



**AGENDA**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**7105 WHITLEY ROAD, WATAUGA, TEXAS 76148**  
**WEDNESDAY, NOVEMBER 15, 2023**  
**6:30 PM**

**CALL TO ORDER**

**ROLL CALL**

**ANNOUNCEMENTS**

**PRESENTATIONS**

**PUBLIC COMMENT** If speaking for an organization or group, the speaker should identify the group represented. If speaking during Public Comment (for matters not posted on that particular meeting's agenda), members of the Planning and Zoning Commission and Staff may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task staff to respond to the citizen and report back to the Commission as soon as practicable. Such a report to the Commission members shall not constitute a meeting called by the Commission nor shall it constitute deliberation or formal action. Individual citizens addressing the Commission during Public Comment shall not exceed three (3) minutes in their comments; however, the Chair may extend or reduce the speaker's allotted time in order to conduct an efficient and effective public meeting. The time allotted shall not be donated to others desiring to speak. Public Comment is not established to engage in a conversation with the members and no formal Commission action will be taken.

**PUBLIC TESTIMONY FOR ACTION ITEMS** Only those persons who submit a completed Request to Speak form prior to the agenda item being introduced by the Chair will be allowed to speak on agenda items set for action (this doesn't include presentations or reports). The Chair shall ask each person requesting to speak to approach the podium when called to speak. Speakers' time shall generally not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend or reduce the speaker's allotted time. Speakers shall not be permitted to donate their time to other speakers. Members of the Board may ask questions or discuss the item directly with the citizen during the citizen's testimony if necessary. Any discussion between a

Board member and the citizen will not count toward the time limit and members are encouraged not to speak until the citizen has first utilized their allocated time.

## REPORTS

**CONSENT AGENDA** All of the items on the consent agenda are considered to be self-explanatory by the Commission and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items.

1. Consider action to approve the meeting minutes of the October 18, 2023 Regular meeting of the Planning and Zoning Commission.

## PUBLIC HEARING

1. **P.23-03:** Public hearing to receive comments for or against a request to approve a plat for Lots 1-125 Block A, Lots 1-6 Block B, Lots 1-8 Block C being known as The Pointe at Capp Smith Lake Addition, located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road. The proposed preliminary plat is to subdivide 11.703 acres out of the Phillip Green Survey, Abstract No. 566 into 132 total lots and 7 open space lots to accommodate future single-family townhome development. Owner, CW-Smith Lake LLC. Applicant, Ashton Woods.

## ACTION ITEMS

1. **P.23-03:** Consideration of a request from Ashton Woods for a preliminary plat out of the Phillip Green Survey, Abstract No. 566, being 11.703 acres located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road.  
**Randy Richards, CFM, Assistant Director of Public Works**  
**Jeannette Garcia, Planning and Zoning Coordinator**

## ITEMS FOR FUTURE AGENDAS

## ADJOURNMENT

**Meeting Notices and Reservation of Rights** The City Council/Board/Commission/Committee may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the [City Council/Board/Commission/Committee] to address a subject matter on the agenda. Action, if

any, will be taken in open session. Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

### NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625 FOR FURTHER INFORMATION.

I, Linda Proskey, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on November 10, 2023, before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

  
Linda Proskey, City Secretary





## AGENDA MEMORANDUM

**DATE:** October 27, 2023

**TO:** Planning and Zoning Commission Members

**FROM:** Randy Richards, CFM, Assistant Director of Public Works  
Jeannette Garcia, Planning and Zoning Coordinator

**SUBJECT:** Consider action to approve the meeting minutes of the October 18, 2023 Regular meeting of the Planning and Zoning Commission.

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**BACKGROUND/INFORMATION:**

This item contains draft meeting minutes from October 18, 2023 for Planning and Zoning review and approval.

**FINANCIAL IMPLICATIONS:**

NA

**RECOMMENDATION/ACTION DESIRED:**

Staff recommend the Planning and Zoning Commission review and approve the meeting minutes as presented.

**ATTACHMENTS/ SUPPORTING DOCUMENTATION:**

1. Oct. 18, 2023 - Regular Meeting Minutes - DRAFT

**REVIEWED BY:**

|                                                         |                             |
|---------------------------------------------------------|-----------------------------|
| Randy Richards, CFM, Assistant Director of Public Works | Approved - 11/7/2023        |
| Paul Hackleman, Director of Public Works                | Approved - 11/10/2023       |
| David Berman, City Attorney                             | Approved - 11/10/2023       |
| Joshua Jones, City Manager                              | Approved - 11/10/2023       |
| Linda Proskey, City Secretary                           | Final Approval - 11/10/2023 |

*Approved as to form for inclusion on Agenda*



**“A GREAT PLACE TO LIVE”**

**MINUTES  
PLANNING AND ZONING COMMISSION  
WEDNESDAY, OCTOBER 18, 2023  
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD  
REGULAR MEETING  
6:30 P.M.**

**CALL TO ORDER**

Chairperson Karen Isbell called the meeting to order at 6:30 p.m.

**ROLL CALL**

|                           |                                                    |
|---------------------------|----------------------------------------------------|
| Vacant                    | Place 1, Member                                    |
| Quincy Adams              | Place 2, Secretary                                 |
| Jillian Giles             | Place 3, Member                                    |
| David Bry                 | Place 4, Member                                    |
| Cristy McCauley-Blackburn | Place 5, Member                                    |
| Karen Isbell              | Place 6, Chairperson                               |
| Sharon Gehle              | Place 7, Vice-Chairperson – <b>Absent w/notice</b> |

And

|                  |                      |
|------------------|----------------------|
| Tom Snyder       | City Council Liaison |
| Jeannette Garcia | Planner I            |

Other Council Members present:

|           |       |
|-----------|-------|
| Art Miner | Mayor |
|-----------|-------|

**PRESENTATIONS**

**PUBLIC COMMENT**

Chairperson Isbell called for Public Comment. Request to Speak forms were not received and there were no participants present requesting to speak.

**PUBLIC TESTIMONY FOR ACTION ITEMS**

Chairperson Isbell called for Public Comment. Request to Speak forms were not received and there were no participants present requesting to speak.

**ANNOUNCEMENTS**

**CONSENT AGENDA**

1. Consider action to approve the meeting minutes of the September 20, 2023, Regular meeting of the Planning and Zoning Commission

Chairperson Isbell entertained a motion. Member McCauley-Blackburn made a motion to approve the September minutes as presented and Member Adams seconded the motion. Chairperson Isbell called for discussion.

With there being no discussion, Chairperson Isbell called for a vote, with members present voting as follows:

|          |                                       |
|----------|---------------------------------------|
| AYES:    | Adams, Giles, Bry, McCauley-Blackburn |
| NAYS:    | None                                  |
| ABSENT:  | Gehle                                 |
| ABSTAIN: | None                                  |

The motion carried 4-0-1-0.

## **PUBLIC HEARING**

1. **P. 23-02:** Public hearing to receive comments for or against a request for approval of a plat for Lots 1 and 2 Block 1 of the Watauga Taco Casa Addition, known as 6500 Watauga Road, being located west of Rufe Snow Drive east of Skylark Lane and south of Watauga Road. The proposed plat is to subdivide 2.365 acres out of the J.M. Gregory Survey, Abstract No. 630 into two (2) lots to accommodate future development. Owner: Letaine Daunis, Daunis Enterprises Inc.

Chairperson Isbell introduced Jeannette Garcia to present Case No. **P.23-02**.

Ms. Garcia introduced the item as a plat request for property commonly known as 6500 Watauga Road, proposed to be Lots 1 and 2, Block 1 of the Watauga Taco Casa Addition. The proposed plat is to subdivide 2.365 acres out of the J.M. Gregory Survey, Abstract No. 630 into two (2) lots for the development of a new Taco Casa restaurant with drive-thru and future development. The site is southwest of the existing Taco Casa and will allow for spacing to accommodate a more driver-friendly drive-thru lane.

The development will have a frontage on Watauga Road and Skylark Lane and a shared access lane will be available. A 10' right-of-way dedication and 25' x 25' corner clip (0.094 acre) shall exist at the location.

The public hearing notice was published and posted by the City Secretary's Office. Additionally, required notices were mailed to all property owners located within 200 ft. of the subject property. Staff received one response from the property owner at 6232 Skylark Ln. and the basis for the protest is due to increased light/noise levels, increased traffic which adds to people speeding into the cul-de-sac for a U-turn, endangering kids. (This response was included in the

Planning and Zoning packet that afternoon for the commission members to review.)

Texas Local Government Code 212.005 requires the municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations. The plat submitted meets these requirements.

Finally mentioned was that Planning and Development fully supports this request for a final plat. The applicant's agent, Mr. Joshua Anderson, was present to answer any questions.

Chairperson Isbell asked if any of the commission members had any questions. Member Adams, Place 2 inquired of the screening along the southern property line. Staff shared that the screening should be installed in accordance with the plans reviewed and approved by the Directors.

Member McCauley-Blackburn also acknowledges that the new property and drive-thru is positive for all users and travelers along Watauga Road.

Chairperson Isbell, Place 6 also favors the Taco Casa plat for relocating but shared concern regarding the lighting; requesting that no bright LED lighting be allowed through the overnight hours directing towards single-family dwellings. Again, staff shared that the concerns mentioned should be addressed during plan review.

With the introduction of the case being completed, Chairperson Isbell opened the public hearing at 6:39 p.m.

With there being no one wishing to speak, Chairperson Isbell closed the public hearing at 6:39 p.m.

## **ACTION ITEMS**

1. **P.23-02:** Consideration of a request from Letaine Daunis for a final plat out of the J.M. Gregory Survey, Abstract No. 630, being 2.365 acres located at 6500 Watauga Road.

Chairperson Isbell entertained a motion for recommendation regarding the final plat as requested. A motion was made by Member McCauley-Blackburn and a Second by Member Giles to recommend approval of the final plat as requested.

With there being no discussion, Chairperson Isbell called for a vote, with members present voting as follows:

|         |                                       |
|---------|---------------------------------------|
| AYES:   | Adams, Giles, Bry, McCauley-Blackburn |
| NAYS:   | None                                  |
| ABSENT: | Gehle                                 |

ABSTAIN: None

The motion carried 4-0-1-0.

### ITEMS FOR FUTURE AGENDAS

|                           |                  |
|---------------------------|------------------|
| Vacant                    | Place 1          |
| Quincy Adams              | Place 2 – None   |
| Jillian Giles             | Place 3 – None   |
| David Bry                 | Place 4 - None   |
| Cristy McCauley-Blackburn | Place 5 - None   |
| Karen Isbell              | Place 6 - None   |
| Sharon Gehle              | Place 7 – Absent |

### ADJOURNMENT

With there being no further items to discuss, Chairperson Isbell adjourned the meeting at 6:41 p.m.

**APPROVED:** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**SIGNED:** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**APPROVED:** \_\_\_\_\_  
Karen Isbell, Chairperson

**ATTEST:** \_\_\_\_\_  
Quincy Adams, Secretary

**NOTE:** Original Audio Recording of this meeting is preserved and maintained by the City Secretary's Office.



## AGENDA MEMORANDUM

**DATE:** October 27, 2023

**TO:** Planning and Zoning Commission Members

**FROM:** Randy Richards, CFM, Assistant Director of Public Works  
Jeannette Garcia, Planning and Zoning Coordinator

**SUBJECT:** **P.23-03:** Public hearing to receive comments for or against a request to approve a plat for Lots 1-125 Block A, Lots 1-6 Block B, Lots 1-8 Block C being known as The Pointe at Capp Smith Lake Addition, located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road. The proposed preliminary plat is to subdivide 11.703 acres out of the Phillip Green Survey, Abstract No. 566 into 132 total lots and 7 open space lots to accommodate future single-family townhome development. Owner, CW-Smith Lake LLC. Applicant, Ashton Woods.

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### **BACKGROUND/INFORMATION:**

The Public Hearing Notice was duly posted and published by the City Secretary's Office on October 30, 2023 in the Fort Worth Star Telegram. Written notice of the public hearing on the proposed changes was sent to all owners of property, or to the person rendering the same for city taxes within two-hundred (200) feet of the subject property.

The Phillip Green Survey, Abstract No. 566 will be subdivided into 132 total lots and 7 open spaces to accommodate single-family residential development that was approved by the council during the May 8, 2023 regular meeting as a planned development. The property is located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road. This plat shall be presented to Council upon recommendation of the Planning and Zoning Commission during the December 11, 2023 regular meeting of the City Council for final approval.

Texas Local Government Code 212.005 requires the municipal authority responsible for approving plats must approve a plat that is required to be prepared under this subchapter and satisfies all applicable regulations.

### **FINANCIAL IMPLICATIONS:**

NA

### **RECOMMENDATION/ACTION DESIRED:**



## AGENDA MEMORANDUM

City staff respectfully recommends consideration of the comments received during the public hearing of the preliminary plat request and recommend approval to council during the December 11, 2023 regular meeting of the City Council.

### **ATTACHMENTS/ SUPPORTING DOCUMENTATION:**

1. IPL0145791 - PH Notice Affidavit - 10302023 for PZ
2. 7200 Denton Hwy - 200 ft. notices mailed - wLocation Map
3. Public Hearing Response received 110623

### **REVIEWED BY:**

|                                                         |                             |
|---------------------------------------------------------|-----------------------------|
| Randy Richards, CFM, Assistant Director of Public Works | Approved - 11/7/2023        |
| Paul Hackleman, Director of Public Works                | Approved - 11/10/2023       |
| David Berman, City Attorney                             | Approved - 11/11/2023       |
| Joshua Jones, City Manager                              | Approved - 11/12/2023       |
| Linda Proskey, City Secretary                           | Final Approval - 11/12/2023 |

*Approved as to form for inclusion on Agenda*



Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenton Herald  
Centre Daily Times  
Charlotte Observer  
Columbus Ledger-Enquirer  
Fresno Bee

The Herald - Rock Hill  
Herald Sun - Durham  
Idaho Statesman  
Island Packet  
Kansas City Star  
Lexington Herald-Leader  
Merced Sun-Star  
Miami Herald

el Nuevo Herald - Miami  
Modesto Bee  
Raleigh News & Observer  
The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune Tacoma  
The Telegraph - Macon  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

## AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification                          | Order PO | Amount  | Cols | Depth |
|-----------|--------------|-----------------------------------------|----------|---------|------|-------|
| 18806     | 484163       | Print Legal Ad-IPL01457910 - IPL0145791 |          | \$78.04 | 1    | 40 L  |

Attention: CSO  
CITY OF WATAUGA  
7105 WHITLEY RD  
FORT WORTH, TX 761482024

CSO@wataugatx.org

### NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a public hearing before the City of Watauga Planning and Zoning Commission at its regularly scheduled meeting on November 15, 2023, beginning at 6:30 p.m. in the City Council Chambers at 7105 Whitley Road, Watauga, TX regarding the following item:

P23-03: Public hearing to receive comments for or against a request to approve a plat for Lots 1-125 Block A, Lots 1-6 Block B, Lots 1-8 Block C being known as The Pointe at Capp Smith Lake Addition, located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road. The proposed preliminary plat is to subdivide 11.702 acres out of the Phillip Green Survey, Abstract No. 566 into 132 total lots and 7 open space lots to accommodate future single-family townhome development. Owner, CW-Smith Lake LLC. Applicant, Ashton Woods. Published on October 30, 2023, in the Star Telegram, Legal Notices Section. I, Linda Proskey, City Secretary for the City of Watauga, Texas, hereby certify that this notice was posted on the official bulletin board at City Hall, 7105 Whitley Road, Watauga, Texas, on October 30, 2023, before 6:30 p.m., in accordance with Chapter 551 of the Texas Government Code.

/s/ Linda Proskey  
Linda Proskey, City Secretary  
IPL0145791  
Oct 30 2023

### THE STATE OF TEXAS COUNTY OF TARRANT

Before me, a Notary Public in and for said County and State, this day personally appeared Stefani Beard, Bid and Legal Coordinator for the Star-Telegram, published by the Star-Telegram, Inc. at Fort Worth, in Tarrant County, Texas; and who, after being duly sworn, did depose and say that the attached clipping of an advertisement was published in the above named paper on the listed dates:

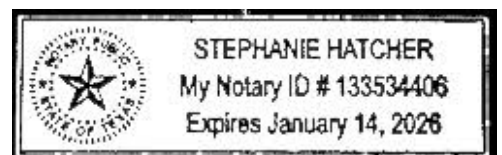
1 insertion(s) published on:  
10/30/23

*Stefani Beard*

Sworn to and subscribed before me this 30th day of  
October in the year of 2023

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in  
Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!



## Public Hearing Notice – Preliminary Plat

October 30, 2023

Dear Property Owner:

The Planning and Zoning Commission will hold a public hearing to consider a request for a preliminary plat during their regular meeting on November 15, 2023, at 6:30 PM in the City Council Chamber at Watauga City Hall, 7105 Whitley Road. The purpose is to receive comments for or against the following item:

**P.23-03:** Public hearing to receive comments for or against a request to approve a plat for Lots 1-125 Block A, Lots 1-6 Block B, Lots 1-8 Block C being known as The Pointe at Capp Smith Lake Addition, located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road. The proposed preliminary plat is to subdivide 11.702 acres out of the Phillip Green Survey, Abstract No. 566 into 132 total lots and 7 open space lots to accommodate future single-family townhome development. Owner, CW-Smith Lake LLC. Applicant, Ashton Woods.

In accordance with State law, you are receiving this notice due to public records available through Tarrant Appraisal District which reflect you are the owner(s) of one or more parcels within two hundred (200) feet of the subject property. A site map is attached for your information. This notice will serve as public notice for all properties owned in the subject area.

If you are interested, you are invited to attend these meetings. If you cannot attend these meetings and wish to provide written comments or documentation for consideration, please return your information on the attached response form.

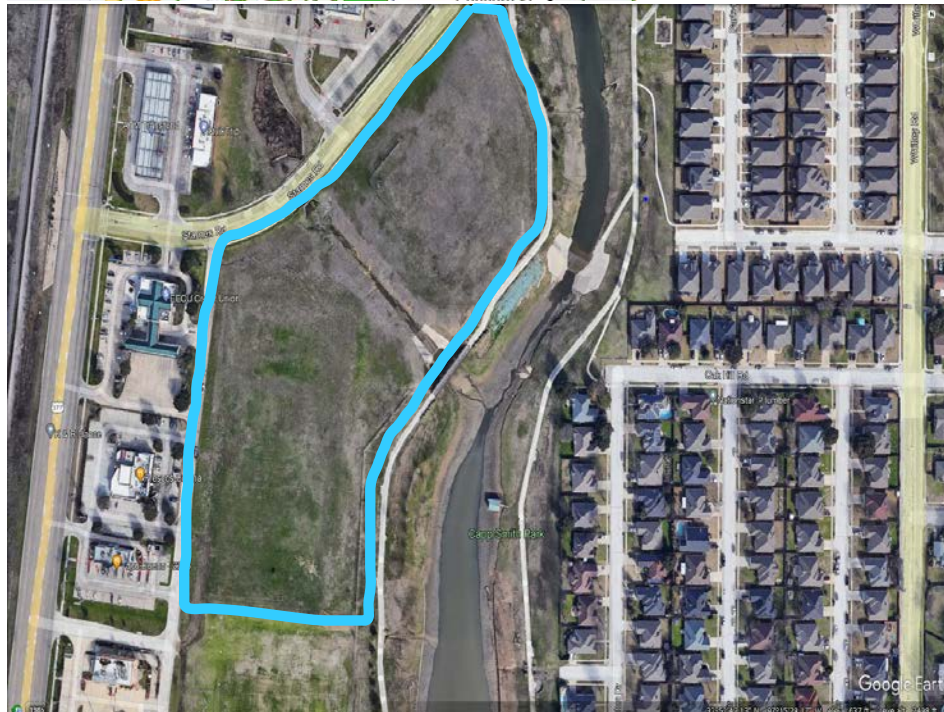
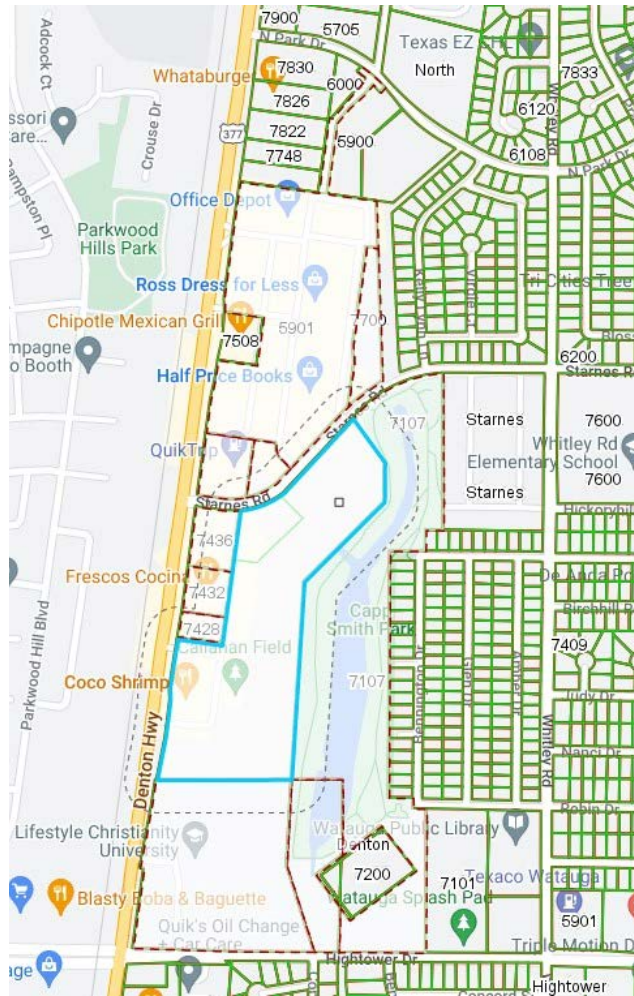
If you have any questions, please contact me at 817-514-5827 or e-mail [jgarcia@wataugatx.org](mailto:jgarcia@wataugatx.org).

Sincerely,

A handwritten signature in blue ink that reads 'Jeannette Garcia'.

Jeannette Garcia  
Planner I

City of Watauga  
Development Services  
7800 Virgil R. Anthony Sr. Blvd.  
Watauga, TX 76148  
<http://www.wataugatx.org>



Prepared by Development Services 10/30/2023

Disclaimer: \*This product is for informational purposes only and represents the approximate relative location of property boundaries.

To: City of Watauga, Texas

From: \_\_\_\_\_

\_\_\_\_\_  
(Address of Your Property that Could Be Impacted by this Request)

RE: **P.23-03:** Public hearing to receive comments for or against a request to approve a plat for Lots 1-125 Block A, Lots 1-6 Block B, Lots 1-8 Block C being known as The Pointe at Capp Smith Lake Addition, located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road. The proposed preliminary plat is to subdivide 11.702 acres out of the Phillip Green Survey, Abstract No. 566 into 132 total lots and 7 open space lots to accommodate future single-family townhome development. Owner, CW-Smith Lake LLC. Applicant, Ashton Woods.

☐

I PROTEST THE PROPOSED PRELIMINARY PLAT

☐

I SUPPORT THE PROPOSED PRELIMINARY PLAT

Basis for your protest/support \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Return to: City of Watauga Development Services  
7800 Virgil R. Anthony Sr. Blvd.  
Watauga, TX 76148  
Email: [jgarcia@wataugatx.org](mailto:jgarcia@wataugatx.org)

City of Watauga  
Development Services  
7800 Virgil R. Anthony Sr. Blvd.  
Watauga, TX 76148  
<http://www.wataugatx.org>

To: City of Watauga, Texas

From: Smiley Transportation  
5805 Starnes Rd. Watauga TX 76148  
(Address of Your Property that Could Be Impacted by this Request)

RE: **P.23-03:** Public hearing to receive comments for or against a request to approve a plat for Lots 1-125 Block A, Lots 1-6 Block B, Lots 1-8 Block C being known as The Pointe at Capp Smith Lake Addition, located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road. The proposed preliminary plat is to subdivide 11.702 acres out of the Phillip Green Survey, Abstract No. 566 into 132 total lots and 7 open space lots to accommodate future single-family townhome development. Owner, CW-Smith Lake LLC. Applicant, Ashton Woods.



I PROTEST THE PROPOSED PRELIMINARY PLAT



I SUPPORT THE PROPOSED PRELIMINARY PLAT

Basis for your protest/support Devalue our property.  
Too close to park. More taxing on  
first responders.

Rushelle Wetzel  
Printed Name

Rushelle Wetzel  
Signature

11-4-23  
Date

Return to: City of Watauga Development Services  
7800 Virgil R. Anthony Sr. Blvd.  
Watauga, TX 76148  
Email: [jgarcia@wataugatx.org](mailto:jgarcia@wataugatx.org)

City of Watauga  
Development Services  
7800 Virgil R. Anthony Sr. Blvd.  
Watauga, TX 76148  
<http://www.wataugatx.org>



## AGENDA MEMORANDUM

**DATE:** October 27, 2023

**TO:** Planning and Zoning Commission Members

**FROM:** Randy Richards, CFM, Assistant Director of Public Works  
Jeannette Garcia, Planning and Zoning Coordinator

**SUBJECT:** **P.23-03:** Consideration of a request from Ashton Woods for a preliminary plat out of the Phillip Green Survey, Abstract No. 566, being 11.703 acres located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road.

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### **BACKGROUND/INFORMATION:**

On behalf of CW-Smith Lake LLC, Ashton Woods is requesting approval of a preliminary plat out of the Phillip Green Survey, Abstract No. A-566. This 11.703 acre property is located west of Capp Smith Park. The proposed preliminary plat is intended for development in two phases to create 132 single-family residential townhome lots and seven open space lots. Local Government Code Sec. 212.004 requires a preliminary plat to be approved prior to the issuance of building permits in Phase I. A portion of the lots are within a 100 yr. Flood Plain map dated September 25, 2009. The lots are being considered Phase II while awaiting response from FEMA.

The property is zoned PD (Planned Development). The zoning was approved by the City Council on May 8th, 2023 (Ordinance No. 2023-007). This proposed development will create profitable sales growth for the neighboring business establishments, including restaurants, banking services, automotive needs and a church, as this site now sits vacant.

The lot sizes on the plat range from 1650 square feet to 2204 square feet, with an average size of 1927 square feet. The typical residential lot is 22 feet wide and 75 feet deep, with a maximum density of 12 dwelling units per acre. The development incorporates 3.844 acres of open space in 7 lots. All common areas are to be dedicated to and maintained by the Home Owner's Association, Inc. The easements and public use areas are dedicated for the benefit of the owners of the property in this subdivision, their leases and guests, as indicated on the plat. Any improvements must be in accordance with Ordinance No. 2023-007.

The Planning and Zoning Commission will consider this request on November 15, 2023 for recommendation of approval of the preliminary report to be presented before the City Council as a final report on December 11, 2023.



## AGENDA MEMORANDUM

### **FINANCIAL IMPLICATIONS:**

NA

### **RECOMMENDATION/ACTION DESIRED:**

City staff recommend approval of the preliminary plat request.

### **ATTACHMENTS/ SUPPORTING DOCUMENTATION:**

1. Pointe capp - preliminary plat - Phase I and II
2. Sec. 113-5 - Preliminary Plat Ordinance
3. Preliminary Report - P. 23-03 - The Pointe at Capp Smith Lake Pre-plat

### **REVIEWED BY:**

|                                                         |                             |
|---------------------------------------------------------|-----------------------------|
| Randy Richards, CFM, Assistant Director of Public Works | Approved - 11/7/2023        |
| Paul Hackleman, Director of Public Works                | Approved - 11/10/2023       |
| David Berman, City Attorney                             | Approved - 11/11/2023       |
| Joshua Jones, City Manager                              | Approved - 11/12/2023       |
| Linda Proskey, City Secretary                           | Final Approval - 11/12/2023 |
| <i>Approved as to form for inclusion on Agenda</i>      |                             |



LEGAL DESCRIPTION

BEING, a tract of land situated in the Phillip Green Survey, Abstract Number 566, in the City of Watauga, Texas, Tarrant County, Texas, being all of a 11.703 acre tract, as described in Doc. No. D223169286 the Deed Records of Tarrant County, Texas, and being more particularly described as follows:

BEGINNING, at a 1/2 inch iron rod found at the southwest corner of said 11.703 acre tract;

THENCE, North 86° 53'17" West, along the south line of said 11.703 acre tract, for a distance of 396.18 feet, to a 1/2 inch iron rod found at the southwest corner of said 11.703 acre tract;

THENCE, North 07° 02'57" East, along the west line of said 11.703 acre tract, for a distance of 765.89 feet, to a 5/8 inch iron rod found stamped "TNP" at the northwest corner of said 11.703 acre tract being in the south line of Starnes Road (Variable R.O.W.), being on a curve to the left, having a radius of 430.00 feet, a central angle of 34° 50'48";

THENCE, along the north line of said 11.703 acre tract with said south line and with said curve to the left for an arc distance of 261.52 feet (Chord Bearing North 61° 53'31" East - 257.51 feet), to a 5/8 inch iron rod found stamped "TNP", at the point of tangency;

THENCE, North 44° 30'59" East, continuing along said lines, for a distance of 499.90 feet, to a 5/8 inch iron rod found stamped "TNP", at the northeast corner of said 11.703 acre tract;

THENCE, South 28° 39'36" East, departing the south line of said Starnes Road and along the east line of said 11.703 acre tract, for a distance of 281.63 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, South 00° 11'53" East, continuing along said east line, for a distance of 198.64 feet, to a 5/8 inch iron rod found;

THENCE, South 44° 27'23" West, continuing along said east line, for a distance of 558.83 feet, to a 5/8 inch iron rod found stamped "TNP";

THENCE, South 02° 48'53" West, continuing along said east line, for a distance of 415.23 feet, to the POINT OF BEGINNING and containing 11.702 acres of land.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that I, WARREN L. CORWIN, do hereby certify that I prepared this Plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision regulations of the City of Watauga, Texas.

THE STATE OF TEXAS        §  
COUNTY OF COLLIN        §

Before me, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared WARREN L. CORWIN, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2023.

NOTARY PUBLIC, STATE OF TEXAS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CW-SMITH LAKE, LLC., acting herein by and through its duly authorized officers, does hereby certify and adopt this preliminary plat designating the herein above described property as THE POINTE AT CAPP SMITH LAKE, an addition to the City of Watauga. The streets and alleys shown on this plat as access easements are for the use and benefit of the owners of the property in this subdivision, their leasees, invitees and licensees. By acceptance of a deed conveying title to any lot in this subdivision, the owner thereof shall be deemed to have agreed and acknowledged and does certify the following:

- The alleys are private alleys and are dedicated to the City of Watauga as Access, Utility, and Drainage Easements. The City has no responsibility or liability to make any repairs to such streets and alleys as long as they are private alleys.
- So long as such alleys are private, the sole responsibility for maintenance and replacement thereof shall be borne by the owners of the lots in this subdivision and/or any homeowners' association hereafter established for the owners of lots in this subdivision (the "Association"). Such maintenance and replacement shall be in conformance with the requirements, standards, and specifications of the City of Watauga, as presently in effect or as same may be hereafter amended. This provision may be enforced by specific performance or by any other remedy allowed by law.
- Neither the property owners within this subdivision nor the Association nor any other association or other organization or entity representing them shall have the right to request dedication (whether by voluntary or involuntary act or omission) of such private streets and alleys to the City unless and until the City has inspected such streets and alleys and determined that, at the time in question, they meet the City's standards. If the City desires to accept a dedication of said streets and alleys, the Association, its successors or assigns, or the owners of the lots in the subdivision will make, at the owners' or the Association's expense, all repairs required by the City to comply with then City standards. The City shall have sole discretion to accept or reject a proposed dedication of the private streets and alleys to the City. Before dedication, all public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.

4. The easements and public use areas, as shown, are dedicated for the benefit of the owners of the property in this subdivision, their leasees, invitees and licensees use forever, for the purposes indicated on this plat.

5. The provisions hereof shall be binding upon and enforceable against all property owners in this subdivision, their successors and assigns and the Association and its successors and assigns. The provisions hereof may be enforced by the City, any property owner in the subdivision, and/or the Association.

6. These covenants and restrictions shall run with the land and be binding on the owners of the property in this subdivision, their successors and assigns, the Association, its successors and assigns and all parties claiming by, through and under them. In the event a replat is requested on all or part of this property, the City may require any similar or additional restrictions and covenants in its sole discretion. These covenants and restrictions shall terminate when all the access easements shown on this plat are included within a replat of all or part of this property and are dedicated to the City as public alleys. In addition, all modifications to this document shall be by means of plat and approved by the City of Watauga.

7. If the owners of the property in this subdivision should open the private alleys to the public, such use shall be considered a temporary license only. The owners of property in this subdivision through the Association reserve the right to close the street to the public at any time prior to formal dedication of the street to the public, and acceptance of the same by the City.

8. The owners of property in this subdivision and the Association shall allow access to the subdivision and the streets in the subdivision to all City employees and contractors acting on behalf of the City and all governmental service vehicles, including, without limitation, law enforcement, fire, ambulance, sanitation, inspection and health vehicles. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the City's use thereof. The City of Watauga and public utilities shall, at all times, have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of procuring permission from anyone.

9. The owners of property within this subdivision hereby agree and recognize that the entire subdivision is benefited by the City allowing the owners to maintain and control access to the private streets shown hereon, and that the City is benefited by having the value of the property enhanced for ad valorem tax purposes and not being under any maintenance obligations with respect to the private streets and alleys. For purposes of enforcement of these covenants, the benefits shall constitute sufficient and valid consideration.

10. The owner of each lot affected by a drainage easement across the rear portion of such lot may not construct any improvements within such lot except those improvements which (a) do not impeded the natural flow of water across the property affected by such drainage easement (such as swimming pools and open fences) and (b) are built in accordance with and pursuant to a building permit issued by the City. In no event shall CW-SMITH LAKE, LLC., the City, the Association or any of their successors or assigns have any liability for any improvements built in any drainage or utility easement. Each lot owner shall build in such area at his or her own risk and shall indemnify CW-SMITH LAKE, LLC., the City, the Association and their successors and assigns against any and all losses, damages and liability arising out of or associated with the construction of improvements on such owner's lot in any drainage or utility easement.

11. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City. Landscaping may be placed in or near other easements with city approval. The City and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Watauga is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.

12. Invalidation of any word, phrase, sentence, paragraph, covenant or restriction by court judgment or otherwise, shall not affect the validity of the other covenants or restrictions contained herein.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Watauga, Texas.

WITNESS, my hand, this the \_\_\_\_ day of \_\_\_\_\_, 2023.

CW-SMITH LAKE, LLC.

BY: \_\_\_\_\_  
Name: John Cork  
Title: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared JOHN CORK, Owner, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2023.

Notary Public in and for the State of Texas

My Commission Expires On: \_\_\_\_\_

CITY COUNCIL  
CITY OF WATAUGA

PLAT APPROVED DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
MAYOR

BY: \_\_\_\_\_  
CITY SECRETARY

PLANNING & ZONING COMMISSION  
CITY OF WATAUGA

PLAT APPROVED DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
CHAIRMAN

BY: \_\_\_\_\_  
SECRETARY

PRELIMINARY PLAT  
OF  
**THE POINTE AT  
CAPP SMITH LAKE**  
LOTS 1-125 BLOCK A  
LOTS 1-6 BLOCK B  
LOTS 1-8 BLOCK C  
132 TOTAL LOTS  
7 OPEN SPACE LOTS  
11.703 ACRES  
OUT OF THE  
PHILLIP GREEN SURVEY, ABSTRACT NO. 566  
IN THE  
CITY OF WATAUGA  
TARRANT COUNTY, TEXAS  
OWNER  
CW-SMITH LAKE, LLC.  
1800 VALLEY VIEW LANE, STE. 100  
FARMERS BRANCH, TEXAS 75234  
817-822-1132  
APPLICANT  
ASHTON WOODS  
1800 VALLEY VIEW LANE, STE. 100  
FARMERS BRANCH, TEXAS 75234  
817-822-1132  
PREPARED BY  
CORWIN ENGINEERING, INC.  
200 W. BELMONT, SUITE E  
ALLEN, TEXAS 75013  
972-396-1200  
OCTOBER 2023

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**Sec. 113-5. Preliminary plat (if required).**

- (a) Twenty copies or prints of the preliminary plat of any proposed subdivision may be submitted (if required) to the city planning and zoning commission for approval before the preparation of the final plat for record. Such preliminary plat shall be filed in the office of the city secretary at least 15 days prior to the regular meeting of the city planning and zoning commission.
- (b) The plat shall be drawn to a scale of one inch equals 100 feet or larger and shall be overlaid upon a topographical map with contour intervals of two feet. The plat shall be prepared by a registered engineer or licensed land surveyor and shall show or be accompanied by the following data and information:
  - (1) Proposed subdivision name, name of city, county and state.
  - (2) Name of subdivider and of surveyor.
  - (3) Location of boundary or property lines, width and location of platted streets, alleys and easements within or adjacent to the property being subdivided.
  - (4) Present physical features on the land including natural and artificial watercourses, ditches, ravines, culverts, bridges, present structures directly pertinent to the land being subdivided; location of any existing utilities, pipelines, showing pipe sizes and capacities of sewer and water mains and drainage facilities.
  - (5) The plat shall show the street system design, location and width of the proposed streets, easements and alleys; building lots and other features and their relationship to streets, alleys and easements in adjacent subdivisions. If there are no adjacent subdivisions thereto, a vicinity or location map, drawn at a smaller scale, shall be submitted along with the preliminary plat; this map to show the boundaries and ownership of the adjacent properties, the location and distance to the nearest subdivisions, and the manner in which the streets, alley, easements and highways of the proposed subdivision may eventually connect with those of the nearest existing subdivision.
  - (6) Classification and designation of the intended uses of the land within the subdivision proposed, setting out residential, retail business, industrial, off-street parking and all other parcels of land intended to be dedicated to public use, such as schools, parks, and playgrounds and any other special uses or semi-public uses that may be required.
  - (7) Date, north point and scale of the drawing or subdivision layout; the approximate acreage of the subdivision.
  - (8) Preliminary plans.
    - a. Preliminary plan of proposed water distribution system, including fire plugs.
    - b. Preliminary plan of proposed sewage collection system.
    - c. Preliminary plan for on-site and off-site drainage.
    - d. Preliminary plan for street and sidewalk improvements, including streetlight location.
  - (9) Where the preliminary plat submitted for approval covers only a part, a unit or increment of the owner's or subdivider's entire holding or ultimate subdivision, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system portion submitted for approval will be considered in the light of adjustments and connections with the street system of the part not submitted.
- (c) The planning and zoning commission shall, after reviewing the preliminary plat, either refuse to approve, approve, or conditionally approve the preliminary plat. If the planning and zoning commission approves or conditionally approves the preliminary plat, it shall state in a written report to the city council its approval or

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conditional approval of the plat. If there is a conditional approval, the report shall outline changes or alternatives to be considered prior to approval of the plat by the city council. This report shall be submitted, along with a copy of the plat, to the city council at its next regular meeting.

- (d) If the planning and zoning commission, after reviewing the preliminary plat, refuses to approve the plat, a reapplication fee shall be charged for any subsequent application or reconsideration of the plat. The fee shall be in an amount equal to the fee originally assessed the applicant for processing and plat filing of the preliminary plat.
- (e) Approval of the preliminary plat by the city council does not constitute authorization for the subdivider to proceed with work in the field, except and unless upon the written approval of the city council and limited as set forth therein.
- (f) Approval of the preliminary plat shall be valid for a period of nine months. Unless the final plat, hereinafter described, is submitted to the city council for approval within the above nine-month period, a new preliminary plat may be required.

(Code 2001, § 10.105; Code 2010, § 10.02.005)

# PRELIMINARY REPORT

**DATE:** November 1, 2023

**TO:** Planning and Zoning Commission Members

**FROM:** Randy Richards, Assistant Public Works Director  
Jeannette Garcia, Planner I

**SUBJECT:** **P.23-03:** Consideration of a request from Ashton Woods for a preliminary plat out of the Phillip Green Survey, Abstract No. 566, being 11.703 acres located

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## **BACKGROUND/INFORMATION:**

Applicant, Ashton Woods/Ashton Dallas Residential LLC has applied for approval of a preliminary plat of The Pointe at Capp Smith Lake Addition. The 11.702 acre site is located east of Denton Highway, west of Parkview Drive, north of Hightower Drive and south of Starnes Road.

The property under consideration is an 11.703 acre site with frontage on Starnes Road and an access easement west of the proposed development neighboring Capp Smith Park to the east. Lifestyle Christianity adjoins to the south and Watauga Pavilion Addition borders to the north. The property is currently undeveloped.

The property is zoned PD (Planned Development). The zoning was approved by the City Council on May 8<sup>th</sup>, 2023 (Ordinance No. 2023-007). The proposed development includes 132 single-family residential townhome lots and seven open space lots. The lot sizes on the plat range from 1650 square feet to 2204 square feet, with an average size of 1851 square feet. The typical residential lot is 22 feet wide and 75 feet deep, with a maximum density of 12 dwelling units per acre. The phasing of the preliminary plat identifies the stages of development which can begin while the developer awaits results from FEMA officially granting a Letter of Map Revision (LOMR) or Conditional Letter of Map Revision (CLOMR) commenting on whether the proposed development would meet minimum National Flood Insurance Program standards.

The development incorporates 3.844 acres of open space in 7 lots. Approximately 2.122 acres of open space/drainage easement area surrounds the eastern portion of the property from Starnes Road adjacent to Capp Smith Park. Six additional common area lots are to be provided within the subdivision, including a 0.121-acre lot in Lot 10 Block A, a 0.226-acre lot in Lot 20 Block A, a 0.244-acre lot in Lot 38 Block A, a 0.548-acre lot in Lot 47 Block A, a 0.282-acre lot in Lot 6 Block B and a 0.301-acre lot in Lot 8 Block C. Primary street access to the development is from Starnes Road, with four additional street connections on the west side of the property. This secondary connection was provided in part to increase emergency access and reduce response times to the neighborhood, and to avoid total reliance on Starnes Road for ingress/egress to the subdivision.

Local Government Code Sec. 212.004 requires a final plat be approved prior to the

# PRELIMINARY REPORT

issuance of building permits on the new lots.

This area is designated on the Comprehensive Land Use Plan as Mixed Use. The category is intended for a mixture of non-residential and residential land uses. They are referred to as mixed use because it is envisioned that these areas would be integrated developments of retail, public, office and entertainment, with a residential component. Mixed use areas are intended to provide flexibility for the city and the development community for innovative, unique, and sustainable development to occur.

Surrounding zoning and land use includes:

| DIRECTION | ZONING                | LAND USE PLAN              | EXISTING LAND USE     |
|-----------|-----------------------|----------------------------|-----------------------|
| NORTH     | GB-General Business   | Regional Retail/Commercial | Retail/Service        |
| SOUTH     | CF-Community Facility | Public/Semi-Public         | Charter School/Church |
| EAST      | GU-Government Use     | Parks & Open Space         | Park                  |

## **CURRENT ACTIVITY:**

An official platting application was submitted to Development Services on September 29, 2023. Staff confirmed requirements for the plat are met, such as boundary lines, dedication of easements, receipt that taxes have been paid, and proper certifications by a registered professional land surveyor. Construction plans for all utilities such as water distribution system, sewage, paving and storm drainage, will be submitted upon approval of the preliminary plat.

The City Secretary's Office gave notice of the application request to be published in the official newspaper of the city on October 30, 2023, giving notice of the day, time, and place at which, the Planning & Zoning Commission will meet to consider the preliminary report for the plat and to hear comments at a public hearing. Additionally, required notices were mailed to all property owners of property located within 200 ft. of the site upon which the plat is requested.

Once the Preliminary Report is filed and the public hearing is conducted, a final report will be completed and submitted to the City Council by the Planning & Zoning Commission through the City Secretary's Office for action by the City Council during the meeting scheduled for December 11, 2023.

## **RECOMMENDATION/ACTION DESIRED:**

## PRELIMINARY REPORT

Texas Local Government Code 212.005 requires the municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

City staff respectfully recommend approval of this request.

### **ATTACHMENTS/ SUPPORTING DOCUMENTATION:**

Plat exhibit