discussion regarding future meeting dates and attendance regulations.

2. ADJOURNMENT

The meeting adjourned at 6:56 p.m.

The minutes were written and prepared by:

Keera Seiger
Assistant to the City Secretary

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



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
Colleyville, Texas 76034
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Monday, February 10, 2020

City Council Chambers

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

Executive Session was called to order by Vice Chair Moore at 6:54 p.m. The meeting was closed at 7:01 p.m.

7:00 P.M. - REGULAR MEETING CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission meeting was called to order by Vice Chair Moore on February 10, 2019, at 7:09 p.m.

Roll Call

Present: Ryan Moore, Sayeda Syed, Matt Koch, Claudia Bevill, and George Bond

Absent: Susan Mathisen and Kimberly Holt

Staff Present: Ben Bryner, Jacquelyn Reyff, Araceli Botello, Rob McKeown, Whitt Wyatt, and Araceli Botello

1. CITIZEN COMMENTS/PRESENTATION REGARDING ITEMS NOT ON THE AGENDA

There were no citizens wishing to speak.

2. APPROVAL OF MINUTES

May 13, 2019 Minutes (Regular Meeting)
May 28, 2019 Minutes (Worksession)
June 10, 2019 Minutes (Regular Meeting)
July 8, 2019 Minutes (Regular Meeting)
July 22, 2019 Minutes (Worksession)

Commissioner Bevill made a motion to approve the May 13, 2019 regular meeting minutes, the May 28, 2019 worksession minutes, the June 10, 2019 regular meeting minutes, the July 8, 2019 regular

meeting minutes, and the July 22, 2019 worksession minutes. Commissioner Koch seconded the motion.

The motion to approve carried with the following vote:

Aye: 5 – Moore, Syed, Koch, Bevill, Bond

Nay: 0

3. PUBLIC HEARING AGENDA ITEMS

3a Consideration of a request for a Preliminary/Final Plat for Lots 111, Block A, Lots 113, Block B, and Lots 13, Block X, of the Preston Manor Addition, being Tracts 6A1, 6A2, 6A2A, 6A2B1, Abstract 1487, in the O C Sturm Survey, and Tracts 1B, 1B1, 1B2A, Abstract 1176, in the J J Newton Survey, located at 401 Shelton Drive, Case PC20-001

Jacquelyn Reyff presented the item and briefed the Commission.

Applicant Osama Nashed, 5000 Thompson Terrace, briefed and answered questions of the Commission.

The public hearing was opened at 7:34 p.m.

Mary Utey, 5704 Oak Top Drive, spoke in opposition to the case. Mrs. Utey spoke regarding concerns for increased traffic in an already congested area and further destruction of wildlife habitation.

Larry and Kim Cowan, 5904 Bransford Road, did not wish to speak, but wished to express their opposition to the case.

George Whitman, 405 Shelton Drive, spoke in opposition to the case. Mr. Whitman spoke regarding concerns of increased traffic and the impact to the neighborhood.

The public hearing was closed at 7:43 p.m.

There was discussion regarding an emergency access gate, street regulations, the development, trees, drainage, and the documentation submitted to the Commission, and the items needing to be addressed by the applicant.

Commissioner Koch made a motion to table Case PC20-001. Commissioner Bond seconded the motion.

The motion to table Case PC20-001 carried with the following vote:

Aye: 5 – Moore, Syed, Koch, Bevill, Bond
Nay: 0

3b Consideration of a zoning change request from the AG Agricultural district to the CC1 Village Retail district on Tract 2B & 2B02, Abstract 180, in the J L Byas Survey, located at 5713 Colleyville Boulevard, Case ZC20-001

3c Consideration of a request for a Special Use Permit for Cemeteries or Mausoleums on Tract 2B & 2B02, Abstract 180, in the J L Byas Survey, located at 5713 Colleyville Boulevard, Case ZC20-002

Jacquelyn Reyff presented items 3b and 3c together, as the cases are related, and briefed the Commission.

Applicant Robert Reeves, 900 Jackson Street, Suite 160, Dallas, representing Bluebonnet Hills, briefed the Commission.

The public hearing was opened at 8:28 p.m.

Cary P. Grossi, 1029 S. Greenville Avenue, Richardson, representing Bluebonnet Hills, spoke in support of the case.

Neal Bondy, 1808 Arrington Green, spoke in support of the case.

Ricky Texada, 1801 Arrington Green, spoke regarding drainage issues, the proposed driveway, cleaning out the natural swell, and the lack of trees and privacy.

Mindy Russell, 1805 Camden Green, did not wish to speak, but wished to express opposition to the case. Ms. Russell noted on her speaker card her concerns for drainage and landscape.

Jonathan Cheatham, 1716 Gatehouse Court, representing Stone Crest Homeowner's Association, spoke in opposition to the case. Mr. Cheatham spoke of concerns regarding needing specification of the above ground crypts and mausoleums and what can be done to shield them from view.

Lynda Wilbur, 1705 Gatehouse Court, representing Stone Crest, spoke in opposition to the case. Mrs. Wilbur spoke regarding concerns for above ground visible mausoleums and crypts, and the negative effect on property values.

Stephanie Cheatham, 1716 Gatehouse Court, representing Stone Crest

Estates, spoke in opposition to the case. Mrs. Cheatham spoke regarding concern for above ground crypts.

Colin Pair, 100 Grosvenor Lane, representing Broughton Homeowner's Association, did not wish to speak, but wished to express support for the case.

The public hearing was closed at 8:45 p.m.

Mr. Reeves addressed concerns regarding landscaping, crypts, swells, and mausoleums.

Mr. Grossi spoke regarding mausoleums and crypts, needs of the consumers, and the concerns of the neighbors regarding the property.

There was general discussion regarding additional language to be added to the motion.

Commissioner Koch made a motion to approve Cases ZC20-001 and ZC20-002, with the condition that no private mausoleum or crypt be built closer than 100 feet to the property line. Commissioner Bond seconded the motion.

The motion to approve carried with the following vote:

Aye: 5 – Moore, Syed, Koch, Bevill, Bond

Nay: 0

3d Consideration of a request for a Special Use Permit for an Accessory Building to exceed the 4% lot coverage allowance and for an Accessory Dwelling on Lot 1, Block 1, G&R Addition, located at 2313 Hall Johnson Road, Case ZC19-023, TABLED FROM THE JANUARY 13, 2020 PLANNING AND ZONING COMMISSION

Commissioner Bevill made a motion to remove Case ZC19-023 from the table. Commissioner Koch seconded the motion

The motion to remove Case ZC19-023 from the table carried with the following vote:

Aye: 5 – Moore, Syed, Koch, Bevill, Bond

Nay: 0

Ben Bryner presented the case and briefed the Commission.

Applicant Randy Primrose, 5506 Sycamore Drive, briefed the Commission. Mr.

Primrose explained the request and the purpose for the accessory building, as well as provided pictures of the accessory building.

The public hearing was opened at 9:34 p.m.

Andrew Phelan, 2307 Ballantrae Drive, spoke in opposition to the case. Mr. Phelan spoke of concerns regarding the possibility of multiple regulations being broken, specifically the height of the building.

Colt Cantrell, P.O. Box 1140, did not wish to speak, but wished to express support for the case.

Roger Isbell, 5701 Sycamore Drive, spoke in support of the case.

John Jay, 2309 Hall Johnson, spoke in opposition the case. Mr. Jay spoke regarding concerns of the building being larger than what the building plans presented, the negative impact on his property value, and the City not taking action when Mr. Jay notified the building inspectors of the building being oversized.

Anthony Roland, 2309 Ballantrae Drive, did not wish to speak, but wished to express opposition to the case.

The public hearing was closed at 9:46 p.m.

Mr. Primrose addressed concerns regarding the building not meeting residential code and deviating from plans.

The applicant's father-in-law, Gary Reeder, 4603 Meandering Way, addressed the concern of the building negatively impacting neighboring property values.

The public hearing was reopened at 9:54 p.m.

Mr. Jay spoke regarding the applicant telling him the building was larger than what the applicant thought it would be.

The public hearing was closed at 9:55 p.m.

There was general discussion regarding the history of the case and the options the Commission has moving forward.

Commissioner Bond made a motion to approve Case ZC19-023. Commissioner Koch seconded the motion.

The motion to approve failed with the following vote:

Aye: 3 – Moore, Koch, Bond

Nay: 2 – Syed, Bevill

- 3e** Consideration of a zoning change request from the PUDC Planned Unit Development – Commercial district to the PUDC Planned Unit Development – Commercial district for the Heritage Farms addition, being Lots 13, Block A, Heritage Farms, located at 913 Cheek Sparger Road, 3808 Wayne Drive, and 3900 Bedford Court, Case ZC19-009, TABLED FROM THE JANUARY 13, 2020 PLANNING AND ZONING COMMISSION

Commissioner Koch made a motion to remove Case ZC19-009 from the table. Commissioner Bevill seconded the motion.

The motion to remove Case ZC19-009 from the table was approved with the following vote:

Aye: 5- Moore, Syed, Koch, Bevill, Bond

Nay: 0

Jacquelyn Reyff presented the item and briefed the Commission, noting the differences to the previously approved plan.

Barry Hudson, Senior Planner with Dunaway Associates, 500 Bailey, Suite 400, Fort Worth, briefed the Commission.

Don Stevens, 39 Tethervine Place, The Woodlands, Chief Financial Officer and Interim CEO of Methodist Retirement Communities, briefed the Commission.

Rocky Berg, Three Architecture, 4040 North Central Expressway, Suite 200, Dallas, briefed the Commission.

There was general discussion regarding the accessibility of the independent living buildings.

Jeff Davis, Dunaway Associates, 500 Bailey, Suite 400, Fort Worth, briefed the Commission.

There was discussion regarding the differences between an assisted living home and an apartment complex.

The public hearing was opened at 10:29 p.m.

Tom Buckelew, 3709 Woodmont Court, spoke in opposition to the case. Mr. Buckelew spoke regarding concerns of not being contacted by the applicant to address his concerns, overcrowding, drainage, lack of details, elevation, and traffic congestion.

Jocelyne Buckelew, 3709 Woodmont Court, did not wish to speak, but expressed opposition to the case.

Robert Beall, 5300 Miramar Lane, as a representative of the ownership group and resident of Colleyville, spoke in support of the case. Mr. Beall spoke regarding the need for this type of development in Colleyville and the benefits of the project such as low density and more parking spaces.

The public hearing was closed at 10:51 p.m.

Mr. Stevens spoke regarding Vice Chair Moore's concerns over the roundabout, the financial model as a non-profit organization, and the payment-in-lieu-of-taxes (PILOT).

Commissioner Bond made a motion to approve Case ZC19-009. Commissioner Syed seconded the motion.

The motion to approve carried with the following vote:

Aye: 4 – Moore, Koch, Bevill, Bond
Nay: 1 - Syed

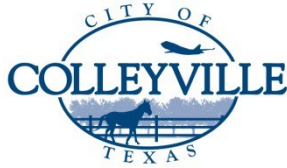
4. ADJOURNMENT

The meeting adjourned at 11:10 p.m.

The minutes were written and prepared by:

Keera Seiger
Assistant to the City Secretary

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



City of Colleyville Planning and Zoning Commission Worksession Minutes

City Hall
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Monday, February 24, 2020

City Council Chambers

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission worksession was called to order by Vice Chair Moore on February 24, 2020, at 6:15 p.m.

Roll Call

Present: Ryan Moore, Syeda Syed, Kimberly Holt, Claudia Bevill, and George Bond

Absent: Matt Koch and Susan Mathisen

Staff Present: Ben Bryner, Jacquelyn Reyff, Robert McKeown, Eddie Tangadunrat, Araceli Botello

1. REGULAR AGENDA ITEMS

Jackie Reyff stated the first six worksession items are paired, as items 1 and 2 are together, 3 and 4 are together, and 5 and 6 are together and will be presented as such.

WS-1 Presentation and discussion of a zoning change request from the R-40 Single Family Residential district and AG Agricultural district to the RE Single Family 'Estate' Residential district on Lot 2, Block 1, of the Newgren Addition and Tract 4, Abstract 295, in the William E Crooks Survey, located at 108 and 7204 John McCain Road, Case ZC20-003

WS-2 Presentation and discussion of a Replat for Lots 2R and 3, Block 1, of the Newgren Addition, being Lot 2, Block 1, of the Newgren Addition and Tract 4, Abstract 295, in the William E Crooks Survey, located at 108 and 7204 John McCain Road, Case PC20-002

Jackie Reyff presented both cases and briefed the Commission.

WS-3 Presentation and discussion of a zoning change request from AG Agricultural district to the R-40 Single Family Residential district on Tract 1A01B1, Abstract 1756, in the A T Young Survey, located at

218 W Glade Road, Case ZC20-004

- WS-4** Presentation and discussion of a Minor Plat for Lot 1, Block A, of the Parvin Wilkerson Addition, being Tract 1A01B1, Abstract 1756, in the A T Young Survey, located at 218 W Glade Road, Case PC20-003

Jackie Reyff presented both cases and briefed the Commission. Ben Bryner presented the history of the cases.

- WS-5** Presentation and discussion of a zoning change request from the AG Agricultural district to the R-40 Single Family Residential district on Tract 1A01C1, Abstract 1756, in the A T Young Survey, located at 304 W Glade Road, Case ZC20-005

- WS-6** Presentation and discussion of a Minor Plat for Lot 1, Block A, of the Patricia and Michael Addition, being Tract 1A01C1, Abstract 1756, in the A T Young Survey, located at 304 W Glade Road, Case PC20-004

Jackie Reyff presented both cases and briefed the Commission.

There was general discussion regarding the rezoning.

- WS-7** Presentation and discussion of a Special Use Permit for an Accessory Dwelling on Lot 7, Block 2, of the Westcoat Place Addition, located at 6009 Westcoat Drive, Case ZC20-006

Jackie Reyff presented the case and briefed the Commission. Ben Bryner provided the history of the case.

- WS-8** Presentation and discussion of amendments to Chapter 2 – Definitions and Chapter 3, Section 3.24.B – Schedule of Permitted Principal Uses & Section 3.24.C – Special Land Use Standards of the Land Development Code specific to Cannabidiol (CBD) Stores

Ben Bryner presented the amendments and briefed the Commission.

There was general discussion regarding state regulations of CBD Stores.

- WS-9** Presentation and discussion of amendments to Chapter 9, Section 9.21 –Sidewalks of the Land Development Code

Ben Bryner presented the amendments and briefed the Commission.

WS-10 Presentation and discussion of upcoming Planning and Zoning Commission meetings

There was general discussion regarding upcoming meetings.

2. ADJOURNMENT

The meeting adjourned at 6:45 p.m.

The minutes were written and prepared by:

Keera Seiger
Assistant to the City Secretary

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



City of Colleyville Planning and Zoning Commission Minutes

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

Monday, February 24, 2020

City Council Chambers

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission was called to order by Vice Chair Moore on February 24, 2020, at 7:00 p.m.

Roll Call

Present: Ryan Moore, Syeda Syed, Kimberly Holt, Claudia Bevill, and George Bond

Absent: Matt Koch and Susan Mathisen

Staff Present: Ben Bryner, Jacquelyn Reyff, Robert McKeown, Eddie Tangadunrat, Araceli Botello

1. APPROVAL OF MINUTES

August 12, 2019

August 26, 2019

September 9, 2019

Commissioner Bevill made a motion to approve the August 12, 2019 regular meeting minutes, the August 26, 2019 worksession minutes, and the September 9, 2019 regular meeting minutes. Commissioner Holt seconded the motion.

The motion to approve carried with the following vote:

Aye: 5 – Moore, Syed, Holt, Bevill, Bond

Nay: 0

2. CITIZEN COMMENTS

There were no citizens wishing to speak.

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a request for a Preliminary/Final Plat for Lots 1-11, Block A, Lots 1-13, Block B, and Lots 1-3, Block X, of the Preston

Manor Addition, being Tracts 6A1, 6A2, 6A2A, 6A2B1, Abstract 1487, in the O C Sturm Survey, and Tracts 1B, 1B1, 1B2A, Abstract 1176, in the J J Newton Survey, located at 401 Shelton Drive, Case PC20-001 TABLED FROM THE FEBRUARY 10, 2020 PLANNING AND ZONING COMMISSION MEETING

Commissioner Holt made a motion to remove Case PC20-001 from the table. Commissioner Bevill seconded the motion.

The motion to remove Case PC20-001 from the table was approved with the following vote:

**Aye: 5 - Moore, Syed, Holt, Bevill, Bond
Nay: 0**

Jackie Reyff presented the case and briefed the Commission. Mrs. Reyff noted the changes made since the previous meeting.

Osama Nasheed, applicant, Senior Associate, ANA Consultant, 5000 Thompson Terrace, representing the owner/developer, thanked the Commission for their accommodation and expressed his appreciation.

The public hearing was opened at 7:04 p.m. There was no one present wishing to speak, and the public hearing was closed at 7:04 p.m.

Vice Chair Moore commented on the addition of the turnaround, the entrance to the subdivision, green space, and sidewalks.

There was general discussion regarding the drainage agreement with the railroad, the price point of the homes in the subdivision, the builders, and concerns on the proximity of the railroad affecting property values.

Commissioner Bevill made a motion to approve Case PC20-001, contingent upon the drainage agreement from the railroad. Commissioner Bond seconded the motion.

The motion to approve carried with the following vote:

**Aye: 5 – Moore, Syed, Holt, Bevill, Bond
Nay: 0**

2. ADJOURNMENT

The meeting adjourned at 7:14 p.m.

The minutes were written and prepared by:

Keera Seiger
Assistant to the City Secretary

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 6/8/2020	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for a Fence to extend into the required street side yard on Lot 1, Block 1, of the Stowe Addition, located at 816 Shelton Drive, Case ZC20-009

Explanation

Mark Cooper, the applicant, has submitted a request for a Special Use Permit (SUP) for a five foot steel fence to encroach into the street side yard setback for a corner lot on Lot 1, Block 1, of the Stowe Addition, being approximately 0.48 acres, and zoned AG Agricultural district.

Existing Conditions/Background: The subject property, 816 Shelton Drive, has AG zoning and is located on the northwest corner at the intersection of Shelton Drive and Pleasant Run Road. The subject property has a new single family residence.

In 2017, the property received approval for a Minor Plat with Plat waivers from City Council (Resolution R-17-4171) for lot size and lot dimensions. This allowed for the zoning to remain AG. This approval also required for the home to face Shelton Drive and not Pleasant Run Road.

In 2018, permits were applied for and approved to build a new home on the property. At this time no permit was applied for the fence. The Land Development Code was amended by City Council in August 2019 (Ordinance O-19-2088), which then changed the placement of fencing and where it may be allowed for property lines facing a street (front and street side).

In 2020, home construction is nearing completion and a fence permit application was received in February. The fence permit was denied based on the proposed location to encroach into the street side yard setback for a corner lot. The applicant subsequently applied for an SUP as allowed per the Land Development Code.

SUP Request:

Request – The applicant is requesting approval of an SUP to allow for a five foot steel fence to be located approximately 10 feet from the corner street side property line, which is within the street side yard of the property.

Ordinance – Section 3.26 Fences, Free Standing Walls, and Screening Materials

Regulations of the Land Development Code establishes the maximum size and location of fencing to be permitted by staff on a residential lot:

"E. Fence and Free-Standing Wall Setback Requirement:

2. Corner Side Yards: Except where allowed elsewhere in this chapter, no fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply.

Regulation "2" above applies in this case requiring no fence be allowed to extend into the street side yard which is 40 feet per the zoning and approved plat. The applicant proposes to locate a 5 foot steel fence to encroach into the side yard setback approximately 10 feet from the property line. The Land Development Code provides the opportunity to modify from the requirements per this:

Special Use Permit Provision: Any request for a building permit for a fence/wall which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

Analysis: Any request for a residential fence which differs from the Land Development Code shall only be authorized after approval of a Special Use Permit by the City Council. The applicant is proposing the fence for privacy and security from Pleasant Run Road, which is designated as a major collector roadway. Shelton Drive is designated as a minor collector roadway.

Surrounding Development: The properties to the north, east and west are zoned AG and contain residential and institutional development. The property to the south is zoned R-40 and contains a single-family residential development.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 denial as it does not meet the technical requirements of the Land Development Code.

Recommendation

Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Fence Details
7. Photos Provided by Applicant
8. Landscape Plan
9. Grading Plan
10. Notification Map
11. Notification List
12. Property Owner Notification
13. Draft Ordinance

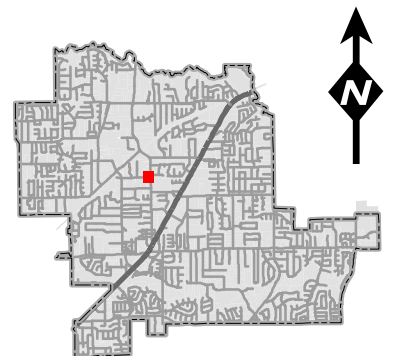
Aerial Map



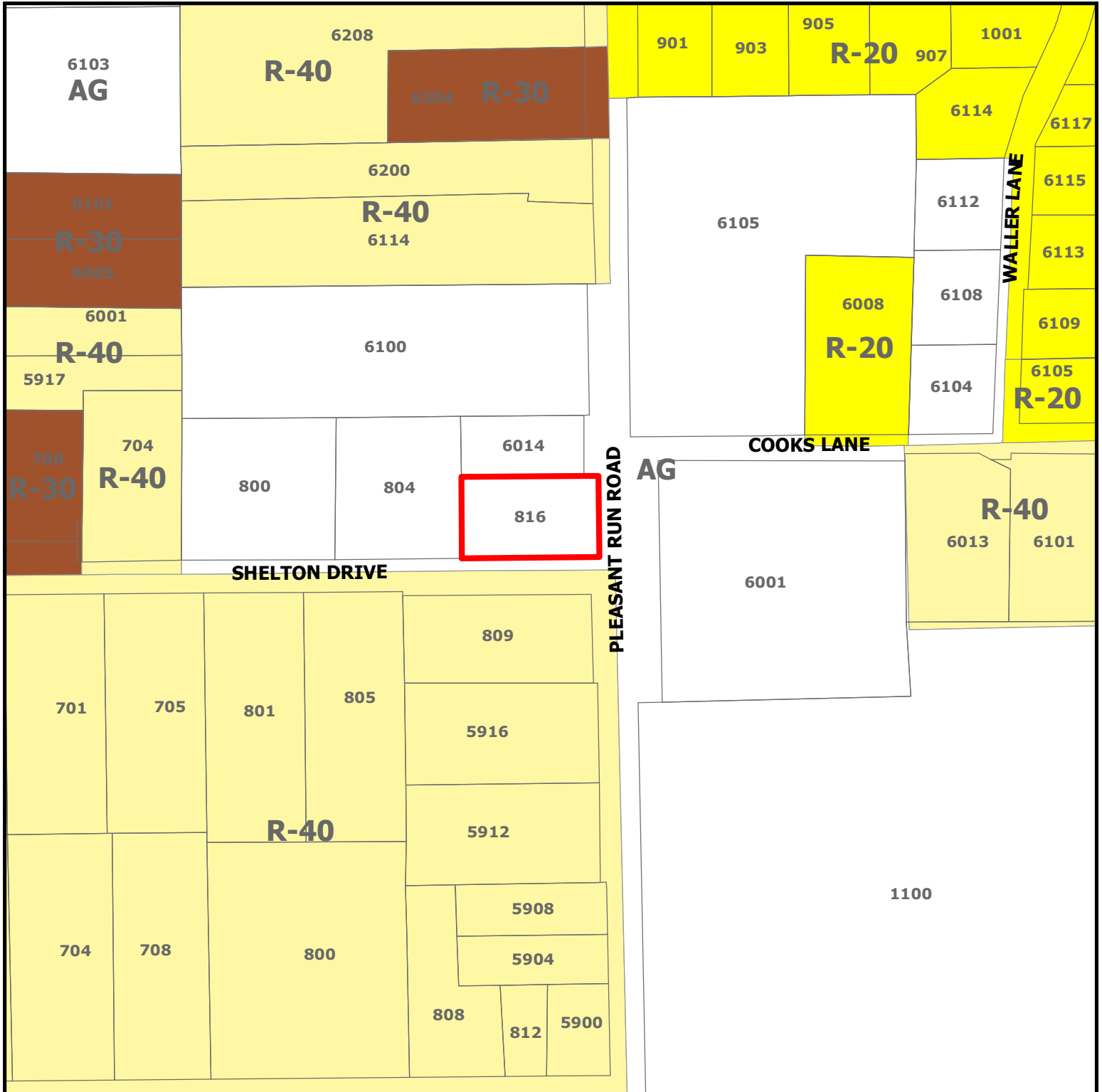
ZC20-009
816 Shelton Drive

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 Subject Property



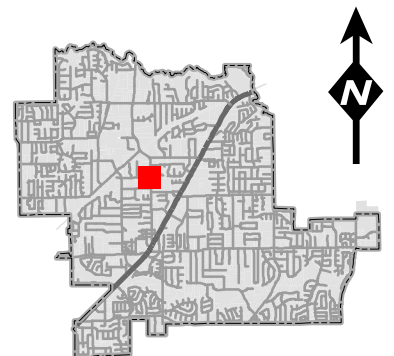
Zoning Map



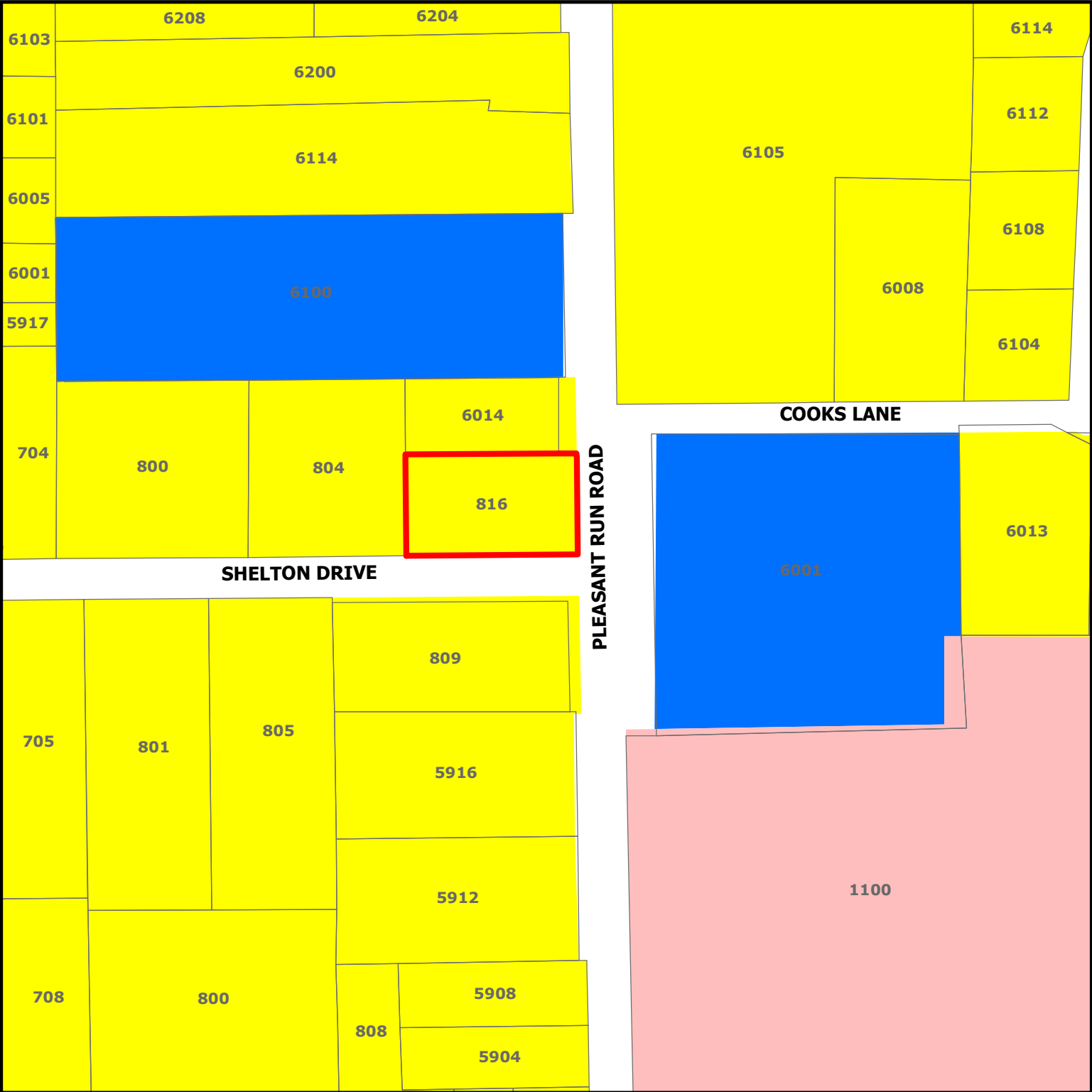
ZC20-009
816 Shelton Drive

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 Subject Property



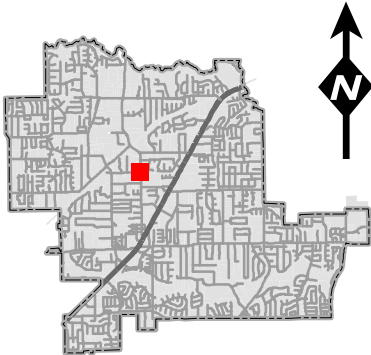
Future Land Use Map



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ZC20-009
816 Shelton Drive

-  Subject Property
-  Residential
-  Institutional
-  Colleyville Blvd Corridor



Statement of Planning Objectives

816 Shelton Dr. Application for Special Use Permit

Applicant, Mark Cooper of Copper Street homes, is proposing to construct a 5' high steel fence with a double arched gate at the driveway entrance to the garage at the stated location. The gate will be powered by electricity with a solar backup and will be operated by remote control. The main purpose for the fence and the gate is to ensure security for the Rick's family as they enter in and out of their garage. They are concerned that others could easily approach them as they enter and exit their garage if not shielded by a fence to give them protection. Their house is on the corner of Pleasant Run Dr. and Shelton Dr. Pleasant Run Dr. is a busy road and carries traffic from City Hall to as far north as Grapevine as it transitions into White Chapel Rd. There is a church located directly across the street with a large parking lot and there is also a middle school. During school opening and closing there is a considerable amount of traffic and School children that are walking and riding their bikes to and from school. The end of the driveway that they are proposing to fence is approximately 11' away from the City sidewalk on Pleasant Run Dr. This is not a safe situation for the Rick's or for the school children in the area when the school is in operation. A child could easily veer off the sidewalk as the Ricks are exiting their garage and become injured. With the church parking lot directly across the street they are also concerned that someone could easily park there at night and enter through their garage as they are coming in or leaving their house.

We applied for a fence permit in February of this year as we were completing the construction of their home and were denied because the Land Development Code passed last year prohibits a metal fence over 30" to be built on a corner lot over the building setback line. See Land Development Code, Section 3.26 Fences, Free Standing Walls, and Screening Materials, Section 7, d, 2

a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.

b. On a corner lot, a house shall be deemed to face on that street on which it has its least dimension unless otherwise determined by the Building Official.

c. Vehicle Gate setback: Any vehicle gate shall be set back a sufficient distance from the property line to allow vehicle queuing space in order to maintain safety and to prevent backup along the street pavement. Sufficient distance shall be determined by the Building Official.

*d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty five (25) percent opaque construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. **This exception shall not apply to properties zoned as a PUD district.***

2. Corner Side Yards: Except where allowed elsewhere in this chapter, no fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply.

Statement of Planning Objectives

We started the Rick's Home back in December of 2018 and included the fence locations as part of the site plan. The intention from day one was always to build this fence around the drive. At the time we applied for the Building Permit we did not, unfortunately, apply for the Fence Permit as well. Had we done so it would have been approved under the Codes at that time. We were also not aware that the Codes were going to change when we were building their house, so we were obviously surprised when the metal fence was not allowed to be permitted in February. Especially since there are so many homes on Shelton Dr., Pleasant Run Rd., and on corner lots at Shelton Dr. and Bransford Rd. with large entrances and fences located at the property lines. Included in the application are pictures of existing fences and entrances on Shelton Dr. within walking distances to their house. It is obvious when you look at these homes that the residences of the houses are also concerned about their security and safety as well. It is surprising that these structures are now so restricted. This has been a practice that has been in place for a long time in Colleyville and it makes sense to allow a fence to protect a garage drive on corner lots especially when the streets carry a lot of traffic or have public uses directly across the street. I hope you share my concern and understand the necessity of the request for a Special Use Permit for the Ricks home. Jerome Ricks grew up in Colleyville and is very excited to have a new home back in Colleyville with his wife. They like many Colleyville residence want to be able to live and enjoy their home without having to worry about the concerns I stated above. Please approve this request and allow them to live with security and peace of mind in their new home.

Regards

A handwritten signature in blue ink, appearing to read 'Mark Cooper', with a long horizontal stroke extending to the right.

Mark Cooper

Copper Street Homes LLC

(CONTROL BEARING)
N90°00'00"E 198.38'



N00°00'06"E 33.8 104.73'

"Zone X (unshaded)"
Areas determined to be outside
the 0.2% annual chance floodplain.

This flood statement does not create liability on part of the surveyor and/or surveying company.

VERTICAL SOURCE:
Elevations shown hereon were derived locally from RTK Network via Real Time Kinematic (RTK) methods.

BEARING SOURCE
BEARINGS SHOWN HEREON
ARE BASED ON THE PLAT RECORDED
IN DOC. NO. D218004066, D.R.T.C.T.



SURVEY DATE: 02-24-2020

LEGEND

SCALE: 1" = 20'

DRAWN BY: PDS

JOB # SA-01-01

10

5 JOB # 1804060-0



BARROW
LAND SURVEYING

COPPER STREET HOMES

Plating / Planning / Residential / Commercial

3970 SANDSHELL DRIVE
FORT WORTH, TEXAS 76105

PHONE (817) 961-0082

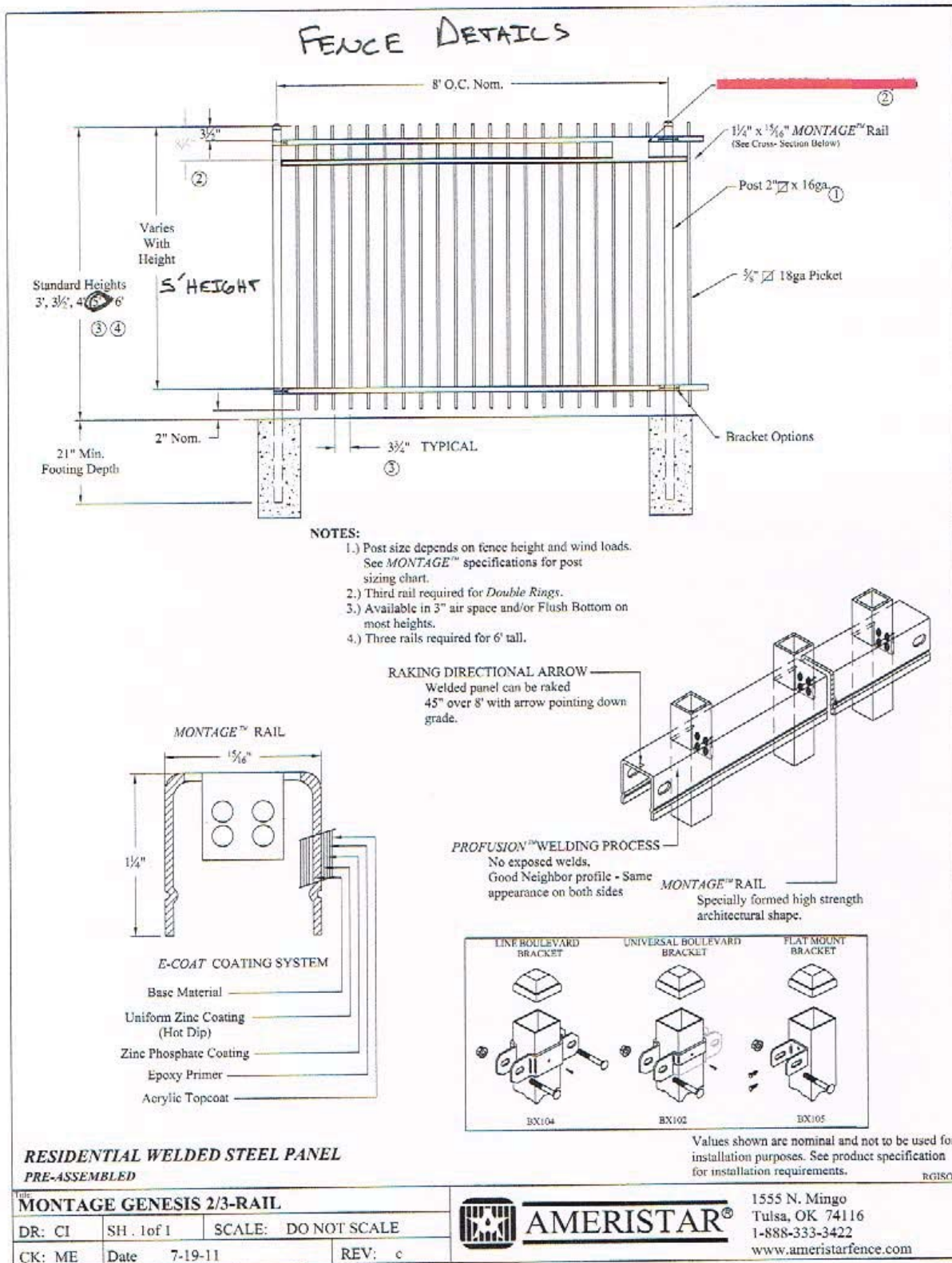
FAX (817) 961-0086

FIRM REGISTRATION No. 10183700

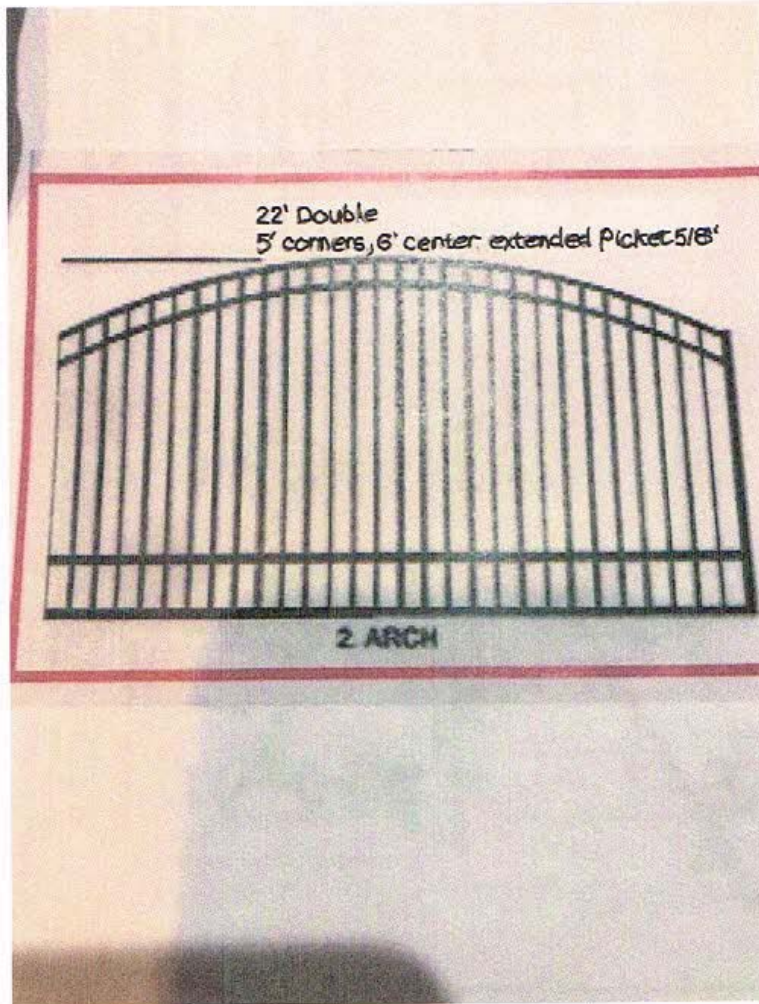
Lot 1, Block 1, of STOWE ADDITION, an addition to the City of Colleyville, Tarrant County, Texas, according to the Plat Recorded in Document No. D218004066, Deed Records, Tarrant County, Texas.

NOTE: THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THUS OTHER INTEREST MAY EXIST.

Fence Details



Fence Details



Fence Details

Colleyville, Texas, Land Development Code

E. Fence and Free Standing Wall Setback Requirements

1. *Front Yards:* No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall be located beyond the front façade of the primary residential structure.
 - a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.
 - b. On a corner lot, a house shall be deemed to face on that street on which it has its least dimension unless otherwise determined by the Building Official.
 - c. *Vehicle Gate setback:* Any vehicle gate shall be set back a sufficient distance from the property line to allow vehicle queuing space in order to maintain safety and to prevent backup along the street pavement. Sufficient distance shall be determined by the Building Official.
 - d. *Exceptions to front yard requirement:* Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent opaque construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. ~~This exception shall not apply to properties zoned as a PUD district.~~
2. *Corner Side Yards:* Except where allowed elsewhere in this chapter, no fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply.

A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding paragraph.

3. *Adjacent to Undeveloped Property:* Except for perimeter subdivision fencing meeting the requirements above, no fence or wall greater than thirty (30) inches in height that is greater than twenty-five (25) percent opaque construction, shall be located less than fifteen (15) feet from the side property line adjacent to the street which leads into undeveloped property. See Exhibit "3-4".
4. *Rear Fence and Free Standing Wall Setbacks:* Fences and walls meeting all of the construction requirements of paragraph "1.a" above and other adopted standards may be erected on the rear property line except; however, lots whose rear property line abuts a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty (30) inches in height shall be located within fifteen (15) feet of the subject lots rear property line. See Exhibit "3-4".

Photos Provided By Applicant



Photos Provided By Applicant

816 SHELTON - FRONT VIEW



Photos Provided By Applicant



Photos Provided By Applicant



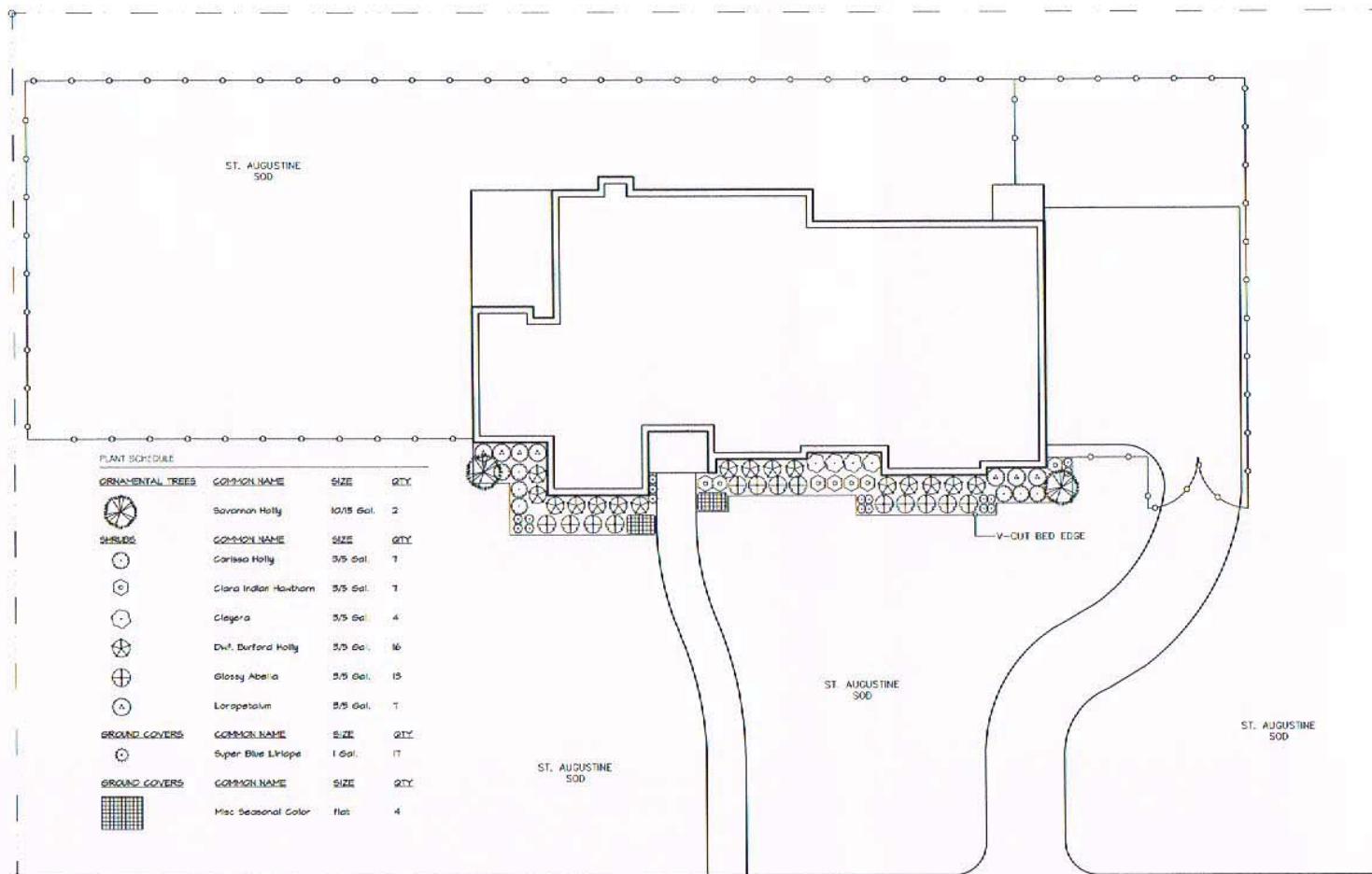
6001 BRANSFORD RD
AND CORNER OF SHELDON DR.

Photos Provided By Applicant

6204 REASNET RUN ROAD



Landscape Plan



CONTRACTOR NOTE:
INDICATION OF PLANTING AREAS ARE TO BE
FOLLOWED ON THE HOUSE EXTERIOR, UNLESS
OTHERWISE NOTED OR PROHIBITED



NOTE: PREPARED TO PROVIDE
DETAILED AND SPECIFIC IN ANY
AREA MARKED AS SEASONAL COLOR

1/8" = 1'-0"
ONE PLAN (SEE 5.00)

NOTE:
THIS DESIGN IS A WATER PLAN AND ONLY
ITEMS ON THE HOUSE CONTRACT WILL BE
INSTALLED

MEASUREMENTS AND LOCATIONS OF
MATERIALS ON PLANS ARE APPROXIMATE.
EXACT PLACEMENT TO BE DETERMINED AT
TIME OF INSTALLATION AND MAY VARY
BASED UPON ACTUAL SITE CONDITIONS

ALL PLANTS AND SPECIFICATIONS ARE
PROPERTY OF GARDEN DESIGN, LLC.
ANY USE FOR ANY OTHER PROJECT IS
PROHIBITED UNLESS A DESIGN FEE HAS BEEN
PAID TO GARDEN DESIGN, LLC

COPYRIGHT BY GARDEN DESIGN, LLC 2013

PLAN APPROVAL, DATE:

SIGNATURE:



RICKS RESIDENCE
816 Shelton Drive
Colleyville, Texas

DATE/PERSON
2.7.20 JRP

REVISIONS BY:
DATE

SCALE: 1/8" = 1'-0"
SHEET NO. 1 OF 1

**GARDEN
DESIGN**



101 Lakewood Lane
Frisco, Texas 75034
214.350.2525

SHEET 1 OF 1

L1

Grading Plan

2/28/2020



ERIC L. DAVIS ENGINEERING, INC.
F-3987
120 EAST MAIN STREET
Ferry, Texas 75125
972/564-0592 Fax: 972/564-6523
E-Mail: eric.davis@eldengineering.com

GRADING PLAN
ENGINEERED FOR
COPPER STREET HOMES

PLAN: GRADING
ELD JOB NO. DIF18-1197
DRAWN BY: BW
CHECKED BY: ML
LOT: 1 BLOCK: 1
CITY: COLLETTVILLE, TX

SCALE: 1" = 30'

SHEET 01

- NOTE:
1. SITE PREPARATION MUST COMPLY WITH PROJECT GEOTECHNICAL REPORT SPECIFICATIONS.
 2. REMOVE AND DISCARD ALL VEGETATION WHERE GRADING IS PROPOSED.
 3. SITE DRAINAGE MUST BE WELL DEVELOPED AND DIRECTED AWAY FROM THE FOUNDATION. GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET. FLOWLINE SLOPES OF SWALES AND SIDE YARDS SHALL NOT BE LESS THAN 1.25%. NO PONDING OF SURFACE WATER SHALL BE ALLOWED NEAR THE STRUCTURE.
 4. BACKFILL AROUND THE FOUNDATION SHALL BE WITH COHESIVE SOIL.
 5. ROOF DOWNSPOUTS AND DRAINS SHALL BE EXTENDED AND DRAIN AWAY FROM FOUNDATION.
 6. PAVING AND STRUCTURAL DESIGN BY OTHERS.

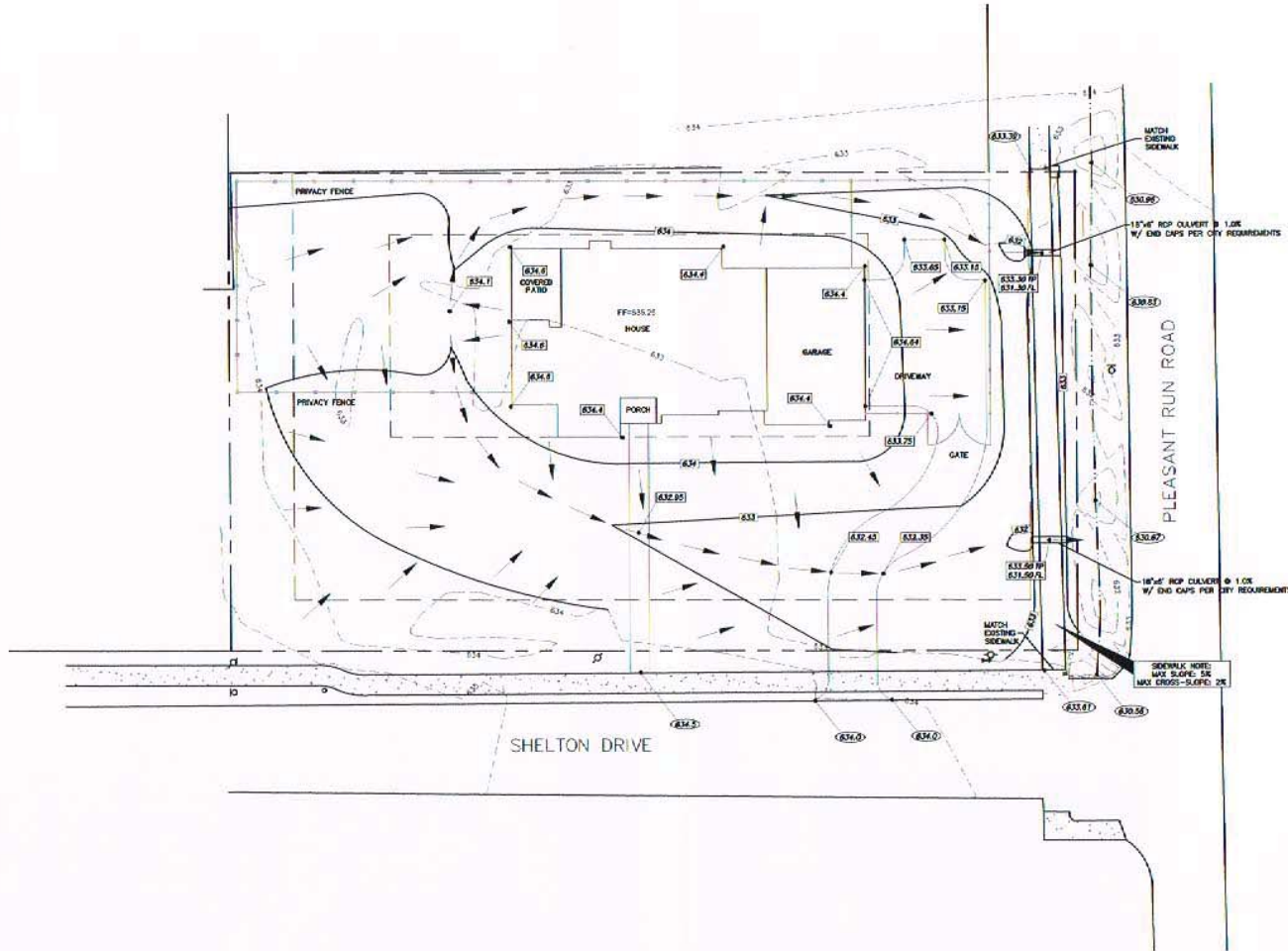
ALL ELEVATIONS ARE BASED ON SURVEY DATA PROVIDED BY THE OWNER AND/OR SURVEYOR. DESIGN ENGINEER ASSUMES NO RESPONSIBILITY FOR DISCREPANCIES RESULTING FROM SURVEY DATA.

CAUTION!!
CALL TEXAS ONE CALL @
1-800-245-4545
48 HRS PRIOR TO CONSTRUCTION

(U) CAUTION (U)
EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION SUPPLIED BY VARIOUS OWNERS OF THE FACILITIES. THE ENGINEER DOES NOT ACCEPT THE RESPONSIBILITY FOR THE UTILITY LOCATIONS SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY BOTH HORIZONTALLY AND VERTICALLY THE LOCATION OF ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION, TO TAKE NECESSARY PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED, AND TO NOTIFY THE ENGINEER PROMPTLY OF ALL CONFLICTS OF THE WORK WITH EXISTING FACILITIES. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION, AND DAMAGE BY THE CONTRACTOR TO EXISTING UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OR HER EXPENSE.

LEGEND

---	EASEMENT
XXX	EXISTING SPOT ELEVATION
XXX	PROPOSED SPOT ELEVATION
---	PROPERTY LINE
XXX	PROPOSED CONTOURS
---	EXISTING CONTOURS
---	PROPOSED FLOW DIRECTION
---	FLOW LINE
TP	TOP OF PAVEMENT
FL	FLOWLINE



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MITCHELL K. LENHARDT, P.E. 92714 ON 2/28/2020

Notification Map



ZC20-009
816 Shelton Drive

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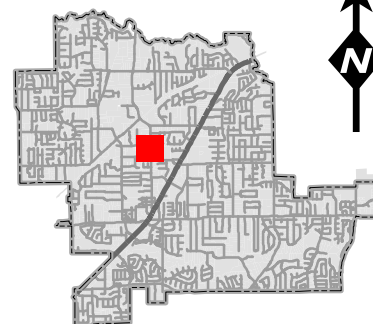
Subject Property



500ft Buffer



Properties within 500ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
CONGREGATION BETH ISRAEL	PO BOX 397	COLLEYVILLE, TX	76034	6100 PLEASANT RUN RD
GABLE, STEPHAN D	705 SHELTON DR	COLLEYVILLE, TX	76034	705 SHELTON DR
SLINEY, PAMELA M	6008 COOKS LN	COLLEYVILLE, TX	76034	6008 COOKS LN
MCCLURE, RICK	800 BEVERLY DR	COLLEYVILLE, TX	76034	800 BEVERLY DR
IRVING INVESTMENT LTD	4004 GATEWAY DR #109	COLLEYVILLE, TX	76034	704 SHELTON DR
MCMEANS, JAY B	6013 COOKS LN	COLLEYVILLE, TX	76034	6013 COOKS LN
ROBARE, LISA	PO BOX 2802	GRAPEVINE, TX	76099	6001 HUNTER LN
ST CLAIR, LLOYD S	808 BEVERLY DR	COLLEYVILLE, TX	76034	808 BEVERLY DR
HEDGES, B D	6104 WALLER LN	COLLEYVILLE, TX	76034	6104 WALLER LN
PANNO, RYAN	PO BOX 217	COLLEYVILLE, TX	76034	809 SHELTON DR
HASSAN FAMILY TRUST, THE	5912 PLEASANT RUN RD	COLLEYVILLE, TX	76034	5912 PLEASANT RUN RD
WILLIS, SCOTT A	6114 PLEASANT RUN RD	COLLEYVILLE, TX	76034	6200 PLEASANT RUN RD
MCINTYRE, TREVOR	5917 HUNTER LN	COLLEYVILLE, TX	76034	5917 HUNTER LN
GROSSMAN, LISA	6014 PLEASANT RUN RD	COLLEYVILLE, TX	76034	6014 PLEASANT RUN RD
WILLIS FAMILY REVOCABLE TRUST,	6114 PLEASANT RUN RD	COLLEYVILLE, TX	76034	6114 PLEASANT RUN RD
ELMS, JASON R	801 SHELTON DR	COLLEYVILLE, TX	76034	801 SHELTON DR
STOWE, ELLIE P	13548 W MAUNA LOA LN	SURPRISE, AZ	85379	816 SHELTON DR
PLEASANT RUN BAPTIST CHURCH	6005 PLEASANT RUN RD	COLLEYVILLE, TX	76034	6001 PLEASANT RUN RD
DAY, JAMES B	805 SHELTON DR	COLLEYVILLE, TX	76034	805 SHELTON DR
KAUL, SONIA	5908 PLEASANT RUN RD	COLLEYVILLE, TX	76034	5908 PLEASANT RUN RD
KERLEE, TWYLA	800 SHELTON DR	COLLEYVILLE, TX	76034	800 SHELTON DR
WALKER, DONNA	804 SHELTON DR	COLLEYVILLE, TX	76034	804 SHELTON DR
CRUSON, GLEN A	5916 PLEASANT RUN RD	COLLEYVILLE, TX	76034	5916 PLEASANT RUN RD
COULTER, MONA COOK	6105 PLEASANT RUN RD	COLLEYVILLE, TX	76034	6105 PLEASANT RUN RD
GRAPEVINE, ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	1100 BOGART DR
FARAGHER, JACK	6005 HUNTER LN	COLLEYVILLE, TX	76034	6005 HUNTER LN
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
COOPER, MARK	404 E WALL STREET	GRAPEVINE, TX	76051	APPLICANT

Property hearing notices were mailed on May 22, 2020



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

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

Planning and Zoning Commission Meeting: Monday, June 8, 2020 at 7:00 p.m.
City Council Meetings: Tuesday, July 7, 2020 & Tuesday, July 21, 2020 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit for a Fence to extend into the required street side yard. The purpose is to allow for a 5 foot steel fence to encroach into the side yard setback.

Zoning Case: ZC20-009

Applicant: Mark Cooper

Owner: Jerome Ricks and Qing Bai

Location: 816 Shelton Drive

Property Description: Lot 1, Block 1, of the Stowe Addition

Present Zoning: AG Agricultural

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 1000 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**

NOTICE OF PUBLIC HEARING

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 76034. A brief project description can be found online on the Active Development Case map:

<https://www.colleyville.com/government/departments-a-l/community-development/active-development-cases>

For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyer

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ORDINANCE O-20-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.48 ACRES, BEING LOT 1 BLOCK 1, OF THE STOWE ADDITION, LOCATED AT 816 SHELTON DRIVE, BY AUTHORIZING A SPECIAL USE PERMIT FOR A 5 FOOT STEEL FENCE TO ENCROACH INTO THE SIDE YARD SETBACK FOR A CORNER LOT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for a 5 foot steel fence to encroach into the street side yard setback for a corner lot under Case No. ZC20-009; 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 amend the City's zoning ordinance; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the City's zoning 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 City Council is of the opinion that the change in zoning provided for herein should be made, in compliance with the City Charter, and state law with reference to changes to zoning classifications under the City's zoning ordinance and zoning map, having given the requisite notices required by law and having held public hearings affording all interested persons and property owners a full and fair opportunity to be heard.

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

- Sec. 1. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for a 5 foot steel fence to encroach into the street side yard setback for a corner lot on 0.48 acres, being Lot 1 Block 1, of the Stowe Addition, located at 816 Shelton Drive, as depicted on the attached as Exhibit "A".

Sec. 2. 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. 3. 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 5 foot steel fence to encroach into the street side yard setback for a corner lot.
- b. The fence location shall be approximately 10 feet from the street side property line and shall be generally consistent with the site plan and as depicted on the attached Exhibit "B".
- c. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 7. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of July 2020.

The second reading and public hearing being conducted on the 21st day of July 2020.

PASSED AND APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 21ST DAY OF JULY 2020.

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

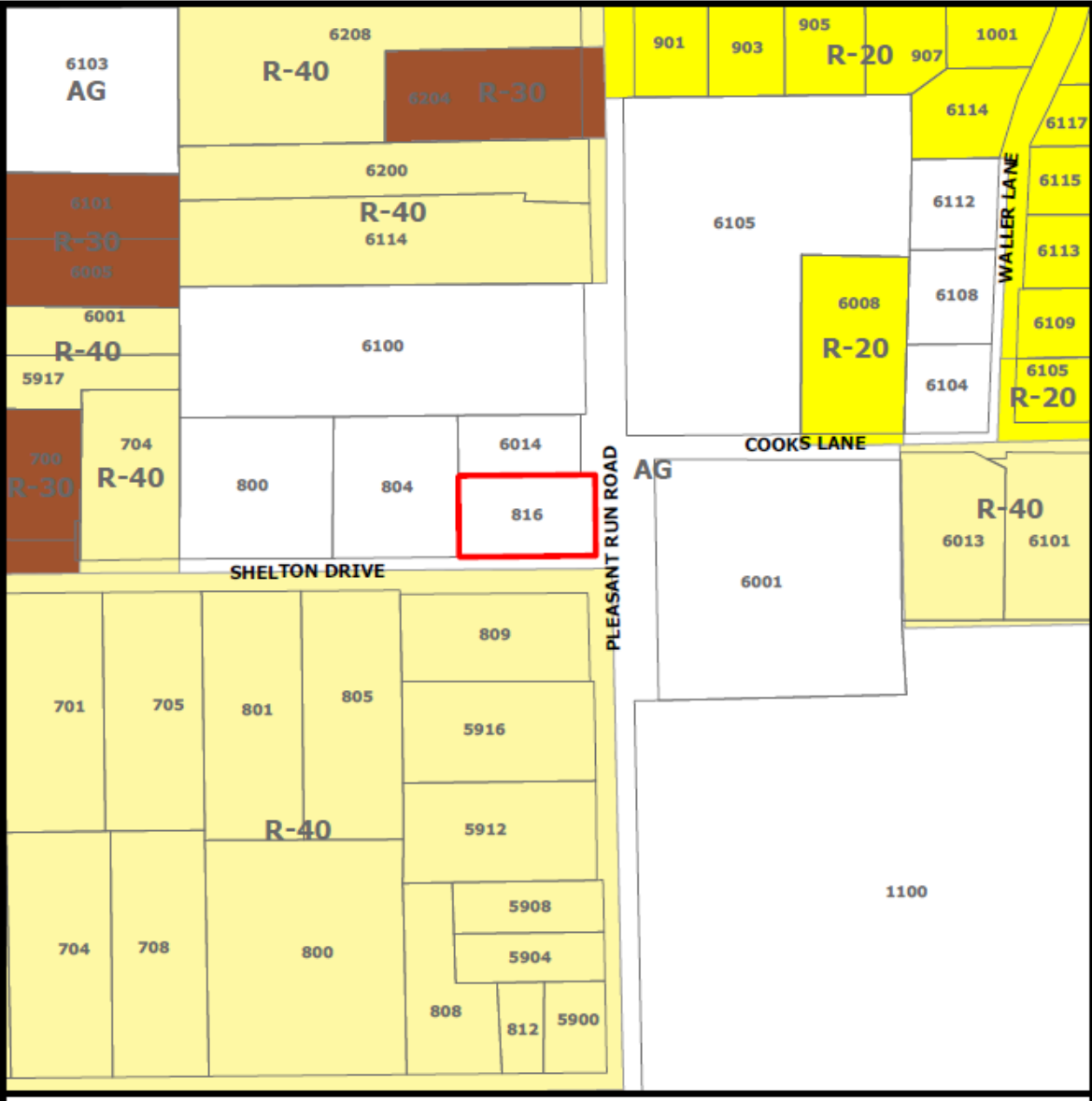
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map



IMPERVIOUS COVERAGE

HOUSE PAD	= 3251 SF
PATIO/PORCH	= 279 SF
SIDEWALK	= 278 SF
DRIVE	= 1922 SF
A/C PAD	= 32 SF
TOTAL	= 5762 SF
IMP. COVER	= 23.37%

BUILDING COVERAGE

HOUSE PAD	= 3251 SF
PATIO/PORCH	= 279 SF
TOTAL	= 3530 SF
BLDG. COVER	= 14.32%

SITE PLAN

LOT SQUARE FOOTAGE = 24646 SF

SCALE: 1" = 20'-0"

816 SHELTON DRIVE
BLOCK 1, LOT 1
COLLEYVILLE, TEXAS

REVISIONS

NO.	DATE	DESCRIPTION
1	11/17/2017	ISSUED FOR PERMIT

RUSSELL MORAN
ARCHITECT - RESIDENTIAL DESIGN
3225 FORT ROYAL COURT
PLANO, TEXAS 75075
214-770-9682

DESCRIPTION
RICKS RESIDENCE
816 SHELTON DRIVE
COLLEYVILLE, TEXAS

The Designer assumes no liability for the use of this plan for any purpose other than that for which it was prepared. The Designer is not responsible for the accuracy of the information provided by the client. The Designer is not responsible for the accuracy of the information provided by the client. The Designer is not responsible for the accuracy of the information provided by the client.



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 6/8/2020	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for a Fence to extend into the required street side yard on Lot 1, Block 8, Creekside at Colleyville, Phase 3, located at 3501 LeJoie Lane, Case ZC20-010

Explanation

Cheryl Turner, the applicant, has submitted a request for a Special Use Permit (SUP) for a five foot iron rod fence to encroach into the street side yard setback for a corner lot on Lot 1, Block 8, of the Creekside at Colleyville, being approximately 0.1885 acres, and zoned PUD-R Planned Unit Development- Residential district.

Existing Conditions/Background: The subject property, 3501 LeJoie Lane, has PUD-R zoning and is located on the southeast corner at the intersection of Petrus Boulevard and LeJoie Lane. The subject property has a new single family residence.

The applicant was in receipt of an informational letter from Staff dated November 16, 2018 and at that time the Land Development Code allowed for a non-privacy fence (wrought iron, no more than 25% opaque) to be allowed within the street side yard setback and even along the exterior side property line.

A building permit was issued for the construction of a new home in August of 2019.

The fence permit was applied for in April of 2020 and denied. The applicant was informed that the Land Development Code had been amended by the City Council in August of 2019 (Ordinance O-19-2088) and therefore the request by the applicant is not allowed unless approved with an SUP. The applicant subsequently applied for an SUP as allowed per the Land Development Code.

SUP Request:

Request – The applicant is requesting approval of an SUP to allow for a five foot iron rod fence to be located approximately five feet from the corner street side property line which is within the street side yard of the property.

Ordinance – *Section 3.26* Fences, Free Standing Walls, and Screening Materials Regulations of the Land Development Code establishes the maximum size and location of fencing to be permitted by staff on a residential lot:

"E. Fence and Free-Standing Wall Setback Requirement:

2. Corner Side Yards: Except where allowed elsewhere in this chapter, no fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply.

Regulation "2" above applies in this case requiring no fence be allowed to extend into the street side yard which is 15' per the zoning. The applicant proposes to locate a 5 foot iron rod fence to encroach into the side yard setback for a corner lot. The Land Development Code provides the opportunity to modify from the requirements per this:

Special Use Permit Provision: Any request for a building permit for a fence/wall which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

Analysis: Any request for a residential fence which differs from the Land Development Code shall only be authorized after approval of a Special Use Permit by the City Council. The applicant is proposing the fence similar to what was previously allowed in the subdivision prior to August 2019 and to match the adjacent lot to the south.

Surrounding Development: The properties to the north, south, east and west are zoned PUD-R zoning and contain residential development in the Creekside at Colleyville subdivision.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 denial as it does not meet the technical requirements of the Land Development Code.

Recommendation

Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives

5. Site Plan
6. Photos Provided by Applicant
7. Letter Provided by Applicant
8. Notification Map
9. Notification List
10. Property Owner Notification
11. Draft Ordinance

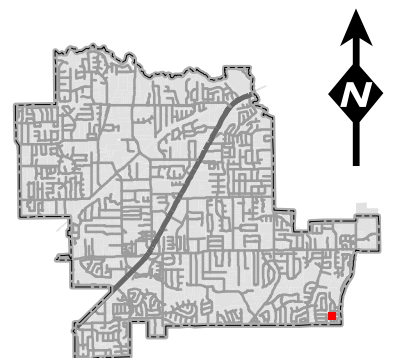
Aerial Map



ZC20-010
3501 LeJoie Lane

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

 Subject Property



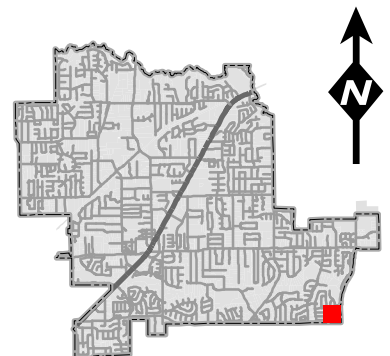
Zoning Map



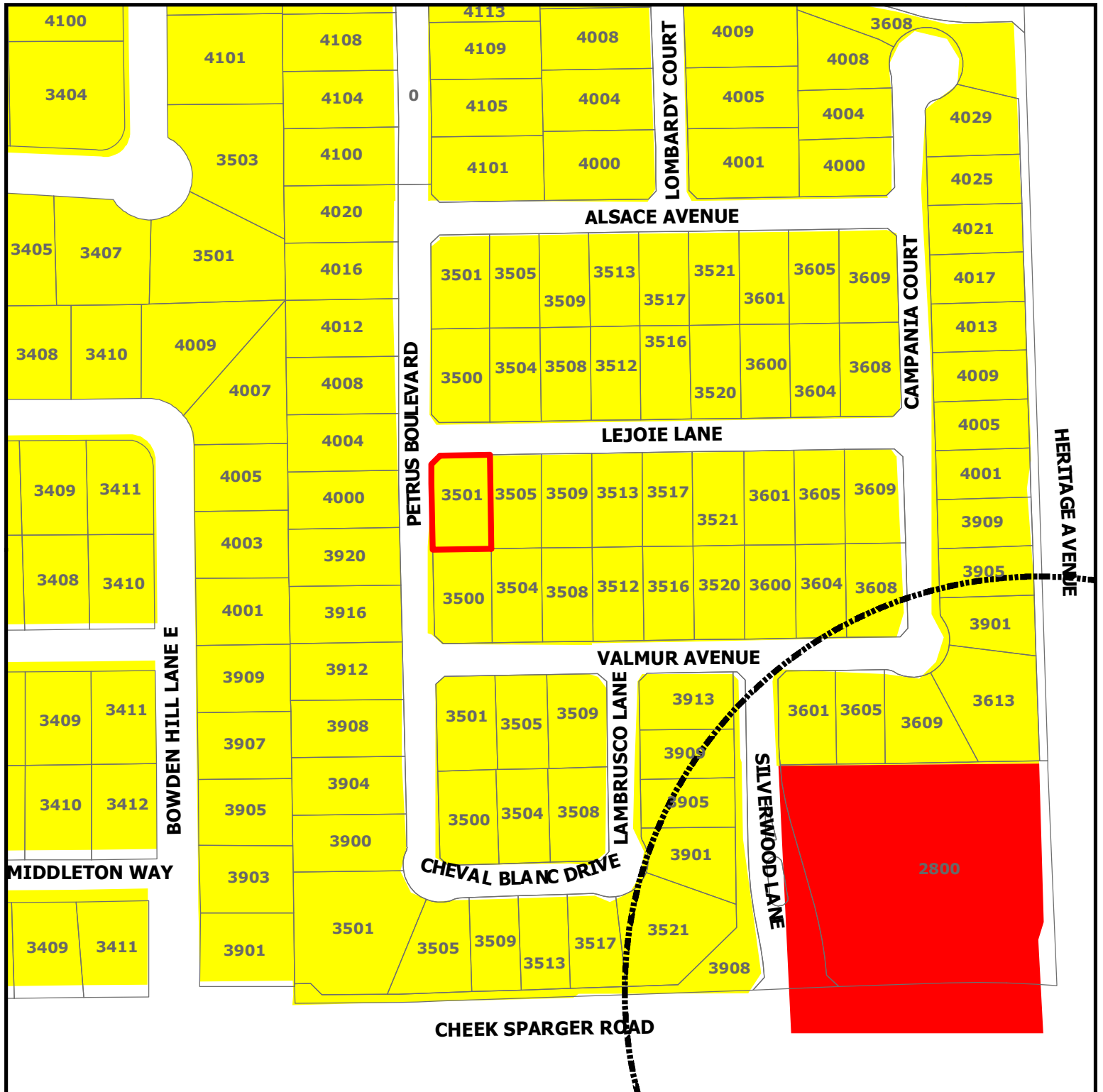
ZC20-010
3501 LeJoie Lane

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 Subject Property



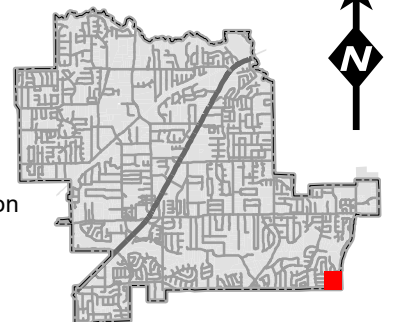
Future Land Use Map



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ZC20-010
3501 LeJoie Lane

- Subject Property
- Sales Tax Preferred Intersection
- Residential
- Commercial



Statement of Planning Objectives

EXHIBIT TO APPLICATION FOR SPECIAL USE PERMIT

FOR A RESIDENTIAL FENCE AT 3501 LEJOIE LANE

REQUEST: This SUP is sought to allow a rod iron fence at 3501 LeJoie Lane to terminate 18" from the sidewalk and to tie into the adjacent fence at 3500 Valmur. This fence will be of the same, 5' black rod iron material as all the existing rod iron fences in Creekside at Colleyville. The fence will not exceed 25% opacity.

BACKGROUND:

Applicant MainVue Homes is the builder of 41 single family luxury homes in the gated community of Creekside at Colleyville, Phase 3. Creekside is a very unique community for Colleyville, with smaller (approximately 60' x 115') lot sizes and minimal (5') side yards. Because of the smaller lots, fence locations differing only by a few feet can have a dramatic impact on the amount of a homeowner's usable, private yard.

The subject property is a home under construction on a corner lot. The adjacent property to south (3500 Valmur) of the subject is an occupied residence.

The property lines for the homes in Creekside at Colleyville Phase 3 terminate at the street, meaning that sidewalks and parkways are within the property boundary for each lot. In early 2018, some confusion arose over allowable locations for fencing. After some discussion, the City of Colleyville issued a letter on November 18, 2018 clarifying that corner lot fences constructed of iron with no more than 25% opacity could extend to 18" from the sidewalk. The letter is attached to this application.

In reliance of the November 18, 2018 letter, the builders in Creekside at Colleyville constructed several homes with rod iron fencing terminating 18" from the sidewalk. One such home is located at 3500 Valmur and is adjacent to the subject property. Photographs of the existing fence at 3500 Valmur and the proposed fence at subject property are attached to this application.

In August of 2019, Council adopted O-19-2089, limiting side yard fences to 30" in height and no more than 25% opacity.

BASIS FOR REQUEST:

Over 75% of the homes in Creekside at Colleyville are occupied residences. Many of the occupied homes were allowed to construct fences in various locations beyond the build line, setting the precedent for property owners in this unique, small-lot, gated community to expect the ability to expand their fenced yard. In the case of the subject property, requiring the fence to be placed at the build line only yields a 1055sf private yard. Allowing a rod iron fence as previously allowed in Creekside increases the usable fenced yard to 2301sf. While such a move may be insignificant on a large lot community, in a small lot community, the difference is very significant. The request further allows for consistency by placing the subject fence in the same location as the adjacent existing fence.

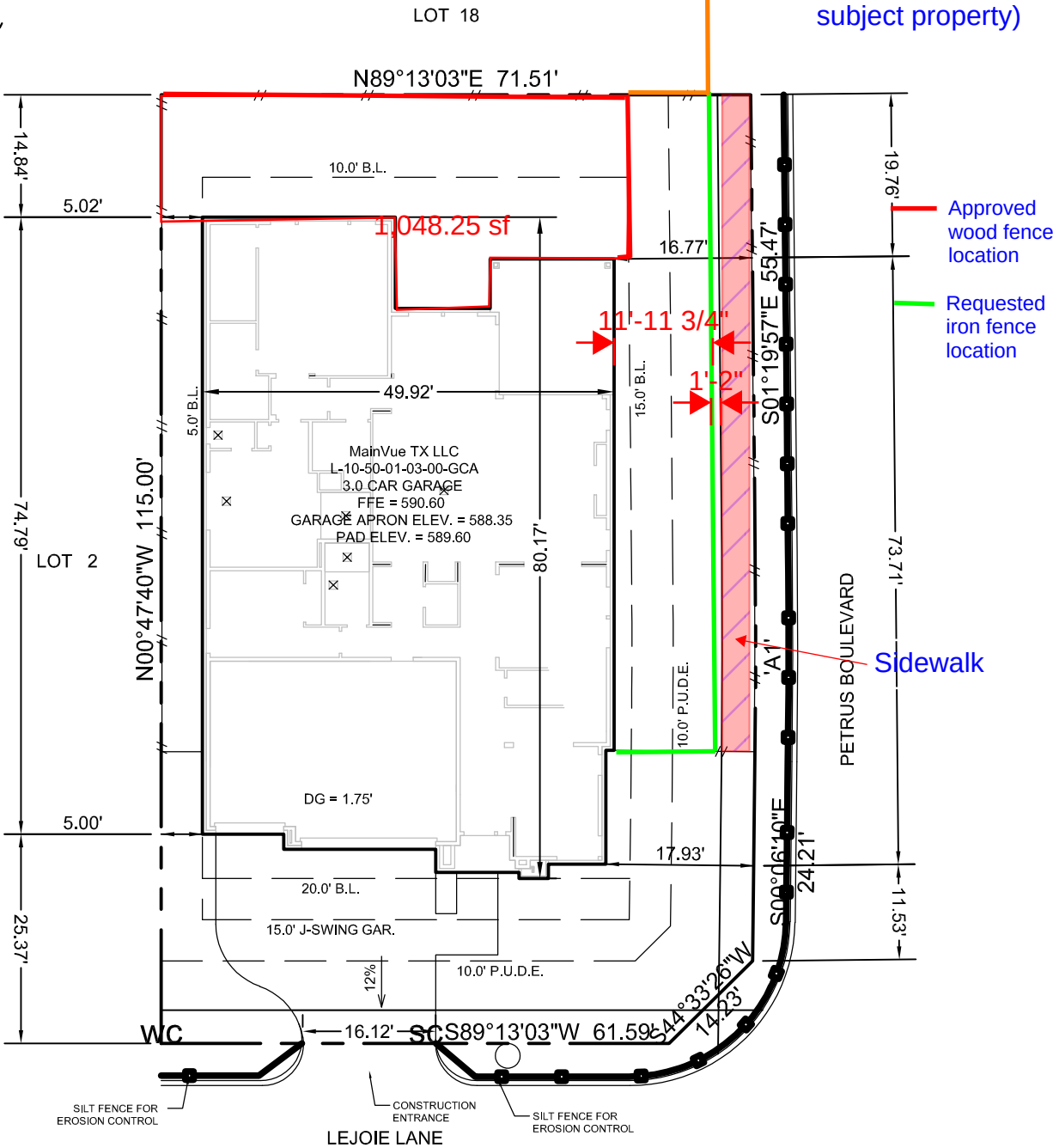
Tarrant County
Lot Area: 8212 Sq.Ft.



SCALE: 1 = 20'

ARC TABLE				
ARC	LEN.	RAD.	CHRD.	BRG.
'A1'	25.33'	1180.00'	S00°43'04"E	

Existing iron fence on Lot 18 (adjacent to subject property)



LEGEND:

- - BOUNDARY CORNER
- - FIRE HYDRANT
- ⊙ - WATER VALVE
- ⊞ - WATER METER
- ⊕ - IRRIGATION CONTROL VALVE
- ⊗ - STORM DRAIN
- ⊠ - TRANSFORMER
- ⊡ - ELECTRIC JUNCTION BOX
- ⊢ - ELECTRICAL METER
- ⊣ - AIR CONDITIONER
- ⊤ - GAS METER
- ⊥ - COMMUNICATION PEDESTAL
- ⊦ - COMMUNICATION JUNCTION BOX
- ⊧ - CLEAN OUT
- ⊨ - SANITARY SEWER MANHOLE
- ⊩ - SIGN
- ⊪ - MAILBOX
- ⊫ - MISC. VAULT
- ⊬ - ZERO LOT LINE

ABBREVIATIONS:

- IRF - IRON ROD FOUND
- FFE - FINISHED FLOOR ELEVATION
- WC - WATER CONNECTION
- SC - SEWER CONNECTION
- G - GAS CONNECTION
- DG - DROP GARAGE W/ DISTANCE
- FG - FINISHED GRADE
- TW - TOP OF WALL
- BW - BOTTOM OF WALL
- BL - BUILD LINE
- UE - UTILITY EASEMENT
- DE - DRAINAGE EASEMENT
- CONC. - CONCRETE
- NG - NATURAL GROUND
- XXX.X - NG ELEVATION
- XXX.XX - PAVING ELEVATION

LINETYPES:

- - WOOD FENCE
- ◇ - WROUGHT IRON FENCE
- - FENCE LINE

NOTE: This plot plan does not represent an on the ground survey. All improvements shown hereon are for illustration purposes only. Builder to verify ALL information and actual improvement locations on this plot plan before construction. Refer to city and/or county approved subdivision construction documents for minimum slab elevation and drainage requirements. Improvements and elevations shown hereon are based on construction plans provided by Builder. Driveway slopes are calculated from garage apron to right-of-way line.

FLATWORK		SQ.FT.	AREAS	
Driveway:		565	Lot Area:	8212 s.f.
Citywalk:		725	House & Garage:	3644 s.f.
Approach:		92	House & Driveway:	4209 s.f.
TOTAL:		1382	Total Impervious:	5026 s.f.
SQD		SQ.YDS.		
Front:		110	House & Garage:	44.37 %
Left:		6	House & Driveway:	51.25 %
Back:		303	Impervious Coverage:	61.20 %
Right:		28		
TOTAL:		447	Fence:	252.0 l.f.

REV.	DATE	DESCRIPTION
1.	4/29/2019	Final, L-10-50-01-03-00-GCA
2.		
3.		
4.		
5.		

SPRY SURVEYORS

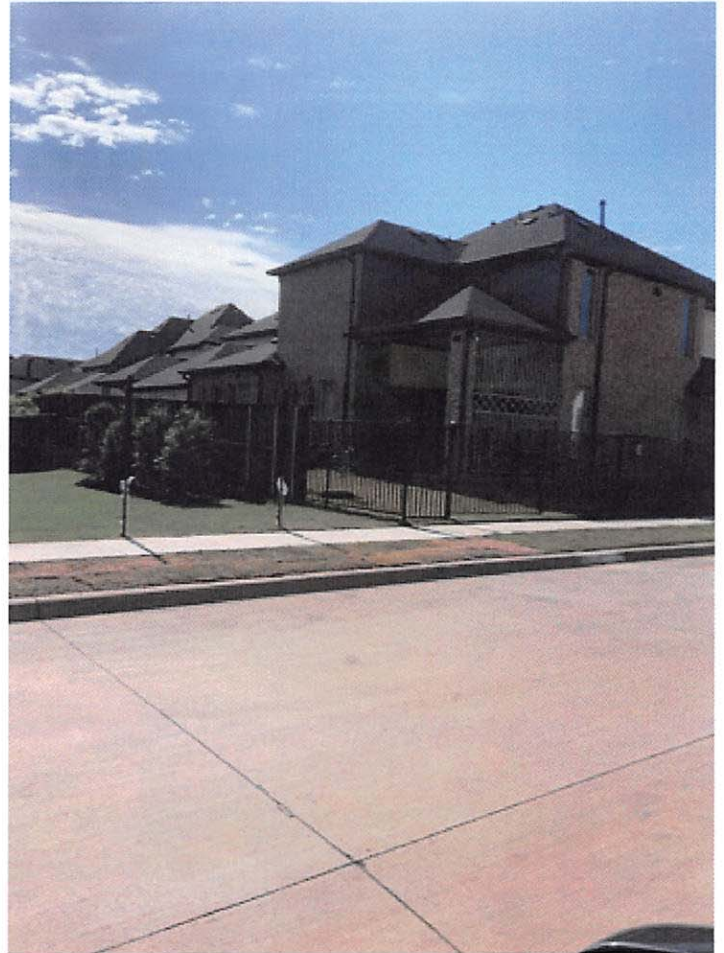
8241 Mid-Cities Blvd., Suite 102 • North Richland Hills, TX 76182
PH: 817.776.4049 • spry@sprysurveyors.com • www.sprysurveyors.com
Firm Reg. No. 10112000

builder MainVue TX LLC		
subdivision Creekside at Colleyville		
lot 1	blk 8	phase / section 3
address 3501 Lejoie Lane		city Colleyville, TX
date 4/29/2019		plan L-10-50-01-03-00-GCA

Photos Provided By Applicant



SUBJECT SHOWING PROPOSED
FENCE LOCATION



ADJACENT PROPERTY TO SUBJECT
SHOWING EXISTING FENCE LOCATION.
PROPOSED FENCE TO BE OF SAME
HEIGHT AND STYLE.

Letter Provided By Applicant



November 16, 2018

RE: Corner Side Street Fencing – Creekside at Colleyville

To Whom It May Concern:

In regard to the type of fencing allowed along/within the exterior side (corner side street) setback, a wrought-iron fence is a permitted fence type under the fencing regulations found within Chapter 3 of the Land Development Code (LDC).

A privacy fence (solid wood or masonry) along the exterior side property is allowed but must be setback from the property line a minimum of 15 feet to the required building setback line. However, a non-privacy fence (wrought iron, no more than 25% opaque) is allowed along the exterior side property and may be located on the property line.

Due to the existence of easements adjacent to the right-of-way that allow for utilities and sidewalks to be located on private property, a minimum 'shy' distance (buffer distance) of 18 inches will be required from the edge of the sidewalk. This will allow for appropriate maintenance of the sidewalk and maneuverability for those using the sidewalks.

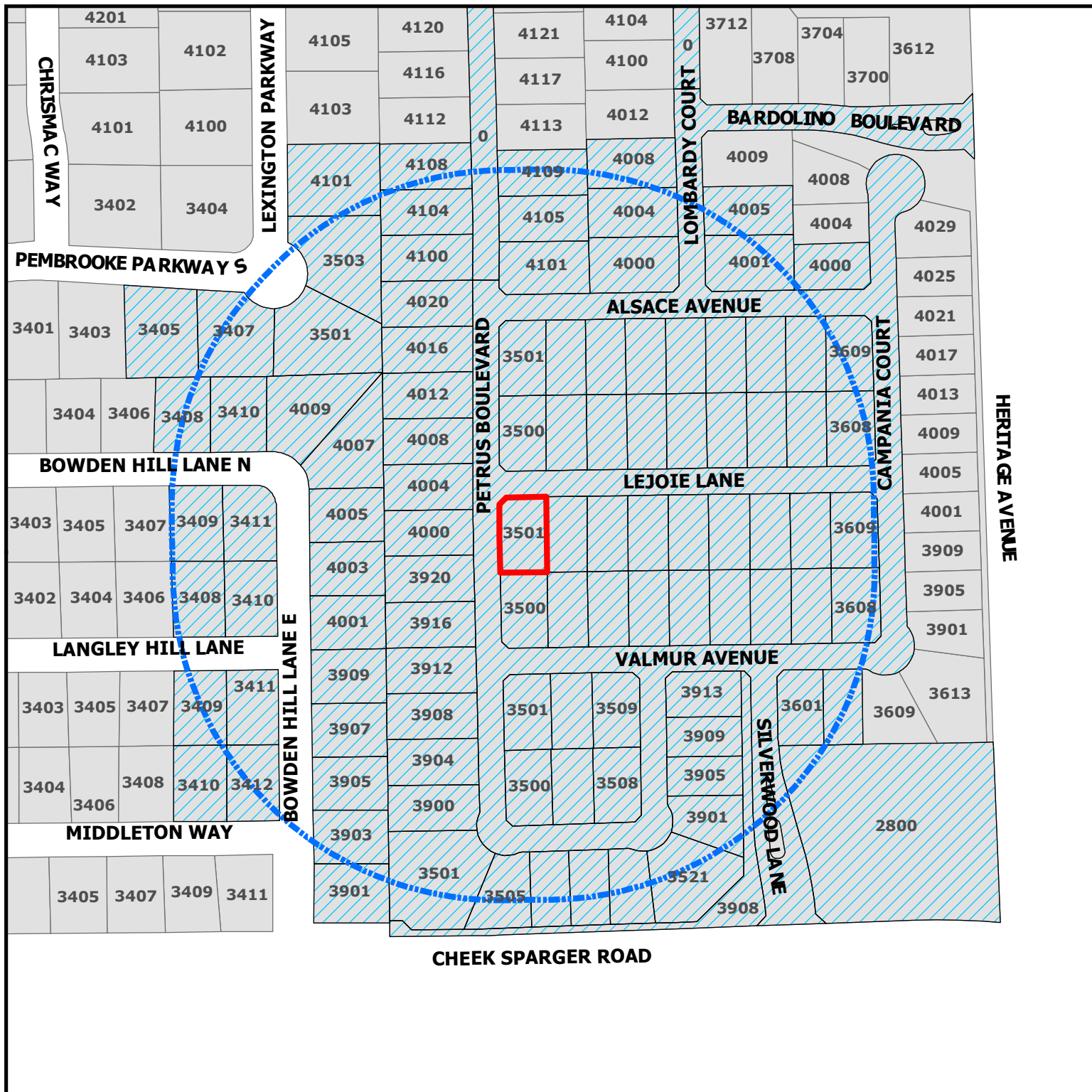
Please contact me for questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin L. Bryner".

Ben Bryner, AICP
Director, Community Development Department
(817) 503-1052
bbryner@colleyville.com

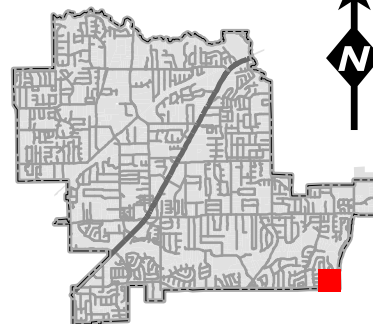
Notification Map



ZC20-010 3501 LeJoie Lane

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



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
DAVIS, LARRY	3409 BOWDEN HILL LN N	COLLEYVILLE, TX	76034	3409 BOWDEN HILL LN N
HALBACH, CHAD	3405 PEMBROOKE PKWY S	COLLEYVILLE, TX	76034	3405 PEMBROOKE PKWY S
CANTU, GARY	3410 MIDDLETON WAY	COLLEYVILLE, TX	76034	3410 MIDDLETON WAY
JOHNSON, LARRY B	3408 LANGLEY HILL LN	COLLEYVILLE, TX	76034	3408 LANGLEY HILL LN
MILLER, RONALD JAKE	3409 LANGLEY HILL LN	COLLEYVILLE, TX	76034	3409 LANGLEY HILL LN
WRIGHT, DAVID R	3407 PEMBROOKE PKWY S	COLLEYVILLE, TX	76034	3407 PEMBROOKE PKWY S
BILL AND MARY OTTO FAMILY TRUS	3412 MIDDLETON WAY	COLLEYVILLE, TX	76034	3412 MIDDLETON WAY
BATES, STEPHEN	3411 LANGLEY HILL LN	COLLEYVILLE, TX	76034	3411 LANGLEY HILL LN
HEMLER, TAYLOR	3410 BOWDEN HILL LN N	COLLEYVILLE, TX	76034	3410 BOWDEN HILL LN N
ZIEGLER, DAVID C	3410 LANGLEY HILL LN	COLLEYVILLE, TX	76034	3410 LANGLEY HILL LN
LANE, LOUIS H	3408 BOWDEN HILL LN N	COLLEYVILLE, TX	76034	3408 BOWDEN HILL LN N
HOHERTZ, MICHAEL	3411 BOWDEN HILL LN N	COLLEYVILLE, TX	76034	3411 BOWDEN HILL LN N
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3908 PETRUS BLVD
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3517 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3512 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4020 PETRUS BLVD
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3501 VALMUR AVE
REDDY, DIVAKAR	3517 ALSACE	COLLEYVILLE, TX	76034	3517 ALSACE AVE
CUMMINGS, KIM	3601 ALSACE	COLLEYVILLE, TX	76034	3601 ALSACE AVE
FANG, ZHENG	4104 PETRUS BLVD	COLLEYVILLE, TX	76034	4104 PETRUS BLVD
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3501 CHEVAL BLANC DR
CREEKSIDE AT COLLEYVILLE HOA I	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	3904 SILVERWOOD LN
				3908 SILVERWOOD LN
PATEL, HAREN	4000 LOMBARDY CT	COLLEYVILLE, TX	76034	4000 LOMBARDY CT
DAR, HASSAN	4101 PETRUS BLVD	COLLEYVILLE, TX	76034	4101 PETRUS BLVD
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3517 CHEVAL BLANC DR
PEREZ, ALFONSO	3509 ALSACE AVE	COLLEYVILLE, TX	76034	3509 ALSACE AVE
TRADITION HOMES LLC	8751 COLLIN MCKINNEY PKWY STE	MCKINNEY, TX	75070	3916 PETRUS BLVD
PETTY, BRYCE	3500 CHEVAL BLANC	COLLEYVILLE, TX	76034	3500 CHEVAL BLANC DR
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3505 CHEVAL BLANC DR
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3508 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4016 PETRUS BLVD
AJANI, ZUMERA	3521 CHEVAL BLANC	COLLEYVILLE, TX	76034	3521 CHEVAL BLANC DR
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3600 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3516 VALMUR AVE
CHIU, CHIN	3604 LEJOIE LN	COLLEYVILLE, TX	76034	3604 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3608 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3521 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3520 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4004 PETRUS BLVD
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3505 VALMUR AVE
NATURON PROPERTIES LLC	PO BOX 610	COLLEYVILLE, TX	76034	3504 VALMUR AVE
BROWN, JOSHUA	3521 ALSACE AVE	COLLEYVILLE, TX	76034	3521 ALSACE AVE
SINGEETHAM, SHIVA	4109 PETRUS BLVD	COLLEYVILLE, TX	76034	4109 PETRUS BLVD
MALLAMPATI, SANJAY	4004 LOMBARDY CT	COLLEYVILLE, TX	76034	4004 LOMBARDY CT
ZEPEDA, GABRIEL	4005 LOMBARDY CT	COLLEYVILLE, TX	76034	4005 LOMBARDY CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3508 CHEVAL BLANC DR
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4012 PETRUS BLVD
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4000 PETRUS BLVD
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3513 LEJOIE LN
BEYENE, SABA	3508 VALMUR AVE	COLLEYVILLE, TX	76034	3508 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3900 PETRUS BLVD
MATHUR, POONAM	4100 PETRUS BLVD	COLLEYVILLE, TX	76034	4100 PETRUS BLVD
TRADITION HOMES LLC	8751 COLLIN MCKINNEY PKWY STE	MCKINNEY, TX	75070	3912 PETRUS BLVD
PATEL, AMISH	3509 VALMUR AVE	COLLEYVILLE, TX	76034	3509 VALMUR AVE
CHAN, ELIZABETH	3509 CHEVAL BLANC	COLLEYVILLE, TX	76034	3509 CHEVAL BLANC DR
GERDES, DAVID	4008 LOMBARDY CT	COLLEYVILLE, TX	76034	4008 LOMBARDY CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3509 LEJOIE LN
STIEGLER, DANIEL	3901 LAMBRUSCO	COLLEYVILLE, TX	76034	3901 LAMBRUSCO LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3609 ALSACE AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3500 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3913 LAMBRUSCO LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3520 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3505 ALSACE AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3605 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3501 LEJOIE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3605 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3905 LAMBRUSCO LN
K E GIBSON LLC	4609 ELDER RD	VILLA RIDGE, MO	63089	4108 PETRUS BLVD
CREEKSIDE AT COLLEYVILLE HOA I	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	PETRUS BLVD
MAMIDIBATTULA, KRISHNA	3505 LEJOIE LN	COLLEYVILLE, TX	76034	3505 LEJOIE LN
WANG, CHAO-CHENG	3608 LEJOIE LN	COLLEYVILLE, TX	76034	3608 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3501 ALSACE AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4000 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3920 PETRUS BLVD
XUE, YAN	3500 VALMUR AVE	COLLEYVILLE, TX	76034	3500 VALMUR AVE
PATEL, ANIL	3605 ALSACE AVE	COLLEYVILLE, TX	76034	3605 ALSACE AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3609 LEJOIE LN
CONG, ZHEN	4105 PETRUS BLVD	COLLEYVILLE, TX	76034	4105 PETRUS BLVD
170 PLAYERS LLC	170 PLAYERS CIR	SOUTHLAKE, TX	76092	2800 HERITAGE AVE
LIM, GRACE	3513 CHEVAL BLANC	COLLEYVILLE, TX	76034	3513 CHEVAL BLANC DR
YORK, CHRISTOPHER	3909 LAMBRUSCO	COLLEYVILLE, TX	76034	3909 LAMBRUSCO LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3904 PETRUS BLVD
SKINNER, GINA	4001 LOMBARDY CT	COLLEYVILLE, TX	76034	4001 LOMBARDY CT
WHIP, MATTHEW	3504 CHEVAL BLANC DR	COLLEYVILLE, TX	76034	3504 CHEVAL BLANC DR
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3600 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3601 LEJOIE LN
SOHAIL, MOHAMMAD	3513 ALSACE AVE	COLLEYVILLE, TX	76034	3513 ALSACE AVE
TRADITION HOMES LLC	8751 COLLIN MCKINNEY PKWY STE	MCKINNEY, TX	75070	3604 VALMUR AVE
WU, WANG	3512 VALMUR AVE	COLLEYVILLE, TX	76034	3512 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3504 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4008 PETRUS BLVD
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3601 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3516 LEJOIE LN
BIEHL, STEVE	4001 BOWDEN HILL LN E	COLLEYVILLE, TX	76034	4001 BOWDEN HILL LN E
WOEHRLE, SANDRA	3907 BOWDEN HILL LN E	COLLEYVILLE, TX	76034	3907 BOWDEN HILL LN E
STOVALL, SCOTT	3905 BOWDEN HILL LN E	COLLEYVILLE, TX	76034	3905 BOWDEN HILL LN E
LINCOLN, KATHLEEN K	4101 LEXINGTON PKWY	COLLEYVILLE, TX	76034	4101 LEXINGTON PKWY
HARRIS-CASTRO, JILL	3450 KEYSTONE LOOP	DISCOVERY BAY, CA	94505	3903 BOWDEN HILL LN E
AMH ROMAN TWO TX LLC	30601 AGOURA RD STE 200	AGOURA HILLS, CA	91301	3503 PEMBROOKE PKWY S
VON STORCH, KENNETH	4713 BEHRENS CT	COLLEYVILLE, TX	76034	4009 BOWDEN HILL LN E
AKERS, THOMAS R	4003 BOWDEN HILL LN E	COLLEYVILLE, TX	76034	4003 BOWDEN HILL LN E
BOSTICK, JAMES D	3909 BOWDEN HILL LN E	COLLEYVILLE, TX	76034	3909 BOWDEN HILL LN E
YU, CHIAO-CHIN MARK	3901 BOWDEN HILL LN E	COLLEYVILLE, TX	76034	3901 BOWDEN HILL LN E
DANNER, DELYLE JE	4005 BOWDEN HILL LN E	COLLEYVILLE, TX	76034	4005 BOWDEN HILL LN E
DANA, FARID	3501 PEMBROOKE PKWY S	COLLEYVILLE, TX	76034	3501 PEMBROOKE PKWY S
GEORGE, JOHN	4007 BOWDEN HILL LN E	COLLEYVILLE, TX	76034	4007 BOWDEN HILL LN E
WOODLAND HILLS (COLLEYVILLE)	4100 OXFORD COURT	COLLEYVILLE, TX	76034	COURTESY NOTICE
CREEKSIDE	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	COURTESY NOTICE
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
TURNER, CHERYL	6900 DALLAS PKWY, 3RD FLOOR	PLANO, TX	75024	APPLICANT



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

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

Planning and Zoning Commission Meeting: Monday, June 8, 2020 at 7:00 p.m.
City Council Meetings: Tuesday, July 7, 2020 & Tuesday, July 21, 2020 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit for a Fence to extend into the required street side yard. The purpose is to allow for a 5 foot wrought-iron fence to encroach into the side yard setback.

Zoning Case: ZC20-010

Applicant: Cheryl C. Turner

Owner: Cheryl C. Turner

Location: 3501 LeJoie Lane

Property Description: Lot 1, Block 8, Creekside at Colleyville, Phase 3

Present Zoning: PUD-R Planned Unit Development-Residential

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 1000 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**

NOTICE OF PUBLIC HEARING

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 76034. A brief project description can be found online on the Active Development Case map:

<https://www.colleyville.com/government/departments-a-l/community-development/active-development-cases>

For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ORDINANCE O-20-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.1885 ACRES, BEING LOT 1 BLOCK 8, OF THE CREEKSIDE AT COLLEYVILLE, LOCATED AT 3501 LEJOIE LANE, BY AUTHORIZING A SPECIAL USE PERMIT FOR A 5 FOOT IRON ROD FENCE TO ENCROACH INTO THE STREET SIDE YARD SETBACK FOR A CORNER LOT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for a 5 foot iron rod fence to encroach into the street side yard setback for a corner lot under Case No. ZC20-010; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to amend the City's zoning ordinance; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the City's zoning 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 City Council is of the opinion that the change in zoning provided for herein should be made, in compliance with the City Charter, and state law with reference to changes to zoning classifications under the City's zoning ordinance and zoning map, having given the requisite notices required by law and having held public hearings affording all interested persons and property owners a full and fair opportunity to be heard.

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

- Sec. 1. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for a 5 foot iron rod fence to encroach into the street side yard setback for a corner lot on 0.1885 acres, being Lot 1 Block 8, of the Creekside at Colleyville, located at 3501 Lejoie Lane, as depicted on the attached as Exhibit "A".

Sec. 2. 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. 3. 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 5 foot iron rod fence to encroach into the street side yard setback for a corner lot.
- b. The fence location shall be approximately 5 feet from the street side property line shall be generally consistent with the site plan and as depicted on the attached Exhibit "B".
- c. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 7. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of July 2020.

The second reading and public hearing being conducted on the 21st day of July 2020.

PASSED AND APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 21ST DAY OF JULY 2020.

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:

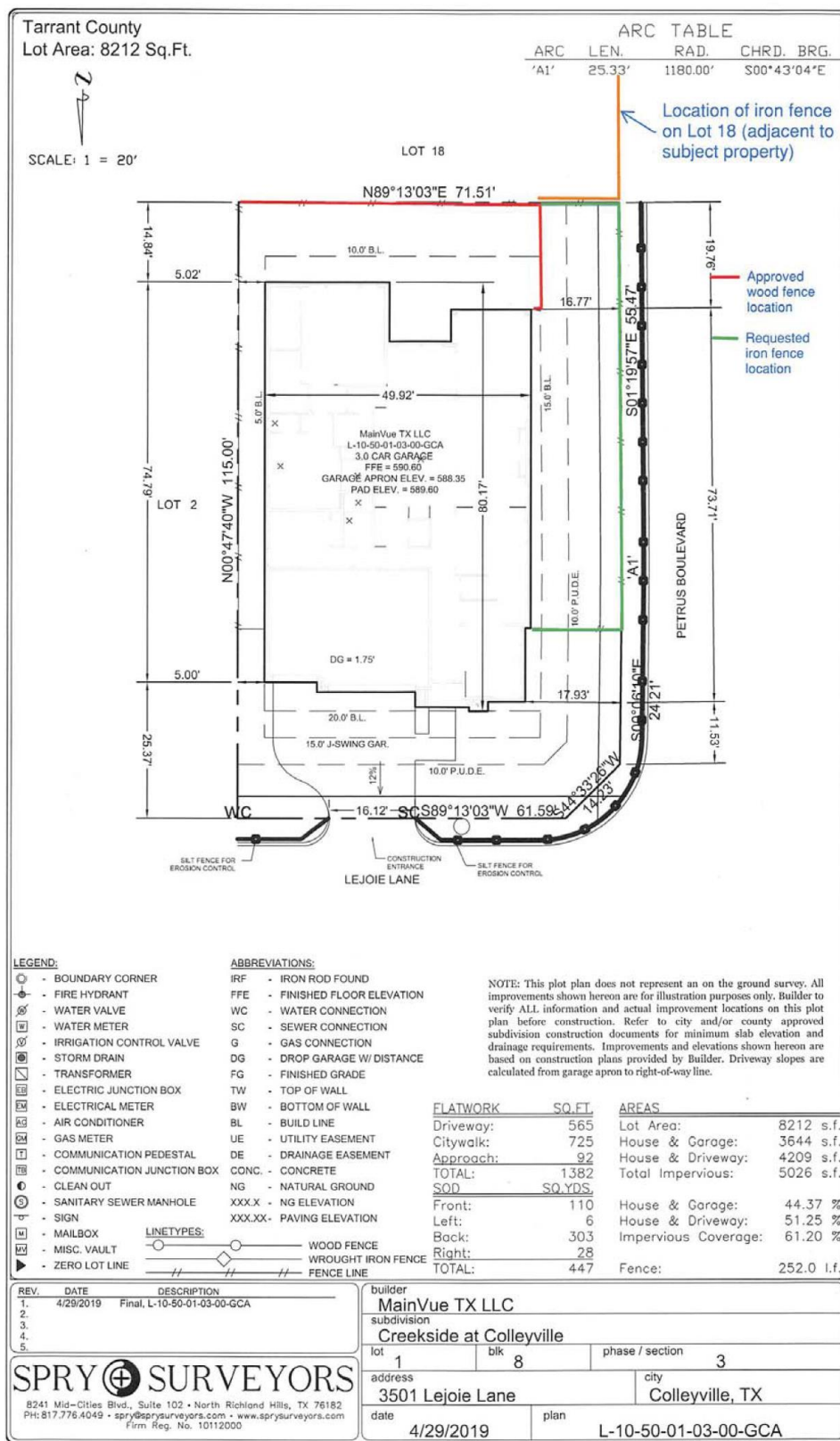
Whitt L. Wyatt
City Attorney

The map displays a residential neighborhood with the following streets and lot numbers:

- Lexington Parkway:** 4101, 4100, 3402, 3404, 3405, 3407, 3501, 3503, 4103, 4101, 4108, 4104, 4100, 4020, 4016, 4012, 4008, 4004, 4000.
- Bardolino Boulevard:** 3712, 3708, 3704, 3700, 3612, 4009, 3608, 4008, 4004, 4001, 4000, 4029, 4025, 4021, 4017, 4013, 4009, 4005, 4001, 3909, 3905, 3901, 3613, 2800.
- Alsace Avenue:** 3501, 3505, 3509, 3513, 3517, 3521, 3601, 3605, 3609, 3500, 3504, 3508, 3512, 3516, 3520, 3600, 3604, 3608.
- Lejoie Lane:** 3501 (highlighted), 3505, 3509, 3513, 3517, 3521, 3601, 3605, 3609, 3500, 3504, 3508, 3512, 3516, 3520, 3600, 3604, 3608.
- Valmur Avenue:** 3501, 3505, 3509, 3513, 3517, 3521, 3601, 3605, 3609, 3500, 3504, 3508, 3512, 3516, 3520, 3600, 3604, 3608.
- Cheval Blanc Drive:** 3501, 3505, 3509, 3513, 3517, 3521, 3601, 3605, 3609, 3500, 3504, 3508, 3512, 3516, 3520, 3600, 3604, 3608.
- Cheek Sparger Road:** 3501, 3505, 3509, 3513, 3517, 3521, 3601, 3605, 3609, 3500, 3504, 3508, 3512, 3516, 3520, 3600, 3604, 3608.
- Other Streets:** Bowden Hill Lane, Langley Hill Lane, Middleton Way, Silverwood Lane, Lambrusco Lane, Campa Court, Lombarby Court.

Lot 3501 on Lejoie Lane is highlighted with a red box.

Exhibit "B" – Site Plan





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 6/8/2020	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for a Fence to extend into the required street side yard on Lots 9 & 10, Block 8, Creekside at Colleyville, Phase 3, located at 3609 LeJoie Lane and 3608 Valmur Avenue, Case ZC20-011

Explanation

Zach Schneider, the applicant, has submitted a request for a Special Use Permit (SUP) for an eight foot pre-sealed cedar fence above an existing retaining wall to encroach into the street side yard setback for a corner lot on Lots 9 & 10, Block 8, Creekside at Colleyville, being approximately 0.3851 acres, and zoned PUD-R Planned Unit Development- Residential district.

Existing Conditions/Background: The subject properties, 3609 LeJoie Lane and 3608 Valmur Avenue, have PUD-R zoning and are located on the south west and northwest corners at the intersections of Petrus Boulevard and LeJoie Lane and Valmur Avenue. The subject properties are undeveloped currently, but planned for new single family residences.

A building permit has not yet been issued for the construction of a new home at 3609 LeJoie Lane.

A building permit was issued for the construction of a new home at 3608 Valmur Avenue in May of 2020.

The applicant was informed the Land Development Code had been amended by the City Council in August 2019 (Ordinance O-19-2088) and therefore, the request for the location of future fences is not allowed unless approved with an SUP.

SUP Request:

Request – The applicant is requesting approval of an SUP to allow for an eight foot pre-sealed cedar fence above an existing retaining wall located within the corner street side yard setback for both properties. The proposed fence is approximately 10 feet from the property line.

Ordinance – Section 3.26 Fences, Free Standing Walls, and Screening Materials Regulations of the Land Development Code establishes the maximum size and location

of fencing to be permitted by staff on a residential lot:

"E. Fence and Free-Standing Wall Setback Requirement:

2. Corner Side Yards: Except where allowed elsewhere in this chapter, no fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply.

Regulation "2" above applies in this case requiring no fence be allowed to extend into the street side yard which is 15 feet per the PUD-R zoning. The applicant proposes to locate an 8 foot pre-sealed cedar fence above an existing retaining wall to encroach into the street side yard setback approximately 10 feet from the property line. The Land Development Code provides the opportunity to modify from the requirements per this:

Special Use Permit Provision: Any request for a building permit for a fence/wall which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

Analysis: Any request for a residential fence which differs from the Land Development Code shall only be authorized after approval of a Special Use Permit by the City Council. The applicant is proposing the fence to be located on the retaining wall for safety and maintenance reasons. It differs from other requests being a wooden fence. The height of the retaining wall is of varying height from 2.1 feet to 3.9 feet in height.

Surrounding Development: The properties to the north, south, east and west are zoned PUD-R and contain residential development in the Creekside at Colleyville Subdivision.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 denial of the requested SUP as it does not meet the technical requirements of the Land Development Code.

Recommendation

Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Photos Provided by Applicant
7. Grading Plan
8. Notification Map
9. Notification List
10. Property Owner Notification
11. Draft Ordinance

Aerial Map



ZC20-011

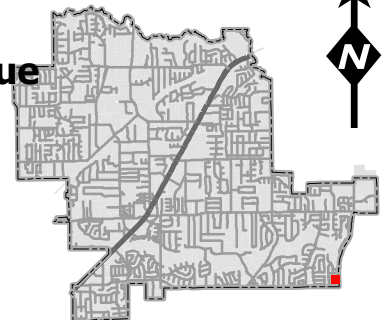
3609 LeJoie Lane and 3608 Valmur Avenue

DISCLAIMER:

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



Subject Property



Zoning Map



ZC20-011

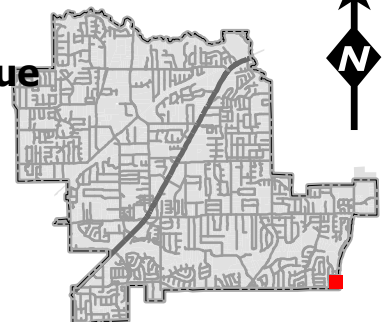
3609 LeJoie Lane and 3608 Valmur Avenue

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Subject Property



Future Land Use Map

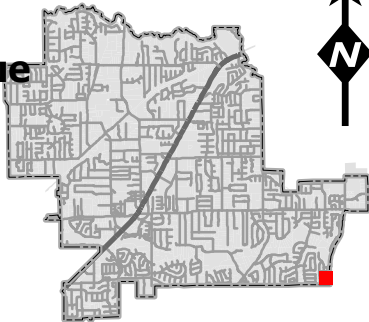


ZC20-011

3609 LeJoie Lane and 3608 Valmur Avenue

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-  Subject Property
-  Residential
-  Commercial



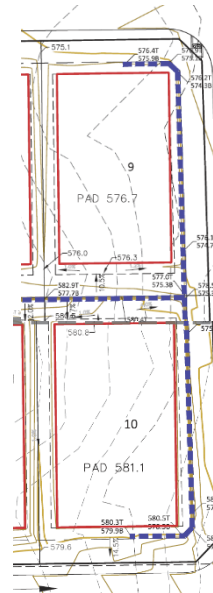
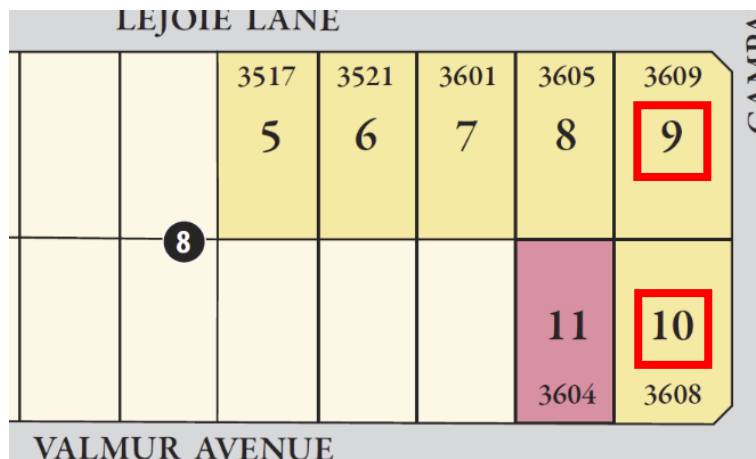
Statement of Planning Objectives

The purpose of this Special Use Permit (SUP) is to request the City of Colleyville's approval to construct a pre-sealed cedar fence on top of the existing retaining wall in Creekside Phase 3 on a corner lot.

By constructing the fence on top of the wall, Tradition Homes will be addressing safety concerns and adhering to continuity already established in Creekside at Colleyville.

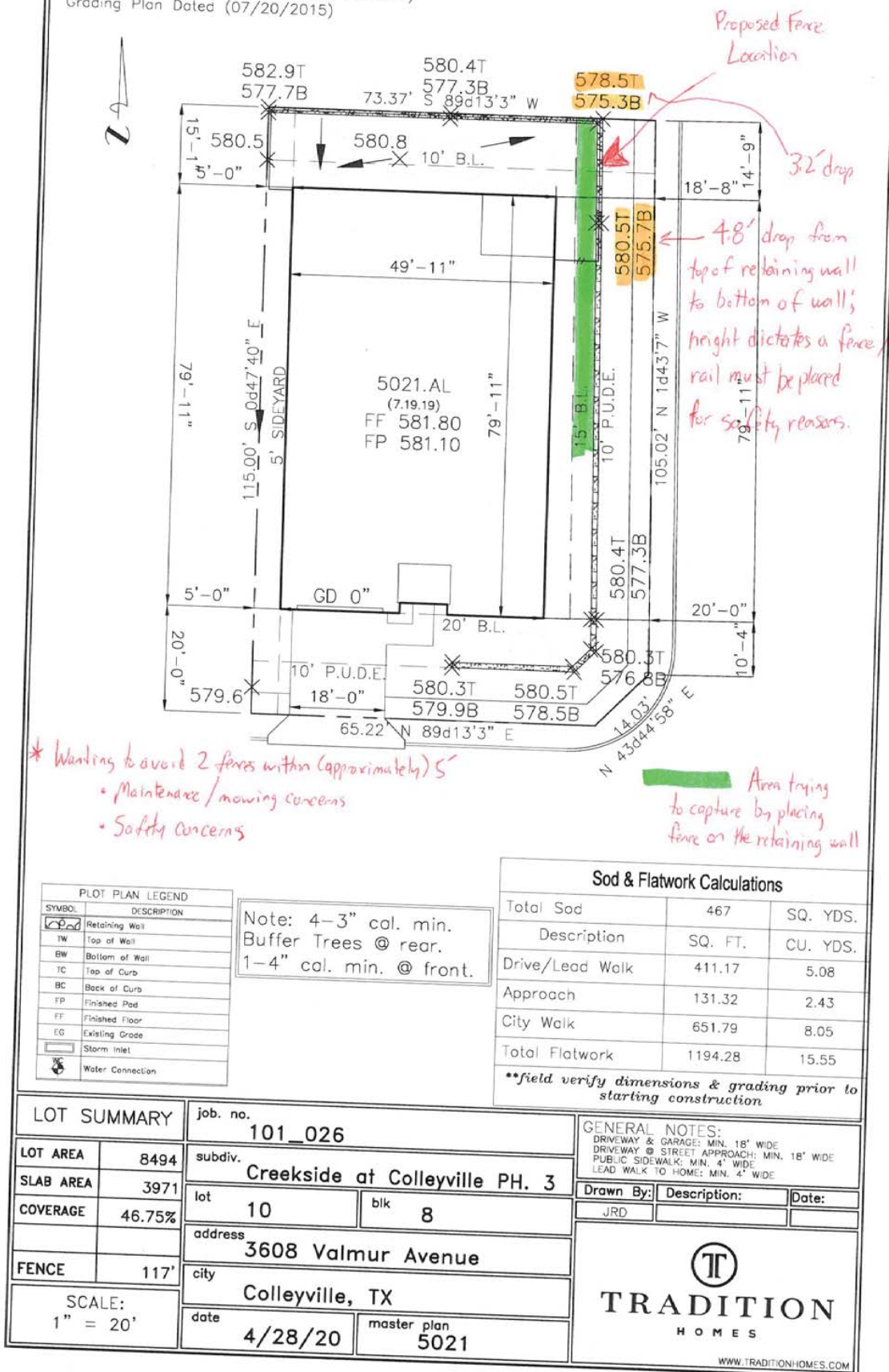
The lots located at 3608 Valmur Ave and 3609 Lejoie Lane are adjacent to one another. Both lots have an existing retaining wall located along the eastern side of the lots (along Campania Court).

- The retaining wall was constructed during development operations and is located in between the build line and property line.
- The retaining wall was “cored” during development operations in order for the fence to be installed on top of the wall.
- By placing this fence on the build line in situations where there is an existing retaining wall, the future homeowner would be subject to safety issues because there would be a “gap” between the fence and the retaining wall. *Efforts to maintain this area would be challenging and unsafe given the height and location of the wall.*
- In an effort to adhere to the continuity already established in this gated community, the Applicant believes installing the fence on top of the retaining wall would be appropriate and aesthetically pleasing to the overall neighborhood. This proposed fence location would also allow the future homeowner to enjoy a much more usable backyard.
- The schematic below shows the two lots in question. A cut out of the approved and stamped grading plans are show below on the right. The blue dashed line represents the existing retaining wall.



Tradition Homes, LLC is the applicant. Tradition Homes has thirty-nine (39) lots under contract in Creekside at Colleyville Phase 3. Tradition's model home is located at 3604 Valmur Avenue, Colleyville, TX 76034. Our model lot is identified in pink in the schematic above (Lot 11/Block 8). Our first home closing is anticipated to occur in June 2020. Attached to this SUP application you will find the stamped/approved Grading Plans for the community. The Grading Plans identify the location of the retaining wall. As previously stated, the retaining wall was built by the Developer (Terra Manna). It was designed and cored in anticipation of the fence posts/fence installation.

Lot created from following plans:
Second Amended Plat Dated (June 2, 2017)
Grading Plan Dated (07/20/2015)



Photos Provided By Applicant

The applicant's desire is to install the fence on top of the retaining wall. The Customer under Contract to purchase the home located at 3608 Valmur would like us to locate the fence on the wall also.



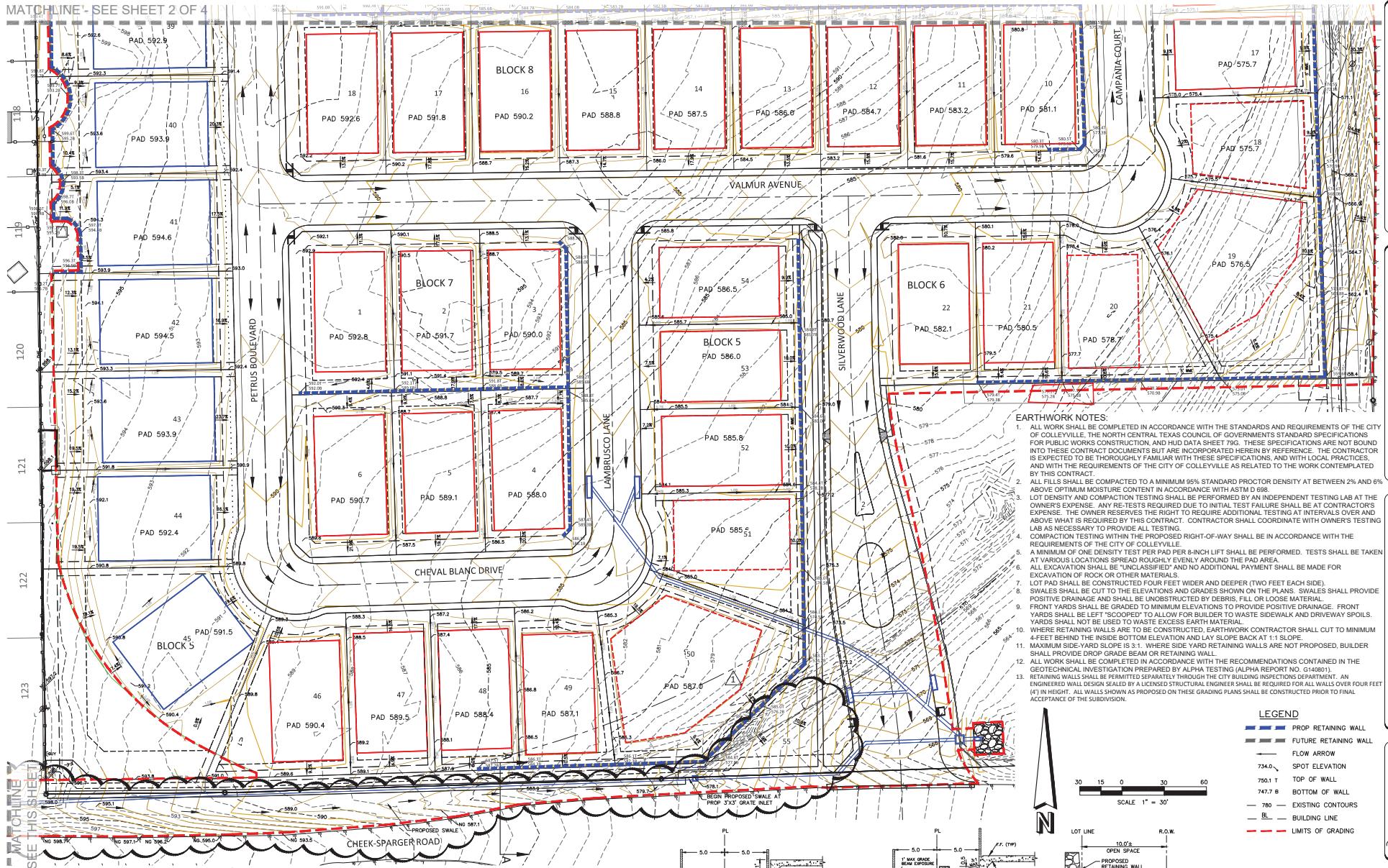
The above picture of an existing home in Creekside at Colleyville @ Bardolino Blvd Entrance. This is a great example of what we are proposing to do in Phase 3. The picture below is a step and level example as we fence to grade. The rear fence will look like this, and along the street the height will be no higher than 8' in order to comply with the City of Colleyville height requirements.



The next page shows the plot plan for 3608 Valmur. Please note how close the Build Line (B.L.) is located to the existing retaining wall.

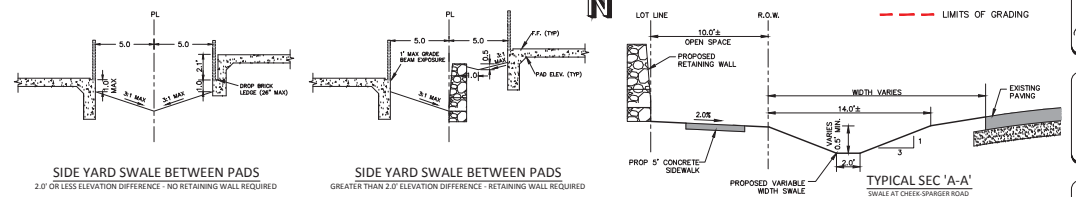
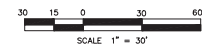
Grading Plan

MATCHLINE - SEE SHEET 2 OF 4



- EARTHWORK NOTES:**
1. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF THE CITY OF COLLEEVILLE, THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, AND HUD DATA SHEET 799. THESE SPECIFICATIONS ARE NOT BOUND INTO THESE CONTRACT DOCUMENTS BUT ARE INCORPORATED HEREIN BY REFERENCE. THE CONTRACTOR IS EXPECTED TO BE THOROUGHLY FAMILIAR WITH THESE SPECIFICATIONS, AND WITH LOCAL PRACTICES, AND WITH THE REQUIREMENTS OF THE CITY OF COLLEEVILLE AS RELATED TO THE WORK CONTEMPLATED BY THIS CONTRACT.
 2. ALL FILLS SHALL BE COMPACTED TO A MINIMUM 95% STANDARD PROCTOR DENSITY AT BETWEEN 2% AND 6% ABOVE OPTIMUM MOISTURE CONTENT IN ACCORDANCE WITH ASTM D 698.
 3. LOT DENSITY AND COMPACTION TESTING SHALL BE PERFORMED BY AN INDEPENDENT TESTING LAB AT THE OWNER'S EXPENSE. ANY RE-TESTS REQUIRED DUE TO INITIAL TEST FAILURE SHALL BE AT CONTRACTOR'S EXPENSE. THE OWNER RESERVES THE RIGHT TO REQUIRE ADDITIONAL TESTING AT INTERVALS OVER AND ABOVE WHAT IS REQUIRED BY THIS CONTRACT. CONTRACTOR SHALL COORDINATE WITH OWNER'S TESTING LAB AS NECESSARY TO PROVIDE ALL TESTING.
 4. COMPACTION TESTING WITHIN THE PROPOSED RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF COLLEEVILLE.
 5. A MINIMUM OF ONE DENSITY TEST PER PAD PER 8-INCH LIFT SHALL BE PERFORMED. TESTS SHALL BE TAKEN AT VARIOUS LOCATIONS SPREAD ROUGHLY EVENLY AROUND THE PAD AREA.
 6. ALL EXCAVATION SHALL BE "UNCLASSIFIED" AND NO ADDITIONAL PAYMENT SHALL BE MADE FOR EXCAVATION OF ROCK OR OTHER MATERIALS.
 7. LOT PAD SHALL BE CONSTRUCTED FOUR FEET WIDER AND DEEPER (TWO FEET EACH SIDE). SWALES SHALL BE CUT TO THE ELEVATIONS AND GRADERS SHOWN ON THE PLANS. SWALES SHALL PROVIDE POSITIVE DRAINAGE AND SHALL BE UNOBTSTRUCTED BY DEBRIS, FILL, OR LOOSE MATERIAL.
 8. FRONT YARDS SHALL BE GRADDED TO MINIMUM ELEVATIONS TO PROVIDE POSITIVE DRAINAGE. FRONT YARDS SHALL BE LEFT "SCOOPED" TO ALLOW FOR BUILDER TO WASTE SIDEWALK AND DRIVEWAY SPOILS. YARDS SHALL NOT BE USED TO WASTE EXCESS EARTH MATERIAL.
 9. WHERE RETAINING WALLS ARE TO BE CONSTRUCTED, EARTHWORK CONTRACTOR SHALL CUT TO MINIMUM 4 FEET BEHIND THE INSIDE BOTTOM ELEVATION AND LAY SLOPE BACK AT 1:1 SLOPE.
 10. MAXIMUM SIDE-YARD SLOPE IS 3:1. WHERE SIDE YARD RETAINING WALLS ARE NOT PROPOSED, BUILDER SHALL PROVIDE DROP GRADE BEAM OR RETAINING WALL.
 11. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED IN THE GEOTECHNICAL INVESTIGATION PREPARED BY ALPHA TESTING ALPHA REPORT NO. G1408011.
 12. RETAINING WALLS SHALL BE PERMITTED SEPARATELY THROUGH THE CITY BUILDING INSPECTIONS DEPARTMENT. AN ENGINEER WALL DESIGN SEALED BY A LICENSED STRUCTURAL ENGINEER SHALL BE REQUIRED FOR ALL WALLS OVER FOUR FEET (4') IN HEIGHT. ALL WALLS SHOWN AS PROPOSED ON THESE GRADING PLANS SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE OF THE SUBDIVISION.

- LEGEND**
- PROP RETAINING WALL
 - FUTURE RETAINING WALL
 - FLOW ARROW
 - SPOT ELEVATION
 - 734.0 TOP OF WALL
 - 750.1 T
 - 747.7 B BOTTOM OF WALL
 - 780 EXISTING CONTOURS
 - BL BUILDING LINE
 - LIMITS OF GRADING



REVISIONS	DATE
REVISED OPEN SPACE GRADING	JUNE-2015

J. VOLK consulting
6301 Central Expressway East, Suite 300 | Plano, Texas 75074
972.201.3300 (office) | 972.201.3009 (fax)
JVC No. 14002
1" = 30' H

CREEKSIDE, PHASE THREE
COLLEEVILLE, TEXAS

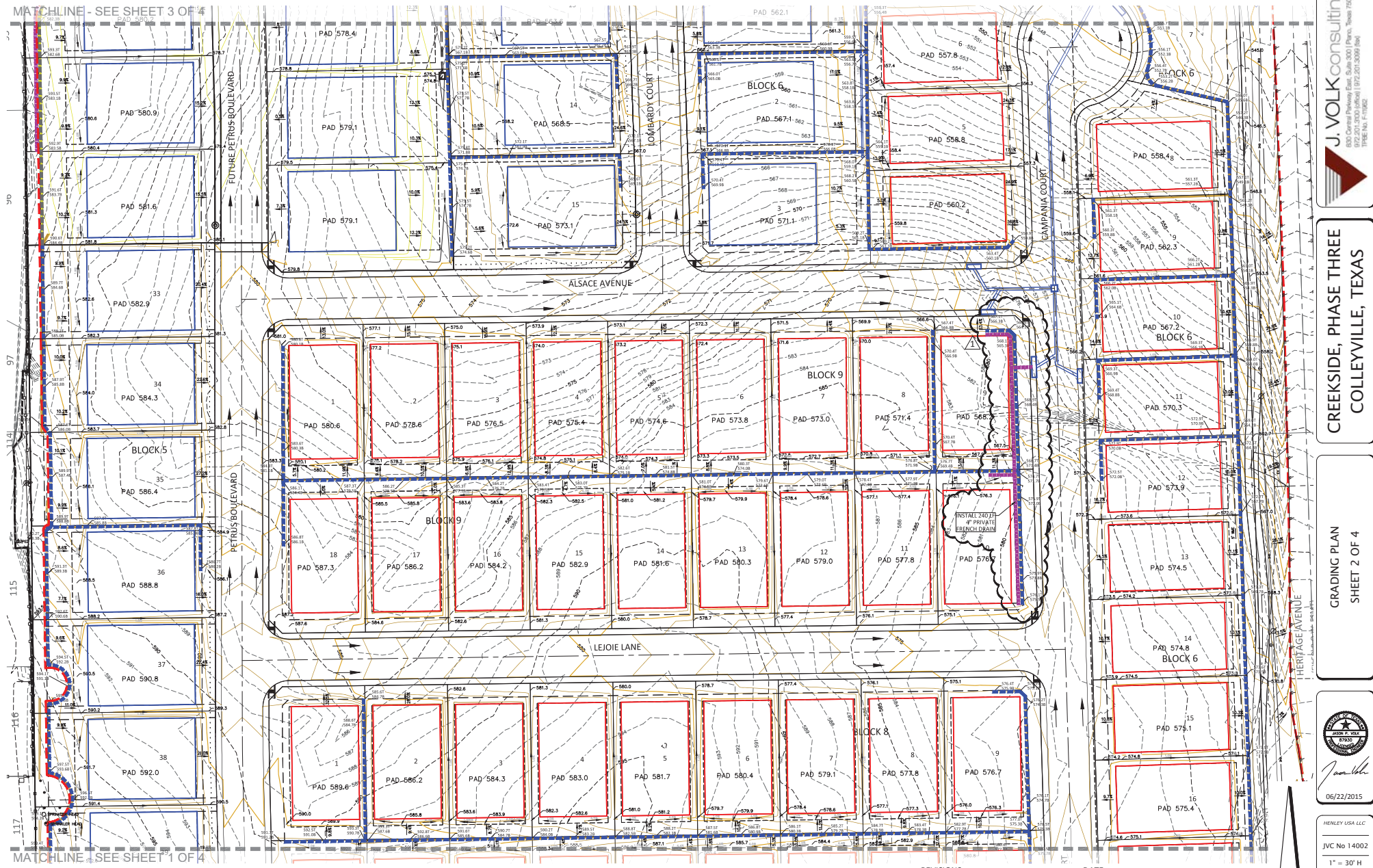
GRADING PLAN
SHEET 1 OF 4

07/20/2015

HENLEY USA LLC
JVC No 14002
1" = 30' H

11

Grading Plan

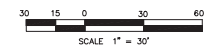


REVISIONS

1	ADDED PRIVATE FRENCH DRAIN ALONG RETAINING WALL FOOTING
----------	--

DATE

JUNE-2015



J. VOLK consulting
830 Central Expressway East, Suite 300 | Plano, Texas 75074
972.201.3000 (office) | 972.201.3009 (fax)
TPBE No. F-11902

CREEKSIDE, PHASE THREE
COLLEYVILLE, TEXAS

GRADING PLAN
SHEET 2 OF 4



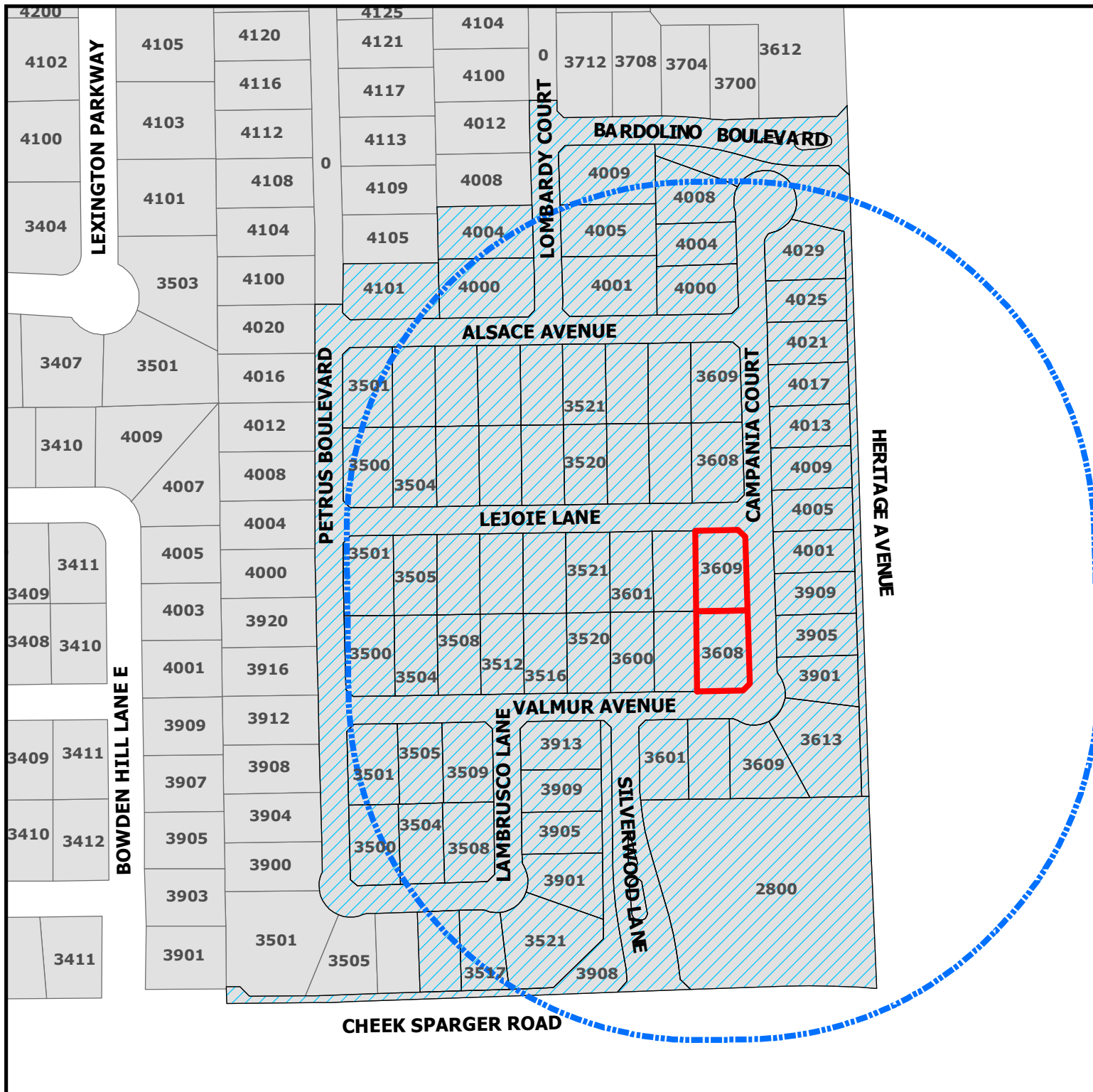
06/22/2015

HENLEY USA LLC

JVC No 14002

12

Notification Map

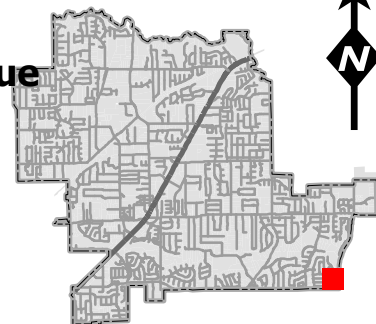


ZC20-011

3609 LeJoie Lane and 3608 Valmur Avenue

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

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



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3517 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4005 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3512 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4013 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3501 VALMUR AVE
REDDY, DIVAKAR	3517 ALSACE	COLLEYVILLE, TX	76034	3517 ALSACE AVE
CUMMINGS, KIM	3601 ALSACE	COLLEYVILLE, TX	76034	3601 ALSACE AVE
CREEKSIDE AT COLLEYVILLE HOA I	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	3900 SILVERWOOD LN
CREEKSIDE AT COLLEYVILLE HOA I	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	3904 SILVERWOOD LN
				3908 SILVERWOOD LN
PATEL, HAREN	4000 LOMBARDY CT	COLLEYVILLE, TX	76034	4000 LOMBARDY CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4008 CAMPANIA CT
				3608 CAMPANIA CT
DAR, HASSAN	4101 PETRUS BLVD	COLLEYVILLE, TX	76034	4101 PETRUS BLVD
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3517 CHEVAL BLANC DR
PEREZ, ALFONSO	3509 ALSACE AVE	COLLEYVILLE, TX	76034	3509 ALSACE AVE
PETTY, BRYCE	3500 CHEVAL BLANC	COLLEYVILLE, TX	76034	3500 CHEVAL BLANC DR
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3508 LEJOIE LN
AJANI, ZUMERA	3521 CHEVAL BLANC	COLLEYVILLE, TX	76034	3521 CHEVAL BLANC DR
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3600 VALMUR AVE
DHARANI, SOHAIL	4009 LOMBARDY CT	COLLEYVILLE, TX	76034	4009 LOMBARDY CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3516 VALMUR AVE
CHIU, CHIN	3604 LEJOIE LN	COLLEYVILLE, TX	76034	3604 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3608 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3521 LEJOIE LN
JACKSON, LOREN	3613 VALMUR AVE	COLLEYVILLE, TX	76034	3613 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3520 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4029 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3505 VALMUR AVE
NATURON PROPERTIES LLC	PO BOX 610	COLLEYVILLE, TX	76034	3504 VALMUR AVE
BROWN, JOSHUA	3521 ALSACE AVE	COLLEYVILLE, TX	76034	3521 ALSACE AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4001 CAMPANIA CT
MALLAMPATI, SANJAY	4004 LOMBARDY CT	COLLEYVILLE, TX	76034	4004 LOMBARDY CT
ZEPEDA, GABRIEL	4005 LOMBARDY CT	COLLEYVILLE, TX	76034	4005 LOMBARDY CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3508 CHEVAL BLANC DR
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4025 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3513 LEJOIE LN
BEYENE, SABA	3508 VALMUR AVE	COLLEYVILLE, TX	76034	3508 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4004 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3609 VALMUR AVE
PATEL, AMISH	3509 VALMUR AVE	COLLEYVILLE, TX	76034	3509 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3509 LEJOIE LN
STIEGLER, DANIEL	3901 LAMBRUSCO	COLLEYVILLE, TX	76034	3901 LAMBRUSCO LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3609 ALSACE AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4017 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3500 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3913 LAMBRUSCO LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3520 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3505 ALSACE AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3605 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3501 LEJOIE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3605 LEJOIE LN
JHUNJHUNWALA, PRAKASH	4021 CAMPANIA CT	COLLEYVILLE, TX	76034	4021 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3901 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3905 LAMBRUSCO LN
MAMIDIBATTULA, KRISHNA	3505 LEJOIE LN	COLLEYVILLE, TX	76034	3505 LEJOIE LN
WANG, CHAO-CHENG	3608 LEJOIE LN	COLLEYVILLE, TX	76034	3608 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3501 ALSACE AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4000 CAMPANIA CT
XUE, YAN	3500 VALMUR AVE	COLLEYVILLE, TX	76034	3500 VALMUR AVE
PATEL, ANIL	3605 ALSACE AVE	COLLEYVILLE, TX	76034	3605 ALSACE AVE
TRADITION HOMES LLC	8751 COLLIN MCKINNEY PKWY STE	MCKINNEY, TX	75070	3909 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3609 LEJOIE LN
170 PLAYERS LLC	170 PLAYERS CIR	SOUTHLAKE, TX	76092	2800 HERITAGE AVE
LIM, GRACE	3513 CHEVAL BLANC	COLLEYVILLE, TX	76034	3513 CHEVAL BLANC DR
YORK, CHRISTOPHER	3909 LAMBRUSCO	COLLEYVILLE, TX	76034	3909 LAMBRUSCO LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	4009 CAMPANIA CT
SKINNER, GINA	4001 LOMBARDY CT	COLLEYVILLE, TX	76034	4001 LOMBARDY CT
WHIP, MATTHEW	3504 CHEVAL BLANC DR	COLLEYVILLE, TX	76034	3504 CHEVAL BLANC DR
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3600 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3905 CAMPANIA CT
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3601 LEJOIE LN
SOHAIL, MOHAMMAD	3513 ALSACE AVE	COLLEYVILLE, TX	76034	3513 ALSACE AVE
TRADITION HOMES LLC	8751 COLLIN MCKINNEY PKWY STE	MCKINNEY, TX	75070	3604 VALMUR AVE
WU, WANG	3512 VALMUR AVE	COLLEYVILLE, TX	76034	3512 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3504 LEJOIE LN
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3601 VALMUR AVE
MAINVUE TX LLC	1110-112TH AVENUE NE STE 202	BELLEVUE, WA	98004	3516 LEJOIE LN
WOODLAND HILLS (COLLEYVILLE)	4100 OXFORD COURT	COLLEYVILLE, TX	76034	COURTESY NOTICE
CREEKSIDE	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	COURTESY NOTICE
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
SCHNEIDER, ZACH	8751 COLLIN MCKINNEY PKWY, STE 402	MCKINNEY, TX	75070	APPLICANT



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

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

Planning and Zoning Commission Meeting: Monday, June 8, 2020 at 7:00 p.m.
City Council Meetings: Tuesday, July 7, 2020 & Tuesday, July 21, 2020 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit for a Fence to extend into the required street side yard. The purpose is to allow for a less than 8 foot pre-sealed cedar fence along (above) an existing retaining wall which encroaches into the side yard setback.

Zoning Case: ZC20-011

Applicant: Zach Schneider

Owner: Zach Schneider

Location: 3609 LeJoie Lane and 3608 Valmur Avenue

Property Description: Lots 9 & 10, Block 8, of the Creekside at Colleyville

Present Zoning: PUD-R Planned Unit Development-Residential

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 1000 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**

NOTICE OF PUBLIC HEARING

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 76034. A brief project description can be found online on the Active Development Case map:

<https://www.colleyville.com/government/departments-a-l/community-development/active-development-cases>

For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ORDINANCE O-20-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.3851 ACRES, ON LOTS 9 & 10, BLOCK 8, CREEKSIDE AT COLLEYVILLE, LOCATED AT 3609 LEJOIE LANE AND 3608 VALMUR AVENUE, BY AUTHORIZING A SPECIAL USE PERMIT FOR AN 8 FOOT PRE-SEALED CEDAR FENCE ABOVE AN EXISTING RETAINING WALL TO ENCROACH INTO THE STREET SIDE YARD SETBACK LINE FOR A CORNER LOT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for an 8 foot pre-sealed cedar fence above an existing retaining wall to encroach into the street side yard setback for a corner lot under Case No. ZC20-011; 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 amend the City's zoning ordinance; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the City's zoning 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 City Council is of the opinion that the change in zoning provided for herein should be made, in compliance with the City Charter, and state law with reference to changes to zoning classifications under the City's zoning ordinance and zoning map, having given the requisite notices required by law and having held public hearings affording all interested persons and property owners a full and fair opportunity to be heard.

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

- Sec. 1. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for an 8 foot pre-sealed cedar fence above an existing retaining wall to encroach into the side yard

property line for a corner lot on 0.3851 acres, being Lots 9 & 10 Block 8, of the Creekside at Colleyville, located at 3609 LeJoie Lane and 3608 Valmur Avenue, as depicted on the attached as Exhibit "A".

Sec. 2. 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. 3. 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 8 foot pre-sealed cedar fence above an existing retaining wall to encroach into the street side yard setback for a corner lot.
- b. The fence location shall be approximately 10 feet from the street side property line and shall be generally consistent with the, site plan and as depicted on the attached Exhibit "B".
- c. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 7. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of July 2020.

The second reading and public hearing being conducted on the 21st day of July 2020.

PASSED AND APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 21ST DAY OF JULY 2020.

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

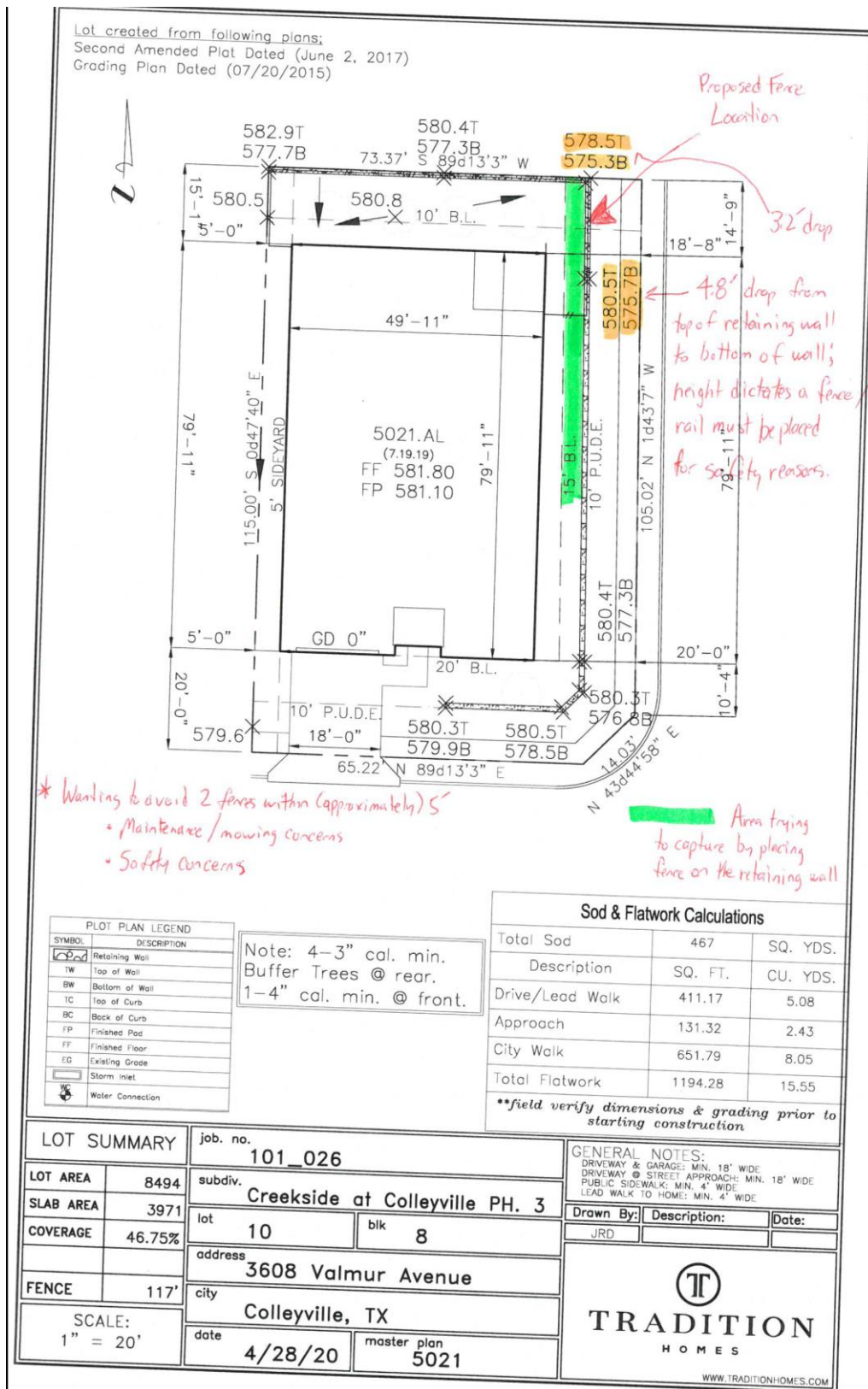
APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map



Exhibit "B" – Site Plan





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 6/8/2020	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

WITHDRAWN BY APPLICANT - Consideration of an amendment to the PUD-C Planned Unit Development-Commercial district for Winding Creek development, specifically for hours of operation on Lot 9R and 10R, Block 1, of the Winding Creek Addition, located at 6412 and 6416 Colleyville Boulevard, Case ZC20-012

Explanation

Recommendation

Attachments



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3e	Agenda Date 6/8/2020	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of amendments to Chapter 1, Section 1.17 of the Land Development Code, specifically for the permitting of expiration of vested project rights

Explanation

The City Attorney has directed staff to prepare an ordinance that applies the project expiration regulations to certain projects existing at the time of adoption; provided the project meets the definition of dormancy and the City's Ordinance provides a reasonable grace period prior to enforcement to allow pending dormant project owners to comply.

The draft ordinance proposes that a development project shall become dormant and expire if for a period of two years subsequent to the original approval no progress is made towards completion of the project.

A development project shall become dormant and expire if for a period of five years subsequent to the first application for a permit being filed no progress has been made towards completion of the project.

Recommendation

Approve

Attachments

1. Draft Ordinance
2. Glenn Heights Ordinance Example

ORDINANCE O-20-xxxx

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 1, SECTION 1.17 - RESERVED OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City of Colleyville desires to amend Chapter 1, Section 1.17 - Reserved of the Land Development Code; and

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

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

- Sec. 1. THAT *Chapter 1, Section 1.17 - Reserved* of the Land Development Code is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of July 2020.

The second reading and public hearing being conducted on the 21st day of July 2020.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 21ST DAY OF JULY 2020.

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:

Whitt L. Wyatt
City Attorney

Exhibit "A"

Section 1.17 ~~Reserved~~ Development Expiration Dates

The City is authorized under the Texas Local Government Code, Section 245.005 to adopt an ordinance providing for expiration of permits and development projects within the City.

1.17.A. Definitions

The following words, terms and phrases, when used in this Section 1.17, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

Development. Means the subdivision of land and/or the construction, reconstruction, conversion, or the structural alteration, relocation or enlargement of any buildings or structures that required site plan approval; and any use or extension of the use of land. The foregoing definition is intended to supplement the definition of the term development provided in Chapter 2 of this Land Development Code and should not be interpreted to limit or exclude any portion thereof.

Dormant. With regard to an individual permit for a project, shall mean that no progress has been started towards completion of the project for a period of two years. With regard to a project in general, shall mean that no progress has been made towards completion of the project for a period of five years.

Individual Permit and/or Series of Permits. For the purposes of this Section, permit means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain from the City to perform an action or initiate, continue, or complete a project for which the permit is sought. All permits required for a project are considered to be a single series of permits. Preliminary plans and related subdivision plats, site plans, and all other development permits for land covered by the preliminary plans or subdivision plats are considered collectively to be one series of permits for a project.

Person. An individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

Progress. Towards completion of a project shall include any one of the

following:

- (1) an application for a final plat or plan is submitted to the City;
- (2) a good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;
- (3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- (4) fiscal security acceptable to the City is posted with the City to ensure performance of an obligation required by the City; or
- (5) the utility connection fees and impact fees for the project have been paid to the City and/or applicable regulatory agency.

Project. Means an endeavor over which the City exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

1.17.B. Application and Administrative Review

An application for a plat or plan under this Section 1.17 is not considered filed and/or submitted until the date upon which the City has determined the application is administratively complete. An application for a project permit under this Section 1.17 is not considered filed until the date upon which all information and documentation required upon filing has been delivered to the City.

1.17.C. Permit Application Expiration

An application for a project permit under this Section 1.17 expires on the 45th calendar day following the date the application is filed if it is determined by the City's department responsible for issuing the permit that the applicant has failed to provide all information and/or documentation necessary to determine the application complete; provided that, the City has, not later than the 10th business day following the filing of the application, sent the applicant written notice identifying the information and/or documentation required to complete the permit application.

1.17.D. Development Permit Expiration

An individual permit for a development project shall become dormant and expire if, for a period of two years subsequent to the original permit application being filed with the City, no progress is made towards starting completion of the project. Should any other provision of this Land Development Code or applicable law provide a shorter expiration period for a particular permit, the law providing for the shorter expiration period shall apply notwithstanding this subsection.

1.17.E. Development Project Expiration

A development project shall become dormant and expire if, for a period of five years subsequent to the first application for a permit being filed with the City and construction started, no progress has been made towards completion of the project.

1.17.F. New Permit Application Required

Upon a permit expiring pursuant to this Section 1.17, any person seeking to initiate, continue, or complete a project for which an expired permit is required, shall be required to file a new permit application with the City and shall be subject to all policies, rules, ordinances and laws in effect at the time the new permit application is filed.

ORDINANCE NO. O-__-15

AN ORDINANCE OF THE CITY OF GLENN HEIGHTS, TEXAS, AMENDING CHAPTER 10, ARTICLE 10.01 OF THE GLENN HEIGHTS CODE OF ORDINANCES TO ADD DIVISION 1 “DEVELOPMENT EXPIRATION DATES”, CONTAINING SECTIONS 10.01.001.-10.01.004; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Glenn Heights, has determined that there exists within the City development projects where no action toward completion of the project has occurred for several years;

WHEREAS, The City Council periodically amends the City’s development regulations and permit requirements to ensure compliance with the current local, state, federal and international building and development codes;

WHEREAS, The City Council finds that adopting development permit and project expiration dates will minimize potential negative impacts to the safety, health and welfare of the citizens residing within dormant development projects as well as the surrounding neighborhoods by ensuring that future development will be conducted in accordance with the most recent building and development codes adopted by the City; and

WHEREAS, There is hereby created a two year expiration date on all building and development permits and a five year expiration date on all projects where no action toward completion has taken place.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS, THAT:

SECTION 1. The Chapter 10, Article 10.01 of the Glenn Heights Code of Ordinances be, and the same is, hereby amended by adding Division 1 “Development Expiration Dates”, Sections 10.01.001-10.01.004, providing for permit and project expiration which shall read as follows:

“ARTICLE 10.01 GENERAL PROVISIONS

{Reserved}

Division 1. Development Expiration Dates

Sec. 10.01.001 Definitions

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

Development. Means the subdivision of land and/or the construction, reconstruction, conversion, or the structural alteration, relocation or enlargement of any buildings or structures; and any use or extension of the use of land.

Dormant. With regard to an individual permit for a project, shall mean that no progress has been made towards completion of the project for a period of two years. With regard to a project in general, shall mean that no progress has been made towards completion of the project for a period of five years.

Permit and/or Series of Permits. Permit means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain from the City to perform an action or initiate, continue, or complete a project for which the permit is sought. All permits required for a project are considered to be a single series of permits. Preliminary plans and related subdivision plats, site plans, and all other development permits for land covered by the preliminary plans or subdivision plats are considered collectively to be one series of permits for a project.

Person. An individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

Progress. Towards completion of a project shall include any one of the following:

- (a) an application for a final plat or plan is submitted to the City;
- (b) a good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;
- (c) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- (d) fiscal security is posted with the City to ensure performance of an obligation required by the City; or
- (e) utility connection fees or impact fees for the project have been paid to a regulatory agency.

Project. Means an endeavor over which the City exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

Sec. 10.01.002 Development Permit Expiration

An individual permit for a development project shall become dormant and expire if, for a period of two years subsequent to the original permit application being filed with the City, no progress is made towards completion of the project. Should any other provision of this Code or applicable law provide a shorter expiration period for a particular permit, the law providing for the shorter expiration period shall apply notwithstanding this Section 10.01.002.

Sec. 10.01.003 Development Project Expiration

A development project shall become dormant and expire if, for a period of five years subsequent to the first application for a permit being filed with the City, no progress has been made towards completion of the project.

Sec. 10.01.004 New Permit Application Required

Upon a permit expiring pursuant to this Article, any person seeking to initiate, continue, or complete a project for which an expired permit is required, shall be required to file a new permit application with the City and shall be subject to all policies, rules, ordinances and laws in effect at the time the new permit application is filed.”

SECTION 2. That all provisions of the Ordinances of the City of Glenn Heights, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. If any article, paragraph or subdivision, clause or provision of this shall be judged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be valid or unconstitutional.

SECTION 4. Any person, firm, corporation or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Glenn Heights, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense. Every day a violation occurs shall constitute a separate offence.

SECTION 5. This ordinance shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS ON THIS THE 14th DAY OF JULY, 2015.

APPROVED:

Leon P. Tate, Mayor

ATTEST:

Othel Murphee, City Secretary

APPROVED AS TO FORM:

Whitt L. Wyatt, City Attorney
(ww: 7-15-15: TM 72291)