



## AGENDA

### PLANNING AND ZONING JULY 23, 2015 @ 7:00 P.M.

Notice is hereby given; the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, July 23, 2015 at 7:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

#### CALL TO ORDER – Roll Call and Determination of a Quorum

#### PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

**PUBLIC COMMENTS** The Commission invites any person with business before the Commission to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

#### INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR MAY 28, 2015.
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A DEVELOPMENT PLAT FOR PARKER STORAGE LOCATED AT 3453 MCCREARY ROAD IN PARKER'S EXTRA TERRITORIAL JURISDICTION.

#### ROUTINE ITEMS

3. FUTURE AGENDA ITEMS
4. ADJOURN

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open

Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before July 17, 2015 by 5:00 p.m. at the Parker City Hall.

Date Notice Removed

  
Carrie L. Smith, City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972-442-6811.

## PLANNING AND ZONING COMMISSION

**Meeting Date:** July 23, 2015

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**Agenda Subject:**

CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES  
FOR MAY 28, 2015.

**Exhibits:** Proposed minutes

**Summary:**

See Exhibits

**Possible action:**

APPROVE  
AMEND  
TABLE

MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
May 28, 2015

**CALL TO ORDER – Roll Call and Determination of a Quorum**

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 7:00 P.M.

**Commissioners Present:**

X Chairperson Wright  
X Commissioner Sutaria  
X Commissioner Stanislav

X Commissioner Raney  
X Commissioner Lozano

Alternate Jeang  
Alternate Leamy

Alternate Cassavechia

**Staff/Others Present**

X City Administrator Flanigan

X City Secretary Smith

**PLEDGE OF ALLEGIANCE**

The pledges were recited.

**PUBLIC COMMENTS** The Commission invites any person with business before the Commission to speak to the Commission. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

Written comments were received from resident Kay Booth. Exhibit A.

**INDIVIDUAL CONSIDERATION ITEMS**

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR MARCH 12, 2015.

MOTION: Commissioner Lozano moved to approve the minutes as presented. Commissioner Stanislav seconded with Commissioner's Raney, Wright, Lozano, Sutaria and Stanislav voting for. Motion carried 5-0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A PRELIMINARY PLAT FOR PARKER RANCH PHASE 2, BEING 42.3167 ACRES IN THE J.S. BRADLEY SURVEY, ABSTRACT 89; GENERALLY LOCATED EAST OF ALLEN HEIGHTS.

The Commission reviewed the City Engineer's letter and the Developer's response.

The Commission requested an inventory of substantial trees in Phases 2 and 3.

MOTION: Commissioner Lozano moved to approve the preliminary plat subject to City Engineer's final approval of all outstanding issues prior to approving the final plat. Commissioner Raney seconded with Commissioner's Raney, Wright, Lozano, Sutaria and Stanislav voting for. Motion carried 5-0.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A PRELIMINARY PLAT FOR PARKER RANCH PHASE 3, BEING 103.942 ACRES IN THE JOHN SNIDER SURVEY, ABSTRACT 848 AND JS BRADLEY SURVEY, ABSTRACT 89; GENERALLY LOCATED EAST OF ALLEN HEIGHTS DRIVE.

The Commission reviewed the City Engineer's letter and the Developer's response.

The trail connection is to be added to the face of the plat.

MOTION: Commissioner Lozano moved to approve the preliminary plat subject to adding the trail plan to the face of the plat and the City Engineer's final approval of all outstanding issues prior to approving the final plat. Commissioner Raney seconded with Commissioner's Raney, Wright, Lozano, Sutaria and Stanislav voting for. Motion carried 5-0.

#### **ROUTINE ITEMS**

4. FUTURE AGENDA ITEMS

- a. Kings Crossing Phase 3 – Preliminary Plat

5. ADJOURN

Chairperson Wright adjourned the meeting at 8:26 p.m.

Minutes Approved on \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chairman Russell Wright

Attest:

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Commission Secretary Stanislav

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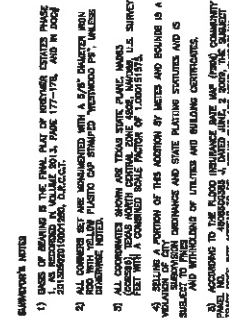
Prepared by City Secretary Carrie L. Smith

**Exhibits**

A – Kay Booth Public Comments

B – Parker Ranch Phase 2 – Proposed Preliminary Plat

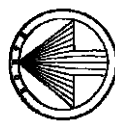
C – Parker Ranch Phase 3 – Proposed Preliminary Plat







PARKER RANCH PHASE 3

[illegible]

PRELIMINARY PLAT  
OF  
PARKER RANCH  
PHASE 3  
57 RESIDENTIAL LOTS

OUT OF THE  
JOHN SNIDER SURVEY, ABSTRACT NO. 848 &  
J.S. BRADLEY SURVEY, ABSTRACT NO. 88  
IN THE  
CITY OF PARKER, COLLIN COUNTY, TEXAS

**OWNER**  
**R.V.W. SUNCHASE, L.P.**  
600 CRESCENT COURT, SUITE 350  
DALLAS, TEXAS 75201  
817-624-6022 KEITH HARDISTY

**ENGINEER/SURVEYOR**  
**Westwood**

[illegible]

**THE PAPERING | [paperingjournal.com](http://paperingjournal.com)**

THIS PLAT FILED IN CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_, P.R.C.T.

1

ESTADOS UNIDOS

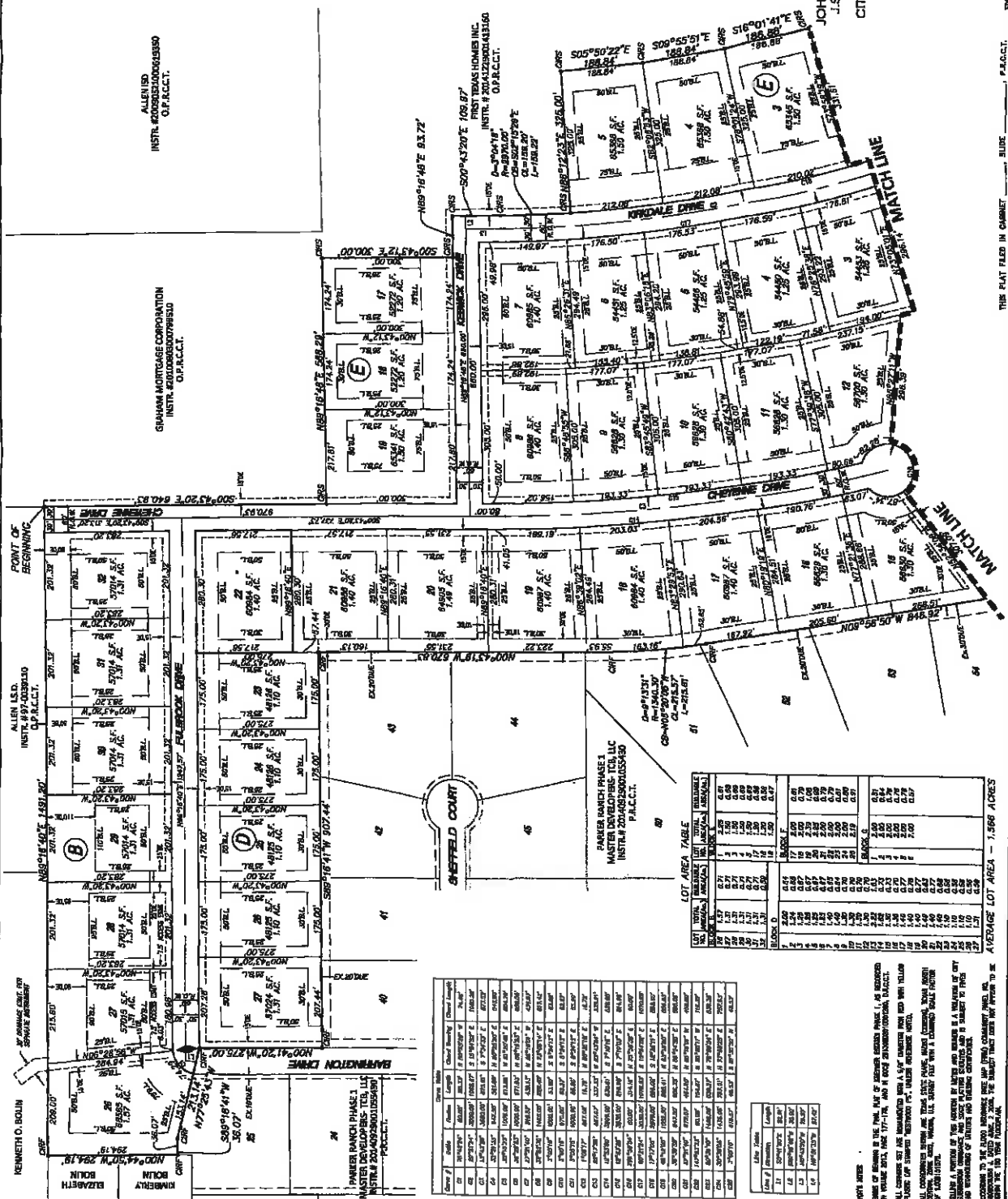
— AREA —

50744

1997

10 YEAR FLOORPLAN.

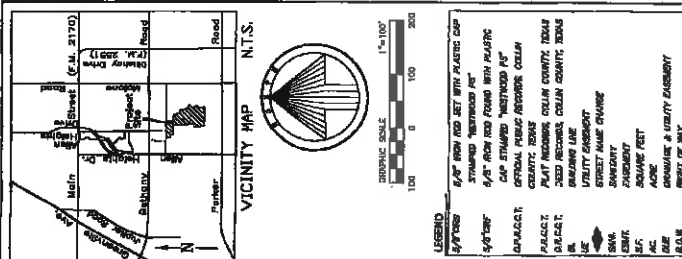
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TOTAL AREA TABLE			
LOT NO.	MEASUREMENT	LOT TOTAL AREA (A <sub>1</sub> )	RELATIVE AREA (A <sub>2</sub> /A <sub>1</sub> )
1	0.21	2.23	0.09
2	0.21	1.50	0.09
3	0.21	1.50	0.09
4	0.21	1.50	0.09
5	0.21	1.50	0.09
6	0.21	1.50	0.09
7	0.21	1.50	0.09
8	0.21	1.50	0.09
9	0.21	1.50	0.09
10	0.21	1.50	0.09
11	0.21	1.50	0.09
12	0.21	1.50	0.09
13	0.21	1.50	0.09
14	0.21	1.50	0.09
15	0.21	1.50	0.09
16	0.21	1.50	0.09
17	0.21	1.50	0.09
18	0.21	1.50	0.09
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25	0.21	1.50	0.09
26	0.21	1.50	0.09
27	0.21	1.50	0.09
28	0.21	1.50	0.09
29	0.21	1.50	0.09
30	0.21	1.50	0.09
31	0.21	1.50	0.09
32	0.21	1.50	0.09
33	0.21	1.50	0.09
34	0.21	1.50	0.09
35	0.21	1.50	0.09
36	0.21	1.50	0.09
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41	0.21	1.50	0.09
42	0.21	1.50	0.09
43	0.21	1.50	0.09
44	0.21	1.50	0.09
45	0.21	1.50	0.09
46	0.21	1.50	0.09
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67	0.21	1.50	0.09
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74	0.21	1.50	0.09
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77	0.21	1.50	0.09
78	0.21	1.50	0.09
79	0.21	1.50	0.09
80	0.21	1.50	0.09
81	0.21	1.50	0.09
82	0.21	1.50	0.09
83	0.21	1.50	0.09
84	0.21	1.50	0.09
85	0.21	1.50	0.09
86	0.21	1.50	0.09
87	0.21	1.50	0.09
88	0.21	1.50	0.09
89	0.21	1.50	0.09

Year	Unemployment	# days
1978	3.08, 14.05	17
1979	4.30, 16.08	87
1980	4.02, 17.07	67
1981	4.17, 18.04	63

[illegible]



**PRELIMINARY PLAT  
OF  
PARKER RANCH  
PHASE 3  
57 RESIDENTIAL LOTS  
104.200 ACRE**

OUT OF THE  
JOHN SNIDER SURVEY, ABSTRACT NO. 848 &  
J.S. BRADLEY SURVEY, ABSTRACT NO. 89  
IN THE  
CITY OF PARKER, COLLIN COUNTY, TEXAS

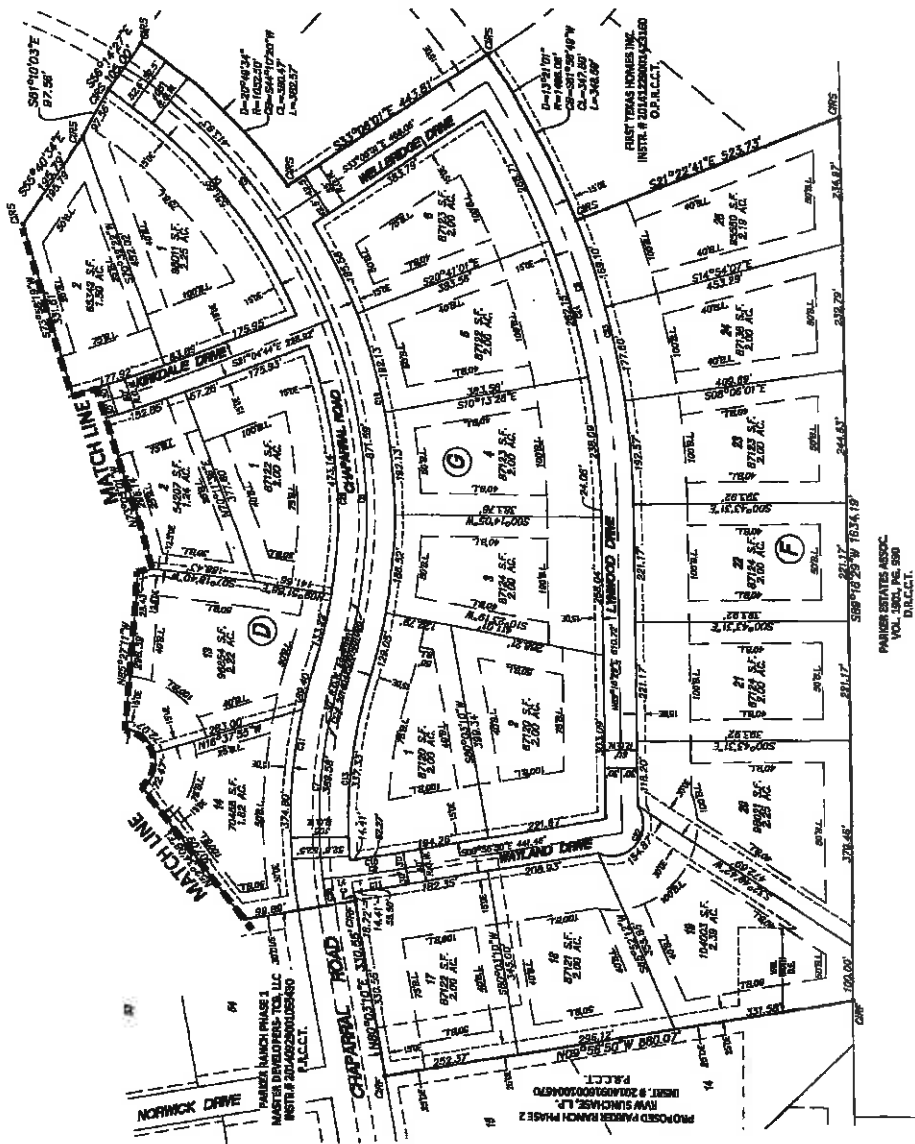
**OWNER**  
**R.V.W. SUNCHASE, L.P.**  
500 CRESCENT COURT, SUITE 350  
DALLAS, TEXAS 75201  
817-626-6252 KEITH HARDESTY

**Westwood**  
**POWERS & ASSOCIATES**

[illegible]

and Richard (London, 2001).

157/001 of 1994

[illegible][illegible]

5/28/2015 PZ

Ex. A

pg. 1 of 6

TO: Parker Planning and Zoning Commission

FROM: Kay Booth

DATE: May 28, 2015

RE: Parker Ranch Subdivision Preliminary Plats

With regard to your consideration tonight of preliminary plats for Parker Ranch Phases 2 and 3, please review the required plans for trees, trails and landscaping. These items do not appear to be addressed on the preliminary plat maps available in the agenda packet.

Note also that the trees north of the Chaparral have already been bulldozed.

As the remaining treed area in Phase 2 is also a main drainage way, please determine appropriate development in this sensitive area before endorsing the plans.

Thank you.

## SPECIAL CONDITIONS

1. The southern thirty (30%) percent of the Subdivision shall be zoned Single Family (SF). The metes and bounds description of the SF portion of the Subdivision is as shown in the attached Exhibit B. The Developer will submit to the City a survey of the property showing the dividing line between the SF and SFT tracts, with an additional copy reduced in size and appropriate for attaching to this Ordinance as Exhibit B2. The line dividing the SF and SFT tracts (the "SF/SFT boundary line") may be placed by the Developer to include an area of the Subdivision which is greater than 30%, should the Developer desire to do so. The area of the Subdivision north of the SF/SFT boundary line shall be SFT, and the area of the Subdivision south of said line shall be SF. All of the Subdivision south of the right of way dedicated for Chaparral Road shall be zoned SF.

2. Any platted lot whose area is crossed by the SF/SFT boundary line shall conform to whichever zoning classification in which more than half of the lot lies. In the event the lot is divided 50/50 by the SF/SFT boundary line, the lot shall be SF.

3. All lots in the Subdivision which are adjacent to, and have a contiguous lot line with a developed Parker Residential lot must be two acres net. A "Parker Residential lot" is defined as a lot contiguous to the Subdivision which is developed and utilized as a residential lot on or before the date of preliminary plat approval of the Subdivision. The preliminary plat shall include all of the Subdivision.

4. No more than 246 single family residential lots shall be planned or permitted on the 443.309 acre tract, notwithstanding any other provision of this Ordinance, or lot density which might otherwise be permitted in the SF and/or SFT tracts.

5. No home shall face, nor shall any home have a driveway which shall access Chaparral Road, Allen Heights Drive, Springhill Estates Drive, or any other right-of-way in the Subdivision, or adjacent thereto, planned for construction as a four lane road, divided or undivided, and/or which includes a 105 foot wide right of way dedication (M4D S).

6. The Developer shall provide an access road leading from the southern portion of the Subdivision (SF) in a southerly direction towards Parker Road. The location is to be approved by the City Council, on the recommendation of the City Engineer, and in compliance with the City's Master Thoroughfare Plan, at the time of review of the preliminary plat of the Subdivision. The Developer will submit with the preliminary plat a location for a 2 lane access road in the northwestern section of the Subdivision, to Allen Heights Drive.

7. The Developer shall construct a landscaped boulevard entrance to the Subdivision at the intersection of Chaparral Drive and Allen Heights/Springhill Estates Drive, in accordance with the landscape plan submitted by the Developer for approval by the City, and a construction plan approved by the City Engineer. The Chaparral intersection is in addition to the two lane access road described above in No. 6.



3

8. Chaparral Road will be constructed in the Subdivision by the developer, and dedicated to the public vehicular use. The specific construction schedule and specifications for Chaparral Road are as shown in Exhibit C, and as required in the Subdivision regulations.

(a) The road is to be designed with a one hundred-five (105) foot right of way, in accordance with the city's four-lane divided thoroughfare specifications designated as M4D-S. The initial construction of the road will be a two-lane road, with a fully developed landscaped and irrigated median between the lanes. Construction will be performed in such a way that the addition of two (2) additional lanes of traffic may be added to the two (2) initial lanes. The construction of Chaparral Road will begin on the western side of the Subdivision, where Chaparral Road intersects with Allen Heights Road/Springshill Drive, and shall continue in an easterly direction as the phases of the Subdivision are developed. The eastern end of Chaparral Road shall be placed as approved by the City Council upon approval of the preliminary plat. The eastern end point shall be at the eastern city limits of the City of Parker, at Malone Drive, north of the Easy Acres Subdivision. Chaparral Road shall be completed, and open for public use, at the request of the City, regardless of the stage of the Subdivision development, or upon the final plat approval for that phase of the Subdivision's development, whichever shall first occur. The developer's obligation to construct the entire length of Chaparral Road from the City's western boundary to the City's eastern boundary is required by this ordinance, and is not contingent on the development of the Subdivision.

(b) The landscape plan for Chaparral Road's entrance into the Subdivision at Allen Heights road shall be submitted by the developer for approval to the City Council on or before the date of preliminary plat approval.

9. The Developer is required to use all commercially reasonable good faith efforts to direct the traffic resulting from construction in the Subdivision to Allen Heights Road and Bethany Drive. All reasonable means are to be employed to reduce construction traffic on Springshill Drive and Parker Road.

10. The Developer will dedicate to the City an area of four (4) acres of land in the Subdivision for public purposes, including but not limited to ground or elevated water utility facilities, and/or fire, police and EMS services. The location of the tract will be determined by the City and the Developer prior to preliminary plat approval. The decision on the location of the public tract will not be unreasonably withheld, conditioned, or delayed by any party.

11. All trail systems within the Subdivision shall be available for use by the general public. All maintenance and repair of the trails system shall be provided and paid for by the Developer, the required and mandatory homeowners association, and/or the individual property owners whose land is encumbered by the trail, as the case may be. The trails system will be constructed by the Developer in accordance with the plans and specifications to be agreed upon by the City staff and the Developer, with input from the Conservancy of Parker. Such agreements are not to be unreasonably withheld, conditioned, or delayed, by the City, or the Developer.

4

12. The Developer agrees not to remove the existing treed areas in the Subdivision except to the absolute minimum amount of tree removal necessary for development. The tree removal, if any, will be done with the approval of the City staff with the advice of the Conservancy of Parker.

13. The Developer will submit a landscape plan, trail plan, and a tree plan to the City for approval on or before the date of filing of the preliminary plat.

14. All onsite infrastructure, including roads and utilities, is to be constructed and paid for by the Developer. Any offsite required development will be governed by the City's Pro-Kata Ordinance, as limited by any State or Federal law.

15. The Developer and/or builder is to provide each residential structure with a septic system for each individual home. The septic system shall comply with all requirements of the City of Parker, Collin County, and the Texas Commission on Environmental Quality. No public sanitary sewer system will be constructed for the Subdivision.

16. The Developer will dedicate all additional right-of-way required by the City of Parker Subdivision Ordinance and the City of Parker Settlement Agreement of the annexation litigation with the City of Allen for that portion of Allen Heights Road adjacent to the Subdivision. The required right-of-way for Allen Heights Road will be dedicated, irrigated and landscaped. Landscape plans will be submitted with the preliminary plat. Maintenance and irrigation of all of Allen Heights right-of-way, as with all other common areas and landscaping in the Subdivision will be maintained and paid by the Developer and/or the Homeowner's Association.

SECTION 2. That the property shall be used only in the manner and for the purposes as required in the SFT and SF zoning classifications provided for by this Ordinance pursuant to the Amended Comprehensive Zoning Ordinance of the City of Parker, as heretofore amended, and subject to the aforementioned special conditions. Any dispute as to the operation, effect, or interpretation of this Ordinance shall be determined by the Parker City Council at a meeting properly noticed and held on the subject.

SECTION 3. That should any sentence, paragraph, Subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, 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 invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

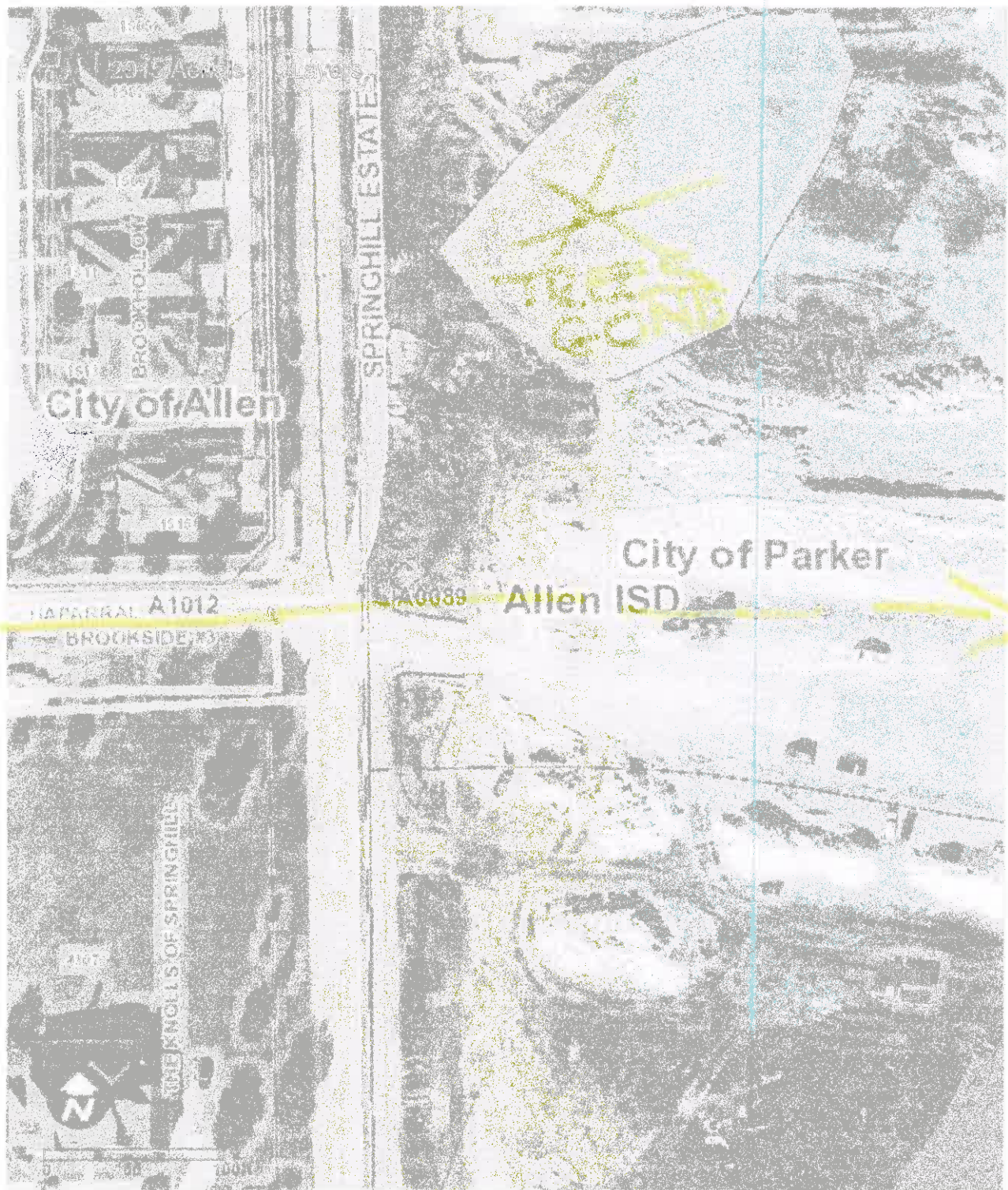
SECTION 4. That all provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Parker, as heretofore amended, and upon









If you'd prefer to use a standalone version of this map, please [click here](#).



## **PLANNING AND ZONING COMMISSION**

**Meeting Date:** July 23, 2015

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### **Agenda Subject:**

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A DEVELOPMENT PLAT FOR PARKER STORAGE LOCATED AT 3453 MCCREARY ROAD IN PARKER'S EXTRA TERRITORIAL JURISDICTION (ETJ).

### **Exhibits:**

1. Application
2. Plat Layout
3. Land Title Survey
4. Ordinance 562 – Development Plat

### **Summary:**

### **Possible action:**

APPROVE  
AMEND  
TABLE



# DEVELOPMENT APPLICATION

City of Parker, Texas

RECEIVED

JUN 23 2015

CITY OF PARKER

Proposed Name of Subdivision: Parker Self Storage

Plat Approval Requested

Filing Fee

Filing Fee

- ☐ Preliminary Plat \$800.00 + \$30/acre
- ☐ Site Plan \$300.00 + \$25/acre
- ☐ Replat/Amended \$500.00 plus \$15/lot

- ☐ Final Plat \$800.00 + \$30/acre
- ☐ Minor Plat (5 acres or less) \$500.00 + \$100/lot
- ☒ Development Plat \$300.00 + \$30/acre

Physical Location of Property: 3453 McCravy

(Address and General Location - Approximate distance to the nearest existing street corner)

Brief Legal description of Property (must attach accurate metes and bound description to application):

Attached  
(Survey/Abstract No. and Tracts: or platted Subdivision Name with Lot/Block)

Acreage: 6

Existing # of Lots/Tracts: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_

(If a PD, include the Ordinance with application)

Property Owner's Name: Parker Storage LLC

Phone Number: 214-208-5697

Applicant/Contact Person: Rick Murrey

Title: Owner

Company Name: Parker Self Storage

Street/Mailing Address: 14673 Midway #100 City: Addicks State: TX Zip: 75001

Phone: 972-991-2925 Fax: \_\_\_\_\_

Email Address: vmurray@AOF.com

Engineering Company: DeOffice Engineering

Contact Person: Jim DeOffice

Title: Owner

Street/Mailing Address: 6707 Brentwood City: Farwell State: TX Zip: 76112

Phone: 817-446-6877 Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**\*\* READ BEFORE SIGNING BELOW:** If there is more than one property owner, complete a separate sheet with the same wording as below. The City requires all Original Signatures. If applicant is other than the property owner, a "Power of Attorney" with original, notarized signatures is required.

STATE OF TEXAS ) (

COUNTY OF COLLIN ) (

BEFORE ME, a Notary Public, on this day personally appeared \_\_\_\_\_ the undersigned applicant, who, under oath, stated the following "I hereby certify that I am the owner, or duly authorized agent of the owner, (Proof must be attached, e.g. "Power of Attorney" for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."



SUBSCRIBED AND SWORN TO before me, this the 29 day of June, 2015.

Notary Public in and for the State of Texas: Vicky Granger

Over

**GENERAL WARRANTY DEED**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Effective Date:** October 1, 2014

**Grantor:** James Barley, Jr. and wife, Mary Ann Barley

**Grantee:** Parker Storage, LLC, a Texas limited liability company

**Grantee's Address:** 14673 Midway #106  
Addison, TX 75001

**Property:** The real property described in Exhibit "A" attached hereto and made a part hereof; together with all buildings, fixtures and other real property improvements located on said real property; and the benefits and appurtenances on or appertaining to said real property and improvements.

**Permitted Exceptions:** Standby fees, ad valorem taxes and assessments for the year in which this Deed is executed and subsequent years, and subsequent assessments for prior years due to changes in land usage or ownership, payment of which are assumed by Grantee, and the liens securing same; valid and existing visible and apparent easements, rights of way and prescriptive rights, if any, that are not of record but are shown on a survey of the Property furnished to Grantee at or before execution and delivery of this Deed; and any and all restrictions, covenants, easements, rights of way and other matters of record affecting the Property; provided the Permitted Exceptions do not include liens or conveyances affecting the Property, unless same are expressly identified in this Deed. All reservations, conveyances and leases of oil, gas or other minerals identified in Schedule B of the title commitment furnished to Grantee at or before execution and delivery of this Deed, if any, are Permitted Exceptions.

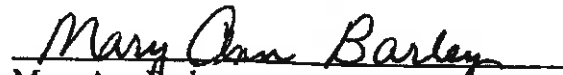
For TEN DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is acknowledged, Grantor has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto Grantee the Property, to have and to hold the Property unto Grantee and Grantee's heirs, executors, administrators, successors and assigns forever, subject to the Permitted Exceptions. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend title to the Property to Grantee and Grantee's heirs, executors, administrators, successors and assigns, subject to the Permitted Exceptions, against

every person whomsoever lawfully claiming or to claim the same or any part thereof.

When the context requires, singular nouns and pronouns include the plural.

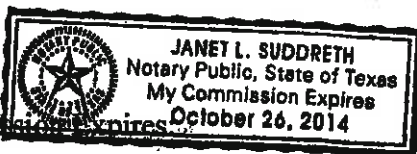
Executed on the date of the acknowledgment below, but effective as of the Effective Date set forth above.


  
James Barley, Jr.

  
Mary Ann Barley

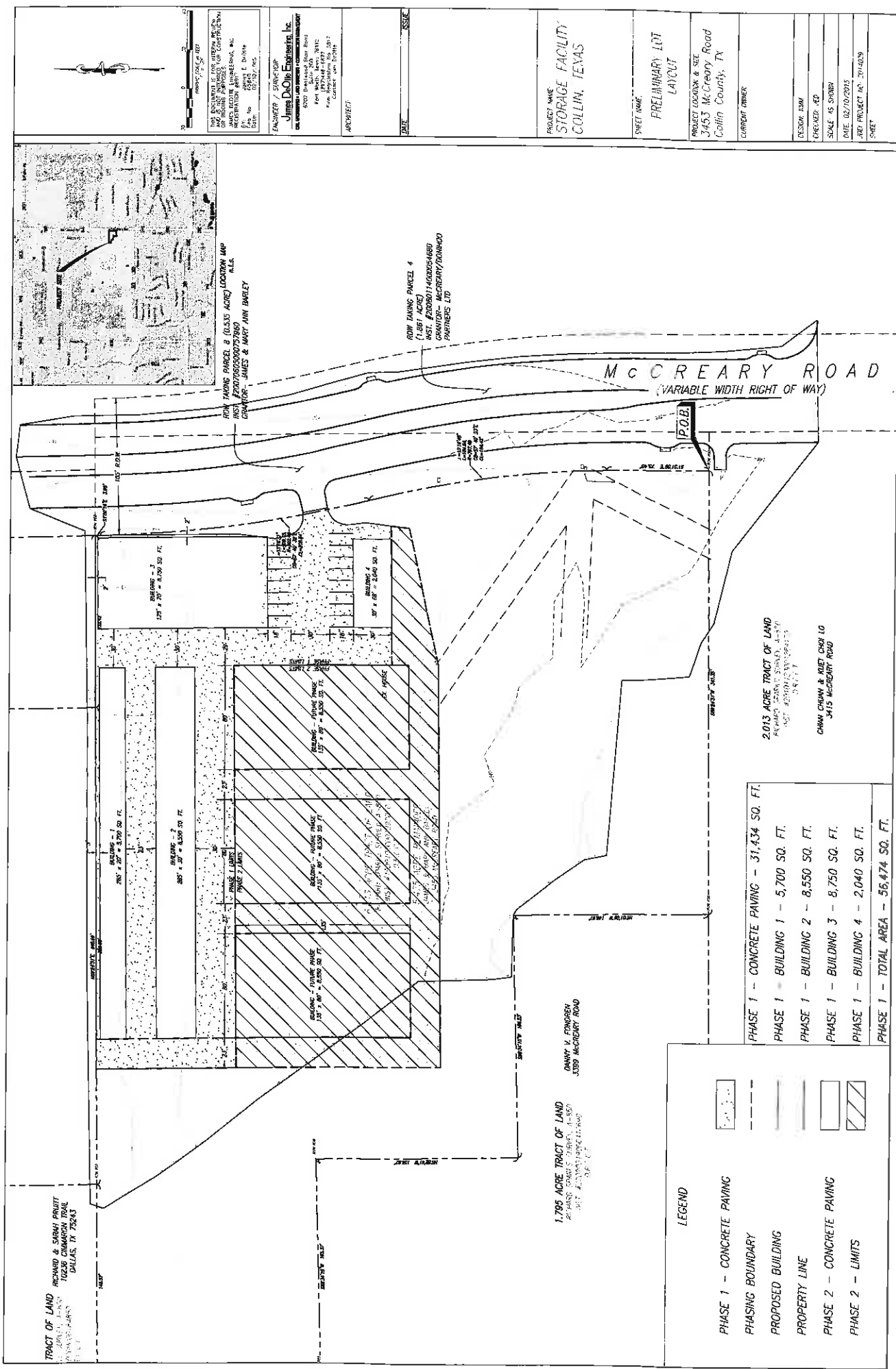
STATE OF TEXAS                   §  
   §  
COUNTY OF COLLIN           §

This instrument was acknowledged before me on September 30, 2014, by James Barley, Jr. and Mary Ann Barley.

  
My Commission Expires October 26, 2014

  
Notary Public, State of Texas  
\_\_\_\_\_  
Notary's Printed/Typed Name

**AFTER RECORDING, RETURN TO:**  
Rick Meyer *Clo Parker Storage*  
14673 Midway #106  
Addison, TX 75001





ORDINANCE NO. 562  
(Development Plats)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, ADOPTED PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE CHAPTER 212(b), SUBCHAPTER 212.041 THROUGH 212.050, AS AMENDED; AUTHORIZING AND/OR SUCH PLANS, RULES AND ORDINANCES WHICH ARE AUTHORIZED PURSUANT TO SAID PROVISIONS OF THE LOCAL GOVERNMENT CODE, REGULATING DEVELOPMENT WITHIN THE CITY LIMITS AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER; ADOPTING REQUIREMENTS FOR THE SUBMISSION OF DEVELOPMENT PLATS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING APPLICABILITY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PROHIBITION ON DEVELOPMENT; PROVIDING STANDARDS OF APPROVAL; PROVIDING FOR CONDITIONS ON APPROVAL; PROVIDING AN APPROVAL PROCEDURE; OUTLINING SUBMITTAL REQUIREMENTS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE AND PROVIDING SUCH OTHER PENALTIES AS AUTHORIZED BY CHAPTER 212, TEXAS LOCAL GOVERNMENT CODE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Texas Local Government Code ("L.C.G.") Chapter 212, Subchapter (b), authorizes Parker to adopt such plans, rules and ordinances governing development plats of land within the City limits and within the extra territorial jurisdiction ("ETJ") of the municipality as necessary to promote the health, safety, morals or general welfare of the municipality and the safe, orderly and healthful development of the municipality; and

WHEREAS, the City Council of the City of Parker finds that it is needed, and necessary, to enact this Ordinance, and adopt such plans, rules, and subsequent ordinances as may be necessary to carry out the authorizations of L.C.G. Chapter 212 in the best interest of the citizens of Parker, Texas; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Parker, Collin County, Texas as follows;

**SECTION 1. Incorporation of premises.** The above and foregoing premises are true and correct and are incorporated into the body of this Ordinance and made a part hereof for all purposes.

## **SECTION 2. Applicability.**

2.01 For purposes of this Ordinance, the term DEVELOPMENT means the construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This section shall apply to any land lying within the City and/or within its extraterritorial jurisdiction in the following circumstances:

- a. The development of any tract of land which has not been platted or replatted prior to the effective date of this Ordinance, unless expressly exempted herein; or
- b. The development of any tract of land for which the property owner claims an exemption from the City's Subdivision Ordinance, including requirements to replat, which exemption is not expressly provided for in such regulations; or
- c. The development of any tract of land for which the only access is a private easement or street; or
- d. The division of any tract of land resulting in parcels or lots, each of which is greater than five acres in size, and where no public improvement is proposed to be dedicated or constructed.

2.02 The City of Parker may be referred to in this Ordinance as the "City" or the "municipality".

2.03 The term "Commission" shall refer to the City Planning & Zoning Commission.

## **SECTION 3. Exceptions.**

3.01 No development plat shall be required where the land to be developed has received final plat or replat approval prior to the effective date of this subchapter. The City Council may, from time-to-time, exempt other development or land divisions from the requirements of this section by majority vote of the City Council. Existing owner occupied farming operations on land which is held under the agriculture exemption are exempt from providing a development plat on the construction of improvements or structures to be used solely for the storage of agriculture-related products such as wire fences, farm equipment, livestock, feed, and other agriculture commodities.

3.02 Development on a single lot which meets all the requirements of Single Family zoning ("SF") classification shall be exempt from the requirements of this Ordinance for the preparation and filing of a development plat. Plans and any required statements as to use, parking, access, and other relevant issues, with the required fee(s), if any, shall be presented by the landowner to the City. The City staff may approve the plans, and/or require such amendments and modifications as necessary. Written affidavits from the landowner may be required regarding use of the structure(s) and their compliance with SF regulations. The staff shall grant a waiver to the



preparation and filing of a development plat if all requirements of SF are being met. This process does not zone the property SF. It determines whether or not a development plat is required, or waived.

3.03 Appeal. Any person owning property subject to this Ordinance who wishes to appeal the decision of the staff may, on written notice filed with the City Secretary within 10 days of the decision being appealed, appeal the decision to the City Council. The City Council may review the staff's decision and may affirm, reverse, or modify the staff's decision. The City Council may call a public hearing on the matter at their discretion.

**SECTION 4. Prohibition on development.** No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued, for any development or land division subject to this Development Plat Ordinance, or Ordinance No. 487, the Subdivision Regulation Ordinance, until a subdivision plat, or development plat (as required) has been reviewed by the Planning Commission, approved by the City Council, and submitted to the City for filing at the County. Notwithstanding the provisions of this section, the City shall not require building permits or otherwise enforce the City's Building Code in the City's ETJ in relation to any development plat required by this Ordinance. (See Section 9.04, *infra*.)

**SECTION 5. Standards of Approval.** The development plat shall not be approved until the following standards have been satisfied:

5.01 The proposed development conforms to all City plans, including but not limited to, the Comprehensive Plan, utility plans and applicable capital improvements plans;

5.02 The proposed development conforms to the requirements of the Zoning Ordinance (if located within the City's corporate limits) and the Subdivision Ordinance;

5.03 The proposed development is adequately served by public facilities and services, parks and open space in conformance with City regulations;

5.04 Appropriate agreements of acceptance and use of public dedications to serve the development have been tendered; and

5.05 The proposed development conforms to the design and improvement standards contained in this subchapter and in the City's standard specifications as required by the City's Ordinance No. 487, the City's Subdivision Regulations, and to any other applicable codes or ordinances of the City that are related to development of a land parcel.

**SECTION 6. Conditions on approval.**

6.01 The City Council may impose such conditions on the approval of the development plat as are necessary to assure compliance with the standards in Section 5.05 above.

6.02 Restriction on issuance of building and other permits by municipality, county, or official of other governmental entity. The municipality a county, or an official of another governmental entity may not issue a building permit or any other type of permit for development on lots or tracts subject to this subchapter until a development plat is filed with and approved by the municipality in accordance with this Ordinance.

6.03 Approval of development plat. The City shall endorse approval on a development plat filed with it if the plat conforms to:

a. The general plans, rules, and ordinances of the municipality concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities;

b. The general plans, rules, and ordinances for the extension of the municipality or the extension, improvement, or widening of its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of water mains and the instrumentalities of public utilities (including sewer lines, where expressly authorized in the City); and

c. Any general plans, rules, or ordinances adopted under L.C.G. Section 212.044, and Section 5 above.

6.04 Effect of approval on dedication. The approval of a development plat is not considered an acceptance of any proposed dedication for public use or use by persons other than the owner of the property covered by the plat and does not impose on the municipality any duty regarding the maintenance or improvement of any purportedly dedicated parts until the municipality's governing body makes an actual appropriation of the dedicated parts by formal acceptance, entry, use, or improvement.

## SECTION 7.

7.01 Approval Procedure. The application for a development plat shall be submitted to the City in the same manner as a final plat (see Ordinance No. 487), and shall be approved, conditionally approved, or denied by the City Council following review and recommendation by the Planning and Zoning Commission in a similar manner as a final plat. Upon approval, the development plat shall be filed at the County by the City Secretary in the same manner as described for a final plat, and approval of a development plat shall expire if all filing materials are not submitted to the City Administrator (or designee) and if the plat is not filed at the County within the time periods specified for a final plat.

7.02 Lapse. Approval of a Development Plat shall lapse if the improvements shown thereon are not substantially complete within one year of City Council approval

of the Development Plat. The one year period may be extended as part of the approval process, or may be renewed by the City Council by majority vote.

#### **SECTION 8. Submittal Requirements.**

8.01 In addition to all information that is required to be shown on a final plat, a development plat shall:

- a. Be prepared by a registered professional land surveyor;
- b. Clearly show the boundary of the development plat;
- c. Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein;
- d. Show all easements and rights-of-way within or abutting the boundary of the surveyed property; and
- e. The dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park or other part of the property; and
- f. Be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate or some other form of verification from Collin County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

8.02 A copy of all application materials for a development plat shall be simultaneously submitted to the City Engineer for review in the same manner as for a final plat, or the application shall be deemed incomplete, and shall automatically be deemed denied.

8.03 If a person is required under state law or an ordinance of the municipality to file a subdivision plat, a development plat is not required in addition to the subdivision plat.

#### **SECTION 9. Penalty clause.**

9.01 Criminal Penalty. That any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor upon conviction and shall be fined, except as otherwise provided herein, in a sum not to exceed two thousand dollars (\$2,000) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

#### **9.02 Enforcement methods.**

a. If it appears that a violation or threat of a violation of this subchapter or a plan, rule, or ordinance adopted under this subchapter or consistent with this subchapter exists, the municipality is entitled to appropriate injunctive relief against the person who committed, is committing, or is threatening to commit the violation.

b. A suit for injunctive relief may be brought in the county in which the defendant resides, the county in which the violation or threat of violation occurs, or any county in which the municipality is wholly or partly located.

c. In a suit to enjoin a violation or threat of a violation of this subchapter or a plan, rule, or ordinance, or other order adopted under this subchapter, the court may grant the municipality any prohibitory or mandatory injunction warranted by the facts including a temporary restraining order, temporary injunction, or permanent injunction.

d. A suit under this section shall be given precedence over all other cases of a different nature on the docket of the trial or appellate court.

e. It is no defense to a criminal or civil suit under this section that an agency of government other than the municipality issued a license or permit authorizing the construction, repair, or alteration of any building, structure, or improvement. It also is no defense that the defendant had no knowledge of this subchapter or of an applicable plan, rule, or ordinance.

9.03 New development may not begin on the property until the development plat is filed with and approved by the municipality in accordance with this Ordinance and state law.

#### 9.04 Connection of utilities.

a. Where a development plat is required, and has not been approved, an entity described in Subsection (b) may not serve or connect any land with water, sewer, electricity, gas, or other utility service unless the entity has been presented with or otherwise holds a certificate applicable to the land issued by the municipality exempting the land; or approving the development plat is received; or an exemption under L.C.G. Section 212 is proven, and acknowledged by the municipality, in writing.

b. The prohibition established by Subsection (a) applies only to:

- (1) a municipality and officials of a municipality that provides water, sewer, electricity, gas, or other utility service;
- (2) a municipality owned or municipally operated utility that provides any of those services;
- (3) a public utility that provides any of those services;
- (4) a water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides any of those services;

a. If it appears that a violation or threat of a violation of this subchapter or a plan, rule, or ordinance adopted under this subchapter or consistent with this subchapter exists, the municipality is entitled to appropriate injunctive relief against the person who committed, is committing, or is threatening to commit the violation.

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- (2) a municipality owned or municipally operated utility that provides any of those services;
- (3) a public utility that provides any of those services;
- (4) a water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides any of those services;

- (5) a county that provides any of those services; and
- (6) a special district or authority created by or under state law that provides any of those services.

**SECTION 10. Repealer clause.** This Ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such ordinance and for that purpose the ordinance shall remain in full force and effect.

**SECTION 11. Savings.** All rights and remedies of the City of Parker are expressly saved as to any and all violations of the provisions of any ordinances affecting the platting or development of land which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

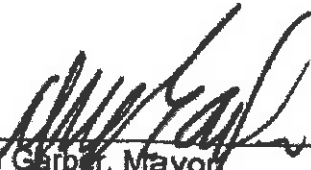
**SECTION 12. Severability.** It is hereby declared to be the intention of the City Council of the City of Parker that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 13. Publication.** The City Secretary of the City of Parker is hereby directed to publish in the Official Newspaper of the City the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

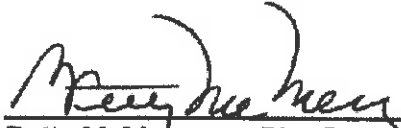
**SECTION 14. Effective date.** This Ordinance shall take effect upon publication of the caption as the law in such case provides.

**PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas this 8<sup>th</sup> day of February, 2005.




  
 Doug Garber, Mayor  
 City of Parker, Collin County, Texas

**ATTEST:**

  
 Betty McMenamy, City Secretary  
 City of Parker, Collin County, Texas

**APPROVED AS TO FORM:**

  
 James E. Shepherd, City Attorney  
 City of Parker, Collin County, Texas



Ret to.

5862 00132

**CITY OF PARKER  
5700 EAST PARKER ROAD  
PARKER, TEXAS 75002**

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE  
DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND  
UNENFORCEABLE UNDER FEDERAL LAW  
(THE STATE OF TEXAS)  
I hereby certify that this instrument was FILED in the File Number Sequence on the date  
and the time stamped hereon by me, and was duly RECORDED in the Official Public  
Records of Real Property of Collin County, Texas on:

**FEB 23 2005**

**Brenda Taylor**



Filed for Record in:  
Collin County, McKinney TX  
Honorable Brenda Taylor  
Collin County Clerk

On Feb 23 2005  
At 9:41am

Doc/Num : 2005- 0022565

Recording/Type: OR 30.00  
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