

City of OVILLA City Council

Rachel Huber, Place One
Larry Stevenson, Place Two
David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four
Dean Oberg, Place Five
Cyndy Powell, City Administrator

MEETING AGENDA

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, August 25, 2014

6:00 P.M.

Council Chamber Room

Notice is hereby given of a joint workshop and meeting of the City Council, Planning & Zoning Commission and the Economic Development Corporation to be held on Monday, August 25, 2014, beginning at 6:00 p.m. in the Municipal Building, 105 S. Cockrell Hill Road, Ovilla, TX 75154 for the purpose of considering the following agenda items.

I. CALL TO ORDER

- Invocation
- Pledge of Allegiance

II. COMMENTS, PRESENTATIONS, ANNOUNCEMENTS & REPORTS

▪ Citizen Comments

The City Council welcomes comments from Citizens. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decisions at this time. Speakers under citizen's comments must observe a three-minute time limit. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.

III. REGULAR AGENDA

ITEM 1. **DISCUSSION** – Receive presentation from developer of Hosford Tracts and discuss concept of a Planned Development District as provided for in the City's Code of Ordinances.

IV. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the August 25, 2014 Special Joint Workshop and Meeting Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofovilla.org, on the 21st day of August 2014 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.

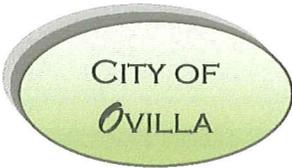


Pamela Woodall, City Secretary

DATE OF POSTING: 8.21.2014 TIME: 4:30 am/pm
DATE TAKEN DOWN: _____ TIME: _____ am/pm



IF YOU OR YOUR REPRESENTATIVE HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AND YOU PLAN TO ATTEND THIS PUBLIC MEETING, PLEASE CALL THE CITY SECRETARY AT 972-617-7262 WITHIN 24 HOURS OF THE MEETING. REASONABLE ACCOMMODATIONS WILL BE MADE TO MEET YOUR NEEDS AT THE MEETING. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.



AGENDA ITEM REPORT

Item(s): 1

Meeting Date: August 25, 2014

Department: Administration

Discussion Action

Budgeted Expense: YES NO N/A

Submitted By: Cyndy Powell, CA

Amount: \$N/A Account: _____

Reviewed By: City Administrator City Secretary City Attorney

Accountant Other _____

Attachments:	
1. Municipal Code of Ordinances Section 25 - "PD" Planned Development Districts	
Agenda Item / Topic:	
ITEM 1.	<i>DISCUSSION</i> - Receive presentation from developer of Hosford Tracts and discuss concept of Planned Development District as provided for in the City's Code of Ordinances.
Discussion / Justification:	
On July 31, 2014 Mayor Dormier and staff met with the Clyde Hargrove of Hargrove Real Estate and Todd Winters, P.E. of Engineering Concepts & Design. L.P. to discuss the proposed Planned Development District for the area known as the Hosford Tracts located along FM664 frontage between Westmoreland and Malloy roads. At the developer's request, a joint workshop with the City Council, the Planning and Zoning Commission, and the Economic Development Corporation has been called to receive a presentation and discuss the proposed Planned Development District.	
Recommendation / Staff Comments:	
Sample Motion(s):	

Section 25 - "PD" Planned Development District

25.1 PURPOSE The purpose of the "PD" Planned Development District is to encourage creative development of the land, provide locations for well planned comprehensive developments, and provide for variety and flexibility in the development patterns of the City which promote the health, safety, morals, and general welfare of the community. A Planned Development may include a combination of different dwelling types and/or a variety of residential and non-residential land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity.

25.2 PLANNED DEVELOPMENT USES In a Planned Development District, no building or land shall be used, and no building constructed, reconstructed, altered, or enlarged, unless permitted in a site plan approved by the City Council, [.]

25.3 CONDITIONS FOR PLANNED DEVELOPMENTS Establishment of a Planned Development shall be considered appropriate where the following conditions prevail:

1. The proposed development is consistent with the Comprehensive Land Use Plan and the goals and objectives of the city;
2. Dwelling units are situated in such a way that an appreciable amount of open space is available and is integrated throughout the planned development;
3. The development utilizes an innovative approach in lot configuration and mixture of residential and commercial type land uses;
4. Higher densities than conventional single-family developments of the same acreage are able to provide, with increased open space and appropriate buffering between existing conventional single-family developments;
5. Non-residential uses are situated such that an appreciable amount of land is available for open space or joint use as parking and public access space and is integrated throughout the planned development;
6. To provide aesthetic amenities in the planned development design which are not economically feasible to provide in conventional residential and non-residential developments; and
7. The development provides a compatible transition, which may include buffer yards, thoroughfares, or transitional uses, between adjacent existing single family residential projects and provides a compatible transition for the extension of future single family neighborhoods into adjacent undeveloped areas.

25.4 DENSITY REGULATIONS In approving a Planned Development or a use designation in a Planned Development, the City Council, after receipt of a recommendation of the Planning and Zoning Commission, shall specify density, area, height, screening, parking, landscaping, and other development criteria as may be required in [Section 25.9](#) Development Plan Requirements. Such standards shall be indicated on the Development Plan and shall be made a part of the ordinance except as set forth in [Section 26.3\(C\)](#). No property located in a Planned Development shall be modified as to density, area, height, screening, parking, landscaping or other development requirements unless a Development Plan containing the revised development requirements is approved. If the ordinance establishing a planned development fails to specify a standard, the Administrative Official shall apply the most restrictive standard applicable to the zoning district which most closely resembles the proposed use.

25.5 AMENDMENTS TO A DEVELOPMENT PLAN

A. Type of Amendments. A property owner may request an amendment to an approved Development Plan at any time. Amendments are classified as major or minor and each has a separate process.

B. Minor Amendments. The Administrative Official may approve or disapprove a minor amendment to plans adopted by ordinance provided the amendment does not:

1. Change the basic relationship of the proposed development to adjacent property;
2. Increase the intensity or density of development;
3. Substantially alter the arrangement of buildings or change the use of building space designated to the original building plan;
4. Increase the number of residential units; provided however, the Administrative Official may approve the rearrangement of lots so long as the number of units does not increase;
5. Increase the height of buildings;
6. Substantially alter vehicular circulation or the placement/arrangement of parking areas;
7. Reduce or lessen the effectiveness of open space, landscape buffers, and edges;
8. Substantially alter or change the design elevation, roof pitch, materials, or massing of the buildings;
9. Increase the ratio of the gross floor areas in structures to the area of any lot;
10. Change access to streets;
11. Increase the size, lighting, or orientation of signs; or
12. Conflict with regulations specified within the ordinance establishing the district.

C. Major Amendments. Any amendment other than specified above, or any amendment that the Administrative Official, in his discretion, determines should be forwarded to the City Council, shall be considered as a major amendment and shall be considered by the Planning and Zoning Commission and Council at public meetings in accordance with the same procedures and requirements for approval of a Development Plan.

25.6 DEVELOPMENT SCHEDULE An application for a use designation for new construction or construction that increases the floor area of the principal structure(s) shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, upon recommendation of the Planning and Zoning Commission, shall become part of the Planned Development Ordinance and shall be adhered to by the owner, developer, and their assigns or successors in interest.

25.7 REPORT The City shall require the owner or developer of the Planned Development to submit a written report on a regular basis to the City Council. The written report shall describe the progress achieved towards the development schedule. In the event that the owner/developer neglects to provide a written report, as established and agreed to in the Planned Development ordinance, or if the owner/developer neglects to initiate any progress, the City may initiate proceedings to rezone the property to a zoning district deemed appropriate. However, no rezoning effort shall be initiated by the City prior to making an official inquiry of the owner/developer regarding the status of the Planned Development.

25.8 PLATTING REQUIREMENTS

A. Plat Required. No application for a building permit for the construction of a building or structure shall be approved unless the property on which the proposed improvements are planned has been platted. The plat must meet all the requirements of the City of Ovilla, and must have been approved by the City Council, upon recommendation of the Planning and Zoning Commission, and recorded in the official records of Dallas or Ellis County.

B. Development Agreement. Any plat that accompanies a Planned Development shall also include a Development Agreement that addresses the infrastructure and improvements that are proposed by the Planned Development.

25.9 DEVELOPMENT PLAN REQUIREMENT

A. When Required. An application for a Planned Development, or approval of a use designation in a Planned Development which will require new construction which increases the floor area of the principal structure(s) or a change in the development criteria applicable to the development shall include and be accompanied by a Development Plan, which shall become a part of the ordinance.

B. Contents of Plan. The Development Plan shall include the following information, together with such other information as the Administrative Official may require together with a description of the proposed uses:

1. A scale drawing showing any proposed public or private streets and alleys; building sites and/or building lots; any areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five feet, or spot grades where the relief is limited;

2. Where multiple types of commercial land uses are proposed, a land use plan delineating the specific areas to be devoted to various commercial uses shall be required;

3. A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan shall also be shown;

4. A designation of the maximum building coverage of the site shall be indicated upon the Development Plan. The general footprint of buildings shall be indicated showing the approximate position and sizes of any proposed structures; and

5. Landscaping and screening, which shall comply with the regulations set forth in [Section 36](#) Landscape Regulations.

C. Single Drawing. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the Administrative Official and interpretation by the Building Inspector.

D. Amendment. Any amendment to a Development Plan must be approved, by ordinance, following a public hearing meeting the requirements of Section 212.044 of the Texas Local Government Code, as amended.

25.10 SITE PLAN REQUIREMENT Prior to issuance of a building permit, for new construction or construction which increases the floor area of the principal structure(s) or construction that changes the development criteria

for the site, a Site Plan in accordance with [Section 26](#) Site Plan Requirements must be submitted and approved. The Site Plan shall be presented for approval to the City Council, upon recommendation from the Planning and Zoning Commission. The Site Plan may be submitted concurrently with the Development Plan. If the Development Plan and the Site Plan are submitted separately, a separate public hearing and action shall be required for each submittal.

25.11 COMBINED AND ABBREVIATED DEVELOPMENT AND SITE PLAN SUBMITTAL

A. When Permitted. If an application is made for a new use designation in a Planned Use Development on a site which contains existing improvements which are not proposed to be enlarged, the following combined and abbreviated Development and Site Plan shall be permitted in place of a Development Plan.

B. Requirements. A combined and abbreviated Development and Site Plan shall contain the following, together with such other information as the Administrative Official may require:

1. A scale drawing showing existing building and proposed use designations, easements, points of ingress and egress from existing public streets, the arrangement and provision of off-street parking and off-street loading, and the location of landscaping and screening provided on site. These items shall be shown on an accurate survey of the boundary of the lot. All of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the Administrative Official and interpretation by the Building Inspector.

2. A combined and abbreviated Development and Site Plan must be approved by ordinance following public notice and a public hearing meeting the requirements of Section 212.044 of the Texas Local Government Code, as amended.

25.12 PROCEDURES FOR REZONING A PORTION OF A PLANNED DEVELOPMENT If the City receives an application to rezone only a portion of the property within the District and the request substantially changes the approved Concept Plan or Development Plan, unless the Ordinance establishing the District states otherwise, the City shall process the request for rezoning as a request to rezone the entire District and shall process the same as a request to amend the entire district, and send notices to all property owners within 200 feet of the District.

25.13 OTHER APPLICABLE REGULATIONS If not otherwise specified in the ordinance establishing the planned development district, the height, setback, area, floor space, and other development regulations for permissible uses in a planned development district shall conform to the development regulations which would be applicable to such uses if the same were situated in the most restrictive district in which such uses are permitted.

25.14 NO VARIANCE The Zoning Board of Adjustment is not authorized to grant a variance from the requirements of an ordinance establishing a Planned Development District.