

**AGENDA
CITY OF THE COLONY
PLANNING AND ZONING COMMISSION
JULY 14, 2015**

After determining that a quorum is present, the Planning and Zoning Commission of the City of The Colony, Texas will convene into regular session which will be held on Tuesday, July 14, 2015 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items will be addressed:

1.0	CALL REGULAR SESSION TO ORDER
1.1	Citizen Input
1.2	Oath of Office for new Commissioner.
1.3	Election of Chair and Vice Chair for the Commission.
2.0	CONSENT AGENDA
2.1	Consider approval of the minutes of the June 9, 2015 Regular Session.
2.2	<i>PP15-0001, Colony Center Addition Preliminary Plat</i> Discuss and consider approval of a Preliminary Plat for Lots 1-8, Block A, Colony Center Addition, being 45.1137 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 173 & 174, an addition to the City of The Colony, Denton County, Texas.
2.3	<i>FP15-0005, Westbury at Tribute, Phase 1A Final Plat</i> Discuss and consider a Final Plat for Lots 13-23, Block T, Westbury at Tribute Phase 1A, being 1.641 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 182, an addition to the City of The Colony, Denton County, Texas.
3.0	PUBLIC HEARING ITEMS
3.1	<i>SI15-0012 Zoning Ordinance Text Amendment - Swimming Pool Demolition</i> Conduct a public hearing, discuss and consider making a recommendation to City Council on an amendment to the Code of Ordinances, Appendix A, Section 10B-1100, entitled "Standards for Swimming Pools and Hot Tubs," by adding a new subsection (i) to address the demolition of swimming pools and hot tubs.

"Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session".

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact Christie Wilson, City Secretary, at 972-624-3106 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

CERTIFICATION

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 p.m. on the 10th day of July 2015.




 Christie Wilson, City Secretary

**MINUTES
CITY OF THE COLONY
PLANNING AND ZONING COMMISSION
JUNE 9, 2015**

After determining that a quorum was present, the Planning and Zoning Commission of the City of The Colony, Texas convened into Regular Session which was held on Tuesday, June 9, 2015 at 6:37 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Karen Hames, Chairman, Cody Hall, Vice Chairman, Jr., Brian Buffington, Janece Pool, Detrick DeBurr, and Shannon Hebb.

Board Members Absent: Cesar Molina

City Council Liaison: David Terre, City Council Place 4

Staff Present: Mike Joyce, AICP, Planning Director, Gordon Scruggs, P.E., Engineering and Development Services Director; Joe Perez, Program Administrator, Surupa Sen, Senior Planner, and Ed Voss, City Attorney.

1.0	CALL REGULAR SESSION TO ORDER
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Chairman Hames called the meeting to order at 6:37 p.m.

1.1	CITIZEN INPUT
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No citizens came forward during Citizen Input.

2.0	CONSENT AGENDA
2.1	Consider approval of the minutes of the May 26, 2015 Regular Session.

Chairman Hames read the Consent Agenda item into the record.

Commissioner Hebb moved to approve Item 2.1, Commissioner Hall seconded the motion. Motion carried (6-0).

3.0	PUBLIC HEARING ITEMS
3.1	<i>SI15-0010 Zoning Ordinance Text Amendment</i> Conduct a public hearing, discuss and consider making a recommendation to City Council on a text amendment to Section 10-100, Use of Land and Buildings and Section 10-300, Definitions and Explanations Applicable to Use Schedule with regards to Mobile Food Vending.

Chairman Hames read Public Hearing Item 3.1 into the record.

Mr. Joe Perez presented the staff report.

Chairman Hames opened the public hearing at 6:45 p.m.

No input was received during the public hearing and the public hearing was closed at 6:46 p.m.

Commissioner Hebb asked if this includes ice cream trucks and push carts. Mr. Perez answered yes. Mr. Perez also stated that there are two ordinances which will be adopted by City Council. One will be to amend the Zoning Ordinance, and the other will amend Chapter 6, Building, Construction, Health and Sanitation concerning mobile food vending.

Mr. Joyce clarified that the land use table in the Zoning Ordinance is being amended so that mobile food vending will be allowed in all zoning districts, as well as to follow the regulations found in Chapter 6, Building, Construction, Health and Sanitation of the Code of Ordinances.

Commissioner DeBurr asked whether the mobile food truck will include any mobile food vending. Mr. Perez answered that Mobile Food Vending, under the new definition, will include mobile food trucks, push carts, and snow cone stands.

Chairman Hames asked what is meant by access to sanitary facilities. Mr. Perez explained, that as part of the agreement, the vendor locating on a site must have written permission from permanent business owner to have access to the permanent business owner's restrooms for the vendor's employees.

There being no further discussion Chairman Hames called for called for a motion from the Commission.

Commissioner Hall moved to approve Item 3.1. Commissioner DeBurr seconded the motion. Motion carried (6-0).

3.2	<i>SUP14-0011 Brazos Electric Power Cooperative – Electrical Substation Specific Use Permit</i> Conduct a public hearing, discuss and consider making a recommendation to City Council on a request for a Specific Use Permit (SUP) to allow an electrical substation facility known as the Josey Electrical Substation on 10.445-acres of land located near the northwest corner of Plano Parkway and Windhaven Parkway, approximately 100 feet North of Windhaven Parkway in Planned Development 10 (PD-10) zoning district.
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Chairman Hames read Public Hearing Item 3.2 into the record.

Ms. Sen presented the staff report.

Chairman Hames requested to move to executive session at 6:52 p.m. to receive legal advice from the City Attorney.

Commission returned to regular session at 7:05 p.m.

The applicant's representative, Sarah Williamson, engineer from Kimley-Horn and Associates, approached the Commission to answer questions.

Commissioner Hall asked if they will be willing to add more trees to the Windhaven Parkway side. Ms. Williamson answered that they have provided some trees on the Windhaven side which is more than the Code required.

Chairman Hames asked if the applicant had reviewed alternate locations or only this site.

Mark Buckingham with Brazos Electric responded that they have looked at couple more options for this facility. Ultimately this site was chosen by CoServ as the ideal site.

Commissioner Hebb asked who the main customers are served by this substation. Mr. Buckingham answered Nebraska Furniture Mart is the primary client, but it is also serving the area in general.

Commissioner Hebb asked whether any consideration was given to a site being located closer to the existing Oncor substation, and the distribution lines there. Mr. Buckingham stated that they looked into that area, but it did not meet CoServ requirements.

Craig Chambers from CoServ stated that this site was chosen for cost and ease of access with the existing right-of-way that is available to this site.

Being no more questions from the Commission, Chairman Hames opened the public hearing at 7:13 p.m.

Henry Billingsley from Billingsley Company approached the Commission to speak. Mr. Billingsley stated that they own 1,700 acres surrounding this site, and nobody contacted them regarding an alternate location or other possible site. Mr. Billingsley continued that if Coserv would have considered taking 5-acres under the power lines or 5-acres to the north rather than to the south where they currently have the site, the extremely viable retail corner at Windhaven and Plano Parkway would have been saved. Also Mr. Billingsley stated that if they move their 5-acre site to north, the land is flatter, with less drainage issues. There is a median cut on Plano Parkway to access the site, whereas the current (south) site does not have room for a median cut as it is too close to the intersection.

Bill Walker, development engineer for Billingsley Company, approached the Commission to speak. Mr. Walker mentioned that this substation will generate overhead utility lines on both sides of Plano Parkway.

Commissioner Hebb asked the CoServ's representative, Craig Chambers, why there will be overhead power lines, and not underground power lines. Mr. Chambers stated that due to cost of installing underground lines, the lines will be placed overhead. They have asked adjacent property owners for an easement to bury the lines, but the cost wasn't feasible for CosServ since the additional cost would be placed on existing customers as a rate increase.

Commissioner Hebb asked if they are placing the lines in the right-of-way, why not place the lines underground as there will be no need for purchasing easements from neighboring property owners. Mr. Chambers stated that in future, if the right-of-way expands, it will be CoServ's

responsibility to move the underground lines. CoServ doesn't want its customers to carry that cost burden.

Commissioner Pool asked Mr. Billingsley to explain what he meant by the substation site moving further north and saving the retail corner at Windhaven Parkway and Plano Parkway. Mr. Billingsley clarified that the power lines are located towards the north half of the 10-acre subject property. Shifting the property 5-acres to the north will leave a developable retail size property at the corner. Retail development located at the corner will also provide a better view buffer from the substation.

Mr. Billingsley also mentioned that during Austin Ranch's development, they have worked with TXU Energy to put all of their power lines underground with no additional cost to the property owners.

Commissioner Pool asked if any consideration was given to moving the substation site 5-acres to the north, and saving the corner for retail. This would seem to be a "win win" situation for all involved.

Mr. Buckingham from Brazos stated that there are two power lines one heavy 345 volt and one a 138 volt line. Brazos is connecting to the lower voltage line that is in the middle of the site. Mr. Buckingham stated that going under the heavy power line is more difficult.

Commissioner Buffington asked what the difficulties were. Mr. Buckingham could not respond to that as it was an engineering issue and he is not an electrical engineer.

Mr. Billingsley approached the Commission and stated that he has checked with a TXU or Oncor representative who indicated to them as long as there is 5 or 6 foot clearance, there is no problem in going under the high voltage power line.

Commissioner Hall asked Mr. Buckingham and Mr. Chambers that the use of overhead power lines and the site location not being placed further north are primarily cost driven and due to no other factor. Mr. Chambers replied yes to the overhead power lines. Mr. Buckingham stated he did not know the details or possible difficulties on moving the site to the north.

Commissioner Hebb asked whether CoServ has actually produced a document showing feasibility of this site versus all the alternate locations that CoServ had looked into before choosing this site.

Mr. Chambers stated he is not aware of such a study being done. But they did heat map survey, platted lot, green land and some other criteria evaluation a year ago.

Chairman Hames closed the public hearing at 8:05 p.m.

City Attorney Ed Voss requested the Commission adjourn into Executive Session in order to discuss legal issues on this item.

Commission went into Executing Session at 8:05 p.m.

The Commission reconvened into Regular Session at 8:18 pm.

There being no further discussion Chairman Hames called for called for a motion from the Commission.

Commissioner Hebb moved to approve Item 3.3. Commissioner DeBurr seconded the motion. Motion carried (4-2) with Commissioner Hall and Commissioner Buffington voting against.

3.3	<i>SUP15-0003 Brazos Electric Power Cooperative – Monopole Antenna Specific Use Permit</i> Conduct a public hearing, discuss and consider making a recommendation to City Council on a request for a Specific Use Permit (SUP) to allow a monopole antenna to be located at the Josey Electrical Substation facility on 10.445-acres of land located near the northwest corner of Plano Parkway and Windhaven Parkway, approximately 100 feet North of Windhaven Parkway in the Planned Development 10 (PD-10) zoning district.
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Chairman Hames read Public Hearing Item 3.2 into the record.

Ms. Sen presented the staff report.

Chairman Hames opened the public hearing at 8:22 p.m.

No input was received during the public hearing and the public hearing was closed at 8:23 p.m.

There being no further discussion Chairman Hames called for called for a motion from the Commission.

Commissioner DeBurr moved to approve Item 3.3. Commissioner Hebb seconded the motion. Motion carried (4-2) with Commissioner Hall and Commissioner Buffington voting against.

4.0	DISCUSSION ITEMS
4.1	<i>SP14-0022, Brazos Electric Power Cooperative – Electrical Substation Development Plan</i> Discuss and consider making a recommendation to City Council on a request for a Development Plan to allow an electrical substation facility known as the Josey Substation on 10.445-acres of land located near the northwest corner of Plano Parkway and Windhaven Parkway, approximately 100-feet North of Windhaven Parkway in the Planned Development 10 (PD-10) zoning district.

Chairman Hames read Public Hearing Item 3.2 into the record.

Ms. Sen presented the staff report.

There being no further discussion Chairman Hames called for called for a motion from the Commission.

Commissioner Hebb moved to approve Item 3.4. Commissioner Pool seconded the motion. Motion carried (4-2) with Commissioner Hall and Commissioner Buffington voting against.

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 8:25 p.m.

Karen Hames, Chairman

Surupa Sen, Senior Planner

PLANNING AND ZONING COMMISSION REPORT

AGENDA DATE: July 14, 2015

DEPARTMENT: Development Services Department

PLANNER: Surupa Sen, AICP, Senior Planner, 972-624-3164

SUBJECT: *PP15-0004 Colony Center Addition Preliminary Plat*

Discuss and consider approval of a Preliminary Plat for Lots 1-8, Block A, Colony Center Addition, being 45.1137 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 173 & 174, an addition to the City of The Colony, Denton County, Texas.

APPLICANT

Owner/Developer:	Colony 5 Partners LLC	Atlanta, Georgia
Engineer/Surveyor:	Cates-Clark & Associates LLP	Dallas, Texas

EXISTING CONDITION OF PROPERTY

The subject property is currently undeveloped.

PROPOSED DEVELOPMENT

Proposed for development are 45 acres of land being subdivided into 8 lots. Lot 4 is proposed to be developed with a Panda Express restaurant. Mattress Firm is proposed on Lot 1 and Floor and Décor is proposed on Lot 7 along with parking for the retail complex.

ADJACENT ZONING

North - Planned Development District (PD-14) – The Legends Single Family subdivision
South - SH 121
East- Planned Development District (PD-16) – Avana Stonebriar Apartments, Village at 121
West- Planned Development District (PD-16) – Rooms to Go, vacant land

PLAT DETAILS

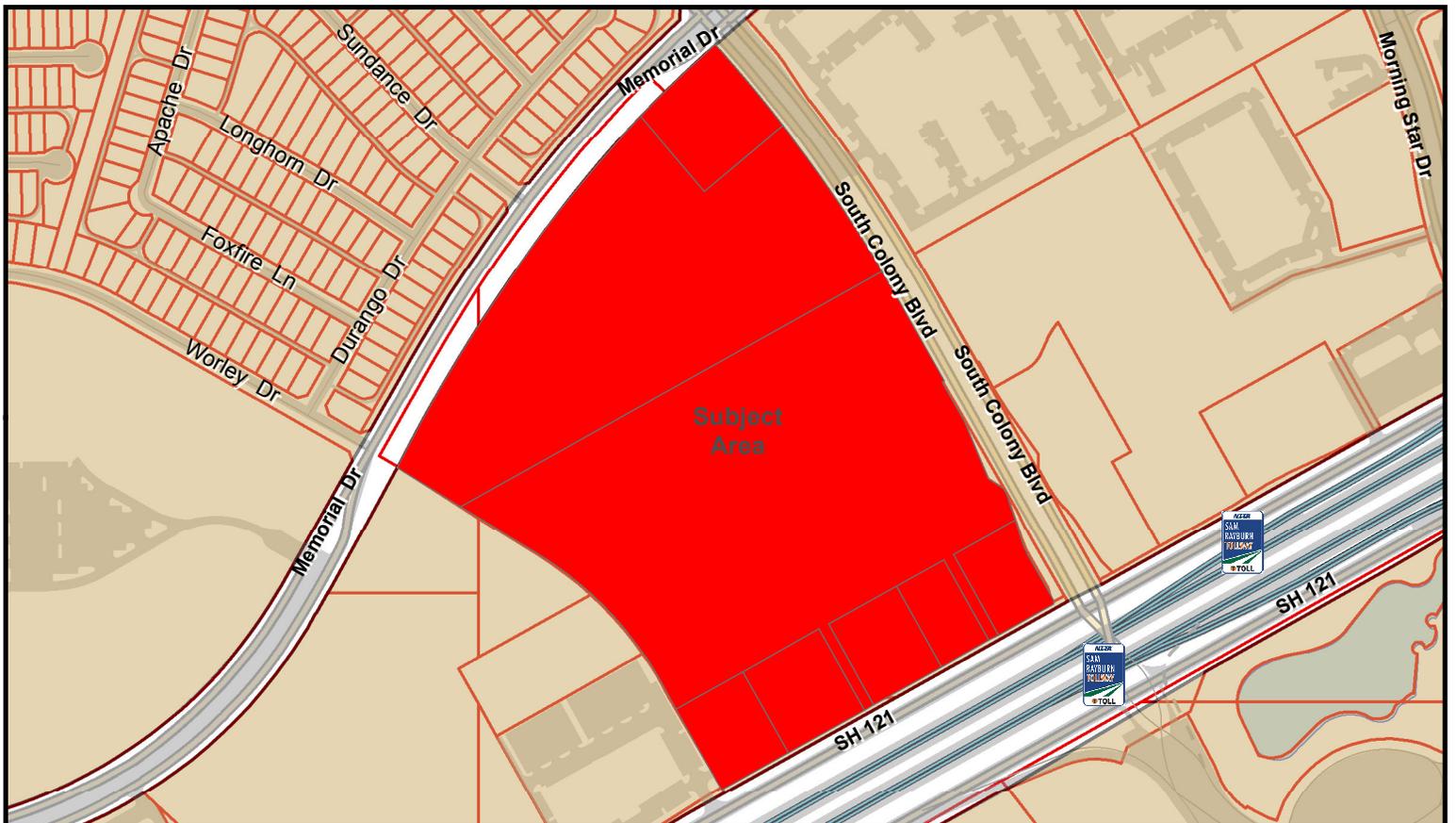
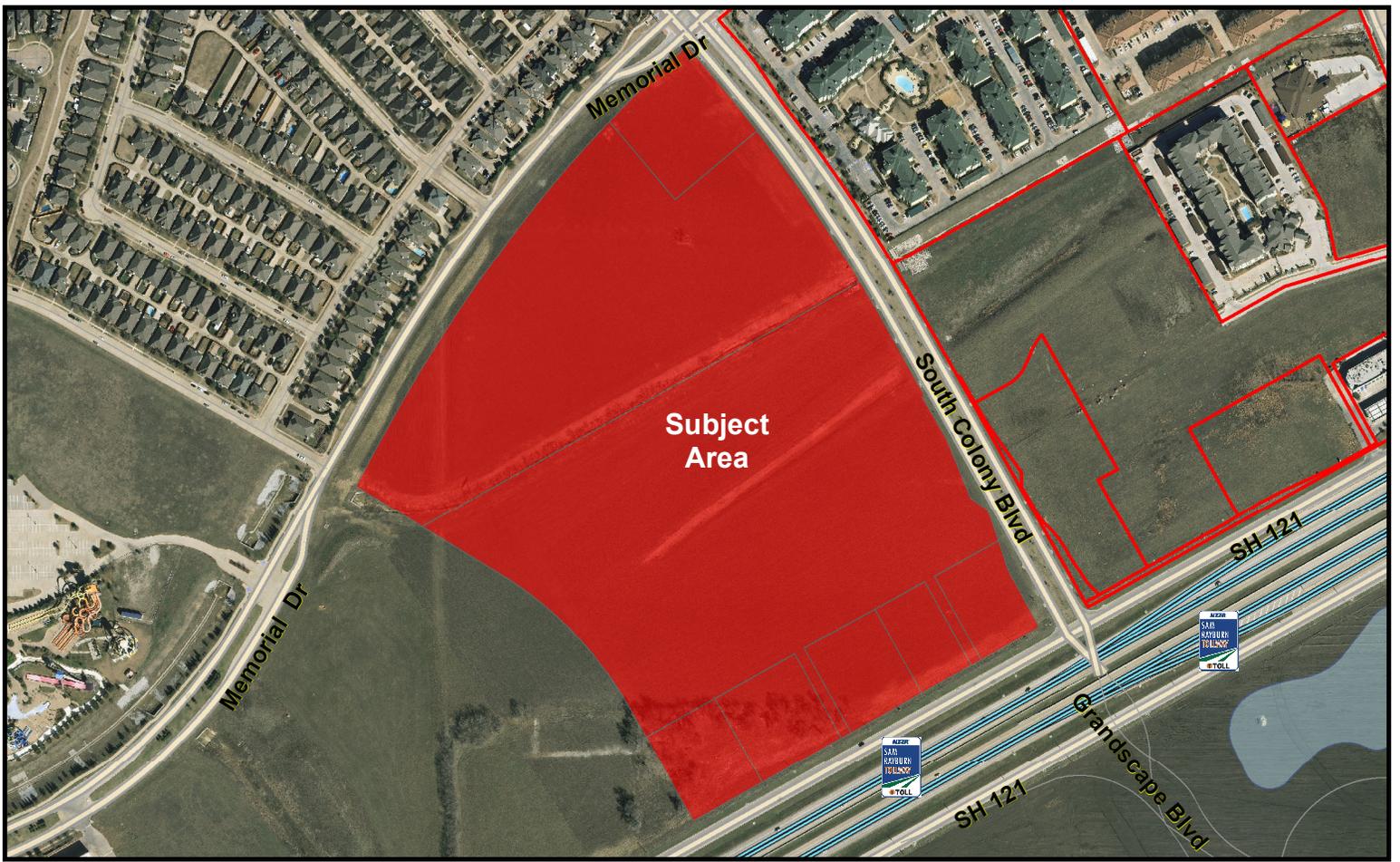
The subject property is located on the southwest corner of Memorial Drive and S Colony Boulevard and northwest corner of SH 121 and S Colony Boulevard. The lots are accessed through South Colony Boulevard and SH 121. The Preliminary Plat meets, Appendix B, Subdivision Ordinance of The Colony Code of Ordinances, PD-16 Ordinance and other applicable ordinance requirements.

RECOMMENDATION

The Development Review Committee (DRC) recommends approval of the Final Plat.

ATTACHMENTS

1. Location Map
2. Proposed Preliminary Plat



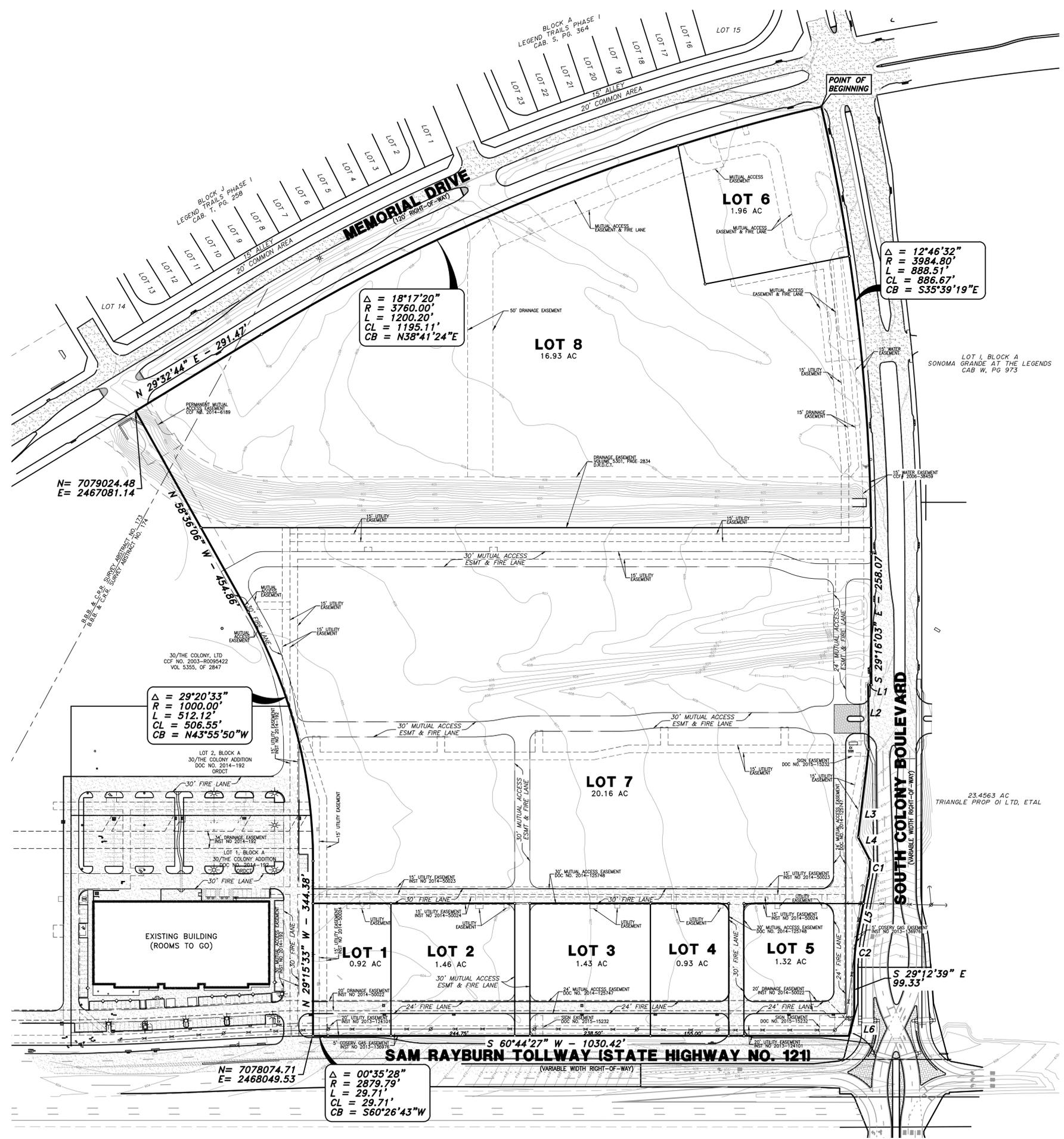
Project No. PP15-0004 - Project Name: Colony Center Addition

- | | | | | |
|------------------------|--------------------------|------------------|----------------------|------------------------|
| Colony Center Addition | Business Park/Industrial | Heavy Commercial | Mobile Home | Planned Development |
| Agricultural | Duplex Dwelling | Industrial | Neighborhood Service | Shopping Center |
| Business Park | General Retail | Light Commercial | Office District 1 | Single Family Dwelling |

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.



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LEGEND

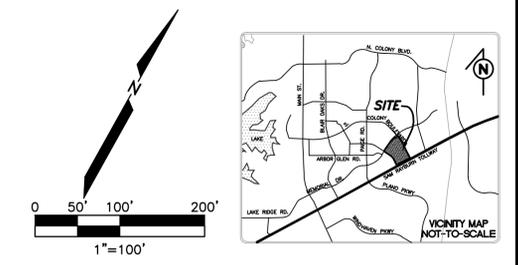
	EXISTING	PROPOSED
PROPERTY LINE		
CONTROLLING MONUMENT		
IRON ROD FOUND (SIZE NOTED)		
IRON ROD SET (SIZE NOTED)		
BUILDING		
CURB		
CURB INLET		
RECESSED CURB INLET		
DROP INLET		
FIRE HYDRANT		
WATER LINE		
SANITARY SEWER LINE		
SANITARY SEWER MANHOLE		
LIGHT POLE		
SIGN		

~ CURVE TABLE ~

LABEL	TOTAL ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	11°23'25"	183.00'	36.38'	S 24°08'36" E	36.32'
C2	09°59'36"	299.70'	52.27'	S 23°28'05" E	52.21'

~ LINE TABLE ~

LABEL	BEARING	DISTANCE
L1	S 60°44'13" W	6.17'
L2	S 29°44'07" E	126.63'
L3	S 22°21'48" E	174.54'
L4	S 56°30'14" E	50.60'
L5	S 18°26'54" E	119.02'
L6	S 14°58'21" E	43.28'



STATE OF TEXAS
COUNTY OF DENTON

BEING A PART OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE B.B. & C.R.R. SURVEY, ABSTRACT NO. 173 & 174, DENTON COUNTY, TEXAS, AND BEING PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO COLONY 5 PARTNERS, LLC RECORDED IN DOCUMENT NO. 2012-140998 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" FOUND IN CONCRETE FOR CORNER IN THE SOUTHEAST RIGHT OF WAY LINE OF MEMORIAL DRIVE (A 120 FOOT RIGHT OF WAY), SAID POINT ALSO BEING IN THE SOUTHWEST RIGHT OF WAY OF SOUTH COLONY BOULEVARD (A VARIABLE WIDTH RIGHT OF WAY), SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT WITH A TOTAL ANGLE OF 12°46'32", A RADIUS OF 3,984.80 FEET, AND A CHORD BEARING SOUTH 35°39'19" EAST FOR A DISTANCE OF 886.67 FEET;

THENCE, DEPARTING THE SOUTHEAST RIGHT OF WAY LINE OF SAID MEMORIAL DRIVE AND CONTINUING SOUTHEASTERLY ALONG SAID DRIVE TO THE RIGHT, SAME BEING THE SOUTHWEST RIGHT OF WAY LINE OF SAID SOUTH COLONY BOULEVARD FOR AN ARC LENGTH OF 888.51 FEET TO A 1/2" IRON ROD FOUND AT THE POINT OF TANGENCY;

THENCE, SOUTH 29°16'03" EAST AND CONTINUING ALONG SOUTHWEST RIGHT OF WAY LINE OF SAID SOUTH COLONY BOULEVARD FOR A DISTANCE OF 258.07 FEET TO A POINT FOR CORNER, SAID POINT BEING THE MOST NORTHERLY POINT OF A 0.2691 ACRE TRACT OF LAND CONVEYED TO THE CITY OF THE COLONY BY WARRANTY DEED RECORDED IN COUNTY CLERK FILE NO. 2014-6188, DEED RECORDS OF DENTON COUNTY, TEXAS;

THENCE, SOUTH 60°44'13" WEST FOR A DISTANCE OF 6.17 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE, SOUTH 29°44'07" EAST FOR A DISTANCE OF 126.63 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE, SOUTH 22°21'48" EAST FOR A DISTANCE OF 174.54 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE, SOUTH 56°30'14" EAST FOR A DISTANCE OF 50.60 FEET TO A 1/2" IRON ROD FOUND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A TOTAL ANGLE OF 11°23'25", A RADIUS OF 183.00 FEET, AND A CHORD BEARING SOUTH 24°08'36" EAST FOR A DISTANCE OF 36.32 FEET;

THENCE, CONTINUING SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT FOR AN ARC LENGTH OF 36.38 FEET TO A 1/2" IRON ROD FOUND AT THE POINT OF TANGENCY;

THENCE, SOUTH 18°26'54" EAST FOR A DISTANCE OF 119.02 FEET TO A 1/2" IRON ROD FOUND AT THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A TOTAL ANGLE OF 09°59'36", A RADIUS OF 299.70 FEET, AND A CHORD BEARING SOUTH 23°28'05" EAST FOR A DISTANCE OF 52.21 FEET;

THENCE, CONTINUING SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT FOR AN ARC LENGTH OF 52.27 FEET TO A 1/2" IRON ROD FOUND AT THE POINT OF TANGENCY;

THENCE, SOUTH 29°12'39" EAST FOR A DISTANCE OF 99.33 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE, SOUTH 14°58'21" EAST FOR A DISTANCE OF 43.28 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, SAID POINT BEING THE MOST SOUTHERLY POINT OF THE SAID 0.2691 ACRE TRACT OF LAND BEING IN THE NORTHWEST LINE OF A 0.4757 ACRE TRACT OF LAND CONVEYED TO THE CITY OF THE COLONY BY WARRANTY DEED IN COUNTY CLERK FILE NO. 2014-6187 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS;

THENCE, SOUTH 60°44'27" WEST AND DEPARTING THE SAID 0.2691 ACRE TRACT OF LAND AND CONTINUING ALONG THE NORTHWEST LINE OF SAID 0.4757 ACRE TRACT CONVEYED TO THE CITY OF THE COLONY FOR A DISTANCE OF 1,030.42 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2,879.79 FEET WITH A CENTRAL ANGLE OF 00°35'28" AND CHORD BEARING SOUTH 60°26'43" WEST AT A DISTANCE OF 29.71 FEET;

THENCE, CONTINUING SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 29.71 FEET TO A TxDOT MONUMENT FOUND FOR CORNER, SAME BEING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED IN A SPECIAL WARRANTY DEED TO 30/THE COLONY, LTD. AND RECORDED IN VOLUME 5355, PAGE 2847 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS;

THENCE, NORTH 29°15'33" WEST AND DEPARTING SAID 0.4757 ACRE TRACT AND CONTINUING ALONG NORTHEASTERN LINE OF SAID 30/THE COLONY, LTD. TRACT FOR A DISTANCE OF 344.38 FEET TO A 1/2" IRON ROD FOUND AT THE BEGINNING OF A TANGENT CURVE TO THE LEFT WITH A TOTAL ANGLE OF 29°20'33", A RADIUS OF 1,000.00 FEET, AND A CHORD BEARING NORTH 43°55'50" WEST FOR A DISTANCE OF 506.55 FEET;

THENCE, CONTINUING NORTHWESTERLY ALONG SAID CURVE TO THE LEFT FOR AN ARC LENGTH OF 512.12 FEET TO A 1/2" IRON ROD FOUND AT THE POINT OF TANGENCY;

THENCE, NORTH 58°36'06" WEST FOR A DISTANCE OF 454.86 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, SAME BEING THE MOST NORTHERLY CORNER OF SAID 30/THE COLONY, LTD. TRACT AND THE MOST SOUTHERLY CORNER OF A 1.7927 ACRE TRACT OF LAND CONVEYED TO THE CITY OF THE COLONY BY WARRANTY DEED RECORDED IN COUNTY CLERK FILE NO. 2014-6186 DEED RECORDS OF DENTON COUNTY, TEXAS;

THENCE, NORTH 29°32'44" EAST, DEPARTING SAID 30/THE COLONY, LTD. TRACT AND CONTINUING ALONG THE SOUTHWEST LINE OF SAID 1.7927 ACRE TRACT FOR A DISTANCE OF 291.47 FEET TO A 1/2" IRON ROD FOUND AT THE BEGINNING OF A TANGENT CURVE TO THE RIGHT WITH A TOTAL ANGLE OF 18°17'20", A RADIUS OF 3,760.00 FEET, AND A CHORD BEARING NORTH 38°41'24" EAST FOR A DISTANCE OF 1,195.11 FEET;

THENCE, NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT AND PASSING AT A DISTANCE OF 1,002.93 FEET THE MOST EASTERLY CORNER OF THE SAID 1.7927 ACRE TRACT OF LAND AND CONTINUING NORTHEASTERLY ALONG THE SOUTHEAST RIGHT OF WAY LINE OF SAID MEMORIAL DRIVE FOR A TOTAL DISTANCE OF 1,200.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 45.1126 ACRES OF LAND, MORE OR LESS.

PRELIMINARY PLAT
COLONY CENTER ADDITION
LOTS 1 - 8, BLOCK A

BEING 45.1126 ACRES OUT OF THE
 B.B. & C.R.R. SURVEY, ABSTRACT NO. 173 & 174
 CITY OF THE COLONY, DENTON COUNTY, TEXAS

PLANNING AND ZONING COMMISSION REPORT

AGENDA DATE: July 14, 2015

DEPARTMENT: Development Services Department

PLANNER: Surupa Sen, AICP, Senior Planner, 972-624-3164

SUBJECT: *FP15-0003 Westbury at Tribute Ph 1A Final Plat*

Discuss and consider a Final Plat for Lots 13-23, Block T, Westbury at Tribute Phase 1A, being 1.641 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 182, an addition to the City of The Colony, Denton County, Texas.

APPLICANT

Owner/Developer:	Tribute Partners LP	Lewisville, Texas
Engineer/Surveyor:	JBI Partners Inc.	Addison, Texas

EXISTING CONDITION OF PROPERTY

The subject property is currently undeveloped.

PROPOSED DEVELOPMENT

11 residential lots are proposed on Lots 13-23, Block T with lots averaging 6,500 sf. The residential lots will be accessed through proposed Oxford Road.

ADJACENT ZONING

North - Planned Development District (PD-23) – Tribute
South - Planned Development District (PD-23) – Tribute, Prestwick K-8 Stem Academy
East- Planned Development District (PD-23) – Tribute
West- Planned Development District (PD-23) – Tribute

PLAT DETAILS

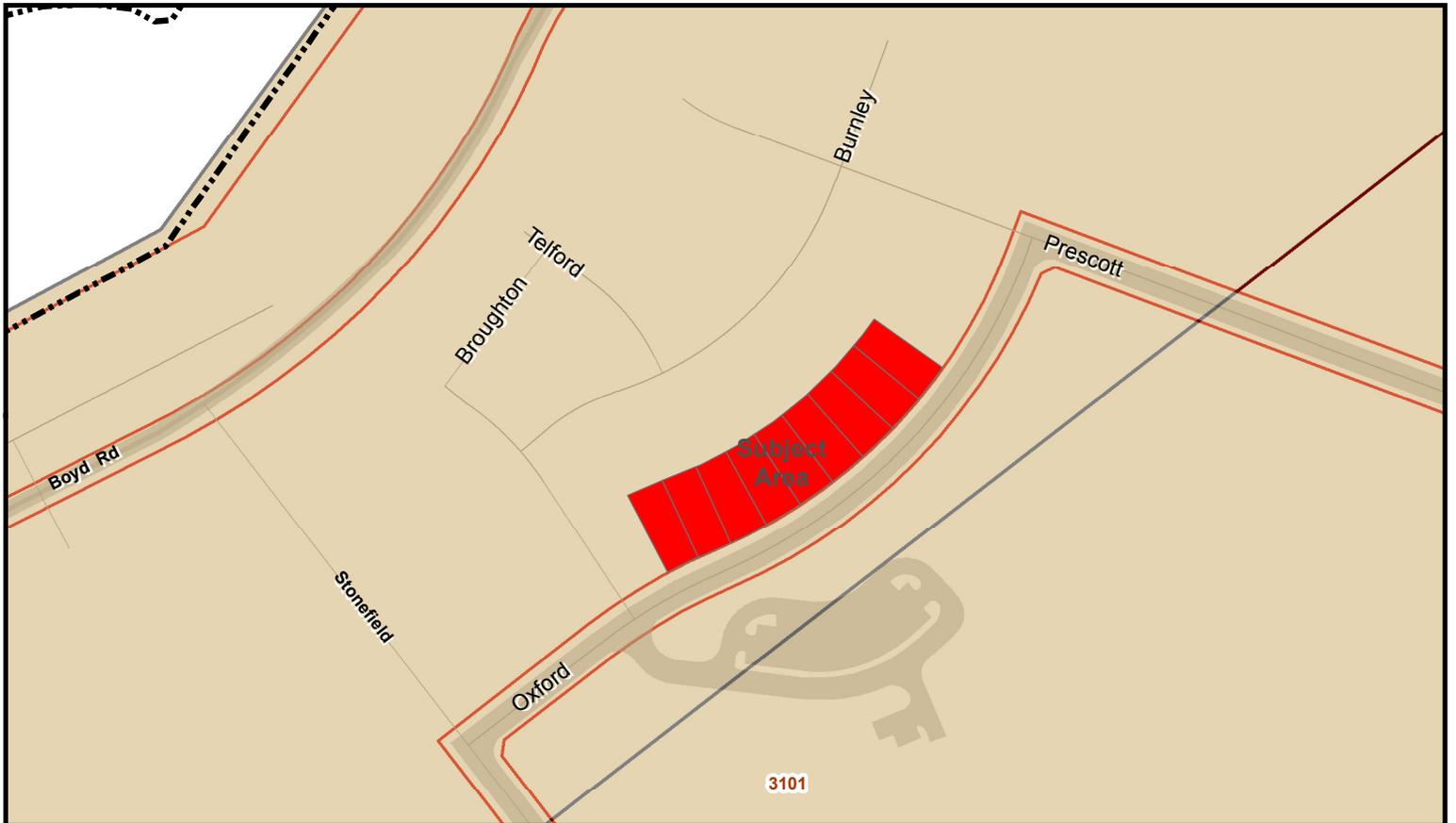
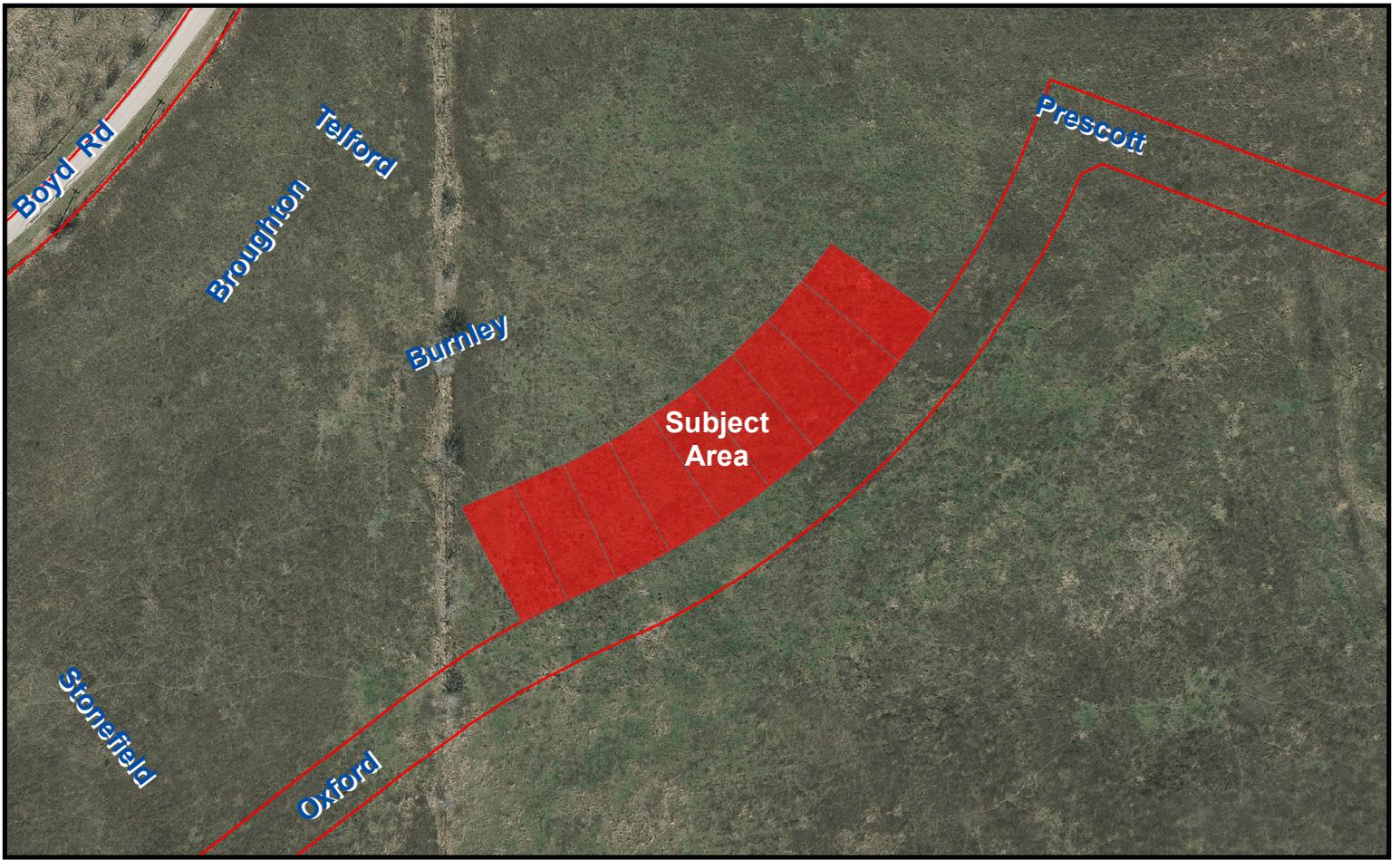
The subject property is located on the northwest corner of Oxford and Prescott Road. A 1.641 acre land is being subdivided into 11 lots. The Final Plat meets, Appendix B, Subdivision Ordinance, of The Colony Code of Ordinances, PD 23 Ordinance and other applicable ordinance requirements.

RECOMMENDATION

The Development Review Committee (DRC) recommends approval of the Final Plat.

ATTACHMENTS

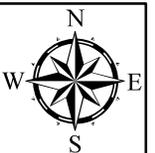
1. Location Map
2. Proposed Final Plat

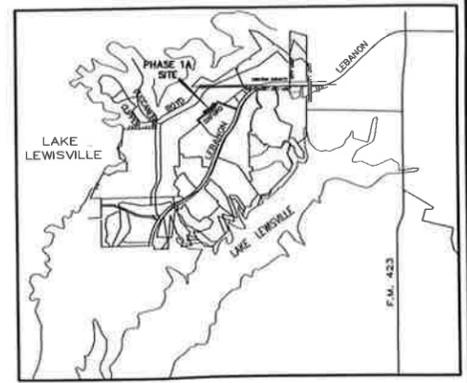
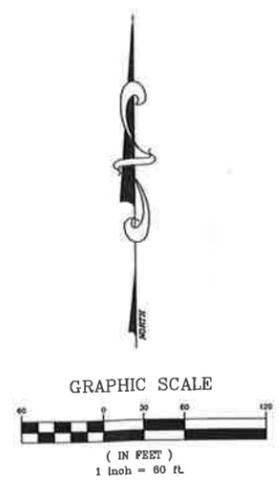
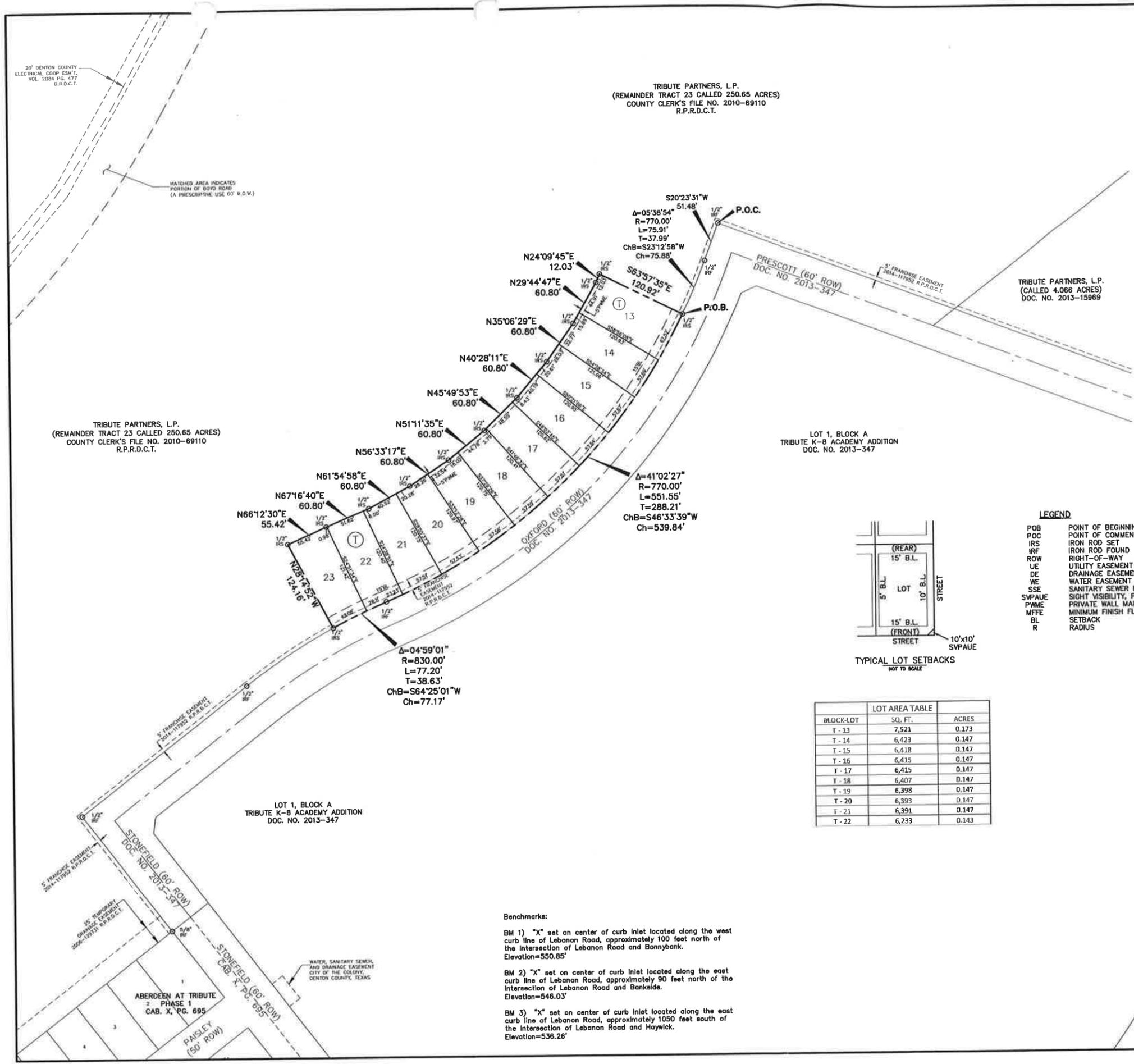


Project No. FP15-0003 - Project Name: Westbury at Tribute Ph1A

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|--------------------------|--------------------------|------------------|----------------------|------------------------|
| Westbury at Tribute Ph1A | Business Park/Industrial | Heavy Commercial | Mobile Home | Planned Development |
| Agricultural | Duplex Dwelling | Industrial | Neighborhood Service | Shopping Center |
| Business Park | General Retail | Light Commercial | Office District 1 | Single Family Dwelling |

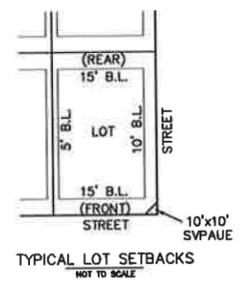
This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.





- NOTES:
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
 - ALL LOTS ARE LOCATED OUTSIDE OF THE PROPOSED 537-FT CONTOUR LINE
 - ALL FINISHED FLOORS SHALL BE A MINIMUM OF TWO FEET ABOVE THE 537 CONTOUR LINE OR THE 100-YEAR FLOODPLAIN, WHICHEVER IS GREATER.
 - SIDEWALKS (WHICH ARE REQUIRED IN ALL RESIDENTIAL DISTRICTS AND WHEREVER PEDESTRIAN TRAFFIC MAY BE GENERATED) SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF THE COLONY'S SPECIFICATIONS. THE DEVELOPER WILL CONSTRUCT SIDEWALKS ALONG THE REAR AND SIDE LOTS THAT ABUT THOROUGHFARES OR WHICH ABUT PERIMETER STREETS, OR WHERE AN ALLEY IS ADJACENT TO A THOROUGHFARE. THE BUILDER ON A LOT WILL CONSTRUCT ALL OTHER SIDEWALKS ON THE FRONT AND SIDE OF LOTS INTERNAL STREETS.
 - BASIS OF BEARINGS: BASED ON MONUMENTS FOUND ALONG THE SOUTH LINE OF ABERDEEN AT TRIBUTE PHASE 1, AS RECORDED IN CAB. X, PG. 695, DENTON COUNTY PLAT RECORDS.

- LEGEND
- POB POINT OF BEGINNING
 - POC POINT OF COMMENCING
 - IRS IRON ROD SET
 - IRF IRON ROD FOUND
 - ROW RIGHT-OF-WAY
 - UE UTILITY EASEMENT
 - DE DRAINAGE EASEMENT
 - WE WATER EASEMENT
 - SSE SANITARY SEWER EASEMENT
 - SVPAUE SIGHT VISIBILITY, PUBLIC ACCESS, & UTILITY EASEMENT
 - PWME PRIVATE WALL MAINTENANCE EASEMENT
 - MFE MINIMUM FINISH FLOOR ELEVATION BUILDING LINE
 - BL SETBACK
 - R RADIUS



BLOCK-LOT	SQ. FT.	ACRES
T - 13	7,521	0.173
T - 14	6,423	0.147
T - 15	6,418	0.147
T - 16	6,415	0.147
T - 17	6,415	0.147
T - 18	6,407	0.147
T - 19	6,398	0.147
T - 20	6,393	0.147
T - 21	6,391	0.147
T - 22	6,233	0.143

CITY CASE NO. FP15-00xx
FINAL PLAT
WESTBURY AT TRIBUTE,
PHASE 1A
 11 RESIDENTIAL LOTS
 LOTS 13-23, BLOCK T
 BEING 1.641 ACRES OUT OF THE
 B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 182,
 THE CITY OF THE COLONY, DENTON COUNTY, TEXAS

TRIBUTE PARTNERS, L.P. 1660 S. Stemmons Freeway, Suite 100 Lewisville, Texas 75067 Contact: Kristian Teleki	OWNER/DEVELOPER (972) 221-1199
JBI PARTNERS, INC. 16301 Quorum Drive, Suite 200 B Addison, Texas 75001 Contact: Jason Kalsner, P.E. TBPE No. F-438 TBPLS No. 10076000	SURVEYOR/ENGINEER (972)248-7676

Date: May 15, 2015 Sheet 1 of 2

- Benchmarks:
- BM 1) "X" set on center of curb Inlet located along the west curb line of Lebanon Road, approximately 100 feet north of the intersection of Lebanon Road and Bonnybank. Elevation=550.85'
 - BM 2) "X" set on center of curb Inlet located along the east curb line of Lebanon Road, approximately 90 feet north of the intersection of Lebanon Road and Bankside. Elevation=546.03'
 - BM 3) "X" set on center of curb Inlet located along the east curb line of Lebanon Road, approximately 1050 feet south of the intersection of Lebanon Road and Haywick. Elevation=536.26'

Plotted by: panider Plot Date: 5/14/2015 3:57 PM
 Saved By: panider Save Time: 5/14/2015 3:29 PM
 Drawing: H:\Projects\M5W038-Westbury.dwg \xmsw038-pt-phase1a.dwg

PLANNING AND ZONING COMMISSION REPORT

AGENDA DATE: July 14, 2015

DEPARTMENT: Community Image/Development Services Department

PLANNER: Surupa Sen, AICP, Senior Planner, 972-624-3164

SUBJECT *SI15-0012 Zoning Ordinance Text Amendment - Swimming Pool Demolition*

Conduct a public hearing, discuss and consider making a recommendation to City Council on an amendment to the Code of Ordinances, Appendix A, Section 10B-1100, entitled “Standards for Swimming Pools and Hot Tubs,” by adding a new subsection (i) to address the demolition of swimming pools and hot tubs.

PROPOSED REQUEST

Over the past six (6) months, Community Image has received several complaints from residents regarding the condition of neighboring properties’ swimming pools. Among the most common complaints are:

- (1) Pools that are not being maintained and have become stagnant/breeding grounds for mosquitos;
- (2) Pools that have been drained and have become dilapidated and most recently; and,
- (3) Contractors filling in pools with trash and debris prior to adding top soil/fill.

Although there are regulations within existing ordinance addressing stagnant water on private property, there are currently no formal standards/regulations adopted to ensure a safe method and materials are used during the demolition/fill process. Staff’s concern is that as more contractors and homeowners decide to demolish/fill in swimming pools, a set of standards should be adopted to ensure the safety of surrounding and future residents of the properties. After review of surrounding cities ordinances pertaining to this issue by the City Attorney and Ordinance Review Committee, staff has put together a draft ordinance for review and discussion.

NOTIFICATION

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting for text amendments. Notice for this Public Hearing was published in *The NeighborsGo* on July 3, 2015. No comments, either for or against the text amendment, were received as of the printing of this packet.

RECOMMENDATION

The Ordinance Review Committee (ORC) recommends approval of the proposed amendment.

CITY OF THE COLONY, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE CODE OF ORDINANCES, APPENDIX A, SECTION 10B-1100, ENTITLED “STANDARDS FOR SWIMMING POOLS AND HOT TUBS,” BY ADDING A NEW SUBSECTION (I) TO ADDRESS THE DEMOLITION OF SWIMMING POOLS AND HOT TUBS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 211.006(a) of the Texas Local Government Code requires the City of The Colony, Texas, to publish notice of a public hearing concerning a zoning amendment before the 15th day before the date of the public hearing; and

WHEREAS, Appendix A, Section 24-101(d) of the Code of Ordinances of the City of The Colony, Texas, provides the following “[a] public hearing shall be held by city council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given per the publication policy of the city, stating the time and place of such hearing, and shall be published a minimum of 15 days prior to the date of the public hearing;” and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of The Colony, Texas, is of the opinion and finds that said changes should be granted, and that the Code of Ordinances should be amended.

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

SECTION 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That Appendix A, Section 10B-1100, of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Standards for swimming pools and hot tubs” is hereby amended by adding a new subsection (i) which shall read as follows:

“(i) *Demolition of swimming pools and hot tubs.* Demolition of swimming pools and hot tubs (“pools”) are subject to the following requirements:

- (1) All pool pumps, heating equipment, and related piping must be removed. Gas piping going to the heater, must also be removed at the source as required by the by the most recently adopted plumbing code.
- (2) All electrical wiring for pool equipment must be removed at the source as required by the most recently adopted electrical code.
- (3) Drainage Holes of sufficient size and number shall be installed and inspected prior to filling in of any pool or spa.
- (4) Upon completion and inspection of drain holes, the pool shall be filled with approved compactable materials to the adjacent grade. The top of the fill shall be comprised of a minimum thirty-six inch (36") of clean fill dirt. Backfill shall consist of clean soil, graded rock or a combination thereof. Broken concrete or other construction and household debris shall not be considered acceptable fill material.
- (5) Compaction Report: It is at the Building Official's discretion whether a certified compaction report will be required for demolition of a pool or stand-alone hot tub based on proximity to the house or main structure. If a compaction report is required, it must be conducted by a certified geotechnical firm and be submitted to the Building Official prior to final inspection. The report must indicate that the fill material was compacted to a ninety five percent (95%) density.
- (6) Inspections: The following inspections shall be required:
 - (A) Disconnection of all utilities;
 - (B) Installation of drainage holes and backfill
 - (C) Final – all work is completed and a certified compaction report is provided if required."

SECTION 3. If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That all provisions of the Ordinances of the City of The Colony, 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 5. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two

Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

SECTION 6. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS _____ day of _____, 2015.

Joe McCourry, Mayor

ATTEST:

Christie Wilson, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney