



# City of Colleyville City Council Agenda

City Hall  
100 Main Street  
Colleyville, Texas 76034  
817.503.1000  
[www.colleyville.com](http://www.colleyville.com)

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Tuesday, December 21, 2021

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**WORKSESSION - 5:30 PM**  
**EXECUTIVE CONFERENCE ROOM - THIRD FLOOR**  
**CALL TO ORDER**

**WS-1** Discussion of conducting elections - Heider Garcia, Tarrant County Elections Administrator

**WS-2** Discussion of the December 21, 2021, City Council regular agenda items

**1. EXECUTIVE SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D**

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including: Glade Road eminent domain case for Parcel 150

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities, including: Acquisition of real property along SH26

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information the City has received from business prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

**REGULAR MEETING - 7:30 P.M.**  
**CITY COUNCIL CHAMBERS**

**INVOCATION: Pastor Martin Richardson, Crown of Life**

**PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt**

**2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-21-4682**

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**3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS****Announcements of civic and charitable events****Presentation of calendar events and updates****Announcements of awards and recognition**

Presentation of the Texas Chapter of the American Planning Association Certificate of Achievement for the Richard R. Lillie, FAICP Planning Excellence Program to the City of Colleyville Community Development Department - Mayor Richard Newton and Community Development Director Ben Bryner

**4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-21-4683**

- 4a** Approval of the minutes of the regular City Council meeting of December 7, 2021
- 4b** Approval of the First Amended Regional Municipal Court Judge Agreement
- 4c** Approval of the selection of Craig Magnuson as Associate Judge of the City of Colleyville Municipal Court, effective January 1, 2022

**5. ITEMS NOT FOR CITY COUNCIL ACTION**

- 5a** Monthly Financial Report - November 2021

**6. ORDINANCE(S): SECOND READING AND PUBLIC HEARING****6a Ordinance O-21-2182**

Consideration of a Special Use Permit for a reduction in parking on Lot 1, Block 1, Corley Subdivision, located at 5409 Colleyville Boulevard, Case ZC21-028

**6b Ordinance O-21-2183**

Consideration of amendments to Chapter 3 of the Land Development Code requiring a Special Use Permit for a duplex in the RD Two Family Residential district, specifically amending Section 3.24B Schedule of Permitted Principal Uses, Case GC21-013

**6c Ordinance O-21-2184**

Consideration of amendments to Chapter 3 of the Land Development Code allowing commercial accessory buildings and providing regulations, specifically amending Section 3.24B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations, Case GC21-014



**6d Ordinance O-21-2185**

Request to appeal the decision by the Planning and Zoning Commission for the consideration of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024

**6e Ordinance O-21-2186**

An ordinance amending Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, adjusting water and wastewater volumetric rates to pass through changes from the Trinity River Authority

**7. CITIZEN COMMENTS****8. REPORTS**

Colleyville Library Board Meeting Minutes - October 25, 2021

Planning and Zoning Commission Meeting Minutes - November 8, 2021

Sign Board of Appeals Meeting Minutes - November 9, 2021

Planning and Zoning Commission Worksession Minutes - November 22, 2021

**9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR TUESDAY, DECEMBER 21, 2021 - READING AND PUBLIC HEARING - RESOLUTION R-21-4684****10. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, December 17, 2021 by 5:00 p.m.

Christine Loven, TRMC  
City Secretary

*A quorum of any Colleyville board, commission, or committee may be present at this meeting. Any matter on this agenda may be opened for public comment and discussion at the discretion of the governing body.*

*If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.*



# City of Colleyville City Council Agenda Briefing

City Hall  
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**Agenda Number** WS-1

**Agenda Date** 12/21/2021

**Type** Worksession

**Department** City Secretary

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## **Title**

Discussion of conducting elections - Heider Garcia, Tarrant County Elections Administrator

## **Explanation**

Heider Garcia, Tarrant County Elections Administrator, will be present to discuss the conduct of elections in Tarrant County and answer questions of the City Council.

## **Attachments**



# City of Colleyville City Council Agenda Briefing

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**Agenda Number**  
**Type** Worksession  
**Department** City Secretary

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**Agenda Date** 12/21/2021

## **Title**

Discussion of the December 21, 2021, City Council regular agenda items



# City of Colleyville City Council Agenda Briefing

City Hall  
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**Agenda Number 1**

**Agenda Date** 12/21/2021

**Type** Executive Session

**Department** City Secretary

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## **Title**

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including: Glade Road eminent domain case for Parcel 150

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities, including: Acquisition of real property along SH26

Section 551.087 - Economic Development - Discuss or deliberate regarding commercial or financial information the City has received from business prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

## **Attachments**

**RESOLUTION R-21-4682**

**A RESOLUTION APPROVING COUNCIL ACTION  
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR  
CITY COUNCIL MEETING OF DECEMBER 21, 2021**

**WHEREAS**, following discussion in Executive Session, and in full accordance with the requirements of the Open Meetings Act, the City Council determines that the following action is in the best interests of the health, safety and welfare of the public.

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

Sec. 1. THAT

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF \_ AYES, \_ NAYS ON THIS THE 21<sup>ST</sup> DAY OF DECEMBER 2021.

|                         |       |                               |       |
|-------------------------|-------|-------------------------------|-------|
| Mayor Richard Newton    | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat          | _____ |
| Place 4, George Dodson  | _____ | Place 5, Chuck Kelley         | _____ |
| Place 6, Callie Rigney  | _____ |                               |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Christine Loven, TRMC  
City Secretary

Richard Newton  
Mayor



# City of Colleyville City Council Agenda Briefing

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**Agenda Number** 3

**Agenda Date** 12/21/2021

**Type** Announcements, Proclamations, and Presentations

**Department** Community Development

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## **Title**

Presentation of the Texas Chapter of the American Planning Association Certificate of Achievement for the Richard R. Lillie, FAICP Planning Excellence Program to the City of Colleyville Community Development Department - Mayor Richard Newton and Community Development Director Ben Bryner

## **Attachments**

**RESOLUTION R-21-4683**

**APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT  
THE REGULAR CITY COUNCIL MEETING OF DECEMBER 21, 2021**

**WHEREAS,** City Council has taken action on certain items on the agenda under Consent Items.

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the Regular City Council meeting of December 7, 2021
  - b. Approval of the First Amended Regional Municipal Court Judge Agreement
  - c. Approval of the selection of Craig Magnuson as Associate Judge of the City of Colleyville Municipal Court, effective January 1, 2022

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF \_ AYES, \_ NAYS ON THIS THE 21<sup>ST</sup> DAY OF DECEMBER 2021.

|                         |       |                               |       |
|-------------------------|-------|-------------------------------|-------|
| Mayor Richard Newton    | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat          | _____ |
| Place 4, George Dodson  | _____ | Place 5, Chuck Kelley         | _____ |
| Place 6, Callie Rigney  | _____ |                               |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Christine Loven, TRMC  
City Secretary

Richard Newton  
Mayor



# City of Colleyville City Council Minutes - Draft

City Hall  
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Tuesday, December 7, 2021

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Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, December 7, 2021, at 5:30 p.m.

**ROLL CALL:** Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley, and Callie Rigney.

**ALSO PRESENT:** City Manager Jerry Ducay, Assistant City Manager Mark Wood, Assistant City Manager Adrienne Lothery, Police Chief Michael Miller, Fire Chief Mark Cantrell, Community Development Director Ben Bryner, Colleyville Business Center and Colleyville Center Manager Leslie Hill, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

## **WS-1** FY 2021 Economic Development Year-in-Review

Assistant City Manager Adrienne Lothery presented this item. Manager Lothery provided a printed copy of the FY2021 Economic Development Report and advised this agenda item allows for the introduction of the report, which recaps the programs from FY2021. Manager Lothery recognized the economic development efforts of the City's Community Development and Planning staff, Chelsea Rose, Colleyville Chamber of Commerce President, Leslie Hill, Colleyville Business Center and Colleyville Center Manager, and the City Manager's Office interns. She went on to highlight the year's activities which includes more than \$1 million being reinvested to support local business through the gift cards and advertising grants, \$9.7 million improvement value for property improvement projects which received grant funds, and the success of the Colleyville Business Center. Manager Lothery concluded the presentation with a recap of the conservative financial management strategy and potential programs for the future.

Mayor Newton and the City Council thanked Manager Lothery for the work and discussed the possibility of including Citywide infrastructure improvements in the report and making it available in print and digitally.

## **WS-2** Discussion of civic and wayfinding signage

Assistant City Manager Adrienne Lothery stated David Newman, of MESA, is quarantined, and could not attend this meeting; therefore, she will be giving the presentation. Manager Lothery introduced Stan Cowan of MESA, and Mike Moore and Eileen Simeonov, of Square Peg, who is collaborating with MESA for the signage piece of the SH26 Beautification. Manager Lothery stated the signage



portion would reinforce Colleyville's identity and drive future signage, while creating consistency.

The presentation reviewed the accomplishments, commitments, and opportunities along SH26. Signage was presented in family groupings, and location groupings. At this time, Mr. Moore also noted the introduction of a monogram - not a logo, to reinforce identity in all areas of the City.

There was discussion regarding The Village signage, the look of the civic signs, and the elements. City Council agreed the signage on the Main Street/SH26 gateway would only say The Village and no signs for individual stores would be created. On SH26 wayfinding signs, the City Council generally liked a pole type sign matching the street light bollards, but wanted to see additional options for sign design on the pole bollards. They also agreed signs with stone bases are appropriate for the wayfinding sign family and the stone use and type would be dependent and consistent with location. Council also likes the idea of a monogram, but additional options should be presented, and be used in consistent locations.

### **WS-3** Update on 2022 elections and voting location at Colleyville Library

City Secretary Christine Loven reviewed the 2022 election schedule and advised voting will be conducted on the second floor of the library, due to anticipated high voter turnout. There was discussion regarding the need for separate rooms for voting democrat or republican on Election Day in the primaries and Election. The Mayor requested staff to contact Tarrant County Elections Administration and ask for a meeting or presentation regarding the election process.

### **WS-4** Discussion of the December 7, 2021, City Council regular agenda items

There was no discussion of this item and Mayor Newton adjourned the Worksession at 6:30 p.m. and called the Executive Session to order.

## **1. EXECUTIVE SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D**

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

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There was no action taken and Mayor Newton adjourned Executive Session at 7:25 p.m.

Mayor Newton called the regular meeting of the City Council to order at 7:36 p.m. and called the roll.

**ROLL CALL:** Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley, and Callie Rigney.

**INVOCATION: Pastor Lanre Sobo, Glory House**

**PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt**

**2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-21-4677**

This resolution was not needed.

**3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**

**Announcements of civic and charitable events**

**Presentation of calendar events and updates**

**Announcements of awards and recognition**

Mayor Newton and the City Council made the following announcements.

**COVID-19 Update** – With information coming out about the new Omnicron variant, there has been increased requests for vaccines and boosters. As a reminder, we have all three-vaccine types available at the Colleyville Fire Station. Tarrant County also shared that only 5.29% of hospital capacity is currently in use for COVID hospitalizations, which is great news.

**Tree Lighting Event a Success!** – Colleyville's annual Christmas Tree Lighting was a great success on Friday evening! We hope you were able to join us and visit Santa Claus, Mrs. Claus, several of their reindeer, the Grinch, and much more. Thank you to all of the children's choirs that performed, the community organizations that decorated trees, and to Ronni Orr and all of the City staff that put together a fantastic event.

**Red Kettle Challenge** - It's that time of year again - the Red Kettle Challenge! Mark your calendars for Saturday, December 11. We will have stations at Albertsons, Walmart, and Market Street. The Mayors in the region have a competition going on, so come out and donate to a wonderful cause, supporting the work of The Salvation Army.

**Christmas Gift Cards** – A second round of Christmas gift cards will be mailed out next week. These cards look similar to those mailed before Thanksgiving, just a slightly different color scheme (more red and green, rather than fall colors). This card is good for any \$35 purchase at participating businesses with the City of Colleyville. A list of those businesses participating can be found on the City website. It is important that we remember the importance of our local brick and mortar business community. They provide exceptional goods and service in a convenient location, generate sales tax to fund City services, and reduce the property tax burden on residential property. Shop local this holiday season!

**Leaf Recycling** – We know it's been a windy last few days, which means our wonderful trees in Colleyville, are really starting to lose their leaves. Community Waste Disposal (CWD), Colleyville's trash and recycling provider, will run special collection routes to recycle bagged leaves on Saturday, Dec. 11, Dec. 18, and Jan 8 with collections beginning at 8 a.m. To participate, residents just need to set out leaves on the designated days. New for 2021, CWD will recycle leaves in any bag; paper or plastic. If leaf bags are set out prior to the Saturday collections, residents are asked to place leaf bags separately from household trash.

**Library Survey is Open** – We want to know what you think! Take part in the Colleyville Public Library's survey and have an opportunity to win a prize (or two!) As part of the Library's current five year planning process required by the State, the Library launched a survey for the community to let us know your thoughts. The survey may be found on the City of Colleyville or the Colleyville Library homepages. The survey covers a variety of topics and subjects including usage, book availability, and hours of operation. The answers you give will directly impact and be part of the five-year plan being developed by the Library staff. For your participation, residents who fill out the survey with their contact information are entered into a random drawing (available for ages 14 years and up) for one of two \$100 Amazon gift cards. As an additional incentive, the Library is also holding weekly random drawings for a chance to win a City of Colleyville's \$35 Christmas Gift Card. The Library will offer 10 \$35 cards each week through December 31. The survey will be available to the public until mid-January.

**Glade Road** – Good news - the road section from Thompson Terrace to Bluebonnet is now open to two-way traffic including the Riverwalk Roundabout. However, tomorrow Wednesday, December 8, 2021, the existing Glade Road westbound lane closure from Stafford Drive to Montclair Drive will be extended to Pool Road. Westbound traffic is being detoured at Pool Road to Hall-Johnson. Traffic through from Stafford to Pool will be east bound only. The good news is

that the section of Glade Road from Bluebonnet to Montclair should be completed by April 2022.

**Pump Generator Grant** – After more than six months, Colleyville has received word that the new L.D. Lockett Pump Station generator will be covered in part by a grant from the Texas Division of Emergency Management (TDEM). A collaboration effort between Public Works and Fire Emergency Manager Kenny Phillips has culminated in the awarding of a grant amounting to \$266 thousand dollars, about 55% of the total project cost. This new generator will work to ensure the pump station stays operational, pumping potable water to the entire City during the event of a power loss due to inclement weather and/or unforeseen events.

**Main Street/Tower Project Update** – As you may have seen we have started the Hwy 26 tower projects at the Main Street Gateway. The location at the intersection of Hwy 26 and Main Street has been cleared and dirt work is in progress. C. Green Scaping is the contractor and they are now working on building pier cages for the towers on the western corners. On the east side, you will see clearing and grading, as well as removal of the sidewalk within the ROW to make way for the intersection improvements.

***Presentation of the Texas Economic Development Council Community Economic Development Award to the City of Colleyville - Mayor Richard Newton and Assistant City Manager Adrienne Lothery***

Mayor Newton presented Assistant City Manager Adrienne Lothery, Colleyville Business Center Manager Leslie Hill, and Chamber President Chelsea Rose, with a plaque and explained the City was recognized at the Texas Economic Development Council's Community Economic Development Awards in October. Colleyville received Merit Recognition for outstanding achievement in community economic development for the City's involvement in the opening of the Colleyville Business Center and its partnership with the Colleyville Chamber of Commerce. The CEDA program recognizes exceptional contributions of TEDC member cities toward the economic vitality of their communities and the state of Texas through creativity, leadership, and partnership in the achievement of business recruitment and retention, and community improvement. Nominees were judged on five criteria: innovativeness, transferability, community commitment and leverage, measured objectives, and secondary benefits.

**4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-21-4678**

- 4a** Approval of the minutes of the regular City Council meeting of November 16, 2021

- 4b** Approval to appoint Eric Holland to the Adhoc General Fund CIP Fee Advisory Committee
- 4c** Approval of a construction contract with CMC Development & Construction Corporation, LLC, for the Justice Center Site Improvements Project, in an amount not to exceed \$676,000, and a contingency amount not to exceed \$50,000, and authorizing the City Manager to execute the contract
- 4d** Approval of the annual review and updates to the City of Colleyville Investment Policy

Mayor Newton read Resolution R-21-4678 in its entirety.

There was no discussion of items 4a and 4b.

Public Works Director Ray Silva-Reyes presented item 4c, covering the project highlights, and noting all bids were over the anticipated amount. He stated staff is recommending awarding the contract to the lowest bidder, and references have been checked.

Mayor Newton asked where the overage would be budgeted from if approved. City Manager Jerry Ducay stated there is funding in the several sources to include TIF or the \$3.4 million Federal funds. Mayor Newton and the Council recommended using the available Federal Funds to pay for the overage of the bid to the budget amount.

Mayor Pro Tem Lindamood stated he has seen costs rising all across Texas, and this is an investment in safety. Safety for the investment of vehicles and equipment, and the safety of our officers. Councilmember Dodson stated while there is a significant cost difference, he is pleased with the contractor. Councilmember Kelley stated the officers have been involved in several high-profile cases which brings both positive and criminal attention to the department and we must do our part to protect them and keep them safe.

Finance Director Kyle Lester presented item 4d. Director Lester stated there were no changes proposed to the Investment Policy and the Policy had been reviewed by the Audit Committee with no changes recommended.

Mayor Newton opened the public hearing at 8:11 p.m.

Kathy Hadley, 204 Timberline Drive N, stated she has concerns regarding the costs for security updates at the Justice Center.

There were no others present wishing to speak and the public hearing was closed at 8:12 p.m.

**Councilmember Nakamura made a motion to approve Resolution R-21-4678 seconded by Councilmember Kelley.**

**The motion to approve carried by the following vote:**

**Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.**

## **5. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**

### **5a Ordinance O-21-2182**

Consideration of a Special Use Permit for a reduction in parking on Lot 1, Block 1, Corley Subdivision, located at 5409 Colleyville Boulevard, Case ZC21-028

Mayor Newton read the caption of Ordinance O-21-2182.

Community Development Director Ben Bryner presented this item, which is a request for a reduction in parking to allow the business to operate as a restaurant. He stated the bank located next door to the Cajun Market has provided a parking agreement.

Mayor Newton stated the parking agreement should have a term of use stated to bind the agreement. Councilmember Dodson agreed and stated the ordinance should state if the parking agreement expires, the SUP would expire. He also noted there is no walkway between the parking area and the Market.

Mayor Newton asked the applicant, Mr. Phillip Tullis to come forward. Mr. Tullis thanked the Council for their consideration and discussed the walkway, parking agreement, and signage.

Mr. Tullis clarified with the Council he is to have an amended parking agreement with the bank which clarifies the time line for the agreement to be in-place, when he returns for the second reading.

Mayor Newton opened and closed the public hearing at 8:33 p.m. as there were no speakers.

This was a first reading therefore, no action was taken.

### **5b Ordinance O-21-2183**

Consideration of amendments to Chapter 3 of the Land Development Code requiring a Special Use Permit for a duplex in the RD Two Family Residential district, specifically amending Section 3.24B Schedule of Permitted Principal Uses, Case GC21-013

Mayor Newton read the caption of Ordinance O-21-2183.

Community Development Director Ben Bryner presented this item noting several properties within the City are zoned RD Two Family Residential zoning district, and a duplex is a permitted use within this district. He stated all properties in the RD Two Family Residential district have been developed with single-family homes and this amendment to the Land Development Code would require approval of a Special Use Permit (SUP) for a duplex use to be permitted.

City Manager Ducay asked Director Bryner to verify the single-family use would remain an allowed use in the RD Two Family Residential zoning, but would have to meet the R-20 zoning requirements.

Mayor Newton opened and closed the public hearing at 8:35 p.m. as there were no speakers.

This was a first reading therefore, no action was taken.

#### **5c Ordinance O-21-2184**

Consideration of amendments to Chapter 3 of the Land Development Code allowing commercial accessory buildings and providing regulations, specifically amending Section 3.24B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations, Case GC21-014

Mayor Newton read the caption of Ordinance O-21-2184.

Community Development Director Ben Bryner presented this amendment to the Land Development Code to allow for commercial accessory buildings and is an attempt to clarify the regulations associated with accessory buildings. The proposed amendment would provide for the accessory building

- a. to be limited to one accessory building per platted lot
- b. meet the same setbacks as a primary structure
- c. be limited to a maximum size of two hundred-fifty square feet
- d. a maximum height of one-story and 15 feet
- e. be located to the rear of the primary building and not visible from adjacent roadways
- f. be ancillary to the primary use
- g. exterior walls would have to be of the same materials as the primary structure
- h. located so it does not impede or impair vehicular traffic on the property

Councilmember Dodson stated he would like commercial accessory buildings to be allowed only as an SUP. City Manager Ducay stated the Code is vague and staff is



attempting to clarify standards. Mayor Newton stated he is in favor of requiring an SUP including a statement of standards and guidelines.

Following discussion, Council directed staff to remove items a, c, and d, and add additional language to g.

Mayor Newton opened and closed the public hearing at 8:35 p.m. as there were no speakers.

This was a first reading therefore, no action was taken.

**5d Ordinance O-21-2185**

Request to appeal the decision by the Planning and Zoning Commission for the consideration of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024

Mayor Newton read the caption of Ordinance O-21-2185.

Community Development Director Ben Bryner stated this item will require a super majority vote as the Planning and Zoning Commission recommended denial at their November 8, 2021, meeting by a vote of 7-0. Director Bryner stated this is a request for a Special Use Permit to allow for a CBD Store use, which is allowed in the CC-3 Highway Commercial District with an approved SUP. He reviewed the SUP Ordinance language and stated the applicant has his own presentation and is present to answer questions of the City Council.

Applicant Kushal Bastakoti, 441409 Napoli Way, Irving, gave a presentation, which highlighted the company's mission, concept, franchise business plan, awards, and a product list, which notes there is no Delta 8 or other isomer and synthetic products sold, nor do their products exceed 0.3% THC. Mr. Bastakoti noted in his slide presentation CBD products would comprise 50% of the store's sales, and the remaining sales would be comprised of merchandise such as scented candles, incense sticks, bohemian handbags, and Himalayan salt lamps.

There was discussion between Mr. Bastakoti and the City Council regarding Delta 8, how the level of THC is determined, if there would be on-line sales, if the City were responsible for testing the THC levels, and if the merchandise sales would be 50% of the store sales.

Mayor Newton told Mr. Bastakoti he has concerns regarding the business being successful in Colleyville and with regulations still being new, he does not know how the City can manage the sales and enforcement therefore, he does not plan to vote in favor of the request.



Mayor Newton opened and closed the public hearing at 9:16 p.m. as there were no speakers.

This was a first reading therefore, no action was taken.

#### **5e Ordinance O-21-2186**

An ordinance amending Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, adjusting water and wastewater volumetric rates to pass through changes from the Trinity River Authority

Mayor Newton read the caption of Ordinance O-21-2186.

Finance Director Kyle Lester presented this item and gave an overview of the process for establishing rates. He noted in 2016 the Council approved a rate structure whereby all of the costs to operate the City's utilities are covered by a base rate, which makes up a customer's minimum bill for each month. In 2017, Council added a CIP charge to the base rate to pay for capital projects.

Director Lester stated the base and volumetric rates are reviewed and updated on an annual basis. The new base rates are reflected in the bills sent out in October to coincide with the City's fiscal year while the new volumetric rates are reflected in the bills sent out in January to coincide with TRA's rate change.

Director Lester stated this year's TRA calculations recommend a decrease in the water and wastewater rates, which, if approved, will be in effect starting with the January billing for December's usage as follows:

#### **Water Rates**

Lowering the current water volumetric rate from \$4.4654 to \$4.3430.

#### **Wastewater Rates**

Lowering the current wastewater volumetric rate from \$3.1650 to \$3.0663.

Mayor Newton explained this is a pass-through cost as TRA provides water and wastewater treatment services to the City, as well as other cities. Mayor Newton stated there are times when the rate will increase, however, the City cannot control these costs, and the costs are divided amongst all cities served by TRA.

Mayor Newton opened and closed the public hearing at 9:29 p.m. as there were no speakers.

This was a first reading therefore, no action was taken.

**6. RESOLUTION(S): READING AND PUBLIC HEARING****6a Resolution R-21-4679**

Consideration of a Right-Of-Way Encroachment Agreement to allow for a permanent freestanding monument sign to be located within the right-of-way located at 715 Cheek-Sparger Road

Mayor Newton read Resolution R-21-4679 in its entirety.

Community Development Director Ben Bryner presented this item and noted the applicant received approval of a variance from the Sign Board of Appeals to allow for the construction of a monument sign which will encroach beyond the required eight-foot front property line setback, placing it approximately 24' from the edge of the street and into the Cheek-Sparger Road right-of-way. The approval was contingent on receiving approval of a Right-Of-Way Encroachment Agreement from the City Council.

There was general discussion regarding construction on Cheek-Sparger Road, landscaping, visibility, utility location within the right-of-way, and the wide right-of-way along Cheek-Sparger Road. City Manager Ducay made note it would be prudent to add a requirement the church will be responsible for moving the sign at their expense if the right-of-way is needed for any reason in the future.

Mayor Newton opened and closed the public hearing at 9:42 p.m. as there were no speakers.

**Councilmember Wheat made a motion to approve Resolution R-21-4679 with the following amendments: A landscape plan providing for additional landscaping on the Property shall be submitted and approved by City staff as a condition precedent to any permit being issued for construction or installing of the proposed sign; and in the event it becomes necessary for the City to use, acquire, or reclaim the right-of-way area where the sign is constructed for any public purpose or use, the then current owner of the property will be required to remove and/or relocate the sign within 120 calendar days of written notification from the City, seconded by Councilmember Rigney.**

**The motion to approve carried by the following vote:**

**Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.**

**6b Resolution R-21-4680**

A resolution casting ballots for the Tarrant Appraisal District Board of Directors

Mayor Newton read Resolution R-21-4680 in its entirety.

Mayor Newton explained the City of Colleyville had nominated both Gary Losada and Rich DeOtte to serve the TAD Board of Directors. This nomination was based on both men's service to TAD. The City of Colleyville has 20 votes which can be cast. Mayor Newton stated the City supports both, however, due to a legislative change, all of the taxing entities who have many votes, were required to vote within 30 days of the nomination. Mayor Newton stated the City has been tracking the votes, so the City could assign their votes where the biggest need is. He is aware and discussed with Mr. DeOtte and Mr. Losada that Mr. DeOtte has enough votes, however, Mr. Losada does not, therefore; while the City supports both, the City will cast all votes to Mr. Losada.

Councilmember Dodson stated both men have worked very hard to improve the processes at TAD and those changes will significantly improve the organization for a long time.

Mayor Newton opened and closed the public hearing at 9:42 p.m. as there were no speakers.

**Councilmember Dodson made a motion to approve Resolution R-21-4680, casting 20 votes for Gary Losada and adding an amendment stating the City Council supports both candidates, seconded by Councilmember Kelley.**

**The motion to approve carried by the following vote:**

**Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.**

## **7. CITIZEN COMMENTS**

Kathy Hadley, 204 Timberline Drive North, discussed concerns regarding the bridge on Jackson Road, the traffic signal at Cheek-Sparger and Highway 121, and encouraged a leaf-composting program. Mrs. Hadley also addressed concerns with her neighbor's new home build and the effect of water run-off onto her property.

## **8. REPORTS**

Colleyville Center Advisory Committee Minutes - August 16, 2021  
Parks and Recreation Advisory Board Minutes - September 13, 2021

There was no action taken on this item.

**9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR TUESDAY, DECEMBER 7, 2021 - READING AND PUBLIC HEARING - RESOLUTION R-21-4681**

This resolution was not needed.

**10. ADJOURNMENT**

There being no further business before the City Council, Mayor Newton adjourned the meeting without objection by the City Council at 10:01 p.m.

*APPROVED BY A VOTE OF \_ AYES, \_ NAYS, ON THIS THE 21<sup>ST</sup> DAY OF DECEMBER 2021.*

*Minutes taken and prepared by:*

*Christine Loven, TRMC  
City Secretary*



# City of Colleyville City Council Agenda Briefing

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

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**Agenda Number** 4b

**Agenda Date** 12/21/2021

**Number**

**Type** Resolution

**Department** City Manager

---

## **Title**

Approval of the First Amended Regional Municipal Court Judge Agreement

## **Strategic Plan**

1.4 Communicate thoroughly and strategically

## **Explanation**

### ***Reading and Public Hearing***

On December 1, 2021, the cities of Colleyville and Keller executed a Regional Municipal Court Judge Agreement appointing Judge Carol Montgovery to serve as the presiding judge for the Regional Municipal Court. The attached First Amended Regional Municipal Court Judge Agreement, provides for restating the original agreement to provide for Judge Montgomery's status as a part-time employee of the City of Colleyville and authorizes the Judge's participation in the Texas Municipal Retirement System.

It is anticipated the City of Keller will approve the First Amended Regional Municipal Court Judge Agreement at their January 4, 2022 City Council Meeting.

## **Financial Impact**

There are no additional financial impacts associated with the First Amended Regional Municipal Court Judge Agreement.

## **Recommendation**

Approve

## **Attachments**

1. First Amended Regional Municipal Court Judge Agreement

## **FIRST AMENDED REGIONAL MUNICIPAL COURT JUDGE AGREEMENT**

This Regional Municipal Court Judge Agreement (“Agreement”) is made by and between the **City of Colleyville** (“Colleyville”), the **City of Keller** (“Keller”), and **Carol Montgomery** (“Judge”), (each a “Party” and collectively the “Parties”), acting by and through their authorized representatives.

### **RECITALS:**

**WHEREAS**, Colleyville and Keller (each a “City” and collectively the “Cities”) jointly administer and operate a regional municipal court; and

**WHEREAS**, on December 1, 2021 the Cities executed a Regional Municipal Court Judge Agreement appointing Judge Carol Montgomery to serve as the presiding judge for the regional municipal court; and

**WHEREAS**, the Parties desire to enter into this Agreement amending and restating the original agreement to provide for Judge’s status as a part-time employee of the City of Colleyville and to authorize Judge’s participation in the Texas Municipal Retirement System (TMRS) program.

**NOW, THEREFORE**, in consideration of the mutual covenants and terms and conditions herein contained, and of the execution hereof, the Parties agree and bind themselves to the obligations and performance of the tasks as follows:

### **Article I Purpose**

The purpose of this Agreement is for the City to contract for municipal court judge services to be performed in accordance with the terms and conditions of this Agreement.

### **Article II Term**

This Agreement shall be effective as of December 1, 2021 (the “Effective Date”) and shall expire December 31, 2023. Notwithstanding the foregoing, the term of this Agreement may be extended by mutual written agreement of the Parties.

### **Article III Regional Municipal Court Judge**

3.1 Authority; Services. Judge shall have all authority vested under law and shall undertake Judge’s duties fairly, impartially and independently. Judge shall, in a timely and responsive manner, perform all services set forth herein and as required of municipal court judges in accordance with Cities’ respective Charters, the Cities’ interlocal agreement for combined municipal court services, the adopted policies and procedures of the regional municipal court, and the laws applicable to municipal judges of courts in the State of Texas, as the foregoing may be

amended (“Services”). The Services shall include, without limitation, the following:

- (a) Preside over all municipal court proceedings;
- (b) Promptly handle all adult and juvenile arraignments (see Section 3.2 below);
- (c) Execute all arrest warrants;
- (d) Execute all court warrants;
- (e) Coordinate court activities with the municipal court administrator, prosecutor(s), city attorney(s), and other departments of the Cities as necessary;
- (f) Perform such other duties as assigned by the respective City Councils and/or the City Managers that may be commensurate with the position of Regional Municipal Court Judge; and
- (g) Perform all other administrative duties of a municipal court judge as may be provided by ordinance, resolution of the City Council, or applicable state law.

3.2 Arraignments; Magistrate Duties. Judge shall be responsible for all duties customarily performed by magistrates of municipal courts of record in Texas. In particular, Judge shall be responsible for all arraignments and magistrate duties for the regional holding facility (jointly administered by Keller, Colleyville and Southlake), subject to the terms and conditions of all existing MOUs and other agreements of the cities related to the same. Judge (or duly assigned associate judge(s)) shall, at all times during the term of this Agreement, be available on a 24/7 basis to handle all warrants, bonds, emergency orders, prisoner transfers requests, and similar matters. Compensation for these duties flow through the stipend received from Southlake in the amount of \$12,000 per year and Roanoke in the amount of \$7,300 per year, to be paid to the Judge quarterly.

3.3 Scheduling of Dockets. Judge shall be responsible for scheduling all court dockets and proceedings in coordination with the municipal court administrator to facilitate optimal court efficiency in support of the Cities’ customer service goals and values.

3.4 Review and Selection Committee. The Cities have established a Municipal Judge Review and Selection Committee (the “Committee”) to assist in administering the position of the regional municipal court judge. The Committee may meet from time to time to discuss, review and/or modify the administration of the regional municipal judge position, including the periodic review the Judge’s performance under this Agreement. Within the first three (3) months of this Agreement, a performance evaluation of judge shall be undertaken by the Cities (through their respective City Managers, or designee(s)) and presented to the Committee. Upon request by the Committee and/or Cities, Judge agrees to collaborate with the Committee to ensure the municipal court’s operations, policies and orders are being effectively administered consistent with the operational goals and values of the Cities.

3.5 Associate Judge(s). Judge shall, upon prior written approval of the Cities, engage the services of one or more associate judges during the term hereof, subject to all terms and conditions established by the Cities, in the Cities’ sole discretion. Judge shall exercise direct supervision over all associate judges and be responsible for assigning such associate judges to act in Judge’s absence in accordance with Section 30.00007(a)(4) of the Texas Government Code. Judge shall be responsible for all compensation due to all associate judges under this Agreement and shall ensure that the position of associate judge does not go vacant for more than 60 consecutive days during the term of this Agreement.

3.6 Qualifications; Trainings. Judge must be an attorney licensed by the Texas Supreme Court and must remain in good standing with the State Bar of Texas at all times during the term of this Agreement. Judge shall further adhere to the Texas Code of Judicial Conduct and all other constitutional and statutory requirements of Judge's appointed office. The Cities acknowledge that Judge may be required to participate in training programs administered by the City of Southlake during the term of this Agreement and agree that the City of Southlake, as Judge's current employer, may seek equitable contribution in the form of reimbursement from the Cities for the proportionate costs of such trainings attributable to the Judge's Services under this Agreement.

#### **Article IV Compensation**

4.1 Compensation. Judge shall be compensated for the Services based upon a flat annual rate of \$135,000, payable in installments at the same time as other employees of the City are paid and subject to the same applicable deductions during the term of this Agreement. Should this Agreement terminate prior to the last day of the month, the Judge's compensation will be prorated on a daily basis for any partial month. Additionally, the Cities will provide Judge, during the term of this Agreement, (i) use of 2 iPads (to be purchased and owned by Colleyville) at least one device will be a cellular streaming device, (ii) a one-time reimbursement up to \$250.00 for judicial robe(s), (iii) a mobile telecommunications device stipend in the amount of \$100.00 per month, and (iv) beginning on January 1, 2022, the Cities shall contribute to the Judge's participation in Texas Municipal Retirement System (TMRS), which shall be administered by the Cities in such manner as may be agreed by the Parties. Judge shall not be entitled to any other compensation of the Cities under this Agreement unless otherwise agreed by the Parties in writing.

4.2 Part-Time Employee Status. The Parties intend and agree that Judge shall be a part-time employee of the City of Colleyville during the term of this Agreement. Notwithstanding Judge's status as a part-time employee, the provisions of this Agreement shall govern the employee benefits available to Judge from the Cities and said benefits shall be limited to those expressly stated in this Agreement, unless otherwise agreed in writing by the applicable Parties.

#### **Article V Termination**

5.1 Termination for Convenience. Any Party may terminate this Agreement, in whole or in part, at any time by providing sixty (60) days written notice. Judge shall be compensated for all Services up to the time of termination. If Judge has any property or documents in its possession belonging to the Cities, Judge will account for and dispose of the same in the manner requested.

5.2 Termination for Default [Breach or Cause]. If Judge fails to perform in the manner called for in this Agreement, or if Judge fails to comply with any other provisions of this Agreement, the Cities may terminate this Agreement for default. Termination shall be given by serving a notice of termination on Judge setting forth the default and stating the date of termination. Upon termination under this Section 5.2, Judge shall be compensated only for Services performed



in accordance with this Agreement through the date of termination.

5.3 Removal of Judge. Notwithstanding any other provisions of this Agreement, the Parties acknowledge that Judge may be removed from office only as provided by law. The removal of Judge by either City, regardless of reason, shall be mutually effective to terminate this Agreement.

5.4 Waiver of Remedies for Any Breach. In the event that City elects to waive its remedies for any breach or default by Judge of any covenant, term or condition of this Agreement, such waiver by City shall not limit City's remedies for any succeeding breach or default of this Agreement.

## **Article VI Miscellaneous**

6.1 [Intentionally Deleted]

6.3 Assignment of Agreement. Judge may not assign this Agreement, or assign or delegate any right or duty under this Agreement, without prior written approval from the Cities.

6.4 Notice. Any notice required or permitted to be given under this Agreement by one Party to the other Party shall be in writing and shall be given and deemed to have been given immediately if delivered in person to the recipient's address set forth in this section, or on the date shown on the certificate of receipt if placed in the United States mail, postage prepaid, by registered or certified mail with return receipt requested, addressed to the receiving Party at the address hereinafter specified:

For Colleyville:

City of Colleyville  
Attn: Jerry Ducay, City Manager  
100 Main Street, 3<sup>rd</sup> Floor  
Colleyville, Texas 76034  
E: [jducay@colleyville.com](mailto:jducay@colleyville.com)

For Keller:

City of Keller  
Attn: Mark Hafner, City Manager  
P.O. Box 770  
Keller, Texas 76244  
E: [mhafner@cityofkeller.com](mailto:mhafner@cityofkeller.com)

For Judge:

Carol Montgomery  
202 West LD Lockett  
Colleyville, Texas 76034

6.5 Conflict of Interest. Judge covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of Services required to be performed under this Agreement. If any such conflict of interest shall arise during the Agreement Term, Judge shall immediately and fully disclose the nature and extent of the conflict to the respective party and resolve the conflict to party's satisfaction.

6.6 Signatories. Having agreed to the terms herein, the undersigned signatories hereby represent and warrant that they have authority to enter into this Agreement.

6.7 Applicable Law and Venue. The laws of the State of Texas shall govern this Agreement; and venue for any action concerning this Agreement shall be in the state district court of Tarrant County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

6.8 Amendments. This Agreement may be amended only upon written Agreement signed by the Parties.

6.9 Severability/Interpretation. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

6.10 Compliance with Laws. Judge shall fully comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the services covered hereunder as they may now read or may hereafter be amended.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK -  
SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the Effective Date.

CITY OF COLLEYVILLE

REGIONAL MUNICIPAL COURT JUDGE

By: \_\_\_\_\_  
Mayor Richard Newton

By: \_\_\_\_\_  
Carol Montgomery

Date signed: \_\_\_\_\_

Date signed: \_\_\_\_\_

CITY OF KELLER

By: \_\_\_\_\_  
Mayor Armin Mizani

Date signed: \_\_\_\_\_



# City of Colleyville City Council Agenda Briefing

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

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**Agenda Number** 4c

**Agenda Date** 12/21/2021

**Number**

**Type** Resolution

**Department** City Manager

---

## **Title**

Approval of the selection of Craig Magnuson as Associate Judge of the City of Colleyville Municipal Court, effective January 1, 2022

## **Strategic Plan**

1.4 Communicate thoroughly and strategically

## **Explanation**

### ***Reading and Public Hearing***

The cities of Colleyville and Keller entered into an agreement on December 1, 2021, appointing Judge Carol Montgomery to service as the presiding judge for the Regional Municipal Court. The agreement provides for Judge Montgomery to engage the services of one or more associate judges, with approval of the cities. Judge Montgomery has informed both cities she wishes to appoint Craig Magnuson as an associate judge, to become effective January 1, 2022. Approval of this appointment, is in addition to the previous appointment and approval of Lindsey Kinzie.

It is anticipated the City of Keller will approve this request at their January 4, 2022 City Council Meeting.

## **Financial Impact**

There is no financial impact to the City.

## **Recommendation**

Approve

## **Attachments**



# City of Colleyville City Council Agenda Briefing

City Hall  
100 Main Street  
Colleyville, Texas 76034  
[www.colleyville.com](http://www.colleyville.com)

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**Agenda Number** 5a

**Agenda Date** 12/21/2021

**Number** 5

**Type** Report

**Department** Finance

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## **Title**

Monthly Financial Report - November 2021

## **Explanation**

### **General Fund**

Through the second month of the new fiscal year, the General Fund has collected \$1.8 million in revenue and spent 22%, or \$5.4 million, of its budgeted expenditures. Cash flow appears to be significantly behind last year's position, driven primarily by timing. First, last year's licenses/permits and property tax revenue came in stronger than in this fiscal year, however property tax should catch up next month. Second, we've some contractual expenses and interfund capital transfers were initiated earlier this year. This doesn't appear to be an indication of a true overage, but rather costs which were recorded a little earlier than previously. We should see our expenses come back in line with our expectations next month.

#### *Sales tax revenue*

Colleyville received its first collection of the fiscal year, and it brought in an increase of 19.5% over October of last year. Being the only month of FY22, this puts the total YTD growth to 19.5% over FY21 as well, and makes for a total dollar gain of almost \$130,000. Statewide, Texas cities saw another month of double digit gains for a total fiscal year increase of 16.8%, with DFW cities at 20%. Destination-based economies such as Hurst and Grapevine are continuing to post higher gains, indicating heightened in-person consumer activity.

### **Utility Fund**

Through the first month of the fiscal year, the Utility Fund has collected 18% of its budgeted revenue and spent 10% of its budgeted expenditures, yielding a similar surplus at this time in the previous year. As the report shows, the City's direct revenues are sufficiently covering its costs with a decent margin to spare. Isolating the Trinity River Authority revenues and costs, it appears as if the City has only been billed for debt service costs, meaning we may have reached the revenue requirement for the remainder of the Authority's fiscal year. This could mean the City will only endure partial billing from the Authority, creating more T.R.A. related revenues than

expenses. Should this be the case, any savings will go directly into the City's cash-funded capital improvement program to prevent any future debt issues as well as reduce any needed rate increases in the coming year.

### **Drainage Fund**

To date, the Drainage Utility Fund has received 16% of its budgeted revenue and spent 10% of its budgeted expenditures. This fund's cash flow is right in line with the previous year, with a surplus of over \$97,000. Historically, drainage fee revenues tended to average at 1.2% higher than the previous fiscal year. However, as the City reaches build out these revenues tend to be more stable from year to year. At this point there appears to be little growth for FY22. As with our other operating funds, any year-end surplus in this fund will be moved to the Drainage Capital Fund for use on the City's Capital Improvement Plan.

### **Hotel Fund**

COVID-related economic disruptions obviously took a toll on any travel-related revenues in the last few years, but the Hotel Occupancy Tax Fund has remained with a strong balance to fund its costs. Fortunately, travel activities are on the rise and revenue in this fund is making a swift comeback. The FY21 ending fund balance came to \$245,000, and will be spent down until the first quarter of this fiscal year, when the first tax payment comes in. Revenue had begun to increase through the end of FY21 and staff anticipates this to continue. Costs funded include personnel related directly to advertising the City as well as Colleyville Center costs and some special events.

### **Debt Service Fund**

Being predominately funded through property taxes, the Debt Service fund has yet to receive a substantial portion of its revenue this year. Cash-flow for this fund is very predictable, as most revenues are recognized in December/January and debt service payments occur twice annually, with lease payments also occurring throughout the year. As of November's figures, the fund is running a deficit of about \$120,000 due to two least payments made this year. It should be noted our updated property tax forms necessitate a planned spend down of fund balance by \$194,000, this year. With Colleyville's current debt service schedule, all bonded debt is on track to be paid off by FY27.

### **Attachments**

1. December 2021 - Monthly Financial Report Presentation
2. November 2021 MFR

## **Monthly Financial Report November 2021**

City Council Meeting  
December 21, 2021

# General Fund

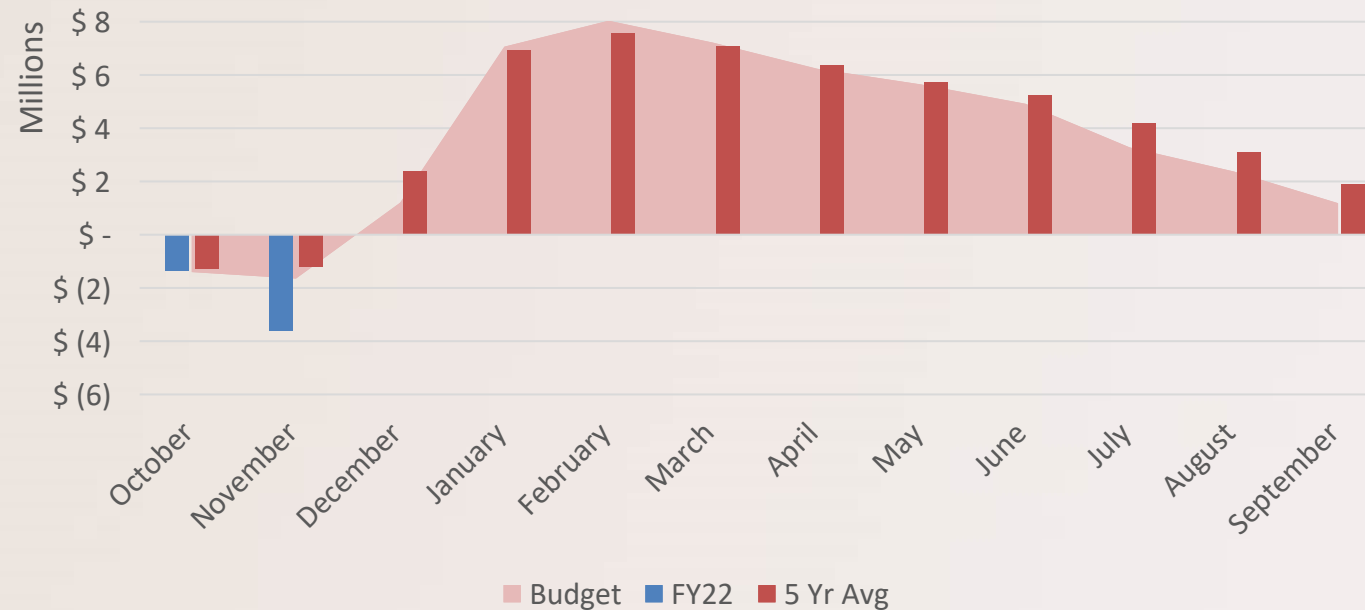


## General Fund

|              | FY22 Budget |            | FY22 YTD |             | % of Budget | FY21 YTD |           | FY21 % of Budget |
|--------------|-------------|------------|----------|-------------|-------------|----------|-----------|------------------|
| Revenues     | \$          | 25,659,689 | \$       | 1,825,641   | 7%          | \$       | 2,406,018 | 10%              |
| Expenditures | \$          | 25,130,144 | \$       | 5,418,677   | 22%         | \$       | 2,868,349 | 11%              |
|              | \$          | 529,545    | \$       | (3,593,036) |             | \$       | (462,331) |                  |

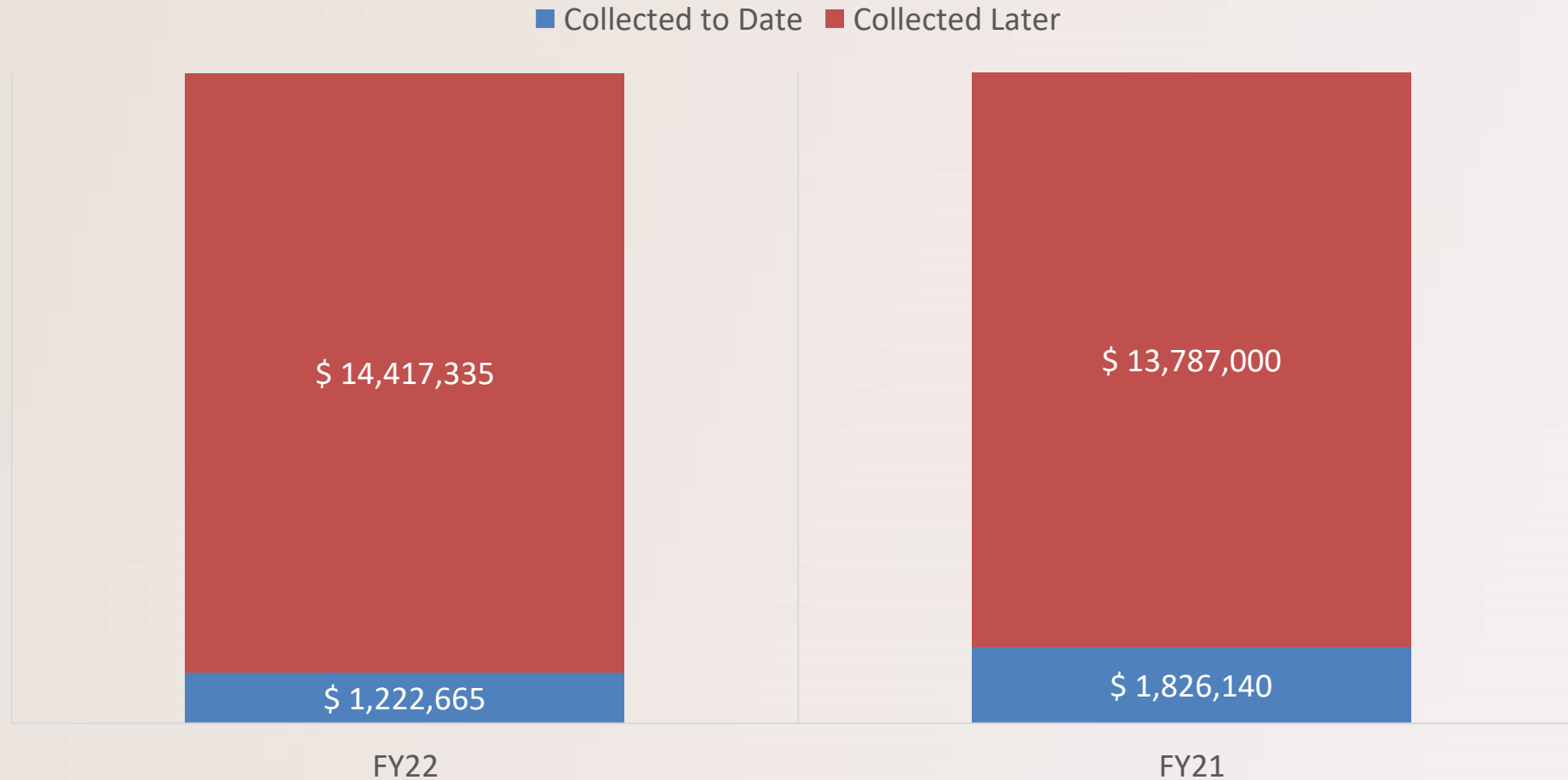
\*17% of the year is completed

## General Fund Cash Flow





# Property Tax Highlight

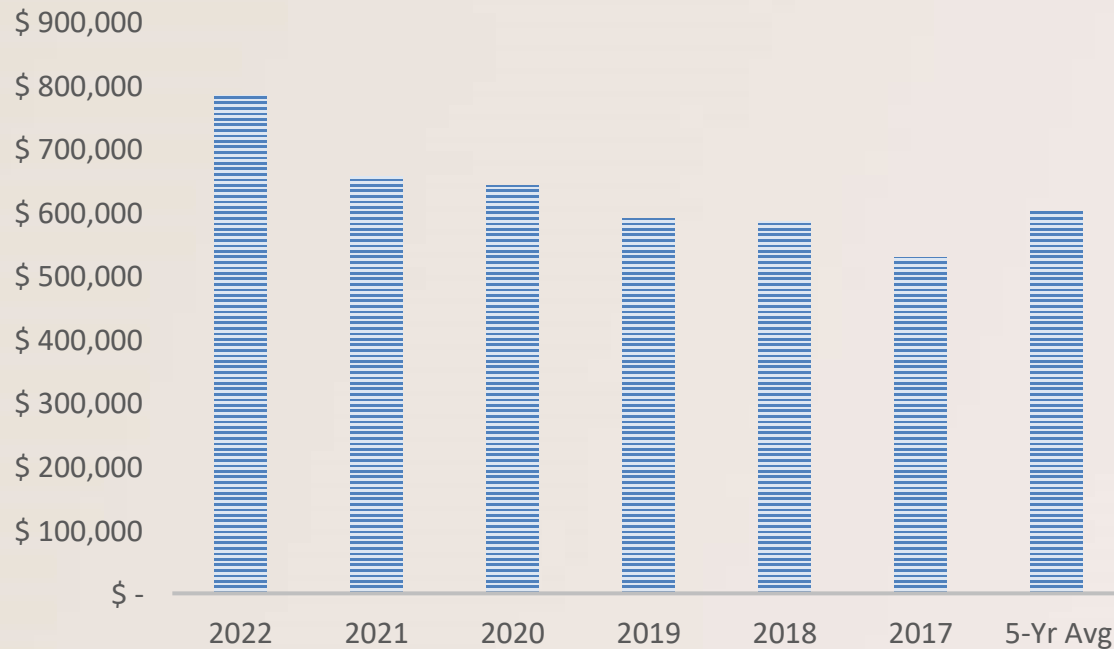


# Sales Tax Highlight



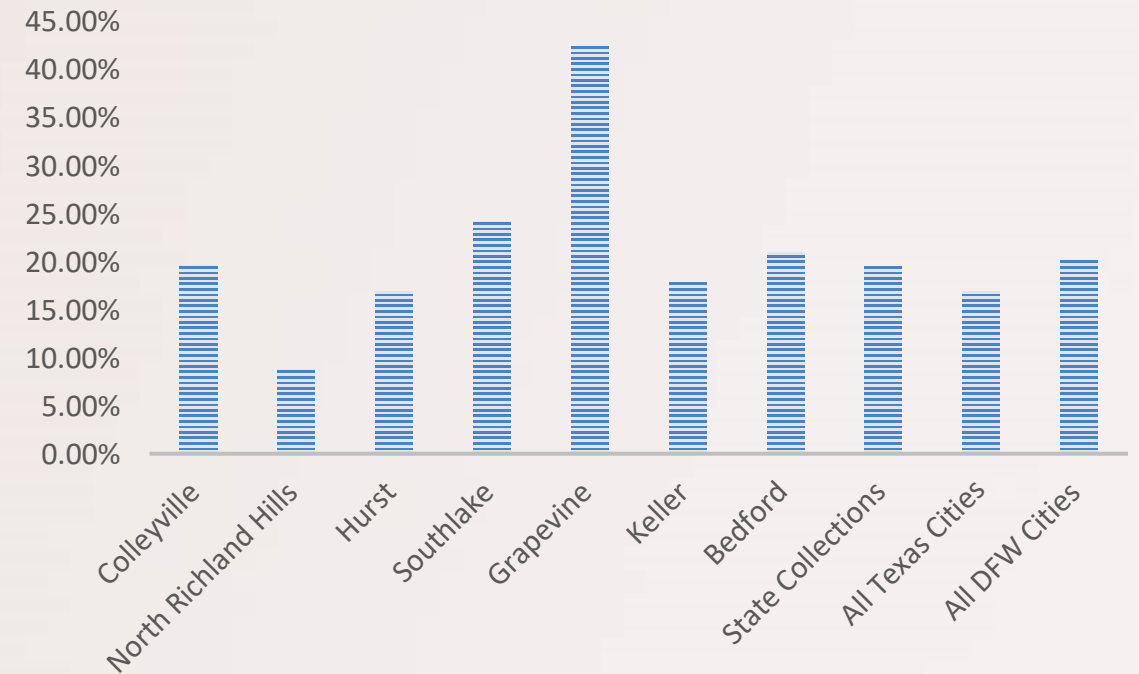
## FY21 YTD Receipts compared to Previous Years

### THRU OCTOBER SALES TAX RECEIPTS (COMPARISON)

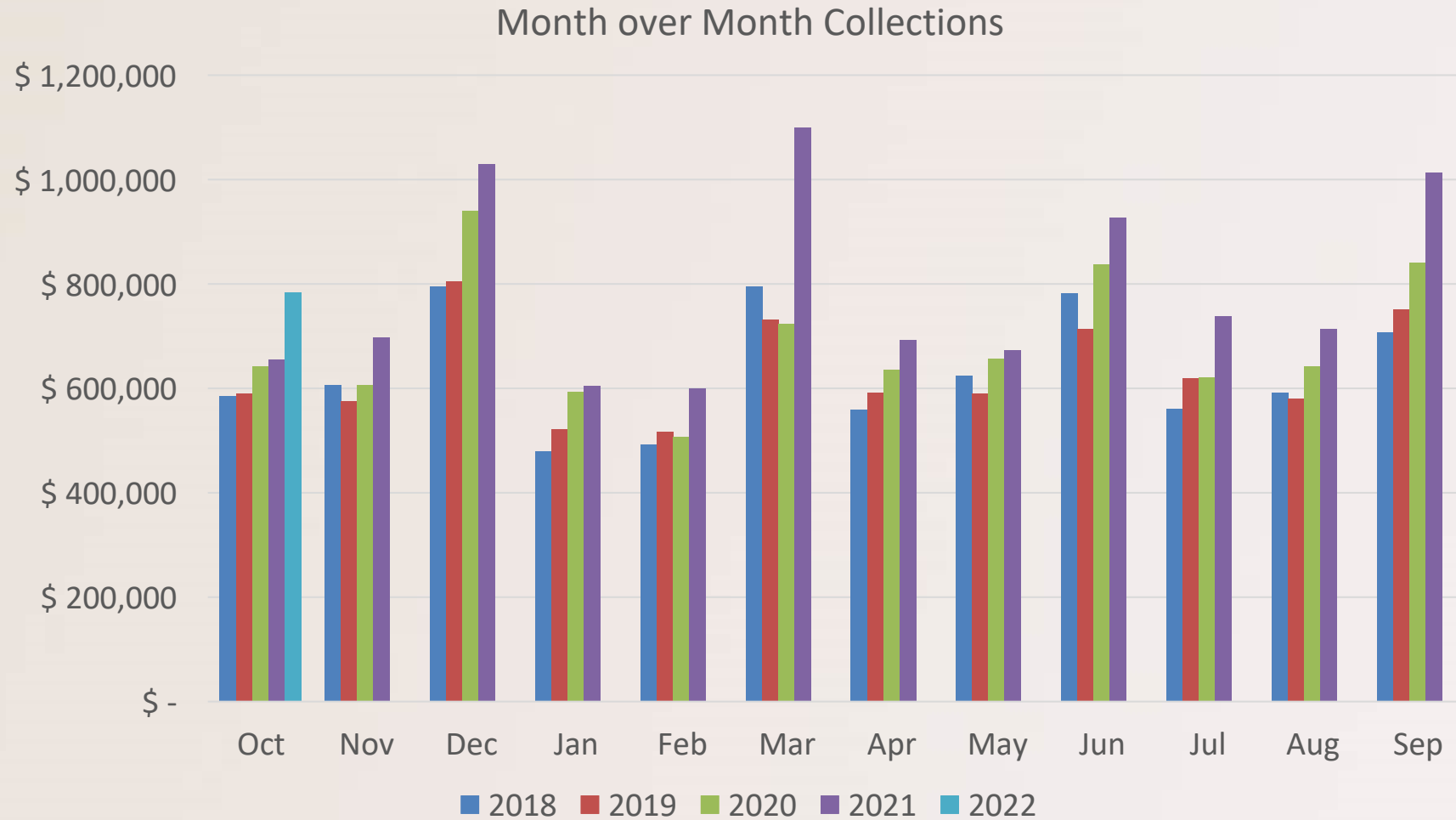


## City/State Comparisons

### CITY/STATE COMPARISONS



# Sales Tax Highlight



# Utility Fund



| Utility Fund |               |              |             |              |                  |
|--------------|---------------|--------------|-------------|--------------|------------------|
|              | FY22 Budget   | FY22 YTD     | % of Budget | FY21 YTD     | FY21 % of Budget |
| Revenues     | \$ 18,088,176 | \$ 3,313,968 | 18%         | \$ 3,109,284 | 18%              |
| Expenditures | \$ 18,088,176 | \$ 1,729,463 | 10%         | \$ 1,492,738 | 9%               |
|              | \$ -          | \$ 1,584,505 |             | \$ 1,616,546 |                  |

\*17% of the year is completed

| TRA Revs/Exps |             |                |                     |
|---------------|-------------|----------------|---------------------|
|               | FY22 Budget |                | FY22 YTD            |
| Revenues      | \$          | 14,359,032     | \$ 2,707,297        |
| Expenditures  | \$          | 13,909,032     | \$ 1,148,901        |
|               | \$          | <b>450,000</b> | \$ <b>1,558,396</b> |

| City Revs/Exps |             |           |                  |
|----------------|-------------|-----------|------------------|
|                | FY22 Budget |           | FY22 YTD         |
| Revenues       | \$          | 3,729,144 | \$ 606,671       |
| Expenditures   | \$          | 3,729,144 | \$ 580,562       |
|                | \$          | -         | \$ <b>26,109</b> |

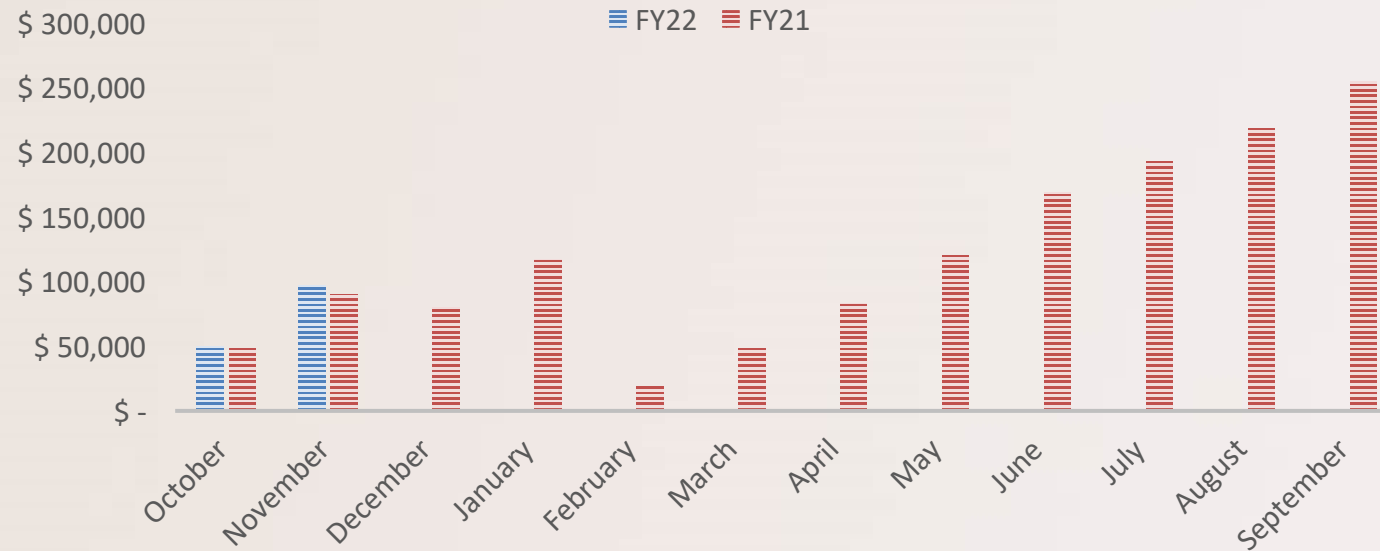
# Drainage Fund



| Drainage Fund |              |            |             |            |                  |
|---------------|--------------|------------|-------------|------------|------------------|
|               | FY22 Budget  | FY22 YTD   | % of Budget | FY21 YTD   | FY21 % of Budget |
| Revenues      | \$ 1,030,868 | \$ 169,715 | 16%         | \$ 168,078 | 17%              |
| Expenditures  | \$ 694,205   | \$ 72,594  | 10%         | \$ 77,996  | 10%              |
|               | \$ 336,663   | \$ 97,120  |             | \$ 90,082  |                  |

\*17% of the year is completed

## FY22 VS. FY21 CASH FLOW



# Hotel Fund

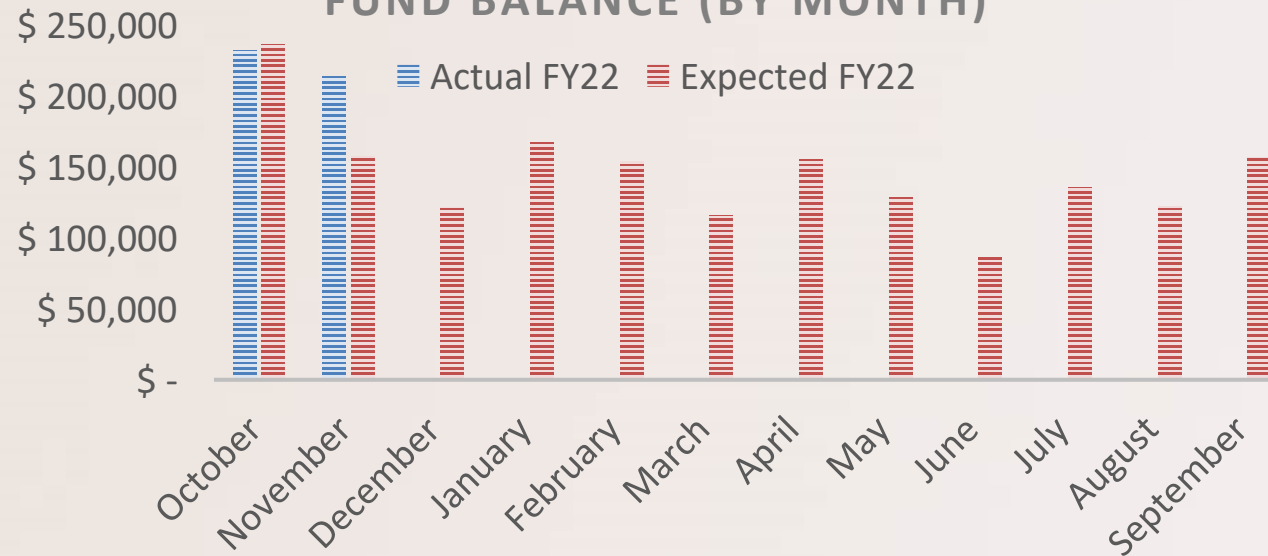


## Hotel Fund

|              | FY22 Budget |         | FY22 YTD |          | % of Budget | FY21 YTD    |
|--------------|-------------|---------|----------|----------|-------------|-------------|
| Revenues     | \$          | 252,500 | \$       | 2        | 0%          | \$ 32       |
| Expenditures | \$          | 247,822 | \$       | 32,167   | 13%         | \$ 36,479   |
|              | \$          | 4,678   | \$       | (32,165) |             | \$ (36,447) |

\*17% of the year  
is completed

## EXPECTED FUND BALANCE VS. ACTUAL FUND BALANCE (BY MONTH)



# Debt Service Fund



| Debt Service Fund |             |           |          |           |             |               |
|-------------------|-------------|-----------|----------|-----------|-------------|---------------|
|                   | FY22 Budget |           | FY22 YTD |           | % of Budget |               |
|                   |             |           |          |           |             |               |
| Revenues          | \$          | 627,500   | \$       | 48,478    | 8%          | \$ 94,264 12% |
| Expenditures      | \$          | 821,898   | \$       | 168,485   | 20%         | \$ 48,485 6%  |
|                   | \$          | (194,398) | \$       | (120,006) |             | \$ 45,779     |

\*17% of the year is completed



# Monthly Financial Report - November 2022

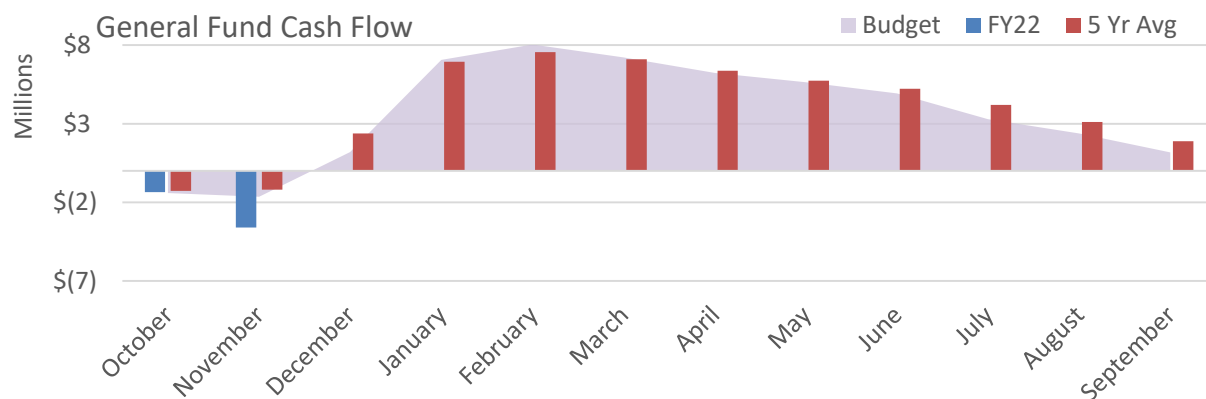
% of year Completed 17%

## General Fund

% of Budget Spent 22%

|              | FY22 Budget   | FY22 YTD       | % of Budget | FY21 YTD     | FY21% of Budget |
|--------------|---------------|----------------|-------------|--------------|-----------------|
| Revenues     | \$ 25,659,689 | \$ 1,825,641   | 7%          | \$ 2,406,018 | 10%             |
| Expenditures | \$ 25,130,144 | \$ 5,418,677   | 22%         | \$ 2,868,349 | 11%             |
|              | \$ 529,545    | \$ (3,593,036) |             | \$ (462,331) |                 |

Through the second month of our new fiscal year, the General Fund has collected \$1.8m in revenue and spent 22%, or \$5.4m, of its budgeted expenditures. Our cash flow here looks to be significantly behind last year's position, driven primarily by timing. First, last year's licenses/permits and property tax revenue came in stronger than in this fiscal year (although property tax should catch up next month). Second, we've some contractual expenses and interfund capital transfers were initiated earlier this year. This doesn't appear to be an indication of a true overage, but rather costs that were recorded a little earlier than previously. We should see our expenses come back in line with our expectations next month.



## General Fund Highlights

### Revenue (FY21/FY20)

|              |          |               |          |                  |          |
|--------------|----------|---------------|----------|------------------|----------|
| Property Tax | - \$603k | Sales Tax     | \$10k    | Franchise Tax    | + \$2k   |
|              | ↓        |               | →        |                  | ↑        |
| Licenses     | - \$95k  | Other Revenue | + \$106k | <b>Total Rev</b> | - \$580k |
|              | ↓        |               | ↑        |                  | ↓        |

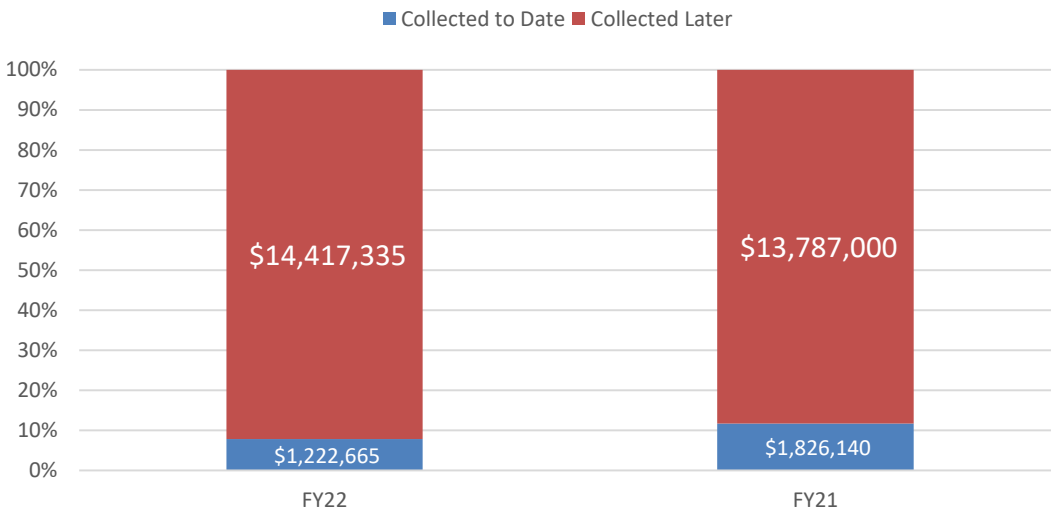
### Expenditures (FY21/FY20)

|           |          |             |            |                  |            |
|-----------|----------|-------------|------------|------------------|------------|
| Personnel | + \$289k | Contractual | + \$200k   | Supplies         | + \$23k    |
|           | ↑        |             | ↑          |                  | ↑          |
| Capital   | + \$24k  | Transfers   | + \$2,015k | <b>Total Exp</b> | + \$2,550k |
|           | ↑        |             | ↑          |                  | ↑          |



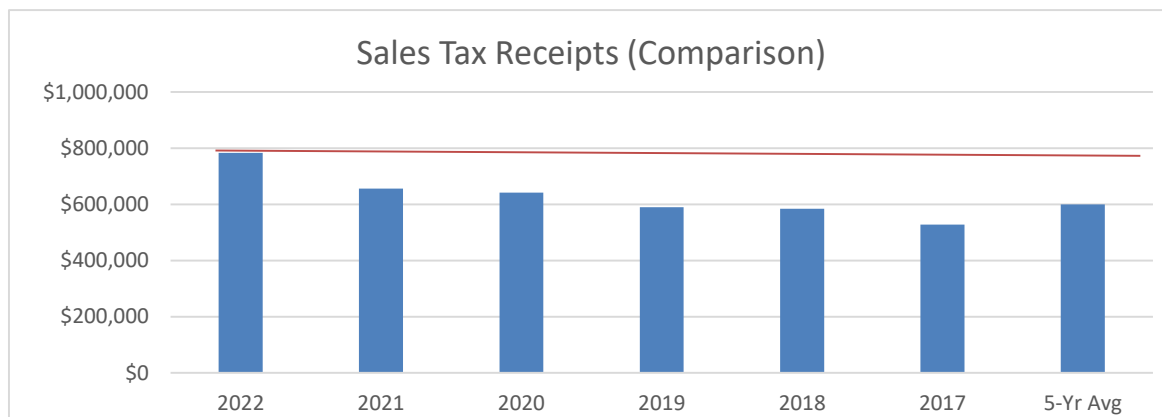
# Monthly Financial Report - November 2022

## Revenue Highlight: Property Tax



Colleyville is planning to receive \$15.64m in General Fund property tax this year, which makes for a small increase over actual FY21 property tax receipts. It should be noted that this increase comes from taxes off of new property, as opposed to increased taxes on existing property inside the City. As with last fiscal year, Colleyville's FY22 budget has been balanced using the no-new-revenue tax rate.

## Revenue Highlight: Sales Tax



| MTD Increase |       | YTD Increase |       |
|--------------|-------|--------------|-------|
| ↑            | 19.5% | ↑            | 19.5% |

Colleyville received its first collection of the fiscal year, and it brought in an increase of 19.5% over October of last year. Being the only month of FY22, this puts our total YTD growth to 19.5% over FY20 as well, and makes for a total dollar gain of almost \$130,000. Statewide, Texas cities saw another month of double digit gains for a total fiscal year increase of 16.8%, with DFW cities at 20%. Destination-based economies such as Hurst and Grapevine are continuing to post higher gains, indicating heightened in-person consumer activity.

# Monthly Financial Report - November 2022

% of year Completed 17%

## Water/Sewer Utility Fund

% of Budget Spent 10%

|              | FY22 Budget   | FY22 YTD     | % of Budget | FY21 YTD     | FY21% of Budget |
|--------------|---------------|--------------|-------------|--------------|-----------------|
| Revenues     | \$ 18,088,176 | \$ 3,313,968 | 18%         | \$ 3,109,284 | 18%             |
| Expenditures | \$ 18,088,176 | \$ 1,729,463 | 10%         | \$ 1,492,738 | 9%              |
|              | \$ -          | \$ 1,584,505 |             | \$ 1,616,546 |                 |

Breakout of City's revenues/expenses from those related to the Trinity River Authority:

| *TRA Revenue/Expense Summary |                   |           |                  | City Revenue/Expense Summary |              |           |               |
|------------------------------|-------------------|-----------|------------------|------------------------------|--------------|-----------|---------------|
| FY22 Budget                  |                   | FY22 YTD  |                  | FY22 Budget                  |              | FY22 YTD  |               |
| Revs                         | \$ 14,359,032     | \$        | 2,707,297        | Revs                         | \$ 3,729,144 | \$        | 606,671       |
| Exps                         | \$ 13,909,032     | \$        | 1,148,901        | Exps                         | \$ 3,729,144 | \$        | 580,562       |
| <b>Net</b>                   | <b>\$ 450,000</b> | <b>\$</b> | <b>1,558,396</b> | <b>Net</b>                   | <b>\$ -</b>  | <b>\$</b> | <b>26,109</b> |

Through the second month of the fiscal year, the Utility Fund has collected 18% of its budgeted revenue and spent 10% of its budgeted expenditures, yielding a similar surplus as we saw this time in the previous year. As summary above shows, the City's direct revenues are sufficiently covering its costs with a decent margin to spare. Isolating the Trinity River Authority revenues and costs, it appears as if the City has only been billed for debt service costs, meaning we may have reached our revenue requirement for the remainder of the Authority's fiscal year. This could mean that the City will only endure partial billing from the Authority, creating more T.R.A. related revenues than expenses. Should this be the case, any savings will go directly into the City's cash-funded capital improvement program to prevent any future debt issues as well as reduce any needed rate increases in the coming year.

## Utility Operation Highlights

### Avg Customer Count

FY22/FY21



0.0%

### YTD Rainfall (Inches)

FY22/FY21

1.47

### Expenditures (FY21/FY20)

Mostly TRA costs ↓

|           |         |             |         |                  |                 |
|-----------|---------|-------------|---------|------------------|-----------------|
| Personnel | + \$35k | Contractual | + \$30k | Supplies         | + \$9k          |
| Capital   | + \$82k | Transfers   | \$81k   | <b>Total Exp</b> | <b>+ \$237k</b> |

Colleyville's rate structure enables the City to more easily manage years of varying water consumption from year-to-year. The majority of the City's rate is comprised of a direct pass-through to TRA for water costs. Funding for the City's operational costs come from a fixed monthly charge to customers based on meter size. The goal of this fund is to break-even at the end of the year.

# Monthly Financial Report - November 2022

% of year Completed 17%

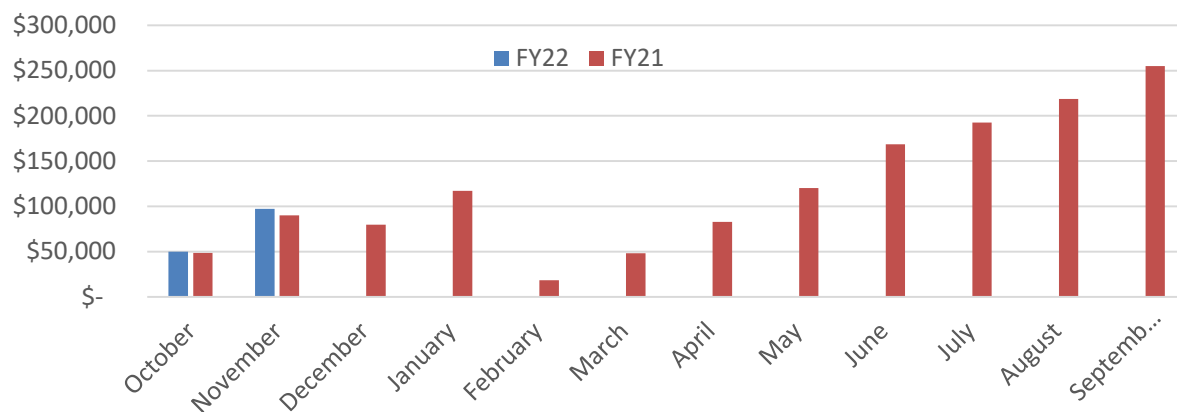
## Drainage Utility Fund

% of Budget Spent 10%

|              | FY22 Budget       | FY22 YTD         | % of Budget | FY21 YTD         | FY21% of Budget |
|--------------|-------------------|------------------|-------------|------------------|-----------------|
| Revenues     | \$1,030,868       | \$ 169,715       | 16%         | \$ 168,078       | 17%             |
| Expenditures | \$ 694,205        | \$ 72,594        | 10%         | \$ 77,996        | 10%             |
|              | <b>\$ 336,663</b> | <b>\$ 97,120</b> |             | <b>\$ 90,082</b> |                 |

To date, the Drainage Utility Fund has received 16% of its budgeted revenue and spent 10% of its budgeted expenditures. This fund's cash flow is right in line with the previous year, with a surplus of over \$97,000. Historically, drainage fee revenues tended to average at 1.2% higher than the previous fiscal year. However, as the City reaches build out these revenues tend to be more stable from year to year. At this point we're seeing little growth for FY22. As with our other operating funds, any year-end surplus in this fund will be moved to the Drainage Capital Fund for use on the City's capital improvement plan.

FY22 vs. FY21 Cash Flow



## Drainage Fund Operation Highlights

### Revenue - Drainage Fees

FY22/FY21 0.1%

FY21/5-Yr Avg 1.9%

### Expenditures (FY21/FY20)

|              |        |
|--------------|--------|
| Personnel    | - \$1k |
|              |        |
| Supplies     | + \$1k |
|              |        |
| Debt Service | - \$1k |
|              |        |

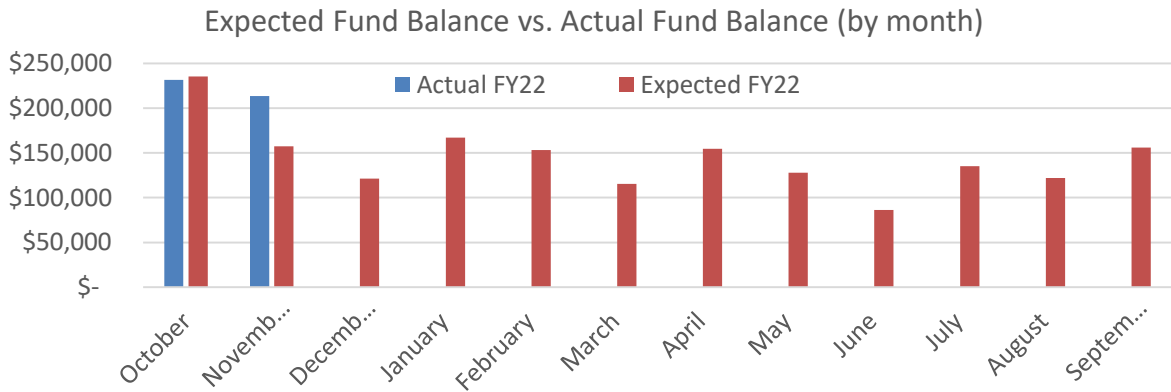
Note: this fund's debt service is has been retired as of fiscal year 2021.

|                   |               |
|-------------------|---------------|
| Contractual       | - \$5k        |
|                   |               |
| Capital/Xfers     | \$00k         |
|                   |               |
| <b>Total Exp.</b> | <b>- \$5k</b> |
|                   |               |

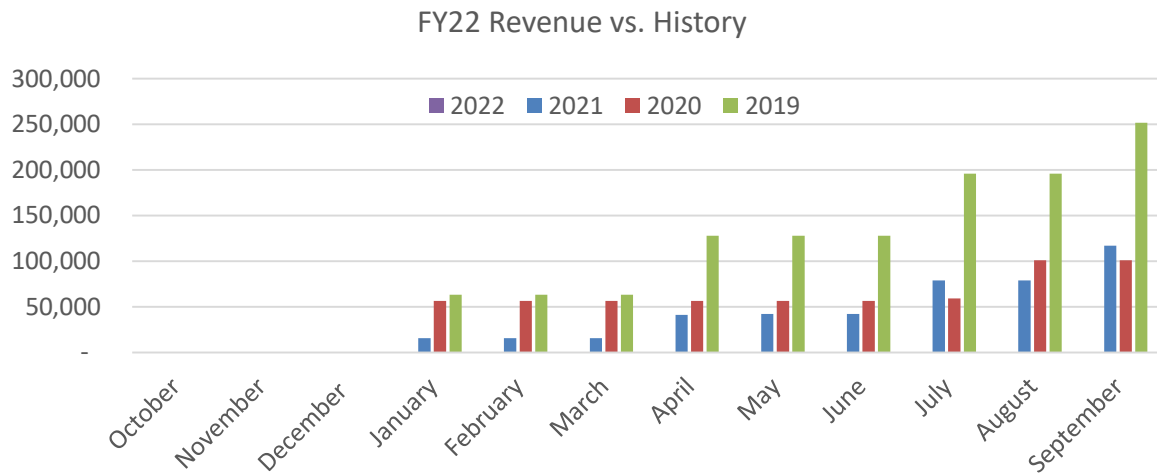
# Monthly Financial Report - November 2022

|                       |             |             |             |             | % of year Completed | 17% |
|-----------------------|-------------|-------------|-------------|-------------|---------------------|-----|
| <b>Hotel Tax Fund</b> |             |             |             |             | % of Budget Spent   | 13% |
|                       | FY22 Budget | FY22 YTD    | % of Budget | FY21 YTD    |                     |     |
| Revenues              | \$ 252,500  | \$ 2        | 0%          | \$ 32       |                     |     |
| Expenditures*         | \$ 247,822  | \$ 32,167   | 13%         | \$ 36,479   |                     |     |
|                       | \$ 4,678    | \$ (32,165) |             | \$ (36,447) |                     |     |

COVID-related economic disruptions obviously took a toll on any travel-related revenues in the last few years, but the Hotel Occupancy Tax Fund has remained with a strong balance to fund its costs. Fortunately, travel activities are on the rise and revenue in this fund is making a swift comeback. Our FY21 ending fund balance came to \$245,000, and will be spent down until the first quarter of this fiscal year, when our first tax payment comes in. Revenue had begun to increase through the end of FY21 and staff anticipates this to continue. Costs funded out of here include personnel related directly to advertising the city as well as Colleyville Center costs and some special events.



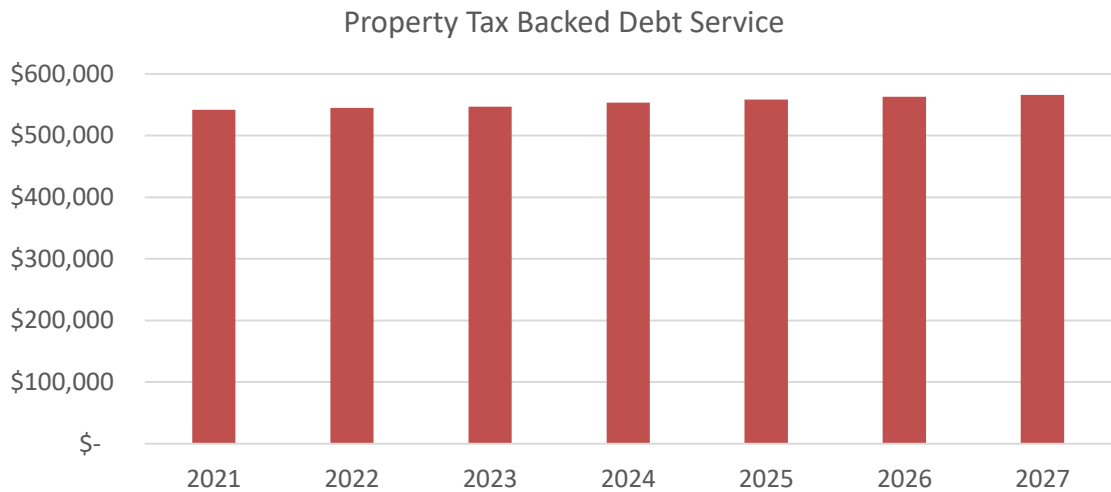
## Hotel Tax Performance



# Monthly Financial Report - November 2022

|                          |                     |                     |             | % of year Completed | 17%             |
|--------------------------|---------------------|---------------------|-------------|---------------------|-----------------|
| <b>Debt Service Fund</b> |                     |                     |             | % of Budget Spent   | 20%             |
|                          | FY22 Budget         | FY22 YTD            | % of Budget | FY21 YTD            | FY21% of Budget |
| Revenues                 | \$ 627,500          | \$ 48,478           | 8%          | \$ 94,264           | 12%             |
| Expenditures*            | \$ 821,898          | \$ 168,485          | 20%         | \$ 48,485           | 6%              |
|                          | <b>\$ (194,398)</b> | <b>\$ (120,006)</b> |             | <b>\$ 45,779</b>    |                 |

Being predominately funded through property taxes, the Debt Service fund has yet to receive a substantial portion of its revenue this year. Cash-flow for this fund is very predictable, as most revenues are recognized in December/January and debt service payments occur twice annually, with lease payments also occurring throughout the year. As of November's figures, the fund is running a deficit of about \$120,000 due to two least payments made this year. It should be noted that our updated property tax forms necessitate a planned spend down of fund balance by \$194,000 this year. With Colleyville's current debt service schedule, all bonded debt is on track to be paid off by FY27.



For any questions or comments regarding this report, please contact:

Kyle Lester  
 Finance Director  
 City of Colleyville, TX  
[klester@colleyville.com](mailto:klester@colleyville.com)  
 817-503-1014



# City of Colleyville City Council Agenda Briefing

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

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**Agenda Number** 6a

**Agenda Date** 12/21/2021

**Number** Ordinance O-21-2182

**Type** Ordinance

**Department** Community Development

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## **Title**

Consideration of a Special Use Permit for a reduction in parking on Lot 1, Block 1, Corley Subdivision, located at 5409 Colleyville Boulevard, Case ZC21-028

## **Strategic Plan**

4.2 Encourage compatible commercial growth

## **Explanation**

### ***Second Reading and Public Hearing***

The applicant was present to speak in favor of the request and answer questions. The Council asked the parking agreement with the bank include a termination clause or similar language. The applicant has provided an updated agreement with the bank which is included in the briefing.

### ***First Reading and Public Hearing***

Phil Tullis, representing The Cajun Market, has submitted a request for a Special Use Permit (SUP) to allow for a reduction in parking at 5409 Colleyville Boulevard, to allow for the market use to transition into a restaurant use. The City Council may approve a reduction in parking with the approval of an SUP.

**Existing Conditions/Background:** The subject property is zoned CC-2 Shopping Center district and generally located on the east side of Colleyville Boulevard, south of Church Street. The subject property is a platted lot and currently shares the lot with an auto-use business.

**Proposed Special Use Permit: Request** – The applicant is requesting approval of an SUP to allow for a reduction in parking at this location.

**Ordinance** – Land Development Code, Chapter 3, Section 3.29 Parking Requirements I. Supplemental Parking Space Requirements:

5. A reduction may be authorized after approval of a Special Use Permit by the City Council when associated with new development or a significant change in use of an existing building or site. A parking analysis report justifying the reduction shall be provided as part of the request for parking reduction.

**Analysis:** The applicant is requesting the SUP for a reduction in parking. The parking ratio for a fish market is one space per 200 square feet (SF), or 13 required spaces. The parking ratio for a restaurant is one space per 100 SF, or 26 required spaces. Currently, the provided parking for The Cajun Market is 15 spaces. The adjacent bank provides 40 spaces with only 18 of those spaces needed to meet their parking space requirement. Therefore, a shared parking agreement between The Cajun Market and the adjacent bank will allow the market to meet the parking requirement for a restaurant use. Approval of an SUP at this location for this user should not adversely impact surrounding uses or the character of the neighborhood.

**Plat Status:** The property is platted as Lot 1, Block 1, of the Corley Subdivision.

**DRC Review:** The DRC reviewed the request during their October 18, 2021, meeting and determined the application was complete and may be scheduled for the next available Planning and Zoning Commission meeting.

**Drainage: NA**

**Surrounding Development:** The properties to the north and east are zoned CC-1 Village Retail district and developed with a mixture of retail and automotive uses. The properties to the south and west are zoned CC-2 Shopping Center district and developed with a mixture of retail and institutional uses.

**Comprehensive Plan:** The City's Comprehensive Plan, Destination Colleyville, identifies the subject property as part of the "Colleyville Boulevard Corridor" and located within a Sales Tax Preferred Intersection.

**Public Notification:** Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code.

**Staff Recommendation:** Staff is neutral on this request.

**Planning and Zoning Commission Recommendation:** The Planning and Zoning Commission recommended approval of the request at their November 8, 2021, meeting by a vote of 7-0.

### **Financial Impact**

There is no financial impact to the City.

### **Recommendation**

None

**Attachments**

1. Updated Parking Agreement with Truist Bank
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Statement of Planning Objectives
6. Site Plan
7. Parking Analysis
8. Shared Parking Agreements
9. Notification Map
10. Notify List
11. Ordinance O-21-2182





December 8, 2021

Subject: Parking agreement between Truist Bank and Cajun Seafood Market

To Whom It May Concern:

On behalf of Truist Financial Corporation located at: 1201 Church Street, Colleyville we will agree to allow both the employees and patrons of The Cajun Market located at: 5409 Colleyville Blvd. Colleyville, to utilize the parking spaces within our parking lot for a period not to exceed five years (12/8/2026).

We have forty parking spaces available within our lot which is more than sufficient to accommodate both Truist's clients and employees on any given day. On a daily basis approximately five to ten parking spaces are occupied by our Truist Financial Corporation employees and clients at our Colleyville location.

The Cajun Market has been a staple in the Colleyville community for years and the entirety of their parking lot reaches full capacity on a daily basis. As their neighbor and patrons, we are more than happy to accommodate their request to utilize our parking lot for any overflow they may experience.

Please contact Melissa Hooper, Branch Leader, Vice President of the Colleyville Truist Financial Corporation location at 817-849-1892 should you have any questions or if further information is needed.

Respectfully,

**Melissa Hooper**  
**Vice President**  
**Branch Leader / Truist**  
1201 Church Street  
Colleyville, TX 76034  
Office: 817-849-1892 / Mobile: 817-874-7254  
[melissa.hooper@truist.com](mailto:melissa.hooper@truist.com)  
NMLS: 431403

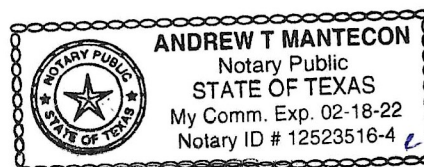
State of Texas County of Tarrant. This instrument was acknowledged before me on 12/8/2021 by Melissa Hooper, Branch Leader, Vice President of Truist Financial Corporation a North Carolina corporation, on behalf of said corporation.

(Seal)  
STATE OF Texas  
COUNTY OF Tarrant

Sworn to (or affirmed) and subscribed before me  
this 8<sup>th</sup> day of Dec, 2021, by Melissa Hooper

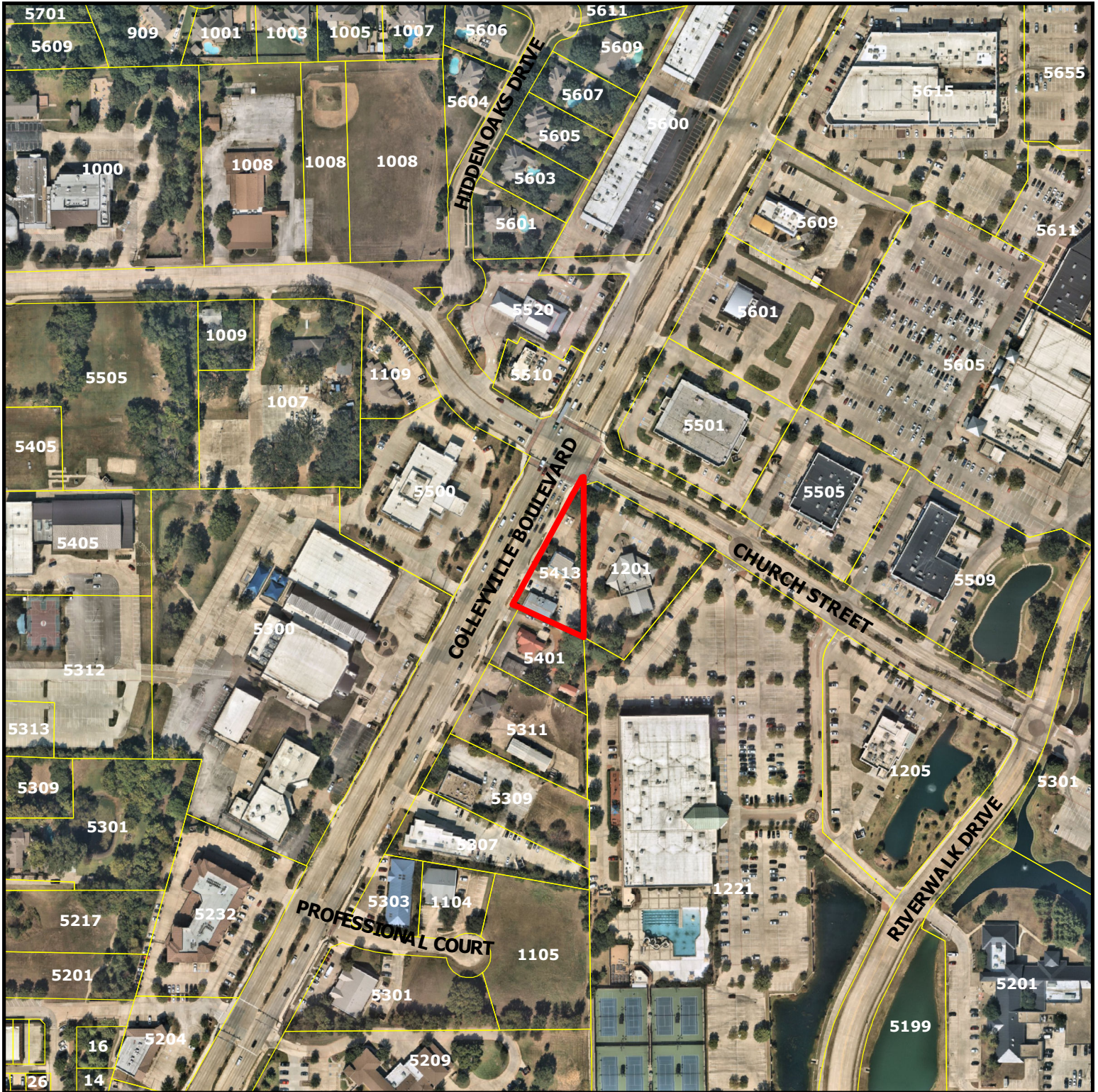
Notary Public's Signature  
Personally Known X OR  
Type of Identification Produced \_\_\_\_\_

Andrew T. Mantecon  
Notary Name

  
Notary Public's Signature



# Aerial Map



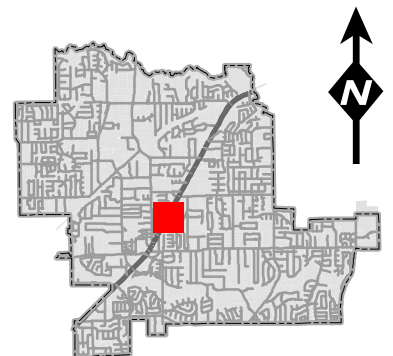
**ZC21-028**

**5409 Colleyville Boulevard**

DISCLAIMER:  
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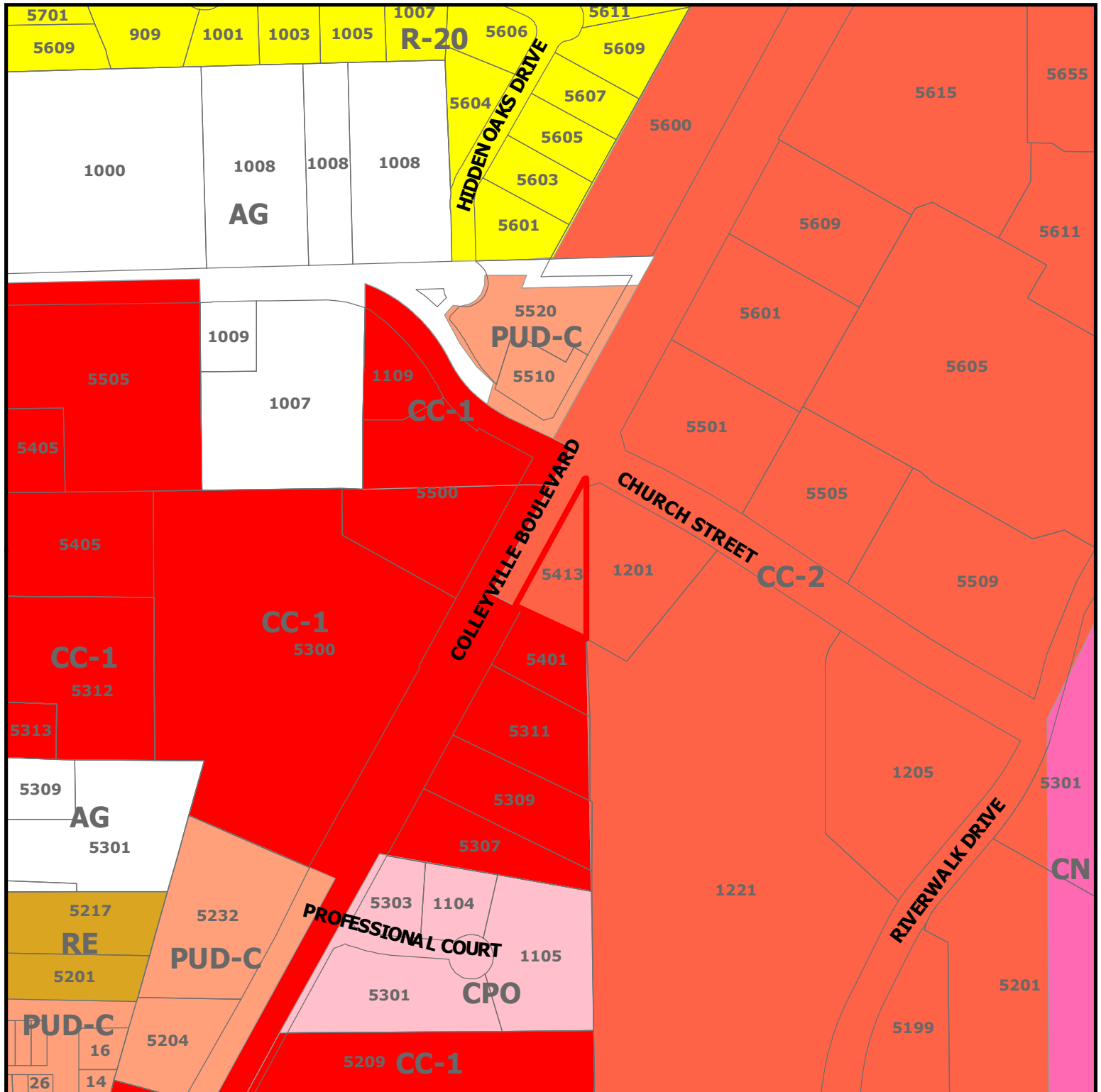


Subject Property





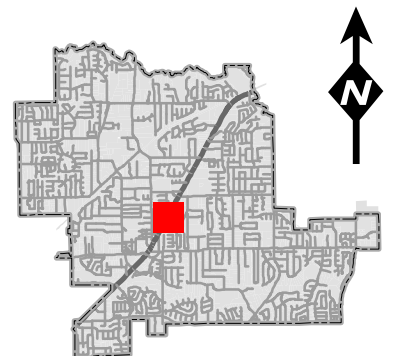
# Zoning Map



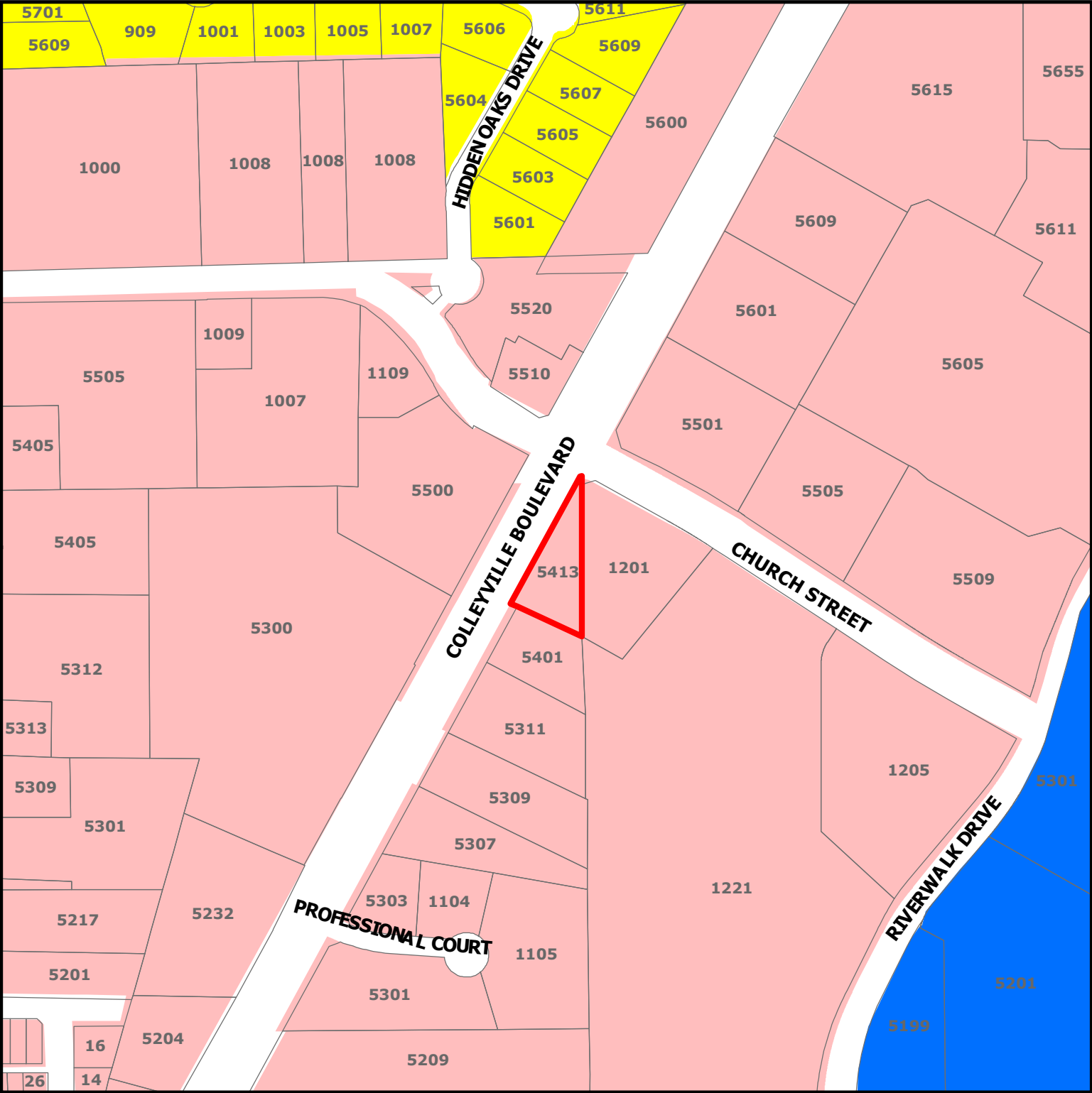
**ZC21-028**  
**5409 Colleyville Boulevard**

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 Subject Property



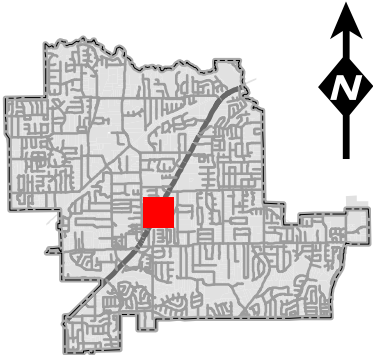
# Future Land Use Map



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**ZC21-028**  
**5409 Colleyville Boulevard**

-  Subject Property
-  Residential
-  Institutional
-  Colleyville Blvd Corridor



## **THE CAJUN MARKET LLC STATEMENT OF PLANNING OBJECTIVES**

THE Cajun Market LLC begin operations in June 2020 as T-Johnny's Cajun Market-Texas LLC.

The business was never organized as, or operated legally at the outset as a franchise or partnership. It's original name selection was solely to help expand a friend in Louisiana's brand name. Subsequently, and shortly after beginning operations it was soon apparent that there were significant differences in business philosophy by the owners of T-Johnny's Cajun Market in Louisiana and the owners of THE Cajun Market in Colleyville, which subsequently led to the name change of the business to THE Cajun Market.

Initially, THE Cajun Market in Colleyville was set up to operate as a seafood and Louisiana products specialty market serving fresh and cooked seafood to the public at large, along with fresh and frozen Cajun specialty meats, as well as Cajun-specific shelf products.

As such, THE Cajun Market had planned on operating as a market, with a limited amount of prepared or cooked foods and predominantly as a takeout business. It was determined that the 18 parking spaces the location provided would be sufficient to handle its customers during its operating hours of 11am to 8pm daily.

Unbeknownst to THE Cajun Market, as well as most other businesses when it delivered its business plan to the City that Covid, and the serious effects it was going to have on business was soon to arrive.

In order to survive THE Cajun Market has had to shift its focus from its initial plan to operate as a market to serving more cooked and prepared foods to attract customers and remain in business. Basically, a shift from a market-type business to a combination market café/restaurant business.

That decision has proved to be successful in that our business has been able to weather the Covid storm and thus far is surviving the increases in food costs mostly as a direct cause of supply chain issues.

Initially, we believed that we would draw customers from throughout the large base of Louisiana natives that currently live throughout the Metroplex. Even since we have increased the volume of hot food, including sandwiches, traditional Cajun fare, fried seafood dishes, along with our boiled and live seafood, and our other products, our business has thrived and helped us survive the economic downturn resulting from the pandemic and now increasing inflation. As it has turned out, the ratio of cooked food that we prepare and serve daily amounts to 90% of our overall revenues and is popular to Louisianans, Texas natives, and transplants alike. A lot of this success has come from the publicity we have received from the quality of our food and the publicity we have received from numerous publications being one of the only destinations in the Metroplex for authentic Cajun cuisine. In fact, when we recently reviewed our revenue receipts it appears that over 50% of our business comes from outside a five-mile radius of the City of Colleyville which would indicate that is a win-win for both our business and the City of Colleyville in the form of increased revenues to us and sales taxes to the City of Colleyville.

We are proud to be a contributing member to Colleyville's business and economic efforts both from our sales as well our community involvement, as was demonstrated by our help to those in need during the "Snowmeggedon" event, including the City's fire and police departments and our support of local schools and charities alike.

Our plan of action and request is to be reclassified from market status to café/restaurant status and to be allowed to add the word "Café" to our marquee signage.. It would appear that the only thing that initially prohibited that classification was a lack of parking which we now have.

|   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|

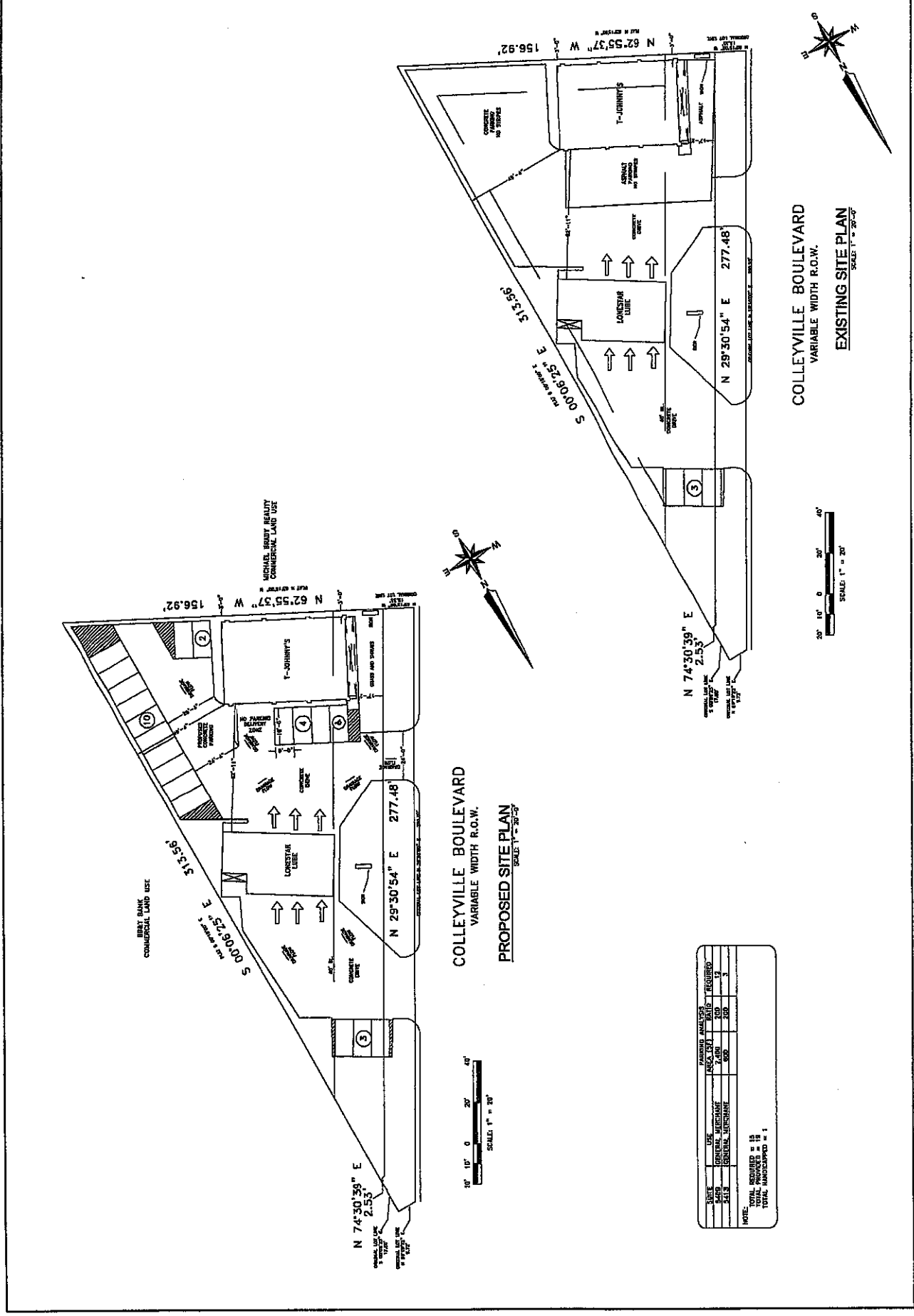
**TEXAS PREMIER DRAFTING**  
 1000 KILPATRICK  
 FORT WORTH, TEXAS 76106  
 (817) 532-6775  
 WWW.TEASPREMIERDRAFTING.COM

**T-JOHNNY'S CALUM MARKET**  
 5409 COLLEYVILLE BOULEVARD  
 COLLEYVILLE, TX 76034

PHILIP TULLIS  
 5409 COLLEYVILLE BLVD  
 COLLEYVILLE, TX 76034

SP CANTO VENTURES LLC  
 5409 COLLEYVILLE BLVD  
 COLLEYVILLE, TX 76034

|           |             |          |            |
|-----------|-------------|----------|------------|
| SITE PLAN |             | DATE     | 01.16.2020 |
| SCALE     | 1" = 20'-0" | PROJECT  | SP         |
| DATE      | 01.16.2020  | DESIGNER | CSF        |



**COLLEYVILLE BOULEVARD**  
 VARIABLE WIDTH R.O.W.  
**PROPOSED SITE PLAN**  
 SCALE: 1" = 20'-0"

**COLLEYVILLE BOULEVARD**  
 VARIABLE WIDTH R.O.W.  
**EXISTING SITE PLAN**  
 SCALE: 1" = 20'-0"

| USE         | AREA (SQ FT) | RATIO | REQUIRED |
|-------------|--------------|-------|----------|
| SITE        | 1000         | 1.0   | 1000     |
| PAVING      | 1000         | 1.0   | 1000     |
| LANDSCAPING | 1000         | 1.0   | 1000     |
| TOTAL       | 3000         | 3.0   | 3000     |

NOTE: TOTAL REQUIRED = 18  
 TOTAL PROVIDED = 18  
 TOTAL HANDICAPPED = 1

## **PARKING ANALYSIS FOR THE CAJUN MARKET (FORMERLY T-JOHNNY'S CAJUN MARKET)**

When THE Cajun Market originally opened in June of 2020, it was assumed that it's primary business would be more of a market and takeout food provider versus a café type of business. It was assumed customers would be "in and out" in short periods of times, and a great deal of our business would be takeout.

Our original business plan by definition was as a market that would sell fresh and cooked seafood, meats and specialty product out of its freezers and specialty Cajun shelf products, with a certain amount of hot (cooked) food mostly prepare for takeout. These original plans met the City of Colleyville's regulations for the 18 parking places that exist on the site's location, as well as required handicapped parking and mandatory lane spacing for fire and emergency equipment to adequately access and traverse the property.

While the primary focus of the business has remained the same, it has had the need to grow and offer hot prepared food for sit-down as well as take out customers. The result of this much needed new customer business has changed the status of the business from market to café/restaurant.

Because of these changes, the number of parking spots (18) do not meet the City's requirements to be listed as a hot-food, sit-down, food-serving establishment.

However, we believe this problem can be resolved with a parking variance if granted by the City.

The Cajun Market & Café's adjacent business neighbors, BB&T Bank, Michael Brady Realtors, and Lone Star Lube recognized our success and need for additional parking. Each business came on its own volition and offered their assistance in solving the parking problem, by allowing The Cajun Market & Café's customers overflow parking to park at their adjacent facilities. That move has proven to be successful and has created zero negative impact on any of our surrounding neighbors' businesses.

Earlier in 2021 The Cajun Market met with and presented City Manager Jerry Ducay, Assistant City Manager for Business Development Adrienne Lothery, and City Councilman Tammy Nakamura with letters from each adjacent business neighbor indicating their willingness allowing The Cajun Market & Café's customers to park at their individual premises at will. These letters should be on file with the City Manager. If not, replacement letters can and will be provided.

It is our understanding that City regulations require a minimum of 32 parking spaces to operate as a café/restaurant. Collectively, the following parking spaces are available as follow:

- The Cajun Market & Café --- 18
- BB&T Bank --- 14
- Michael Brady --- 8
- Lone Star Lube --- 2

Total 42 spaces

Therefore, based on the current parking spaces THE Cajun Market Café possesses on its own location, and the additional parking spaces offered for use by our adjacent neighbor, we respectfully request the City of Colleyville issue a parking variance that would allow it to operate under a café/restaurant classification.

October 1 2020

RE: Overflow parking for the Cajun Market

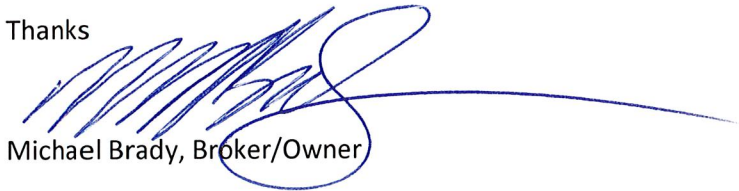
This is to confirm that I am allowing overflow parking in our parking lot for the Cajun Market located next door at 5409 Colleyville Blvd.

We are willing to work with them to help them be successful in the new business.

Phil and Deborah are the type of Business owners that Colleyville needs more of.

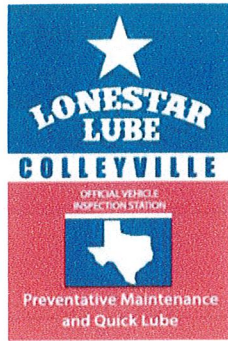
Please feel free to contact me if you have any questions or concerns.

Thanks



Michael Brady, Broker/Owner





October 7, 2020

RE: Overflow parking for the Cajun Market

To whom it may concern:

The letter is to confirm that I am allowing overflow parking in our parking lot at 5413 Colleyville Blvd., for the Cajun Market located at 5409 Colleyville Blvd.

We enjoy and value their business in the community and look forward to helping in any way to ensure they continue to thrive. Their market is bringing more business for Colleyville, and Phil and Deb are wonderful business owners.

Please feel free to contact me with any questions.

Thank you.

A handwritten signature in black ink, appearing to read "Russell Gantos", with a long, sweeping horizontal line extending to the right.

Russell Gantos

Owner, Lone Star Lube Colleyville



10/27/2021

To Whom It May Concern:

I am Melissa Hooper, the Branch Leader of the Truist location located at: 1201 Church Street Colleyville, TX 76034. We grant permission to Phillip J Tullis, owner of The Cajun Market & Café, to utilize our parking lot spaces for Employees, Customers, or any other business need.

Should you have any questions or need additional details, please contact me at 817-849-1892.

Respectfully,

**Melissa Hooper**  
**Vice President**  
**Branch Leader / Truist**

1201 Church Street  
Colleyville, TX 76034  
Office: 817-849-1892 / Mobile: 817-874-7254  
[melissa.hooper@truist.com](mailto:melissa.hooper@truist.com)

  
Melissa Hooper  
Phillip J Tullis

State of Texas County of Tarrant

Sworn to (or affirmed) and subscribed before me

This 26<sup>th</sup> day of October, 2021, by Melissa Hooper

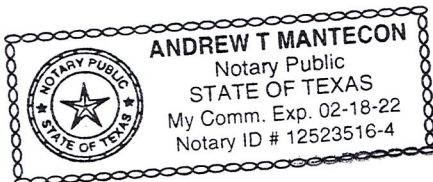
Notary Public's Signature      Notary Name

State of Texas County of Tarrant

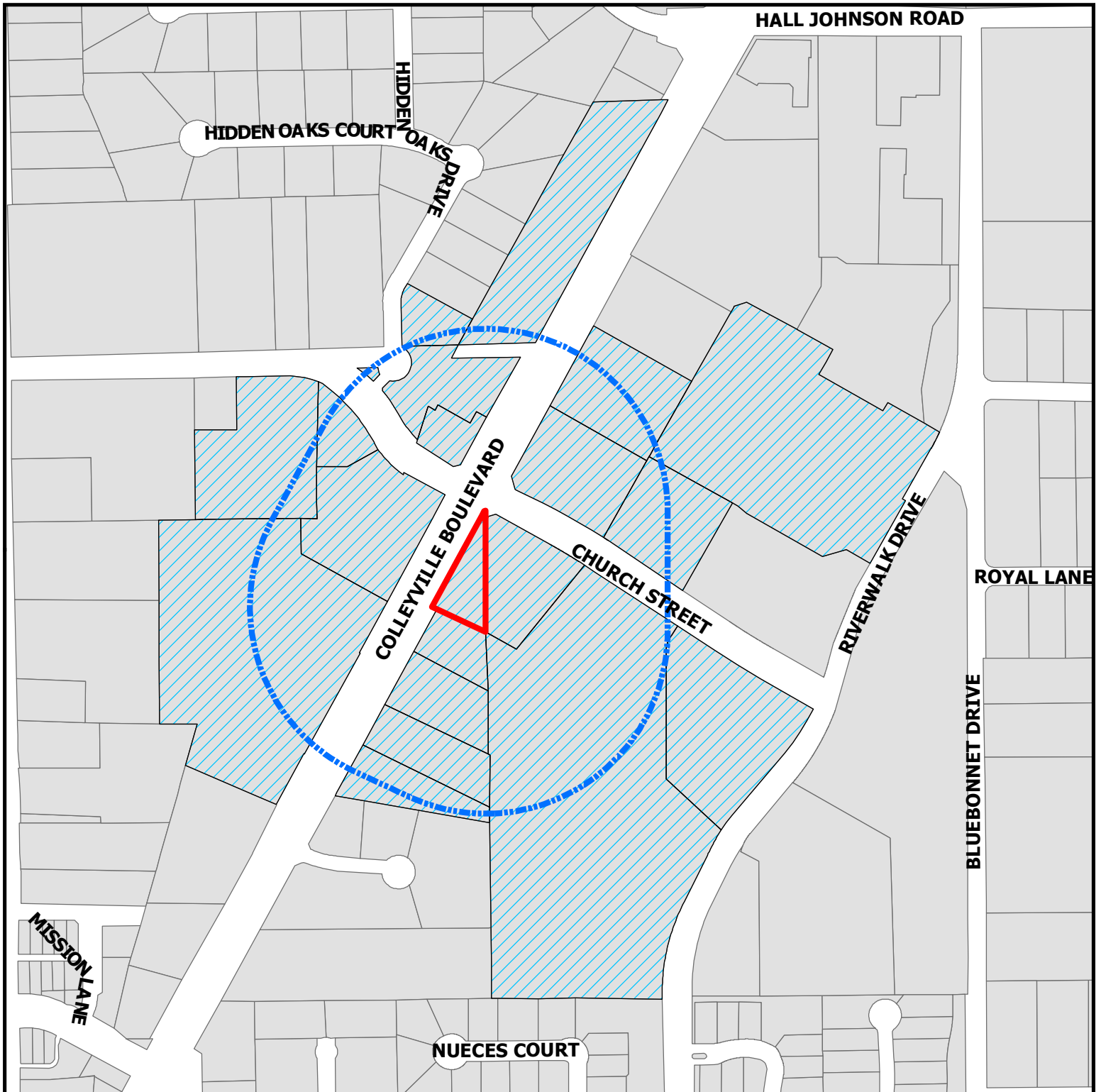
Sworn to (or affirmed) and subscribed before me

This 26<sup>th</sup> day of October, 2021, by Phillip J. Tullis

Notary Public's Signature      Notary Name



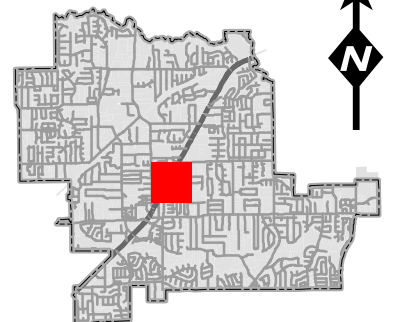
# Notification Map



**ZC21-028**  
**5409 Colleyville Boulevard**

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

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



| Owner Name                   | Owner Address                 | Owner City               |
|------------------------------|-------------------------------|--------------------------|
| EAGLE-COLLEYVILLE TOWNE SQ.  | PO BOX 12670                  | DALLAS, TX               |
| COLLEYVILLE, CITY OF         | 100 MAIN ST                   | COLLEYVILLE, TX          |
| CHARLES & ROB LTD            | 8235 DOUGLAS AVE STE 815      | DALLAS, TX               |
| FIRST BAPTIST CH COLLEYVILLE | 5405 PLEASANT RUN RD          | COLLEYVILLE, TX          |
| CAVALIER INVESTMENT COMPANY  | 5829 N MESA ST                | EL PASO, TX              |
| BAJRAM & RUZDI INVESTMENTS   | 4701 MILL CREEK RD            | COLLEYVILLE, TX          |
| DEDIEGO FAMILY TRUST         | 4381 MORRIS DR                | SOQUEL, CA               |
| BAJRAM & RUZDI INVESTMENTS   | 4701 MILL CREEK RD            | COLLEYVILLE, TX          |
| R P GANTOS VENTURES LLC      | 7213 COTTONWOOD CT            | NORTH RICHLAND HILLS, TX |
| JD JUDD REALTY HOLDINGS LLC  | 1109 CHURCH ST                | COLLEYVILLE, TX          |
| BRADY, LIBBY W               | 5405 COLLEYVILLE BLVD         | COLLEYVILLE, TX          |
| BOTTOM FAMILY TRUST          | 1401 FOUNTAINGROVE PKWY       | SANTA ROSA, CA           |
| SVAP III TC COLLEYVILLE LLC  | 302 DATURA ST STE 100         | WEST PALM BEACH, FL      |
| VELOCIS COLLEYVILLE LP       | 3131 MCKINNEY AVE # 10        | DALLAS, TX               |
| LTF REAL ESTATE MP I LLC     | 2902 CORPORATE PL             | CHANHASSEN, MN           |
| CHIVAKULA, LAKSHMI           | 4104 CHARBRAY CT              | CEDAR PARK, TX           |
| FIRST BAPTIST CH COLLEYVILLE | 5405 PLEASANT RUN RD          | COLLEYVILLE, TX          |
| HTA-COLLEYVILLE HOSPITAL LLC | 16435 N SCOTTSDALE RD STE 320 | SCOTTSDALE, AZ           |
| LAUKIEN, DIRK D              | 24 WATERWAY AVE STE 225       | SPRING, TX               |
| BRANCH BANKING & TRUST CO    | 150 S STRATFORD RD STE 400    | WINSTON SALEM, NC        |
| HIDDEN OAKS ESTATES          |                               | COLLEYVILLE, TX          |
| GRAPEVINE COLLEYVILLE ISD    | 3051 IRA E WOODS AVE          | GRAPEVINE, TX            |

## **ORDINANCE O-21-2182**

**AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 0.609 ACRES, BEING LOT 1, BLOCK 1, OF THE CORLEY SUBDIVISION, LOCATED AT 5409 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR A REDUCTION IN PARKING; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City of Colleyville has received an application for a Special Use Permit for a reduction in parking for the business known as THE Cajun Market, Case No. ZC21-028; and

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

**WHEREAS,** the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the City's zoning districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

**WHEREAS,** the City Council is of the opinion the change in zoning provided for herein should be made, in compliance with the City Charter, and State law with reference to changes to zoning classifications under the City's zoning ordinance and zoning map, having given the requisite notices required by law and having held public hearings affording all interested persons and property owners a full and fair opportunity to be heard.

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

- Sec. 1. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for a reduction in parking on 0.609 acres, being Lot 1, Block 1, of the Corley Subdivision, located at 5409 Colleyville Boulevard, for the business known as THE Cajun Market as depicted on the attached as Exhibit "A".

Sec. 2. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

**1. GENERAL**

- a. The Special Use Permit shall apply to a reduction in parking.
- b. The name of the business authorized for a reduction in parking by this Special Use Permit shall be called "THE Cajun Market".
- c. The existing wall signs shall be consolidated into one (1) wall sign.
- d. Exhibit C - "Shared Parking Agreements" - shall apply. The Special Use Permit shall automatically expire if an agreement is terminated.
- e. The Special Use Permit shall automatically expire upon the abandonment of the business, change in use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- f. All requirements of the Land Development Code shall be met, except where amended herein.

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

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

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

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

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 7<sup>th</sup> day of December 2021.

The second reading and public hearing being conducted on the 21<sup>st</sup> day of December 2021.

PASSED AND APPROVED BY A VOTE OF \_ AYES, \_ NAYS ON THIS THE 21<sup>ST</sup> DAY OF DECEMBER 2021.

Mayor Richard Newton \_\_\_\_\_  
Place 1, Tammy Nakamura \_\_\_\_\_  
Place 4, George Dodson \_\_\_\_\_  
Place 6, Callie Rigney \_\_\_\_\_

Mayor Pro Tem Bobby Lindamood \_\_\_\_\_  
Place 3, Kathy Wheat \_\_\_\_\_  
Place 5, Chuck Kelley \_\_\_\_\_

**ATTEST:**

**CITY OF COLLEYVILLE**

Christine Loven, TRMC  
City Secretary

Richard Newton  
Mayor

**APPROVED AS TO FORM:**

Whitt Wyatt  
City Attorney







**PROPOSED SITE PLAN**  
SCALE: 1" = 20'

**EXISTING SITE PLAN**  
SCALE: 1" = 20'

**TABLE OF DIMENSIONS**

| LINE | BEARING       | LENGTH  | AREA | PERIMETER | REMARKS |
|------|---------------|---------|------|-----------|---------|
| 1    | N 74°30'39" E | 2.53'   |      |           |         |
| 2    | S 50°00'00" E | 513.56' |      |           |         |
| 3    | N 62°55'37" W | 156.92' |      |           |         |
| 4    | N 29°30'54" E | 277.48' |      |           |         |
| 5    | N 62°55'37" W | 156.92' |      |           |         |
| 6    | N 74°30'39" E | 2.53'   |      |           |         |
| 7    | S 50°00'00" E | 513.56' |      |           |         |
| 8    | N 62°55'37" W | 156.92' |      |           |         |
| 9    | N 29°30'54" E | 277.48' |      |           |         |
| 10   | N 62°55'37" W | 156.92' |      |           |         |
| 11   | N 74°30'39" E | 2.53'   |      |           |         |
| 12   | S 50°00'00" E | 513.56' |      |           |         |
| 13   | N 62°55'37" W | 156.92' |      |           |         |
| 14   | N 29°30'54" E | 277.48' |      |           |         |
| 15   | N 62°55'37" W | 156.92' |      |           |         |
| 16   | N 74°30'39" E | 2.53'   |      |           |         |
| 17   | S 50°00'00" E | 513.56' |      |           |         |
| 18   | N 62°55'37" W | 156.92' |      |           |         |
| 19   | N 29°30'54" E | 277.48' |      |           |         |
| 20   | N 62°55'37" W | 156.92' |      |           |         |
| 21   | N 74°30'39" E | 2.53'   |      |           |         |
| 22   | S 50°00'00" E | 513.56' |      |           |         |
| 23   | N 62°55'37" W | 156.92' |      |           |         |
| 24   | N 29°30'54" E | 277.48' |      |           |         |
| 25   | N 62°55'37" W | 156.92' |      |           |         |
| 26   | N 74°30'39" E | 2.53'   |      |           |         |
| 27   | S 50°00'00" E | 513.56' |      |           |         |
| 28   | N 62°55'37" W | 156.92' |      |           |         |
| 29   | N 29°30'54" E | 277.48' |      |           |         |
| 30   | N 62°55'37" W | 156.92' |      |           |         |
| 31   | N 74°30'39" E | 2.53'   |      |           |         |
| 32   | S 50°00'00" E | 513.56' |      |           |         |
| 33   | N 62°55'37" W | 156.92' |      |           |         |
| 34   | N 29°30'54" E | 277.48' |      |           |         |
| 35   | N 62°55'37" W | 156.92' |      |           |         |
| 36   | N 74°30'39" E | 2.53'   |      |           |         |
| 37   | S 50°00'00" E | 513.56' |      |           |         |
| 38   | N 62°55'37" W | 156.92' |      |           |         |
| 39   | N 29°30'54" E | 277.48' |      |           |         |
| 40   | N 62°55'37" W | 156.92' |      |           |         |
| 41   | N 74°30'39" E | 2.53'   |      |           |         |
| 42   | S 50°00'00" E | 513.56' |      |           |         |
| 43   | N 62°55'37" W | 156.92' |      |           |         |
| 44   | N 29°30'54" E | 277.48' |      |           |         |
| 45   | N 62°55'37" W | 156.92' |      |           |         |
| 46   | N 74°30'39" E | 2.53'   |      |           |         |
| 47   | S 50°00'00" E | 513.56' |      |           |         |
| 48   | N 62°55'37" W | 156.92' |      |           |         |
| 49   | N 29°30'54" E | 277.48' |      |           |         |
| 50   | N 62°55'37" W | 156.92' |      |           |         |
| 51   | N 74°30'39" E | 2.53'   |      |           |         |
| 52   | S 50°00'00" E | 513.56' |      |           |         |
| 53   | N 62°55'37" W | 156.92' |      |           |         |
| 54   | N 29°30'54" E | 277.48' |      |           |         |
| 55   | N 62°55'37" W | 156.92' |      |           |         |
| 56   | N 74°30'39" E | 2.53'   |      |           |         |
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| 59   | N 29°30'54" E | 277.48' |      |           |         |
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| 63   | N 62°55'37" W | 156.92' |      |           |         |
| 64   | N 29°30'54" E | 277.48' |      |           |         |
| 65   | N 62°55'37" W | 156.92' |      |           |         |
| 66   | N 74°30'      |         |      |           |         |

## Exhibit "C" – Shared Parking Agreements



10/27/2021

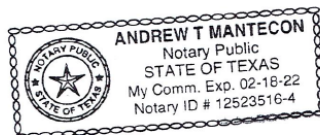
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Should you have any questions or need additional details, please contact me at 817-849-1892.

Respectfully,

**Melissa Hooper**  
**Vice President**  
**Branch Leader / Truist**  
1201 Church Street  
Colleyville, TX 76034  
Office: 817-849-1892 / Mobile: 817-874-7254  
[melissa.hooper@truist.com](mailto:melissa.hooper@truist.com)

  
Melissa Hooper  
Phillip J Tullis

State of Texas County of Tarrant  
Sworn to (or affirmed) and subscribed before me  
This 26<sup>th</sup> day of October, 2021, by Melissa Hooper  
 Andrew Mantecon  
Notary Public's Signature Notary Name

State of Texas County of Tarrant  
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October 1 2020

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Michael Brady, Broker/Owner



October 7, 2020

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Please feel free to contact me with any questions.

Thank you,

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Russell Guntos

Owner, Lone Star Lube Colleyville



# City of Colleyville City Council Agenda Briefing

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

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**Agenda Number** 6b

**Agenda Date** 12/21/2021

**Number** Ordinance O-21-2183

**Type** Ordinance

**Department** Community Development

---

## **Title**

Consideration of amendments to Chapter 3 of the Land Development Code requiring a Special Use Permit for a duplex in the RD Two Family Residential district, specifically amending Section 3.24B Schedule of Permitted Principal Uses, Case GC21-013

## **Strategic Plan**

4.3 Adopt best-practice planning and development processes

## **Explanation**

### ***Second Reading and Public Hearing***

Staff presented the item to the City Council. No additional discussion was had on the proposed amendment.

### ***First Reading and Public Hearing***

There are several properties within the City of Colleyville with the RD Two Family Residential zoning district designation. A 'duplex' is a permitted use within this district. However, all properties with this zoning designation have been developed with single-family homes. The amendment to the Land Development Code would require approval of a Special Use Permit (SUP) for a duplex use to be permitted.

**Staff Recommendation:** Staff recommends approval of the amendments.

**Planning and Zoning Commission Recommendation:** The Planning and Zoning Commission recommended approval of the amendments at their November 8, 2021 meeting by a vote of 7-0.

## **Financial Impact**

There is no financial impact to the City.

## **Recommendation**

Approve

## **Attachments**

1. Section 3.24.B Schedule of Permitted Principal Uses
2. Ordinance O-21-2183

Table 3.24.B- - Schedule of Permitted Principal Uses

| Table 3.24.B- - Schedule of Permitted Principal Uses |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            |               |      |
|------------------------------------------------------|----------------------|----|-----|-----|-----|-----|----|-----|----|---------------------------|----|-----|-----|-----|----|--------------------------------------------|---------------|------|
| Land Use Classification                              | Residential District |    |     |     |     |     |    |     |    | Non-Residential Districts |    |     |     |     |    | Special Land Use Standards or Section Ref. | Parking Group |      |
|                                                      | AG                   | RE | R40 | R30 | R20 | R15 | RD | RMF | MT | CPO                       | CN | CC1 | CC2 | CC3 | ML |                                            |               |      |
| A. RESIDENTIAL ACCOMODATION USES                     |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            |               |      |
| Single Family Detached Dwelling                      | P                    | P  | P   | P   | P   | P   | P  | P   | P  | P                         |    |     |     |     |    |                                            | 6             | 3    |
| Duplex – Attached Dwelling                           |                      |    |     |     |     |     | PS | S   |    |                           |    |     |     |     |    |                                            | 6             | 2    |
| Townhome – Attached Dwellings                        |                      |    |     |     |     |     |    | S   |    |                           |    |     |     |     |    |                                            | 6             | 4    |
| Multi-family – Attached Dwellings                    |                      |    |     |     |     |     |    | S   |    |                           |    |     |     |     |    |                                            | 6             | 4    |
| HUD Code Manufactured Housing                        |                      |    |     |     |     |     |    |     | P  |                           |    |     |     |     |    |                                            | 6             | 2    |
| Assisted Living Facilities                           | PUD only             |    |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            | 17            |      |
| Bed and Breakfast Lodging                            | S                    | S  | S   | S   | S   | S   | S  | S   | S  |                           |    |     |     |     |    |                                            | 1,6           | 18   |
| Private (HOA) Recreational Facilities                |                      | P  | P   | P   | P   | P   | P  | P   | P  |                           |    |     |     |     |    |                                            |               | 5    |
| B. ACCESSORY USES                                    |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            |               |      |
| Accessory Building                                   | P                    | P  | P   | P   | P   | P   | P  | P   | P  | P                         |    |     |     |     |    |                                            | Sec. 3.27     | n.a. |
| Carport                                              | S                    | S  | S   | S   | S   | S   | S  | S   | S  | S                         |    |     |     |     |    |                                            | Sec. 3.27.C   | n.a. |
| Home Occupations Uses                                | P                    | P  | P   | P   | P   | P   | P  | P   | P  | P                         |    |     |     |     |    |                                            | 6             | n.a. |
| Accessory Dwelling                                   | P                    | P  | S   | S   |     |     |    |     |    |                           |    |     |     |     | S  |                                            | 11            | 1    |
| C. AGRICULTURAL USES                                 |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            |               |      |
| Commercial equestrian boarding stable and school     | P                    | S  |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            |               | 25   |
| Crop Farming                                         | P                    | P  |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            |               | n.a. |
| Livestock raising and breeding                       | P                    | P  |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            | 8             | n.a. |
| Private horse stables for domestic use               | P                    | P  | P   | S   | S   |     |    |     |    |                           |    |     |     |     |    |                                            |               | n.a. |
| Roadside produce stands (year round)                 | S                    | S  |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            |               | n.a. |
| D. UTILITY USES                                      |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |    |                                            |               |      |
| Electrical Substations                               | S                    | S  | S   | S   | S   | S   | S  | S   | S  | S                         | S  | S   | S   | S   | S  |                                            |               | 21   |
| Public Utility Supply and Storage Yards              | S                    | S  | S   | S   | S   | S   | S  | S   | S  | S                         | S  | S   | S   | S   | S  |                                            |               | 24   |

## **ORDINANCE O-21-2183**

**AMENDING CHAPTER 3, SECTION 3.24.B SCHEDULE OF PERMITTED PRINCIPAL USES OF THE LAND DEVELOPMENT CODE, SPECIFICALLY REQUIRING A SPECIAL USE PERMIT FOR A DUPLEX IN THE RD TWO FAMILY RESIDENTIAL DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE**

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

**WHEREAS,** the City of Colleyville desires to amend Chapter 3, Section 3.24B - Reserved of the Land Development Code; and

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

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

- Sec. 1. THAT *Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses* of the Land Development Code is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

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

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 7<sup>th</sup> day of December 2021.

The second reading and public hearing being conducted on the 21<sup>st</sup> day of December 2021.

PASSED AND APPROVED BY A VOTE OF \_\_\_\_ AYES, \_\_\_\_ NAYS ON THIS THE 21<sup>ST</sup> DAY OF DECEMBER 2021.

|                         |       |                               |       |
|-------------------------|-------|-------------------------------|-------|
| Mayor Richard Newton    | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat          | _____ |
| Place 4, George Dodson  | _____ | Place 5, Chuck Kelley         | _____ |
| Place 6, Callie Rigney  | _____ |                               |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Christine Loven, TRMC  
City Secretary

Richard Newton  
Mayor

**APPROVED AS TO FORM:**

Whitt L. Wyatt  
City Attorney



# Exhibit "A"

Colleyville, Texas, Land Development Code

| Table 3.24.B- - Schedule of Permitted Principal Uses |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               |             |      |
|------------------------------------------------------|----------------------|----|-----|-----|-----|-----|----|-----|----|---------------------------|----|-----|-----|-----|--------------------------------------------|---------------|-------------|------|
| Land Use Classification                              | Residential District |    |     |     |     |     |    |     |    | Non-Residential Districts |    |     |     |     | Special Land Use Standards or Section Ref. | Parking Group |             |      |
|                                                      | AG                   | RE | R40 | R30 | R20 | R15 | RD | RMF | MT | CPO                       | CN | CC1 | CC2 | CC3 |                                            |               | ML          |      |
| A. RESIDENTIAL ACCOMODATION USES                     |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               |             |      |
| Single Family Detached Dwelling                      | P                    | P  | P   | P   | P   | P   | P  | P   | P  |                           |    |     |     |     |                                            |               | 6           | 3    |
| Duplex – Attached Dwelling                           |                      |    |     |     |     |     | PS | S   |    |                           |    |     |     |     |                                            |               | 6           | 2    |
| Townhome – Attached Dwellings                        |                      |    |     |     |     |     |    | S   |    |                           |    |     |     |     |                                            |               | 6           | 4    |
| Multi-family – Attached Dwellings                    |                      |    |     |     |     |     |    | S   |    |                           |    |     |     |     |                                            |               | 6           | 4    |
| HUD Code Manufactured Housing                        |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               | 6           | 2    |
| Assisted Living Facilities                           | PUD only             |    |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               |             | 17   |
| Bed and Breakfast Lodging                            | S                    | S  | S   | S   | S   | S   | S  | S   | S  |                           |    |     |     |     |                                            |               | 1,6         | 18   |
| Private (HOA) Recreational Facilities                |                      | P  | P   | P   | P   | P   | P  | P   | P  |                           |    |     |     |     |                                            |               |             | 5    |
| B. ACCESSORY USES                                    |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               |             |      |
| Accessory Building                                   | P                    | P  | P   | P   | P   | P   | P  | P   | P  |                           |    |     |     |     |                                            |               | Sec. 3.27   | n.a. |
| Carport                                              | S                    | S  | S   | S   | S   | S   | S  | S   | S  |                           |    |     |     |     |                                            |               | Sec. 3.27.C | n.a. |
| Home Occupations Uses                                | P                    | P  | P   | P   | P   | P   | P  | P   | P  |                           |    |     |     |     |                                            |               | 6           | n.a. |
| Accessory Dwelling                                   | P                    | P  | S   | S   |     |     |    |     |    |                           |    |     |     |     | S                                          |               | 11          | 1    |
| C. AGRICULTURAL USES                                 |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               |             |      |
| Commercial equestrian boarding stable and school     | P                    | S  |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               |             | 25   |
| Crop Farming                                         | P                    | P  |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               |             | n.a. |
| Livestock raising and breeding                       | P                    | P  |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               | 8           | n.a. |
| Private horse stables for domestic use               | P                    | P  | P   | S   | S   |     |    |     |    |                           |    |     |     |     |                                            |               |             | n.a. |
| Roadside produce stands (year round)                 | S                    | S  |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               |             | n.a. |
| D. UTILITY USES                                      |                      |    |     |     |     |     |    |     |    |                           |    |     |     |     |                                            |               |             |      |
| Electrical Substations                               | S                    | S  | S   | S   | S   | S   | S  | S   | S  | S                         | S  | S   | S   | S   | S                                          | S             |             | 21   |
| Public Utility Supply and Storage Yards              | S                    | S  | S   | S   | S   | S   | S  | S   | S  | S                         | S  | S   | S   | S   | S                                          | S             |             | 24   |



# City of Colleyville City Council Agenda Briefing

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

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**Agenda Number** 6c

**Agenda Date** 12/21/2021

**Number** Ordinance O-21-2184

**Type** Ordinance

**Department** Community Development

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## **Title**

Consideration of amendments to Chapter 3 of the Land Development Code allowing commercial accessory buildings and providing regulations, specifically amending Section 3.24B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations, Case GC21-014

## **Strategic Plan**

4.3 Adopt best-practice planning and development processes

## **Explanation**

### ***Second Reading and Public Hearing***

The City Council agreed commercial accessory buildings should require review and approval by the City Council through the Special Use Permit (SUP) process. The Schedule of Permitted Principal Uses chart has been modified and the language in Section 3.27 has been revised.

### ***First Reading and Public Hearing***

Currently, the City has regulations for commercial accessory buildings in Section 3.27 of the Land Development Code. However, the Schedule of Permitted Principal Uses does not allow for 'accessory buildings' within the City's non-residential zoning districts. The amendment to the Land Development Code allows for commercial accessory buildings and attempts to clarify the regulations associated with such buildings.

**Staff Recommendation:** Staff recommends approval of the amendments

**Planning and Zoning Commission Recommendation:** The Planning and Zoning Commission recommended approval of the amendments at their November 8, 2021, meeting by a vote of 7-0.

## **Financial Impact**

There is no financial impact to the City.

**Recommendation**

Approve

**Attachments**

1. Section 3.24.B Schedule of Permitted Principal Uses
2. Section 3.27 Accessory Buildings and Residential Carport Regulations
3. Ordinance O-21-2184

Table 3.24.B- - Schedule of Permitted Principal Uses

| Table 3.24.B- - Schedule of Permitted Principal Uses |                      |    |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            |               |      |
|------------------------------------------------------|----------------------|----|-----|-----|-----|-----|----|-----|----|---------------------------|----------|----------|----------|----------|----------|--------------------------------------------|---------------|------|
| Land Use Classification                              | Residential District |    |     |     |     |     |    |     |    | Non-Residential Districts |          |          |          |          |          | Special Land Use Standards or Section Ref. | Parking Group |      |
|                                                      | AG                   | RE | R40 | R30 | R20 | R15 | RD | RMF | MH | CPO                       | CN       | CC1      | CC2      | CC3      | ML       |                                            |               |      |
| A. RESIDENTIAL ACCOMODATION USES                     |                      |    |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            |               |      |
| Single Family Detached Dwelling                      | P                    | P  | P   | P   | P   | P   | P  | P   | P  |                           |          |          |          |          |          |                                            | 6             | 3    |
| Duplex – Attached Dwelling                           |                      |    |     |     |     |     | P  | S   |    |                           |          |          |          |          |          |                                            | 6             | 2    |
| Townhome – Attached Dwellings                        |                      |    |     |     |     |     |    | S   |    |                           |          |          |          |          |          |                                            | 6             | 4    |
| Multi-family – Attached Dwellings                    |                      |    |     |     |     |     |    | S   |    |                           |          |          |          |          |          |                                            | 6             | 4    |
| HUD Code Manufactured Housing                        |                      |    |     |     |     |     |    |     | P  |                           |          |          |          |          |          |                                            | 6             | 2    |
| Assisted Living Facilities                           | PUD only             |    |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            | 17            |      |
| Bed and Breakfast Lodging                            | S                    | S  | S   | S   | S   | S   | S  | S   |    |                           |          |          |          |          |          |                                            | 1,6           | 18   |
| Private (HOA) Recreational Facilities                |                      | P  | P   | P   | P   | P   | P  | P   | P  |                           |          |          |          |          |          |                                            |               | 5    |
| B. ACCESSORY USES                                    |                      |    |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            |               |      |
| Accessory Building                                   | P                    | P  | P   | P   | P   | P   | P  | P   | P  | <u>S</u>                  | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |                                            | Sec. 3.27     | n.a. |
| Carport                                              | S                    | S  | S   | S   | S   | S   | S  | S   | S  |                           |          |          |          |          |          |                                            | Sec. 3.27.C   | n.a. |
| Home Occupations Uses                                | P                    | P  | P   | P   | P   | P   | P  | P   | P  |                           |          |          |          |          |          |                                            | 6             | n.a. |
| Accessory Dwelling                                   | P                    | P  | S   | S   |     |     |    |     |    |                           |          |          |          |          |          | S                                          | 11            | 1    |
| C. AGRICULTURAL USES                                 |                      |    |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            |               |      |
| Commercial equestrian boarding stable and school     | P                    | S  |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            |               | 25   |
| Crop Farming                                         | P                    | P  |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            |               | n.a. |
| Livestock raising and breeding                       | P                    | P  |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            | 8             | n.a. |
| Private horse stables for domestic use               | P                    | P  | P   | S   | S   |     |    |     |    |                           |          |          |          |          |          |                                            |               | n.a. |
| Roadside produce stands (year round)                 | S                    | S  |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            |               | n.a. |
| D. UTILITY USES                                      |                      |    |     |     |     |     |    |     |    |                           |          |          |          |          |          |                                            |               |      |
| Electrical Substations                               | S                    | S  | S   | S   | S   | S   | S  | S   | S  | S                         | S        | S        | S        | S        | S        |                                            |               | 21   |
| Public Utility Supply and Storage Yards              | S                    | S  | S   | S   | S   | S   | S  | S   | S  | S                         | S        | S        | S        | S        | S        |                                            |               | 24   |

name and address of the supervisor or foreman of said company or corporation and the name of its president.

- b. Name and owner of the property.
- c. Local address where fence is proposed to be erected.
- d. Materials and type of fence construction.
- e. Height of fence.
- f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
- g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

### Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

#### A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)

##### 1. *Permit Required:*

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages, pool houses, accessory dwellings, gazebos, cabanas, or other shade structures. **Exception:** structures for specific use as playground assemblies and/or playhouses shall be exempt provided that minimum five (5) feet setbacks from property lines are maintained.

##### 2. *Maximum Size and Number of Buildings:*

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed four percent (4%) of the aggregate area of the lot. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from the requirement for the maximum number of accessory buildings.
- b. Accessory dwellings allowed by the Land Development Code shall be limited in size to be no more than the most restrictive of the following:
  - 1. Fifty percent (50%) of the primary structure;
  - 2. The maximum allowed square footage for accessory buildings on the lot; or
  - 3. No more than twelve hundred (1,200) square feet
- c. For the purpose of this Section, the size of an accessory building shall be the square footage of each floor, mezzanine, covered porch, or shade structure.
- d. An application to exceed the total square footage authorized above may be approved as a Special Use Permit (SUP).
- e. An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, a legally-

existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.

- f. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

- a. No accessory building shall be allowed, erected, or located forward of the front façade of the primary dwelling. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from this requirement.
  - b. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
  - c. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces. **Exception:** Open structures (open on at least 2 ¾ sides), such as patio covers, shall be allowed to extend into the required rear yard setback a maximum of 10 feet.
  - d. Detached accessory buildings – A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.
4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the allowed height of the zoning district. For clarification, structures shall be measured at grade and shall not exceed the maximum height of the zoning district.
  5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district. No accessory building shall be used for dwelling purposes (the act of occupying a structure – with or without a kitchen) other than for an accessory dwelling, where permitted by the district regulations or Special Use Permit. No accessory building or accessory dwelling shall be rented.
  6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. Approval by Special Use Permit Only: In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no accessory building located in non-residential zoning districts shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct an accessory building in a non-residential zoning district.
2. Commercial accessory buildings approved to be located within non-residential districts are subject to the following conditions:
  - a. Must meet same setbacks as the primary structure.
  - b. Must be located to the rear of the primary building and not visible from adjacent roadways.
  - c. The use of the accessory building must be ancillary to the primary use.
  - d. Exterior walls and features shall be of the same materials as used with the primary structure.
  - e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property.

- ~~1. No accessory building shall be erected in any required yard area except as set forth by this section.~~
  - ~~2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.~~
  - ~~3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:~~
    - ~~a. Maximum size of two hundred fifty (250) square feet.~~
    - ~~b. No inside sales or service or drive in sales or service; walk up and/or drive up service permitted.~~
    - ~~c. Exterior walls shall be of at least seventy five percent (75%) masonry, glass, or other equivalent material, provided metal material does not exceed twenty five percent (25%) of the exterior walls.~~
    - ~~d. Located within required setbacks and in conformance with this section.~~
    - ~~e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights of way.~~
    - ~~f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.~~
    - ~~g. Limited to one (1) kiosk per platted plot.~~
- C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.
1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
  2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
    - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
    - b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
    - c. *Setbacks:*
      - i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
      - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
        - (1) every part of such carport is unenclosed except for necessary structural supports;
        - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
        - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
    - d. *Maximum Number Per Lot:* one
    - e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. *Design Criteria:*

- i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
- ii. Posts - Posts shall be clad or finished of brick, stone, cedar or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than eight inches (8") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Cedar posts shall be wrapped using masonry stone or brick from the base to at least 50% of the post height. The exposed portion of the cedar post shall be a minimum of 8 inches.

g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

### Section 3.28 Supplementary District Regulations

- A. All required building lines shall adhere to the minimum yard requirement of the applicable zoning district for the property per Section 3.24.6-Schedule of District Regulations regardless of any setbacks shown on a plat unless a documented plat waiver has been approved.
- B. Erection of More Than One Principal Building on a Lot – In any district other than Agricultural zoning, no more than one (1) building housing a permitted or permissible principal use may be erected on a single lot.
- C. Buildings Constructed Across Lot Lines – No building may be constructed across existing platted lot lines unless a replat is filed and approved in accordance with applicable regulations of the city.
- D. Exceptions to Height Regulations
  1. Schools, public buildings, and institutions may be erected to a height exceeding the maximum height in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
  2. The height regulations prescribed elsewhere in this Chapter shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete batch plant equipment not intended for human occupancy.
  3. Limitations on number of stories shall not apply to buildings used exclusively for manufacturing or storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.
  4. The permitted height of any occupied building shall be further restricted to the capability of the local fire fighting equipment to adequately handle any such building height.
  5. In CC and ML zoning districts, the City Council may vary the maximum height of a building if the City



## **ORDINANCE O-21-2184**

**AMENDING CHAPTER 3, SECTION 3.24.B SCHEDULE OF PERMITTED PRINCIPAL USES AND SECTION 3.27 ACCESSORY BUILDINGS AND RESIDENTIAL CARPORT REGULATIONS OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE**

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

**WHEREAS,** the City of Colleyville desires to amend Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations of the Land Development Code; and

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

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

- Sec. 1. THAT *Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses and 3.27 Accessory Buildings and Residential Carport Regulations* of the Land Development Code is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

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

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 7<sup>th</sup> day of December 2021.

The second reading and public hearing being conducted on the 21<sup>st</sup> day of December 2021.

PASSED AND APPROVED BY A VOTE OF \_\_\_\_ AYES, \_\_\_\_ NAYS ON THIS THE 21<sup>ST</sup> DAY OF DECEMBER 2021.

|                         |       |                               |       |
|-------------------------|-------|-------------------------------|-------|
| Mayor Richard Newton    | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat          | _____ |
| Place 4, George Dodson  | _____ | Place 5, Chuck Kelley         | _____ |
| Place 6, Callie Rigney  | _____ |                               |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Christine Loven, TRMC  
City Secretary

Richard Newton  
Mayor

**APPROVED AS TO FORM:**

Whitt L. Wyatt  
City Attorney

## Exhibit "A"

| Table 3.24.B- - Schedule of Permitted Principal Uses |                      |    |     |     |     |     |    |     |                           |              |              |              |              |              |                                            |               |
|------------------------------------------------------|----------------------|----|-----|-----|-----|-----|----|-----|---------------------------|--------------|--------------|--------------|--------------|--------------|--------------------------------------------|---------------|
| Land Use Classification                              | Residential District |    |     |     |     |     |    |     | Non-Residential Districts |              |              |              |              |              | Special Land Use Standards or Section Ref. | Parking Group |
|                                                      | AG                   | RE | R40 | R30 | R20 | R15 | RD | RMF | MH                        | CPO          | CN           | CC1          | CC2          | CC3          |                                            |               |
| A. RESIDENTIAL ACCOMODATION USES                     |                      |    |     |     |     |     |    |     |                           |              |              |              |              |              |                                            |               |
| Single Family Detached Dwelling                      | P                    | P  | P   | P   | P   | P   | P  | P   | P                         |              |              |              |              |              | 6                                          | 3             |
| Duplex – Attached Dwelling                           |                      |    |     |     |     |     | P  | S   |                           |              |              |              |              |              | 6                                          | 2             |
| Townhome – Attached Dwellings                        |                      |    |     |     |     |     |    | S   |                           |              |              |              |              |              | 6                                          | 4             |
| Multi-family – Attached Dwellings                    |                      |    |     |     |     |     |    | S   |                           |              |              |              |              |              | 6                                          | 4             |
| HUD Code Manufactured Housing                        |                      |    |     |     |     |     |    |     | P                         |              |              |              |              |              | 6                                          | 2             |
| Assisted Living Facilities                           |                      |    |     |     |     |     |    |     | PUD only                  |              |              |              |              |              |                                            | 17            |
| Bed and Breakfast Lodging                            | S                    | S  | S   | S   | S   | S   | S  | S   |                           |              |              |              |              |              | 1,6                                        | 18            |
| Private (HOA) Recreational Facilities                |                      | P  | P   | P   | P   | P   | P  | P   | P                         |              |              |              |              |              |                                            | 5             |
| B. ACCESSORY USES                                    |                      |    |     |     |     |     |    |     |                           |              |              |              |              |              |                                            |               |
| Accessory Building                                   | P                    | P  | P   | P   | P   | P   | P  | P   | P                         | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del> | Sec. 3.27                                  | n.a.          |
| Carport                                              | S                    | S  | S   | S   | S   | S   | S  | S   | S                         |              |              |              |              |              | Sec. 3.27.C                                | n.a.          |
| Home Occupations Uses                                | P                    | P  | P   | P   | P   | P   | P  | P   | P                         |              |              |              |              |              | 6                                          | n.a.          |
| Accessory Dwelling                                   | P                    | P  | S   | S   |     |     |    |     |                           |              |              |              |              | S            | 11                                         | 1             |
| C. AGRICULTURAL USES                                 |                      |    |     |     |     |     |    |     |                           |              |              |              |              |              |                                            |               |
| Commercial equestrian boarding stable and school     | P                    | S  |     |     |     |     |    |     |                           |              |              |              |              |              |                                            | 25            |
| Crop Farming                                         | P                    | P  |     |     |     |     |    |     |                           |              |              |              |              |              |                                            | n.a.          |
| Livestock raising and breeding                       | P                    | P  |     |     |     |     |    |     |                           |              |              |              |              |              | 8                                          | n.a.          |
| Private horse stables for domestic use               | P                    | P  | P   | S   | S   |     |    |     |                           |              |              |              |              |              |                                            | n.a.          |
| Roadside produce stands (year round)                 | S                    | S  |     |     |     |     |    |     |                           |              |              |              |              |              |                                            | n.a.          |
| D. UTILITY USES                                      |                      |    |     |     |     |     |    |     |                           |              |              |              |              |              |                                            |               |
| Electrical Substations                               | S                    | S  | S   | S   | S   | S   | S  | S   | S                         | S            | S            | S            | S            | S            |                                            | 21            |
| Public Utility Supply and Storage Yards              | S                    | S  | S   | S   | S   | S   | S  | S   | S                         | S            | S            | S            | S            | S            |                                            | 24            |

name and address of the supervisor or foreman of said company or corporation and the name of its president.

- b. Name and owner of the property.
- c. Local address where fence is proposed to be erected.
- d. Materials and type of fence construction.
- e. Height of fence.
- f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
- g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

### Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

#### A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)

##### 1. *Permit Required:*

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages, pool houses, accessory dwellings, gazebos, cabanas, or other shade structures. **Exception:** structures for specific use as playground assemblies and/or playhouses shall be exempt provided that minimum five (5) feet setbacks from property lines are maintained.

##### 2. *Maximum Size and Number of Buildings:*

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed four percent (4%) of the aggregate area of the lot. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from the requirement for the maximum number of accessory buildings.
- b. Accessory dwellings allowed by the Land Development Code shall be limited in size to be no more than the most restrictive of the following:
  - 1. Fifty percent (50%) of the primary structure;
  - 2. The maximum allowed square footage for accessory buildings on the lot; or
  - 3. No more than twelve hundred (1,200) square feet
- c. For the purpose of this Section, the size of an accessory building shall be the square footage of each floor, mezzanine, covered porch, or shade structure.
- d. An application to exceed the total square footage authorized above may be approved as a Special Use Permit (SUP).
- e. An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, a legally-

existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.

- f. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

- a. No accessory building shall be allowed, erected, or located forward of the front façade of the primary dwelling. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from this requirement.
  - b. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
  - c. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces. **Exception:** Open structures (open on at least 2 ¼ sides), such as patio covers, shall be allowed to extend into the required rear yard setback a maximum of 10 feet.
  - d. Detached accessory buildings – A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.
4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the allowed height of the zoning district. For clarification, structures shall be measured at grade and shall not exceed the maximum height of the zoning district.
5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district. No accessory building shall be used for dwelling purposes (the act of occupying a structure – with or without a kitchen) other than for an accessory dwelling, where permitted by the district regulations or Special Use Permit. No accessory building or accessory dwelling shall be rented.
6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. Approval by Special Use Permit Only: In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no accessory building located in non-residential zoning districts shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct an accessory building in a non-residential zoning district.
2. Commercial accessory buildings approved to be located within non-residential districts are subject to the following conditions:
  - a. Must meet same setbacks as the primary structure.
  - b. Must be located to the rear of the primary building and not visible from adjacent roadways.
  - c. The use of the accessory building must be ancillary to the primary use.
  - d. Exterior walls and features shall be of the same materials as used with the primary structure.
  - e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property.

- ~~1. No accessory building shall be erected in any required yard area except as set forth by this section.~~
- ~~2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.~~
- ~~3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:~~
  - ~~a. Maximum size of two hundred-fifty (250) square feet.~~
  - ~~b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.~~
  - ~~c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material; provided metal material does not exceed twenty-five percent (25%) of the exterior walls.~~
  - ~~d. Located within required setbacks and in conformance with this section.~~
  - ~~e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.~~
  - ~~f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.~~
  - ~~g. Limited to one (1) kiosk per platted plot.~~

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
  - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
  - b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
  - c. *Setbacks:*
    - i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
    - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
      - (1) every part of such carport is unenclosed except for necessary structural supports;
      - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
      - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
  - d. *Maximum Number Per Lot:* one
  - e. *Paving and Street Access:*



The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. *Design Criteria:*

- i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
- ii. Posts - Posts shall be clad or finished of brick, stone, cedar or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than eight inches (8") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Cedar posts shall be wrapped using masonry stone or brick from the base to at least 50% of the post height. The exposed portion of the cedar post shall be a minimum of 8 inches.

g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

## Section 3.28 Supplementary District Regulations

- A. All required building lines shall adhere to the minimum yard requirement of the applicable zoning district for the property per Section 3.24.6-Schedule of District Regulations regardless of any setbacks shown on a plat unless a documented plat waiver has been approved.
- B. Erection of More Than One Principal Building on a Lot – In any district other than Agricultural zoning, no more than one (1) building housing a permitted or permissible principal use may be erected on a single lot.
- C. Buildings Constructed Across Lot Lines – No building may be constructed across existing platted lot lines unless a replat is filed and approved in accordance with applicable regulations of the city.
- D. Exceptions to Height Regulations
  1. Schools, public buildings, and institutions may be erected to a height exceeding the maximum height in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
  2. The height regulations prescribed elsewhere in this Chapter shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete batch plant equipment not intended for human occupancy.
  3. Limitations on number of stories shall not apply to buildings used exclusively for manufacturing or storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.
  4. The permitted height of any occupied building shall be further restricted to the capability of the local fire fighting equipment to adequately handle any such building height.
  5. In CC and ML zoning districts, the City Council may vary the maximum height of a building if the City



# City of Colleyville City Council Agenda Briefing

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

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**Agenda Number** 6d

**Agenda Date** 12/21/2021

**Number** Ordinance O-21-2185

**Type** Ordinance

**Department** Community Development

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## **Title**

Request to appeal the decision by the Planning and Zoning Commission for the consideration of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024

## **Explanation**

### ***Second Reading and Public Hearing***

The applicant was present and answered questions from the City Council. The discussion centered on the potential enforcement of the maximum 0.3% THC content.

### ***First Reading and Public Hearing***

Kushal Bastakoti, representing Earth and Roots CBD, has submitted a request for a Special Use Permit (SUP) to allow for a CBD Store use at 4209 Colleyville Boulevard, Suite B. A CBD store is allowed in the CC-3 Highway Commercial district with the approval of an SUP.

**Existing Conditions/Background:** The subject property is zoned CC-3 and generally located on the east side of Colleyville Boulevard, north of Cheek Sparger Road near the intersection of Felps Drive. The subject property is a platted lot and currently developed with a multi-tenant commercial building. Suite B is currently vacant.

**Proposed Special Use Permit:** Request – The applicant is requesting approval of an SUP to allow for a CBD store use at this location.

**Ordinance** – Land Development Code, Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses:

A CBD Store in the CC-2 and CC-3 non-residential zoning districts is required to obtain an SUP.

**Analysis:** The applicant is requesting the SUP for a CBD store. The hours of operation will be 9:00 am to 9:00 pm. The percentage of CBD products to be sold are between 40% - 60%. Approval of an SUP at this location for this user should not adversely impact surrounding uses or the character of the neighborhood.

**Plat Status:** The property is platted as Lot 7R1A, Block 2, of the Andy Felps Addition.



**DRC Review:** The DRC reviewed the request during their September 20, 2021, meeting and determined the application was complete and may be scheduled for the next available Planning and Zoning Commission meeting.

**Drainage:** NA

**Surrounding Development:** The properties to the north and south are zoned CC-3 Highway Commercial, and developed with a mixture of retail and automotive uses. The property to the east is zoned R-20 Single Family Residential and is improved with single-family uses. The property to the west is located in the City of Hurst and developed with a commercial building.

**Comprehensive Plan:** The City's Comprehensive Plan, Destination Colleyville, identifies the subject property as "Colleyville Boulevard Corridor" and located within a sales tax preferred intersection.

**Public Notification:** Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code.

**Staff Recommendation:** Staff is neutral on this request.

**Planning and Zoning Commission Recommendation:** The Planning and Zoning Commission recommended denial at their November 8, 2021, meeting by a vote of 7-0. When the Planning and Zoning Commission makes a recommendation of denial, a favorable vote of three-fourths (3/4) of all members of the City Council is required for approval of the request.

## **Recommendation**

None

## **Attachments**

1. Request to Appeal
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Statement of Planning Objectives
6. Notification Map
7. Notify List
8. Ordinance O-21-2185

**Ben Bryner**

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**To:** Jackie Reyff  
**Subject:** RE: ZC21-024 Proposed CBD Store 4209 Colleyville Blvd. Suite B

**From:** Kush Art Gallery <>  
**Sent:** Tuesday, November 9, 2021 9:56 AM  
**To:** Jackie Reyff <[JReyff@colleyville.com](mailto:JReyff@colleyville.com)>  
**Subject:** Re: ZC21-024 Proposed CBD Store 4209 Colleyville Blvd. Suite B

Good Morning Ms. Jackie,  
I hope you are doing well. Yes I would like to appeal the decision of the Planning and zoning commission.  
Also, I want to mention that I wont be selling delta 8 in the store even though they been c stores in Colleyville area. Looking forward to hear from you.  
Thank you  
Regards  
Kushal Bastakoti



# Aerial Map



**ZC21-024**

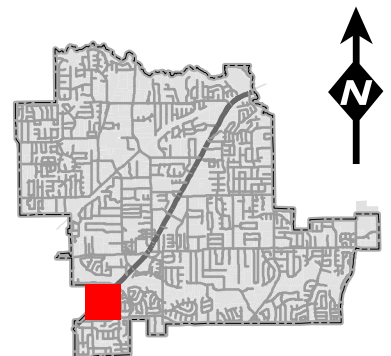
**4209 Colleyville Boulevard, Suite B**

**DISCLAIMER:**

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

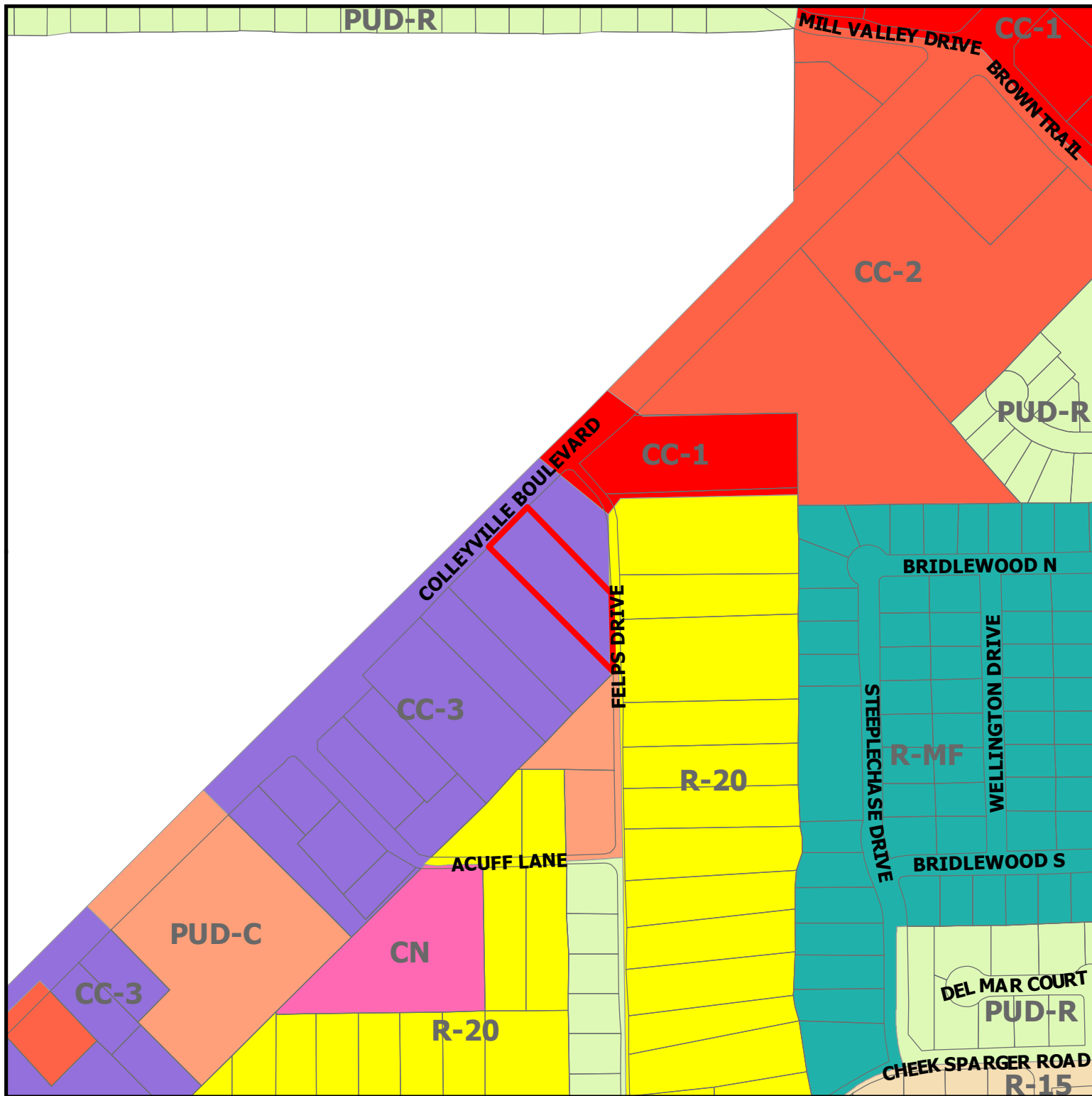


Subject Property





# Zoning Map



**ZC21-024**

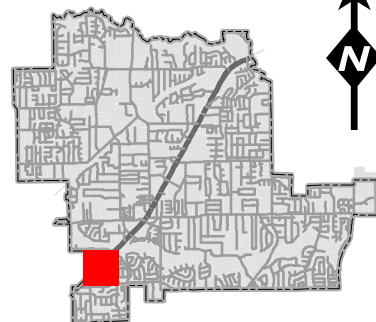
**4209 Colleyville Boulevard, Suite B**

**DISCLAIMER:**

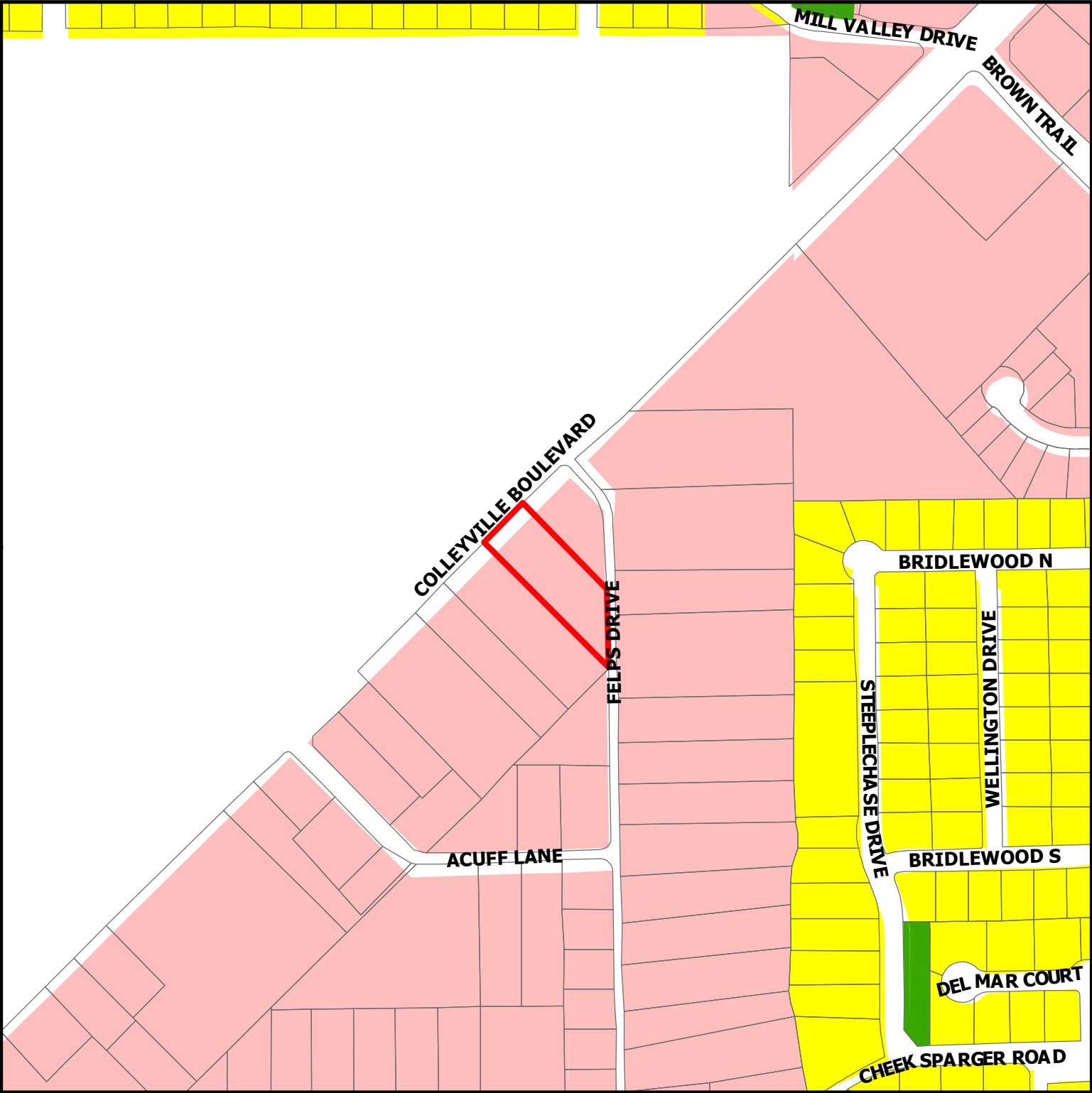
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Subject Property



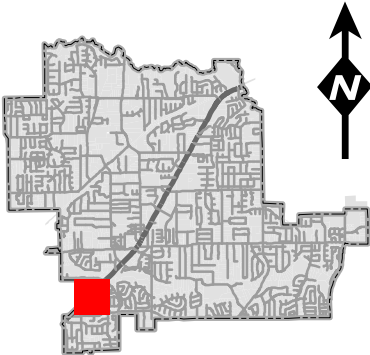
# Future Land Use Map



**ZC21-024**

**4209 Colleyville Boulevard, Suite B**

-  Subject Property
-  Residential
-  Colleyville Blvd Corridor
-  Open Space; Parks



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# EARTH AND ROOTS CBD

# OUR MISSION

- Earth and Roots CBD started with one vision: To bring the best quality hemp products for health and wellness, and offer the highest level of customer service to spread knowledge and awareness on how CBD and naturceuticals can change lives for the better.
- Our goal is to empower education and wellness with hemp derived products. Helping others understand the benefits and power that cannabinoids can potentially offer, is our main goal.
- Education on CBD has been, and is currently lacking, and we aim to spread awareness to people through our educational campaigns.
- Limited research suggests cannabinoids show reduction in anxiety, inflammation, and pain. -Health.Harvard.edu



# CONCEPT

Our retail concept is very simple. We bring character in our stores through a mix of modern and industrial aesthetics, similar to New York concepts. As you can see, the White (California theme) and Black (New York theme) Brick concept. This represents Yin and Yang, which we based our concept out of. A balanced homeostasis of the body through our CBD products.







# Why Franchise with Earth and Roots?

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- Our franchisees must be qualified to be part of Earth and Roots, through our vetting process.
- We are highly selective of competitive candidates that will show passion, integrity and proven leadership to this industry.
- We want to create a positive influence with CBD. We don't look for investors that want to be a franchisee, but operating owners.
- We are a manufacturer that has proven grounds on distribution and won't have issues with the demand and supply as others have faced along inventory control.
- Franchisees must have \$50k liquidity for a minimum of six months of post-down costs.

# Advantages of Franchising with E&R

1. CBD Manufacturer-owned franchise that has full inventory control and backing.
2. Training and Initial business set-up, ongoing Franchise Support, and continuous training development.
3. Ongoing innovation on new products from our own formulations, research and development, and packaging.
4. Our system is about helping our franchisees succeed, and we are very proud of our brand. You are not a store number, but family when accepted into Earth and Roots.
5. Marketing and advertising support, from our in house marketing team lead by our CMO with an extensive marketing agency background.
6. Pharmacist formulated products

The best franchisees are great leaders

| PRIMARY CANNABINOIDS              |     |     |     |     |     |       |       |       |
|-----------------------------------|-----|-----|-----|-----|-----|-------|-------|-------|
| POTENTIAL BENEFITS*               | THC | CBD | CBG | CBN | CBC | THC-V | THC-A | CBD-A |
| CAN ALLEVIATE PAIN                | ●   | ●   | ●   | ●   | ●   |       |       |       |
| CAN REDUCE INFLAMMATION           |     | ●   | ●   | ●   | ●   |       | ●     | ●     |
| CAN SUPPRESS APPETITE             |     | ●   |     |     |     | ●     |       |       |
| CAN STIMULATE APPETITE            | ●   | ●   |     |     |     |       |       |       |
| CAN REDUCE NAUSEA                 | ●   | ●   |     |     |     |       |       |       |
| CAN REDUCE ANXIETY                |     | ●   |     |     | ●   |       |       |       |
| CAN MODERATE PSYCHOSIS            |     | ●   |     |     |     |       |       |       |
| CAN BOOST IMMUNE SYSTEM           |     | ●   |     |     |     |       |       |       |
| CAN REDUCE BLOOD SUGAR LEVELS     |     | ●   |     |     |     |       |       |       |
| CAN REDUCE SEIZURES               | ●   | ●   |     | ●   |     | ●     | ●     |       |
| CAN SUPPRESS MUSCLE SPASMS        | ●   | ●   |     | ●   |     |       | ●     |       |
| CAN HELP AID SLEEP                | ●   | ●   |     | ●   |     |       |       |       |
| CAN DETER NEURODEGENERATION       | ●   | ●   |     |     |     |       |       |       |
| MAY INHIBIT CELL GROWTH IN TUMORS | ●   | ●   | ●   |     |     | ●     | ●     | ●     |
| CAN PROMOTE BONE HEALTH           |     | ●   | ●   |     |     | ●     |       |       |
| CAN REDUCE DEPRESSION             |     | ●   | ●   |     |     |       |       |       |

\*These statements have not been evaluated by the FDA. This product is not intended to diagnose, treat, cure, or prevent any disease.

SOURCE: CBD ORIGIN

## How has CBD positively affected the nation and the demographics that use it?

In 2019 only 14% of consumers used CBD products. The statistics has shown that every age 18-72 has had equal usage since this number. CBD is for everyone.

Source: [travel.trade.gov](https://travel.trade.gov)



## How is Earth and Roots classified as a high end CBD store?

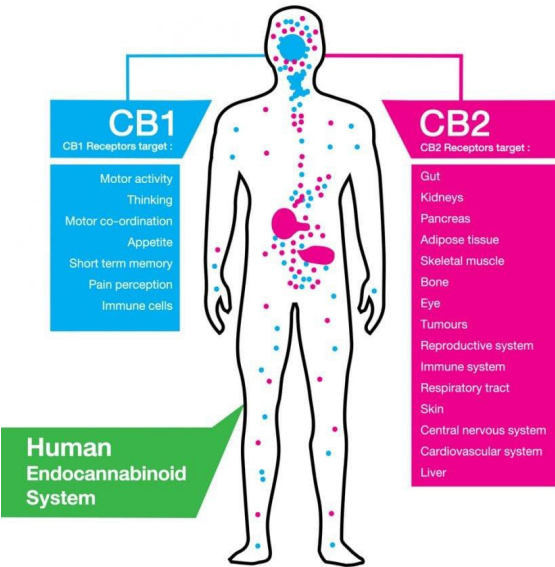
1. All of our employees must pass 5 courses certificated from [CBDtrainingacademy.com](https://www.cbdtrainingacademy.com) and train for excellence in education and customer experience.
2. We actually design our stores specifically to the balance of Black and White. The Yin & Yang which is the balance of life. We have been rated to be one of the best CBD stores in the state.
3. Everything we produce is 100% natural, occurring from the hemp plant.
4. We use herbal blends in our CBD products for better health solutions.
5. We don't sell Delta 8 or any other Isomer and Synthetic product.
6. We use organic and natural ingredients in all of our products.
7. We don't sell any CBD products over 0.3% THC.
8. We don't sell any paraphernalia.

We won 2nd  
best in DFW  
in the CBD  
category!





# Why is hemp good for us?



Cannabinoids exert their effects by interacting with specific cannabinoid receptors present on the surface of cells. Cannabinoid receptors are an essential component of the body's endogenous, or endocannabinoid system (ECS). Every function in our body requires balance, or homeostasis, to perform at maximum capacity.



## CB1 receptors

CB1 is expressed primarily in the brain, central nervous system, lungs, liver, kidneys, and other vital organs.



## CB2 receptors

The communication of the CB1 to provide activity that inhibits inflammatory signaling pathways, bringing things back to a normal non-inflammatory state, or a state of homeostasis.



## Conclusion

In today's world we lack a good balanced meal, exercise, sleep, and maintaining stress levels. This could be a dysfunction that can contribute to development in genetic and environmental factors.



## Merchandises Available



- CBD- 50%
- Scented Candles- 15%
- Incense Sticks- 15%
- Bohemian Handbags- 15%
- Himalayan Salt Lamps- 5%



## Incense Sticks and Scented Candles

- Sustainably sourced, and free from toxins and chemicals
- Eucalyptus, mint, lemongrass and tropical scented candles and incense sticks
- Aromatherapy scented candles
- Decorative items
- Calming effect
- Reduces headaches
- Relaxation







# Bohemian Handbags

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- Unique and Custom handmade bags imported from Nepal, Turkey, Thailand
- Boho handbags, fringe tribal purses and hippie bags
- Featuring global trend ideas

# Himalayan Salt

- Reduces Stress and improves mood
- Supports Immune System
- Improves Breathing
- Enhances Concentration
- Boosts Serotonin Levels



# TESTIMONIES

We have over (133) Google review 5.0 star in the past 10 months



**Kathy George**

6 reviews

★★★★★ 8 months ago

I visited the CBD farmhouse in Farmers Branch and they were closed on Saturday and a young man came to the door and informed me of Earth & Roots in The Colony. I arrived and a kind young man welcomed me and assessed my needs while being attentive to my many questions. I was comfortable and his product suggestions gave me relief while saving 40% from the CBD plus three blocks away. I went to pay for my purchase and had dropped a \$100 bill somewhere and panicked while a young lady came out to assist me in searching outside for the bill. We found the money and she introduced herself since she does facials inside the store.

The stores concept is met with a creative owner and Pharmacist which gives me more confidence in the products offered by this business. I am challenged by a congenital bone disorder with a 6" leg length discrepancy and forty two surgeries later, I refuse to depend on synthetic drugs for pain relief and appreciate this young lady joining the research offering Americans an effective and safe alternative that hemp can offer.

Thank you Earth& Roots.

Kathy George



**Tyler Eppes**

1 review

★★★★★ 4 months ago

Stopped in for the first time yesterday and had a wonderful experience. Eugene was an absolute doll, I can say that he taught me more in 15 minutes about the products I'm using than anyone in any other shop I've been to has. Great atmosphere and in house products so you know what you are getting. He also helped my mother find something to help with her tendonitis and was very informative. All in all terrific customer service and I left happy with exactly what I needed. Thank Eugene for me!



**Danny Talanquines**

5 reviews

★★★★★ 8 months ago

Walked into earth roots and I was immediately greeted with such kindness.

The salesperson, Eugene, was so knowledgeable and walked me through every step.

Just by chance, I met the owners and I could not be more impressed. They showed me the top selling products and explained everything to me. I never knew about CBD until it was explained to me by the employees.

Going through back pain and anxiety, it really helped. I am a registered nurse and I will say that these products really helped through my daily life. I found out that the products are made by a board certified pharmacist and I am hooked!

Just want to say thank you to earth roots for introducing me to a great product that I will now recommend to all my friends and coworkers!



**tina tina**

Local Guide · 9 reviews · 53 photos

★★★★★ 9 months ago

If you have sleeping problem, you need to try their "Sleepytime Full Spectrum". I've had sleep problems and tried from over the counter to prescriptions and this product is the best thus far. It work within 15 minutes and I get my deep sleep for a productive next day. Highly recommend it!



**Eazydoesit**

2 reviews

★★★★★ 8 months ago

Purchased the 1000 Topical for my father. He has been having problems with arthritis in his hands. He noticed improvement immediately. After a couple of days the pain and movement were back to normal. You have a customer for life. Awesome product and top of the line ingredients.



**Milene Zapata**

2 reviews

★★★★★ a year ago

I don't have words to express myself how wonderful CBD products are...I had a sharp pain on my left leg that I could hardly walk. I went to the hospital and they tried to find the cause of my pain with 3 MRI but they found nothing...my pain continued...my son Gabriel told me to try the Cooling cream and the 1500mgs tincture(sublingual) and in less than 2 weeks I was walking perfectly fine, I just couldn't believe it!!! The problem is that I still owe \$4,500 to the hospital.. I will always use CBD products from CBD Farmhouse, they are very knowledgeable and their customer service is outstanding, they are very generous when you ask for samples...Thank you so much for all you do!

Education and dosage is provided during the visit at the store and QR codes on every product so customers can scan and learn more.

**CANNABIS HAS OVER 100+ CANNABINOIDS**  
(are commonly known ones are):

- CBD**  
NON-PSYCHOACTIVE
- THC**  
PSYCHOACTIVE  
(GETS YOU "HIGH")
- HEMP**  
contains **0.3% THC**  
(OR LESS)
- MARIJUANA**  
contains **15-20% THC**  
(TYPICALLY)

Because hemp and MJ are cousin plants. They can be confused in the mix. Non- reputable companies associate and market hemp as MJ with the tacky leaf. Which has caused stigma. Hemp has been used for thousands of year like bamboo such as rope, textiles, clothing, shoes, food and paper.



# Educating our Customers

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- **The CBD Extraction Process** – The sales person at retail store will educate consumers about the differences between the two plants (hemp and cannabis) and how the extraction process works.
- **Types of CBD** - Different types of CBD have different benefits, and so educating consumers about which type makes the most sense for their needs is important.
- **Forms of CBD** - CBD products include more than just oils. From gummies and chocolates to beverages and skincare products, there are many forms of CBD delivery out there on the market. Educating consumers about the wide array of products available make them feel confident in the product.
- **Potential Health Benefits** – Using the branded content featuring testimonials from users who have experienced positive results after using the CBD products can help build trust with consumers.





## CBD Sales in Colleyville Gas Stations

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Gas station in Colleyville are selling CBD products without educating people, however, the goal of Earth and Roots is to educate people about their health and mindful CBD consumptions.

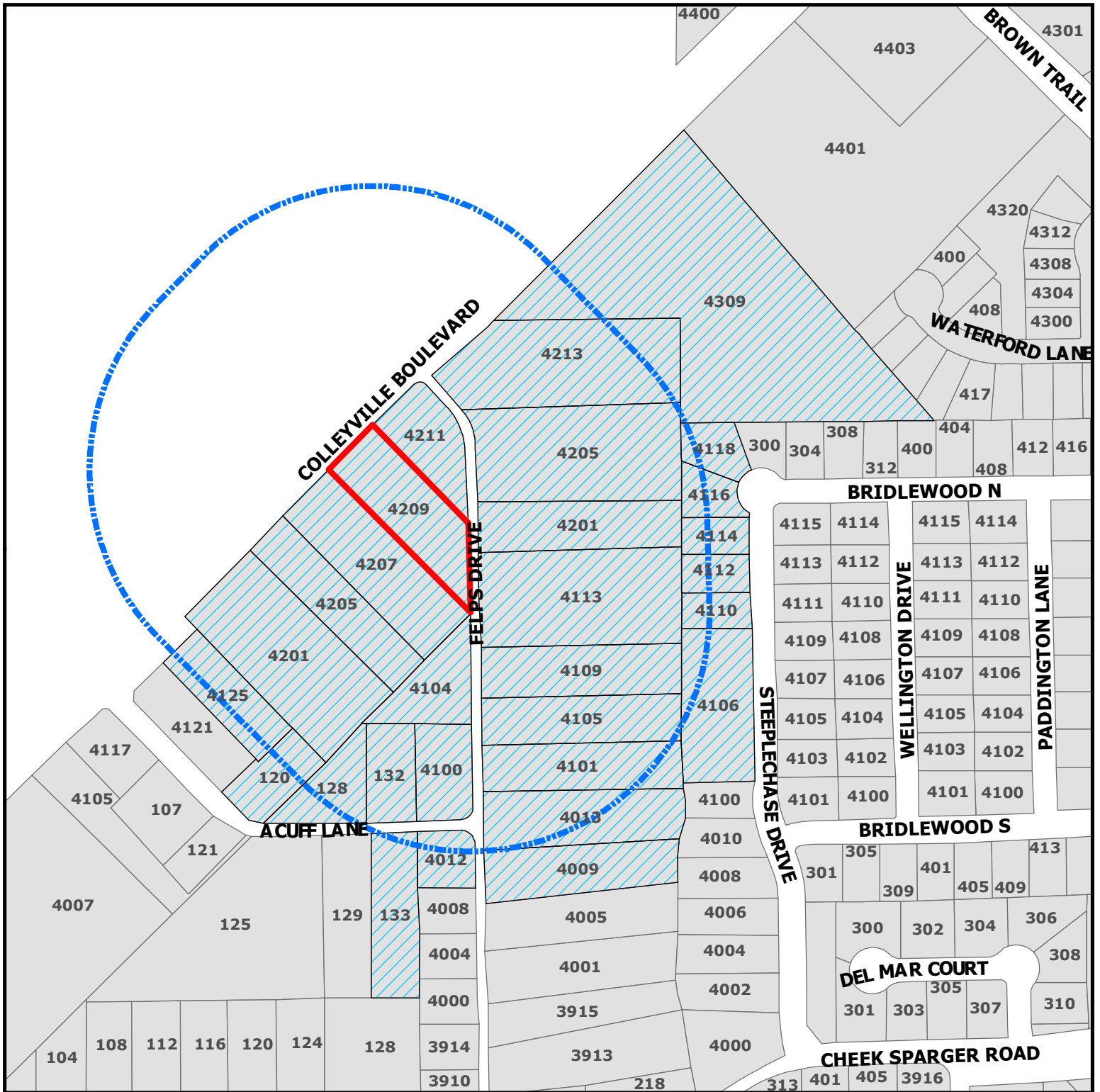


## YOUR WELLNESS IS OUR CONCERN

Our customers' health means everything to us. We don't just make plain CBD products, but we infuse them with healthy herbal blends to enhance our product benefits



# Notification Map

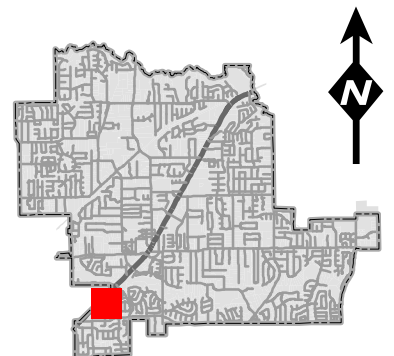


## ZC21-024

**4209 Colleyville Boulevard, Suite B**

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

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



| Owner_Name                | Owner_Addr                     | Owner_City               |
|---------------------------|--------------------------------|--------------------------|
| AUTO WASH DEPOT CENTERS   | 2400 E COMMERCIAL BLVD STE 901 | FORT LAUDERDALE, FL      |
| CHOATE, JOHN P            | 4112 STEEPLECHASE DR           | COLLEYVILLE, TX          |
| DUONG, TRANG              | 10268 CHARISSGLEN CIR          | LITTLETON, CO            |
| HINKLE-MORRISON, MICHAEL  | 4012 FELPS DR                  | COLLEYVILLE, TX          |
| MANDATO, DAVID A          | 4109 FELPS DR                  | COLLEYVILLE, TX          |
| WILKS, EARLEEN FAY        | 132 ACUFF LN                   | COLLEYVILLE, TX          |
| HOELSCHER, KEVIN          | 4116 STEEPLECHASE DR           | COLLEYVILLE, TX          |
| ROMINE, LAQUITA JOY       | 4113 FELPS DR                  | COLLEYVILLE, TX          |
| RAI, RAMINDERPAL          | 4201 FELPS DR                  | COLLEYVILLE, TX          |
| FRENCH, JAMES E           | PO BOX 550                     | TIOGA, TX                |
| HOMEOWNERS OF BRIDLEWOOD  | PO BOX 1142                    | COLLEYVILLE, TX          |
| 4209 COLLEYVILLE BLVD LLC | PO BOX 602                     | COLLEYVILLE, TX          |
| LAWSON, DAVID S           | 4114 STEEPLECHASE DR           | COLLEYVILLE, TX          |
| 4FD PROPERTIES LLC        | 4100 FELPS DR STE A            | COLLEYVILLE, TX          |
| 4205 COLLEYVILLE LLC      | PO BOX 92565                   | SOUTHLAKE, TX            |
| BENCHMARK AMERICAN HOMES  | 9001 GLENDARA DR               | NORTH RICHLAND HILLS, TX |
| LAPRELLE, CHAD            | 133 ACUFF LN                   | COLLEYVILLE, TX          |
| CALLAHAN, JIMMY           | PO BOX 430                     | YANTIS, TX               |
| ACHA, CHRISTINE           | 7656 RIDGELINE DR              | DUBLIN, CA               |
| BOTEJU, PRABATH S         | 501 THORN WOOD DR              | EULESS, TX               |
| KNIGHT, STEVEN            | 4205 FELPS DR                  | COLLEYVILLE, TX          |
| EKDREN TRUST              | 4110 STEEPLECHASE DR           | COLLEYVILLE, TX          |
| MIDBELT PROPERTIES LP     | 2722 FAIRMOUNT ST              | DALLAS, TX               |
| WIEGMANN, PAULA L         | 4118 STEEPLECHASE DR           | COLLEYVILLE, TX          |
| BRATTON, BILLY W          | 4009 FELPS DR                  | COLLEYVILLE, TX          |
| FIRST ASSEMBLY OF GOD CH  | PO BOX 98                      | COLLEYVILLE, TX          |
| CORPORATION, ALARDIN      | 1721 WOODHILL LN               | BEDFORD, TX              |
| LATT PROPERTIES INC       | 3701 CLIFFWOOD DR              | COLLEYVILLE, TX          |
| CROMBIE, PHILLIP EST      | 128 ACUFF LN                   | COLLEYVILLE, TX          |
| BRIDLEWOOD ESTATES        | 4110 Coachman                  | COLLEYVILLE, TX          |
| TIFFANY PARK              | 1264 Harwood Road              | BEDFORD, TX              |
| GRAPEVINE COLLEYVILLE ISD | 3051 IRA E WOODS AVE           | GRAPEVINE, TX            |

## **ORDINANCE O-21-2185**

**AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 0.841 ACRES, BEING LOT 7R1A, BLOCK 2, OF THE ANDY FELPS ADDITION, LOCATED AT 4209 COLLEYVILLE BOULEVARD, SUITE B, AUTHORIZING A SPECIAL USE PERMIT FOR A CBD STORE USE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City of Colleyville has received an application for a Special Use Permit for a CBD store for the business known as Earth and Roots CBD, Case No. ZC21-024; and

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

**WHEREAS,** the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the City's zoning districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

**WHEREAS,** the City Council is of the opinion the change in zoning provided for herein should be made, in compliance with the City Charter, and State law with reference to changes to zoning classifications under the City's zoning ordinance and zoning map, having given the requisite notices required by law and having held public hearings affording all interested persons and property owners a full and fair opportunity to be heard.

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

- Sec. 1. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for a CBD store on 0.841 acres, being Lot 7R1A, Block 2, of the Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, for the business known as Earth and Roots CBD, as depicted on the attached as Exhibit "A".

- Sec. 2. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

**1. GENERAL**

- a. The Special Use Permit shall apply to a CBD store.
  - b. The name of the business authorized for a CBD store by this Special Use Permit shall be called "Earth and Roots CBD".
  - c. The hours of operation shall be 9 a.m. to 9 p.m.
  - d. The business shall not sell any paraphernalia related to vaping and/or smoking.
  - e. There shall not be any smoking on the premises, inside or outside, and a "no smoking" sign shall be posted.
  - f. There shall not be any CBD products sold over 0.3% THC.
  - g. There shall not be any Delta 8, Delta 10, or THCO or any other Isomer and Synthetic product sold.
  - h. No smoothies or other similar food type products (prepared to order) shall be permitted.
  - i. The Special Use Permit shall automatically expire upon the abandonment of the business, change in use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
  - j. All requirements of the Land Development Code shall be met, except where amended herein.
- Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

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

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

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 7<sup>th</sup> day of December 2021.

The second reading and public hearing being conducted on the 21<sup>st</sup> day of December 2021.

PASSED AND APPROVED BY A VOTE OF \_ AYES, \_ NAYS ON THIS THE 21<sup>ST</sup> DAY OF DECEMBER 2021.

|                         |       |                               |       |
|-------------------------|-------|-------------------------------|-------|
| Mayor Richard Newton    | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat          | _____ |
| Place 4, George Dodson  | _____ | Place 5, Chuck Kelley         | _____ |
| Place 6, Callie Rigney  | _____ |                               |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Christine Loven, TRMC  
City Secretary

Richard Newton  
Mayor

**APPROVED AS TO FORM:**

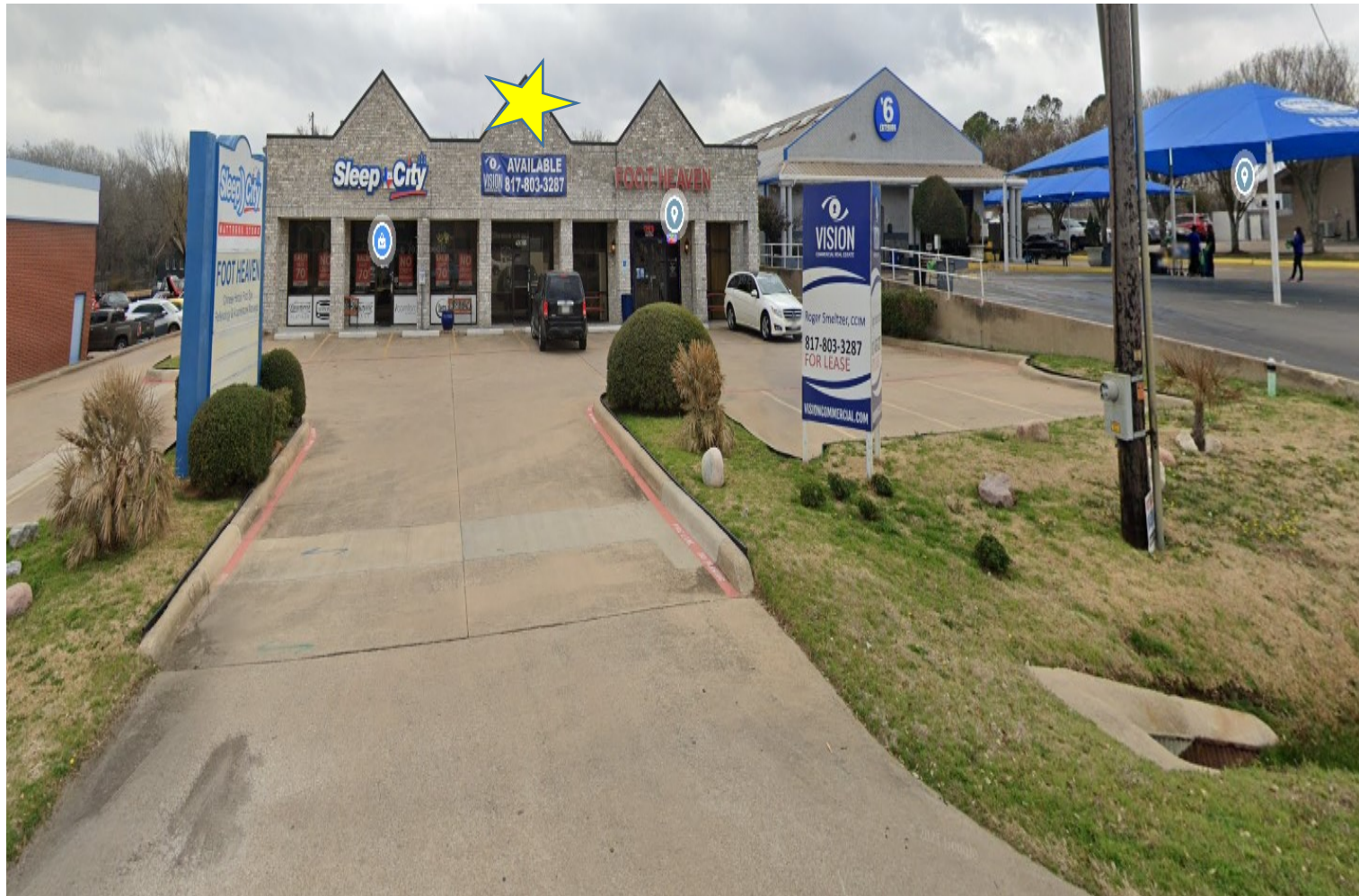
Whitt Wyatt  
City Attorney



**Exhibit "A" - Location and Zoning Map**











# City of Colleyville City Council Agenda Briefing

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

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**Agenda Number** 6e

**Agenda Date** 12/21/2021

**Number** Ordinance O-21-2186

**Type** Ordinance

**Department** Finance

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## **Title**

An ordinance amending Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, adjusting water and wastewater volumetric rates to pass through changes from the Trinity River Authority

## **Strategic Plan**

2.1 Provide responsive, efficient city services

## **Explanation**

### ***Second Reading and Public Hearing***

There were no speakers to discuss this item.

### ***First Reading and Public Hearing***

On November 15, 2016, the City Council approved Ordinance O-16-1996, implementing the recommendations of the Water and Wastewater Rate Advisory Committee. This ordinance established a new rate structure in which City operating costs are recovered through base rates and volumetric rates are set to pass through the costs charged by the Trinity River Authority (TRA).

The base and volumetric rates are reviewed and updated on an annual basis. The new base rates are reflected in the bills sent out in October to coincide with the City's fiscal year while the new volumetric rates are reflected in the bills sent out in January to coincide with TRA's rate change.

This agenda item provides for formal consideration and approval to amend Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, to reflect the proposed new pass through rates to be in effect starting with the January billing for December's usage as follows:

## **Water Rates**

Staff recommends consideration of lowering the current water volumetric rate from \$4.4654 to \$4.3430.

**Wastewater Rates**

Staff recommends consideration of lowering the current wastewater volumetric rate from \$3.1650 to \$3.0663.

**Financial Impact**

Adoption of this ordinance will provide the revenue to recover the costs from TRA.

**Recommendation**

Approve

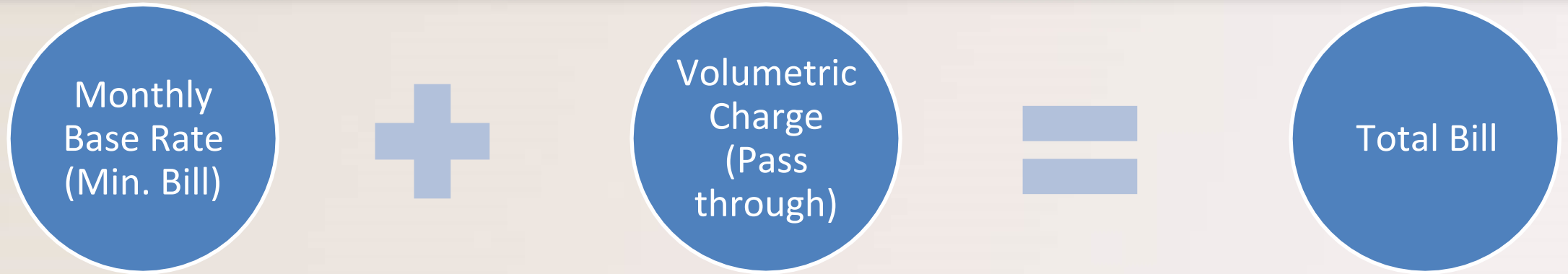
**Attachments**

1. Volumetric Rates 12-21-2021
2. Ordinance O-21-2186

# Volumetric Utility Rates

City Council  
December 21, 2021

# Rate Breakdown



- Fixed monthly charges calculated based on the amount of revenue necessary to recover the City's operating costs.
  - ✓ Water Base Rate
  - ✓ Wastewater Base Rate
  - ✓ Capital Improvement Plan (CIP) Rate

➤ Effective Date: October 1

- TRA bills Colleyville for water and wastewater treatment.

- ✓ WATER: Based on volume of treated water purchased
- ✓ WASTEWATER: Based on volume of wastewater treated
- ✓ DEBT SERVICE: Based on Colleyville's proportional share of water use within the Tarrant County Water Supply Project and proportional share of wastewater flows for Central Regional Wastewater System

➤ Effective Date: January 1

- Colleyville bills customers:

- ✓ A base rate to recover the operating costs.
- ✓ A volumetric rate based on projected payments to TRA



# Utility Fund Projections - Rates

## FY 2022 Recommendation

Moderate increases to water/wastewater base rates  
CIP rate increases to originally projected rate

**+\$1.90 to** **+\$3.10 to**  
**+\$16.44** **+\$21.99**

**+\$0.48 to**  
**+\$4.83**

**+\$0.72**

| Water Meter Size | FY 2021 Water | FY 2021 Wastewater | FY 2021 CIP | <b>FY 2021 Total</b> |
|------------------|---------------|--------------------|-------------|----------------------|
| 1" Meter         | \$13.58       | \$11.60            | \$3.93      | \$29.11              |
| 1.5" Meter       | \$27.16       | \$11.60            | \$7.28      | \$46.04              |
| 2" Meter         | \$43.45       | \$11.60            | \$11.30     | \$66.35              |
| 3" Meter         | \$81.47       | \$11.60            | \$20.67     | \$113.74             |
| 4" Meter         | \$135.78      | \$11.60            | \$34.05     | \$181.43             |

| Water Meter Size | FY 2022 Water | FY 2022 Wastewater | FY 2022 CIP | <b>FY 2022 Total</b> |
|------------------|---------------|--------------------|-------------|----------------------|
| 1" Meter         | \$14.06       | \$12.32            | \$5.83      | \$32.21              |
| 1.5" Meter       | \$28.12       | \$12.32            | \$10.79     | \$51.23              |
| 2" Meter         | \$45.00       | \$12.32            | \$16.75     | \$74.07              |
| 3" Meter         | \$84.37       | \$12.32            | \$30.65     | \$127.34             |
| 4" Meter         | \$140.61      | \$12.32            | \$50.49     | \$203.42             |

# Water Volumetric Rate Comparison



| Current Rate             | New Rate                 | Difference        |
|--------------------------|--------------------------|-------------------|
| \$4.4654 / 1,000 Gallons | \$4.3430 / 1,000 Gallons | (\$0.12) / -2.74% |

| Budgets (include % modifiers)                    | FY2021              | FY2022              |
|--------------------------------------------------|---------------------|---------------------|
| TRWD Raw Water Costs                             | \$16,561,092        | \$16,383,644        |
| O&M Budget                                       | \$12,786,041        | \$12,784,866        |
| Debt Budget                                      | \$16,125,783        | \$16,184,238        |
| <b>Total Budget</b>                              | <b>\$45,472,916</b> | <b>\$45,352,748</b> |
| Colleyville Projected Flow                       | 2,372,552           | 2,409,015           |
| Colleyville Flow as % of Total Flow              | 23.3%               | 23.07%              |
| <b>Colleyville %age of Budget</b>                | <b>\$10,594,280</b> | <b>\$10,462,425</b> |
| <b>Rate (CV % of Budget / CV Projected Flow)</b> | <b>\$4.4654</b>     | <b>\$4.3430</b>     |



# Water Volumetric Rates



| Current Rate             | New Rate                 | Difference        |
|--------------------------|--------------------------|-------------------|
| \$4.4654 / 1,000 Gallons | \$4.3430 / 1,000 Gallons | (\$0.12) / -2.74% |

| Volumetric Rate Calculation                              | Rate per 1,000 Gallons | %age of Rate |
|----------------------------------------------------------|------------------------|--------------|
| TRWD Raw Water Costs                                     | \$1.307                | 30%          |
| Colleyville's Portion of TRA Operating Budget            | \$1.020                | 23%          |
| Add: 20% of O&M rate (billed by TRA to ensure liquidity) | \$0.470                | 11%          |
| <b>Subtotal O&amp;M Rate</b>                             | <b>\$2.793</b>         | <b>64%</b>   |
| Colleyville's portion of TRA Debt Budget                 | \$1.476                | 34%          |
| Add: 5% of Debt Service (based on historical experience) | \$0.074                | 2%           |
| <b>Subtotal Debt Rate</b>                                | <b>\$1.550</b>         | <b>36%</b>   |
| <b>Total FY22 Volumetric Water Rate</b>                  | <b>\$4.3430</b>        |              |

# WW Volumetric Rate Comparison



| Current Rate             | New Rate                | Difference          |
|--------------------------|-------------------------|---------------------|
| \$3.1650 / 1,000 Gallons | \$3.0663/ 1,000 Gallons | (\$0.0987)/ -3.119% |

| Budgets (include % modifiers)                    | FY2021               | FY2022               |
|--------------------------------------------------|----------------------|----------------------|
| O&M Budget                                       | \$54,993,678         | \$56,791,521         |
| Debt Budget                                      | \$110,784,662        | \$103,553,141        |
| <b>Total Budget</b>                              | <b>\$165,778,339</b> | <b>\$160,344,662</b> |
| Colleyville Projected Flow                       | 1,043,900            | 1,036,965            |
| Colleyville Flow as % of Total Flow              | 1.99%                | 1.98%                |
| <b>Colleyville %age of Budget</b>                | <b>\$3,303,962</b>   | <b>\$3,179,635</b>   |
| <b>Rate (CV % of Budget / CV Projected Flow)</b> | <b>\$3.1650</b>      | <b>\$3.0663</b>      |

# Wastewater Volumetric Rates



| Current Rate             | New Rate                | Difference          |
|--------------------------|-------------------------|---------------------|
| \$3.1650 / 1,000 Gallons | \$3.0663/ 1,000 Gallons | (\$0.0987)/ -3.119% |

| Volumetric Rate Calculation                              | Rate per 1,000 Gallons | %age of Rate |
|----------------------------------------------------------|------------------------|--------------|
| Colleyville's Portion of TRA Operating Budget            | \$1.065                | 34.7%        |
| Add: 2% of O&M rate (based on historical experience)     | \$0.021                | 0.7%         |
| <b>Subtotal O&amp;M Rate</b>                             | <b>\$1.086</b>         | <b>35.4%</b> |
| Colleyville's portion of TRA Debt Budget                 | \$1.886                | 43%          |
| Add: 5% of Debt Service (based on historical experience) | \$0.094                | 3.1%         |
| <b>Subtotal Debt Rate</b>                                | <b>\$1.980</b>         | <b>64.6%</b> |
| <b>Total FY22 Volumetric Wastewater Rate</b>             | <b>\$3.0663</b>        |              |

# Wastewater Usage Calculation



- Commercial/Industrial customers are metered (actual usage)
- Residential customers are based on average water use for December, January, February (winter averaging)
  - Industry standard practice; effectively factors out irrigation usage
  - If no preceding winter average is available, a volume of 9,000 gallons is used

# Water Conservation Tips



- Turn off irrigation system during winter months
- Use garbage disposal sparingly (compost)
- Be aware of water levels in laundry
  - If buying new machine, research models for energy conservation
- Use a pool cover (prevent water loss through evaporation)
- Monitor water bill monthly to discover any leaks

# Questions and Discussion

## ORDINANCE O-21-2186

### AMENDING SECTION 3 – SERVICE CHARGES OF THE WATER AND SEWER POLICY AND PROCEDURE MANUAL OF THE CITY OF COLLEYVILLE, AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS,** water and wastewater base rates are set to recover the City’s annual operating costs for the utility system; and

**WHEREAS,** the Fiscal Year 2022 Utility Fund operating budget has been proposed and the required base rates to fund said budget have been calculated; and

**WHEREAS,** the City Council desires to maintain base rates in total by lowering the water base rate, lowering the wastewater base rate, and increasing the base rate for funding of utility capital projects.

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

Sec. 1. THAT Section 3 – Service Charges of the Water and Sewer Policy and Procedure Manual of Colleyville, Texas, which is “Appendix A” of the Colleyville Code be replaced in its entirety to read as follows:

#### **Sec. A. - Water rates.**

The following base and volumetric charges shall apply to residential and non-residential water customers. Base charges for out-of-city customers shall be \$4.00 higher than the charge for in-city customers.

|                                                  |          |
|--------------------------------------------------|----------|
| Base charge per month for in-city customers:     |          |
| Water meters 1 inch or less                      | \$14.06  |
| Water meters of 1.5 inches                       | \$28.12  |
| Water meters of 2 inches                         | \$45.00  |
| Water meters of 3 inches                         | \$84.37  |
| Water meters of 4 inches                         | \$140.61 |
| Base charge per month for out-of-city customers: |          |
| Water meters 1 inch or less                      | \$18.06  |
| Water meters of 1.5 inches                       | \$32.12  |
| Water meters of 2 inches                         | \$49.00  |
| Water meters of 3 inches                         | \$88.37  |
| Water meters of 4 inches                         | \$144.61 |



|                                     |          |
|-------------------------------------|----------|
| Volumetric charge per 1,000 gallons | \$4.3430 |
|-------------------------------------|----------|

***Rates for fire hydrant meters:***

The use of fire hydrant meters shall only be allowed within the Colleyville city limits. The use of the fire hydrant meters shall be limited to a period of no more than 90 cumulative calendar days. Under special conditions, a customer may submit a written request to the public works department for use of a fire hydrant meter for a period longer than 90 cumulative calendar days, subject to public works director approval. In considering special condition(s), the public works director shall not consider requests which are necessary to relieve a self-created or personal hardship, failure of performance by a contractor, nor for financial reasons. In considering the customer request, the public works director shall solicit the recommendation of the fire chief and fire marshal in consideration of the request. Further, the public works director shall consider alternative means available to the customer. If special condition(s) are approved by the public works director, in no case shall the meter be used for more than an additional 30 calendar days. The public works director may provide a written ruling within 15 working days of receipt of the customer's written request.

In the event a request for special condition(s) is denied by the public works director, customer shall, within 14 calendar days, make written appeal to the city manager of the public works director's decision. The city manager shall render a written decision within 30 working days of receipt of the customer's appeal. Such decision by the city manager shall be final and not appealable to the city council.

For purposes of this section, written communication shall be considered communication, which is deposited with the United States Postal Service for delivery.

The user must submit in writing, the location of where the meter will be used and such meter shall be used exclusively at the location on record with the city. For purposes of this section, the use of a meter shall be allowed cumulatively for only one location within an individual subdivision and/or development.

For a period of 90 cumulative calendar days after a meter is returned and read by the city, a user shall not be permitted to check out another meter for use at the same designated location, as defined herein.

The monthly base charge for a fire hydrant meter shall be \$50.00. Water usage for a fire hydrant meter shall be charged at a rate of \$4.17 per 1,000 gallons of water used.

The customer shall be in possession of and responsible for the meter. The customer will be responsible for bringing the meter to the public works service center by the 20th of each month for reading. The customer is required to use a proper fire hydrant wrench for operation of the fire hydrant. The customer shall be responsible for any damage and repair, as reasonably determined by the city, to the fire hydrant or the fire hydrant meter by the use of a temporary water meter.

The customer will be required to provide for any backflow device necessary to meet the current city ordinance for protection of the city's drinking water supply.

The City of Colleyville, Tarrant County, and Texas Department of Transportation (TxDOT) shall be exempt from the provisions of this policy.

**Sec. B. - Sewer rates.**

This schedule of rates per month or fraction thereof shall be the basis for determining charges to all customers for rendering sanitary sewage service, where the sewage produced by such customer is a normal strength wastewater (170 mg/l BOD and 260 mg/l suspended solids) and where such customer is located within the City of Colleyville. The base charge for non-residential customers shall be \$6.00 higher than the charge for residential customers.

| A base charge per month shall be charged as follows: |         |
|------------------------------------------------------|---------|
| Residential customers                                | \$12.32 |
| Non-residential customers                            | \$18.32 |

A monthly sewer volume charge shall also be charged to all customers as set forth hereinafter. The sewer volume charge for residential customers will be based upon the individual customer's average monthly water use during the months of December, January, and February. Where no preceding winter quarter average is available from records, a volume of 9,000 gallons shall be used for this volume charge.

The monthly sewer volume charges to commercial and industrial class customers will be based on total water use each month as measured by appropriate meters, with the provision that if a customer can show to the

satisfaction of the public works director that a significant portion of the metered water usage does not enter the sanitary sewers, the customer will be charged for only that volume entering the sewers, as determined by a method approved by the director of public works.

|                                    |          |
|------------------------------------|----------|
| Volumetric rate per 1,000 gallons: | \$3.0663 |
|------------------------------------|----------|

**Sec. C. – Capital Projects rates.**

The following base charges shall apply to residential and non-residential customers to provide funding for utility capital projects necessary to maintain the utility system:

|                                                              |         |
|--------------------------------------------------------------|---------|
| Base charge per month for in-city and out-of-city customers: |         |
| Water meters 1 inch or less                                  | \$5.83  |
| Water meters of 1.5 inches                                   | \$10.79 |
| Water meters of 2 inches                                     | \$16.75 |
| Water meters of 3 inches                                     | \$30.65 |
| Water meters of 4 inches                                     | \$50.49 |

**Sec. D. – Billing; delinquent penalty.**

All charges for services furnished or rendered by the City of Colleyville Utility Department are due and payable on the date bill is received. If payment is not received within sixteen days of the billing date, a (10%) penalty will be imposed for failure to pay by the due date of the bill.

In the event the meter is not delivered to the city for reading, a penalty fee would be imposed as follows:

|          |                                |
|----------|--------------------------------|
| \$100.00 | 1 <sup>st</sup> missed reading |
| \$200.00 | 2 <sup>nd</sup> missed reading |
| \$300.00 | 3 <sup>rd</sup> missed reading |

After the third missed reading, the security deposit will be forfeited and the City of Colleyville will revoke the use of the fire hydrant meter.

**Sec. E. – Discontinuance of service, notice; reconnection fee.**

In the event that any month's charges remain delinquent and unpaid at the time of a subsequent billing's due date, the user or customer shall receive a cut-off notice which will be mailed no later than two working days after the subsequent billing's due date. Services will be disconnected if any arrearages

over 30 days are not paid within six working days of the cut-off notice. Where service has been discontinued for failure to pay for service rendered, a charge of \$25.00 shall be made for each meter disconnected before said service shall be restored. In the event the customer requests reconnection at hours other than 8:00 a.m. to 4:30 p.m., said reconnect fee shall be increased to \$75.00.

Sec. 2. THAT the effective date of this ordinance shall be for the bills sent out starting January 1, 2022.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 7<sup>th</sup> day of December 2021.

The second reading and public hearing being conducted on the 21<sup>st</sup> day of December 2021.

APPROVED BY A VOTE OF \_ AYES, \_ NAYS, ON THIS THE 21<sup>ST</sup> DAY OF DECEMBER 2021.

Mayor Richard Newton \_\_\_\_\_  
Place 1, Tammy Nakamura \_\_\_\_\_  
Place 3, Kathy Wheat \_\_\_\_\_  
Place 4, George Dodson \_\_\_\_\_

Mayor Pro Tem Bobby Lindamood \_\_\_\_\_  
Place 5, Chuck Kelley \_\_\_\_\_  
Place 6, Callie Rigney \_\_\_\_\_

**ATTEST:**

**CITY OF COLLEYVILLE**

Christine Loven, TRMC  
City Secretary

Richard Newton  
Mayor

**APPROVED AS TO FORM:**

Whitt L. Wyatt  
City Attorney



# City of Colleyville City Council Agenda Briefing

City Hall  
100 Main Street  
Colleyville, Texas 76034  
[www.colleyville.com](http://www.colleyville.com)

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**Agenda Number 8**

**Agenda Date** 12/21/2021

**Type** Report

**Department** City Secretary

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## **Title**

Colleyville Library Board Meeting Minutes - October 25, 2021

Planning and Zoning Commission Meeting Minutes - November 8, 2021

Sign Board of Appeals Meeting Minutes - November 9, 2021

Planning and Zoning Commission Worksession Minutes - November 22, 2021

## **Attachments**

1. Library Board Minutes - October 25, 2021
2. Planning and Zoning Commission Minutes - November 8, 2021
3. Sign Board of Appeals - November 9, 2021
4. Planning and Zoning Commission Worksession Minutes - November 22, 2021



# City of Colleyville

## Colleyville Library Board

### MINUTES

City Hall  
100 Main Street  
Colleyville, Texas 76034  
817. 503.1000  
[www.colleyville.com](http://www.colleyville.com)

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Monday, October 25, 2021  
6:00 p.m.

Colleyville Public Library  
110 Main Street

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#### 1. CALL TO ORDER

Chair Gary McPherson called the meeting of the Colleyville Library Board to order at 6:02 p.m.

**Present** Board members: Chair Gary McPherson, Pat Jones, Joan Roberts, Kay Newton, Wanda Cotter; Ex-Officio: Denise Light; City Staff: Library Director Mary Rodne, Library Events Coordinator Alyssa Ross

**Absent** Board Members: Tina Bond, Joy Fulton Lee, Molly Skinner

#### 2. APPROVAL OF MINUTES

August 9, 2021

A motion was made by Kay Newton and seconded by Joan Roberts to approve the August 9, 2021 minutes. The motion was approved unanimously.

#### 3. REGULAR AGENDA ITEMS

##### 3a Election of Vice-Chair

Chair McPherson asked for Board discussion regarding the election of a Vice-Chair to fill the open position. Following discussion, consensus of the Board was to wait to elect a new Vice-Chair until the next meeting, as new appointments will have been made by City Council in November. Chair McPherson requested Board members to notify him or Director Rodne, if they were interested in the Vice-Chair position.

##### 3b Library Board appointments update

Director Rodne stated that Library Board expiring term e-mail notifications were sent out on October 7 by the City Secretary's office. Rodne noted that Board members with expiring terms included Kay Newton, Pat Jones, Tina Bond, and Wanda Cotter, and that applications were due November 1.

**3c City of Colleyville Fiscal Year 2022 (FY22) budget update**

Director Rodne reported that the City of Colleyville Fiscal Year 2022 (FY22) budget was approved at the September 21, 2021 City Council meeting and took effect on October 1, 2021. Rodne confirmed that City Council approved the Library Board's recommended expenditure amount of the Voluntary Library Fund not to exceed \$170,000, for library materials, library processing supplies, and library programs, at the September 7, 2021 City Council meeting. Additionally, Rodne noted that at the August 17, 2021 City Council meeting, Council approved the use of the Voluntary Library Fund in Fiscal Year 2021, for professional services to update the Library's Long-Range Plan, in an amount not to exceed \$17,000.

**3d Discussion of the Colleyville Public Library Long-Range Plan Update**

Aaron Babcock, Hidell and Associates Architects, presented an overview of the key long-range planning tasks, which included the data gathering process, peer library comparison, stakeholder focus group meetings, and community engagement through an online survey.

Following the overview presentation, Babcock facilitated a discussion to seek Board input. Library trends of the past five years, changed Library service expectations, and future needs of the Library were discussed.

**3e Discussion of Items for Future Agendas**

The next regularly scheduled meeting was tentatively set for Monday, December 13, 2021, and that one agenda item would include the discussion of the Long-Range Plan update.

Member Kay Newton exited the meeting at 7:06 p.m.

**4. REPORTS**

Due to time, the Board agreed to conclude the meeting and review October reports at the December meeting.

**5. ADJOURNMENT**

A motion was made by Pat Jones and seconded by Joan Roberts to adjourn the meeting of the Colleyville Library Board at 7:29 p.m. The motion was approved unanimously.



APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS  
THE 13th DAY OF December.

*Minutes taken and prepared by:*

*Alyssa Ross  
Library Community Events Coordinator*



# City of Colleyville Planning and Zoning Commission Minutes

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

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Monday, November 8, 2021

Executive Conference Room

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## CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission Meeting was called to order by Chair Bevill on November 8, 2021, at 6:16 p.m.

### Roll Call

**Present:** David Groves, Lawrence Williamson, Tim Raine, Matt Koch, Claudia Bevill, and George Bond

**Absent:** Sayeda Syed

**Staff Present:** Ben Bryner, Jacquelyn Reyff, Eddie Tangadunrat, and Dakari Hill

**Also Present:** Attorney, Nicole Corr

Commissioner Syed arrived after Roll Call at 6:31 p.m.

There was general discussion amongst Staff and the Commission regarding items to be presented this evening at the regular meeting.

Chair Bevill adjourned the Planning and Zoning Commission Meeting at 6:34 p.m.

## CALL MEETING TO ORDER CITY COUNCIL CHAMBERS

The City of Colleyville Planning and Zoning Commission Meeting was called to order by Chair Bevill on November 8, 2021, at 7:00 p.m.

### Roll Call

**Present:** David Groves, Lawrence Williamson, Sayeda Syed, Matt Koch, Claudia Bevill, and George Bond

**Absent:** N/A

**Staff Present:** Ben Bryner, Jacquelyn Reyff, Eddie Tangadunrat, and Dakari Hill

**Also Present:** Attorney, Nicole Corr

## **1. APPROVAL OF MINUTES**

- 1a** Planning and Zoning Commission Meeting Minutes – October 11, 2021  
Planning and Zoning Commission Worksession Minutes – October 25, 2021

**Commissioner Koch made a motion to approve the October 11, 2021 Planning and Zoning Commission Meeting Minutes and the October 25, 2021 Planning and Zoning Commission Worksession Minutes. Commissioner Williamson seconded the motion.**

**The motion was carried by the following vote:**

**Aye: 7 – Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond  
Nay: 0**

## **2. PUBLIC HEARING AGENDA ITEMS**

- 2a** Consideration of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024, TABLED FROM THE OCTOBER 11, 2021 PLANNING AND ZONING COMMISSION MEETING

**Commissioner Groves made a motion to remove Case ZC21-024 from the table.**

**Commissioner Syed seconded the motion.**

**The motion was carried by the following vote:**

**Aye: 7 – Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond  
Nay: 0**

Jacquelyn Reyff presented the item and briefed the Commission.

An associate of the applicant, Steven Hz, 9655 Wharf Road, Dallas, TX came forward and briefed the Commission.

Mr. Hz answered questions of the Commission regarding the sale of Delta 8 products, the revenue generated from Delta 8 products, and the potential issue of product being mistaken as an illegal substance

The applicant, Kushal Bastakoti, 4119 Nepoli Way, Irving, TX answered questions of the Commission regarding the sale of Delta 8 products.

The public hearing was open at 7:25 p.m.

James Ramsey, 910 Saddlebrook Drive, Colleyville, TX came forward and spoke in support of the case. Mr. Ramsey expressed the store's potential benefit to the community, the applicant's willingness to make concessions, and the ability of the applicant to provide the Commission with additional information.

With no one wishing to speak, the public hearing was closed at 7:29 p.m.

City Attorney, Nicole Corr, informed the Commission that Delta 8 is criminalized in some states and that the product has also been deemed a "Schedule 1" narcotic.

Commissioner Koch expressed concerns with the legality issues surrounding Delta 8, the lack of information regarding Delta 8, and the applicant's stance on the sale of Delta 8 changing since the last meeting.

Mr. Hz expressed to the Commission that the applicant wished for the Commission to vote on the item on the grounds that Delta 8 would not be sold in that location.

Commissioner Bond expressed his agreeance with Commissioner Koch's concerns and his viewpoint of the possible benefits of CBD.

**Commissioner Syed made a motion to deny Case ZC21-024. Commissioner Groves seconded the motion.**

**The motion was carried by the following vote:**

**Aye: 7 – Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond**

**Nay: 0**

**2b** Consideration of a Special Use Permit for a Reduction in Parking on Lot 1 Block 1, Corley Subdivision, 5409 Colleyville Boulevard, Case ZC21-028

Jacquelyn Reyff presented the item and briefed the Commission.

The applicant, Phillip Tullis, 2824 Naples Drive, Hurst, TX came forward and briefed the commission.

Mr. Tullis answered questions of the Commission regarding the need for additional parking and how customers will know where to park.

The public hearing was open at 7:44 p.m.

With no one wishing to speak, the public hearing was closed at 7:44 p.m.

Staff answered questions of the Commission regarding the best methods of notifying customers about the shared parking agreement.

**Commissioner Williamson made a motion to approve Case ZC21-028. Commissioner Bond seconded the motion.**

**The motion was carried by the following vote:**

**Aye: 7 – Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond  
Nay: 0**

**2c** Consideration of amendments to Chapter 3 of the Land Development Code for the removal of the Mobile Home Residential District, specifically amending Section 3.16 MH – Mobile Home Residential District, Section 3.24B Schedule of Permitted Principal Uses, and Section 3.24.G Schedule of District Regulations, Case GC21-012

Ben Bryner made a recommendation to the Commission that the item be tabled due to possible legal implications.

**Commissioner Bevill made a motion to table Case GC21-012. Commissioner Raine seconded the motion.**

**The motion was carried by the following vote:**

**Aye: 7 – Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond  
Nay: 0**

**2d** Consideration of amendments to Chapter 3 of the Land Development Code requiring a Special Use Permit for a duplex in the RD Two Family Residential district, specifically amending Section 3.24B Schedule of Permitted Principal Uses, Case GC21-013

Ben Bryner presented the item and briefed the Commission.

The public hearing was open at 7:54 p.m.

With no one wishing to speak, the public hearing was closed at 7:54 p.m.

**Commissioner Syed made a motion to approve Case GC21-013. Commissioner Koch seconded the motion.**

**The motion was carried by the following vote:**

**Aye: 7 – Groves, Syed, Raine, Koch, Bevill, and Bond**

**Nay: 0**

- 2e** Consideration of amendments to Chapter 3 of the Land Development Code allowing commercial accessory buildings and providing regulations, specifically amending Section 3.24B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations, Case GC21-014

Ben Bryner presented the item and briefed the Commission.

Staff answered questions of the Commission regarding different standards for residential and non-residential accessory buildings, the maximum number of accessory buildings per lot, and the allowance of subdivided accessory buildings.

The public hearing was open at 8:01 p.m.

With no one wishing to speak, the public hearing was closed at 8:01 p.m.

**Commissioner Williamson made a motion to approve Case GC21-014. Commissioner Syed seconded the motion.**

**The motion was carried by the following vote:**

**Aye: 7 – Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond**

**Nay: 0**

**3. CITIZEN COMMENTS**

With no one wishing to speak, the public hearing was closed at 8:02 p.m.

**4. ADJOURNMENT**

The meeting adjourned at 8:03 p.m.

The minutes were written and prepared by:



Dakari Hill  
Planning Technician

The meeting minutes were approved on December 13, 2021 by a vote of 5-0.



# City of Colleyville Sign Board of Appeals Minutes

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

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Tuesday, November 9, 2021

City Council Chambers

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## Call to Order

The Sign Board of Appeals meeting of the City of Colleyville was called to order by Board member Carroll on March 9, 2021 at 7:00 p.m.

## Roll Call

**Present:** Richard Vallario, Dee Kamerman, Dan Shadle, Frank Carroll, and Michael Deakin

**Staff Present:** Jacquelyn Reyff and Dakari Hill

## 1. APPROVAL OF MINUTES

- 1a Board member Deakin made a motion to approve the March 9, 2021 minutes. Board member Vallario seconded the motion.**

**The motion was carried by the following vote:**

**Aye: 5 – Vallario, Kamerman, Shadle, Carroll, and Deakin**  
**Nay: 0**

## 2. PUBLIC HEARING AGENDA ITEMS

- 2a** Request for a variance to the provisions of Section 7-150, Permanent Freestanding Signs – Sign Classification & Regulations of the Land Development Code, specifically, the minimum setback requirements, on Lot 1R, Colleyville Presbyterian Church, located at 715 Cheek-Sparger Road, Case SC21-003

Jacquelyn Reyff presented the case and briefed the Board.

Staff answered questions of the Board regarding the Board's approval being contingent on City Council's determination.

The applicant, Patrick Webb, 715 Cheek-Sparger Road, Colleyville, TX came forward and briefed the Board.

The applicant expressed to the Board that the sign's placement was



necessary in order to promote the church, differentiate the church from the neighboring school, and provide a more aesthetically pleasing location.

The public hearing was opened at 7:13 p.m.

Reverend Josh Anderson, 1324 Kathryn Street, Hurst, TX came forward and spoke in support of the case. Rev. Anderson expressed that a sign was necessary in order to differentiate the church from the neighboring school.

With no one wishing to speak, the public hearing was closed at 7:15 p.m.

Staff answered questions of the Board regarding potential public safety concerns.

**Board member Shadle made a motion to approve Case SC21-003. Board member Deakin seconded the motion.**

**The motion was carried by the following vote:**

**Aye: 5 – Vallario, Kamerman, Shadle, Carroll, and Deakin**  
**Nay: 0**

### **3. ADJOURNMENT**

The meeting adjourned at 7:17 p.m.

The minutes were written and prepared by:



Dakari Hill  
Planning Technician

*The meeting minutes were approved on December 14, 2021 by a vote of 5-0.*



# City of Colleyville Planning and Zoning Commission Minutes

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

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Monday, November 22, 2021

Executive Conference Room

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## CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission Worksession Meeting was called to order by Chair Bevill on November 22, 2021, at 6:15 p.m.

### Roll Call

**Present:** David Groves, Lawrence Williamson, Claudia Bevill, and George Bond

**Absent:** Sayeda Syed and Tim Raine

**Staff Present:** Ben Bryner, Jacquelyn Reyff, Rob McKeown, and Dakari Hill

Chair Bevill made a general announcement regarding the resignation by Commissioner Matt Koch from the Planning and Zoning Commission.

## 2. WORKSESSION AGENDA ITEMS

- 2a** Presentation and discussion of a Replat with a Plat Waiver for Lot Area and Lot Width for Lot 1, Block 1, Panno Brothers Addition, being Lot 7C, 7D1, and 7D1B, Block 1, Pleasant Oaks Estates Addition, located at 808 Beverly Drive, Case PC21-017

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the disparity between the proposed lot area and width and the required lot area and width, other options besides granting a plat waivers, and the reason to maintain the current zoning.

- 2b** Presentation and discussion of a Special Use Permit for a Residential Carport on Lot 31, Block 1, Wescoat Place Addition, located at 5916 LD Lockett Road, Case ZC21-029

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding an existing garage on the property and the location of the proposed carport.

- 2c** Presentation and discussion of a Special Use Permit for a Massage Therapy use on a portion of Lot 18, Village at Colleyville Condos, located

at 97 Village Lane, Suite 100, Case ZC21-030

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the business the Special Use Permit would be linked to and proof of insurance for the proposed business.

- 2d** Presentation and discussion of a zoning change from AG Agricultural to R-40 Single Family Residential zoning district for Lot 1, Block 1, Howard Place Addition, located at 6113 Bransford Road, Suite 140, Case ZC21-031

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the addition being made to the property as a result of the zoning change.

- 2e** Presentation and discussion of a Special Use Permit for an accessory building to be closer than permitted on Lot 6, Block 1, The Overlook at Big Bear Creek, located at 405 Forest Meadow Drive, Case ZC21-032

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the disparity between the structure's current position in relation to the property and the required distance of an accessory structure in relation to a property line, when the violation was discovered, and previous precedent in similar cases.

- 2f** Presentation and discussion of a Special Use Permit for Alcoholic Beverage Sales for On-Premise Consumption on a portion of Lot 48, Village at Colleyville Condos, located at 16 Village Lane, Suite 150, Case ZC21-033

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the parking pertained to the proposed business and the required ratio of food to drink in the zoning district the business will be located.

- 2g** Presentation and discussion of a zoning change from AG Agricultural to R-40 Single Family Residential zoning district for Tract 1, Abstract 798, Joseph H. Harrell Survey, located at 715 Murphy Road, Case ZC21-034

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the potential demolition of an existing home as a result of the proposed zoning change.

### **3. AJOURMENT**

The meeting adjourned at 6:47 p.m.

The minutes were written and prepared by:

A handwritten signature in black ink, appearing to be 'DH' or 'Dakari Hill'.

Dakari Hill  
Planning Technician

The meeting minutes were approved on December 13, 2021 by a vote of 5-0.

**RESOLUTION R-21-4684**

**A RESOLUTION APPROVING CITY COUNCIL ACTION  
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF  
DECEMBER 21, 2021**

**WHEREAS**, City Council has taken action on certain items on the agenda under Business.

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

Sec. 1. THAT

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF \_ AYES, \_ NAYS ON THIS THE 21<sup>ST</sup> DAY OF DECEMBER 2021.

|                         |       |                               |       |
|-------------------------|-------|-------------------------------|-------|
| Mayor Richard Newton    | _____ | Mayor Pro Tem Bobby Lindamood | _____ |
| Place 1, Tammy Nakamura | _____ | Place 3, Kathy Wheat          | _____ |
| Place 4, George Dodson  | _____ | Place 5, Chuck Kelley         | _____ |
| Place 6, Callie Rigney  | _____ |                               |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Christine Loven, TRMC  
City Secretary

Richard Newton  
Mayor