



CITY OF COLLEYVILLE CITY COUNCIL AGENDA

100 Main Street, Colleyville, Texas, 76034

TUESDAY, OCTOBER 17, 2023

**WORKSESSION
5:30 PM
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER

WS-1 Discussion of a consent agenda

WS-2 Discussion of the October 17, 2023, City Council regular agenda items

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

Section 551.071 - Legal - Consultation with the City Attorney regarding items on the agenda or for matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Code

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities

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
7:00 P.M.
CITY COUNCIL CHAMBERS**

INVOCATION: Pastor Mike Dawson, First United Methodist

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-23-4886

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Proclamation in recognition of Community Planning Month in Colleyville, October 2023 - Mayor Bobby Lindamood and the City Community Development Department - Ben Bryner, Director

4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-23-4887

- 4a** Approval of the minutes of the regular City Council meeting of September 19, 2023
- 4b** Approval of a janitorial services contract with Oriental Building Services, Inc. in an amount not to exceed \$226,503.96, plus a five percent (5%) owner's contingency amount of \$11,325.00, and authorizing the City Manager to execute the agreement
- 4c** Approval of the first amendment to the Construction Services Agreement with Alderink Enterprises, Inc. dba CI Pavement, for the FY2024 Miscellaneous Concrete Repair project, in an amount not to exceed \$667,041.29, and authorizing the City Manager to execute the amendment
- 4d** Approval of the second one-year renewal term with Stripe-A-Zone, LLC for the FY2024 Miscellaneous Pavement Marking Contract, in an amount not to exceed \$150,000.00, and authorizing the City Manager to execute the agreement
- 4e** Approval of an amendment to the Professional Services Agreement with Freese and Nichols, Inc., amending the design parameters for the Roberts Road Project to separate the project into two bid phases, in an amount not to exceed \$34,523.09, and authorize the City Manager to execute the amendment
- 4f** Approval of an amendment to the Professional Services Agreement with MAS Consulting Engineers, amending the design parameters for Water Project 18: Pecan Park Water and Drainage Improvements Project to separate the project into two phases, in an amount not to exceed \$35,750.00, and authorize the City Manager to execute the amendment

5. ITEMS NOT FOR CITY COUNCIL ACTION

- 5a** Monthly Financial Report - September 2023

6. ORDINANCE(S): SECOND READING AND PUBLIC HEARING**6a Ordinance O-23-2262**

Consideration of a rezoning from AG Agricultural to R-20 Single Family Residential for Tract 2B09B, Abstract 439, CC Doss Survey, located at 5209 Pool Road, Case ZC23-020

6b Ordinance O-23-2263

Consideration of a Special Use Permit to allow a fence for Lot 5, Block 5, Woodbriar Estates Addition, located at 3716 Briarhaven Lane, Case ZC23-021

6c Ordinance O-23-2264

Consideration of a Special Use Permit to allow for a fence for Lot 1, Block 1, Naler Addition, located at 6101 Waller Lane, Case ZC23-022

6d Ordinance O-23-2265

Consideration of a Special Use Permit to allow for a fence for Lot 4, Block C, Legacy North, located at 703 Marie Drive, Case ZC23-023

6e Ordinance O-23-2266

Request to appeal the decision by the Planning and Zoning Commission for the consideration of a Special Use Permit to allow for a fence for Lot 1, Block B, Legacy North, located at 812 Sawyer Drive, Case ZC23-024

6f Ordinance O-23-2267

Consideration of a Special Use Permit to allow for a Veterinarian Clinic on Lot 1, Block A, 170 Players Addition, located at 3825 Glade Road, Suite 130, Case ZC23-026

6g Ordinance O-23-2268

Consideration of a Special Use Permit to allow for a fence for Tract 3K & TR 3Y, Abstract 211, BBB & C RY Survey, located at 509 West LD Lockett Road, Case ZC23-027

7. TABLED RESOLUTION(S): READING AND PUBLIC HEARING

7a Consideration of a variance to lot size, lot coverage, and side yard setbacks for lot 27, Community Home Addition, located at 1611 Cherry Lane, Case VC23-004

8. CITIZEN COMMENTS**9. REPORTS**

Library Board Meeting Minutes - August 14, 2023

Planning and Zoning Commission Meeting Minutes - September 11, 2023

Planning and Zoning Commission Worksession Minutes - September 25, 2023

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR TUESDAY, OCTOBER 17, 2023 - READING AND PUBLIC HEARING - RESOLUTION R-23-4888

11. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards *Friday, October 13, 2023* 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, at the discretion of the governing body, be opened for public comment and discussion.

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 BRIEFING

Agenda Number WS-1

Agenda Date 10/17/2023

Type Worksession

Department City Secretary

Title

Discussion of a consent agenda

Explanation

This item provides for discussion of a consent agenda.

Attachments



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number WS-2

Agenda Date 10/17/2023

Type Worksession

Department City Secretary

Title

Discussion of the October 17, 2023, City Council regular agenda items



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 1

Agenda Date 10/17/2023

Type Executive Session

Department City Secretary

Title

Section 551.071 - Legal - Consultation with the City Attorney regarding items on the agenda or for matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Code

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities

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RESOLUTION R-23-4881

**A RESOLUTION APPROVING COUNCIL ACTION REGARDING
EXECUTIVE SESSION ITEMS AT THE REGULAR CITY COUNCIL
MEETING OF OCTOBER 17, 2023**

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 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood	_____	Mayor Pro Tem Callie Rigney	_____
Brandi Elder, Place 1	_____	George Bond, Place 2	_____
Scotty Richardson, Place 3	_____	Ben Graves, Place 4	_____
Chuck Kelley, Place 5	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 3

Agenda Date 10/17/2023

Number

Type Announcements, Proclamations, and Presentations

Department City Secretary

Title

Proclamation in recognition of Community Planning Month in Colleyville, October 2023 - Mayor Bobby Lindamood and the City Community Development Department - Ben Bryner, Director

RESOLUTION R-23-4887

APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF OCTOBER 17, 2023

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 September 19, 2023
 - b. Approval of a janitorial services contract with Oriental Building Services, Inc. in an amount not to exceed \$226,503.96, plus a five percent (5%) owner's contingency amount of \$11,325.00, and authorizing the City Manager to execute the agreement
 - c. Approval of the first amendment to the construction services agreement with Alderink Enterprises, Inc. dba CI Pavement, for the FY2024 Miscellaneous Concrete Repair project, in an amount not to exceed \$667,041.29, and authorizing the City Manager to execute the amendment
 - d. Approval of the second one-year renewal term with Stripe-A-Zone, LLC for the FY2024 Miscellaneous Pavement Marking Contract, in an amount not to exceed \$150,000.00, and authorizing the City Manager to execute the agreement
 - e. Approval of an amendment to the Professional Services Agreement with Freese and Nichols, Inc., amending the design parameters for the Roberts Road Project to separate the project into two bid phases, in an amount not to exceed \$34,523.09, and authorize the City Manager to execute the amendment
 - f. Approval of an amendment to the Professional Services Agreement with MAS Consulting Engineers, amending the design parameters for Water Project 18: Pecan Park Water and Drainage Improvements Project to separate the project into two phases, in an amount not to exceed \$35,750.00, and authorize the City Manager to execute the amendment

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood	_____	Mayor Pro Tem Callie Rigney	_____
Brandi Elder, Place 1	_____	George Bond, Place 2	_____
Scotty Richardson, Place 3	_____	Ben Graves, Place 4	_____
Chuck Kelley, Place 5	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor



CITY OF COLLEYVILLE CITY COUNCIL MINUTES

100 Main Street, Colleyville, Texas, 76034

TUESDAY, SEPTEMBER 19, 2023

Mayor Pro Tem Callie Rigney called the Colleyville City Council Worksession to order on Tuesday, September 19, 2023, at 5:30 p.m.

ROLL CALL: Mayor Pro Tem Callie Rigney, and Councilmembers Brandi Elder, George Bond, Scotty Richardson, Ben Graves, and Chuck Kelley.

ABSENT: Mayor Bobby Lindamood.

ALSO PRESENT: City Manager Jerry Ducay, Assistant City Manager Mark Wood, Assistant City Manager Adrienne Lothery, Police Chief Michael Miller, Fire Chief Mark Cantrell, Parks and Recreation Director Lisa Escobedo, Information Systems Director Patrick Stotts, Finance Director Kyle Lester, Community Development Director Ben Bryner, Public Works Director Amber Beard, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

WS-1 Discussion of the City Council Rules of Procedure

City Secretary Christine Loven discussed the City Council Rules of Procedure, noting there have been no recommended changes by City Council at this time. There was discussion of the board, commission, and committee application process and the length of time for which an application is valid.

WS-2 Discussion of converting the annex building at the recreation center into a permanent vote center

City Secretary Christine Loven gave a presentation noting the potential to convert the annex building at the Recreation Center to a permanent vote center.

There was discussion of the location, restroom facilities, and campaigning area.

WS-3 Discussion of the September 19, 2023, City Council regular agenda items

Mayor Pro Tem Rigney stated she will move agenda item 7a up to follow item 6c, and an updated list of support for agenda item 6f has been distributed by the City Secretary.

Mayor Pro Tem Rigney adjourned the Worksession at 5:53 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 the City Attorney regarding items on the agenda or for matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Code

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities

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

Section 551.089 - Security devices, audits, security assessments or deployments relating to information resources technology

There was no action taken and Mayor Pro Tem Rigney adjourned Executive Session at 6:58 p.m.

Mayor Pro Tem Rigney called the regular meeting of the City Council to order at 7:01 p.m. and called the roll.

ROLL CALL: Mayor Pro Tem Callie Rigney, and Councilmembers Brandi Elder, George Bond, Scotty Richardson, Ben Graves, and Chuck Kelley.

ABSENT: Mayor Bobby Lindamood.

INVOCATION: Councilmember George Bond

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-23-4875

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Mayor Pro Tem Rigney and the City Council made announcements regarding City and community events.

4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-23-4876

- 4a** Approval of the minutes of the regular City Council meeting of September 6, 2023
- 4b** Approval to use the Voluntary Library Fund in Fiscal Year 2024, for the purchase of library materials, collection processing supplies, and library programs, in an amount not to exceed \$190,000
- 4c** Approval of one of five, one year renewals of the Grounds Maintenance Mowing Agreement with Whitmore and Sons, Inc., in an amount not to exceed \$236,840, and any associated change orders, in an amount not to exceed 25% of the original contract price, and authorizing the City Manager to execute the contract
- 4d** Approval of a First Amendment to Ground and Tower Lease between the City of Colleyville and Verizon Wireless for the water tower located at 6015 Bransford Road, and authorizing the City Manager to execute the agreement
- 4e** Adoption of the Fiscal Year 2024 to 2028 Capital Improvement Program (CIP)

Mayor Pro Tem Rigney read Resolution R-23-4876 in its entirety.

Library Director Mary Rodne presented item 4b, Parks and Recreation Director Lisa Escobedo presented 4c, Assistant City Manager Adrienne Lothery presented 4d, and Finance Director Kyle Lester presented 4e.

Staff answered questions of the City Council regarding extra mowing needs under 4c, and the park land dedication fund under 4e.

Mayor Pro Tem Rigney opened and closed the public hearing without speakers.

Councilmember Elder made a motion to approve Resolution R-23-4876, seconded by Councilmember Graves.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

5. ITEMS NOT FOR CITY COUNCIL ACTION

5a Monthly Financial Report - August 2023

Finance Director Kyle Lester presented the August Financial Report, noting sales tax showed an increase of 4% over last July, and noted through August, the general fund has collected 101% of its budgeted revenues and spent 86% of budgeted expenditures. He then gave an overview of each fund.

6. ORDINANCE(S): SECOND READING AND PUBLIC HEARING

6a Ordinance O-23-2256

Amending Ordinance O-22-2219 relating to the Fiscal Year 2023 budget

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2256.

Finance Director Kyle Lester explained the proposed ordinance allows the transfer of part or all of any unencumbered appropriation balance from one department to another, if expenditures in a department exceeded the adopted budget and to transfer surplus from the funds to transfer to the capital funds.

Mayor Pro Tem Rigney opened and closed the public hearing without any speakers.

Councilmember Elder made a motion to approve Ordinance O-23-2256, seconded by Councilmember Richardson.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

6b Ordinance O-23-2257

Adoption of the proposed Fiscal Year 2024 budget

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2257.

Finance Director Kyle Lester presented the City Manager's proposed FY24 operating budget, noting the City Council has been involved with this budget and it has been discussed at length over several meetings.

Director Lester provided the property tax summary for FY24, and explained there was significant net growth led by residential reappraisals, tempered by exemptions

which is why the proposed tax rate is above the no-new-revenue rate but below current rate by \$.004627. He noted this rate will increase the maintenance and operating rate, while keeping the debt rate the same, with an average residential tax bill calculation increase of \$181.55 annually or \$15.12 month. The new growth nets over \$180,000, and the rate adjustment nets \$1.13 million.

Director Lester provided a history of the Council's budget efforts since 2018, and highlighted the needs and key accomplishments of the proposed budget which demonstrates responsible fiscal management, and maintains service levels across the City, without cuts, and providing for staffing of the Recreation Center, technology infrastructure, a fire pumper truck, utility, and basic service cost increases. Director Lester provided general fund projections over the next five years, reflecting modest revenue projections. The presentation provided charts which show new revenue and expenditures by category in all funds and where the money is spent.

Mayor Pro Tem Rigney stated the City was able to provide for the no-new-revenue rate for the last five years, this tax rate, responsibly provides for the needs of the City and is necessary.

There was discussion of debt services and the need for drainage planning and funding.

Mayor Pro Tem Rigney opened the public hearing.

Sayed Syed, 6705 Sapphire Circle North, asked of the 26% property tax exempted property, what percentage is homestead and what the percentage is 65 and over exemptions. Director Lester stated the exemptions are for those 65 and older, and Disabled Veterans, and the City does not have a homestead exemption.

Mayor Pro Tem Rigney closed the public hearing as there were no others wishing to speak.

Councilmember Bond made a motion to approve Ordinance O-23-2257, seconded by Councilmember Graves.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

6c Ordinance O-23-2258

Adoption of the Ad Valorem Tax Rate for Fiscal Year 2024

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2258.

Finance Director Kyle Lester presented the FY24 tax rate proposal, and noted the tax rate funds the majority of the budget proposal. He noted as it was stated in the budget presentation, the proposed tax rate is above the no-new-revenue rate but below the current rate by \$.004627. He noted this rate will increase the maintenance and operating rate, while keeping the debt rate the same. Director Lester reviewed the FY24 needs and programs.

Mayor Pro Tem Rigney stated she and the City Council are proud of work done here and Colleyville continues to have one of the lowest tax rates in the area.

Councilmember Richardson thanked Director Lester for his work and noted his five year modeling scenarios allows the City Council to take action for future needs now and is a good solid plan.

Mayor Pro Tem Rigney opened and closed the public hearing without any speakers.

Mayor Pro Tem Rigney made a motion to approve Ordinance O-23-2258, seconded by Councilmember Richardson.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

At this time, Mayor Pro Tem Rigney moved to item 7a, Resolution R-23-4877.

6d Ordinance O-23-2259

Amending the City's fee schedule by amending and restating Section 2-26 of the Colleyville, Texas, Code of Ordinances, establishing fees and charges for City services

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2259.

Finance Director Kyle Lester stated as part of the annual budget process, staff reviews the fees charged by the City and proposes new fees, revisions or deletions of fees. The proposed fee changes for FY24 include Colleyville Center weekend and Garden Plaza rental fees, and video projector fees, and removal of Colleyville Center fees for services no longer offered.

Mayor Pro Tem Rigney opened and closed the public hearing without any speakers.

Councilmember Richardson made a motion to approve Ordinance O-23-2259, seconded by Councilmember Elder.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

6e Ordinance O-23-2260

An ordinance amending Section 3 - Service Charges of the Water and Sewer Policy and Procedure Manual as contained in the Code of Ordinances, to implement updated base rates

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2260.

Finance Director Kyle Lester presented this item, highlighting the Water and Wastewater base rate structure. Director Lester noted an increase to the FY24 base rate of \$1.17 for customers with a 1 inch or smaller meter, a \$1.96 increase for customers with a 1.5 inch meter, a \$2.91 increase (+3.8%) for customers with a 2" meter, a \$5.13 increase (+3.9%) for customers with a 3" meter, and a \$8.31 increase (+3.9%) for customers with a 4" meter.

Mayor Pro Tem Rigney opened and closed the public hearing without any speakers.

Councilmember Richardson made a motion to approve Ordinance O-23-2260, seconded by Councilmember Graves.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

6f Ordinance O-23-2250

Consideration of a Special Use Permit for a Cemetery use on Lot 1A1, Block 1, of the Bob Moore Sports Center Addition, located at 6113 Colleyville Boulevard, Case ZC23-013

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2250.

Community Development Director Ben Bryner reviewed the proposed changes to the SUP which were derived from meetings with the applicant following the September 6, 2023, City Council meeting and the direction provided at that time. He noted the project will be phased; and explained Phase I and Phase II.

There was discussion regarding time frame, type of masonry, water features, interior roadway design, and fencing.

Julia Mitchell and Jennifer Nachtigal, Mitchell Nachtigal Law, representing the applicant and the owners of Bob Moore's Sports Center, Bluebonnet Cemetery representatives Cary Grossi, and Patrick Husband, and Lisa Miller, Bob Moore's Sports Center, were present to answer questions following Attorney Mitchell's presentation.

There was further discussion regarding the parking lot, fencing, and signage at the current Bob Moore business, the legal description of the property, the decorative fencing and setbacks along Colleyville Boulevard, the condition of the current interior roads within the cemetery, the location, number, and size of mausoleums.

Mayor Pro Tem recessed the meeting to convene in Executive Session at 9:24 p.m. and reconvened at 10:21 p.m.

Mayor Pro Tem Rigney opened the public hearing.

Speaking in support of this item were Sharon Siddique, 1502 Royal Lane, Brian Miller, 2505 Highland Park Drive, and Shemila Chancellor, 5012 Oak Timbers Court.

Mayor Pro Tem Rigney closed the public hearing as there were no others wishing to speak.

Councilmember Graves made a motion to approve Ordinance O-23-2250 as presented by staff, with the following amendments:

1. Applicant will provide full legal description and an additional survey (or similar) exhibit carving out the residential parcel, which will be added to the existing exhibits.
2. The netting identified in Section 4.1.b.2 shall be extended to the west to fully cover the "baby land" portion of the cemetery.
3. Strike Section 4.1.b.3 requiring netting along the north property line.
4. Applicant will provide staff a five (5) year maintenance plan for existing cemetery roads in addition to repairing roads.
5. The setback for private mausoleums identified in Section 4.1.b.7.b shall be modified from 500' to 250' along Colleyville Boulevard (west property line) and from 150' to 100' from the east property line.

6. Private mausoleums shall not exceed 12'x12'x12' – community mausoleums shall not exceed 25' in height.
7. Strike Section 4.1.b.9 requiring improvement of the existing driving range parking lot.
8. Clarify that the driving range shall remain for earlier of 7 years from the approval date of this ordinance or upon issuance of a building permit for the initial Phase 2 improvements.
9. Update Section 4.1.c.6.e to require a detailed use plan clearly identifying the types, sizes and quantities of monuments to be installed in each area of the Phase 1 (and Phase 2 at the time of issuance of a building permit for the initial Phase 2 improvements).
10. Section 4.1.c.3 will be updated to require removal of the parking lot along Colleyville Boulevard within six (6) months of the approval date of this ordinance.

seconded by Mayor Pro Tem Rigney.

The motion with the amendment was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

6g Ordinance O-23-2251

Consideration of a Special Use Permit to allow a non-compliant fence for Lot 1, Block 1, Congregation Beth Israel Addition, located at 6100 Pleasant Run Road, Case ZC23-015

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2251.

Community Development Director Ben Bryner presented this SUP for a non-compliant six-foot fence at Congregation Beth Israel.

Mayor Pro Tem Rigney opened the public hearing.

Sayed Syed, 6705 Sapphire Circle North, stated she would like the ordinance to be approved and would also like the City to waive the permit fees.

Mayor Pro Tem Rigney closed the public hearing as there were no others wishing to speak.

Councilmember Kelley made a motion to approve Ordinance O-23-2251, and for the City to waive permit fees, seconded by Councilmember Bond.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

6h Ordinance O-23-2252

Consideration of a Special Use Permit to allow a non-compliant fence for Lot 1, Block A, Shanklin Farm Addition, located at 4820 Bill Simmons Road, Case ZC23-016

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2252.

Community Development Director Ben Bryner presented this request for a six foot wrought iron fence to encroach into the street side yard setback.

Applicant Boyce Estes reviewed the changes made based on the comments from the previous meeting. He noted there would be two eight foot panels between the brick columns, spaced aesthetically, and stone to closely match the retaining wall.

There was discussion of an easement and City Manager Jerry Ducay stated there is an item of this agenda to provide for vacating the easement.

Mayor Pro Tem Rigney opened and closed the public hearing without any speakers.

Councilmember Richardson made a motion to approve Ordinance O-23-2252, seconded by Councilmember Graves.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

6i Ordinance O-23-2253

Consideration of a Special Use Permit to allow for a non-compliant fence for Lot 21, Block 2, Stafford Heights Subdivision, located at 4808 Manning Drive, Case ZC23-017

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2253.

Community Development Director Ben Bryner presented the request for an iron fence six-feet in height with two-foot by two-foot stone columns and a motorized iron gate to extend beyond the front façade of the house along the property line.

Mayor Pro Tem Rigney opened and closed the public hearing without any speakers.

Councilmember Kelley made a motion to deny Ordinance O-23-2253, seconded by Mayor Pro Tem Rigney.

The motion to deny was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

6j Ordinance O-23-2254

Consideration of a change of zoning from R-20 Single Family Residential district to R-40 Single Family Residential district on a portion of Lot 17, Block 3, Highland Acres Addition, located at 5108 Bransford Road, Case ZC23-018

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2254.

Community Development Director Ben Bryner presented this request to rezone from R-20 to R-40 as the lot currently has split zoning, but meets all the requirements of the R-40.

Mayor Pro Tem Rigney opened and closed the public hearing without any speakers.

Councilmember Graves made a motion to approve Ordinance O-23-2254, seconded by Councilmember Bond.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

6k Ordinance O-23-2255

Consideration of a Special Use Permit to allow for an Accessory Dwelling for Lot 17, Block 3, Highland Acres Addition, located at 5108 Bransford Road, Case ZC23-019

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2255.

Community Development Director Ben Bryner presented this request for an SUP for a detached accessory building to be used as a dwelling for a live-in nanny. Director Bryner noted this request is running concurrently to the request to rezone from R-20 to R-40.

There was discussion regarding expiration of the SUP if there was a change in use or ownership.

Mayor Pro Tem Rigney opened and closed the public hearing without any speakers.

Councilmember Elder made a motion to approve Ordinance O-23-2255, seconded by Councilmember Graves.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

6I Ordinance O-23-2261

Approval of a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 Rate Review Mechanism filing and adopting tariffs reflecting rate adjustments consistent with the negotiated settlement

Mayor Pro Tem Rigney read the caption of Ordinance O-23-2261.

Assistant City Manager Adrienne Lothery presented this item noting in March 2023, Atmos filed a rate request for consideration by the Steering Committee of Cities Served by Atmos (ACSC), which Colleyville is a member. Atmos claimed its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of \$165.9 million. ACSC's consultants and Atmos negotiated a settlement which would allow Atmos an increase of \$142 million, a reduction of \$23.9 million compared to their original request. Manager Lothery noted the recommendation is to approve the negotiated settlement agreement as denial would result in Atmos appealing the decision to the Railroad Commission, which has historically ruled in favor of Atmos.

Mayor Pro Tem Rigney opened and closed the public hearing without any speakers.

Councilmember Richardson made a motion to approve Ordinance O-23-2261, seconded by Councilmember Elder.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-23-4877

Approval of a resolution to ratify the property tax increase as reflected in the Fiscal Year 2024 Budget

Mayor Pro Tem Rigney read Resolution R-23-4877 in its entirety.

Finance Director Kyle Lester stated HB 3195, requires the City Council to vote to ratify the property tax increase as reflected in the Fiscal Year 2024 Budget, and which the City Council approved by Ordinance O-23-2258. He noted this is a procedural requirement and the actual total tax rate has decreased from the voter approval rate of \$0.283010 to \$0.260991 per \$100 of valuation. Similarly, the FY24 proposed rate is also below the FY23 tax rate by \$0.004627.

Mayor Pro Tem Rigney opened and closed the public hearing without speakers.

Councilmember Graves made a motion to approve Resolution R-23-4877, seconded by Councilmember Bond.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

Mayor Pro Tem Rigney then returned to Agenda Item 6d.

7b Resolution R-23-4878

Consideration of a variance to the provisions of Section 3.24.G, Schedule of District Regulations, specifically for the lot area and lot width in the R-10 Single Family Residential district for Lot 10, Block 6, of the Colleyville Estates Addition, located at 605 Field Street, Case VC23-003

Mayor Pro Tem Rigney read Resolution R-23-4878 in its entirety.

Community Development Director Ben Bryner presented this variance request for the lot area and lot width in the R-10 Single Family Residential district to allow an

above ground pool and pergola may be permitted and built. Director Bryner noted, if approved and the property is developed with a single-family resident use, the lot will comply with the R-20 zoning district standards.

Esther DeLeon, applicant, was present to answer questions of the City Council.

Mayor Pro Tem Rigney opened and closed the public hearing without speakers.

Mayor Pro Tem Rigney made a motion to approve Resolution R-23-4878, seconded by Councilmember Kelley.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

7c Resolution R-23-4879

Consideration of an easement abandonment, specifically an 11.5-foot Roadway and Pedestrian Easement, on the property known as Lot 1, Block A, Shanklin Farm Addition, located at 4820 Bill Simmons Road

Mayor Pro Tem Rigney read Resolution R-23-4879 in its entirety.

Community Development Director Ben Bryner presented this item noting the proposed resolution will provide for the abandonment of the easement which was discussed earlier under Ordinance O-23-2252.

Mayor Pro Tem Rigney opened and closed the public hearing without speakers.

Councilmember Elder made a motion to approve Resolution R-23-4879, seconded by Councilmember Richardson.

The motion was approved by the following vote:

Ayes: 6 - Mayor Pro Tem Rigney, and Councilmembers, Elder, Bond, Richardson, Graves, and Kelley.

Absent: 1 - Mayor Lindamood.

8. CITIZEN COMMENTS

Sayed Syed, 6705 Sapphire Circle North, addressed concerns regarding the traffic light at John McCain and Colleyville Boulevard.

9. REPORTS

Planning and Zoning Commission Meeting Minutes - August 14, 2023

Planning and Zoning Commission Worksession Meeting Minutes - August 28, 2023

Planning and Zoning Commission Special Meeting Minutes - August 28, 2023

There was no action taken.

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR TUESDAY, SEPTEMBER 19, 2023 - READING AND PUBLIC HEARING - RESOLUTION R-23-4880

This resolution was not needed.

11. ADJOURNMENT

There being no further business before the City Council, Mayor Lindamood adjourned the meeting without objection by the City Council at 11:19 p.m.

APPROVED BY A VOTE OF AYES, NAYS, ON THIS THE 17TH DAY OF OCTOBER 2023.

Minutes taken and prepared by:

*Christine Loven, TRMC
City Secretary*



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 4b

Agenda Date 10/17/2023

Number Resolution R-23-4887

Type Resolution

Department Building Services

Title

Approval of a janitorial services contract with Oriental Building Services, Inc. in an amount not to exceed \$226,503.96, plus a five percent (5%) owner's contingency amount of \$11,325.00, and authorizing the City Manager to execute the agreement

Explanation

Reading and Public Hearing

On August 7, 2018, City Council, through Resolution R-18-4289, approved a one-year agreement, with the option to renew four additional years, with Oriental Building Services, Inc. to provide janitorial and ancillary maintenance services. Fiscal year 2023 was the final year of the agreement.

Staff prepared a Request for Proposals for a twelve month agreement beginning on October 1, 2023, with the option to renew four additional years for janitorial and ancillary maintenance services for nine municipal buildings. Public notification of the invitation for bids was advertised in the *Fort Worth Star-Telegram* on August 6, 13, 20, 2023. The notice to bidders and bid packet were posted on CivCast for free downloading and distributed to the Dodge Lead Center, BlueBook Building and Construction Network, and Construct Connect, which includes ISqFt, CMD, CDC, and Bid Clerk. Additionally, staff directly notified a list of local contractors who may be interested in the bid opportunity. A non-mandatory pre-bid conference was held on August 15, 2023 with eight individuals in attendance. The project had 28 plan holders, of which 7 were general contractors, 1 government agency, 1 manufacturer, 1 not specified, 6 other, 2 plan rooms, 5 sub-contractors, and 5 suppliers.

The City received six sealed bids, which were opened and publicly read aloud on September 5, 2023. The bid tabulation is attached. The intent is to award the contract to the vendor who provides goods or services at the best value for the City of Colleyville. The City may choose to award the contract based on the lowest responsible bid or the best value ranking, whichever is deemed to be in the best interest of the City. Staff requested the City Attorney's office evaluate the bid submittals and provide a recommendation. See attached memo. After reviewing the requirements of Bid BSV2023-001, reviewing all bids received, and contacting the references, the legal team recommended the City award the contract to Oriental Building Services.

Staff recommends approval of the award to Oriental Building Services in an amount not to exceed \$226,503.96 plus a five percent owner's contingency amount of \$11,325.00 to cover any additional services that may be required during the year, such as floor care, cleaning after a major event, or additional night meetings.

The term of this Agreement shall be for a period of 12 months beginning on October 1, 2023, or upon City Council approval, whichever is later, and ending on September 30, 2024 (the "Initial Term"). Thereafter, the City and Contractor may, upon mutual consent, renew this Agreement for four additional one-year periods, upon written request of the contractor, presented not later than 45 days prior to the expiration of this Agreement (and each renewal term"). The rates can be adjusted, during each renewal term, at a percentage not to exceed the effective change in the consumer price index for the previous 12 months.

Financial Impact

Budgeting for these services have been provided for in the FY 2024 budget.
Form 1295 - Acknowledged by City

Recommendation

Approve

Attachments

1. Legal Review and Recommendation
2. Janitorial Bid Tabulation
3. Janitorial Services Agreement
4. Form 1295

To: City Council, City of Colleyville

From: Julie Doshier, City Attorney's Office

Date: October 10, 2023

Re: Evaluation of bids and Recommendation for BID # BSV-2023-001 for Janitorial Services

Mayor and Council,

City staff asked our office to review and evaluate the bids that were submitted for BID # BSV-2023-001 for Janitorial Services to avoid any biases that City staff may have. (The City's Departments have been using two different service providers (Madrid and Oriental Building Services), both of which have submitted bids for this contract.)

After reviewing the requirements of BID # BSV-2023-001, reviewing all bids received, and contacting the references provided, our office recommends that the City award the contract for BID # BSV-2023-001 for Janitorial Services to Oriental Building Services, Inc.

Bids were evaluated based on completeness of the bid response and the "best value" measurable criteria set forth in Section 1.14 of the RFP. Each bid received a score on a 100 point scale based on the following measurable criteria:

Measurable Criteria

Operational Plan	50 points (percent)
Price	35 points (percent)
Experience/References	15 points (percent)

In total, the City received six (6) bids for this contract, as follows:

Ambassador Services LLC
Members Building Maintenance LLC
CTJ Maintenance, Inc.
Global Building Maintenance, Inc
Madrid Global LLC
Oriental Building Services, Inc

Ambassador Services' bid was found to be non-responsive, as it was missing a completed Certificate of Interested Parties conflict of interest form, as required. (See Section 1.10 of the RFP: "Conflicts of Interest [...] Failure to submit any form under this Section shall result in the Bid being considered non-responsive.")

Members Building Maintenance LLC bid was also found to be non-responsive, as it did not include a bid bond or bid check, as required. (See Section 1.5 of RFP: “Bid Bond [...] Bids without the required check or bid bond will be considered non-responsive.”)

The remaining four bids received the following overall scores:

<u>Bidder Name</u>	<u>Base Bid</u>	<u>Individual Scores</u>		<u>Overall Score</u>	<u>Comments</u>
Oriental Building Services, Inc	\$226,053.96	Operational Plan	48	91.3	- City's current contractor - Very detailed Management Plan - Similar size and scope clients - 3 City Depts. Contracted with Madrid due to quality concerns
		Price	29.3		
		Experience/References	14		
CTJ Maintenance, Inc	\$196,848.00	Operational Plan	48	90.7	- Very detailed Management Plan - One reference stated would not rehire - City terminated contract in 2013
		Price	33.7		
		Experience/References	9		
Global Building Maintenance, Inc	\$189,360.00	Operational Plan	33	71	- Unable to reach majority of references over a 7 day period - Missing Material Safety Data Sheets - Little detail in Management Plan
		Price	35		
		Experience/References	3		
Madrid Global LLC	\$224,504.64	Operational Plan	31	70.5	- Very good references - Current and past clientele not of same size/scope as City - Little detail in Managerial Plan
		Price	29.3		
		Experience/References	10		

Oriental Building Services, Inc received the highest score, with CTJ Maintenance receiving the second highest score. The predominant difference between the two bidders was in the area of experience and references.

Complete evaluation forms for each bidder containing more detailed information are attached hereto.

Please contact our office if you have any questions.

City of Colleyville - Janitorial Services

Bid Tabulation ID: BSV-2023-001

Item	Description	Global Building	CTJ Maintenance	Oriental Building	Madrid Global	Ambassador Services, LLC	Members Building
		Total	Total	Total	Total	Total	Total
1	City Hall Cleaning	\$32,640.00	\$30,420.00	\$35,880.00	\$42,249.96	\$44,438.52	\$131,620.32
2	Library Cleaning	\$24,504.00	\$40,560.00	\$40,560.00	\$51,999.96	\$74,045.64	\$171,600.00
3	Justice Center Cleaning	\$32,700.00	\$35,496.00	\$39,519.96	\$51,999.96	\$42,403.08	\$171,600.00
4	Fire Administration Cleaning	\$3,540.00	\$4,056.00	\$3,120.00	\$2,925.00	\$3,286.08	\$12,870.00
5	CleaningPublic Works Operations	\$12,180.00	\$10,140.00	\$16,380.00	\$16,250.04	\$11,815.92	\$38,794.32
6	Senior Center Cleaning	\$8,640.00	\$9,132.00	\$11,934.00	\$17,550.00	\$7,829.40	\$25,804.44
8	Business Center Cleaning	\$1,320.00	\$2,028.00	\$3,120.00	\$3,900.00	\$1,087.92	\$8,580.00
Sub Total Cleaning		\$115,524.00	\$131,832.00	\$150,513.96	\$186,874.92	\$184,906.56	\$560,869.08
9	City Hall Supplies	\$5,340.00	\$3,000.00	\$1,920.00	\$3,576.00	\$5,804.52	\$8,875.56
10	Library Supplies	\$4,056.00	\$3,600.00	\$2,040.00	\$4,668.00	\$4,422.96	\$5,410.32
11	Justice Center Supplies	\$5,640.00	\$3,600.00	\$2,280.00	\$4,668.00	\$6,139.68	\$8,636.88
12	Fire Administration Supplies	\$2,160.00	\$600.00	\$420.00	\$715.68	\$2,388.12	\$2,921.28
13	Public Works Operations Supplies	\$1,560.00	\$2,100.00	\$1,500.00	\$4,296.00	\$1,710.84	\$3,139.20
14	Senior Center Supplies	\$1,740.00	\$1,200.00	\$840.00	\$1,140.00	\$1,896.72	\$2,320.08
16	Business Center Supplies	\$720.00	\$480.00	\$780.00	\$1,176.00	\$790.68	\$483.60
Sub Total Supplies		\$21,216.00	\$14,580.00	\$9,780.00	\$20,239.68	\$23,153.52	\$31,786.92
Sub Total Without Rec Center		\$136,740.00	\$146,412.00	\$160,293.96	\$207,114.60	\$208,060.08	\$592,656.00
7	Recreation Center Monthly Cleaning	\$45,000.00	\$45,636.00	\$62,400.00	\$16,250.04	\$57,378.84	\$171,600.00
15	Recreation Center Monthly Supplies	\$7,620.00	\$4,800.00	\$3,360.00	\$1,140.00	\$8,308.08	\$12,703.56
Sub Total Recreation Center		\$52,620.00	\$50,436.00	\$65,760.00	\$17,390.04	\$65,686.92	\$184,303.56
GRAND TOTAL BASE BID		\$189,360.00	\$196,848.00	\$226,053.96	\$224,504.64	\$273,747.00	\$776,959.56

City of Colleyville - Janitorial Services

Bid Tabulation ID: BSV-2023-001

Item Description		Global Building	CTJ	Oriental Building	Madrid Global	Ambassador Services, LLC	Members Building
		Total	Total	Total	Total	Total	Total
Alternate 1 - Floor Care							
1a	City Hall Floor Care	\$2,218.00	\$1,200.00	\$3,254.35	\$1,741.67	\$4,706.38	\$2,958.50
2a	Library Floor Care	\$1,915.00	\$900.00	\$2,930.59	\$1,194.51	\$3,586.14	\$2,254.30
3a	Justice Center Floor Care	\$2,503.00	\$1,500.00	\$3,442.23	\$0.00	\$4,978.09	\$3,129.30
4a	Fire Administration Floor Care	\$1,215.00	\$150.00	\$973.76	\$208.12	\$1,936.32	\$1,217.20
5a	Public Works Operations Floor Care	\$872.00	\$300.00	\$697.60	\$0.00	\$1,387.18	\$872.00
6a	Senior Center Floor Care	\$975.00	\$400.00	\$870.03	\$551.06	\$1,537.83	\$966.70
7a	Recreation Center Floor Care	\$3,175.00	\$1,500.00	\$4,234.50	\$0.00	\$6,736.24	\$4,234.50
8a	Business Center Floor Care	\$405.00	\$150.00	\$483.60	\$0.00	\$641.09	\$403.00
9a	Colleyville Center Floor Care	\$1,105.00	\$400.00	\$2,875.00	\$0.00	\$1,759.27	\$1,105.90
Grand Total Floor Care		\$14,383.00	\$6,500.00	\$19,761.66	\$3,695.36	\$27,268.54	\$17,141.40
Alternate 2 - Special Events							
1b	Colleyville Center On Call Special Event Service with Notice	\$190.00	\$19.50	\$550.00	\$270.00	\$91.28	\$225.00
2b	Library Summer Reading Kick off (5am-9am) Saturday	\$220.00	\$78.00	\$300.00	\$120.00	\$91.28	\$190.00
3b	Library Summer Reading Finale (5am-9am) Saturday	\$220.00	\$78.00	\$300.00	\$120.00	\$91.28	\$190.00
4b	Tree Lighting Celebration (Library) (5am-9am) Saturday	\$220.00	\$78.00	\$300.00	\$120.00	\$91.28	\$300.00
Grand Total Special Events		\$850.00	\$253.50	\$1,450.00	\$630.00	\$365.12	\$905.00
Alternate 3 - Hourly Rates							
1c	Additional Special Event with Advance Notice	\$22.50	\$19.50	\$35.00	\$30.00	\$22.82	\$24.00
2c	Emergency Calls	\$24.00	\$22.50	\$35.00	\$40.00	\$34.27	\$30.00
3c	Non-Holiday, Normal Business Hours	\$18.50	\$19.50	\$30.00	\$30.00	\$22.82	\$24.00
4c	After-Hours	\$22.50	\$19.50	\$50.00	\$45.00	\$22.82	\$27.00
5c	Holidays	\$24.00	\$19.50	\$50.00	\$60.00	\$34.27	\$37.50
6c	Quick clean of a facility, replacement of supplies/paper products	\$18.00	\$22.50	\$60.00	\$30.00	\$22.82	\$24.00
7c	Replacement of supplies/paper products ONLY	\$18.00	\$19.50	\$30.00	\$30.00	\$22.82	\$24.00
Grand Total Hourly Rates		\$147.50	\$142.50	\$290.00	\$265.00	\$182.64	\$190.50

CONTRACT SERVICES AGREEMENT
JANITORIAL SERVICES
(Bid #BSV 2023-001)

This Contract Services Agreement (“Agreement”) is made by and between the **City of Colleyville, Texas** (“City”), and **Oriental Business Services, Inc.**, a Texas Corporation (“Contractor”) (each a “party” and collectively the “parties”), acting by and through their respective authorized representatives.

RECITALS

WHEREAS, City desires to engage Contractor to perform certain work and services, hereinafter referred to only as “services”, as further specified in the Scope of Services defined in Section 1 of this Agreement; and

WHEREAS, Contractor has expressed a willingness to perform said services in conformance with this Agreement.

NOW, THEREFORE, for and in consideration of the covenants and promises made one to the other herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section 1. Scope of Services

Upon written notice to proceed by City, Contractor agrees to provide to City the necessary services, labor, materials, equipment, and supplies to perform the Janitorial Services (“Project”), as set forth in the Contract Documents (the “Scope of Services”). Contractor shall not be entitled to any claim for extra services, additional services or changes in the services without a written agreement with the City prior to the performance of such services.

Section 2. Term of Agreement

The initial term of this Agreement shall begin on the last date of execution hereof (the “Effective Date”) and shall continue until (i) September 30, 2024 (“Initial Term”) or (ii) the date Contractor completes the services required herein to the satisfaction of City and has been paid in full by City, unless sooner terminated as provided in Section 9, below. City and Contractor may, upon mutual written agreement, extend this Agreement for up to four (4) additional one year renewal terms (each a “Renewal Term” and collectively the “Term”). The rates may be adjusted once during each Renewal Term upon Contractor’s written request, provided, no annual adjustment may exceed the effective percentage change in the consumer price index for the previous twelve (12) months.

Section 3. Contract Documents

This Agreement is a part of the “Contract Documents”, which include:

- (1) This Agreement, including all exhibits and addenda hereto;
- (2) City’s Bid #BSV 2023-001;
- (3) City’s written notice(s) to proceed to the Contractor;
- (4) Contractor’s Bid Proposal/Response; and
- (5) Properly authorized change orders;
- (6) Any other materials distributed by the City that relate to the services.

In the event there exists a conflict between any term, provision and/or interpretation of the Contract Documents, the documents shall take precedence and control in the order listed above in this section. If discrepancies are found that may impact the services, it shall be the Contractor's obligation to seek clarification as to which requirements or provisions control before undertaking any work on that component of the services. Should the Contractor fail or refuse to seek a clarification of such conflicting or inconsistent requirements or provisions prior to any work on that component of the services, the Contractor shall be solely responsible for the costs and expenses - including additional time - necessary to cure, repair and/or correct that component of the services.

Section 4. Contractor's Obligations

(a) Performance of Services. Contractor shall furnish and pay for all labor, tools, materials, equipment, supplies, transportation and management necessary to perform the services. To the extent reasonably necessary, Contractor may engage the services of any agents, assistants, or other persons that Contractor may deem proper to assist in the performance of the services under this Agreement; provided, that Contractor shall be responsible for all costs related thereto, except as expressly authorized in writing in advance by City.

(b) Standard of Care. Contractor shall perform the services with the skill and care ordinarily provided by competent Contractors practicing in the same or similar locality and under the same or similar circumstances and Contractor licenses. Contractor shall be responsible for the Contractor quality, technical accuracy, and the coordination of all services under this Agreement. Contractor shall, without additional compensation, correct or revise any errors or deficiencies in the services. Contractor shall further make, without expense to City, such revisions to the services as may be required to meet the needs of City and which are within the Scope of Services.

(c) Additional Services. Should City require additional services not included under this Agreement, Contractor shall make reasonable effort to provide such additional services at mutually agreed charges or rates, and within the time schedule prescribed by City; and without decreasing the effectiveness of the performance of services required under this Agreement.

(d) No Waiver of City's Rights. Neither City's review, approval/acceptance of, nor payment for any of the services required under this Agreement, shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement, and Contractor shall be and remain liable to City in accordance with applicable law for all damages to City caused by Contractor's negligent performance of any of the services furnished under this Agreement.

(e) Independent Contractor. It is understood and agreed by and between the parties that Contractor, while performing under this Agreement, is acting independently, and that City assumes no responsibility or liabilities to any third party in connection with Contractor's actions. All services to be performed by Contractor pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of City. Contractor shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement. There is no intended third-party beneficiary to this Agreement.

(f) Inspection of Records. Contractor grants City and its designees the right to audit, examine or inspect, at City's election, all of Contractor's Records relating to the performance of services under this Agreement, during the term of the Agreement and any retention period herein. City's audit, examination or inspection of Contractor's Records may be performed by a City designee, which may include its internal auditors or an outside representative engaged by City. Contractor agrees to retain Contractor's Records for a minimum of four (4) years following termination of the Agreement, unless there is an ongoing dispute

under the contract; then, such retention period shall extend until final resolution of the dispute. "Contractor's Records" shall include any and all information, materials and data of every kind and character generated as a result of the services under this Agreement. City agrees that it will exercise its right to audit, examine or inspect Contractor's Records only during regular business hours. Contractor agrees to allow City and its designees access to all of Contractor's Records, Contractor's facilities and the current or former employees of Contractor, deemed necessary by City or its designee(s), to perform such audit, inspection or examination.

(g) Confidential Information. Contractor agrees it will notify City in writing if it considers specific information to be confidential or proprietary trade secrets and will use its best efforts to clearly mark all such information as "Confidential" and/or "Proprietary – Trade Secret" at the time it is delivered or made accessible to City. City acknowledges that all such designated information is considered by Contractor to be confidential and the exclusive property of Contractor. Notwithstanding the foregoing, Contractor acknowledges that this Agreement, and all services performed hereunder, are subject to the legal requirements of the Texas Public Information Act and that City will have no obligation to protect or otherwise limit disclosure of any confidential or proprietary information if Contractor has not notified City of such designation in conformance with this section. Contractor agrees and covenants to protect any and all proprietary rights of City in any materials provided to Contractor. Additionally, any materials provided to Contractor by City shall not be released to any third party without the consent of City and shall be returned intact to City upon termination or completion of this Agreement or if instructed to do so by City. In the event City delivers to Contractor information that it has expressly marked "Confidential" or has notified Contractor is confidential or is the proprietary information of a third-party, Contractor agrees it shall not disclose to anyone directly or indirectly during the term of this Agreement or at any time thereafter, any such information, nor shall it use any such information for any purpose other than in connection with Contractor's performance of the services under this Agreement. Contractor shall further, at its own expense, defend all suits or proceedings instituted against City and pay any award of damages or loss resulting from an injunction, against City, insofar as the same are based on any claim that materials or services provided under this Agreement constitute an infringement of any patent, trade secret, trademark, copyright or other intellectual property rights.

(h) Certification of No Conflicts. Contractor hereby warrants to the City that Contractor has made full disclosure in writing of any existing or potential conflicts of interest related to Contractor's services under this Agreement. In the event that any conflicts of interest arise after the Effective Date of this Agreement, Contractor hereby agrees immediately to make full disclosure to the City in writing.

Section 5. Performance Schedule

(a) Time for Performance. Contractor shall perform all services as provided for under this Agreement in a proper, efficient, timely, and Contractor manner in accordance with City's requirements. In the event Contractor's performance of this Agreement is delayed or interfered with by acts of the City or others, Contractor may request an extension of time in conformance with this Section 5 for the performance of same as hereinafter provided but shall not be entitled to any increase in fee or price, or to damages or additional compensation as a consequence of such delays.

(b) Extensions; Written Request Required. No allowance of any extension of time, for any cause whatever (including an event of Force Majeure as defined herein below), shall be claimed or made to Contractor, unless Contractor shall have made written request upon City for such extension within forty-eight (48) hours after the cause for such extension occurred, and unless City and Contractor have agreed in writing upon the allowance of additional time to be made.

Section 6. Payment.

(a) Compensation; Payment Terms. City agrees to pay Contractor for all services authorized in writing and properly performed by Contractor in general conformance with the fee schedule(s) established in the Contract Documents, subject to changes in the Scope of Services or additional services agreed upon in writing. Contractor acknowledges that the City's total budget for the Initial Term has been established in an amount not to exceed TWO HUNDRED AND THIRTY-SEVEN THOUSAND, EIGHT HUNDRED AND TWENTY-EIGHT DOLLARS AND NINETY-SIX CENTS (\$237,828.96). Contractor further acknowledges that City may select one or more additional contractors to provide the services under this Agreement and that Contractor shall not be entitled to a minimum amount of compensation during the term hereof. Unless otherwise agreed by the parties, all payments to Contractor by City shall be based on detailed monthly invoices submitted by Contractor for work performed and accepted by City, less any previous payments. Payment will be due within 30 days of the City's receipt and acceptance of an approved invoice. Notwithstanding the foregoing, City reserves the right to delay, without penalty, any payment to Contractor when, in the opinion of City, Contractor has not made satisfactory progress on any component of the services described in the Scope of Services.

(b) Deductions. City may deduct from any amounts due or to become due to Contractor any sum or sums owing by Contractor to City. In the event of any breach by Contractor of any provision or obligation of this Agreement, or in the event of the assertion by other parties of any claim or lien against City, or City's premises, arising out of Contractor's performance of this Agreement, City shall have the right to retain out of any payments due or to become due to Contractor an amount sufficient to completely protect City from any and all reasonably anticipated loss, damage or expense therefrom, until the breach, claim or lien has been satisfactorily remedied or adjusted by Contractor.

(c) Appropriation of Funding. All payments made hereunder shall be paid solely from lawfully available funds that have been appropriated by the City. Under no circumstances shall the City's obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. Consequently, notwithstanding any other provision of this Agreement, the City shall have no obligation or liability to pay any amount due under this Agreement unless the City appropriates funds to make such payment during the budget year in which said amount is payable; provided that during the term of this Agreement the City will take such steps as necessary to appropriate funding for the Project each fiscal year in an amount sufficient to satisfy the reasonably anticipated payment(s) that will become due to Contractor during the ensuing fiscal year. City shall not be obligated to pay any commercial bank, lender or similar institution for any loan or credit agreement made by the Contractor. None of the City's obligations under this Agreement shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution.

Section 7. Default; Force Majeure

(a) Default; Notice to Cure. A party shall be deemed in default under this Agreement if the party is in breach of a material provision of this Agreement and said breach is not cured within ten (10) days written notice of default by the other party. In the event the breaching party has notified the other party in writing that it is diligently working to cure the breach and has provided reasonable evidence in support of the same, the breaching party shall not be deemed in default until the thirtieth (30th) day following the non-breaching party's notice of default.

(b) Default by Contractor. In addition to default under Section 6(a) above, Contractor shall be in default under this Agreement if Contractor fails to comply or becomes disabled and unable to comply with the provisions of this Agreement related to Contractor's performance of the services, including the quality or character of the services or time of performance for any material component of the services. If

such default is not corrected within ten (10) days from the date of City's written notice to Contractor regarding the same, City may, at its sole discretion without prejudice to any other right or remedy:

- (i) Terminate this Agreement and be relieved of the payment of any further consideration to Contractor except for all services determined by City to be satisfactorily completed prior to termination. Payment for services satisfactorily completed shall be for actual costs, including reasonable salaries and travel expenses of Contractor to and from meetings called by City at which Contractor is required to attend, but shall not include any loss of profit of Contractor. In the event of such termination, City may proceed to complete the services in any manner deemed proper by City, either by the use of its own forces or by re-subletting to others; or
- (ii) City may, without terminating this Agreement or taking over the services, furnish the necessary labor, materials, equipment, supplies and/or assistance necessary to remedy the situation, at the expense of Contractor.

(c) Force Majeure. To the extent either party of this Agreement shall be wholly or partially prevented from the performance of any obligation or duty placed on such party by reason of or through work strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, court judgment, or a government restriction, quarantine or mandatory closure order enacted in response to a pandemic or other public health crises, or other specific cause reasonably beyond the parties control and not attributable to its malfeasance, neglect or nonfeasance (each an event of "Force Majeure"), the time for performance of such obligation (other than a payment obligation) may be extended for a period equal to the time lost by reason such event, provided, that the party complies with the provisions of this section. Specifically, the party asserting Force Majeure (i) shall give prompt notice to the other party of the prevention of performance as soon as the asserting party is reasonably aware of such prevention, and (ii) has the burden of demonstrating (A) how and why their performance was so prevented, (B) the period of time during which they were so prevented from performing (which under the facts may be equal to, or shorter or longer than, the duration of the Force Majeure event itself), and (C) that the party used commercially reasonable efforts to mitigate and/or eliminate such prevention and resumed performance under this Agreement as soon as reasonably practicable.

Section 7. Termination; Suspension

(a) Termination Upon Default. Either party may terminate this Agreement upon written notice if the other party is in default of this Agreement, subject to the defaulting party's right to cure in conformance with the terms of this Agreement.

(b) Termination by City. City shall be entitled to terminate this Agreement, with or without cause, by providing thirty (30) days prior written notice to Contractor.

(c) Termination Following Request for Modification. Should City require a modification of this Agreement with Contractor, and in the event City and Contractor fail to agree upon a modification to this Agreement, City shall have the option of terminating this Agreement and Contractor's services hereunder at no additional cost other than the payment to Contractor, in accordance with the terms of this Agreement, for the services reasonably determined by City to be properly performed by Contractor prior to such termination date.

(d) Suspension. City reserves the right to suspend this Agreement for the convenience of City by issuing a written notice of suspension which shall describe City's reason(s) for the suspension and the expected duration of the suspension. Such expected duration shall, in no way, guarantee what the total

number of days of suspension shall occur. Such suspension shall take effect immediately upon Contractor's receipt of said notice. Should such suspension extend past the expected duration identified by City in its latest notice of suspension, Contractor shall have the right to terminate this Agreement if Contractor if (i) Contractor provides not less than thirty (30) days prior written notice to City requesting to recommence the services, and (ii) City does not recommence the services within the time requested.

Section 8. Insurance

Contractor shall during the term hereof maintain in full force and effect all policies of insurance reasonably required by City. Contractor's obligation to provide acceptable certificates of insurance is a material condition of this Agreement, and services under this Agreement shall not commence until certificates of insurance have been received, reviewed, and accepted by City. The minimum coverages and limits of liability for the policies of insurance required under this Agreement are maintained by and accessible through the City's purchasing department.

Section 9. Indemnification; Notice.

CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE SERVICES OF CONTRACTOR PURSUANT TO THIS AGREEMENT. CONTRACTOR HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "CITY INDEMNITEES") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY INDEMNITEES. CONTRACTOR AGREES TO INDEMNIFY AND SAVE HARMLESS THE CITY INDEMNITEES FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, REASONABLE ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS OF ANY KIND BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY THE NEGLIGENCE PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF CONTRACTOR, ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO THE NEGLIGENCE OR WILFUL MISCONDUCT OF A CITY INDEMNITEE, IN WHOLE OR IN PART, IN WHICH CASE CONTRACTOR SHALL INDEMNIFY THE CITY INDEMNITEE TO THE EXTENT OR PROPORTION OF NEGLIGENCE ATTRIBUTED TO CONTRACTOR, ITS OFFICERS, AGENTS, OR EMPLOYEES AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION).

Notices of Claim. Contractor shall promptly advise City in writing of any claim or demand against the City, related to or arising out of Contractor's acts or omissions under this Agreement and shall see to the investigation and defense of such claims or demand at Contractor's sole cost and expense; provided, that City, at its option and at its own expense, may participate in such defense without relieving Contractor of any of its obligations hereunder. Contractor's obligations under this section shall not be limited to the limits of coverage of insurance maintained or required to be maintained by Contractor under this Agreement.

THE PROVISIONS OF THIS SECTION SHALL SURVIVE TERMINATION OF THIS AGREEMENT FOR A PERIOD OF FOUR (4) YEARS.

Section 10. Notice.

All notices required by this Agreement shall be in writing and addressed to the parties at the addresses set forth on the first page of this Agreement (or to such other addresses that may be designated by the receiving party from time to time in accordance with this section). All notices shall be delivered by personal delivery, nationally recognized overnight courier (with all fees prepaid), or e-mail of a PDF document (with confirmation of transmission) or certified or registered mail (in each case, return receipt requested, postage prepaid). Except as otherwise provided in this Agreement, a notice is effective only (a) upon receipt by the receiving party, and (b) if the party giving the notice has complied with the requirements of this section.

Section 11. Verifications by Contractor

Contractor's execution of this Agreement shall serve as its formal acknowledgement and written verification that:

(a) if the requirements of Subchapter J, Chapter 552, Government Code, apply to this Agreement and Contractor agrees that the Agreement can be terminated if Contractor knowingly or intentionally fails to comply with a requirement of that subchapter;

(b) pursuant to Texas Government Code Chapter 2270, that Contractor's organization does not presently boycott Israel and will not boycott Israel during the term of this Agreement; and

(c) pursuant to Texas Government Code Chapter 2251, that Contractor's organization does not currently discriminate against firearm and ammunition industries and will not for the term of the contract. Discriminating means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with the firearm or ammunition industry or with a person or entity doing business in the firearm or ammunition industry, but does not include an action made for ordinary business purposes.

Section 12. Miscellaneous

(a) Contractor shall not assign or sublet this Agreement, in whole or in part, without the prior written consent of City. (b) Contractor shall comply with all federal, state, county and municipal laws, ordinances, resolutions, regulations, rules, and orders applicable to the services under this Agreement. (c) 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 courts of Tarrant County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said courts. (d) This Agreement contains the entire understanding of the parties with respect to the subject matter hereof and there are no oral understandings, statements or stipulations bearing upon the meaning or effect of this Agreement which have not been incorporated herein. (e) The exhibits attached hereto, if any, are incorporated herein and made a part hereof for all purposes. (f) Unless expressly provided otherwise herein, this Agreement may only be modified, amended, supplemented or waived by a mutual written agreement of the parties. (g) 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. (h) Any of the representations and obligations of the parties, as well as any rights and benefits of the parties pertaining to a period of time following the termination of this Agreement shall survive termination. (i) This Agreement may be executed by the parties in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by

less than all, but together signed by all of the parties. (j) Each party represents that it has full capacity and authority to grant all rights and assume all obligations granted and assumed under this Agreement. (k) Subject to the provisions regarding assignment, this Agreement shall be binding on and insure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.

The parties have executed and delivered this Agreement as of the Effective Date.

For City:

For Contractor:

CITY OF COLLEYVILLE, TEXAS

ORIENTAL BUSINESS SERVICES, INC.

By: _____
Jerry Ducay
City Manager

By: _____
Steve Gye
President

Date: _____

Date: _____

Notice Address:

Notice Address:

City of Colleyville
Attn: City Manager
100 Main Street, 3rd Floor
City of Colleyville, Texas 76034
E: jducay@colleyville.com

Oriental Business Services, Inc.
Attn: Steve Gye, President
2526 Manana Dr.
Dallas, Texas 75220

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING****1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Oriental Building Services, Inc.
Dallas, TX United States

Certificate Number:
2023-1067446

Date Filed:
09/05/2023

Date Acknowledged:
10/12/2023

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Colleyville

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

BSV 2023-001
Janitorial Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.**6 UNSWORN DECLARATION**

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Oriental Building Services, Inc.
Dallas, TX United States

Certificate Number:
2023-1067446

Date Filed:
09/05/2023

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Colleyville

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

BSV 2023-001
Janitorial Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



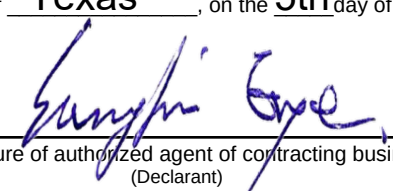
6 UNSWORN DECLARATION

My name is Steve Gye, and my date of birth is 10-06-1960.

My address is 2526 Manana Dr., suite 107, Dallas, Texas, 75220, US.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on the 5th day of September, 2023.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 4c

Agenda Date 10/17/2023

Number Resolution R-23-4887

Type Resolution

Department Engineering

Title

Approval of the first amendment to the Construction Services Agreement with Alderink Enterprises, Inc. dba CI Pavement, for the FY2024 Miscellaneous Concrete Repair project, in an amount not to exceed \$667,041.29, and authorizing the City Manager to execute the amendment

Explanation

Reading and Public Hearing

On December 20, 2022, City Council approved the On-Call Miscellaneous Concrete Repair Construction Services Agreement by Resolution R-22-4797, for concrete rehabilitation which includes up to four additional one year renewals. This will be the first contract renewal.

The FY2024 Capital Improvement Program allocates \$1,000,000 for the rehabilitation of streets. Staff anticipates utilizing approximately \$400,000 for asphalt street repairs and \$600,000 for miscellaneous concrete repairs to include sidewalk, street panel and ADA ramp replacements.

Financial Impact

Funding is allocated in the Capital Projects Fund.

Recommendation

Approve

Attachments

1. Agreement First Amendment CI Pavement
2. Agreement CI Pavement

FIRST AMENDMENT TO CONSTRUCTION SERVICES AGREEMENT

This First Amendment to Construction Services Agreement (“First Amendment”) is entered by and between the **City of Colleyville, Texas** (“City”) and **Alderink Enterprises, Inc. dba CI Pavement**, (“Contractor”) as of the Effective Date.

WHEREAS, City and Contractor previously entered into a Construction Services Agreement for On-Call Miscellaneous Concrete Repair effective December 20, 2022, (“the Agreement”), and

WHEREAS, City and Professional now desire to amend the terms of the Agreement in the manner provided herein.

NOW THEREFORE, for and in consideration of the mutual covenants made herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, City and Professional agree as follows:

1. The parties hereby agree to extend the term of the Agreement to include an initial renewal term beginning on October 1, 2023 and ending on September 30, 2024.
2. Contractor’s compensation during the initial renewal term for work authorized by City’s written notice(s) to proceed shall not exceed the amounts stated in **Exhibit A** to this First Amendment without prior written consent of City, which may be withheld in the City’s sole discretion.
3. Except as provided in Paragraphs 1 and 2 above, the provisions of the Agreement, as previously amended, remain in full force and effect.
4. This First Amendment shall be deemed effective on October 1, 2023 (“the Effective Date”).

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

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

For City:

For Professional:

CITY OF COLLEYVILLE, TEXAS

ALDERINK ENTERPRISES, INC.
d/b/a CI PAVEMENT

By: _____

Jerry Ducay
City Manager

By: _____

Rob Alderink
Vice President

Date: _____

Date: _____

Notice Address:

City of Colleyville
Attn: City Manager
100 Main Street, 3rd Floor
City of Colleyville, Texas 76034
E: jducay@colleyville.com

Notice Address:

Alderink Enterprises, Inc.
d/b/a CI Paving
101 Josephine Ln.
Grand Prairie, Texas 75050
E: rob@cipavement.com

CI Pavement
Exhibit A
FY2024 On Call Miscellaneous Concrete

				2023 Contract Pricing		2024 Contract Pricing CPI 3.7%	
Item No.	Description of Work	UOM	Qty	Unit Price	Total Amount	Unit Price	Total Amount
1	Removal of Concrete Sidewalk, including all incidentals	SY	25.00	\$33.75	\$843.75	\$35.00	\$874.97
2	Removal of Sidewalk (Exposed Aggregate or Salt Finish), including all incidentals	SY	25.00	\$33.75	\$843.75	\$35.00	\$874.97
3	Removal and Replacement of Concrete Sidewalk, including all incidentals	SY	100.00	\$11.50	\$1,150.00	\$11.93	\$1,192.55
4	Removal and Replacement of Sidewalk (Exposed Aggregate or Salt Finish), including all incidentals	SY	25.00	\$130.50	\$3,262.50	\$135.33	\$3,383.21
5	Install Concrete Sidewalk, including all incidentals	SY	1,000.00	\$103.50	\$103,500.00	\$107.33	\$107,329.50
6	Install Sidewalk (Exposed Aggregate or Salt Finish), including all incidentals	SY	50.00	\$130.50	\$6,525.00	\$135.33	\$6,766.43
7	Remove Ramps, including all incidentals	EA	5.00	\$850.00	\$4,250.00	\$881.45	\$4,407.25
8	Removal and Replacement of ADA compliant curb ramp per TXDOT's details and Specifications	EA	5.00	\$1,650.00	\$8,250.00	\$1,711.05	\$8,555.25
9	Install ADA compliant curb ramp per TXDOT's details and Specifications, including all incidentals	EA	15.00	\$1,650.00	\$24,750.00	\$1,711.05	\$25,665.75
10	Remove Structures: (inlet, headwall, junction box, safety end treatment 6:1), including all incidentals	EA	5.00	\$1,000.00	\$5,000.00	\$1,037.00	\$5,185.00
11	Removal and Replacement of Structures: (inlet, headwall, junction box, safety end treatment 6:1), including all incidentals	EA	5.00	\$2,800.00	\$14,000.00	\$2,903.60	\$14,518.00
12	Install Structures: (inlet, headwall, junction box, safety end treatment 6:1), including all incidentals	EA	5.00	\$2,800.00	\$14,000.00	\$2,903.60	\$14,518.00
13	Removal and Replacement of Concrete Paving, including 8" cement treated base material and all incidentals	SY	1,500.00	\$134.82	\$202,230.00	\$139.81	\$209,712.51
14	Removal and Replacement of Concrete Paving using high early concrete achieving at least 70 percent strength with 24 hours, including 8" cement treated base material and all incidentals	SY	100.00	\$140.67	\$14,067.00	\$145.87	\$14,587.48
15	Remove Drive Approach and all incidentals	SY	25.00	\$33.75	\$843.75	\$35.00	\$874.97
16	Removal and Replacement of Drive Approach, including 2" sand cushion material and all incidentals, in accordance with City of Colleville Standards and Specifications	SY	50.00	\$121.50	\$6,075.00	\$126.00	\$6,299.78
17	Removal and Replace Drive Approach (Exposed Aggregate or Salt Finish), including 2" sand cushion material and all incidentals	SY	10.00	\$139.50	\$1,395.00	\$144.66	\$1,446.62
18	Removal and Replace Drive Approach using high early concrete achieving at least 70 percent strength with 24 hours,, including 2" sand cushion material and all incidentals	SY	10.00	\$130.50	\$1,305.00	\$135.33	\$1,353.29
19	Removal and Replace Drive Approach (Exposed Aggregate or Salt Finish), using high early concrete achieving at least 70 percent strength with 24 hours, including 2" sand cushion material and all incidentals	SY	10.00	\$148.50	\$1,485.00	\$153.99	\$1,539.95
20	Install Drive Approach and including 2" sand cushion material and all incidentals	SY	25.00	\$121.50	\$3,037.50	\$126.00	\$3,149.89
21	Remove 6 inch thick Concrete Trail, (8' – 12') including all incidentals	SY	5.00	\$33.75	\$168.75	\$35.00	\$174.99
22	Removal and Replacement of 6 inch thick Concrete Trail, (8' – 12') including all incidentals	SY	5.00	\$116.55	\$582.75	\$120.86	\$604.31
23	Install 6 inch thick Concrete Trail, (8' – 12') including all incidentals	SY	5.00	\$116.55	\$582.75	\$120.86	\$604.31
24	Remove Concrete Curb and Gutter with a minimum thickness of 6" reinforced concrete, including 6" of cement treated base material and all incidentals, includes the removal and replacement of HMAC transitions	LF	25.00	\$11.25	\$281.25	\$11.67	\$291.66
25	Removal and Replacement of Concrete Curb and Gutter with a minimum thickness of 6" reinforced concrete, including 6" of cement treated base material and all incidentals, includes the removal and replacement of HMAC transitions	LF	500.00	\$49.00	\$24,500.00	\$50.81	\$25,406.50

CI Pavement
Exhibit A
FY2024 On Call Miscellaneous Concrete

Item No.	Description of Work	UOM	Qty	Unit Price	Total Amount	Unit Price	Total Amount
26	Install Concrete Curb and Gutter with a minimum thickness of 6" reinforced concrete, including 6" of cement treated base material and all incidentals, includes the removal and replacement of HMAC transitions in accordance with City of Colleyville Standards and Specifications	LF	500.00	\$59.00	\$29,500.00	\$61.18	\$30,591.50
27	Removal and Replace of Concrete Valley Gutter with minimum thickness of 6" reinforced concrete, including 8" cement treated base material and all incidentals, complete in place in accordance with City of Colleyville Standards and Specifications	SY	5.00	\$134.82	\$674.10	\$139.81	\$699.04
28	Install Concrete Valley Gutter with minimum thickness of 6" reinforced concrete, including 8" cement treated base material and all incidentals, complete in place in accordance with City of Colleyville Standards and Specifications	SY	5.00	\$134.82	\$674.10	\$139.81	\$699.04
29	Removal and Replacement of Concrete Valley Gutter with minimum thickness of 6" reinforced concrete, using high early concrete achieving at least 70 percent strength with 24 hours, including 8" cement treated base material and all incidentals, complete in place	SY	5.00	\$143.82	\$719.10	\$149.14	\$745.71
30	Install Concrete Valley Gutter with minimum thickness of 6" reinforced concrete, using high early concrete achieving at least 70 percent strength with 24 hours, including 8" cement treated base material and all incidentals	SY	5.00	\$143.82	\$719.10	\$149.14	\$745.71
31	Removal and Replacement of miscellaneous concrete for Public Utilities Pads	SY	100.00	\$130.50	\$13,050.00	\$135.33	\$13,532.85
32	Install miscellaneous concrete for Public Utilities Pads	SY	50.00	\$130.50	\$6,525.00	\$135.33	\$6,766.43
33	Remove 18" RCP including all incidentals and backfill	LF	20.00	\$175.00	\$3,500.00	\$181.48	\$3,629.50
34	Removal and Replacement of 18" RCP including all incidentals and backfill, in accordance with City of Colleyville Standards and Specifications	LF	20.00	\$475.00	\$9,500.00	\$492.58	\$9,851.50
35	Install 18" RCP including all incidentals and backfill	LF	20.00	\$475.00	\$9,500.00	\$492.58	\$9,851.50
36	Remove 24" RCP including all incidentals and backfill, in accordance with City of Colleyville Standards and Specifications	LF	20.00	\$185.00	\$3,700.00	\$191.85	\$3,836.90
37	Removal and Replacement of 24" RCP including all incidentals and backfill	LF	20.00	\$550.00	\$11,000.00	\$570.35	\$11,407.00
38	Install 24" RCP including all incidentals and backfill	LF	20.00	\$550.00	\$11,000.00	\$570.35	\$11,407.00
39	Furnish and install matching sod and approved top soil on disturbed areas as needed and level with existing sod, complete and in place	SY	1,000.00	\$54.00	\$54,000.00	\$56.00	\$55,998.00
40	Traffic Control (Arterial and Collector)	EA	10.00	\$1,250.00	\$12,500.00	\$1,296.25	\$12,962.50
41	Landscape Restoration Allowance	LS	1.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
42	Irrigation Allowance	LS	1.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
43	Owner's Contingency	LS	1.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
	TOTAL				\$644,490.15		\$667,041.29

CONTRACT SERVICES AGREEMENT
FY2023 On-Call Miscellaneous Concrete Repair
Request for Proposals # ENG-2022-007

This Contract Services Agreement (“Agreement”) is made by and between the **City of Colleyville, Texas** (“City”), and **Alderink Enterprises, Inc. dba CI Pavement**. (“Contractor”) (each a “party” and collectively the “parties”), acting by and through their respective authorized representatives.

RECITALS

WHEREAS, City desires to engage Contractor to perform certain work and services, hereinafter referred to only as “services”, as further specified in the Scope of Services defined in Section 1 of this Agreement; and

WHEREAS, Contractor has expressed a willingness to perform said services in conformance with this Agreement.

NOW, THEREFORE, for and in consideration of the covenants and promises made one to the other herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section 1. Scope of Services

On an as-needed basis upon notice to proceed by City, Contractor agrees to provide the necessary services, labor, materials, equipment and supplies related to City Request for Proposals # ENG-2022-007 for on-call miscellaneous concrete repair services, such services in conformance with the Contract Documents (defined below). Contractor shall not be entitled to any claim for extra services, additional services or changes in the services, except as expressly authorized in writing in advance by City.

Section 2. Term of Agreement

The term of this Agreement shall become effective on the last date of execution hereof (the “Effective Date”) and shall remain in effect for a period of one (1) year (the “Initial Term”), unless sooner terminated as provided in this Agreement. The parties may, upon mutual written agreement, renew this Agreement for up to four additional one (1) year periods (each a “Renewal Term”). City may, in its sole discretion, extend the term hereof as necessary to allow Contractor to complete work on any uncompleted work authorized by City prior to the expiration of this Agreement. Notwithstanding the foregoing, this Agreement may be sooner terminated as provided herein.

Section 3. Contract Documents

This Agreement is a part of the “Contract Documents”, which include:

- (1) This Agreement, including all exhibits and addenda hereto;
- (2) City’s Request for Proposals # ENG-2022-007;
- (3) City’s written notice(s) to proceed to the Contractor;
- (4) Properly authorized change orders;
- (5) Contractor’s Bid Proposal (“Proposal” and/or “Response”); and
- (6) Any other materials distributed by the City that relate to the services.

In the event there exists a conflict between any term, provision and/or interpretation of the Contract Documents, the documents shall take precedent and control in the order listed above in this section. If discrepancies are found that may impact the services, it shall be the Contractor's obligation to seek clarification as to which requirements or provisions control before undertaking any work on that component of the services. Should the Contractor fail or refuse to seek a clarification of such conflicting or inconsistent requirements or provisions prior to any work on that component of the services, the Contractor shall be solely responsible for the costs and expenses - including additional time - necessary to cure, repair and/or correct that component of the services.

Section 4. Contractor's Obligations

(a) Performance of Services. Contractor shall furnish and pay for all labor, tools, materials, equipment, supplies, transportation and management necessary to perform the services. To the extent reasonably necessary, Contractor may engage the services of any agents, assistants, or other persons that Contractor may deem proper to assist in the performance of the services under this Agreement; provided, that Contractor shall be responsible for all costs related thereto, except as expressly authorized in writing in advance by City.

(b) Standard of Care. Contractor shall perform the services with the skill and care ordinarily provided by competent Contractors practicing in the same or similar locality and under the same or similar circumstances and Contractor licenses. Contractor shall be responsible for the Contractor quality, technical accuracy, and the coordination of all services under this Agreement. Contractor shall, without additional compensation, correct or revise any errors or deficiencies in the services. Contractor shall further make, without expense to City, such revisions to the services as may be required to meet the needs of City and which are within the Scope of Services.

(c) Additional Services. Should City require additional services not included under this Agreement, Contractor shall make reasonable effort to provide such additional services at mutually agreed charges or rates, and within the time schedule prescribed by City; and without decreasing the effectiveness of the performance of services required under this Agreement.

(d) No Waiver of City's Rights. Neither City's review, approval/acceptance of, nor payment for any of the services required under this Agreement, shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement, and Contractor shall be and remain liable to City in accordance with applicable law for all damages to City caused by Contractor's negligent performance of any of the services furnished under this Agreement.

(e) Independent Contractor. It is understood and agreed by and between the parties that Contractor, while performing under this Agreement, is acting independently, and that City assumes no responsibility or liabilities to any third party in connection with Contractor's actions. All services to be performed by Contractor pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of City. Contractor shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement. There is no intended third-party beneficiary to this Agreement.

(f) Inspection of Records. Contractor grants City and its designees the right to audit, examine or inspect, at City's election, all of Contractor's Records relating to the performance of services under this Agreement, during the term of the Agreement and any retention period herein. City's audit, examination or inspection of Contractor's Records may be performed by a City designee, which may include its internal auditors or an outside representative engaged by City. Contractor agrees to retain Contractor's Records for

a minimum of four (4) years following termination of the Agreement, unless there is an ongoing dispute under the contract; then, such retention period shall extend until final resolution of the dispute. "Contractor's Records" shall include any and all information, materials and data of every kind and character generated as a result of the services under this Agreement. City agrees that it will exercise its right to audit, examine or inspect Contractor's Records only during regular business hours. Contractor agrees to allow City and its designees access to all of Contractor's Records, Contractor's facilities and the current or former employees of Contractor, deemed necessary by City or its designee(s), to perform such audit, inspection or examination.

(g) Confidential Information. Contractor agrees it will notify City in writing if it considers specific information to be confidential or proprietary trade secrets and will use its best efforts to clearly mark all such information as "Confidential" and/or "Proprietary – Trade Secret" at the time it is delivered or made accessible to City. City acknowledges that all such designated information is considered by Contractor to be confidential and the exclusive property of Contractor. Notwithstanding the foregoing, Contractor acknowledges that this Agreement, and all services performed hereunder, are subject to the legal requirements of the Texas Public Information Act and that City will have no obligation to protect or otherwise limit disclosure of any confidential or proprietary information if Contractor has not notified City of such designation in conformance with this section. Contractor agrees and covenants to protect any and all proprietary rights of City in any materials provided to Contractor. Additionally, any materials provided to Contractor by City shall not be released to any third party without the consent of City and shall be returned intact to City upon termination or completion of this Agreement or if instructed to do so by City. In the event City delivers to Contractor information that it has expressly marked "Confidential" or has notified Contractor is confidential or is the proprietary information of a third-party, Contractor agrees it shall not disclose to anyone directly or indirectly during the term of this Agreement or at any time thereafter, any such information, nor shall it use any such information for any purpose other than in connection with Contractor's performance of the services under this Agreement. Contractor shall further, at its own expense, defend all suits or proceedings instituted against City and pay any award of damages or loss resulting from an injunction, against City, insofar as the same are based on any claim that materials or services provided under this Agreement constitute an infringement of any patent, trade secret, trademark, copyright or other intellectual property rights.

(h) Certification of No Conflicts. Contractor hereby warrants to the City that Contractor has made full disclosure in writing of any existing or potential conflicts of interest related to Contractor's services under this Agreement. In the event that any conflicts of interest arise after the Effective Date of this Agreement, Contractor hereby agrees immediately to make full disclosure to the City in writing.

(i) Storm Water Management. When performing or delivering services at or upon any property owned, leased, or managed by the City, or in performance of any services or other acts on behalf of, or at the direction of the City (regardless of location), Contractor shall at all times comply with (i) the City's Storm Water Management and Discharge Control provisions codified in Chapter 42 of the Colleyville Municipal Code, as amended, (ii) all applicable Minimum Best Management Practice requirements, as defined by the Texas Commission on Environmental Quality, and (iii) any Storm Water Pollution Prevention Plan (SWPPP) applicable to the worksite. Regardless of the applicability of the foregoing regulations, CONTRACTOR SHALL AT ALL TIMES BE RESPONSIBLE FOR IMPLEMENTING SUCH CONTROLS AS MAY BE REASONABLY NECESSARY TO MINIMIZE ANY NEGATIVE IMPACT TO THE STORM WATER COLLECTION SYSTEM OR ENVIRONMENT AND SHALL FOLLOW ALL STATE AND LOCAL ILLICIT DISCHARGE REPORTING PROCEDURES IN THE EVENT OF AN OCCURRENCE OR DISCHARGE.

Section 5. Performance Schedule

(a) Time for Performance. Contractor shall perform all services as provided for under this Agreement in a proper, efficient, timely, and Contractor manner in accordance with City's requirements. Notwithstanding any other provision of the Contract Documents, upon City's issuance of a notice to proceed under this Agreement Contractor shall mobilize and begin performance within ten (10) calendar days from the date the notice is issued (unless expressly provided otherwise therein). In the event Contractor's performance of this Agreement is delayed or interfered with by acts of the City or others (including an event of Force Majeure), Contractor may request an extension of time in conformance with this Section 5 for the performance of same as hereinafter provided but shall not be entitled to any increase in fee or price, or to damages or additional compensation as a consequence of such delays.

(b) Extensions; Written Request Required. No allowance of any extension of time, for any cause whatever (including an event of Force Majeure as defined herein below), shall be claimed or made to Contractor, unless Contractor shall have made written request upon City for such extension within forty-eight (48) hours after the cause for such extension occurred, and unless City and Contractor have agreed in writing upon the allowance of additional time to be made.

Section 6. Payment.

(a) Compensation; Payment Terms. City agrees to pay Contractor for all services authorized in writing and properly performed by Contractor in general conformance with the fee schedule(s) established in the Contract Documents, subject to changes in the Scope of Services or additional services agreed upon in writing. Contractor acknowledges that the City's total budget for the services is as may be established by the City Council, including through the City's Capital Improvements Program (CIP), each fiscal year. Notwithstanding, Contractor acknowledges that the City's total anticipated budget for the services is an amount not to exceed \$600,000.00 during the term hereof, inclusive of anticipated contingencies, including (i) a landscape restoration allowance of \$10,000, (ii) an irrigation allowance of \$10,000, and (iii) a general construction contingency allowance of \$15,000. Contractor further acknowledges that City may select one or more additional contractors to provide the services under this Agreement and that Contractor shall not be entitled to a minimum amount of compensation during the term hereof. Unless otherwise agreed by the parties, all payments to Contractor by City shall be based on detailed monthly invoices submitted by Contractor for work performed and accepted by City, less any previous payments. Payment will be due within thirty (30) days of the City's receipt and acceptance of an approved invoice. Notwithstanding the foregoing, City reserves the right to delay, without penalty, any payment to Contractor when, in the opinion of City, Contractor has not made satisfactory progress on any component of the services described in the Scope of Services.

(b) Deductions. City may deduct from any amounts due or to become due to Contractor any sum or sums owing by Contractor to City. In the event of any breach by Contractor of any provision or obligation of this Agreement, or in the event of the assertion by other parties of any claim or lien against City, or City's premises, arising out of Contractor's performance of this Agreement, City shall have the right to retain out of any payments due or to become due to Contractor an amount sufficient to completely protect City from any and all reasonably anticipated loss, damage or expense therefrom, until the breach, claim or lien has been satisfactorily remedied or adjusted by Contractor.

(c) Appropriation of Funding. All payments made hereunder shall be paid solely from lawfully available funds that have been appropriated by the City. Under no circumstances shall the City's obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. Consequently, notwithstanding any other provision of this Agreement, the City shall have no

obligation or liability to pay any amount due under this Agreement unless the City appropriates funds to make such payment during the budget year in which said amount is payable; provided that during the term of this Agreement the City will take such steps as necessary to appropriate funding for the Project each fiscal year in an amount sufficient to satisfy the reasonably anticipated payment(s) that will become due to Contractor during the ensuing fiscal year. City shall not be obligated to pay any commercial bank, lender or similar institution for any loan or credit agreement made by the Contractor. None of the City's obligations under this Agreement shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution.

Section 7. Default; Force Majeure

(a) Default; Notice to Cure. A party shall be deemed in default under this Agreement if the party is in breach of a material provision of this Agreement and said breach is not cured within ten (10) days written notice of default by the other party. In the event the breaching party has notified the other party in writing that it is diligently working to cure the breach and has provided reasonable evidence in support of the same, the breaching party shall not be deemed in default until the thirtieth (30th) day following the non-breaching party's notice of default.

(b) Default by Contractor. In addition to default under Section 6(a) above, Contractor shall be in default under this Agreement if Contractor fails to comply or becomes disabled and unable to comply with the provisions of this Agreement related to Contractor's performance of the services, including the quality or character of the services or time of performance for any material component of the services. If such default is not corrected within ten (10) days from the date of City's written notice to Contractor regarding the same, City may, at its sole discretion without prejudice to any other right or remedy:

- (i) Terminate this Agreement and be relieved of the payment of any further consideration to Contractor except for all services determined by City to be satisfactorily completed prior to termination. Payment for services satisfactorily completed shall be for actual costs, including reasonable salaries and travel expenses of Contractor to and from meetings called by City at which Contractor is required to attend, but shall not include any loss of profit of Contractor. In the event of such termination, City may proceed to complete the services in any manner deemed proper by City, either by the use of its own forces or by re-subletting to others; or
- (ii) City may, without terminating this Agreement or taking over the services, furnish the necessary labor, materials, equipment, supplies and/or assistance necessary to remedy the situation, at the expense of Contractor.

(c) Force Majeure. To the extent either party of this Agreement shall be wholly or partially prevented from the performance of any obligation or duty placed on such party by reason of or through work strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, court judgment, or a government restriction, quarantine or mandatory closure order enacted in response to a pandemic or other public health crises, or other specific cause reasonably beyond the parties control and not attributable to its malfeasance, neglect or nonfeasance (each an event of "Force Majeure"), the time for performance of such obligation (other than a payment obligation) may be extended for a period equal to the time lost by reason such event, provided, that the party complies with the provisions of this section. Specifically, the party asserting Force Majeure (i) shall give prompt notice to the other party of the prevention of performance as soon as the asserting party is reasonably aware of such prevention, and (ii) has the burden of demonstrating (A) how and why their performance was so prevented, (B) the period of time during which they were so prevented from performing (which under the facts may be equal to, or shorter or longer than, the duration of the Force

Majeure event itself), and (C) that the party used commercially reasonable efforts to mitigate and/or eliminate such prevention and resumed performance under this Agreement as soon as reasonably practicable.

Section 7. Termination; Suspension

(a) Termination Upon Default. Either party may terminate this Agreement upon written notice if the other party is in default of this Agreement, subject to the defaulting party's right to cure in conformance with the terms of this Agreement.

(b) Termination by City. City shall be entitled to terminate this Agreement, with or without cause, by providing thirty (30) days prior written notice to Contractor.

(c) Termination Following Request for Modification. Should City require a modification of this Agreement with Contractor, and in the event City and Contractor fail to agree upon a modification to this Agreement, City shall have the option of terminating this Agreement and Contractor's services hereunder at no additional cost other than the payment to Contractor, in accordance with the terms of this Agreement, for the services reasonably determined by City to be properly performed by Contractor prior to such termination date.

(d) Suspension. City reserves the right to suspend this Agreement for the convenience of City by issuing a written notice of suspension which shall describe City's reason(s) for the suspension and the expected duration of the suspension. Such expected duration shall, in no way, guarantee what the total number of days of suspension shall occur. Such suspension shall take effect immediately upon Contractor's receipt of said notice. Should such suspension extend past the expected duration identified by City in its latest notice of suspension, Contractor shall have the right to terminate this Agreement if Contractor if (i) Contractor provides not less than thirty (30) days prior written notice to City requesting to recommence the services, and (ii) City does not recommence the services within the time requested.

Section 8. Insurance

Contractor shall during the term hereof maintain in full force and effect all policies of insurance reasonably required by City. Contractor's obligation to provide acceptable certificates of insurance is a material condition of this Agreement, and services under this Agreement shall not commence until certificates of insurance have been received, reviewed, and accepted by City. The minimum coverages and limits of liability for the policies of insurance required under this Agreement are maintained by and accessible through the City's public works department.

Section 9. Indemnification; Notice.

CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE SERVICES OF CONTRACTOR PURSUANT TO THIS AGREEMENT. CONTRACTOR HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "CITY INDEMNITEES") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY INDEMNITEES. CONTRACTOR AGREES TO INDEMNIFY AND SAVE HARMLESS THE CITY INDEMNITEES FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, REASONABLE ATTORNEYS' FEES AND COSTS OF

INVESTIGATION) AND ACTIONS OF ANY KIND BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY THE NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF CONTRACTOR, ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO THE NEGLIGENCE OR WILFUL MISCONDUCT OF A CITY INDEMNITEE, IN WHOLE OR IN PART, IN WHICH CASE CONTRACTOR SHALL INDEMNIFY THE CITY INDEMNITEE TO THE EXTENT OR PROPORTION OF NEGLIGENCE ATTRIBUTED TO CONTRACTOR, ITS OFFICERS, AGENTS, OR EMPLOYEES AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION).

Notices of Claim. Contractor shall promptly advise City in writing of any claim or demand against the City, related to or arising out of Contractor's acts or omissions under this Agreement and shall see to the investigation and defense of such claims or demand at Contractor's sole cost and expense; provided, that City, at its option and at its own expense, may participate in such defense without relieving Contractor of any of its obligations hereunder. Contractor's obligations under this section shall not be limited to the limits of coverage of insurance maintained or required to be maintained by Contractor under this Agreement.

THE PROVISIONS OF THIS SECTION SHALL SURVIVE TERMINATION OF THIS AGREEMENT FOR A PERIOD OF FOUR (4) YEARS.

Section 10. Notice.

All notices required by this Agreement shall be in writing and addressed to the parties at the addresses set forth on the first page of this Agreement (or to such other address that may be designated by the receiving party from time to time in accordance with this section). All notices shall be delivered by personal delivery, nationally recognized overnight courier (with all fees pre-paid), or e-mail of a PDF document (with confirmation of transmission) or certified or registered mail (in each case, return receipt requested, postage prepaid). Except as otherwise provided in this Agreement, a notice is effective only (a) upon receipt by the receiving party, and (b) if the party giving the notice has complied with the requirements of this section.

Section 11. Verifications by Contractor

Contractor's execution of this Agreement shall serve as its formal acknowledgement and written verification that:

(a) if the requirements of Subchapter J, Chapter 552, Government Code, apply to this Agreement and Contractor agrees that the Agreement can be terminated if Contractor knowingly or intentionally fails to comply with a requirement of that subchapter;

(b) pursuant to Texas Government Code Chapter 2270, that Contractor's organization does not presently boycott Israel and will not boycott Israel during the term of this Agreement; and

(c) pursuant to Texas Government Code Chapter 2251, that Contractor's organization does not current discriminate against firearm and ammunition industries and will not for the term of the contract. Discriminating means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations

specifically with the firearm or ammunition industry or with a person or entity doing business in the firearm or ammunition industry, but does not include an action made for ordinary business purposes.

Section 12. Miscellaneous

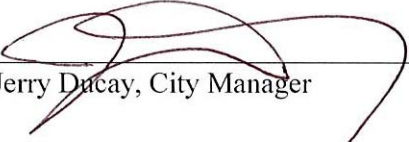
(a) Contractor shall not assign or sublet this Agreement, in whole or in part, without the prior written consent of City. (b) Contractor shall comply with all federal, state, county and municipal laws, ordinances, resolutions, regulations, rules, and orders applicable to the services under this Agreement. (c) 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 courts of Dallas County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said courts. (d) This Agreement contains the entire understanding of the parties with respect to the subject matter hereof and there are no oral understandings, statements or stipulations bearing upon the meaning or effect of this Agreement which have not been incorporated herein. (e) The exhibits attached hereto, if any, are incorporated herein and made a part hereof for all purposes. (f) Unless expressly provided otherwise herein, this Agreement may only be modified, amended, supplemented or waived by a mutual written agreement of the parties. (g) 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. (h) Any of the representations and obligations of the parties, as well as any rights and benefits of the parties pertaining to a period of time following the termination of this Agreement shall survive termination. (i) This Agreement may be executed by the parties in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the parties. (j) Each party represents that it has full capacity and authority to grant all rights and assume all obligations granted and assumed under this Agreement. (k) Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.

[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.

For City:

CITY OF COLLEYVILLE, TEXAS

By: 
Jerry Ducay, City Manager

Date: 12/29/2022

Notice Address:

City of Colleyville
Attn: Jerry Ducay, City Manager
100 Main Street
Colleyville, Texas 76034
E: jducay@colleyville.com

For Contractor:

ALDERINK ENTERPRISES, INC.
d/b/a CI Pavement

By: 
Rob Alderink, Vice President

Date: 01 / 03 / 2023

Notice Address:

Alderink Enterprises, Inc. dba CI Pavement
Attn: Rob Alderink, Vice President
101 Josephine Ln.
Grand Prairie, Texas 75050
E: rob@cipavement.com

Approved by
Resolution R-22-4797
DEC 20 2022
Colleyville
City Council



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 4d

Agenda Date 10/17/2023

Number Resolution R-23-4887

Type Resolution

Department Engineering

Title

Approval of the second one-year renewal term with Stripe-A-Zone, LLC for the FY2024 Miscellaneous Pavement Marking Contract, in an amount not to exceed \$150,000.00, and authorizing the City Manager to execute the agreement

Explanation

Reading and Public Hearing

On March 22, 2022, City Council, through Resolution R-22-4705, approved an agreement with Stripe-A-Zone, LLC to provide pavement marking services which included an option to renew for four additional one-year terms.

The initial term of the Agreement was for a period beginning March 22, 2022, and ending September 30, 2022. On October 3, 2022, Council authorized the first renewal term. "Amendment No. 2" for FY 2024 will be the second of four renewal terms under this Agreement.

The FY2024 Capital Improvement Program allocates \$150,000 for miscellaneous pavement marking. The Pavement Marking Program targets the rehabilitation of existing pavement markings throughout the street system, such as lane lines, railroad crossings, crosswalks, school zones, and City-owned parking facilities.

Stripe-A-Zone, LLC has performed pavement marking services for Colleyville since 2013.

Financial Impact

Funding is allocated in the Capital Projects Fund.

Recommendation

Approve

Attachments

1. Agreement Renewal - Amendment 2 Stripe A Zone

SECOND AMENDMENT TO CONTRACTOR SERVICES AGREEMENT

This Second Amendment to Contractor Services Agreement **for** pavement marking services ("First Amendment") is entered by and between the **City of Colleyville, Texas** ("City") and **Stripe-A-Zone, LLC**, ("Contractor") as of the Effective Date.

WHEREAS, the parties desire to further amend that Certain Contractor Services Agreement for pavement marking services, effective March 22, 2022, ("the Agreement"); as previously amended on October 1, 2022 ("First Amendment"); and

WHEREAS, City and Professional now desire to amend the terms of the Agreement in the manner provided herein.

NOW THEREFORE, for and in consideration of the mutual covenants made herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, City and Professional agree as follows:

1. The parties agree to extend the term of the Agreement to include a second renewal term beginning on October 1, 2023 and ending on September 20, 2024.
2. **Exhibit B** of the Agreement is hereby amended and restated to incorporate the payment schedule for the second renewal term, effective as of October 1, 2023, a true and correct copy of which is attached hereto and incorporated herein as **Exhibit A** to this Second Amendment.
3. Except as provided in Paragraphs 1 and 2 above, the provisions of the Agreement, as previously amended, remain in full force and effect.
4. This Second Amendment shall be deemed effective as of October 1, 2023 ("the Effective Date").

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY –
SIGNATURES ON FOLLOWING PAGE(S)]

For City:

CITY OF COLLEYVILLE, TEXAS

For Contractor:

STRIPE-A-ZONE INC.

By: _____

Jerry Ducay
City Manager

By: _____

John Johnson
VP of Finance

Date: _____

Date: _____

Notice Address:

City of Colleyville
Attn: City Manager
100 Main Street
Colleyville, Texas 76034
E: jducay@colleyville.com

Notice Address:

Stripe-A-Zone, Inc.
Attn: John Johnson, VP of Finance
2714 Sherman Street
Grand Prairie, TX 75051-1082
E: _____

ATTEST:

By: _____

Christine Loven
City Secretary

EXHIBIT A

Second Amendment to Professional Services Agreement
Amended and Restated Exhibit B (Payment Schedule)

(attached)

EXHIBIT A
CITY OF GRAND PRAIRIE ANNUAL CONTRACT RFB 21116

	New Pricing
2022	2023

ITEM ID	Quantity	Unit	Unit Price	Extended price	Unit Price	Extended price
666 2003--REFL PAV MRK TY I (W) 4" (BRK) (100MIL)	30000	LF	0.60	\$ 18,000.00	0.65	\$ 19,500.00
666 2012--REFL PAV MRK TY I (W) 4" (SLD) (100MIL)	30000	LF	0.60	\$ 18,000.00	0.65	\$ 19,500.00
666 6018--REFL PAV MRK TY I (W)6"(DOT)(100MIL)	30000	LF	0.75	\$ 22,500.00	0.82	\$ 24,600.00
666 2021--TY I W 6" LNDP	30000	LF	0.75	\$ 22,500.00	0.82	\$ 24,600.00
666 6027--REFL PAV MRK TY I (W)8"(BRK)(100MIL)	15000	LF	0.77	\$ 11,550.00	0.84	\$ 12,600.00
666 6036--REFL PAV MRK TY I (W)8"(SLD)(100MIL)	15000	LF	1.09	\$ 16,350.00	1.19	\$ 17,850.00
666 6039--REFL PAV MRK TY I (W)12"(LNDP)(100MIL)	15000	LF	1.21	\$ 18,150.00	1.32	\$ 19,800.00
666 6042--REFL PAV MRK TY I (W)12"(SLD)(100MIL)	7500	LF	5.45	\$ 40,875.00	5.94	\$ 44,550.00
666 6048--REFL PAV MRK TY I (W)24"(SLD)(100MIL)	7500	LF	6.54	\$ 49,050.00	7.13	\$ 53,475.00
666 6054--REFL PAV MRK TY I (W)(ARROW)(100MIL)	108	EACH	119.90	\$ 12,949.20	130.69	\$ 14,114.52
666 6057--REFL PAV MRK TY I(W)(DBL ARROW)(100MIL)	30	EACH	119.90	\$ 3,597.00	130.69	\$ 3,920.70
666 6078--REFL PAV MRK TY I (W)(WORD)(100MIL)	30	EACH	119.90	\$ 3,597.00	130.69	\$ 3,920.70
666 6093--REFL PAV MRK TY I (W)(RR XING)(100MIL)	30	EACH	337.90	\$ 10,137.00	368.31	\$ 11,049.30
666 2111--REFL PAV MRK TY I (Y) 4" (SLD) (100MIL)	60000	LF	0.60	\$ 36,000.00	0.65	\$ 39,000.00
666 6167--REFL PAV MRK TY II (W) 4" (BRK)	30000	LF	0.27	\$ 8,100.00	0.30	\$ 9,000.00
666 6170--REFL PAV MRK TY II (W) 4" (SLD)	15000	LF	0.27	\$ 4,050.00	0.30	\$ 4,500.00
666 6171--REFL PAV MRK TY II (W) 6" (BRK)	30000	LF	0.32	\$ 9,600.00	0.34	\$ 10,200.00
666 6174--REFL PAV MRK TY II (W) 6" (SLD)	15000	LF	0.32	\$ 4,800.00	0.34	\$ 5,100.00
666 6175--REFL PAV MRK TY II (W) 8" (BRK)	15000	LF	0.32	\$ 4,800.00	0.34	\$ 5,100.00
666 6178--REFL PAV MRK TY II (W) 8" (SLD)	15000	LF	1.09	\$ 16,350.00	1.19	\$ 17,850.00
666 6180--REFL PAV MRK TY II (W) 12" (SLD)	7500	LF	0.78	\$ 5,850.00	0.86	\$ 6,450.00
666 6182--REFL PAV MRK TY II (W) 24" (SLD)	7500	LF	1.10	\$ 8,250.00	1.20	\$ 9,000.00
666 6184--REFL PAV MRK TY II (W) (ARROW)	108	EACH	39.24	\$ 4,237.92	42.77	\$ 4,619.16
666 6185--REFL PAV MRK TY II (W) (DBL ARROW)	30	EACH	39.24	\$ 1,177.20	42.77	\$ 1,283.10
666 6192--REFL PAV MRK TY II (W) (WORD)	30	EACH	39.24	\$ 1,177.20	42.77	\$ 1,283.10
666 6196--REFL PAV MRK TY II (W) (RR XING)	30	EACH	39.24	\$ 1,177.20	42.77	\$ 1,283.10
666 6207--REFL PAV MRK TY II (Y) 4" (SLD)	60000	LF	0.27	\$ 16,200.00	0.29	\$ 17,400.00
672 6006--REFL PAV MRKR TY I-A	3000	EACH	2.73	\$ 8,190.00	2.98	\$ 8,940.00
672 6007--REFL PAV MRKR TY I-C	3000	EACH	2.73	\$ 8,190.00	2.98	\$ 8,940.00
672 6009--REFL PAV MRKR TY II-A-A	3000	EACH	6.54	\$ 8,190.00	7.13	\$ 21,390.00
672 6010--REFL PAV MRKR TY II-C-R	3000	EACH	6.54	\$ 19,620.00	7.13	\$ 21,390.00
677 6001--ELIM EXT PAV MRK & MRKS (4")	30000	LF	0.53	\$ 15,900.00	0.58	\$ 17,400.00
677 6002--ELIM EXT PAV MRK & MRKS (6")	30000	LF	0.53	\$ 15,900.00	0.58	\$ 17,400.00
677 6003--ELIM EXT PAV MRK & MRKS (8")	15000	LF	0.59	\$ 8,850.00	0.64	\$ 9,600.00
677 6005--ELIM EXT PAV MRK & MRKS (12")	7500	LF	0.92	\$ 6,900.00	1.00	\$ 7,500.00
677 6007--ELIM EXT PAV MRK & MRKS (24")	7500	LF	1.85	\$ 13,875.00	2.02	\$ 15,150.00
677 6008--ELIM EXT PAV MRK & MRKS (ARROW)	108	EACH	25.07	\$ 2,707.56	27.33	\$ 2,951.64
677 6012--ELIM EXT PAV MRK & MRKS (WORD)	30	EACH	29.43	\$ 882.90	32.08	\$ 962.40
677 6016--ELIM EXT PAV MRK & MRKS (RR XING)	30	EACH	43.60	\$ 1,308.00	47.52	\$ 1,425.60
677 2021--ELIM EXT (RAISED PAVEMENT MARKERS)	6000	EACH	1.09	\$ 6,540.00	1.19	\$ 7,140.00
678 6001--PAV SURF PREP FOR MRK (4")	30000	LF	0.33	\$ 9,900.00	0.36	\$ 10,800.00
678 6002--PAV SURF PREP FOR MRK (6")	30000	LF	0.33	\$ 9,900.00	0.36	\$ 10,800.00
678 6004--PAV SURF PREP FOR MRK (8")	15000	LF	0.33	\$ 4,950.00	0.36	\$ 5,400.00
678 6006--PAV SURF PREP FOR MRK (12")	15000	LF	0.33	\$ 4,950.00	0.36	\$ 5,400.00
678 6008--PAV SURF PREP FOR MRK (24")	7500	LF	0.33	\$ 2,475.00	0.36	\$ 2,700.00
678 6009--PAV SURF PREP FOR MRK (ARROW)	108	EACH	17.44	\$ 1,883.52	19.01	\$ 2,053.08
678 6010--PAV SURF PREP FOR MRK (DBL ARROW)	30	EACH	17.44	\$ 523.20	19.01	\$ 570.30
678 6016--PAV SURF PREP FOR MRK (WORD)	30	EACH	20.71	\$ 621.30	22.57	\$ 677.10
678 6020--PAV SURF PREP FOR MRK (RR XING)	30	EACH	39.24	\$ 1,177.20	42.77	\$ 1,283.10

TOTAL

\$ 533,888.40

\$ 584,307.96



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 4e

Agenda Date 10/17/2023

Number Resolution R-23-4887

Type Resolution

Department Engineering

Title

Approval of an amendment to the Professional Services Agreement with Freese and Nichols, Inc., amending the design parameters for the Roberts Road Project to separate the project into two bid phases, in an amount not to exceed \$34,523.09, and authorize the City Manager to execute the amendment

Explanation

Reading and Public Hearing

This item is for the consideration and approval of an amendment to increase the existing Professional Services Agreement with Freese and Nichols, Inc., by \$34,523.09, for the purpose of separating the Roberts Road project into two bid phases.

Phase 1 will include the westbound right turn lane on Glade Road, the turn lane and reconstructed pavement, water, and sewer on Roberts between Glade and the northern church driveway, and parking lot improvements. Median improvements and the crosswalk across Glade will be removed from this phase, and the pedestrian ramps on the north side of Glade will be reconfigured to cross Roberts Road only. Bid plans and specifications for Phase 1 are included in this authorization.

Phase 2 will include all work north of the northern church driveway, including the proposed water interconnect with Grapevine. Bid plans and specifications for Phase 2 will be completed under a future authorization.

Financial Impact

The Capital Projects Fund is the designated funding source for this project.

Recommendation

Approve

Attachments

1. Roberts Road Contract Amendment 3

THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Third Amendment to Professional Services Agreement (“Third Amendment”) is entered by and between the **City of Colleyville, Texas** (“City”) and **Freese and Nichols Inc.**, (“Professional”) as of the Effective Date.

WHEREAS, the parties desire to further amend that certain Professional Services Agreement for improvements to Roberts Road, effective February 5, 2019, (“the Agreement”), as amended on September 9, 2019, (“First Amendment”); and April 29, 2020, (“Second Amendment”)

WHEREAS, City and Professional now desire to amend the terms of the Agreement in the manner provided herein.

NOW THEREFORE, for and in consideration of the mutual covenants made herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, City and Professional agree as follows:

1. Exhibit A of the Agreement (Scope of Services) is hereby amended to incorporate the revisions to the Project scope contained in Contract Amendment #3 attached hereto and incorporated herein as Exhibit A to this Third Amendment.
2. The total compensation amount stated in Section 4(C) of the Agreement (entitled “Payment”) is hereby amended to provide for a total not to exceed amount of \$418,569.09.
3. Except as provided in Paragraphs 1 and 2 above, the provisions of the Agreement, as previously amended, remain in full force and effect.
4. This Third Amendment shall be deemed effective on the date it has been signed by the authorized representatives of City and Professional (“the Effective Date”).

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

The parties have executed and delivered this First Amendment as of the Effective Date.

For City:

For Professional:

CITY OF COLLEYVILLE, TEXAS

FREESE AND NICHOLS, INC.

By: _____

Jerry Ducay
City Manager

By: _____

Name: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A

Contract Amendment #3
Revised Scope of Services

(attached)

EXHIBIT A

Scope of Services for Roberts Road from Glade Road to Birch Avenue Contract Amendment #3

Project Understanding:

The City of Colleyville intends to split the Roberts Road project into two bid packages as follows:

- Phase 1 will include the westbound right turn lane on Glade Road, the turn lane and reconstructed pavement, water, and sewer on Roberts between Glade and the northern church driveway, and the church driveway and parking lot improvements. Median improvements and the crosswalk across Glade will be removed from this phase, and the pedestrian ramps on the north side of Glade will be reconfigured to cross Roberts Road only. Bid plans and specifications for Phase 1 are included in this authorization.
- Phase 2 will include all work north of the northern church driveway, including the proposed water interconnect with Grapevine. Bid plans and specifications for Phase 2 will be completed under a future authorization.

Basic Services

A. Revise Phase 1 Plans (Phase 2 scope marked as “Not in this Contract” on plans as applicable)

- a. Cover Sheet
- b. General Notes
- c. Project Layout / Survey Control
- d. Alignment Data
- e. Typical Sections
- f. Right-of-Way Map
- g. Traffic Control Typical Sections
- h. Traffic Control Phasing Layout
- i. Traffic Control Detour Plan
- j. Removal Plan
- k. Paving Plan/Profiles
- l. Drainage Area Map
- m. Storm Drain Plan
- n. Storm Drain Lateral Profiles
- o. Pavement Marking and Signage Plan
- p. Erosion Control Plan
- q. Waterline Plan/Profile
- r. Sanitary Sewer Plan/Profile
- s. Paving Cross Sections

B. Revise Phase 1 Specifications

- a. Project Quantities and Bid Form
- b. Measurement and Payment (Bid Item Descriptions)
- c. Opinion of Probable Construction Cost

**City of Colleyville - Roberts Road
Amendment No. 3 - Fee Summary**

Basic Services (Not-to-Exceed)	Original Authorization	Amendment #1	Amendment #2	Amendment #3
Project Administration	\$ 11,199.00	\$ -	\$ -	\$ 5,870.00
Roadway Design - Colleyville	\$ 116,625.00	\$ -	\$ 15,182.00	\$ 32,718.00
Roadway Design - Grapevine	\$ -	\$ 10,595.00	\$ -	\$ -
Water and Sewer Design - Colleyville	\$ -	\$ -	\$ 109,153.00	\$ -
Bid Phase	\$ 5,934.00	\$ -	\$ -	\$ -
Construction Phase	\$ 13,702.00	\$ -	\$ -	\$ -
Basic Services (Not-to-Exceed) Subtotal	\$ 147,460.00	\$ 10,595.00	\$ 124,335.00	\$ 38,588.00
Special Services (Not-to-Exceed)	Original Authorization	Amendment #1	Amendment #2	Amendment #3
Public Meeting	\$ 4,440.00	\$ (4,440.00)	\$ -	\$ -
Environmental	\$ 7,604.00	\$ -	\$ -	\$ (4,064.91)
Topographic Survey - Colleyville	\$ 17,969.00	\$ -	\$ -	\$ -
Topographic Survey - Grapevine	\$ -	\$ 3,393.00	\$ -	\$ -
ROW Documents	\$ 2,760.00	\$ -	\$ -	\$ -
TDLR Registration, Review, and Inspection	\$ 1,035.00	\$ -	\$ -	\$ -
Water Design - Grapevine (50%)	\$ -	\$ 32,693.50	\$ -	\$ -
Water Design - Colleyville (50%)	-	\$ 32,693.50	\$ -	\$ -
Glade Road - Right Turn Lane	\$ -	\$ 3,508.00	\$ -	\$ -
Special Services (Not-to-Exceed) Subtotal	\$ 33,808.00	\$ 67,848.00	\$ -	\$ (4,064.91)
Authorization Total	\$ 181,268.00	\$ 78,443.00	\$ 124,335.00	\$ 34,523.09
Project Total Fee	\$ 181,268.00	\$ 259,711.00	\$ 384,046.00	\$ 418,569.09



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 4f

Agenda Date 10/17/2023

Number Resolution R-23-4887

Type Resolution

Department Engineering

Title

Approval of an amendment to the Professional Services Agreement with MAS Consulting Engineers, amending the design parameters for Water Project 18: Pecan Park Water and Drainage Improvements Project to separate the project into two phases, in an amount not to exceed \$35,750.00, and authorize the City Manager to execute the amendment

Explanation

Reading and Public Hearing

This item is for the consideration and approval of an amendment to increase the existing Professional Services Agreement with MAS Consulting Engineers, by \$35,750.00, for the purpose of separating the project into two phases.

Phase 1 will include the preparation of the bid plans and specifications for the construction of storm drain improvements. This project will connect the storm system on Ponderosa Street to the system on Colleyville Boulevard.

Phase 2 will include water line improvements within the Pecan Park Subdivision. Bid plans and specifications for Phase 2 will be completed under a future authorization.

Financial Impact

The Capital Drainage Fund is the designated funding source for this project.

Recommendation

Approve

Attachments

1. Contract Amendment 1

FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This First Amendment to Professional Services Agreement (“First Amendment”) is entered by and between the **City of Colleyville, Texas** (“City”) and **MAS Consulting Engineers** (“Professional”) as of the Effective Date.

WHEREAS, the parties entered into that certain Professional Services Agreement for Water Project 18, dated May 13, 2021, (the “Agreement”), and

WHEREAS, City and Professional now desire to amend the terms of the Agreement in the manner provided herein.

NOW THEREFORE, for and in consideration of the mutual covenants made herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, City and Professional agree as follows:

1. Exhibit A of the Agreement (Scope of Services) is hereby amended to incorporate the revisions to the Project scope contained in Amendment 1 attached hereto and incorporated herein as Exhibit A to this this First Amendment.
2. The total compensation amount stated in Section 4(C) of the Agreement (entitled “Payment”) is hereby amended to provide for additional fees in the amount of \$35,750 in conformance with the fee scheduled contained in Amendment 1 attached hereto.
3. Except as provided in Paragraphs 1 and 2 above, the provisions of the Agreement, as previously amended, remain in full force and effect.
4. This First Amendment shall be deemed effective on the date it has been signed by the authorized representatives of City and Professional (“the Effective Date”).

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

The parties have executed and delivered this First Amendment as of the Effective Date.

For City:

For Professional:

CITY OF COLLEYVILLE, TEXAS

MAS CONSULTING ENGINEERS

By: _____

Jerry Ducay
City Manager

By: _____

Name: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A
Amendment #1

(attached)

August 30, 2023

Mr. Larry Wright, P.E.
City of Colleyville
100 Main Street
Colleyville, TX 76034

REFERENCE: Ponderosa Area Water Line and Drainage Improvements Amendment 1

Dear Mr. Larry Wright:

This is a Letter Agreement, being Amendment 1 to the agreement dated May 13, 2021 professional services between MAS Consulting Engineers and the City of Colleyville, is for additional services for the above referenced project. Said additional services include the phasing of drainage improvements, drainage design changes, and additional bid and construction services. A description of the services proposed under this amendment can be found on Exhibit E of this agreement. Amendment 1 includes the Scope of Services as presented in Exhibit E and is based on our recent conversations and includes compensation for said work in Exhibit F.

The original agreement dated May 13, 2021, this cover letter and Exhibit E consisting of three (3) pages; and Exhibit F, consisting of one (1) page, and the City of Colleyville's Professional Services Agreement, together represent the entire agreement between **MAS Consulting Engineers** and the **City of Colleyville**. This Amendment and said attachments may only be modified or amended through a duly executed written document. **If the terms and conditions of this Amendment are acceptable**, this document shall be included into the agreement.

We appreciate the opportunity to provide the described services to the City of Colleyville and look forward to working with you and your staff. If you have any questions or if we may be of further assistance, feel free to call me at **817.708.2422**.

Respectfully Submitted,
MAS Consulting Engineers

A handwritten signature in blue ink, appearing to read "M. Angel Sanchez", is written over a light blue horizontal line.

M. Angel Sanchez, P.E.
Principal

Attachments:

Exhibit E: Scope of Services
Exhibit F: Compensation

Amendment 1
Exhibit E
Scope of Services
City of Colleyville, Texas
Ponderosa Area Water Line and Drainage Improvements

Exhibit E to Agreement between the City of Colleyville (*Client*) and MAS Consulting Engineers, LLC (*Consultant*)

Based on conversations with city staff, the drainage improvements initially designed under the agreement dated May 13, 2021, will be split into two phases. This amendment is to re-analyze the proposed improvements from SH 26 to Ponderosa Street, design the proposed improvements for the first phase, provide bid phase and construction phase services.

TASK 4: BASIC SERVICES - ENGINEERING

- A. **CONCEPTUAL 30% CONSTRUCTION PLANS:** MAS will analyze the effects of the changes to the drainage plan, prepare an interim drainage area map with computations, proposed drainage area map for future storm drain, adjust and include additional inlets at the upstream limits of the first phase, adjust storm drain and surface drainage improvements. Conceptual improvements plan for the phase 1 drainage improvements and engineer's opinion of probable construction cost (EPOCC) will be prepared for the city to review.

The construction documents will include the following items:

- Construction Plans
 - Cover sheet (one)
 - Site Locations Map with Horizontal and Vertical Control Plan (one)
 - General Notes Sheets (one)
 - Quantities Sheet (one)
 - Drainage Improvements
 - Drainage Area Map Existing and Proposed (two)
 - Drainage Computations(one)
 - Storm Drain Improvements Plan Sheets (three)

- B. **FINAL CONSTRUCTION DOCUMENTS:** MAS will prepare and submit Pre-Final Plans (90%) for review by the CLIENT followed by Final Construction Plans and a specifications manual for bidding purposes. The construction documents will include the following items:

- Construction Plans
 - Cover sheet (one)
 - Site Locations Map with Horizontal and Vertical Control Plan (one)

- General Notes Sheets (one)
- Quantities Sheet (one)
- Drainage Improvements
 - Drainage Area Map Existing and Proposed (two)
 - Drainage Computations(one)
 - Storm Drain Improvements Plan and Profile Sheets (three)
- Erosion Control Plan (two)
- Project Specific special detail sheets (as required)
- Specifications Manual

Construction Specifications and Project Coordination

1. Specifications and special provisions
2. Submit 90% and Final Construction drawings
3. Submit Engineer's Opinion of Probable Construction Cost with the 90% and Final Construction Plan Submittals to *CLIENT* for review
4. Attend one meeting per submittal with *CLIENT* to discuss comments
5. Revise plans and specifications as appropriate
6. Finalize construction documents and Opinion of Probable Construction Cost
7. Submit a PDF copy of final drawings and specifications with Opinion of Probable Construction Cost to *CLIENT* for review
8. Attend meeting with *CLIENT* to discuss comments
9. Revise drawings and specifications as appropriate
10. Supply construction plans to the *CLIENT* for franchise utility coordination.

- C. **BID PHASE SERVICES:** During the Bid Phase, *MAS* will be available to provide coordination as required with prospective bidders. After the bid opening, Bid Tabulation of the bids received will be provided to the *CLIENT*. A written letter showing bid results and a feedback summary of the lowest bidder's references will be provided to the *CLIENT*.

MAS will:

- Provide a PDF set of drawings and specifications for bidding and construction
- Attend pre-bid conference
- Attend bid opening, prepare bid tabulation, verify the contractor's references and provide letter of findings
- Provide a letter identifying the lowest bidder, and if appropriate, identify best value contractor
- Attend pre-construction conference

- D. **CONSTRUCTION PHASE SERVICES AND RECORD DRAWINGS:** *MAS* will provide limited construction phase services. Construction administration (not daily representation) is included. This includes responding to submittals and requests for information (RFI's),

reviewing pay requests and producing record drawings in AutoCAD, DWG and PDF formats). Throughout the project, periodic e-mail progress reports and updates will be submitted.

MAS will:

- Respond to material submittals and requests for information (RFI's)
- Attend Substantial Completion Walk-Through
- Attend and document final inspection
- Produce record drawings in DWG and PDF formats (based on *CLIENT* Inspector and/or Contractor Redlines).

This shall not be construed as performing continuous construction inspection. *MAS* will also be available to review submittals from the Contractor that are required for this project and related to the civil site improvements. Submittals not required by the contract documents or not related to civil site improvements will not be reviewed.

Please note the following:

- *MAS* shall not at any time supervise or have authority over any Contractor work or jobsite management procedures, nor shall *MAS* have authority over or be responsible for the means and methods, or procedures of construction selected or used by the Contractor.
- *MAS* neither guarantees the performance of the Contractor nor assumes responsibility for the Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.
- *MAS* shall not provide or have any responsibility for surety bonding or insurance-related advice, recommendations, counseling, nor research, or enforcement of construction insurance or surety bonding requirements.
- *MAS* shall not be responsible for the errors or omissions of the Contractor or for any decision or interpretation of the Contract Documents made by the Contractor.
- While at the Site, *MAS's* employees and representatives shall comply with the specific applicable requirements of the Contractor's and *CLIENT's* safety programs of which *MAS* has been informed in writing.

End of Exhibit E

Exhibit F
Compensation and Method of Payment
City of Colleyville, Texas
Ponderosa Area
Water Line and Drainage Improvements

Exhibit F to Agreement between the City of Colleyville (*Client*) and MAS Consulting Engineers, LLC (*Consultant*)

COMPENSATION:

For all professional services included in EXHIBIT A, Scope of Services, the *CONSULTANT* shall be compensated in accordance to work completed, as summarized below. The fees below shall be considered full compensation for the services described in EXHIBIT A, including all labor materials, supplies, and equipment necessary to deliver the services.

Task 4: Basic Services – Engineering

A. Conceptual 30% Construction Plans	\$ 5,900
B. Final Construction Documents	\$ 18,800
C. Bid Phase Services	\$ 5,800
D. Construction Phase Services & Record Drawings	\$ 3,500
E. Expenses	\$ 1,750

TOTAL: Basic Services

\$ 35,750

METHOD OF PAYMENT:

The *CONSULTANT* shall be paid monthly payments as described in the Agreement for Professional Consulting Services. The cumulative sum of such monthly partial fee payments shall not exceed the total current project budget including all approved Amendments. Each invoice shall be verified as to its accuracy and compliance with the terms of this Agreement by an officer of the *CONSULTANT*.

END OF EXHIBIT F



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 5

Agenda Date 10/17/2023

Type Report

Department Finance

Title

Monthly Financial Report - September 2023

Explanation

General Fund

Through September's preliminary figures, the fund has collected 104% of its budgeted revenues and spent 97% of budgeted expenditures, yielding a year-to-date surplus of \$2.6m. The large surplus here continues to be a function of higher revenues in a few key areas, including investment earnings which have added well over \$500,000 to our bottom line. Additionally, our property tax roll continued to be adjusted this year which, along with a higher collection rate than our budgeted 99%, has led to an additional \$230,000 over last year. Sales tax continues its climb for the City as well, and staff anticipates a further \$900,000 to hit before the year is closed. Franchise fees have also well exceeded budget by more than \$300,000 due to service costs rising with inflation.

On the expense side, we're a little bit higher than we were last September, meaning the \$1.5m transfer to capital projects we redistributed to increased personnel costs has been mostly used. We still have a substantial number of outstanding invoices to hit at year's end, so the surplus of \$2.6m should be thought of as preliminary.

Sales tax revenue

The City's penultimate sales tax collection for FY23 came in this month and it unfortunately showed a decrease of 7% from last August, which is our steepest decline since 2019. Most of this decline can be attributed to a negative audit collection of \$34,000, indicating the City received past revenue that should have been allocated to a different municipality. To date, the City remains up year-over-year by 2.6%, which yields an additional \$240,000 to our budget. This remains impressive, as this revenue stream grew around 25% since 2000. Our FY23 collections have been projected at \$10.42m at year's end, and we should have no problem reaching or exceeding that goal.

Utility Fund

The Utility Fund has collected all of its budgeted revenue and spent all of its budgeted expenses, which have been significantly higher than FY22. As the summary above shows, most of our surplus is coming from our relationship with the Trinity River Authority, although interest earnings on Utility Funds are resulting in a substantial surplus over our direct operating expenses. On the other side of the coin, our

relationship with the T.R.A. has resulted in a substantial surplus due to the City being under billed for water usage in October and November 2022. Additionally, the Authority processed its annual "true-up" for the City, which either issues a refund or demands an additional payment based on the previous year's fiscal activity and water use. Colleyville typically receives a refund during this process, and FY23 was no exception. In fact, it was determined the City was owed \$1.6m in invoiced payments that were ultimately unneeded. As with every year, this surplus cash will be moved to our capital projects spending at year's end.

Drainage Fund

To date, the Drainage Utility Fund has received all of its revenue and spent 91% of its expenditures. This fund's cash flow is lower than the previous year, with a surplus of about \$388,000 as opposed to \$439,000 last year. The cash-flow for this fund is very predictable and will likely continue to mirror the past few years pretty closely for FY24. 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. Per policy, any year-end surplus will be moved 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 kept a strong fund balance. While travel activities are on the rise and revenue in this fund has been making a comeback, this year's first three quarter receipts mirror the same period in FY22. Staff had planned on a significant increase in total receipts this year, and so we have budgeted to reallocate some expenses from here in FY24. Fund balance as of the end of this quarter is sitting right at \$55,000, and one more payment of approximately \$50,000 in hotel taxes is expected. Costs funded out of here include personnel, related directly to advertising the City, as well as some landmark special events.

Debt Service Fund

Being predominately funded through property taxes, the Debt Service fund has received all of its revenue for the 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 this month's figures, the fund is running a deficit of about \$430,000 with no further expenses to hit in FY23. The most recent issue, taken out in December 2022, includes a large interest payment of \$309,000 that was paid in August of this year, resulting in a larger fund balance draw down than initially anticipated. All told, the fund's balance should end the year at around \$450,000. The City's current outstanding bonds are on schedule to be paid off in 2027, and the new 2023 \$10m issue is structured to be callable in 2030.

Attachments

1. September 2023
2. September 2023

Monthly Financial Report - September 2023

General Fund

% of year Completed

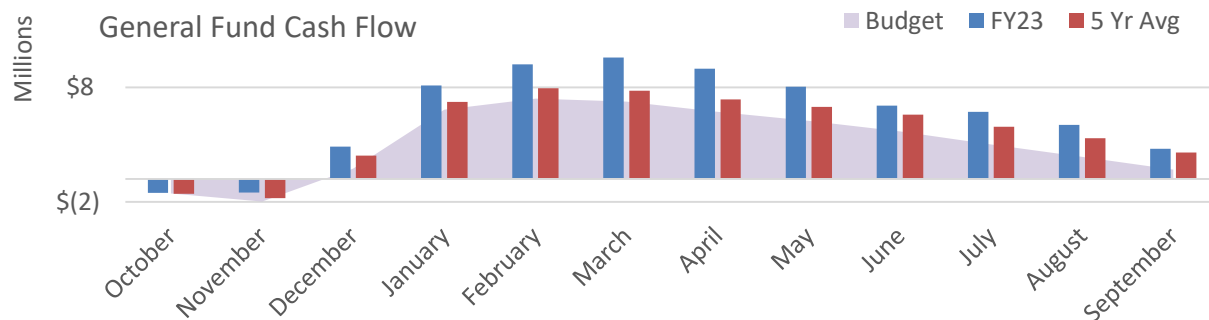
100%

% of Budget Spent

97%

	FY23 Budget	FY23 YTD	% of Budget	FY22 YTD	FY22% of Budget
Revenues	\$ 26,227,785	\$ 27,233,047	104%	\$ 26,290,959	102%
Expenditures	\$ 25,397,424	\$ 24,583,003	97%	\$ 24,470,850	97%
	\$ 830,361	\$ 2,650,044		\$ 1,820,109	

Through September's preliminary figures, the fund has collected 104% of its budgeted revenues and spent 97% of budgeted expenditures, yielding a year-to-date surplus of \$2.6m. The large surplus here continues to be a function of higher revenues in a few key areas, including investment earnings which have added well over \$500,000 to our bottom line. Additionally, our property tax roll continued to be adjusted this year which, along with a higher collection rate than our budgeted 99%, has led to an additional \$230,000 over last year. Sales tax continues its climb for the City as well, and staff anticipates a further \$900,000 to hit before the year is closed. Franchise fees have also well exceeded budget by more than \$300,000 due to service costs rising with inflation. On the expense side, we're a little bit higher than we were last September, meaning the \$1.5m transfer to capital projects that we redistributed to increased personnel costs has been mostly used. We still a substantial number of outstanding invoices to hit at year's end, so the surplus of \$2.6m should be thought of as preliminary.



General Fund Highlights

Revenue (FY23/FY22)

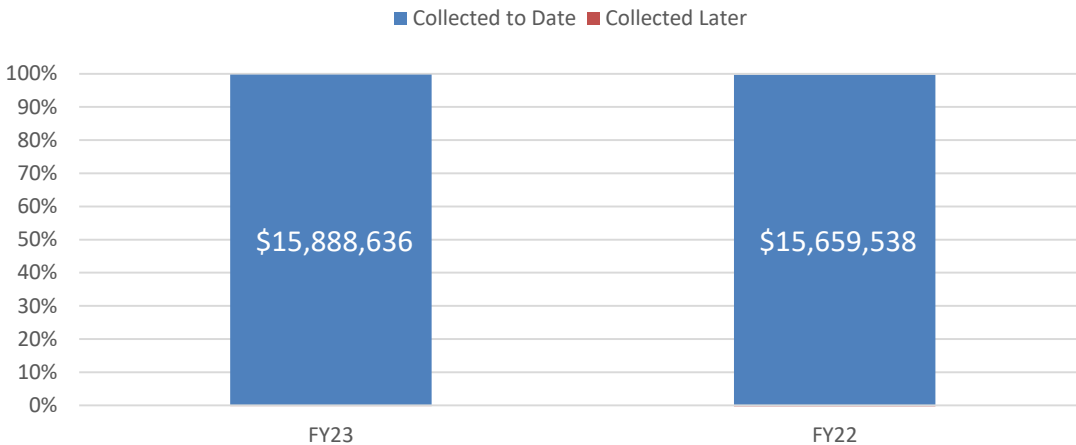
Property Tax	+ \$229k	Sales Tax	+ \$148k	Franchise Tax	+ \$311k
Licenses	↓ -\$75k	Other Revenue	↑ + \$329k	Total Rev	↑ + \$942k

Expenditures (FY23/22)

Personnel	+ \$1,128k	Contractual	+ \$325k	Supplies	↓ -\$52k
Capital	↓ -\$30k	Transfers	↓ -\$1,259k	Total Exp	↑ + \$112k

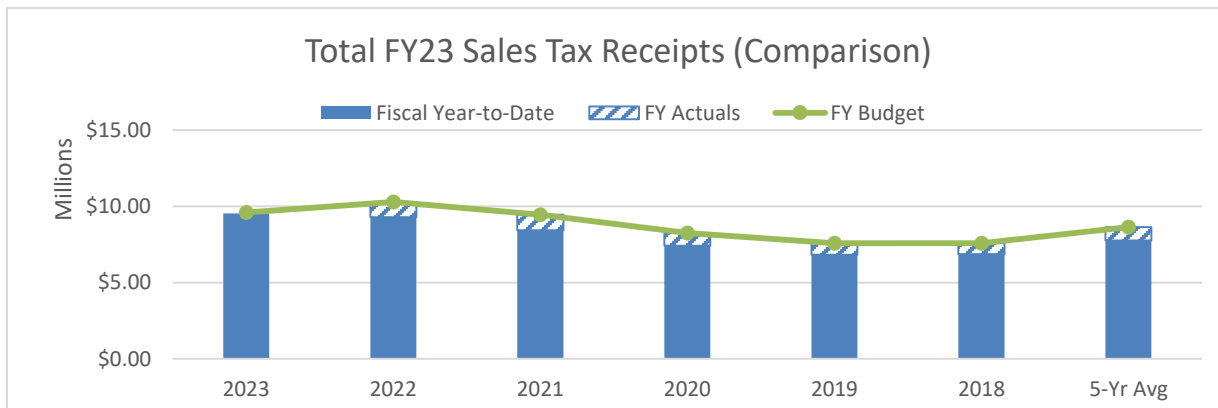
Monthly Financial Report - September 2023

Revenue Highlight: Property Tax



Colleyville anticipated receiving \$15.85m in General Fund property tax this year, which represents about a 1.5% increase from FY22. Appraisal adjustments and a higher collection rate than budgeted has resulted in slightly exceeding our expectations this year. Per Council direction, Colleyville's FY23 budget has been balanced using the no-new-revenue tax rate, which is designed to keep residents' tax bills to Colleyville largely the same from year-to-year. Having adopted this no-new-revenue rate for five consecutive years, this means any new property tax revenue has been the result of newly developed property inside City limits.

Revenue Highlight: Sales Tax



MTD Increase

↓ -7.0%

YTD Increase

↑ 2.6%

The City's penultimate sales tax collection for FY23 came in this month and it unfortunately showed a decrease of 7% from last August, which is our steepest decline since 2019. Most of this decline can be attributed to a negative audit collection of \$34,000, indicating the City received past revenue that should have been allocated to a different municipality. To date, the City remains up year-over-year by 2.6%, which yields an additional \$240,000 to our budget. This remains impressive, as this revenue stream grew around 25% since 2000. Our FY23 collections have been projected at \$10.42m at year's end, and we should have no problem reaching or exceeding that goal.

Monthly Financial Report - September 2023

Water/Sewer Utility Fund

% of year Completed 100%

% of Budget Spent 100%

	FY23 Budget	FY23 YTD	% of Budget	FY22 YTD	FY22% of Budget
Revenues	\$ 19,832,854	\$ 22,765,900	115%	\$ 19,555,419	108%
Expenditures	\$ 19,832,854	\$ 19,886,714	100%	\$ 15,711,248	87%
	\$ -	\$ 2,879,186		\$ 3,844,171	

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

*TRA Revenue/Expense Summary			City Revenue/Expense Summary		
	FY23 Budget	FY23 YTD		FY23 Budget	FY23 YTD
Revs	\$ 15,878,131	\$ 18,596,481	Revs	\$ 3,954,723	\$ 4,169,419
Exps	\$ 15,428,131	\$ 15,892,051	Exps	\$ 3,954,723	\$ 3,994,663
Net	\$ 450,000	\$ 2,704,429	Net	\$ -	\$ 174,756

The Utility Fund has collected all of its budgeted revenue and spent all of its budgeted expenses, which have been significantly higher than FY22. As the summary above shows, most of our surplus is coming from our relationship with the Trinity River Authority, although interest earnings on Utility Funds are resulting in a substantial surplus over our direct operating expenses. On the other side of the coin, our relationship with the T.R.A. has resulted in a substantial surplus due to the City being underbilled for water usage in October and November 2022. Additionally, the Authority processed its annual "true-up" for the City, which either issues a refund or demands an additional payment based on the previous year's fiscal activity and water use. Colleyville typically receives a refund during this process, and FY23 was no exception. In fact, it was determined the City was owed \$1.6m in invoiced payments that were ultimately unneeded. As with every year, this surplus cash will be moved to our capital projects spending at year's end.

Annual Trinity River Authority True-Up

The Trinity River Authority is the water/wastewater provider used by Colleyville and several other local cities. Each year, the Authority apportions its operating budget among its customer cities based on projected water usage. After the year concludes, the Authority "true up" its actual expenditures with its actual revenues. In the event there is a shortfall, the Authority will charge its customer cities an additional amount. If there is a surplus, the Authority issues prorated refunds to each customer city.

Expenditures (FY23/22)

Mostly TRA costs ↓

Personnel	+ \$173k	Contractual	+ \$3,804k	Supplies	+ \$141k
Capital	+ \$36k	Transfers	+ \$21k	Total Exp	+ \$4,175k

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 - September 2023

% of year Completed 100%

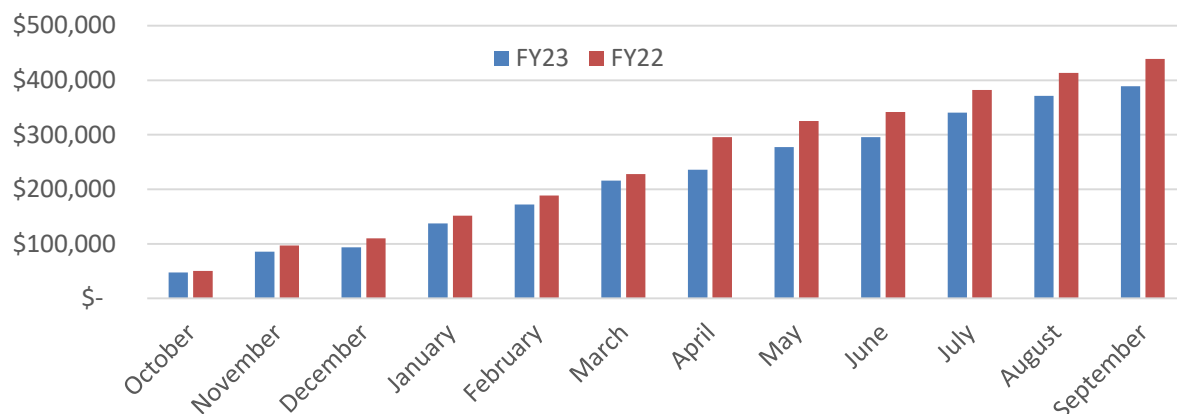
Drainage Utility Fund

% of Budget Spent 91%

	FY23 Budget	FY23 YTD	% of Budget	FY22 YTD	FY22% of Budget
Revenues	\$1,045,000	\$1,048,991	100%	\$ 1,042,408	101%
Expenditures	\$ 721,619	\$ 660,171	91%	\$ 603,116	87%
	\$ 323,381	\$ 388,820		\$ 439,292	

To date, the Drainage Utility Fund has received all of its revenue and spent 91% of its expenditures. This fund's cash flow is lower than the previous year, with a surplus of about \$388,000 as opposed to \$439,000 last year. The cash-flow for this fund is very predicable and will likely continue to mirror the past few years pretty closely for FY24. 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. Per policy, any year-end surplus will be moved for use on the City's capital improvement plan.

FY23 vs. FY22 Cash Flow



Drainage Fund Operation Highlights

Revenue - Drainage Fees

FY23/FY22 ➡ 0.6%

FY23/5-Yr Avg ↑ 0.9%

Expenditures (FY23/22)

Personnel	+ \$79k
Supplies	↓ -\$4k
Debt Service	➡ \$0k

Contractual	↓ -\$18k
Capital/Xfers	➡ \$0k
Total Exp.	↑ + \$57k

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

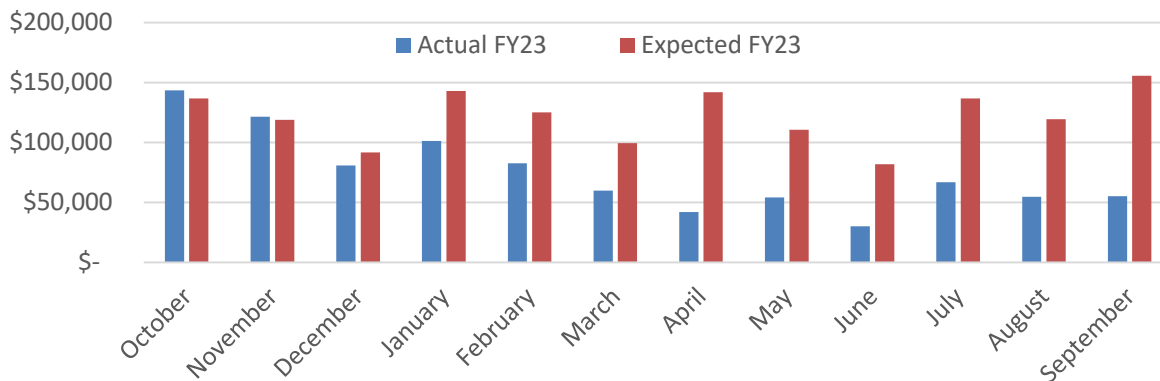
Monthly Financial Report - September 2023

Hotel Tax Fund % of year Completed 100%
 % of Budget Spent 94%

	FY23 Budget	FY23 YTD	% of Budget	FY22 YTD	FY22% of Budget
Revenues	\$ 275,000	\$ 158,781	58%	\$ 159,149	63%
Expenditures*	\$ 273,569	\$ 257,678	94%	\$ 284,605	115%
	\$ 1,431	\$ (98,897)		\$ (125,456)	

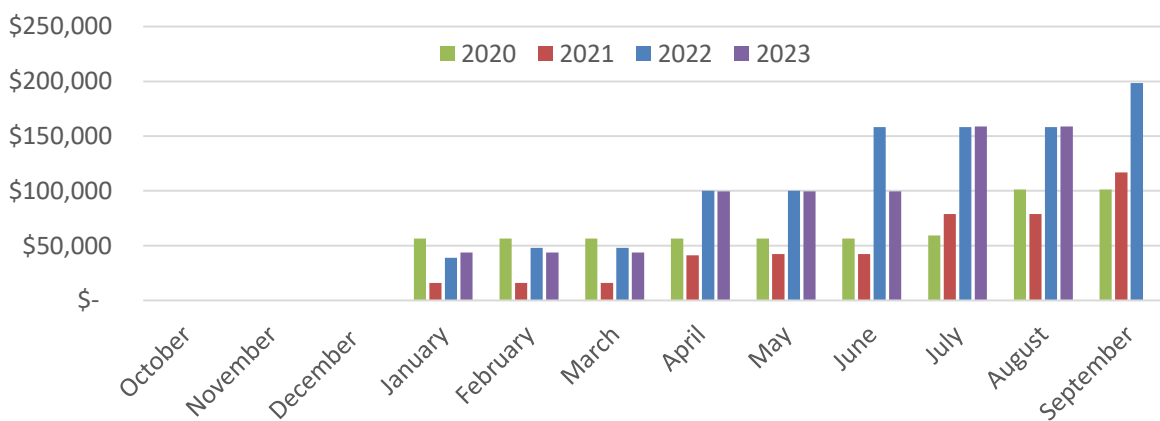
COVID-related economic disruptions obviously took a toll on any travel-related revenues in the last few years, but the Hotel Occupancy Tax Fund has kept a strong fund balance. While travel activities are on the rise and revenue in this fund has been making a comeback, this year's first three quarters receipts mirror the same period in FY22. Staff had planned on a significant increase in total receipts this year, and so we have budgeted to reallocate some expenses from here in FY24. Fund balance as of the end of this quarter is sitting right at \$55,000, and one more payment of approximately \$50,000 in hotel taxes is expected. Costs funded out of here include personnel related directly to advertising the city as well as and some landmark special events.

Expected Fund Balance vs. Actual Fund Balance (by month)



Hotel Tax Performance

FY22 Revenue vs. History

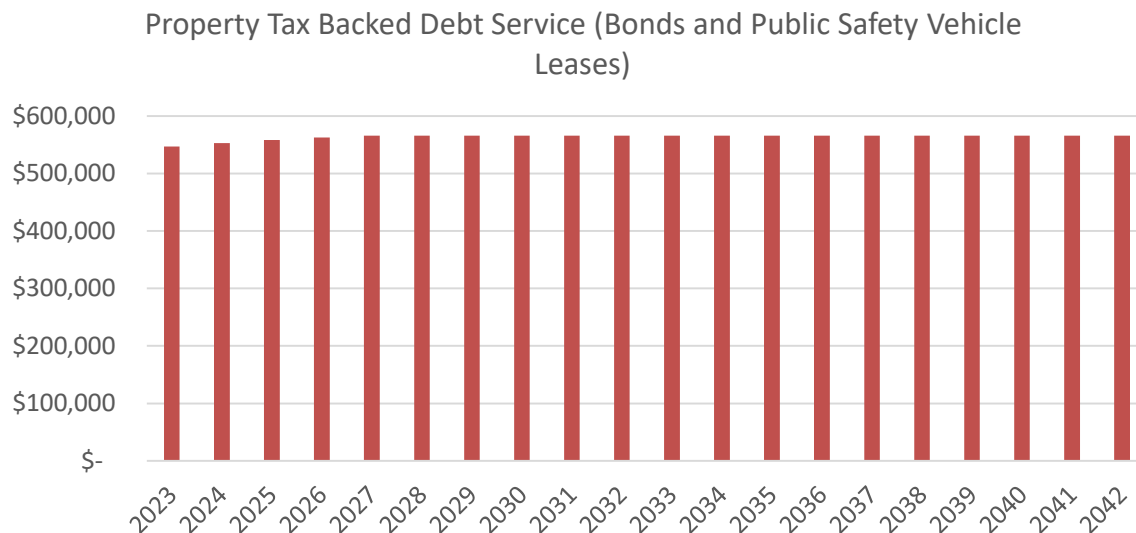


Monthly Financial Report - September 2023

Debt Service Fund % of year Completed 100%
 % of Budget Spent 100%

	FY23 Budget	FY23 YTD	% of Budget	FY22 YTD	FY22% of Budget
Revenues	\$ 608,660	\$ 629,168	103%	\$ 625,534	100%
Expenditures*	\$ 1,060,010	\$ 1,059,034	100%	\$ 821,148	100%
	\$ (451,350)	\$ (429,866)		\$ (195,613)	

Being predominately funded through property taxes, the Debt Service fund has received the all of its revenue for the 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 this month's figures, the fund is running a deficit of about \$430,000 with no further expenses to hit in FY23. The most recent issue, taken out in December 2022, includes a large interest payment of \$309,000 that was paid in August of this year, resulting in a larger fund balance draw down than initially anticipated. All told, the fund's balance should end the year at around \$450,000. The City's current outstanding bonds are on schedule to be paid off in 2027, and the new 2023 \$10m issue is structured to be callable in 2030. All bond payments are scheduled as follows:



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

Kyle Lester
 Finance Director
 City of Colleyville, TX
klester@colleyville.com
 817-503-1014



Agenda Item - Items not for council action

Monthly Financial Report September 2023

City Council Meeting
October 17, 2023

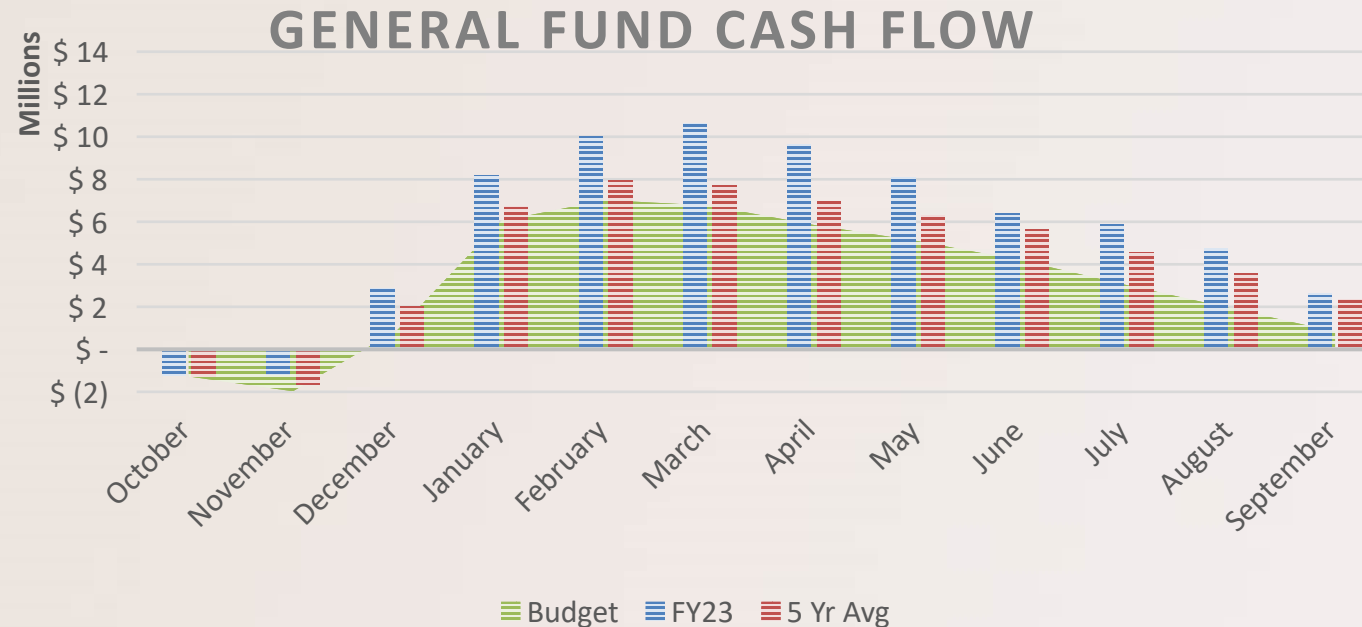
General Fund



General Fund

	FY23 Budget		FY23 YTD		% of Budget	FY22 YTD		FY22 % of Budget
Revenues	\$	26,227,785	\$	27,233,047	104%	\$	26,290,959	102%
Expenditures	\$	25,397,424	\$	24,583,003	97%	\$	24,470,850	97%
	\$	830,361	\$	2,650,044		\$	1,820,109	

*100% of the year is completed

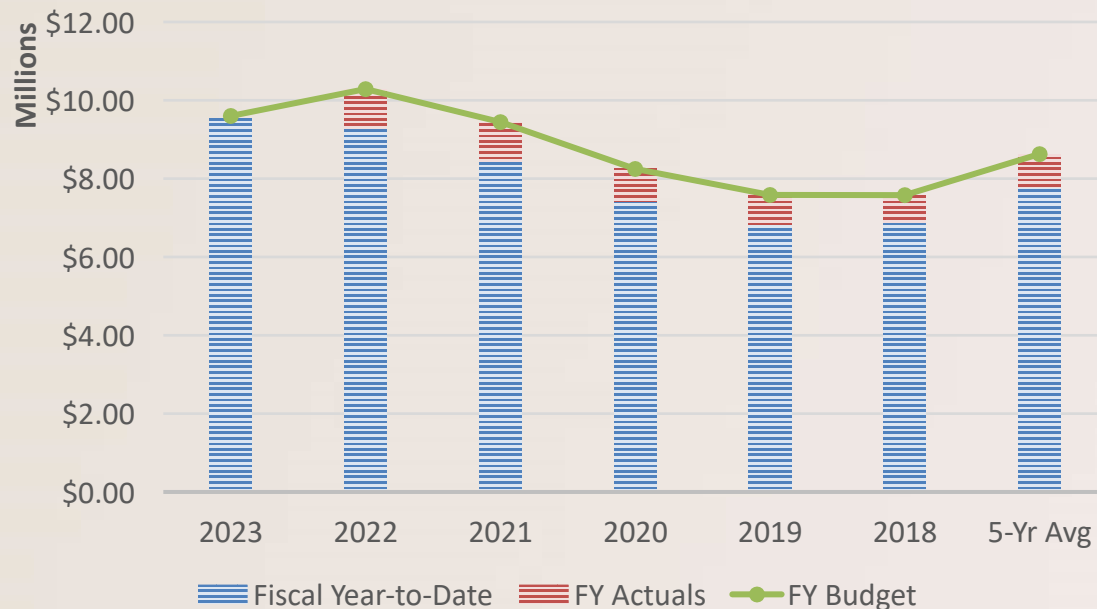


Sales Tax Highlight



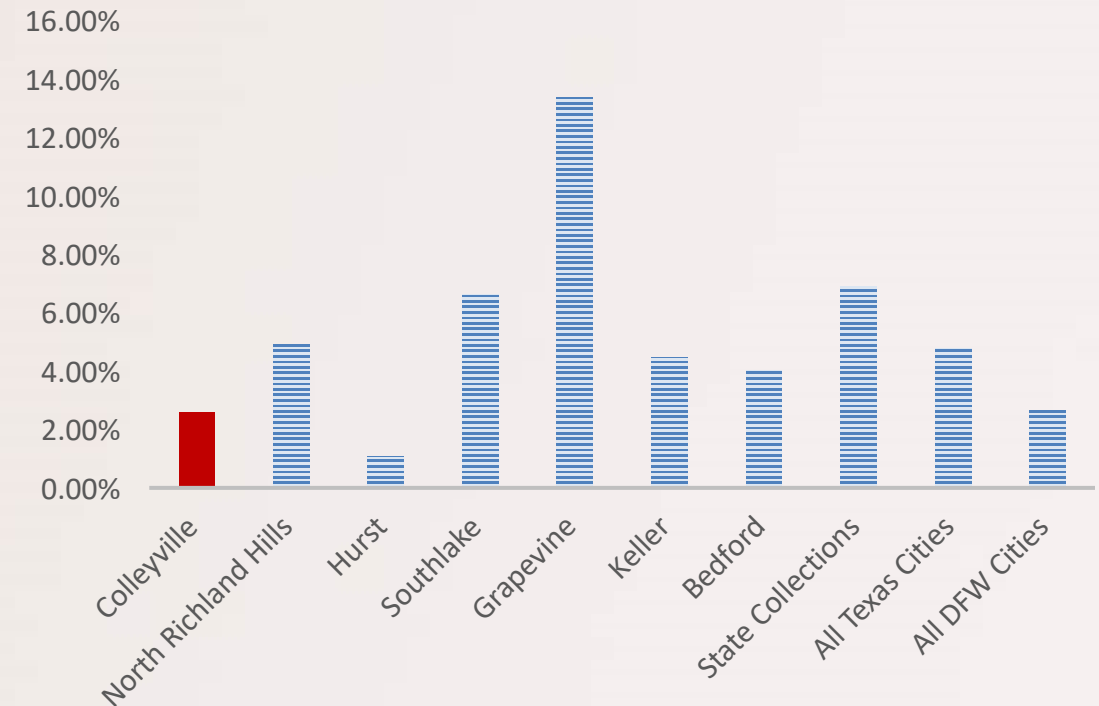
FY23 YTD Receipts compared to Previous Years

TOTAL FY23 SALES TAX RECEIPTS (COMPARISON)



City/State Comparisons

CITY/STATE COMPARISONS



Utility Fund



Utility Fund

	FY23 Budget	FY23 YTD	% of Budget	FY22 YTD	FY22 % of Budget
Revenues	\$ 19,832,854	\$ 22,765,900	115%	\$ 19,555,419	108%
Expenditures	\$ 19,832,854	\$ 19,886,714	100%	\$ 15,711,248	87%
	\$ -	\$ 2,879,186		\$ 3,844,171	

*100% of the year is completed

TRA Revs/Exps

	FY23 Budget	FY23 YTD
Revenues	\$ 15,878,131	\$ 18,596,481
Expenditures	\$ 15,428,131	\$ 15,892,051
	\$ 450,000	\$ 2,704,429

City Revs/Exps

	FY23 Budget	FY23 YTD
Revenues	\$ 3,954,723	\$ 4,169,419
Expenditures	\$ 3,954,723	\$ 3,994,663
	\$ -	\$ 174,756

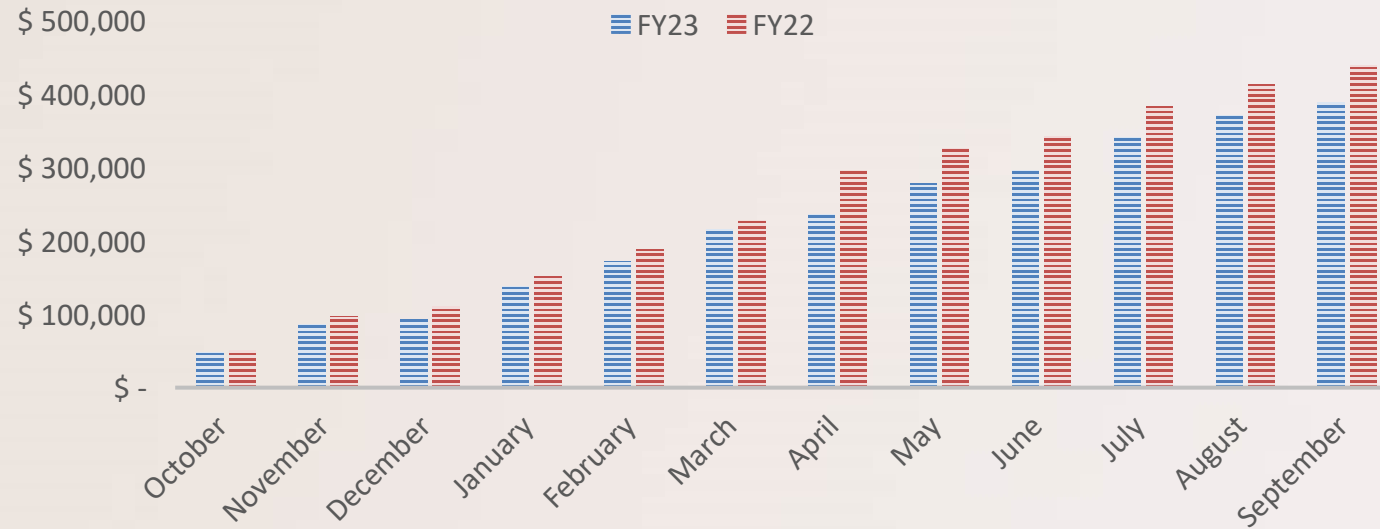
Drainage Fund



Drainage Fund					
	FY23 Budget	FY23 YTD	% of Budget	FY22 YTD	FY22 % of Budget
Revenues	\$ 1,045,000	\$ 1,048,991	100%	\$ 1,042,408	101%
Expenditures	\$ 721,619	\$ 660,171	91%	\$ 603,116	87%
	\$ 323,381	\$ 388,820		\$ 439,292	

*100% of the year is completed

FY23 VS. FY22 CASH FLOW



Hotel Fund

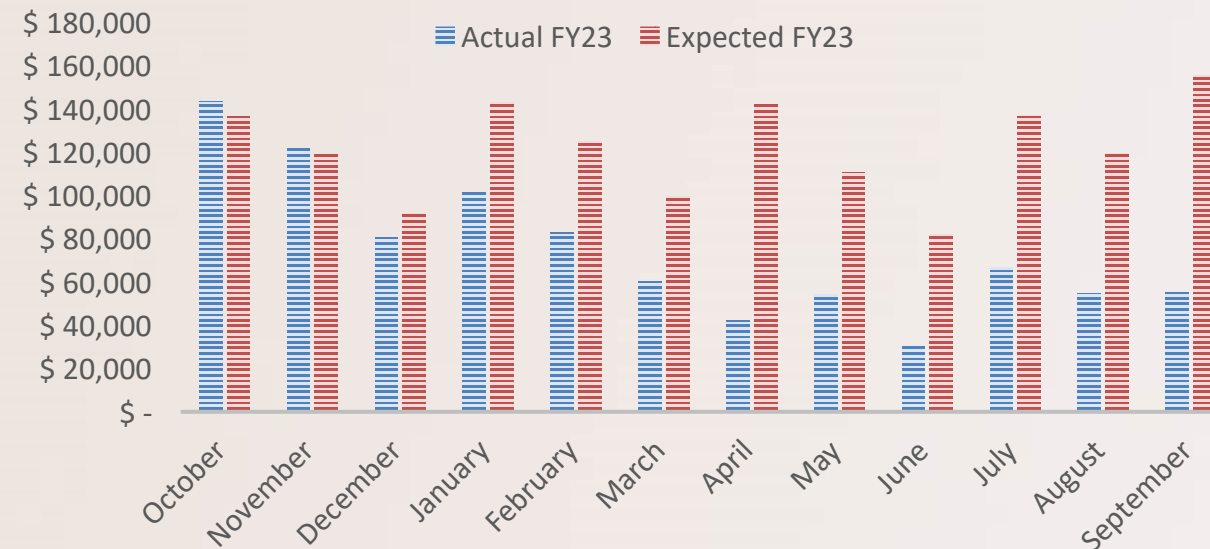


Hotel Fund

	FY23 Budget		FY23 YTD		% of Budget	FY22 YTD
Revenues	\$	275,000	\$	158,781	58%	\$ 159,149
Expenditures	\$	273,569	\$	257,678	94%	\$ 284,605
	\$	1,431	\$	(98,897)		\$ (125,456)

*100% of the year is completed

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



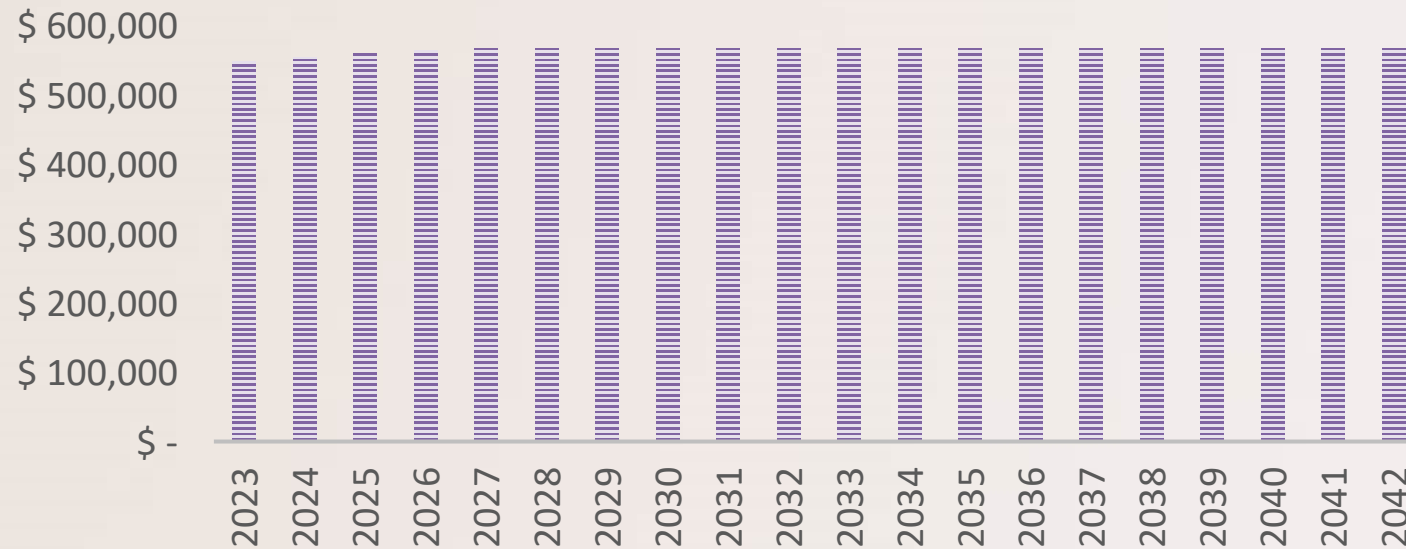
Debt Service Fund



Debt Service Fund						
	FY23 Budget		FY23 YTD		% of Budget	
Revenues	\$	608,660	\$	629,168	103%	\$ 625,534 100%
Expenditures	\$	1,060,010	\$	1,059,034	100%	\$ 821,148 100%
	\$	(451,350)	\$	(429,866)		\$ (195,613)

*100% of the year is completed

PROPERTY TAX BACKED DEBT SERVICE (BONDS AND PUBLIC SAFETY VEHICLE LEASES)





CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 6a **Agenda Date** 10/17/2023 **Number** Ordinance O-23-2262
Type Ordinance
Department Community Development

Title
Consideration of a rezoning from AG Agricultural to R-20 Single Family Residential for Tract 2B09B, Abstract 439, CC Doss Survey, located at 5209 Pool Road, Case ZC23-020

Explanation
Second Reading and Public Hearing

The applicant was present to answer any questions. No one came forward to speak during the public hearing.

First Reading and Public Hearing

Theodis Simmons, the applicant, has submitted a request for a zoning change on Tract 2B09B, Abstract 439, CC Doss Survey, being approximately 0.61 acres, and zoned AG Agricultural. The purpose is to rezone from the AG Agricultural district to the R-20 Single Family Residential district. The purpose is for a new single-family home to be built.

Existing Conditions/Background: The subject property, 5209 Pool Road, has AG Agricultural zoning. It is located on the east side of Pool Road and north of the intersection with Pool Road. The subject property has a single-family residence which will be demolished.

Proposed Zoning: *Request* – The applicant requests to rezone the property from AG to the R-20 district. The minimum standards for the R-20 zoning district are as follows:

Minimum Lot Size	20,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	125 feet
Front Building Line	40 feet
Side Building Line	30 feet
Rear Building Line	10 feet
Max. Lot Coverage	30%
Max. Impervious Coverage	60%

Analysis: The current size of the property does comply with all the minimum standards of the R-20 Single Family Residential zoning.

Plat Status: The property is unplatted and will need to be platted for building permits.

DRC Review: The DRC reviewed the request during their August 22nd, 2023 meeting and determined the application was complete.

Drainage: NA

Surrounding Development: The property to the north is zoned AG Agricultural and has single-family residential development. The properties to the east, west, and south are zoned R-20 and contain single-family residential development. The City's Fire Station #2 exists across Pool Road.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 recommends approval of the request.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the request at their September 11, 2023 meeting by a vote of 5-0.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Survey
5. Zoning Exhibit
6. Notification Map
7. Notification List
8. Notification Letter
9. Ordinance O-23-2262

Aerial Map

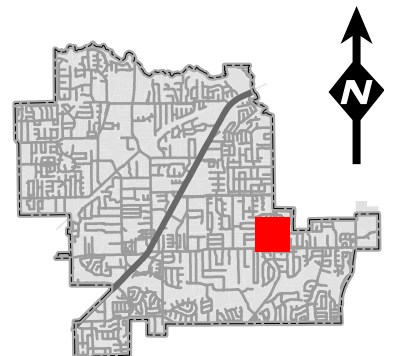


ZC23-020

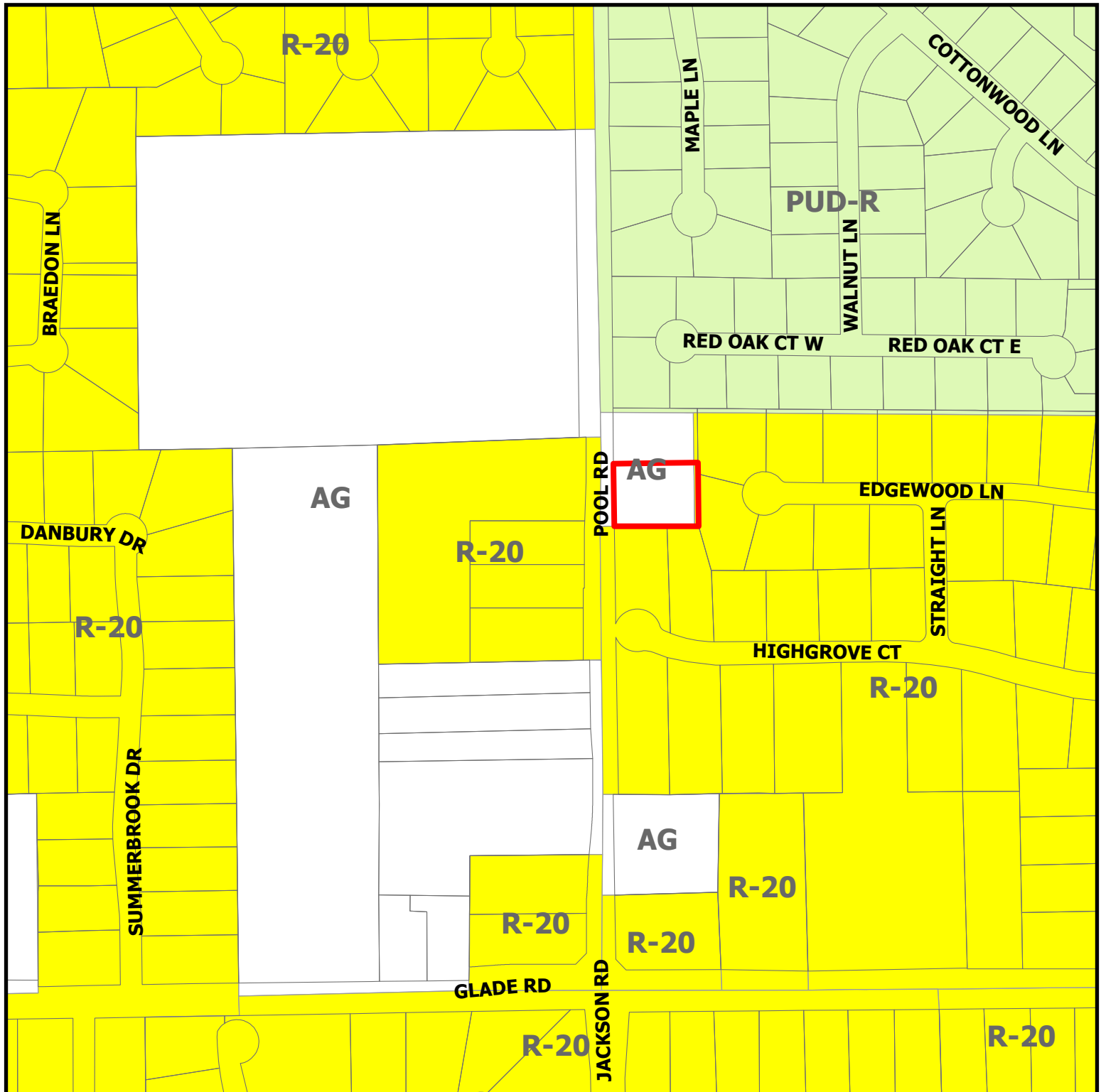
5209 Pool Rd

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 Subject Property



Zoning Map

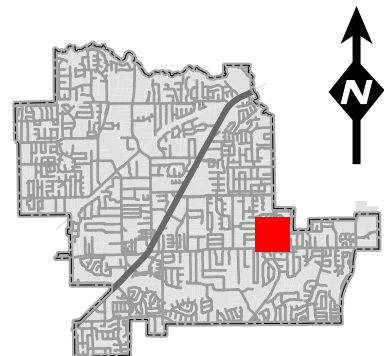


ZC23-020

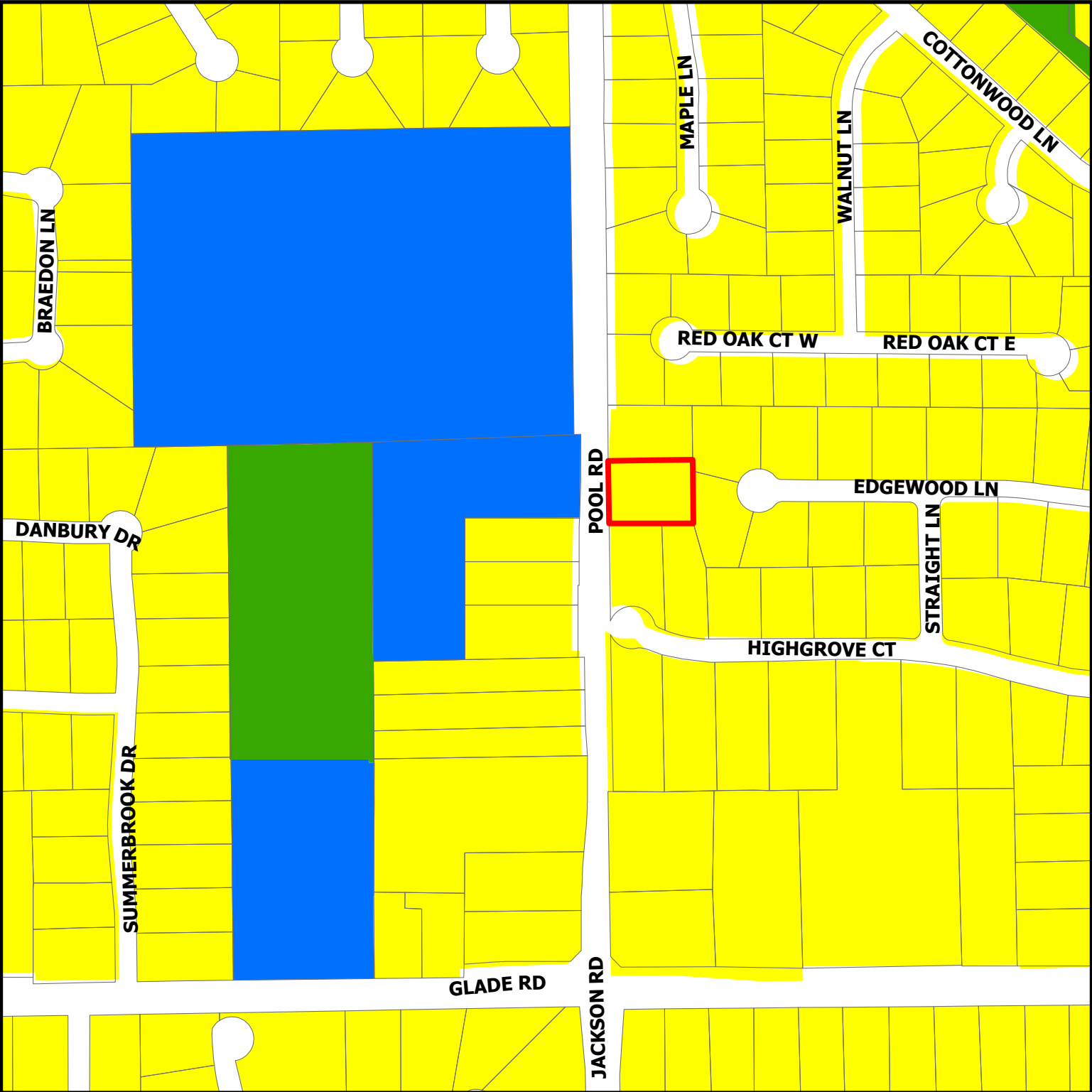
5209 Pool Rd

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 Subject Property



Future Land Use Map

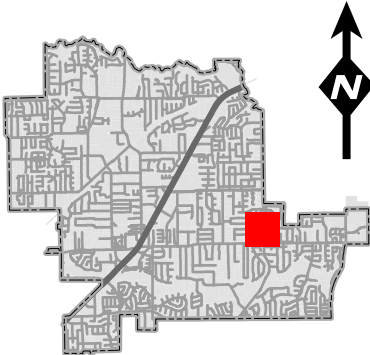


ZC23-020

5209 Pool Rd

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- Residential
- Institutional
- Open Space; Parks
- Subject Property



SURVEY



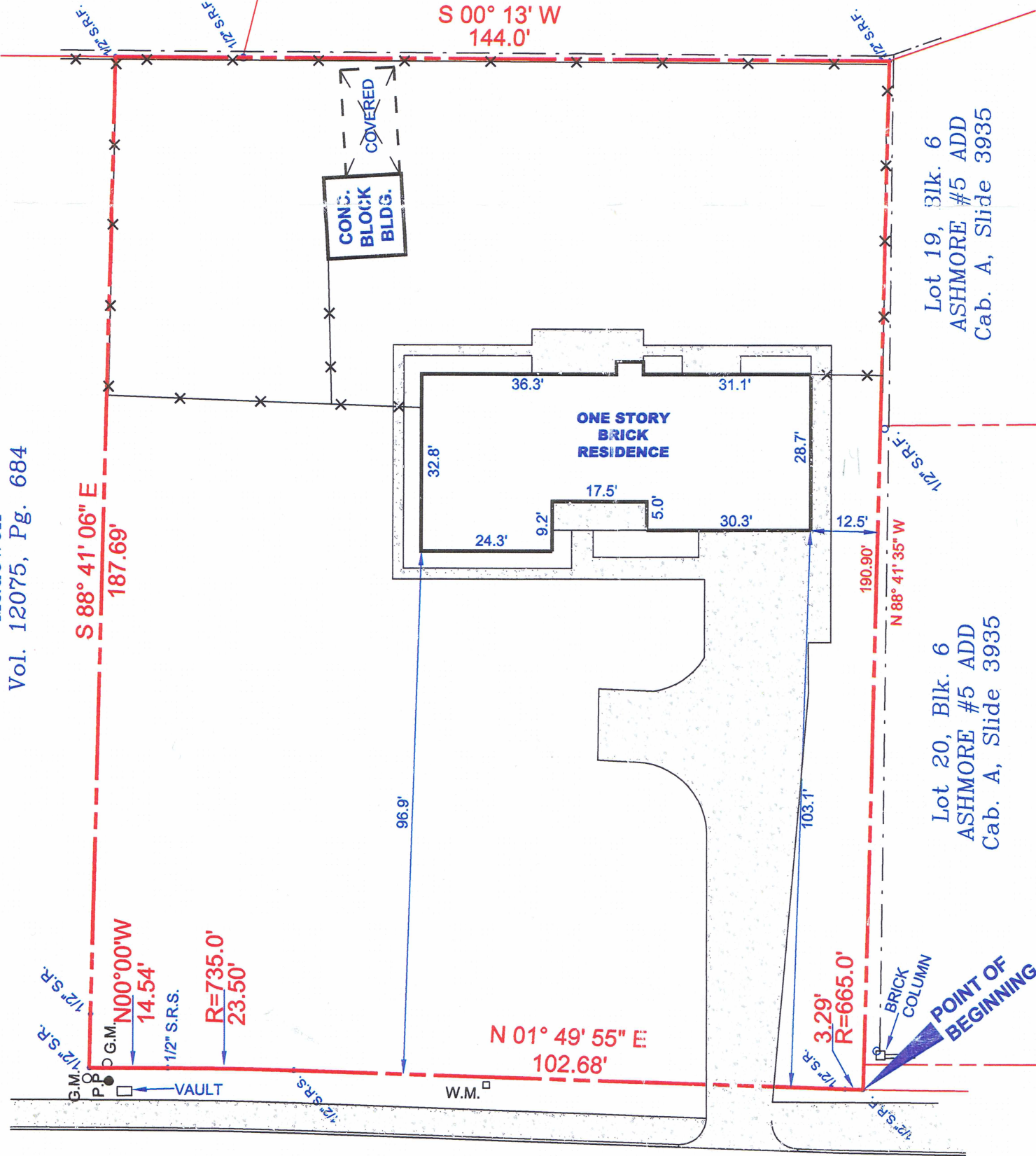
5209
POOL ROAD

Lot 10, Blk. 6
ASHMORE #4 ADD
Cab. A, Slide 1757

Lot 11R, Blk. 6
ASHMORE #5 ADD
Cab. A, Slide 3935

Lot 19, Blk. 6
ASHMORE #5 ADD
Cab. A, Slide 3935

Lot 20, Blk. 6
ASHMORE #5 ADD
Cab. A, Slide 3935



LEGEND	
O G.M.	GAS METER
□ W.M.	WATER METER
CONCRETE	STONE
S.R.F. °	STEEL ROD FOUND
S.R.S. •	STEEL ROD SET CAPPEE T. VOGT
---	PROPERTY LINE
---	WOOD FENCE
---	CHAIN LINK FENCE

DATE: October 22, 2015
SURVEY NO.: 15-28656
TITLE SEARCH:
First Western Title
G.F.: 15-08565-121
PURCHASER: Madere
SELLER: Bailey
SCALE: 1 inch = 25 feet

SURVEYOR NOTES:

- Bearings from PREVIOUS deed.
- Steel rods found at property corners used for control.
- Use north property line for directional control.
- Street right of way dedicated with Vol. 10735, Pg. 2175, D.R.T.C.T.



TO: Harold J. Madere & Joyce M. Madere; Mid America Mortgage, Inc.; and First Western Title the undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct and that there are no discrepancies, conflicts, encroachments, overlapping of improvements, visible easements or rights of way, except as shown hereon and that said property has access to and from a dedicated roadway. Any reference to the 100 year flood plain or flood hazard zones are an estimate based on data shown on the Flood Insurance Rate Map provided by FEMA and should not be interpreted as a study or determination of the flooding propensities of this property.

ADDRESS: 5209 Pool Road, COLLEYVILLE, Texas.

LEGAL: Being all that certain lot, tract or parcel of land situated in the C.C. DOSS SURVEY, ABSTRACT NO. 439, Tarrant County, Texas, and being the same tract as described in deed to Craig B. Collins, recorded in Volume 10735, Page 2175, of the Deed Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2 inch steel rod in the east right of way line of Pool Road and a curve to the right, having a radius of 665.00 feet, said steel rod being in the east line of a tract of land as described in deed to the City of Colleyville, according to the deed thereof recorded in Volume 10114, Page 2376, of the Deed Records of Tarrant County, Texas, said steel rod being 11.01 feet South 87 degrees 46 minutes 19 seconds East, of the southwest corner of said Collins tract;

THENCE along the east line of said Pool Road, the east line of said City of Colleyville tract, and said curve to the right, an arc length of 3.29 feet, a chord bearing of North 01 degrees 41 minutes 25 seconds East, a chord length of 3.29 feet, and a delta of 00 degrees 17 minutes 00 seconds to a found 1/2 inch steel rod;

THENCE North 01 degrees 49 minutes 55 seconds East, along the east line of said Pool Road, the east line of said City of Colleyville tract, a distance of 102.68 feet to a found 1/2 inch steel rod at the beginning of a curve to the left, having a radius of 735.00 feet, and a delta of 01 degrees 49 minutes 55 seconds;

THENCE continuing along the east line of said Pool Road, the east line of said City of Colleyville tract, and said curve to the left, an arc length of 23.50 feet, a chord bearing of North 00 degrees 54 minutes 57 seconds East, and a chord length of 23.50 feet to a found 1/2 inch steel rod;

THENCE North, a distance of 14.54 feet to a found 1/2 inch steel rod in the north line of said Collins tract;

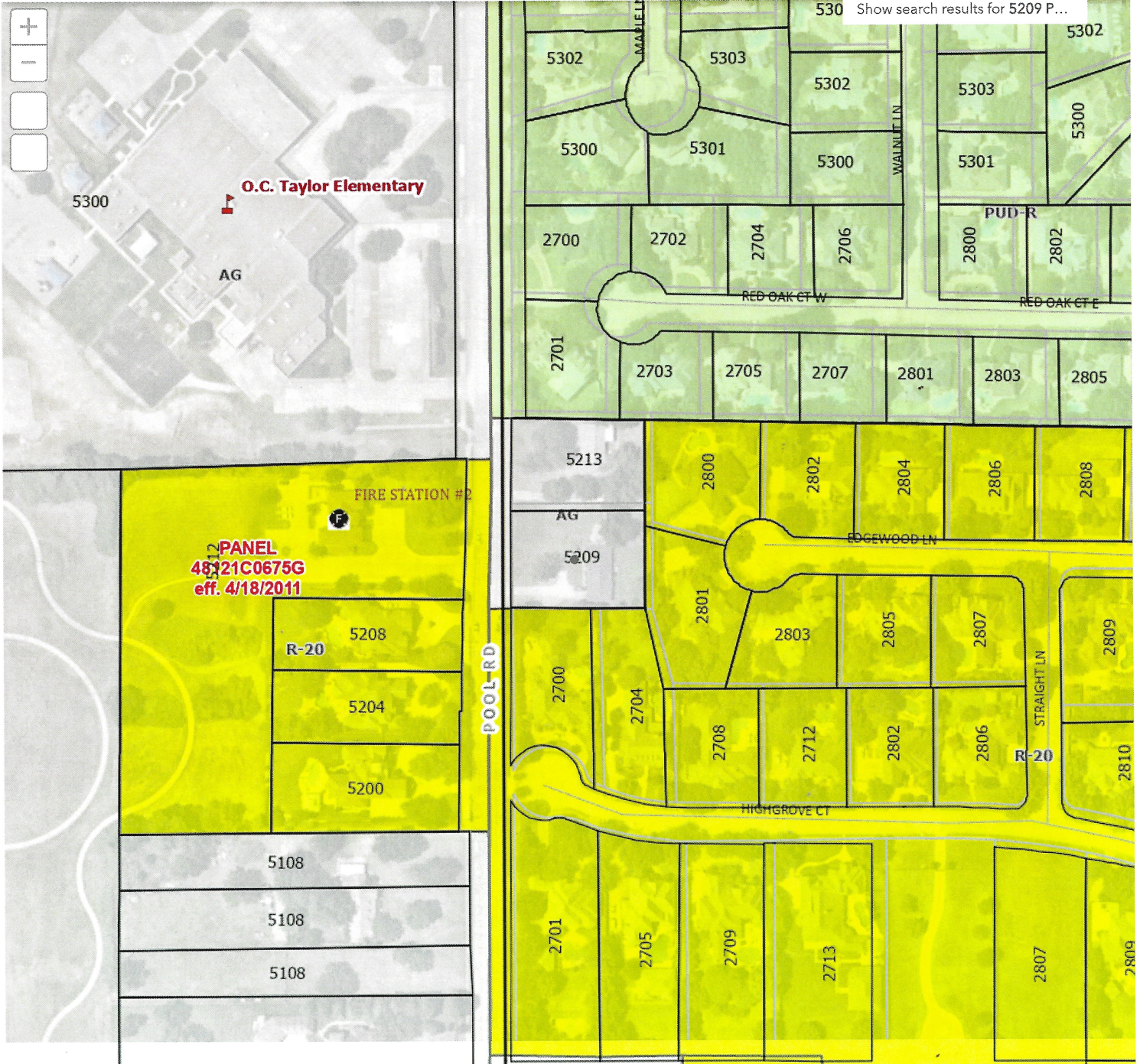
THENCE South 88 degrees 41 minutes 06 seconds East, departing the east line of said Pool Road, the east line of said City of Colleyville tract, and along the north line of said Collins tract, and passing at 9.98 feet a found 1/2 inch steel rod, and continuing for a total distance of 187.69 feet to a found 1/2 inch steel rod at the northeast corner of said Collins tract and the westerly line of Lot 10, Block 6, Ashmore No. 4 Addition, as recorded in Cabinet A, Slide 1757, Real Property Records, Tarrant County, Texas;

THENCE South 00 degrees 13 minutes 00 seconds West, along the east line of said Collins tract, a distance of 144.00 feet to a found 1/2 inch steel rod and being a westerly corner of Lot 11R, Block 6, Ashmore No. 5 Addition as recorded in Cabinet A, Slide 3935, Real Property Records, Tarrant County, Texas;

THENCE North 88 degrees 41 minutes 35 seconds West, along the south line of said Collins tract, passing the northwest corner of Lot 20, Block 6, said Ashmore No. 5 Addition at 187.26 feet continuing for a total distance of 190.90 feet to the POINT OF BEGINNING and containing 27,208 square feet or 0.625 acre of land, more or less.

THOMAS W. VOGT
LAND SURVEYOR
R.P.L.S. No 1928

4102 Inwood Lane • Colleyville, TX 76034
817.946.1279 • Fax 817.428.8640
office@vogtsurveying.com



5209 POOL ROAD

ZONING EXHIBIT
FOR ZONING CHANGE

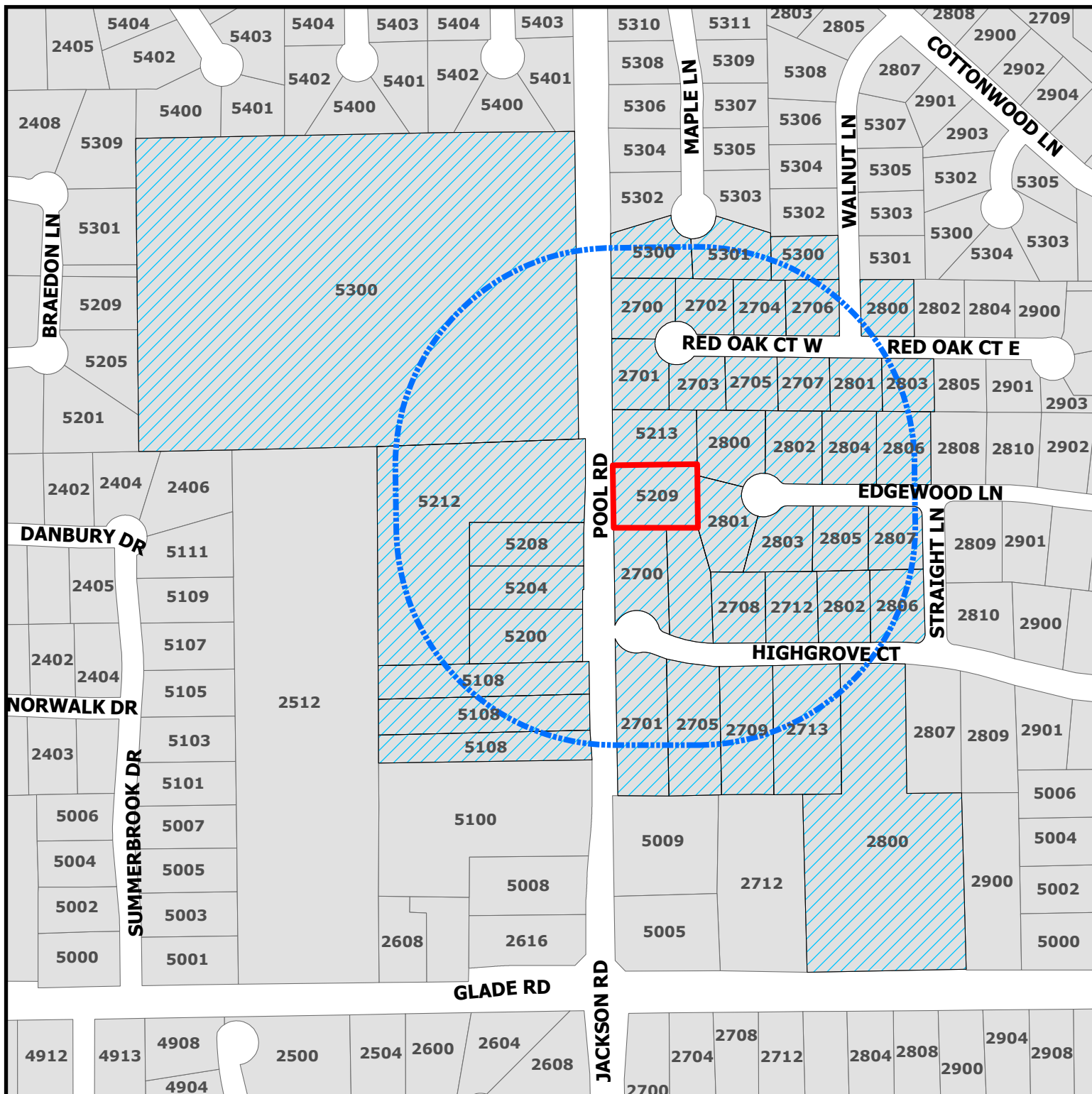
REQUEST FROM AG TO R20



200ft

loading...

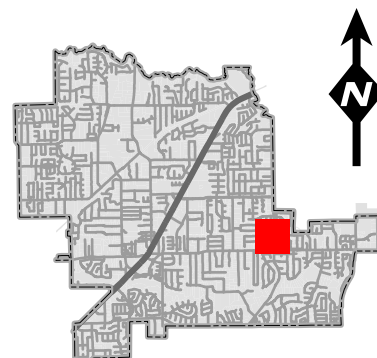
Notification Map



ZC23-020

5209 Pool Rd

-  Parcels to be notified
-  Buffer
-  Subject Property



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Owner Name	Owner Address	Owner City	Owner Zip
CARTER, GEORGE	5300 WALNUT LN	COLLEYVILLE, TX	76034
DO, PHUONG N	2700 HIGHGROVE CT	COLLEYVILLE, TX	76034
WEZNIAK, DOUGLAS F	5204 POOL RD	COLLEYVILLE, TX	76034
NEMATI, MEHDI	2704 RED OAK CT W	COLLEYVILLE, TX	76034
MADERE, HAROLD	5209 POOL RD	COLLEYVILLE, TX	76034
FYFFE, JACK B	2708 HIGHGROVE CT	COLLEYVILLE, TX	76034
JOHNSON, ZACHARY S	2713 HIGHGROVE CT	COLLEYVILLE, TX	76034
CONETTA, ANTHONY	2806 EDGEWOOD LN	COLLEYVILLE, TX	76034
FONTENOT, KELLY R	2705 HIGHGROVE CT	COLLEYVILLE, TX	76034
ROUGON, SONDRAM	2705 RED OAK CT W	COLLEYVILLE, TX	76034
MCCORMICK, ROBERT	2220 POOL RD STE 100	GRAPEVINE, TX	76051
FOGLE, RICHARD	2701 HIGHGROVE CT	COLLEYVILLE, TX	76034
DILORETO, FARHAT	2805 EDGEWOOD LN	COLLEYVILLE, TX	76034
DZURA, MICHAEL	2704 HIGHGROVE CT	COLLEYVILLE, TX	76034
FOLKERTSMA, PHILLIP	2800 RED OAK CT E	COLLEYVILLE, TX	76034
HALAI, AKEEL S	2806 HIGHGROVE CT	COLLEYVILLE, TX	76034
YOUNG, STEPHEN R	2706 RED OAK CT W	COLLEYVILLE, TX	76034
SCHLAGER, SEYMOUR	2707 RED OAK CT W	COLLEYVILLE, TX	76034
TENGLER, MARK	2709 HIGHGROVE CT	COLLEYVILLE, TX	76034
MIKULIK, WALTER K	5100 POOL RD	COLLEYVILLE, TX	76034
MERRIL AND COLLEEN LIEB REVOCAB	2804 EDGEWOOD LN	COLLEYVILLE, TX	76034
GREEN, BRITTON B	2807 EDGEWOOD LN	COLLEYVILLE, TX	76034
RAMACHANDRAN, SUNIL	2802 HIGHGROVE CT	COLLEYVILLE, TX	76034
THE ANNIE AND RYAN PEARLMAN FAM	5200 POOL RD	COLLEYVILLE, TX	76034
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034
PETERSON, MARIEL M	5208 POOL RD	COLLEYVILLE, TX	76034
REIMANN, WILLIAM	2712 HIGHGROVE CT	COLLEYVILLE, TX	76034
DUTTON, BRIAN D	2801 RED OAK CT E	COLLEYVILLE, TX	76034
DEACON, WM F	5300 MAPLE LN	COLLEYVILLE, TX	76034
MCHOLT PROPERTIES LP	2700 RED OAK CT W	COLLEYVILLE, TX	76034
HEDTKE, JAN	5301 MAPLE LN	COLLEYVILLE, TX	76034
GRAPEVINE COLLEYVILLE, ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051
BAILEY, JOHN	2801 EDGEWOOD LN	COLLEYVILLE, TX	76034
HENNESSY, BRYAN	2803 RED OAK CT E	COLLEYVILLE, TX	76034
KLUBER, JOHN	2802 EDGEWOOD LN	COLLEYVILLE, TX	76034
BRANDT, JEREMY	2803 EDGEWOOD LN	COLLEYVILLE, TX	76034
GEORGE, WILLIAM O	2703 RED OAK CT W	COLLEYVILLE, TX	76034
MARTIN, C DAVID	2800 EDGEWOOD LN	COLLEYVILLE, TX	76034
THOMPSON, JUSTIN	2702 RED OAK CT W	COLLEYVILLE, TX	76034
FOLGER, WILLIAM P	2701 RED OAK CT W	COLLEYVILLE, TX	76034
SUMMERTREE III	P.O. Box 385	COLLEYVILLE, TX	76034
ARBOR ESTATES	5506 Sycamore Drive	COLLEYVILLE, TX	76034
SUMMERTREE ADDITION	P.O. Box 385	COLLEYVILLE, TX	76034
ASHMORE ADDITION	P.O. Box 1923	COLLEYVILLE, TX	76034
SUMMERTREE II	P.O. Box 385	COLLEYVILLE, TX	76034
SUMMERBROOK ADDN (COLLEYVILLE)	P.O. Box 864	COLLEYVILLE, TX	76034
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, September 11th, 2023 at 7:00 p.m.
City Council Meetings: Wednesday, October 4, 2023 & Tuesday, October 17, 2023 at 7:00 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Rezoning change from AG Agricultural to R-20 for Tract 2B09B, Abstract 439, CC Doss Survey, located at 5209 Pool Road. The request is to rezone to allow a new home to be built.

Zoning Case: ZC23-020

Applicant: Theodis Simmons

Owner: Harold J. and Joyce Madere

Location: 5209 Pool Rd

Property Description: Tract 2B09B, Abstract 439, CC Doss Survey

Present Zoning: AG, Agricultural

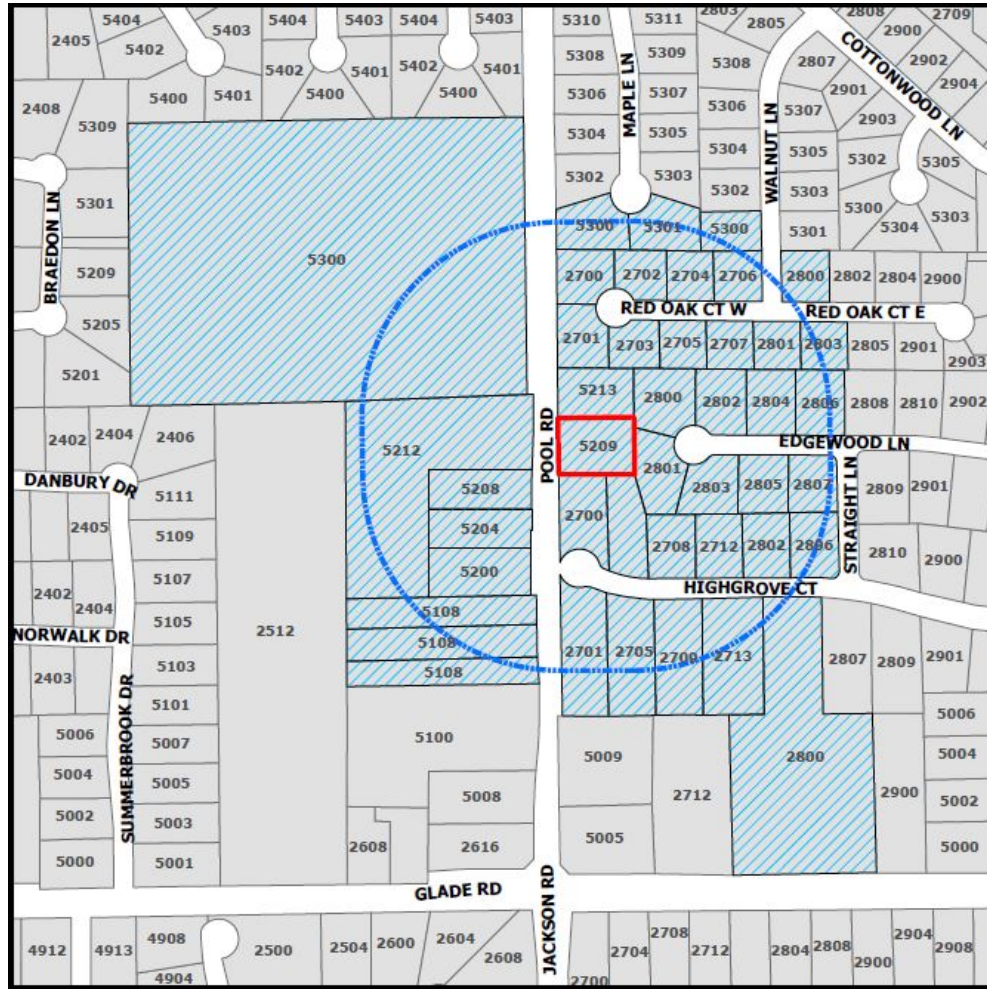
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

NOTICE OF PUBLIC HEARING



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ORDINANCE O-23-2262

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON A PORTION OF 0.61 ACRES BEING, TRACT 2B09B, ABSTRACT 439, CC DOSS SURVEY, LOCATED AT 5209 POOL ROAD, FROM THE AG AGRICULTURAL TO THE R-20 SINGLE FAMILY RESIDENTIAL DISTRICT; 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 rezoning of a portion of the property from AG Agricultural to R-20 Single Family Residential district for Case No. ZC23-020; 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 that 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 change in the zoning from AG Agricultural to R-20 Single-Family Residential district on 0.61 acres, being Tract 2B09B, Abstract 439, CC Doss Survey, located at 5209 Pool Road 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. As depicted in the attached Exhibit "A" and Exhibit "B".
- 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 4th day of October 2023.

The second reading and public hearing being conducted on the 17th day of October 2023.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, ON THIS THE 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood	_____	Mayor Pro Tem Callie Rigney	_____
Brandi Elder, Place 1	_____	George Bond, Place 2	_____
Scotty Richardson, Place 3	_____	Ben Graves, Place 4	_____
Chuck Kelley, Place 5	_____		

ATTEST: **CITY OF COLLEYVILLE**

Christine Loven, TRMC	Bobby Lindamood
City Secretary	Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "A"- Zoning Map

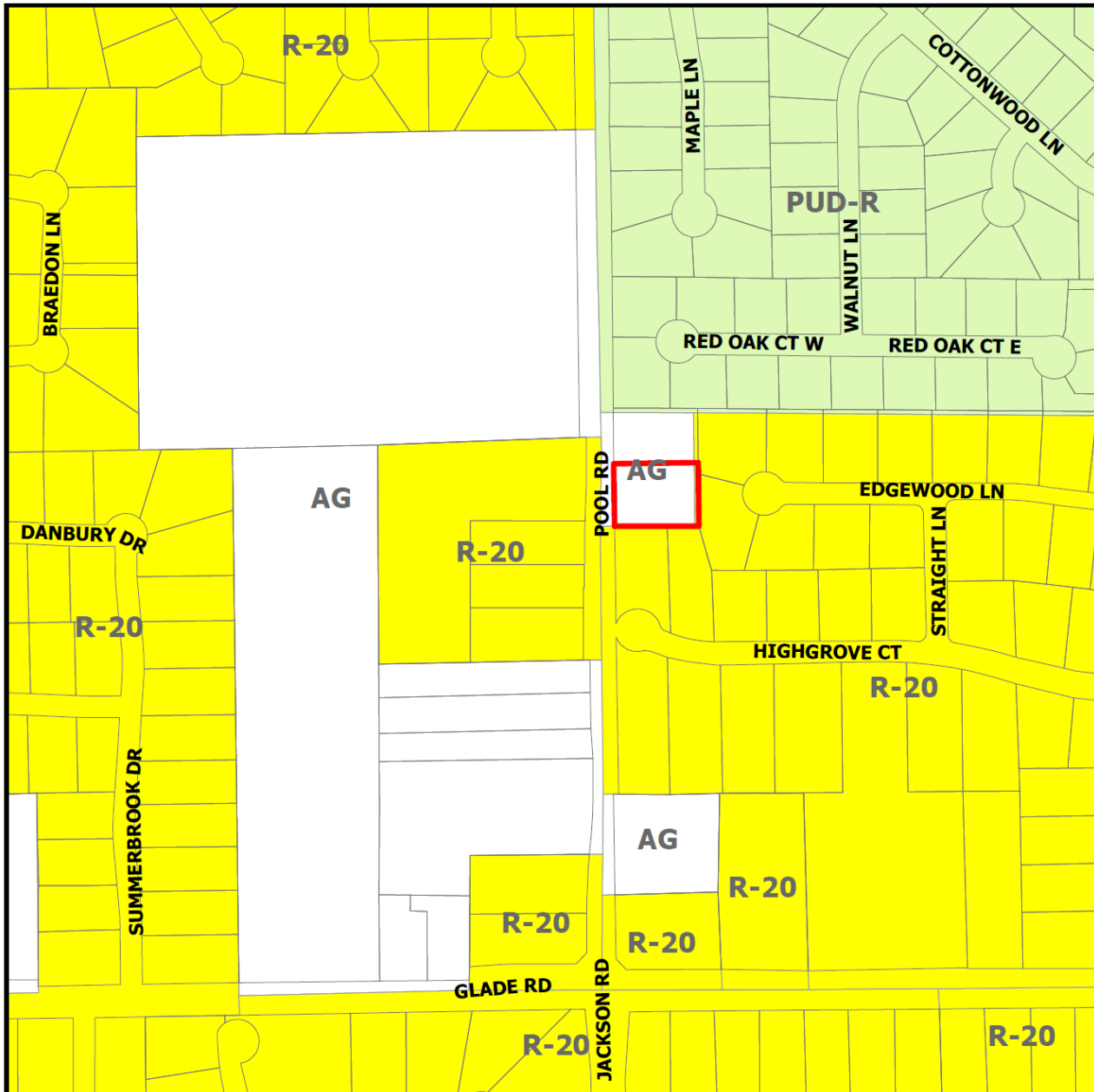
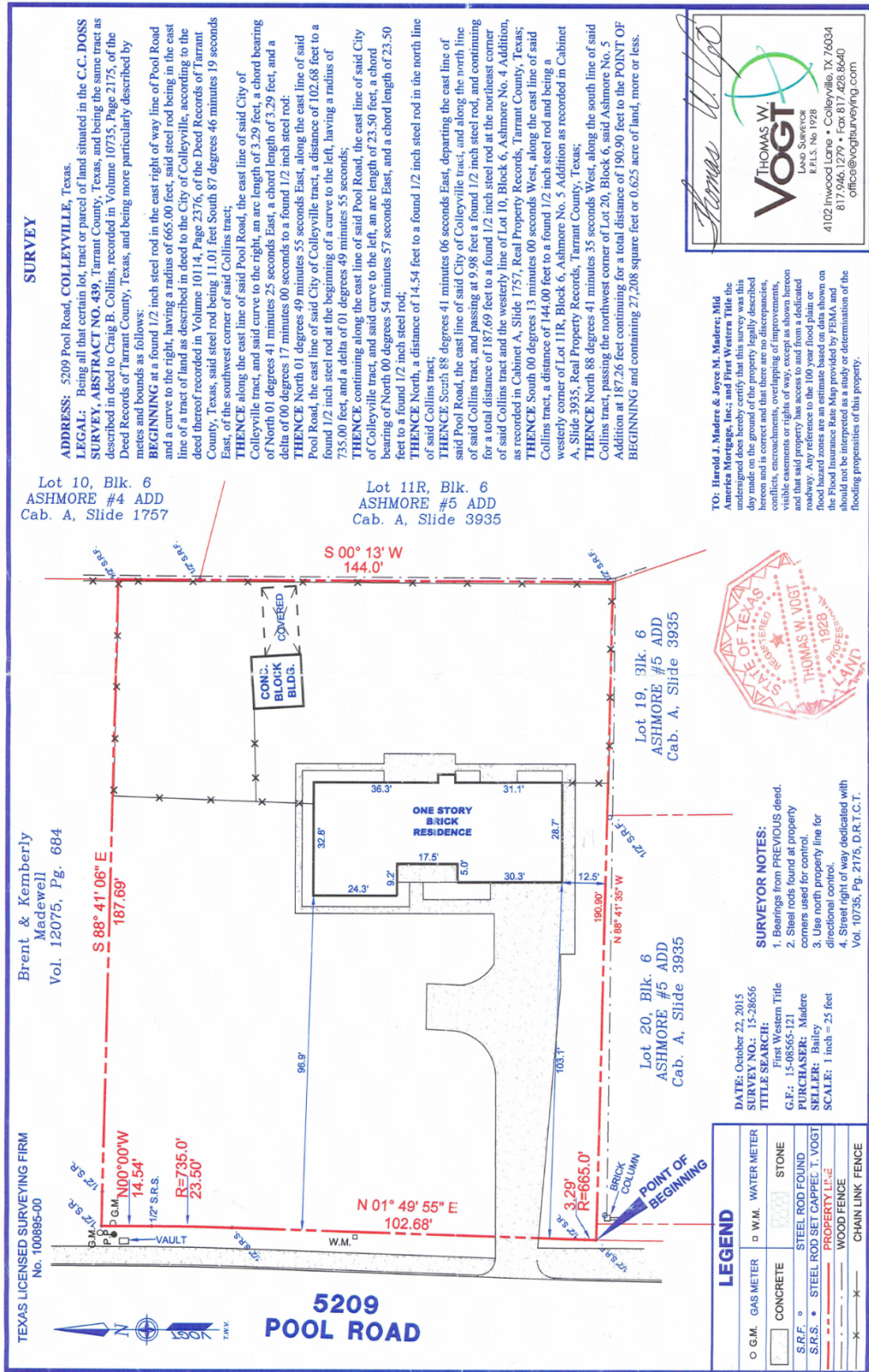


Exhibit "B"- Zoning Exhibit





CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 6b

Agenda Date 10/17/2023

Number Ordinance O-23-2263

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit to allow a fence for Lot 5, Block 5, Woodbriar Estates Addition, located at 3716 Briarhaven Lane, Case ZC23-021

Explanation

Second Reading and Public Hearing

The applicant was present and answered questions from the City Council. The City Council asked the applicant to provide additional information regarding the proposed height and distance to the property line and/or street. The applicant has provided the requested information. No one came forward to speak during the public hearing.

First Reading and Public Hearing

Freedom Fence, the applicant, has submitted a request for a Special Use Permit (SUP) to allow a fence to encroach into the street side yard setback on Lot 5, Block 5, Woodbriar Estates Addition, being approximately 0.42 acres, and zoned R-15 Single Family Residential district.

Existing Conditions/Background: The subject property, 3716 Briarhaven Lane, has R-15 zoning and is located in the Woodbriar Estates Subdivision, South of Cheek-Sparger Road. This lot is a corner lot.

SUP Request: The applicant is requesting approval of a SUP to allow for an opaque wood fence 8-feet in height to encroach into the street side yard setback. The proposed fence is requested to be placed approximately on the property line.

Ordinance – Section 3.26 Fences, Free Standing Walls, and Screening Materials Regulations of the Land Development Code establishes the maximum size and location of fencing to be permitted by staff on a residential lot:

"E. Fence and Free-Standing Wall Setback Requirement:

1. Front Yards: No fence or freestanding wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall be located beyond the front façade of the primary residential structure.

a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail

construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.

d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent opaque construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. This exception shall not apply to properties zoned as a PUD district.

2. Corner Side Yards: Except where allowed elsewhere in this chapter, no fence or freestanding wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply. A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding paragraph."

Regulation "1" above applies in this case for the opaque wood material on the proposed fence. Street side fencing, when allowed, must be a non-opaque material such as wrought iron. Regulation "2" above applies in this case for the proposed location of the fence. The current fence in the proposed location does not conform to the Land Development Code. The LDC provides the opportunity to request an SUP to deviate from the requirements.

Special Use Permit Provision: Any request for a building permit for a fence/wall 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.

Analysis: Any request for a residential fence which differs from the Land Development Code shall only be authorized after approval of a Special Use Permit by the City Council. The applicant is proposing a wood fence 8-feet in height with a motorized iron gate to extend into the street side yard setback and located on the property line.

Plat Status: The property is platted as Lot 5, Block 5, Woodbriar Estates Addition.

DRC Review: The DRC met on August 22, 2023.

Drainage: NA

Surrounding Development: The properties to the north, south, east, and west are zoned R-15 and contain single-family residential development.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 recommends denial of the requested SUP as it does not meet the technical requirements of the Land Development Code.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the request at their September 11, 2023 meeting by a vote of 4-1.

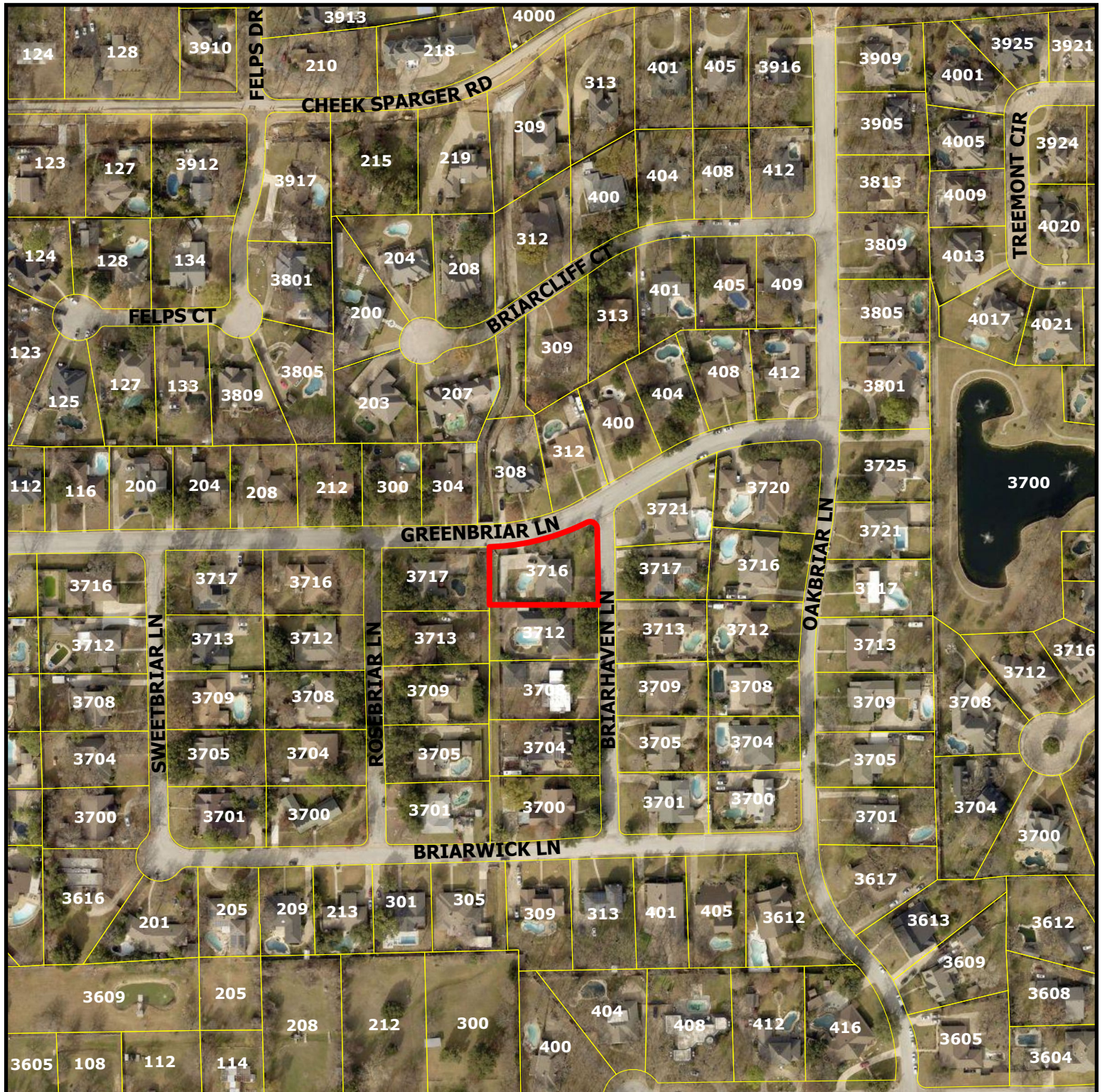
Recommendation

Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Photos provided by Applicant
7. 3716 Briarhaven Lane - Fence Comparables
8. Notification Map
9. Notification List
10. Notification Letter
11. Ordinance O-23-2263

Aerial Map

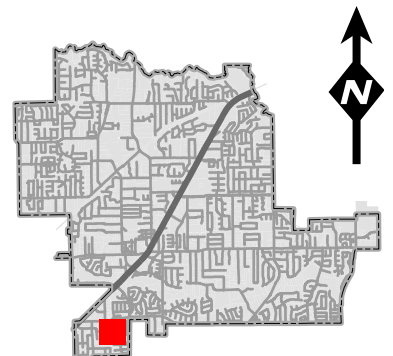


ZC23-021

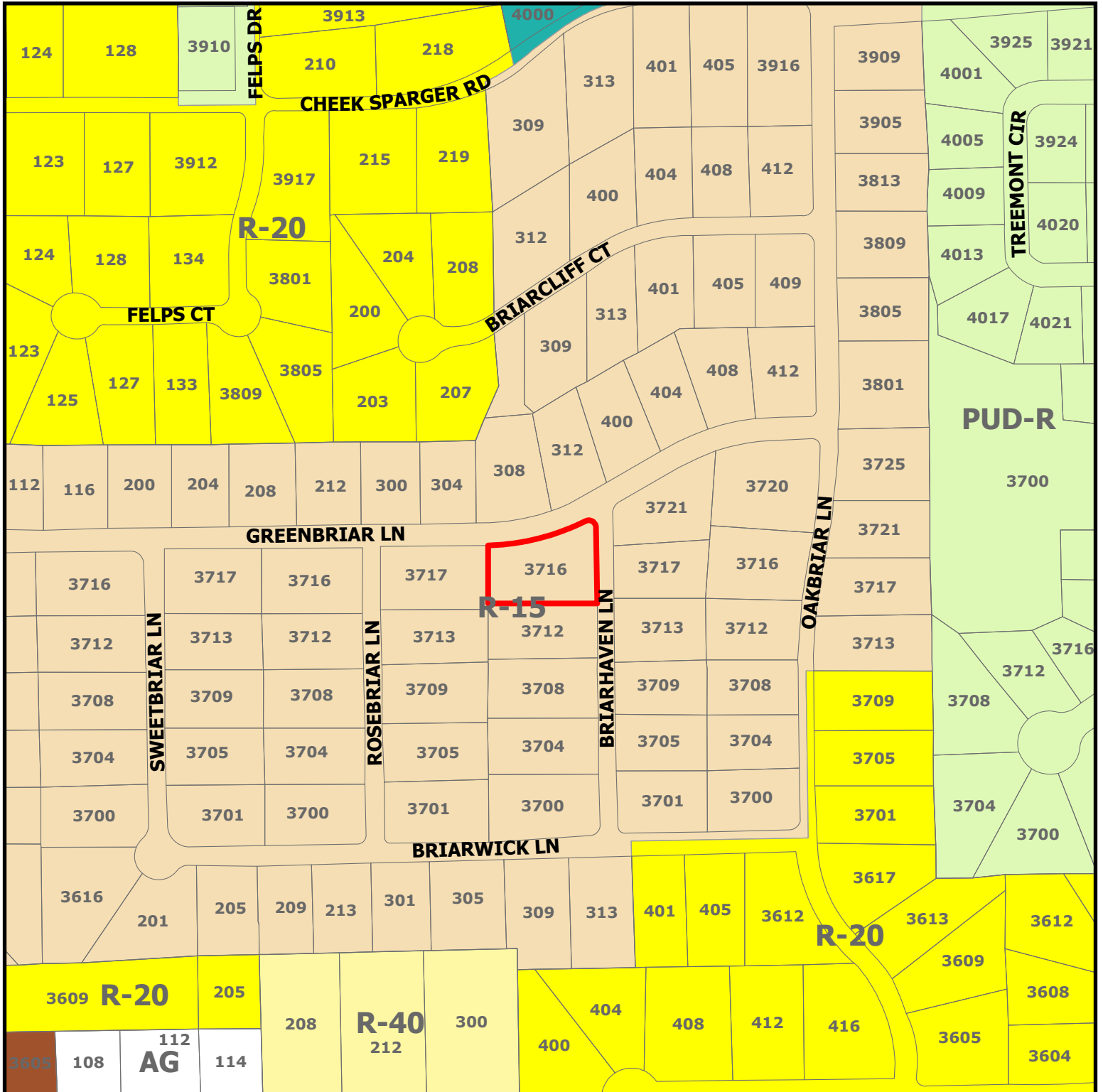
3716 Briarhaven Ln

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 Subject Property



Zoning Map

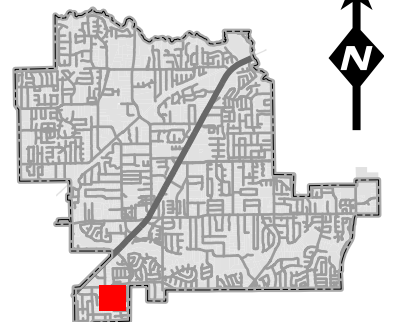


ZC23-021

3716 Briarhaven Ln



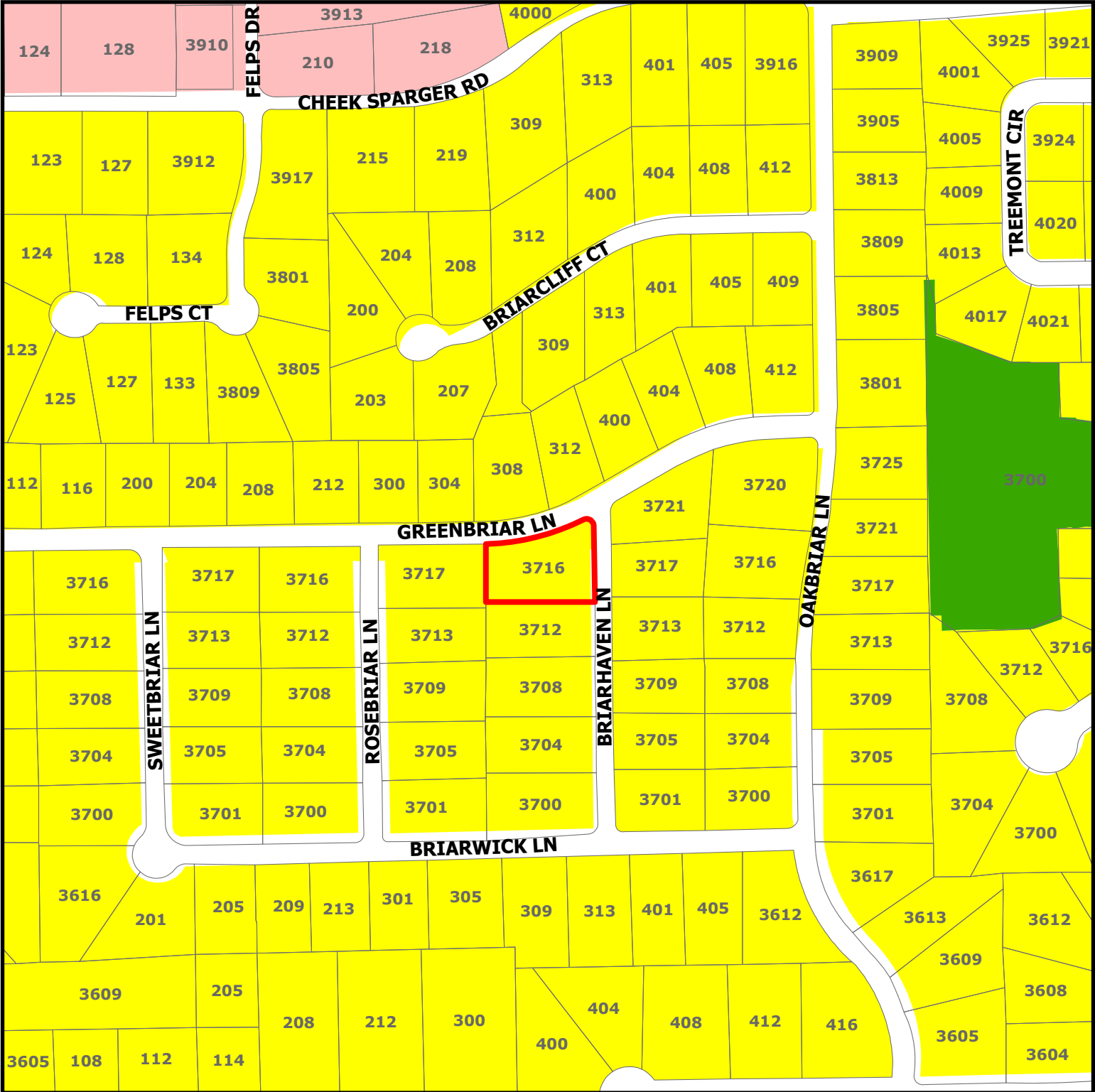
Subject Property



DISCLAIMER:

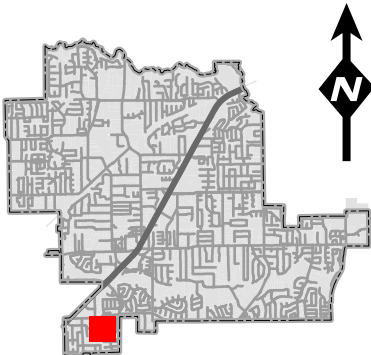
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Future Land Use Map



ZC23-021
3716 Briarhaven Ln

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

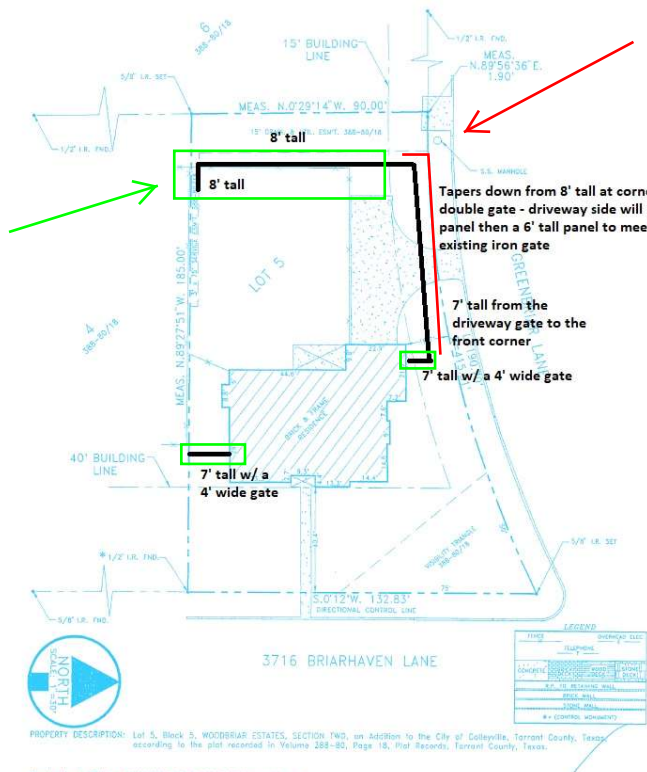


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Statement of Planning Objectives

Submitted by: Freedom Fence TX owner and Colleyville Resident Zach Stewart on behalf of 3716 Briarhaven owner Maury Contreras and Chelsee Barragan

We are requesting a SUP for the corner lot located at 3716 Briarhaven to install a wooden privacy fence. The homeowner is trying to provide privacy for themselves and their children while swimming in the pool without being visible from the street. The current fence is a non opaque older painted hardy board / concrete siding made into a fence and is not as aesthetically appealing as the desired replacement fence. It has been non-opaque along with all other corner lots in this neighborhood. The proposed replacement fence is going to be a gorgeous stained western red cedar board on board cap and trim fence that will improve the overall look of the property by removing the existing deteriorating concrete board fence. Attached reference photos for neighboring lots as well as appearance of the new fence.



Waiting on SUP process, installing fence where code allows. Front section will need SUP for opaque regulation, green sections are good to build as of 7.19.23

8' tall
Tapers down from 8' tall at corner with an 8' tall double gate - driveway side will have a 7' tall panel then a 6' tall panel to meet the height of the existing iron gate
7' tall from the driveway gate to the front corner
7' tall w/ a 4' wide gate

All materials will be a prestained western red cedar. Fence speed is board on board with cap and trim and galvanized posts boxed in.

8' sections will be 6' on center posts set 3' deep in concrete

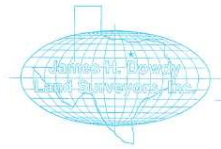
7 and 6' sections will be 8' on center posts set minimum of 2' deep in concrete

PROPERTY DESCRIPTION: Lot 5, Block 5, WOODBRIAR ESTATES, SECTION TWO, an Addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Volume 288-80, Page 18, Plat Records, Tarrant County, Texas.

REFERENCE NO: 52983
LENDER: PHH MORTGAGE
TITLE CO: ALAMO TITLE
PURCHASER: LYNNESS G/F OF 00264011 KS
DATE: 7-11-27

SURVEYOR'S CERTIFICATION

The undersigned Registered Professional Land Surveyor certifies to purchaser Lender and Title Company as noted that: (A) this plat of survey and the property description are both based on a true representation to each other of the true of an actual on-the-ground survey; (B) such survey was conducted by the surveyor or under his supervision; (C) there are no other encroachments, conflicts, shortages in area or boundary line, except as shown; (D) the property has access to a public street unless otherwise noted; (E) the final statement based on the most recent data available to the surveyor, and while this survey may show the property not to be in a special flood hazard area, all areas may be subject to some degree of flooding, for more information contact your local flood plain administrator or the Federal Emergency Management Agency; (F) reflects easements affecting the property, evidence of which is visible on the grounds or of which the surveyor has been notified.



Roland Rodriguez
ROLAND RODRIGUEZ, R.L.S., No. 4887
6550 MANHATTAN BLVD., SUITE 310
FORT WORTH, TEXAS 76120
(817) 429-9838











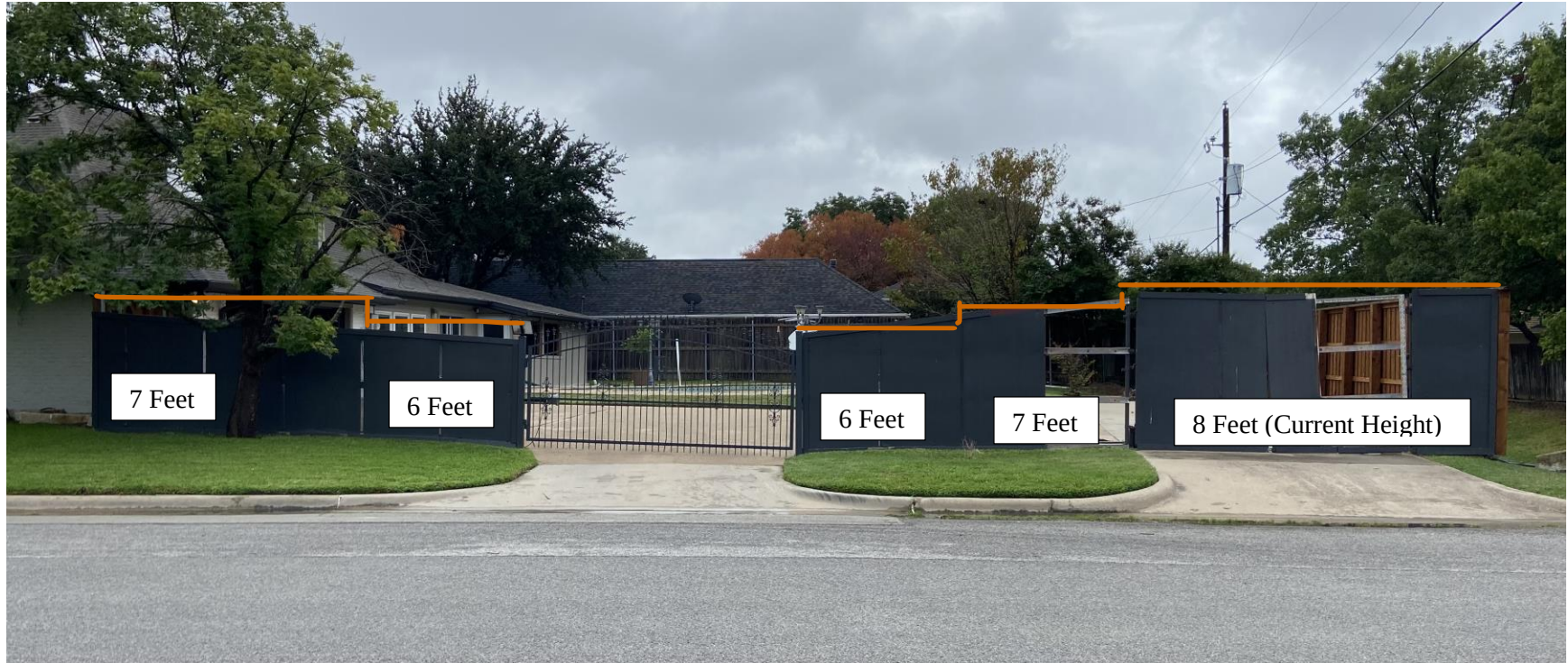
3716 Briarhaven Lane

As of October 2023



3716 Briarhaven Lane

Proposed Cedar Fence



3716 Briarhaven Lane

Setback Measurements



Comparable Lots and Fence Lines
3717 Rosebriar Lane (*Directly behind 3716 Briarhaven*)
CORNER LOT: Rosebriar Lane and Greenbriar Lane
Setback Measurements



Comparable Lots and Fence Lines

3721 Briarhaven Lane (*Directly across from 3716 Briarhaven*)

CORNER LOT: Briarhaven Lane and Greenbriar Lane

&

3720 Oakbriar Lane (*Directly behind 3721 Briarhaven*)

CORNER LOT: Oakbriar Lane and Greenbriar Lane

Setback Measurements



Comparable Lots and Fence Lines

3700 Oakbrair Lane

CORNER LOT: Oakbriar Lane and Briarwick Lane

Setback Measurements



Comparable Lots and Fence Lines

412 Briarcliff Court (*Very similar to proposed fence at 3716 Briarhaven*)

CORNER LOT: Oakbriar Lane and Briarcliff Court

Setback Measurements



Comparable Lots and Fence Lines

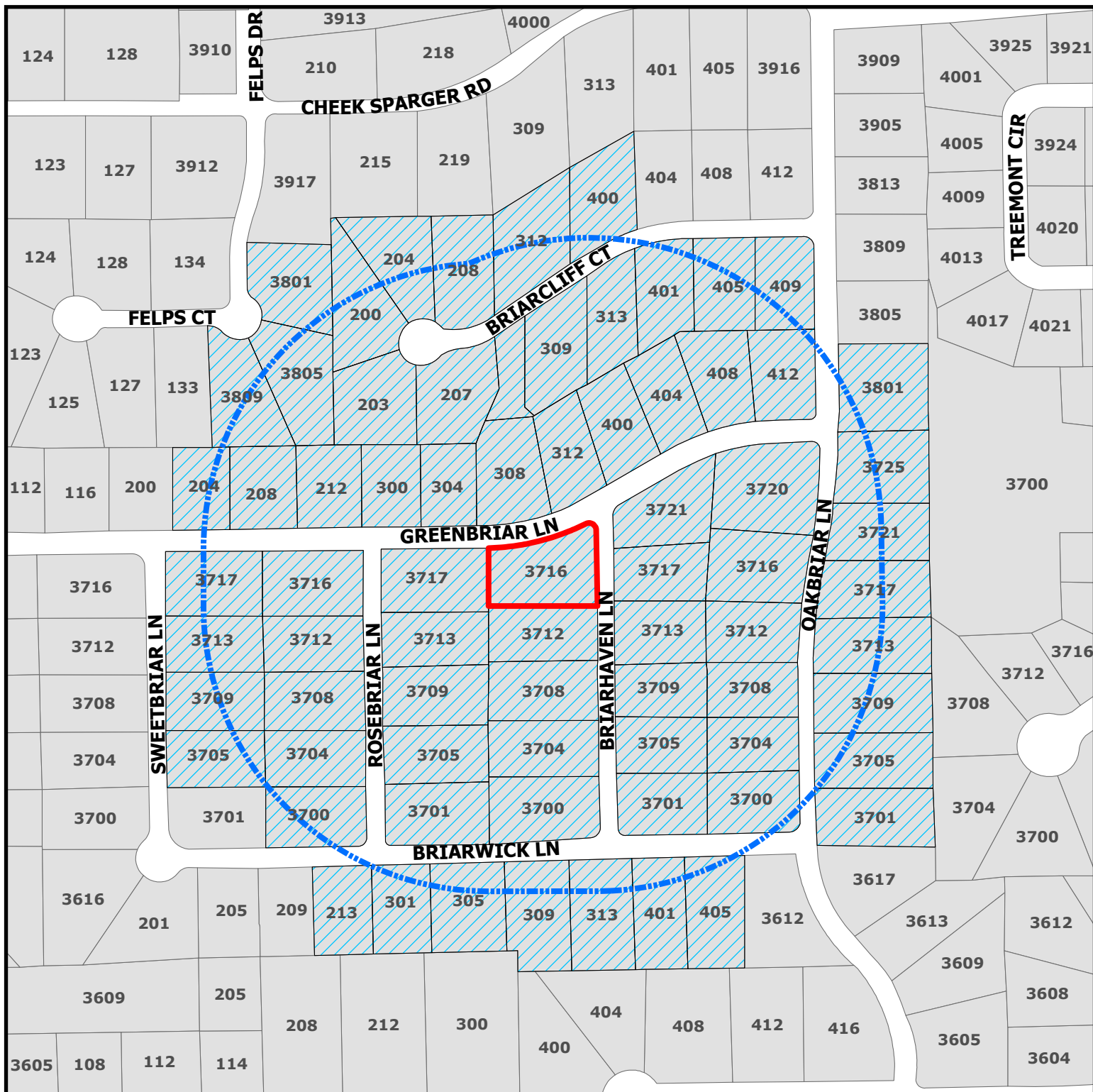
100 Greenbriar Lane

CORNER LOT: Greenbriar Lane and San Bar Lane

Setback Measurements



Notification Map

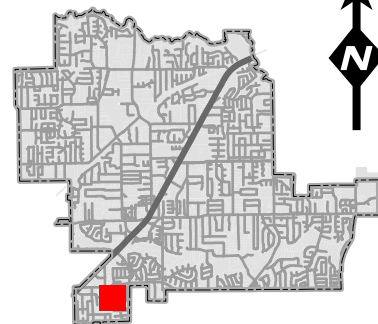


ZC23-021

3716 Briarhaven Ln

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-  Parcels to be notified
-  Buffer
-  Subject Property



Owner Name	Owner Address	Owner City	Owner Zip
MCLP PROPERTY SOLUTIONS, LLC	13201 S BERENDO AVE	GARDENA, CA	90247
HURST EULESS BEDFORD ISD	1849 CENTRAL DR	BEDFORD, TX	76022
MARX, ANDRIES	200 BRIARCLIFF CT	COLLEYVILLE, TX	76034
BASHAM, FRANCINE C	203 BRIARCLIFF CT	COLLEYVILLE, TX	76034
LANDON, STEVEN F	204 BRIARCLIFF CT	COLLEYVILLE, TX	76034
WATSON, MARY HANNAH	204 GREENBRIAR LN	COLLEYVILLE, TX	76034
LACEY, EDWARD	208 BRIARCLIFF CT	COLLEYVILLE, TX	76034
GRAMLING, M S	208 GREENBRIAR LN	COLLEYVILLE, TX	76034
HALCOMB, RANDY	212 GREENBRIAR LN	COLLEYVILLE, TX	76034
SCHRAEDER, ROBERT	213 BRIARWICK LN	COLLEYVILLE, TX	76034
SWAIN, THERESA	301 BRAIRWICK LN	COLLEYVILLE, TX	76034
BRANCH, SONDR A GAIL	304 GREENBRIAR LN	COLLEYVILLE, TX	76034
REEVES, DAVID A	305 BRIARWICK LN	COLLEYVILLE, TX	76034
DENYER, STUART	308 GREENBRIAR LN	COLLEYVILLE, TX	76034
CEKUTA, CHRISTOPHER	309 BRIARCLIFF CT	COLLEYVILLE, TX	76034
KUNEY HAZEL MAY REVOCABLE LIVIN	309 BRIARWICK LN	COLLEYVILLE, TX	76034
KLAMT, LYNN RAY	312 BRIARCLIFF CT	COLLEYVILLE, TX	76034
JOHNSON, MORGAN	312 GREENBRIAR LN	COLLEYVILLE, TX	76034
EVANS, JON R	313 BRIARCLIFF CT	COLLEYVILLE, TX	76034
ODOMORE, FRIDAY	313 BRIARWICK LN	COLLEYVILLE, TX	76034
CAMPBELL, CANDACE	3601 SAN BAR LN	COLLEYVILLE, TX	76034
WARREN, MARY EST	3700 BRIARHAVEN LN	COLLEYVILLE, TX	76034
GRIFFITH, CARL D	3700 OAKBRIAR LN	COLLEYVILLE, TX	76034
ALLRED, JON G	3700 ROSEBRIAR LN	COLLEYVILLE, TX	76034
WOODBRIAR ESTATES ADDITION	3700 Sweetbriar	COLLEYVILLE, TX	76034
WOODBRIAR NORTH ADDITION	3700 Sweetbriar	COLLEYVILLE, TX	76034
ALTSCHUL, DANIEL	3701 BRIARHAVEN LN	COLLEYVILLE, TX	76034
CUSICK, LAURANCE A	3701 OAKBRIAR LN	COLLEYVILLE, TX	76034
HODGES, CHEVI	3701 ROSEBRIAR LN	COLLEYVILLE, TX	76034
WOLFE, JAMES D	3704 BRIARHAVEN LN	COLLEYVILLE, TX	76034
RIZKAL, SAM P	3704 OAKBRIAR LN	COLLEYVILLE, TX	76034
DUGGAN, RICHARD L	3704 ROSEBRIAR LN	COLLEYVILLE, TX	76034
BENNETT, JERRY LEE	3705 BRIARHAVEN LN	COLLEYVILLE, TX	76034
ZAK, GARY	3705 OAKBRIAR LN	COLLEYVILLE, TX	76034
SIDES, MICHAEL	3705 ROSEBRIAR LN	COLLEYVILLE, TX	76034
BROWN, MICHELLE	3705 SWEETBRIAR LN	COLLEYVILLE, TX	76034
PRIEST, WILLIAM	3708 BRAIRHAVEN LN	COLLEYVILLE, TX	76034
AKSENTOWITZ, J	3708 OAKBRIAR LN	COLLEYVILLE, TX	76034
TAMAYO, JESSE F	3708 ROSEBRIAR LN	COLLEYVILLE, TX	76034
HOLLOWAY, LENDON	3709 BRIARHAVEN LN	COLLEYVILLE, TX	76034
HASKELL, NORMAN E	3709 OAKBRIAR LN	COLLEYVILLE, TX	76034
MATHIS, CECIL S	3709 ROSEBRIAR LN	COLLEYVILLE, TX	76034
MURPHY, JAMES F	3709 SWEETBRIAR LN	COLLEYVILLE, TX	76034
GOODSON, TONI	3712 BRIARHAVEN LN	COLLEYVILLE, TX	76034
SZAKIN, PETER T	3712 OAKBRIAR LN	COLLEYVILLE, TX	76034
POWELL, ROBERT L	3712 ROSEBRIAR LN	COLLEYVILLE, TX	76034
LYNCH, VICKI	3713 BRIARHAVEN LN	COLLEYVILLE, TX	76034
LACKEY FAMILY TRUST	3713 OAKBRIAR LN	COLLEYVILLE, TX	76034
BELLEFEUILLE, PHIL	3713 ROSEBRIAR LN	COLLEYVILLE, TX	76034
HENDERSON, BROOKE	3713 SWEETBRIAR LN	COLLEYVILLE, TX	76034
CONTRERAS, MAURICA	3716 BRIARHAVEN LN	COLLEYVILLE, TX	76034
DASHNER, MELVIN L	3716 OAKBRIAR LN	COLLEYVILLE, TX	76034
WITT, ROBERT W	3716 ROSEBRIAR LN	COLLEYVILLE, TX	76034
MONTAGUE, JEFFREY	3717 BRIARHAVEN LN	COLLEYVILLE, TX	76034
TUPPER, KARLY	3717 OAKBRIAR LN	COLLEYVILLE, TX	76034
WATTS, JENNINGS R	3717 ROSEBRIAR LN	COLLEYVILLE, TX	76034
INGERSOLL, MICHAEL	3717 SWEETBRIAR LN	COLLEYVILLE, TX	76034
GARMAN, DONALD J	3720 OAKBRIAR LN	COLLEYVILLE, TX	76034
ROBERTS, SHONNA K	3721 BRIARHAVEN LN	COLLEYVILLE, TX	76034
WARMERDAM, BRADLEY	3721 OAKBRIAR LN	COLLEYVILLE, TX	76034
MARINO, ROBERT A	3725 OAKBRIAR LN	COLLEYVILLE, TX	76034
MORIARTY, KENNETH	3801 FELPS CT	COLLEYVILLE, TX	76034
BARTLETT, DEL W	3805 FELPS CT	COLLEYVILLE, TX	76034
BRIAN AND SUZANNE DUNN REVOCABL	3809 FELPS CT	COLLEYVILLE, TX	76034
KELLEY, ANN	400 BRIARCLIFF CT	COLLEYVILLE, TX	76034
BUDRI, TAMEEM	400 GREENBRIAR LN	COLLEYVILLE, TX	76034
BAUGUS, MITCHELL	401 BRIARCLIFF CT	COLLEYVILLE, TX	76034
WOODS OF COLLEYVILLE ADDN, THE	4024 Treemont Circle	COLLEYVILLE, TX	76034
JONES, DAN W	404 GREENBRIAR LN	COLLEYVILLE, TX	76034
THE ROTH FAMILY LIVING TRUST	405 BRIARCLIFF CT	COLLEYVILLE, TX	76034
BOBBY RAY AND CHERYL VIRGINIA C	405 BRIARWICK LN	COLLEYVILLE, TX	76034
TABORSKY, ANNA	408 GREENBRIAR LN	COLLEYVILLE, TX	76034
WALKER, RANCE LEE ANN	409 BRIARCLIFF CT	COLLEYVILLE, TX	76034
OPENDOOR PROPERTY TRUST I	410 N SCOTTSDALE RD STE 1600	TEMPE, AZ	85281
BRIDLEWOOD ESTATES	4110 Coachman	COLLEYVILLE, TX	76034
HINSON, DANA Y	412 GREENBRIAR LN	COLLEYVILLE, TX	76034
NORTHEAST CONSTR CO INC	5137 DAVIS BLVD	NORTH RICHLAND HILLS, TX	76180
GALLEGOS, ELVIS	7207 MONTICELLO PKWY	COLLEYVILLE, TX	76034



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, September 11, 2023 at 7:00 p.m.

City Council Meetings: Tuesday, October 4, 2023 & October 17, 2023 at 7:00 p.m.

3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit for a fence on Lot 5, Block 5, Woodbriar Estates Addition. The request is for a wood fence to be located within the street side yard setback.

Zoning Case: ZC23-021

Applicant: Freedom Fence

Owner: Maurica Ann Contreras Revocable Trust

Location: 3716 Briarhaven Ln

Property Description: Lot 5, Block 5, Woodbriar Estates Addition

Present Zoning: R-15, Single Family Residential

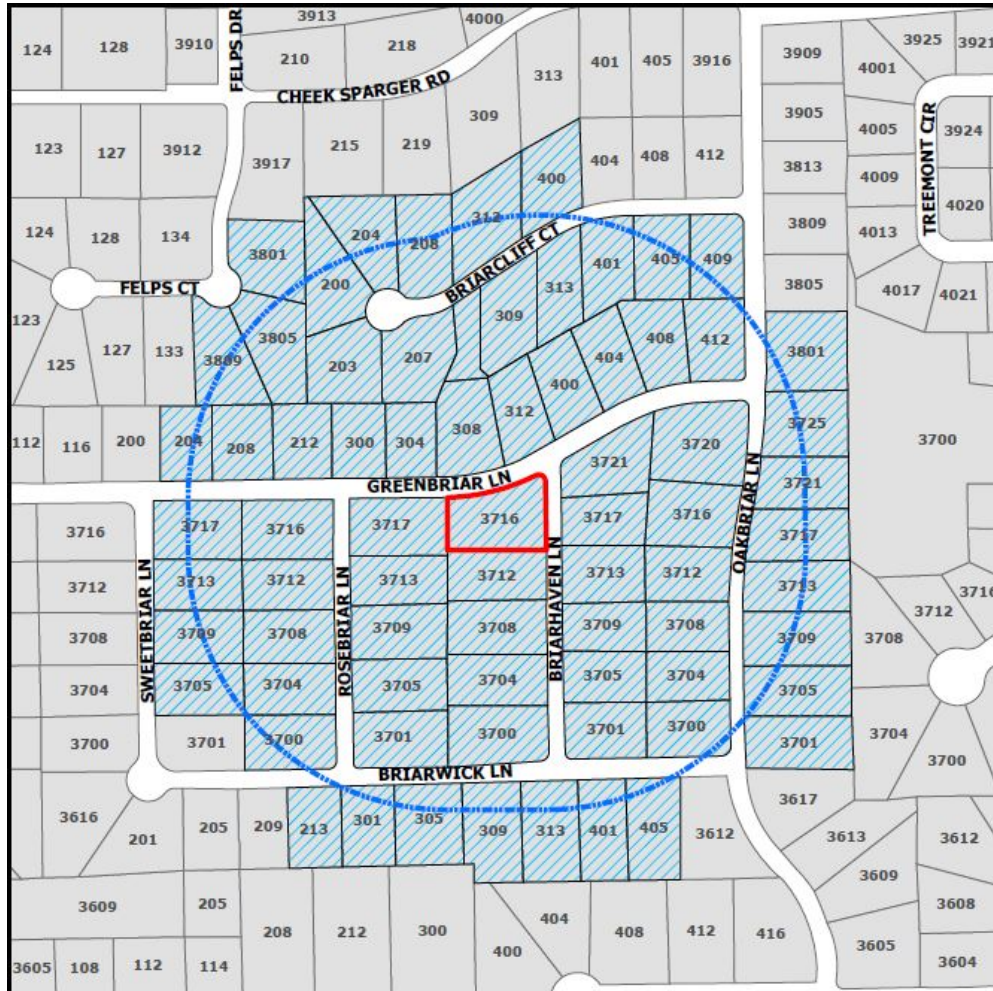
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

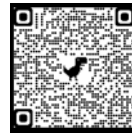
**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

NOTICE OF PUBLIC HEARING



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ORDINANCE O-23-2263

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.42 ACRES, ON LOT 5, BLOCK 5, WOODBRIAR ESTATES ADDITION BY AUTHORIZING A SPECIAL USE PERMIT TO ALLOW FOR A FENCE TO BE LOCATED WITHIN THE STREET SIDE YARD SETBACK; 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 to allow for a fence to be located within the street side yard setback under Case No. ZC23-021; 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 that 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 fence to be located within the street side yard setback on 0.42 acres, on Lot 5, Block 5, Woodbriar Estates Addition, 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 wood fence up to 8-feet in height with a motorized iron gate to extend into the street side yard setback.

b. It shall be generally consistent with the site plan and as depicted on the attached Exhibit "B".

c. 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 4th day of October 2023.

The second reading and public hearing being conducted on the 17th day of October 2023.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood
Brandi Elder, Place 1
Scotty Richardson, Place 3
Chuck Kelley, Place 5

_____	Mayor Pro Tem Callie Rigney	_____
_____	George Bond, Place 2	_____
_____	Ben Graves, Place 4	_____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

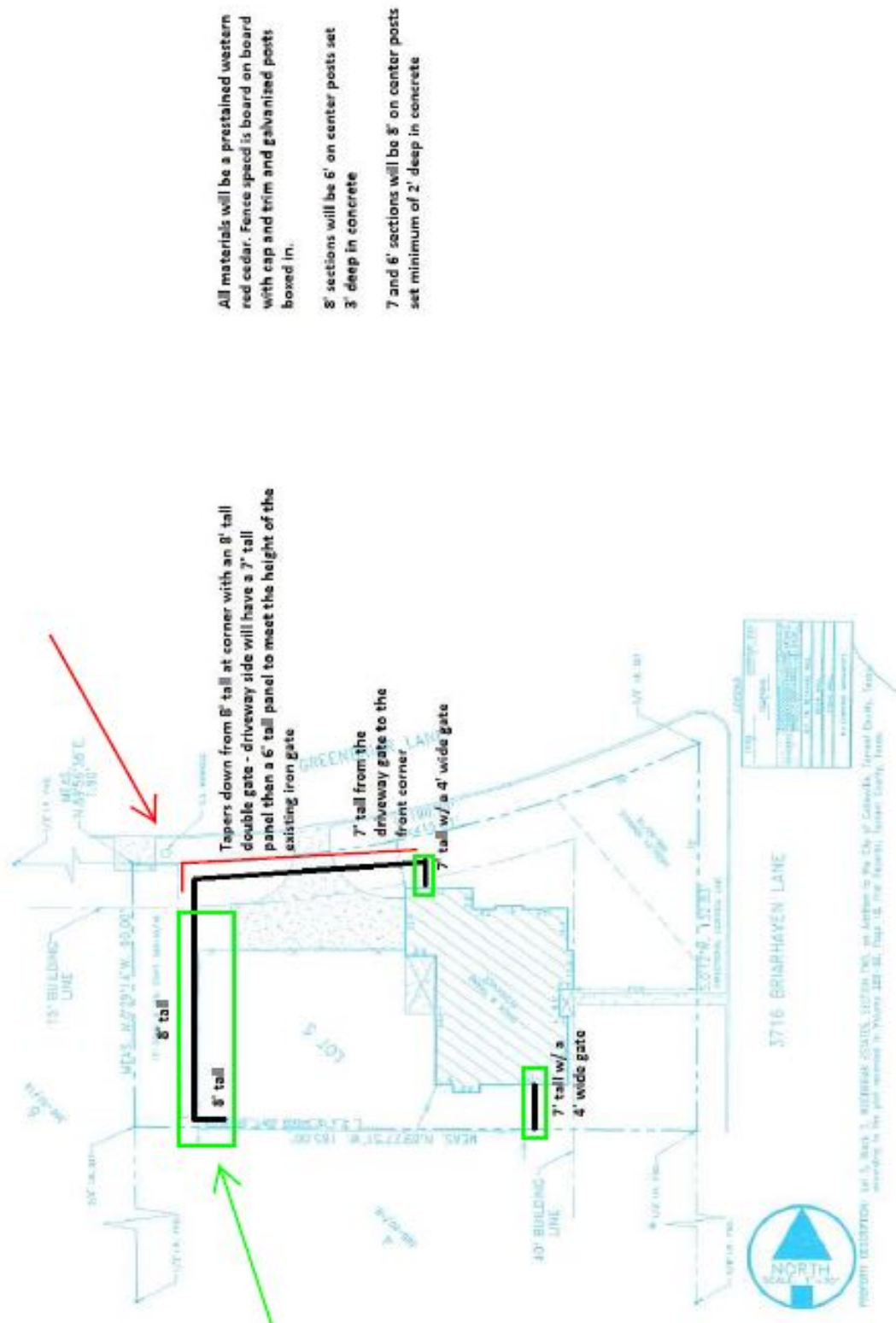
APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

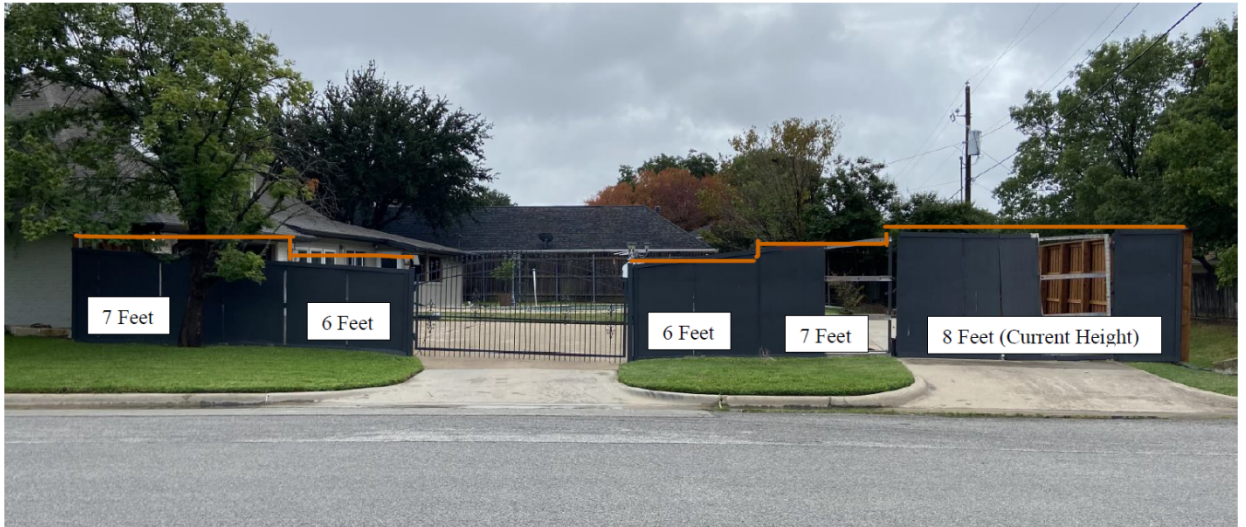
The map displays a residential neighborhood with the following features:

- Streets:** Cheek Sparger Rd, Briarcliff Ct, Greenbriar Ln, Sweetbriar Ln, Rosebriar Ln, Briarhaven Ln, Briarwick Ln, Oakbriar Ln, Treemont Cir, and Felps Dr.
- Zoning Designations:** R-20, R-40, AG, and PUD-R.
- Highlighted Lot:** A red outline marks lot 3716, which is located on Greenbriar Ln and is zoned R-15.
- Lot Numbers:** Various lot numbers are shown throughout the map, including 123, 124, 125, 126, 127, 128, 133, 134, 200, 201, 203, 204, 205, 207, 208, 209, 210, 212, 213, 215, 218, 219, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500.

Exhibit "B" – Site Plan



3716 Briarhaven Lane
Proposed Cedar Fence



3716 Briarhaven Lane
Setback Measurements



Similar Fencing Exhibits





CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 6c

Agenda Date 10/17/2023

Number Ordinance O-23-2264

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit to allow for a fence for Lot 1, Block 1, Naler Addition, located at 6101 Waller Lane, Case ZC23-022

Explanation

Second Reading and Public Hearing

The applicant was present and answered questions from the City Council. The Council inquired about installing a wrought-iron fence with a landscaping screen. No one came forward to speak during the public hearing.

First Reading and Public Hearing

Mike Besgrove, the applicant, has submitted a request for a Special Use Permit (SUP) to allow an opaque wood fence to be located within the front yard setback along the front property line on Lot 1, Block 1, of the Naler Addition, being approximately 1.27 acres, and zoned R-40 Single Family Residential district.

Existing Conditions/Background: The subject property, 6101 Waller Lane, has R-40 zoning and is located on the east side of Pleasant Run Road at the intersection of Waller Lane and Cooks Lane.

SUP Request: The applicant is requesting approval of an SUP to allow for a wood fence 6-feet in height to be placed approximately on the property line.

Ordinance – Section 3.26 Fences, Free Standing Walls, and Screening Materials Regulations of the Land Development Code establishes the maximum size and location of fencing to be permitted by staff on a residential lot:

"E. Fence and Free-Standing Wall Setback Requirement:

1. Front Yards: No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall be located beyond the front façade of the primary residential structure.

a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City

Building Official. All poured in place concrete and CMU shall contain an architectural finish.

d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent opaque construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. This exception shall not apply to properties zoned as a PUD district."

Regulation "1.d" above applies in this case requiring that a fence allowed within the front yard setback be no more than 25% opaque. This lot does meet the exception due to size, but the applicant wishes for an opaque wood fence instead of the allowed non-opaque fence, such as wrought iron. The Land Development Code provides the opportunity to request an SUP to deviate from the requirements.

Special Use Permit Provision: Any request for a building permit for a fence/wall 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.

Analysis: The applicant is proposing an opaque wood fence 6-feet in height in lieu of a fence that is no more than 25% opaque. The proposed fence is requested to be placed approximately on the property line. The lot size is 55,500 square feet.

Plat Status: The property is platted as Lot 1, Block 1, of the Naler Addition.

DRC Review: The DRC met on August 22, 2023.

Drainage: NA

Surrounding Development: The properties to the north and east are R-20 Single Family Residential. The property to the south is zoned AG Agricultural and contains a single-family home. The property to the west is zoned R-40 and contains a single-family home.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 recommends denial of the requested SUP as it does not meet the technical requirements of the Land Development Code.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the request with the added condition, that the fence stops at the carport, at their September 11, 2023 meeting by a vote of 5-0.

Recommendation

Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use
4. Statement of Planning Objectives
5. Plat
6. Notification Map
7. Notification List
8. Notification Letter
9. Ordinance O-23-2264

Aerial Map

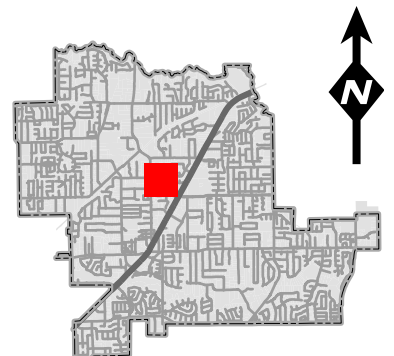


ZC23-022

6101 Waller Ln



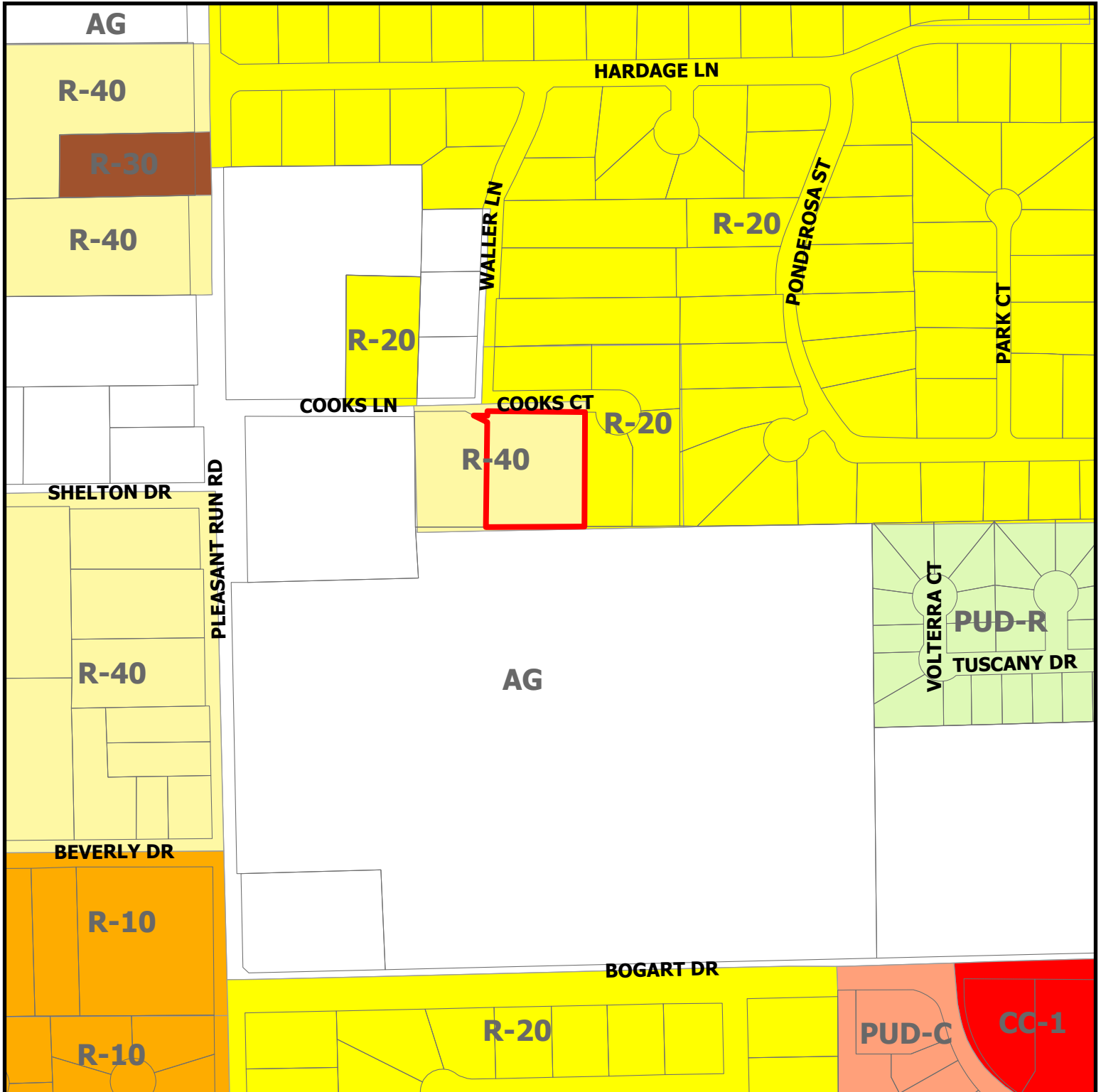
Subject Property



DISCLAIMER:

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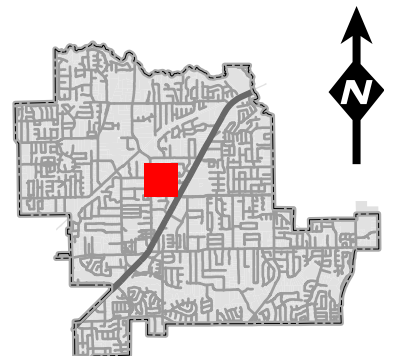
Zoning Map



ZC23-022

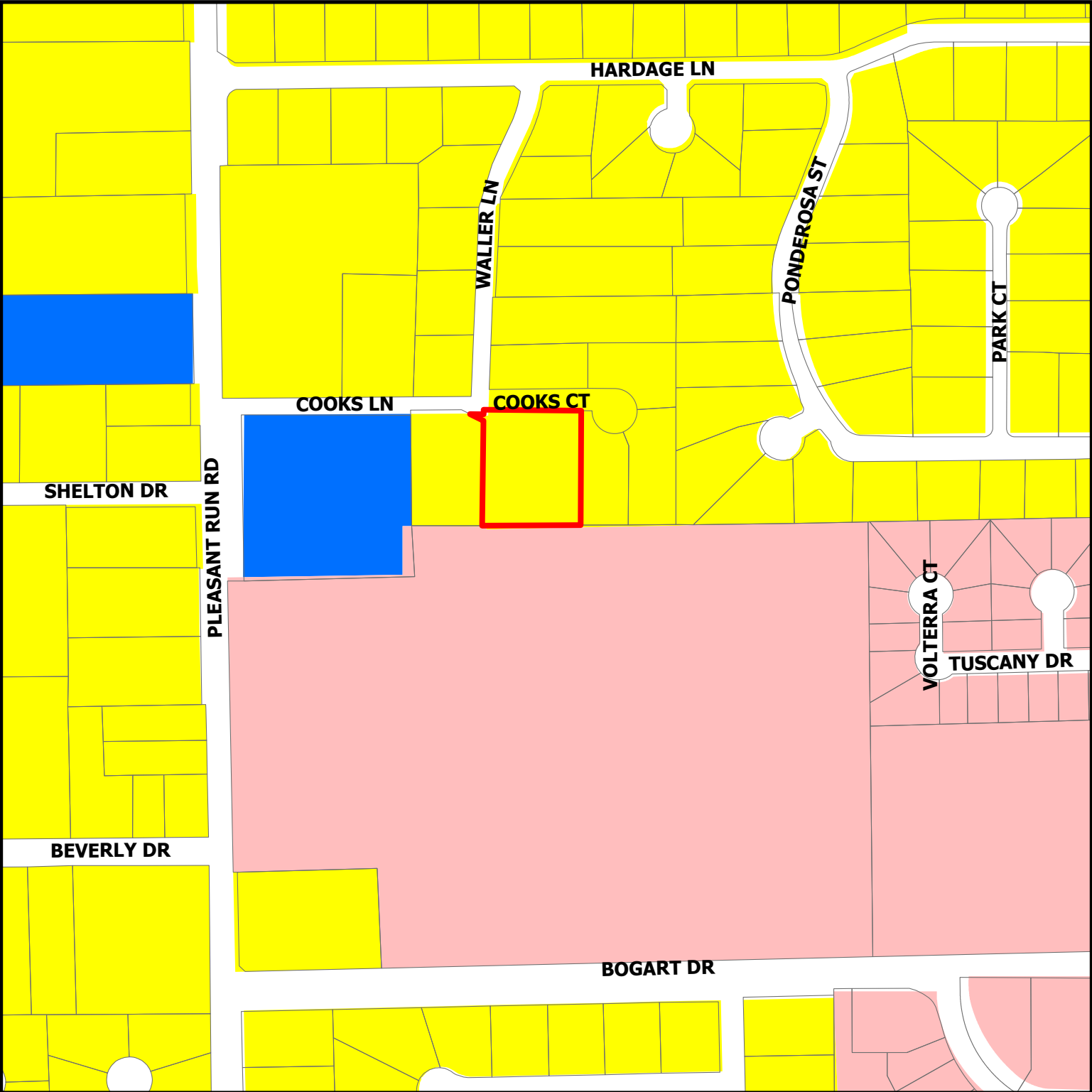
6101 Waller Ln

 Subject Property



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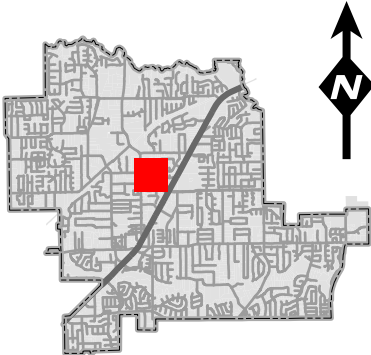
Future Land Use Map



ZC23-022

6101 Waller Ln

-  Residential
-  Institutional
-  Colleyville Blvd Corridor
-  Subject Property



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Mike Besgrove, 6101 Waller Ln

Statement of planning objectives

Request to replace current fence with privacy fence. Primary bedroom is on North side of house within 25 feet of Cooks Court; Lack of any privacy from street whatsoever – front, side yard and back yard; Street and Construction noise (as early as 5:30a in mid-July when contractor was loading a skid steer on to a trailer); Car headlights up and down the road at all hours; Back yard is exposed to Cooks Court. Cooks Court is not a “frontage” road to our address at 6101 Waller Lane; rather, it is a side street to our property. The proposed fence would have the required 40’ setback on the property’s north side.

We respectfully request this variance be approved, as we believe a 6’ cedar fence will greatly enhance our entitlement to quiet enjoyment of our home.

PLOT PLAN

EVANGELINE M. MALIN
TRUSTEE
VOL. 13257, P. 131

L. D. LONG
VOLUME 2759, PAGE 582



SCALE: 1" = 50'

COOKS
LANE

WALLER
LANE

1/2" ROD

S 63°39' E
55.80'

1/2" ROD

S 89°43'57" W 266.80'

METAL CARPORT
24' X 24'

16.00'

WOOD BARN
16.4' X 10.4'

16.23'

1.46'

1.03'

1/2" ROD

HATCHED AREA DENOTES RIGHT-OF-WAY DEDICATED PER PLAT.

Proposed Fence Replacement
Mike Besgrove
6101 Waller Ln.
Colleyville Tx. 76034
817-832-4180

LOT 1
BLOCK 1

JAY BARTLEY McMEANS,
ET UX
VOL. 11923, P. 796

230.00'

SOUTH

7.5' DRAINAGE AND UTILITY EASEMENT

40' BUILDING LINE

6' Cedar board
Steel post
Good side faces 6101 Waller

Contractor -
RSA Construction/Remodeling
682-553-1273

WOOD BARN
8.1' X 12.1'

NORTH

255.00'

20.00'

25.00'

4.83'

4.54'

7.5' DRAINAGE & UTILITY ESMT.

0.83'

ENCR.

ENCR.

1.66'

ANDREW J. CALDWELL SURVEY,
ABSTRACT NO. 331

NANCY B. LOONEY SURVEY,
ABSTRACT NO. 937

1/2" ROD

N 89°43'57" E

216.80'

1/2" ROD

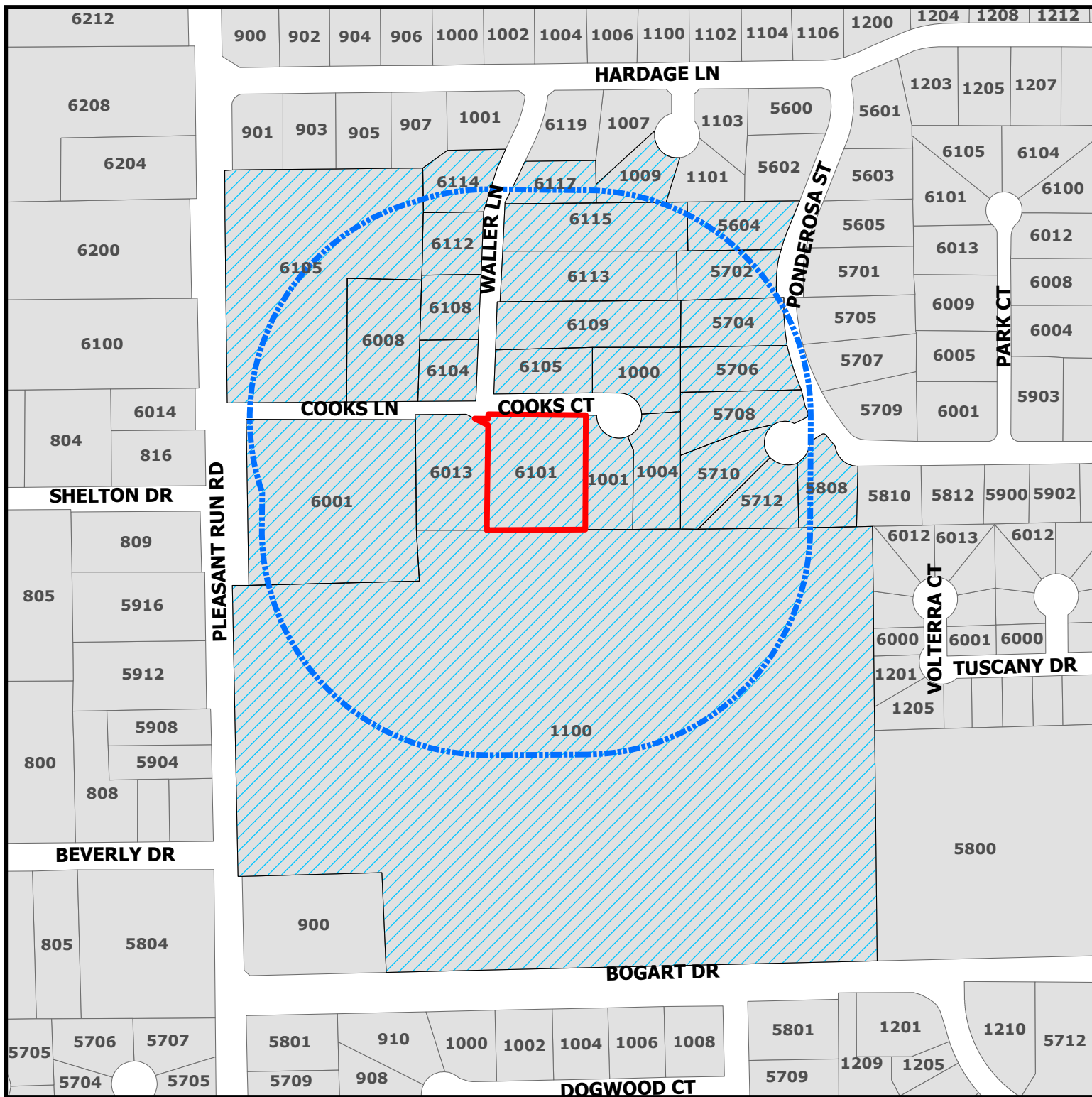
GRAPEVINE I. S. D.
VOLUME 4896, PAGE 47

No Part of the subject property lies within the 100 year flood plain.

Flood Zone X Community 430530 Panel 0133-H Eff. Date 8-2-95

I hereby certify that this sketch of survey of the above described property is true and correct to the best of my

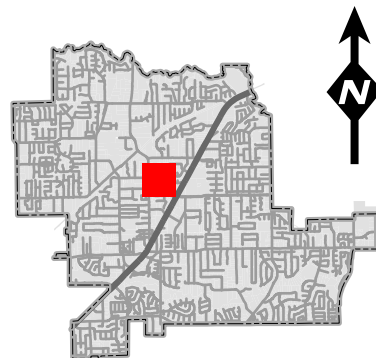
Notification Map



ZC23-022

6101 Waller Ln

-  Parcels to be notified
-  Buffer
-  Subject Property



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Owner Name	Owner Address	Owner City	Owner Zip
ENGLERT, EVELYN H	6114 WALLER LN	COLLEYVILLE, TX	76034
SHELLY BILLUPS FAMILY TRUST	5704 PONDEROSA ST	COLLEYVILLE, TX	76034
SLINEY, PAMELA M	6008 COOKS LN	COLLEYVILLE, TX	76034
MCMEANS, JAY B	6013 COOKS LN	COLLEYVILLE, TX	76034
SHIPP, JORDAN	1004 COOKS CT	COLLEYVILLE, TX	76034
NALER, DEE ANN	6101 WALLER LN	COLLEYVILLE, TX	76034
BROOKS, MARCELA	6112 WALLER LN	COLLEYVILLE, TX	76034
HEDGES, B D	6104 WALLER LN	COLLEYVILLE, TX	76034
ZIOBER, ALVIN	6109 WALLER LN	COLLEYVILLE, TX	76034
BARBER, JAMES T	1009 HARDAGE CIR	COLLEYVILLE, TX	76034
MALIN, DAVID	6117 WALLER LN	COLLEYVILLE, TX	76034
GAVLAK, KEVIN	925 S MAIN ST UNIT 3302	GRAPEVINE, TX	76051
MILLER, TODD	6113 WALLER LN	COLLEYVILLE, TX	76034
PLEASANT RUN BAPTIST CHURCH	6005 PLEASANT RUN RD	COLLEYVILLE, TX	76034
STEENWYK, CHAD	5706 PONDEROSA ST	COLLEYVILLE, TX	76034
WAI, SHELBY	6115 WALLER LN	COLLEYVILLE, TX	76034
SRP SUB LLC	1717 MAIN ST SUITE 2000	DALLAS, TX	75201
PHILLIPS, JAMES	5808 PONDEROSA ST	COLLEYVILLE, TX	76034
COULTER, MONA COOK	6105 PLEASANT RUN RD	COLLEYVILLE, TX	76034
GRAPEVINE, ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051
GROVES, DAVID	5702 PONDEROSA ST	COLLEYVILLE, TX	76034
FISHER LIVING TRUST	5710 PONDEROSA CT	COLLEYVILLE, TX	76034
SOUTHALL, RICHARD	5708 PONDEROSA CT	COLLEYVILLE, TX	76034
MURARI FAMILY REVOCABLE LIVING	3819 ROOSEVELT DR	IRVING, TX	75063
JUSTICE, ANTHONY	5975 INDIGO SKY DR	FRISCO, TX	75036
HENDRIX, NOELANI	1001 COOKS CT	COLLEYVILLE, TX	76034
HIDDEN OAKS ESTATES		COLLEYVILLE, TX	76034
TUSCANY-COLLEYVILLE	1217 Tuscany Drive	COLLEYVILLE, TX	76034
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

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3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit for a non-compliant fence on Lot 1, Block 1, of the Naler Addition. The request is for an opaque wood fence to be located within the front yard setback.

Zoning Case: ZC23-022

Applicant: Mike Besgrove

Owner: Mike and Dee Ann Naler

Location: 6101 Waller Ln

Property Description: Lot 1, Block 1, of the Naler Addition

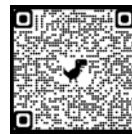
Present Zoning: R-40, Single Family Residential

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**Community Development Department
City of Colleyville
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Colleyville, TX 76034**

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[illegible]

Jacquelyn Reyer

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ORDINANCE O-23-2264

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 1.27 ACRES, ON LOT 1, BLOCK 1, OF THE NALER ADDITION BY AUTHORIZING A SPECIAL USE PERMIT TO ALLOW FOR AN OPAQUE WOOD FENCE TO BE LOCATED WITHIN THE FRONT YARD SETBACK; 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 to allow for An opaque fence to be located within the front yard setback under Case No. ZC23-022; 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 that 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 an opaque fence to be located within the front yard setback on 1.27 acres, on Lot 1, Block 1, of the Naler Addition, 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 wood fence 6-feet in height within the front yard setback and be located along the front property line.
- b. The fence shall extend no further to the west then the west edge of the carport as shown by the red line in the attached Exhibit "B".
- c. It shall be generally consistent with the site plan and as depicted on the attached Exhibit "B".
- d. 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 4th day of October 2023.

The second reading and public hearing being conducted on the 17th day of October 2023.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood	_____	Mayor Pro Tem Callie Rigney	_____
Brandi Elder, Place 1	_____	George Bond, Place 2	_____
Scotty Richardson, Place 3	_____	Ben Graves, Place 4	_____
Chuck Kelley, Place 5	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map

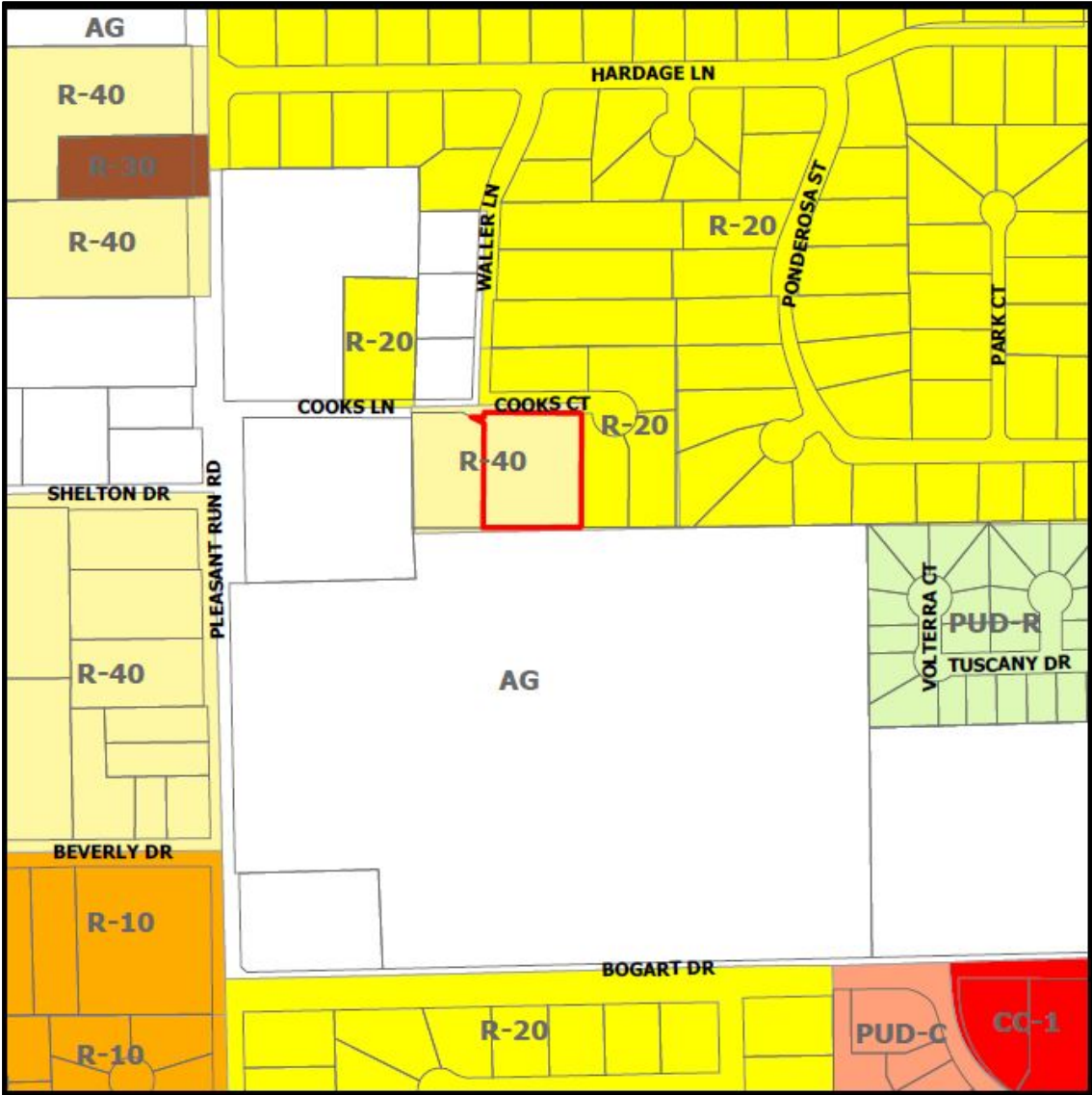
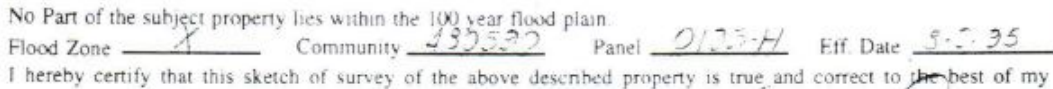


Exhibit "B" – Site Plan





CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 6d

Agenda Date 10/17/2023

Number Ordinance O-23-2265

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit to allow for a fence for Lot 4, Block C, Legacy North, located at 703 Marie Drive, Case ZC23-023

Explanation

Second Reading and Public Hearing

The homeowner and the builder were present to answer questions from the City Council. The Council asked about relocating the fence to the setback. The homeowner indicated that there are trees that would be impacted. Additional photos have been provided by the applicant. No one came forward to speak during the public hearing.

The applicant will be out of town and is requesting to table the item to the November 8, 2023 meeting.

First Reading and Public Hearing

Kensington Homes, the applicant, has submitted a request for a Special Use Permit (SUP) to allow a fence to extend into the street side yard setback on Lot 4, Block C, Legacy North Addition, being approximately 0.46 acres, and zoned PUD-R Planned Unit Development Residential district.

Existing Conditions/Background: The subject property, 703 Marie Drive, has PUD-R zoning and is located on the west side of Sawyer Drive, south of Marie Street. The subject property has a new single-family residence.

SUP Request: The applicant is requesting approval of an SUP to allow for an iron fence 6-feet in height to extend into the street side yard setback. The proposed fence is requested to be placed approximately 15-feet from the property line.

Ordinance – Section 3.26 Fences, Free Standing Walls, and Screening Materials Regulations of the Land Development Code establishes the maximum size and location of fencing to be permitted by staff on a residential lot:

"E. Fence and Free-Standing Wall Setback Requirement:

1. Front Yards: No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall be

located beyond the front façade of the primary residential structure.

a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.

d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent opaque construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. This exception shall not apply to properties zoned as a PUD district.

2. Corner Side Yards: Except where allowed elsewhere in this chapter, no fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply."

Regulation "2" above applies in this case requiring that no fence be allowed to extend into the required street side yard. The Land Development Code provides the opportunity to request an SUP to deviate from the requirements.

Special Use Permit Provision: Any request for a building permit for a fence/wall 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.

Analysis: The applicant is proposing an iron fence 6-feet in height to extend into the required street side yard setback. The proposed fence is requested to be placed approximately 15-feet from the property line.

Plat Status: The property is platted as Lot 4, Block C, Legacy North Addition.

DRC Review: The DRC met on August 21, 2023.

Drainage: NA

Surrounding Development: The properties to the north, south, east, and west are zoned PUD-R and contain single-family residential development.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 recommends denial of the requested SUP as it does not meet the technical requirements of the Land Development Code.

Planning and Zoning Recommendation: The Planning and Zoning Commission recommended approval of the request at their September 11, 2023 meeting by a vote of 4-1.

Recommendation

Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Photos provided by Applicant
7. Additional Photos - 10.05.2023
8. Notification Map
9. Notification List
10. Notification Letter
11. Ordinance O-23-2265

Aerial Map

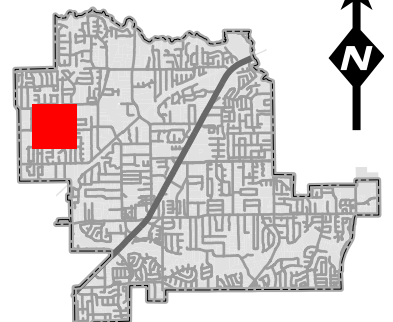


ZC23-023

703 Marie Dr

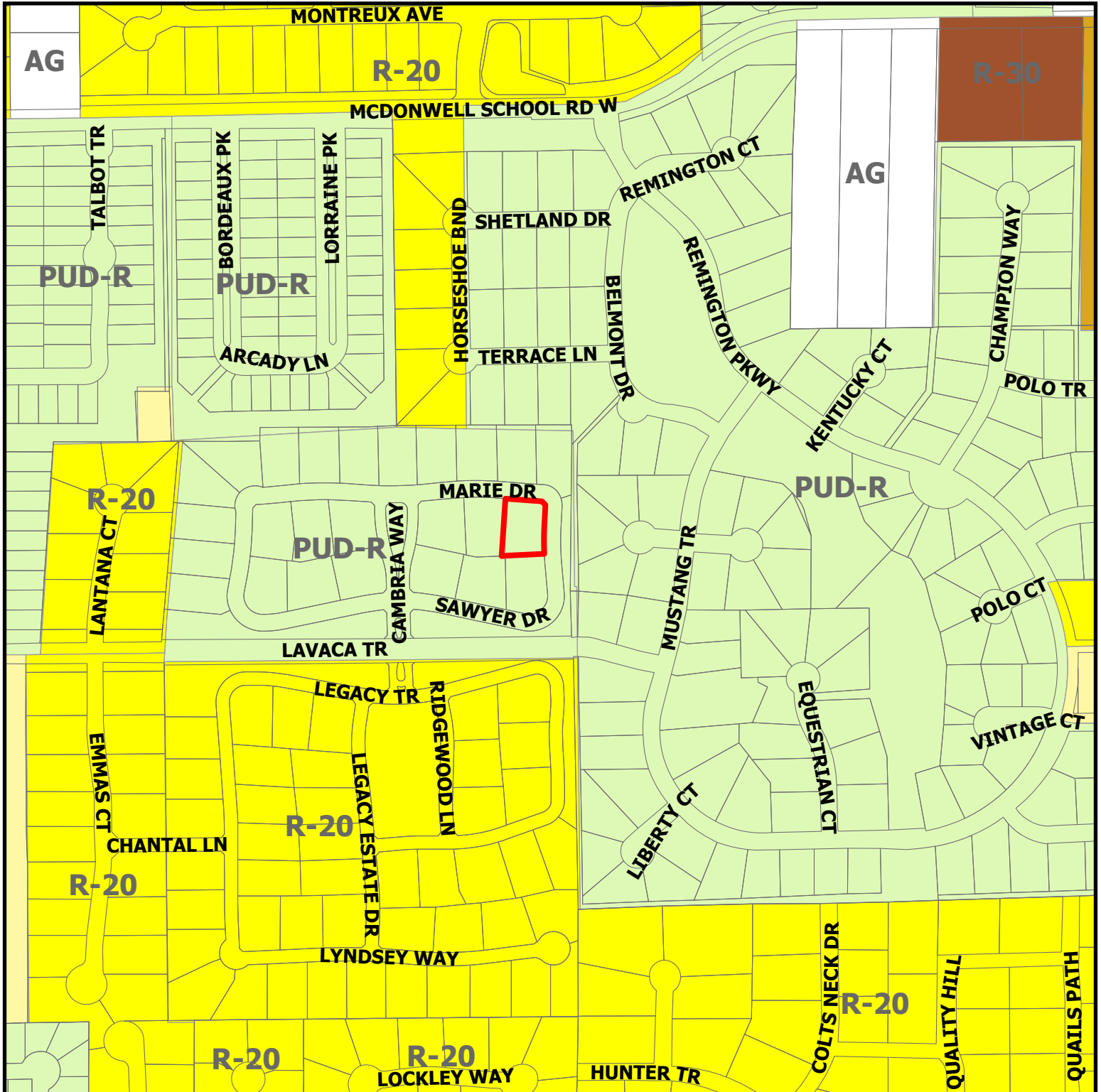


Subject Property



DISCLAIMER:
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Zoning Map

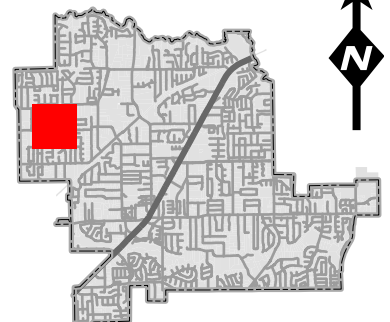


ZC23-023

703 Marie Dr

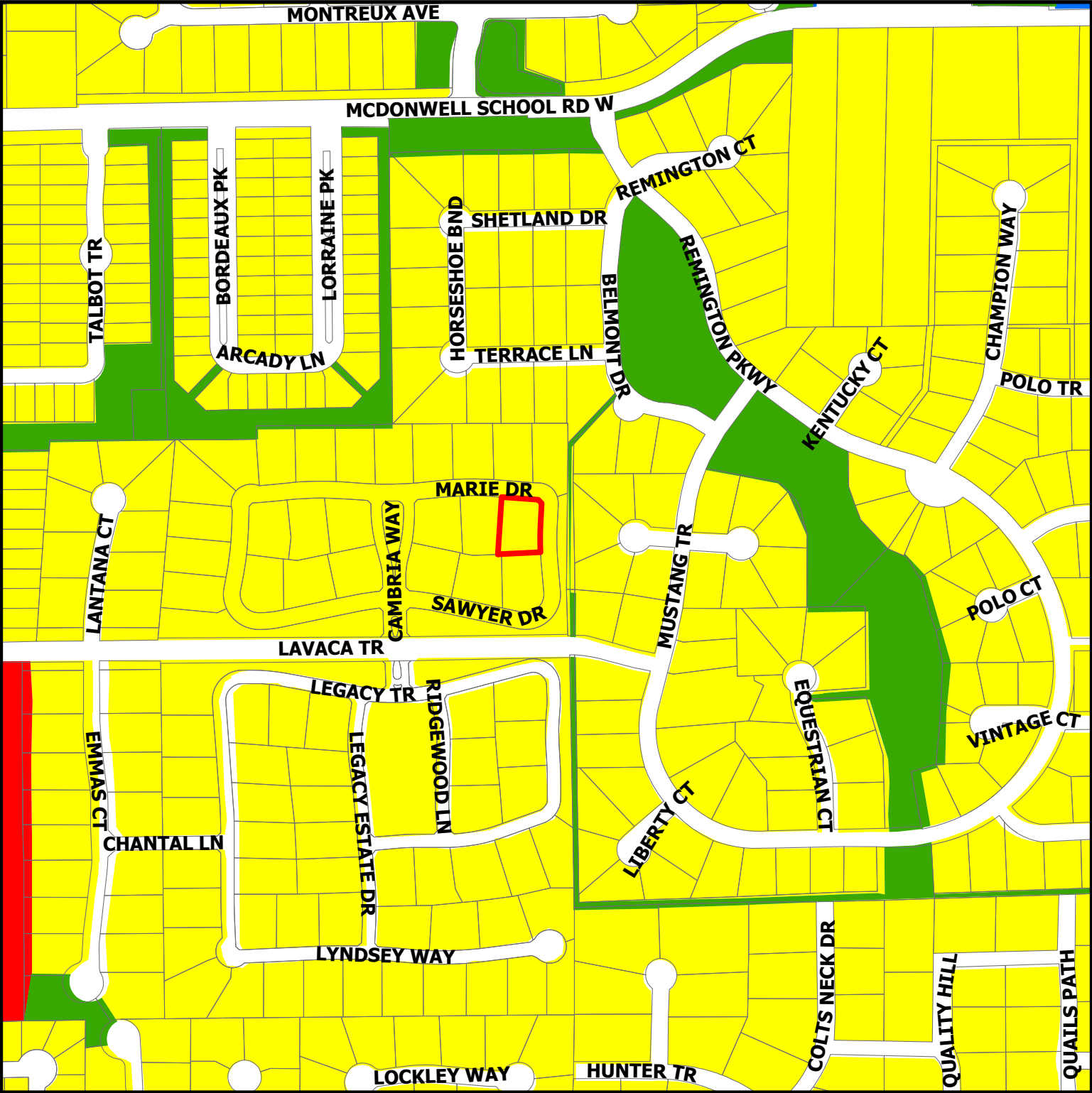


Subject Property



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Future Land Use Map

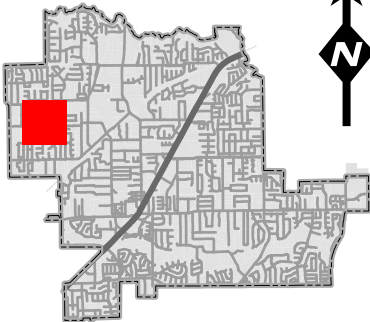


ZC23-023

703 Marie Dr

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- | | | | |
|--|---------------|--|-------------------|
| | Residential | | Open Space; Parks |
| | Commercial | | Subject Property |
| | Institutional | | |



From: [Ben Bryner](#)
To: [Jackie Reyff](#); [Kristopher Potts](#); [Scott Hammons](#)
Subject: FW: 703 Marie Fencing Information for Consideration
Date: Friday, August 11, 2023 11:04:00 AM
Attachments: [IMG_7523.mov](#)

[For one of the fence SUP submittals...](#)

From: Laura Miller
Sent: Friday, August 11, 2023 10:51 AM
To: Ben Bryner <BBryner@colleyville.com>
Subject: 703 Marie Fencing Information for Consideration

Good morning Mr. Brynar,

My name is Laura Miller, the homeowner at 703 Marie Drive in Colleyville. I'm writing regarding the discrepancy over the location of our iron fence.

In July of 2022, Kosse, the developer, encouraged me to find a corner lot on the original side of Legacy to see how far the fence was. I visited 6201 Ridgewood in the original Legacy and measured their fence at 21 feet. I gave this information to Nick and Kosse and was told 19 feet would be where our fence should go. I am aware 6201 was built in 2016- which is prior to the change in 2019 where they made the requirement 30 feet. We were never made aware of this 30 foot requirement until this week. However, our neighborhoods are connected by name and I believe they should be cohesive in design and opportunity. Attached is my screen shot on July 11 at their house.

I did also want to add we are in a unique situation where my neighbor has faced her house a different way than the rest of the neighborhood. So our home faces North, and her home faces East. It was approved by the developer, but nevertheless a little unique. In order to not have a straight view of her driveway and garage, I would ask that you consider allowing our fence to stay where it is currently located. If we are to move our iron fence 11 feet in, we would also be moving that amount the wooden fence that is blocking her driveway from view from my master bedroom and back yard. In addition, the Willowtree home in our neighborhood that is having this same fence location issue does not have a home facing the wrong direction near them. So I ask that you please look at our property as an individual decision. I've attached an aerial view of our unique situation.

The last thing we ask to be considered is that corner lots are typically more expensive than a regular lot. In our case this is very true. It feels strange to pay more and get less useable space because of the 30 foot regulations. In addition, a regular lot does not have fence limitations, allowing them to use their entire lot and giving them a larger safe back yard space to fence in and keep their children safe from the road. We have a two year old and four year old that would live outside if we allowed them. Our fenced in back yard is

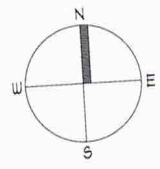
a safe space for them to play and explore.

I'm sorry the fence was not constructed properly in the beginning, I did everything in my power to ask the right questions and get the information I needed from people I trusted to ask the right sources. This is the first home we have built, and we have learned a LOT, good, bad and ugly if we ever choose to build again.

I appreciate your consideration in the unique matter, and thank you very much for your time. If you need additional information, photos or prefer to converse in person or by phone, please don't hesitate to contact me.

Thank you,
Laura Miller
(630) 334-2023

 WROUGHT IRON
 WOOD



SAWYER DRIVE



103 MARIE DRIVE

AREAS	
HOUSE FOOT PRINT	6003*
LOT	20010*
COVERAGE	30.00%



Distinctive Dwellings
Dwell in the possibilities

www.DistinctiveDwellings.net

817 481 1249

PLOT PLAN

1"=30'
 LOT 4 BLK C
 LEGACY NORTH
 COLLEYVILLE, TEXAS
 KENSINGTON C.H.
 MILLER RESIDENCE
 REV 11-16-21

* Builder/Owner to verify and check all aspects of this site and plot plan prior to any construction JOB # 202143

202143

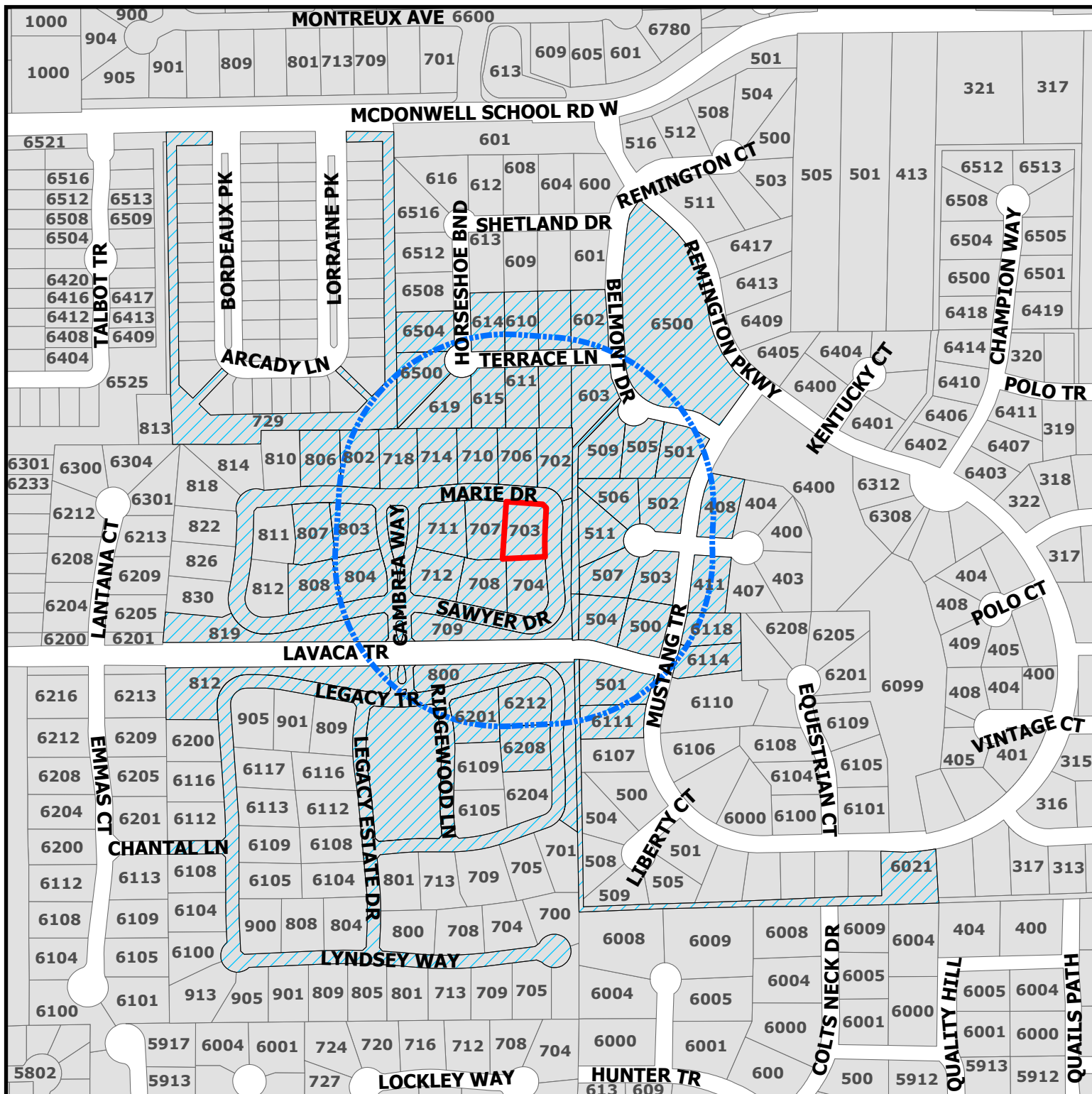








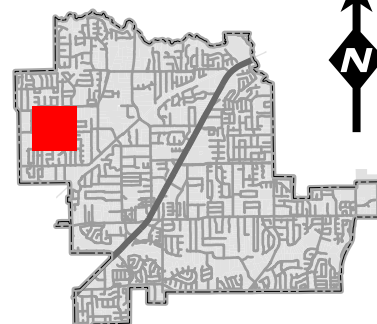
Notification Map



ZC23-023

703 Marie Dr

-  Parcels to be notified
-  Buffer
-  Subject Property



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Owner Name	Owner Address	Owner City	Owner Zip
TBNR PROPERTIES LLC	1143 S MAIN ST	GRAPEVINE, TX	76051
SOUTHERN PLACES LLC	1330 N WHITE CHAPEL BLVD SUITE	SOUTHLAKE, TX	76092
KELLER ISD	350 KELLER PKWY	KELLER, TX	76248
ROZYCKI, MICHAEL	408 COUNTRY PL	COLLEYVILLE, TX	76034
SLICKER, ROBERT M	411 COUNTRY PL	COLLEYVILLE, TX	76034
AKINMURELE OLADOTUN	430 E UNIVERSITY DR	PORTALES, NM	88130
PATEL, RUPAL	44252 HUNTER PL	FREMONT, CA	94539
HALL, CHARLES ONEIL	500 LAVACA TR	COLLEYVILLE, TX	76034
GLAZE, LARRY	501 BELMONT DR	COLLEYVILLE, TX	76034
RASMUSSEN, JASON	501 LAVACA TR	COLLEYVILLE, TX	76034
CRAWFORD, SCOTT	502 MUSTANG CT	COLLEYVILLE, TX	76034
LAMBERTH, GEORGE	503 MUSTANG CT	COLLEYVILLE, TX	76034
GUERRA, ROBERT	503 TERRACE LN	COLLEYVILLE, TX	76034
LANDIS, ROBIN L	505 BELMONT DR	COLLEYVILLE, TX	76034
MANER, JOLENE C	506 MUSTANG CT	COLLEYVILLE, TX	76034
PEEK, EDWARD ALLEN	507 MUSTANG CT	COLLEYVILLE, TX	76034
ANDERSON, GREGORY L	509 BELMONT DR	COLLEYVILLE, TX	76034
COCHRAN, JERRY W	511 MUSTANG CT	COLLEYVILLE, TX	76034
REMINGTON PARK ADDITION	5751 Kroger Drive	KELLER ,TX	76244
SCHAAF, KATHRINE	602 TERRACE LN	COLLEYVILLE, TX	76034
OAKLEY, THOMAS	603 TERRACE LN	COLLEYVILLE, TX	76034
LEGACY NORTH COLLEYVILLE LLC	604 E NORTHWEST HWY STE 102	GRAPEVINE, TX	76051
BROWN, DAVID S	606 TERRACE LN	COLLEYVILLE, TX	76034
GARDNER, THOMAS J	607 TERRACE LN	COLLEYVILLE, TX	76034
KERKERING, KENNETH	610 TERRACE LN	COLLEYVILLE, TX	76034
BOUTON, TERRY L	611 TERRACE LN	COLLEYVILLE, TX	76034
KELEHER, PETE	6111 MUSTANG TRL	COLLEYVILLE, TX	76034
SWEENEY, MATTHEW	6114 MUSTANG TR	COLLEYVILLE, TX	76034
YARBROUGH, JOHN D	6118 MUSTANG TR	COLLEYVILLE, TX	76034
BOLTON, VICTOR	614 TERRACE LN	COLLEYVILLE, TX	76034
BURTON, BARRY L	615 TERRACE LN	COLLEYVILLE, TX	76034
WILLIAM J AND SHELLEY R CONN FA	619 TERRACE LN	COLLEYVILLE, TX	76034
COMMONWEALTH VICTORY TRUST	6201 RIDGEWOOD LN	COLLEYVILLE, TX	76034
CRENSHAW, BARBARA	6208 LEGACY TRL	COLLEYVILLE, TX	76034
MEYERS, KEVIN	6212 LEGACY TRL	COLLEYVILLE, TX	76034
WIRDZEK, TODD	6500 HORSESHOE BEND	COLLEYVILLE, TX	76034
HALLETT, CHARLES E	6504 HORSESHOE BND	COLLEYVILLE, TX	76034
BROADWAY, CATHY	702 MARIE DR	COLLEYVILLE, TX	76034
MENTAVLOS, MICHAEL	704 SAWYER DR	COLLEYVILLE, TX	76034
MOWDY, FLOYD DANIEL	706 MARIE DR	COLLEYVILLE, TX	76034
FRENCH BEARS REVOCABLE TRUST	710 MARIE DR	COLLEYVILLE, TX	76034
TRAINOR, KAREN	712 SAWYER DR	COLLEYVILLE, TX	76034
JOAN C HUEY REVOCABLE LIVING TR	718 MARIE DR	COLLEYVILLE, TX	76034
YUHAN, JOHN	729 GRAPEVINE HWY #171	HURST, TX	76054
GARFF, WHITNEY F	806 MARIE DR	COLLEYVILLE, TX	76034
GENZER, STEPHEN	808 SAWYER DR	COLLEYVILLE, TX	76034
MILLER, KENNETH	8228 FENWICK DR	NORTH RICHLAND HILLS, TX	76182
LAIRD, JOHN	8356 SADDLEBROOK DR	NORTH RICHLAND HILLS, TX	76182
ROSEWOOD VILLAS	P.O. Box 463	COLLEYVILLE ,TX	76034
THE LEGACY	PO Box #51555	DENTON ,TX	76206
JBH IRREVOCABLE ASSET TRUST	PO BOX 171195	ARLINGTON, TX	76003
CHIP ROOP IRREVOCABLE LIVING TR	PO BOX 2947	PIKEVILLE, KY	41502
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEYVILLE, TX	76034
LEGACY AT COLLEYVILLE LLC THE	PO BOX 92747	SOUTHLAKE, TX	76092
REM PARK H A INC	PO BOX 935	KELLER, TX	76248



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, September 11th, 2023 at 7:00 p.m.
City Council Meetings: Wednesday, October 4, 2023 & Tuesday, October 17, 2023 at 7:00 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit for a fence on Lot 4, Block C, Legacy North Addition. The request is for a wrought-iron fence to be located within the street side yard setback.

Zoning Case: ZC23-023

Applicant: Kensington Homes

Owner: Laura and Kenneth Miller

Location: 703 Marie Dr

Property Description: Lot 4, Block C, Legacy North Addition

Present Zoning: PUD-R, Planned Unit Development Residential

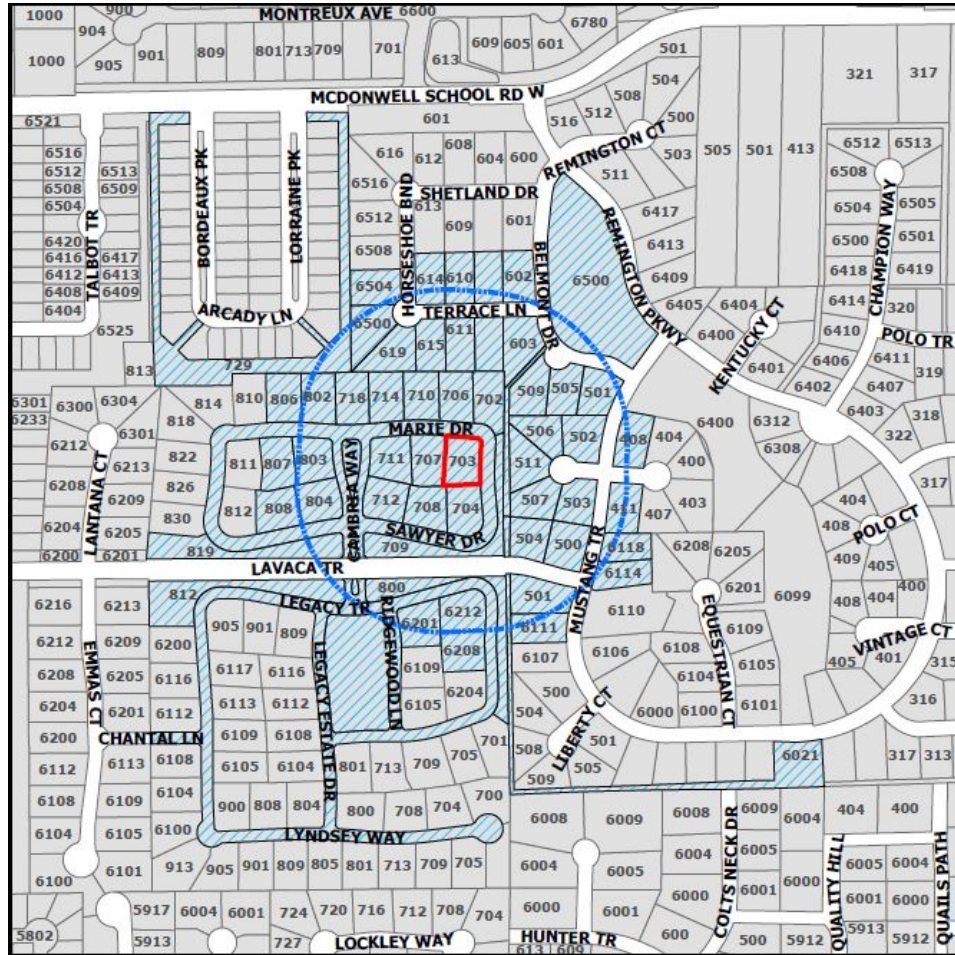
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

NOTICE OF PUBLIC HEARING



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ORDINANCE O-23-2265

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.46 ACRES, ON LOT 4, BLOCK C, LEGACY NORTH ADDITION BY AUTHORIZING A SPECIAL USE PERMIT TO ALLOW FOR A FENCE BEYOND THE FRONT BUILD LINE OF THE PRIMARY DWELLING; 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 to allow for a fence beyond the front façade of the primary dwelling under Case No. ZC23-023; 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 that 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 fence to be located beyond the front façade of the primary dwelling on 0.46 acres, on Lot 4, Block C, Legacy North Addition, 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 an iron fence 6 feet in height to extend beyond the front façade of the house.
- b. It shall be generally consistent with the site plan and as depicted on the attached Exhibit "B".
- c. 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 4th day of October 2023.

The second reading and public hearing being conducted on the 17th day of October 2023.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood	_____	Mayor Pro Tem Callie Rigney	_____
Brandi Elder, Place 1	_____	George Bond, Place 2	_____
Scotty Richardson, Place 3	_____	Ben Graves, Place 4	_____
Chuck Kelley, Place 5	_____		

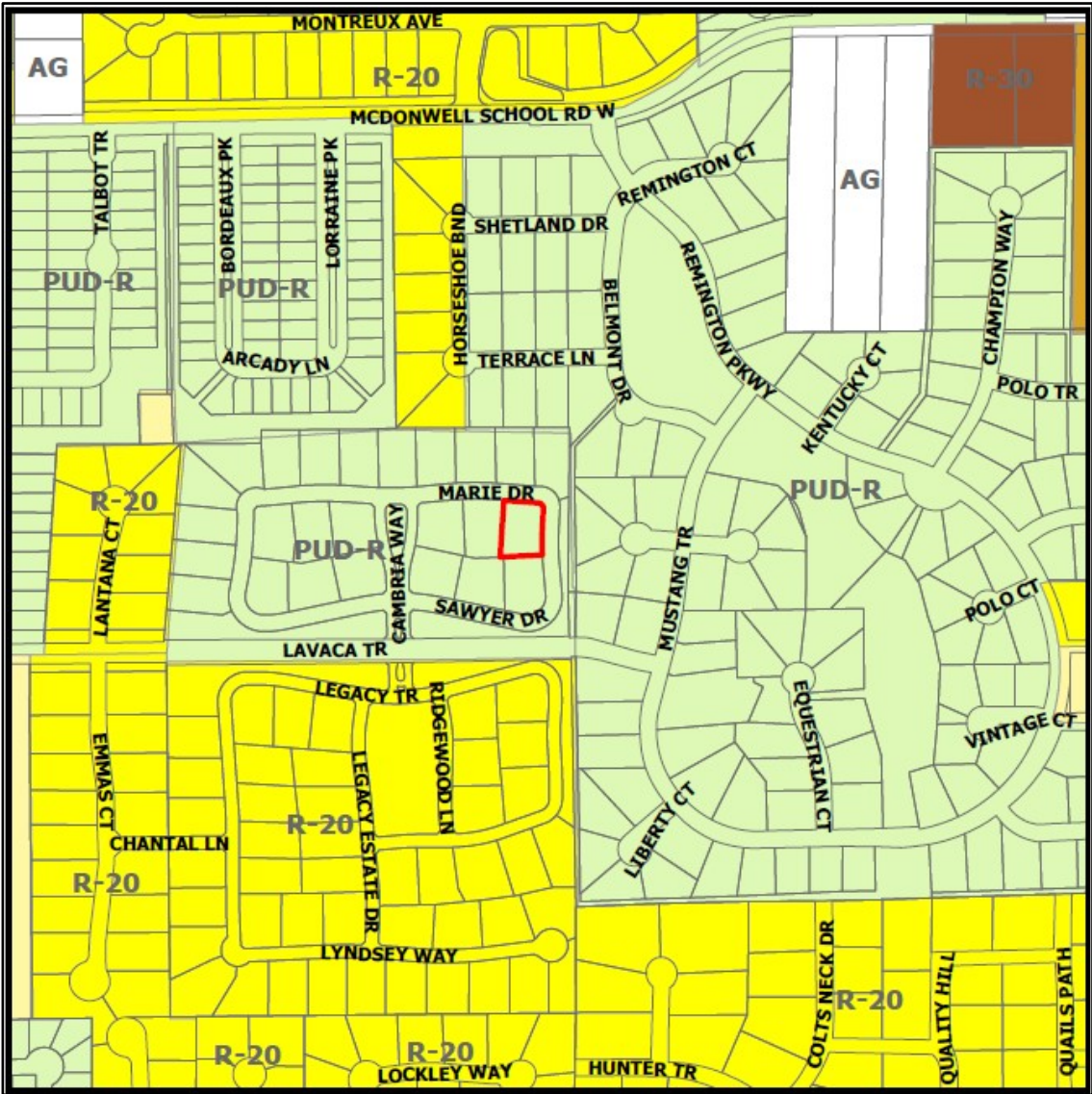
ATTEST: **CITY OF COLLEYVILLE**

Christine Loven, TRMC	Bobby Lindamood
City Secretary	Mayor

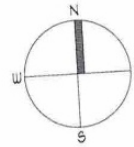
APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map



— WROUGHT IRON
— WOOD



703 MARIE DRIVE

AREA	
HOUSE FOOT PRINT	6003#
LOT	20010#
COVERAGE	3000%



Distinctive Dwellings

Dwell in the possibilities

www.DistinctiveDwellings.net

£ 817 481 1249

PLOT PLAN

1"=30'
LOT 4 BLK C
LEGACY NORTH
COLLEYVILLE, TEXAS
KENSINGTON C.H.
MILLER RESIDENCE
REV 11-16-21

* Builder/Owner to verify and check all aspects of this site and plot plan prior to any construction JOB # 202143



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 6e

Agenda Date 10/17/2023

Number Ordinance O-23-2266

Type Ordinance

Department Community Development

Title

Request to appeal the decision by the Planning and Zoning Commission for the consideration of a Special Use Permit to allow for a fence for Lot 1, Block B, Legacy North, located at 812 Sawyer Drive, Case ZC23-024

Explanation

Second Reading and Public Hearing

The applicant and the pool builder were present to answer questions from the City Council. The applicant is officially removing the cabana structure from the plan of 812 Sawyer Drive and pursuing approval for the fence only. A discussion was had regarding the possibility of remanding the request back to the Planning and Zoning Commission. No one came forward to speak during the public hearing.

First Reading and Public Hearing

The Planning and Zoning Commission recommended denial at their September 11, 2023 meeting by a vote of 4-1. 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.

Jody Alumbaugh, the applicant, has submitted a request for a Special Use Permit (SUP) to allow a fence and patio cover to extend into the street side yard setback on Lot 4, Block C, Legacy North Addition, being approximately 0.46 acres, and zoned PUD-R Planned Unit Development Residential district.

Existing Conditions/Background: The subject property, 812 Sawyer Drive has PUD-R zoning and is located on the north side of Sawyer Drive west of Marie Street. The subject property has a new single-family residence.

SUP Request: The applicant is requesting approval of a Special Use Permit for a fence and patio cover to extend into the street side yard setback. The proposed fence is requested to be placed approximately 10-feet from the property line. The patio cover is proposed to be located just inside the proposed fence.

Ordinance – Section 3.26 Fences, Free Standing Walls, and Screening Materials Regulations of the Land Development Code establishes the maximum size and location of fencing to be permitted by staff on a residential lot:

"E. Fence and Free-Standing Wall Setback Requirement:

2. Corner Side Yards: Except where allowed elsewhere in this chapter, no fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply."

Ordinance - Section 3.27 Accessory Buildings and Residential Carport Regulations of the Land Development Code establishes the maximum size and location of accessory buildings to be permitted by staff on a residential lot:

"A. Accessory Buildings Located in Residential Zoning Districts

3. Setbacks:

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."

Regulation "2" above applies in this case requiring that no fence be allowed to extend into the street side yard setback.

Regulation "3.d" above applies in this case requiring that no accessory building be allowed to extend into the street side yard setback. The applicant proposes a patio cover to be located just within the proposed fence area.

Special Use Permit Provision: Any request for a building permit for a fence/wall and accessory building which does not meet the criteria in those Sections 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.

Analysis: The applicant is proposing a fence and patio cover structure to extend into the side yard setback. The lot size is 20,000 square feet in size.

Plat Status: The property is platted as Lot 1, Block B, Legacy North Addition.

DRC Review: The DRC met on August 21, 2023.

Drainage: NA

Surrounding Development: The properties to the north, south, east, and west are zoned PUD-R and contain single-family residential development.

Public Notification: Staff mailed notices to all property owners within 500 feet as well

as any Homeowners Associations within 1,000 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 recommends denial of the requested SUP as it does not meet the technical requirements of the Land Development Code.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended denial of the request at their September 11, 2023 meeting by a vote of 4-1.

Recommendation

Denial

Attachments

1. Request to Appeal
2. Aerial Map
3. Zoning Map
4. Future Land Use
5. Zoning Exhibit
6. Floor Plan
7. Renderings
8. Notification
9. Notification List
10. Notification Letter
11. Letters Received
12. Ordinance O-23-2266

From: [Mike Farley](#)
To: [Jackie Reyff](#)
Cc: [Ben Bryner](#); [Scott Hammons](#); [Kristopher Potts](#)
Subject: RE: 812 Sawyer Stovall Residence
Date: Tuesday, September 12, 2023 10:08:40 AM

Good Morning
Thank you for the information.
We would like to appeal this case to the City Council.
Thanks
Mike Farley
817.522.2605

From: Jackie Reyff <JReyff@colleyville.com>
Sent: Tuesday, September 12, 2023 9:26 AM
To: Mike Farley <mfarley@claffeypools.com>
Cc: Ben Bryner <BBryner@colleyville.com>; Scott Hammons <SHammons@colleyville.com>; Kristopher Potts <KPotts@colleyville.com>
Subject: RE: 812 Sawyer Stovall Residence

Morning Mr. Farley,

I've attached the list for the property owners within 500 feet. If your client wanted to he could appeal the case to City Council. We would need to be notified, an email would suffice, within 10 days. Supermajority or 6 out of 7 votes by the City Council would be necessary to approve the request.

If you have any further questions, I may be reached by phone or email.

Jackie

Jacquelyn Reyff, AICP
Planning Manager



817.503.1056

Integrity ~ Communication ~ Excellence ~ Transparency



ATTENTION ALL PUBLIC OFFICIALS: A "Reply to All" of this e-mail could lead to violations of the Texas Open Meeting Act. Please reply only to the sender.

From: Mike Farley <mfarley@claffeypools.com>

Sent: Tuesday, September 12, 2023 8:08 AM

To: Jackie Reyff <JReyff@colleyville.com>

Subject: 812 Sawyer Stovall Residence

Good Morning

Trying to figure out the best way to proceed for my client after last night meeting about their dream final home.

Is it possible for me to get the list of addresses that the letter was sent out to?

Any recommendations?

Thanks

Mike Farley

817.522.2605

Aerial Map

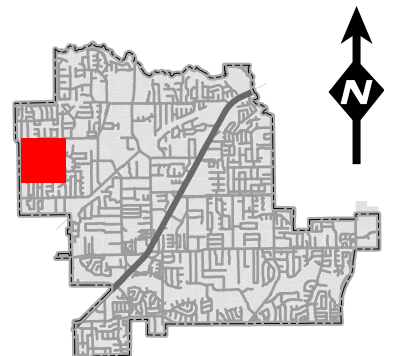


ZC23-024

812 Sawyer Dr



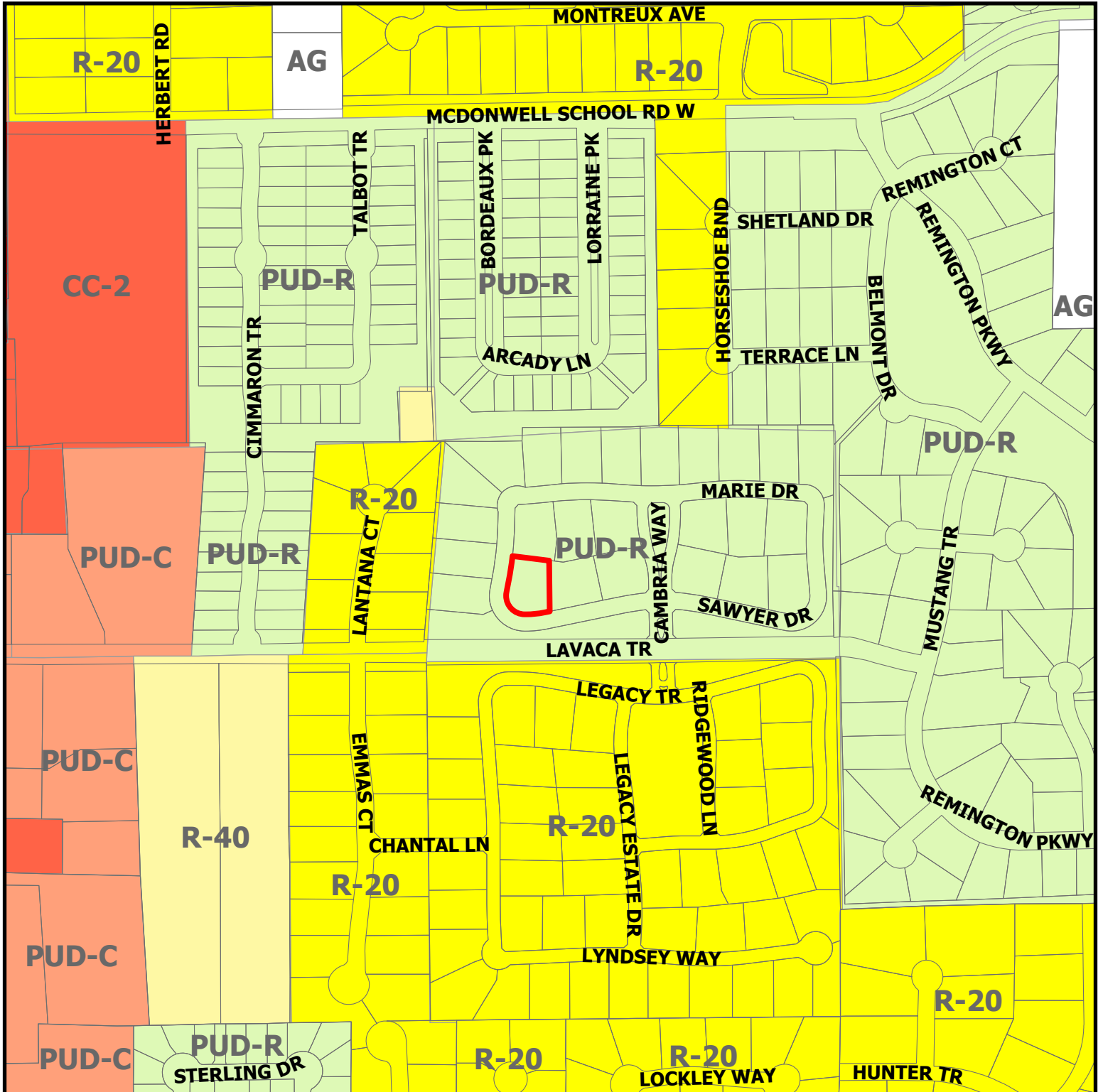
Subject Property



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Zoning Map

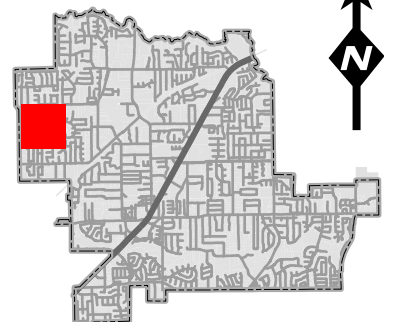


ZC23-024

812 Sawyer Dr

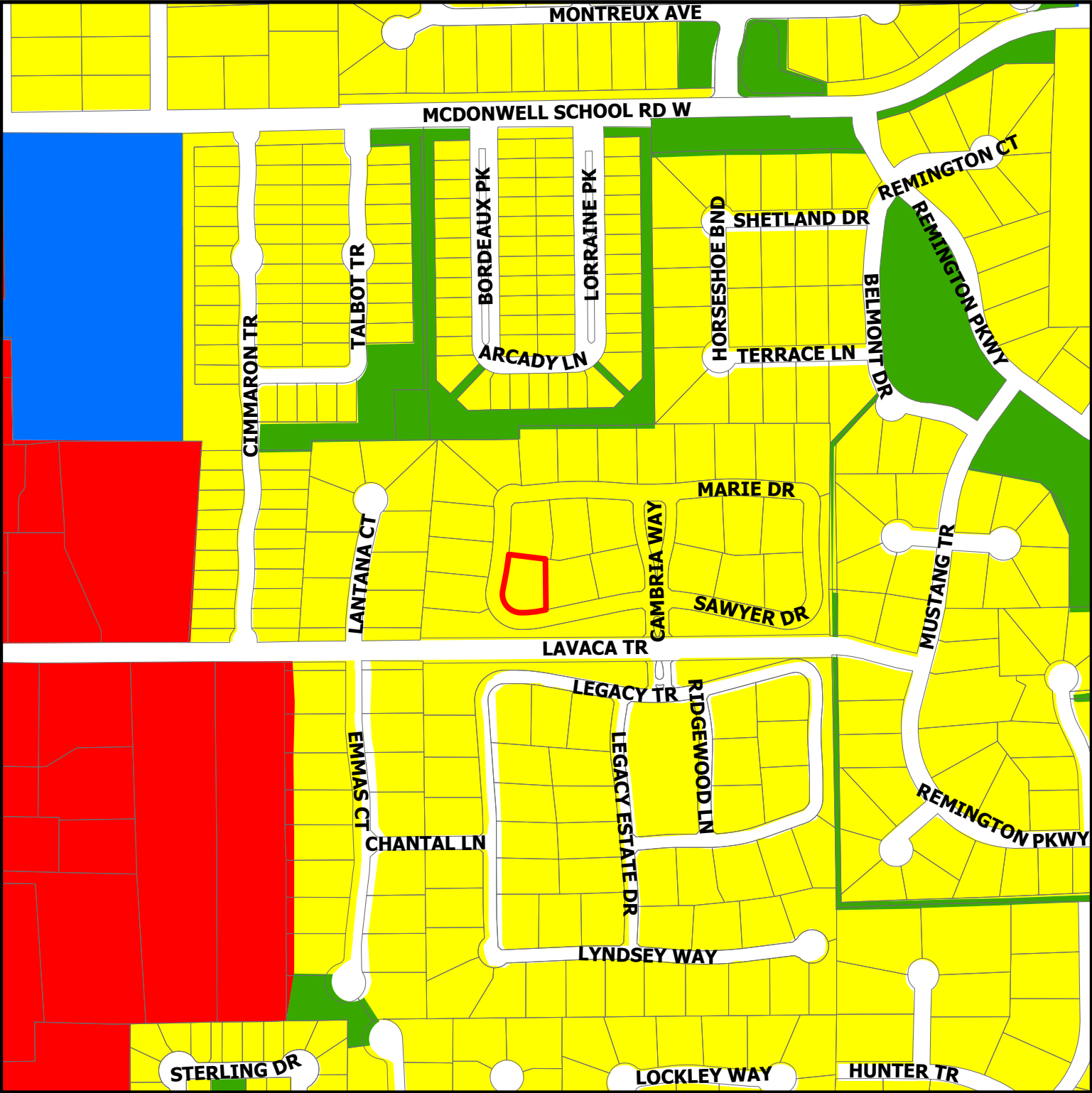


Subject Property



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Future Land Use Map

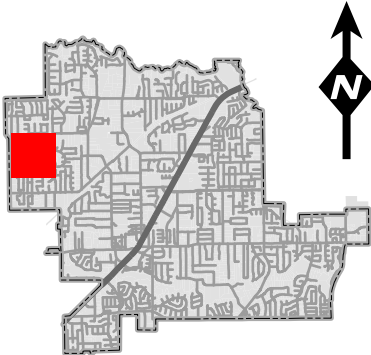


ZC23-024

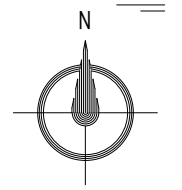
812 Sawyer Dr

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- | | |
|---|---|
|  Residential |  Open Space; Parks |
|  Commercial |  Subject Property |
|  Institutional | |



SCALE: $\frac{1}{8}" = 1'-0"$



CHECK LIST	Y/N/NA
SITE ITEMS	
GAS METER/STUB	NO
PROPANE TANK	NO
ELECTRIC METER/STUB	NO
WATER MTR/STUB/H	NO
RPZ LOCATION	NO
SEWER/SEPTIC CO'S	NO
SEPTIC SYSTEM	NO
UTILITY RUNS	YES
ACCESS - SPCL NOTES	YES
PE LOCATION/PICTURE	YES
PE L. W/DOW/DIMS	YES
PLUMBING RUNS	YES
EX. GRADES - ID "0"	YES
PATIODR DOW THRESHOLD	NO
EXISTS SITE DRAINAGE	NO
DRAIN TERMINATION	NO
CREATE SWALE	NO
DOWNSPOUTS	NO
CHECKED SETBACKS	YES
LAYOUT DIMENSIONS	NO
RETAINING WALLS	NO
REMOVALS	NO
LANDSCAPE BY OTHERS	NO

POOL/SPA ITEMS	
POOL/SPA/OTH	BOTH
CONTRACTED LW	YES
ALL DEPTHS	YES
NEG. EDGE DEFINED	N/A
SKIMMER/LEVELER	YES
SPA JETS	YES
POOL/SPA/FTN LIGHTS	YES
STEP/WALLS/LIGHTS	N/A
TRANSFORMERS	YES
IN-FLOOR VALVES	YES
ANTENNA	YES
COOL POOLS/ANCHORS	YES
GAME SETS/ANCHORS	NO
HANDRAILS	NO
JUMP APPARATUS	NO
SLIDES	NO
RAISED/DROP BEAMS	YES
POOL COLUMNS	NO
STEPS/BENCHES	YES
STOOLS-TABLES	NO
WATER FEATURES	YES
GROTTO	NO
FIRE FEATURES	YES
DECK/STEPS DEFINED	YES
DECK/PLANTER DRAINS	YES
FRENCH/BOX DRAINS	NO
PIECES - EXT-GNEW	YES
PIER/CAPS/VOID BOXES	NO
OVER DIG	NO
SUMP PUMP	NO

ODL ITEMS	
CABANA/ARBOR/EQUINOX	YES
CONTRACTED SIZE(S)	YES
RECESSED/RAISED	YES
COLUMNS	NO
WALLS	NO
LIGHTS	YES
OUTLETS	NO
CEILING FAN	YES
H2O/SEWER FIXTURES	NO
EJECTOR PUMP	NO
APPLIANCES	NO
FINISHED SLAB/CAPPED	YES
ROOF PITCH	YES
EXISTING TIE-IN	NO

[illegible]

POOL SPECIFICATIONS:		
PERIMETER: 116'	AREA: 644 sq.ft.	GALLONS: 16,975
HEATER: Y	P-TRAP: N	DIG LINE: 116'-0"
SPA SPECIFICATIONS:		
PERIMETER: 32'	AREA: 64 sq.ft.	GALLONS: 1,039

STEP & BENCH DATA:		
<u>POOL STEPS:</u> 10'	<u>BENCHES:</u> 32'	<u>BEACH ENTRY:</u> 0'
<u>SUN BENCH:</u> 12'	<u>STEP OUTS:</u> 3'	<u>STOOLS:</u> 0

CUSTOMER: _____
CUSTOMER: _____
SALESPERSON: _____
DATE: _____

CUSTOMER: _____
CUSTOMER: _____
SALESPERSON: _____
DATE: _____

CLAYFEY POOLS
A PASSIONATE COMMITMENT
TO EXCELLENCE SINCE 1987

1023 DROMILOW AVE.
SOUTHLAKE, TEXAS
76092

(817) 421-2670 FAX
(817) 406-5130 PHONE
P.O. BOX 92278

THE SIOVALL RESIDENCE
812 SAWYER DRIVE
COLLEYVILLE / TEXAS

00-00-0000
SALES CONTACT
MIKE FARLEY
DRAFTED BY:
MAEGAN KING

VERSION: A1

SD1

1. THESE CONSTRUCTION DOCUMENTS ARE INTENDED TO MEET ALL APPLICABLE CODES AND ORDINANCES. CONTRACTOR TO COMPLY WITH ALL LOCAL CODES, ORDINANCES AND DEED RESTRICTIONS. CONTRACTOR SHALL ALSO REQUIRE ALL SUBCONTRACTORS TO COMPLY WITH THESE REGULATIONS.
2. ANY DISCREPANCIES IN CONSTRUCTION DOCUMENTS OR NONCOMPLIANCE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO ANY WORK BEING PERFORMED OR MATERIALS BEING ORDERED.
3. BUILDER ACCEPTS FULL RESPONSIBILITY FOR CHECKING PLANS TO ASSURE CONFORMITY TO CURRENT LOCAL BUILDING CODES. SHOULD ANY CHANGES BE MADE TO THESE PLANS BY BUILDER OR HIS REPRESENTATIVES WITHOUT CONTACTING THE ARCHITECT, THE BUILDER WILL ACCEPT FULL LIABILITY FOR ANY SUCH CHANGES.
4. ARCHITECTS ARE GOVERNED BY THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (512)458-1363.
5. WHILE THESE DRAWINGS ARE INTENDED TO SHOW SAME, THE ARCHITECT IS NOT RESPONSIBLE FOR GOVERNING AUTHORITY INTERPRETATIONS WHERE THESE INTERPRETATIONS CONFLICT WITH THESE DRAWINGS 4/OR SPECS.
6. PORTIONS OF THIS WORK MAY NOT HAVE BEEN DRAWN BY A REGISTERED ARCHITECT.
7. THESE DRAWINGS/SPECS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT WHETHER THE PROJECT IS EXECUTED OR NOT. THESE DRAWINGS SHALL NOT BE USED BY THE CLIENT FOR OTHER PROJECTS. FOR ADDITIONS TO THIS PROJECT, OR FOR COMPLETION OF THIS PROJECT BY OTHERS WITHOUT PERMISSION OF THIS ARCHITECT.
8. THESE DOCUMENTS DO NOT SHOW TYPICAL DETAILING 4/OR WATERPROOFING.
9. THESE DOCUMENTS DO NOT SPECIFY ACTUAL PRODUCT NAMES OR SPECIFICATIONS. CONTRACTOR ACCEPTS FULL RESPONSIBILITY FOR APPROPRIATE AND PROPER DETAILING FOR AND BETWEEN ALL ACTUAL PRODUCTS/MATERIALS SELECTED WHEN INSTALLED.
10. ALL COMPONENTS MATERIALS, ASSEMBLIES AND FINISHES TO BE CONSTRUCTED AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS, CODE REQUIREMENTS AND REGULATED BUILDING PRACTICES.
11. ARCHITECT IS NOT RESPONSIBLE FOR MEANS AND METHODS OF CONSTRUCTION WHICH ARE NOT DETAILED IN THE CONSTRUCTION DOCUMENTS. CONTRACTOR WILL BE RESPONSIBLE FOR ALL ASPECTS OF CONSTRUCTION INCLUDING BUT NOT LIMITED TO ALL WATER AND DAMP PROOFING, LOAD CONNECTIONS AND MECHANIC, ELECTRICAL AND PLUMBING SYSTEMS.
12. ALL MATERIALS AND LABOR TO BE GUARANTEED FOR ONE YEAR FROM THE DATE OF FINAL PAYMENT, IN ADDITION TO ALL WARRANTIES THAT ARE STANDARD TO THE INDUSTRY. CONTRACTOR TO PROVIDE (SUPPLY AND INSTALL) ALL EQUIPMENT, LABOR SERVICES, AND MATERIALS REQUIRED FOR THE COMPLETE AND PROVED INSTALLATION OF THE SYSTEMS CALLED FOR.
13. THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. THE CONTRACTOR IS RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS NECESSARY FOR CONSTRUCTION WORK.
14. ALL DIMENSIONS TO BE VERIFIED IN THE FIELD. REPORT ANY AND ALL DISCREPANCIES, ERRORS OR OMISSIONS TO THE ARCHITECT PRIOR TO COMMENCING WORK AND/OR ORDERING MATERIALS. MINOR DEVIATIONS SUBJECT TO CONSTRUCTION REQUIREMENTS AND FIELD CONDITIONS, CAN BE EXPECTED.
15. UNDER NO CIRCUMSTANCES SHALL ANY DIMENSION BE SCALED FROM THESE DRAWINGS. ANY CRUCIAL DIMENSION NOT GIVEN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.
16. ALL DIMENSIONS AND LOCATIONS OF PLAN ARE TO THE STRUCTURAL FACE OF WALL AND DO NOT INCLUDE WALL FINISHES OR FURRING.
17. THE CONTRACTOR SHALL GIVE NOTICE TO ALL AUTHORIZED INSPECTORS, SUPERINTENDENTS OR PERSONS IN CHARGE OF UTILITIES AFFECTED BY HIS OPERATIONS PRIOR TO COMMENCING WORK.
18. THE CONTRACTOR IS TO FILE FOR, AND SECURE ALL APPROVALS, PERMITS, TESTS, INSPECTIONS AND CERTIFICATES OF COMPLIANCE AS REQUIRED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ASSURING THAT ALL PERMITS NECESSARY TO LEGALLY PERFORM THE WORK HAVE BEEN OBTAINED PRIOR TO COMMENCING CONSTRUCTION.
19. VERIFY EXISTING CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION START.
20. IN CASE OF DISCREPANCIES OR CONFLICTS ON THE DRAWINGS AND THE EXISTING CONDITIONS, CONTACT THE ARCHITECT OR OWNER'S BEFORE PROCEEDING WITH THE WORK.
21. CONTRACTOR SHALL CLEAN UP CONSTRUCTION AREAS AFFECTED BY DAILY WORK AND MAINTAIN A CLEAN AND SAFE WORK AREA AT ALL TIMES. REMOVE MATERIALS TO APPROVED DUMP SITES ONLY.



- 20 BUILDER TO RESURFULATE TOPO/FINISH GRADE TO PROVIDE PROPER DRAINAGE OF SURFACE WATER AWAY FROM BUILDING AS REQ'D.
- 20 FINAL LOCATION OF PROPOSED RESIDENCE TO BE DETERMINED BY BUILDER.
- 30 EXPOSED FOUNDATION TO BE MINIMUM OF 8" AND A MAXIMUM OF 24" ABOVE FINISHED GRADE OR PER SUBDIVISION REQUIREMENTS. UNDERPIN ALL EXPOSED FOUNDATIONS.
- 40 THERE ARE NO STORM SEWER INLETS WITHIN THE LOT FRONTAGE OR 10'-0" BEYOND THE SIDE PROPERTY LINES.
- 50 UTILITY LINE LOCATIONS ARE APPROXIMATE- GENERAL CONTRACTOR TO FIELD VERIFY FOR EXACT LOCATIONS.
- 60 VERIFY METER AND UTILITY SERVICE LOCATIONS PRIOR TO INSTALLATION.
- 70 EROSION CONTROL BARRIERS TO BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- 80 STABILIZED TEMPORARY CONSTRUCTION DRIVEWAY TO BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- 90 CONFIRM ALL DRIVEWAY, WALKWAY AND PVC LAYOUTS/LOCATIONS PRIOR TO COMMENCING WORK.
- 100 PROVIDE CONTROL AND EXPANSION JOINTS AS REQUIRED ON CONCRETE DRIVES, WALKS AND PATIOS.
- 110 ALL EXTERIOR HVAC EQUIPMENT TO BE SCREENED PER CITY REQUIREMENTS, DEED RESTRICTIONS OF SUBDIVISION OR NEIGHBORHOOD ASSOCIATION.
- 120 GARAGE RECEPTACLES TO BE STORED IN GARAGE OR SCREENED FROM VIEW AND ANIMAL ACCESS.
- 130 LOCATION OF MAILBOX AND EXTERIOR DRIVEWAY LIGHT(S) TO BE VERIFIED PRIOR TO INSTALLATION.
- 140 ALL CONSTRUCTION MATERIALS AND WASTE TO BE STORED ON SITE DURING CONSTRUCTION.
- 150 LANDSCAPE PLANS TO BE PROVIDED BY OTHERS AND PERMIT FOR SAME TO BE OBTAINED SEPARATELY FROM THESE PLANS.
- 160 NO EXISTING TREES TO BE REMOVED OR DISTURBED WITHOUT OWNER'S APPROVAL.
- 170 ALL STUMPS AND ROOTS SHALL BE REMOVED FROM THE SOIL TO A DEPTH OF 12" BELOW THE SURFACE OF THE GROUND IN THE AREA OF THE BUILDING.
- 180 CONTRACTOR SHALL CLEAN UP AREAS AFFECTED BY DAILY WORK AND REMOVE DEBRIS AND MATERIALS FROM THE SITE UPON COMPLETION OF THE WORK.

LEGAL DESCRIPTION:
LOT 1, BLOCK B
812 SAUTER DRIVE
CITY OF COLLEYVILLE
TARRANT COUNTY, TEXAS

NOTE: REFER TO CIVIL GRADING PLANS FOR PROPOSED GRADING AND DRAINAGE INFORMATION.

NOTE: REFER TO LANDSCAPE ARCHITECT'S PLANS FOR PROPOSED LANDSCAPE WALLS & PAVING INFORMATION.



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PLAN NUMBER

DATE
01/12/2023

HEET NUMBER
A3



Designed by
Crystal Small
4/3/2023
Designed by
Crystal Small 4/3/2023



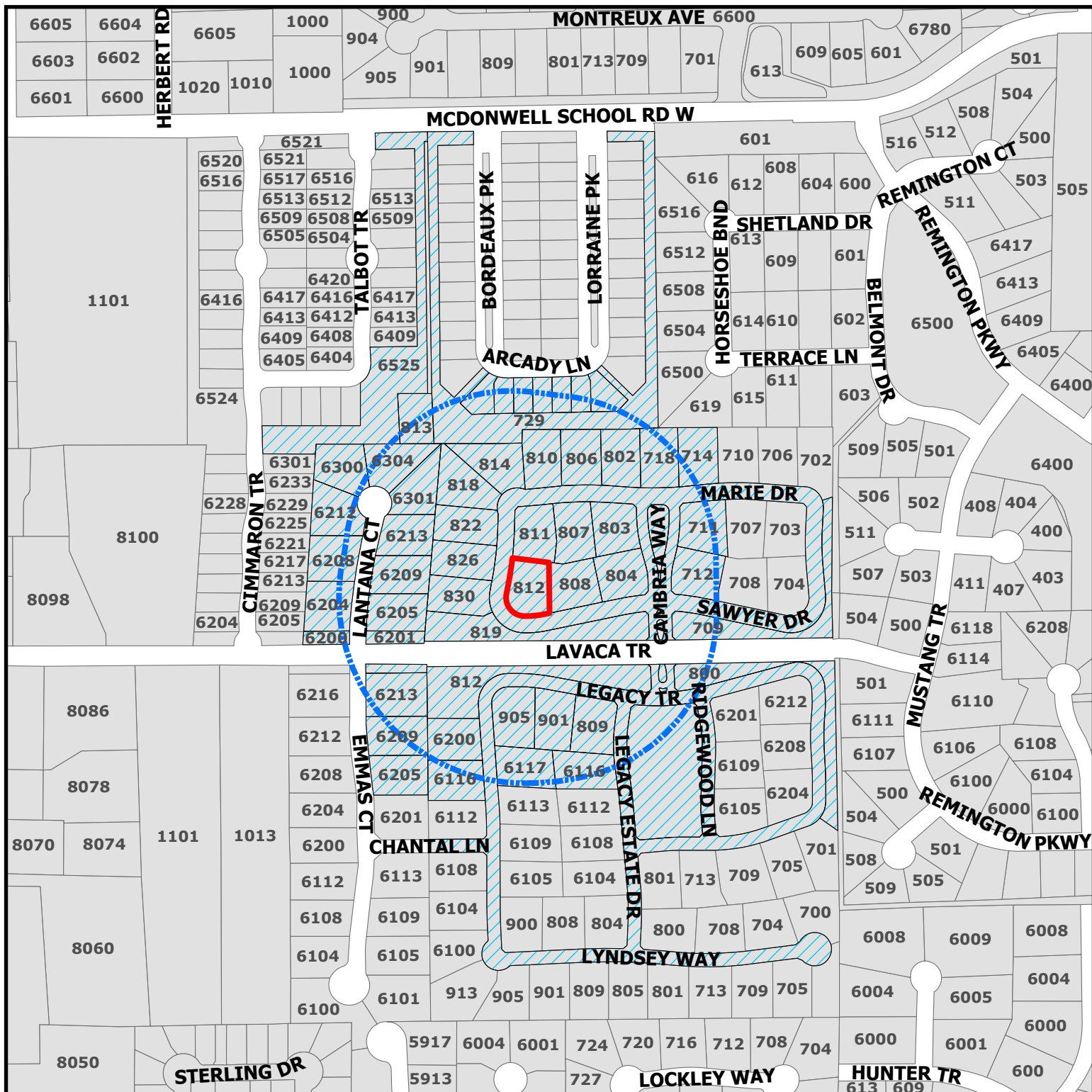




Downloaded by
Dustin Shwartz 4/3/2023
172.16.17.107



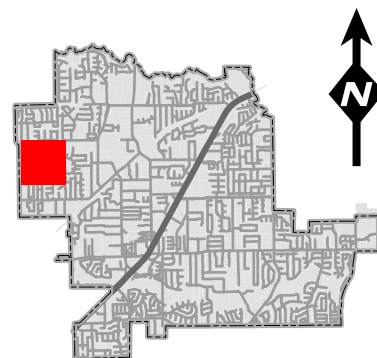
Notification Map



ZC23-024

812 Sawyer Dr

-  Parcels to be notified
-  Buffer
-  Subject Property



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Owner Name	Owner Address	Owner City	Owner Zip
VILLAS OF COLLEYVILLE HOA LLC	1108 W PIONEER PKWY	ARLINGTON, TX	76013
OFF COURSE LLC	1330 N WHITE CHAPEL BLVD STE 20	SOUTHLAKE, TX	76092
LAVACA PARC HOMEOWNERS ASSC	1540 KELLER PKWY STE 108-151	KELLER, TX	76248
GARRETT, COY E	1600 W ABRAM	ARLINGTON, TX	76013
L T ESTATES HOA INC	17319 SAN PEDRO STE 300	SAN ANTONIO, TX	78232
MORTON, JOHN	2409 REMUDA CT	SOUTHLAKE, TX	76092
STALLINGS FAMILY LIMITED PARTNE	2600 E SOUTHLAKE BLVD SUITE 120	SOUTHLAKE, TX	76092
KELLER ISD	350 KELLER PKWY	KELLER, TX	76248
ANAND, KAPIL	3804 HEATHER MEADOWS DR	FORT WORTH, TX	76244
AKINMURELE OLADOTUN	430 E UNIVERSITY DR	PORTALES, NM	88130
PATEL, RUPAL	44252 HUNTER PL	FREMONT, CA	94539
GUERRA, ROBERT	503 TERRACE LN	COLLEYVILLE, TX	76034
REMINGTON PARK ADDITION	5751 Kroger Drive	KELLER, TX	76244
KM PROPERTIES INCORPORATED	604 E NORTHWEST HWY #102	GRAPEVINE, TX	76051
LEGACY NORTH COLLEYVILLE LLC	604 E NORTHWEST HWY STE 102	GRAPEVINE, TX	76051
MOORE, DAVID	6116 LEGACY ESTATES DR	COLLEYVILLE, TX	76034
CAPPS FAMILY TRUST	6116 LEGACY TRL	COLLEYVILLE, TX	76034
KELLY, MATTHEW	6117 LEGACY TRL	COLLEYVILLE, TX	76034
FORD, DOUGLAS	6200 LEGACY TRL	COLLEYVILLE, TX	76034
CHANDLER, CHARLOTTE	6205 EMMAS CT	COLLEYVILLE, TX	76034
TARVER, RUSSELL	6205 LANTANA CT	COLLEYVILLE, TX	76034
HOPKINS FAMILY REVOCABLE TRUST	6208 LANTANA CT	COLLEYVILLE, TX	76034
GEORGE, ANISH	6209 EMMAS CT	COLLEYVILLE, TX	76034
NIXON, MARK	6209 LANTANA CT	COLLEYVILLE, TX	76034
HUCKINS, BRUCE	6212 LANTANA CT	COLLEYVILLE, TX	76034
PHINNEY, JASON	6213 EMMAS CT	COLLEYVILLE, TX	76034
PRAKASH, ANA	6213 LANTANA CT	COLLEYVILLE, TX	76034
LANE, THOMAS M	6300 LANTANA CT	COLLEYVILLE, TX	76034
DYNIOWSKI, JOSH	6301 LATANA CT	COLLEYVILLE, TX	76034
MATHEW, ARUN	6304 LANTANA CT	COLLEYVILLE, TX	76034
HSU, LISA L W	6725 SHINNECOCK HILLS DR	MCKINNEY, TX	75070
SCHEEF, CRAIG	701 ARCADY LN	COLLEYVILLE, TX	76034
STOVALL, DANITA	7024 BENJAMIN WAY	COLLEYVILLE, TX	76034
DERGANC, CHRISTOPHER	705 ARCADY LN	COLLEYVILLE, TX	76034
TRAINOR, KAREN	712 SAWYER DR	COLLEYVILLE, TX	76034
ROUILLIER, NORMAN	713 ARCADY LN	COLLEYVILLE, TX	76034
EVANS, DAVID	717 ARCADY LN	COLLEYVILLE, TX	76034
JOAN C HUEY REVOCABLE LIVING TR	718 MARIE DR	COLLEYVILLE, TX	76034
KLEIN, DONALD W	721 ARCADY LN	COLLEYVILLE, TX	76034
DURBIN, RICHARD G	725 ARCADY LN	COLLEYVILLE, TX	76034
GARFF, WHITNEY F	806 MARIE DR	COLLEYVILLE, TX	76034
GENZER, STEPHEN	808 SAWYER DR	COLLEYVILLE, TX	76034
CHUNG, KRAMER	809 LEGACY TRL	COLLEYVILLE, TX	76034
GATHWAL, KRISHNA	822 MARIE DR	COLLEYVILLE, TX	76034
LAIRD, JOHN	8356 SADDLEBROOK DR	NORTH RICHLAND HILLS, TX	76182
VILLAS OF COLLEYVILLE	9001 Airport Freeway Suite 450	NORTH RICHLAND HILLS ,TX	76180
SCHNIEGENBERG, GREGORY	901 LEGACY TRL	COLLEYVILLE, TX	76034
LAINE, RURI	905 LEGACY TRL	COLLEYVILLE, TX	76034
WINSTAR CONTRACTORS LP	9728 CAMP BOWIE BLVD	FORT WORTH, TX	76116
ROSEWOOD VILLAS	P.O. Box 463	COLLEYVILLE ,TX	76034
THE LEGACY	PO Box #51555	DENTON, TX	76206
JBH IRREVOCABLE ASSET TRUST	PO BOX 171195	ARLINGTON, TX	76003
CHIP ROOP IRREVOCABLE LIVING TR	PO BOX 2947	PIKEVILLE, KY	41502
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEYVILLE, TX	76034
GTP ACQUISITION PARTNERS II	PO BOX 723597	ATLANTA, GA	31139
LEGACY AT COLLEYVILLE LLC THE	PO BOX 92747	SOUTHLAKE, TX	76092
LEGACY AT COLLEYVILLE LLC THE	PO BOX 92747	SOUTHLAKE, TX	76092
LAVACA TRAIL ESTATES		COLLEYVILLE ,TX	76034



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, September 11th, 2023 at 7:00 p.m.
City Council Meetings: Wednesday, October 4, 2023 & Tuesday, October 17, 2023 at 7:00 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit for a non-compliant fence and an accessory building on Lot 1, Block B, Legacy North Addition. The request is for a wrought-iron fence and patio cover to extend into the street side yard setback.

Zoning Case: ZC23-024

Applicant: Jody Alumbaugh

Owner: Stovall Danita Kay, Stovall Bryan Lee

Location: 812 Sawyer Dr

Property Description: Lot 1, Block B, Legacy North Addition

Present Zoning: PUD-R, Planned Unit Development Residential

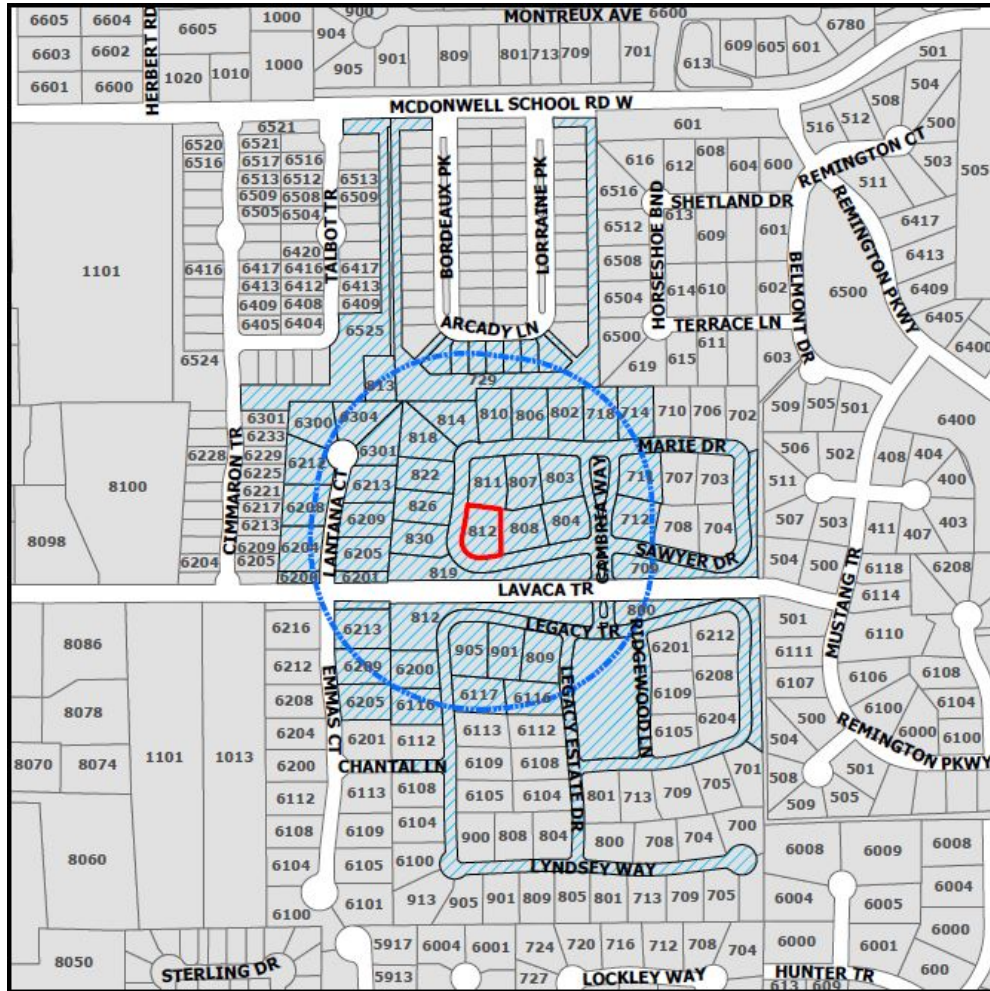
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

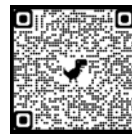
**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

NOTICE OF PUBLIC HEARING



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

STEVE & JOELL GENZER

808 Sawyer Drive

Colleyville, TX 76034 |

September 7, 2023

Dear Ben,

We wanted to send this letter to support our future neighbors in the upcoming meeting regarding the fence permit variance for 812 Sawyer, Colleyville, TX 76034.

We live next door to 812 Sawyer and have already met the new owners building the home. We support their request for the fence variance and believe their backyard plans will only increase the value of their home and the neighborhood. We understand they enjoy entertaining and look forward to being invited to their home as well as having them over to our place. We believe Legacy North is a unique neighborhood and look forward to a very family and neighbor friendly culture.

Please feel free to contact me with any questions.

Sincerely,

Steve and Joell Genzer

From: [Ben Bryner](#)
To: [Jackie Reyff](#); [Kristopher Potts](#); [Scott Hammons](#)
Subject: FW: 812 Sawyer Fence Variance Request
Date: Friday, September 8, 2023 9:12:49 AM

From: Danita Stovall <>
Sent: Friday, September 8, 2023 9:11 AM
To: Ben Bryner <BBryner@colleyville.com>
Cc: Bryan Stovall <>; Travis Franks <>; Jody Alumbaugh <>
Subject: 812 Sawyer Fence Variance Request

Ben,

We wanted to send this letter in preparation for the upcoming meeting regarding our fence permit variance request for 812 Sawyer in Colleyville.

We are well into the construction of our new home in Legacy North in Colleyville. We relocated from Houston over 15 years ago and were fortunate to settle in the Colleyville community. We are very much looking forward to completing our home and spending much time entertaining and enjoying the outdoor area. Bryan and I have been married for 33 years, have no children and enjoy spending our time traveling, entertaining friends and lots of outdoor activities. We put a lot of time and effort working with our architect and builder to design a plan that is perfect for our lifestyle. A key component of that is the outdoor living and pool area.

We respectfully request the consideration of our request for the fence variance. Since our plans were approved by the architectural control committee back in January before we broke ground and there is no mention of the fence limitation in the CCR's, we truly had no idea our plans could present an issue. If we had been aware, quite honestly, we likely would have not started the project, as the back yard is such an important part of our vision. We also believe our plans will only increase the value of the property and neighborhood. We will also be submitting supporting documentation from fellow Legacy North neighbors.

Sincerely,

Danita Stovall

From: [Ben Bryner](#)
To: [Jackie Reyff](#); [Kristopher Potts](#); [Scott Hammons](#)
Subject: FW: Legacy North Fence Variance Support
Date: Thursday, September 7, 2023 4:25:01 PM
Attachments: [image003.png](#)

From: Eason Maykus <eason@maykus.com>
Sent: Thursday, September 7, 2023 4:18 PM
To: Ben Bryner <BBryner@colleyville.com>
Subject: Legacy North Fence Variance Support

Ben,

I support 812 Sawyer, Colleyville's fence variance request. This will allow maximization of the backyard. As the A.R.C. for the community this was approved and is supported by Legacy North's architectural review committee. Please allow the new Colleyville resident this variance to enjoy their backyard and outdoor living spaces.

Thank You,

Eason Maykus



MAYKUS HOMES
& neighborhoods



ORDINANCE O-23-2266

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.46 ACRES, ON LOT 1, BLOCK B, LEGACY NORTH ADDITION BY AUTHORIZING A SPECIAL USE PERMIT TO ALLOW FOR A FENCE TO EXTEND INTO THE STREET SIDE YARD SETBACK; 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 to allow for a fence and patio cover to extend into the street side yard setback under Case No. ZC23-024; 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 that 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 to allow for a fence and a patio cover to extend into the street side yard setback on 0.46 acres, on Lot 1, Block B, Legacy North Addition, 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 allow for a fence to extend into the street side yard setback.
- b. It shall be generally consistent with the site plan and as depicted on the attached Exhibit "B".
- c. 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 4th day of October 2023.

The second reading and public hearing being conducted on the 17th day of October 2023.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood	_____	Mayor Pro Tem Callie Rigney	_____
Brandi Elder, Place 1	_____	George Bond, Place 2	_____
Scotty Richardson, Place 3	_____	Ben Graves, Place 4	_____
Chuck Kelley, Place 5	_____		

ATTEST:

CITY OF COLLEYVILLE

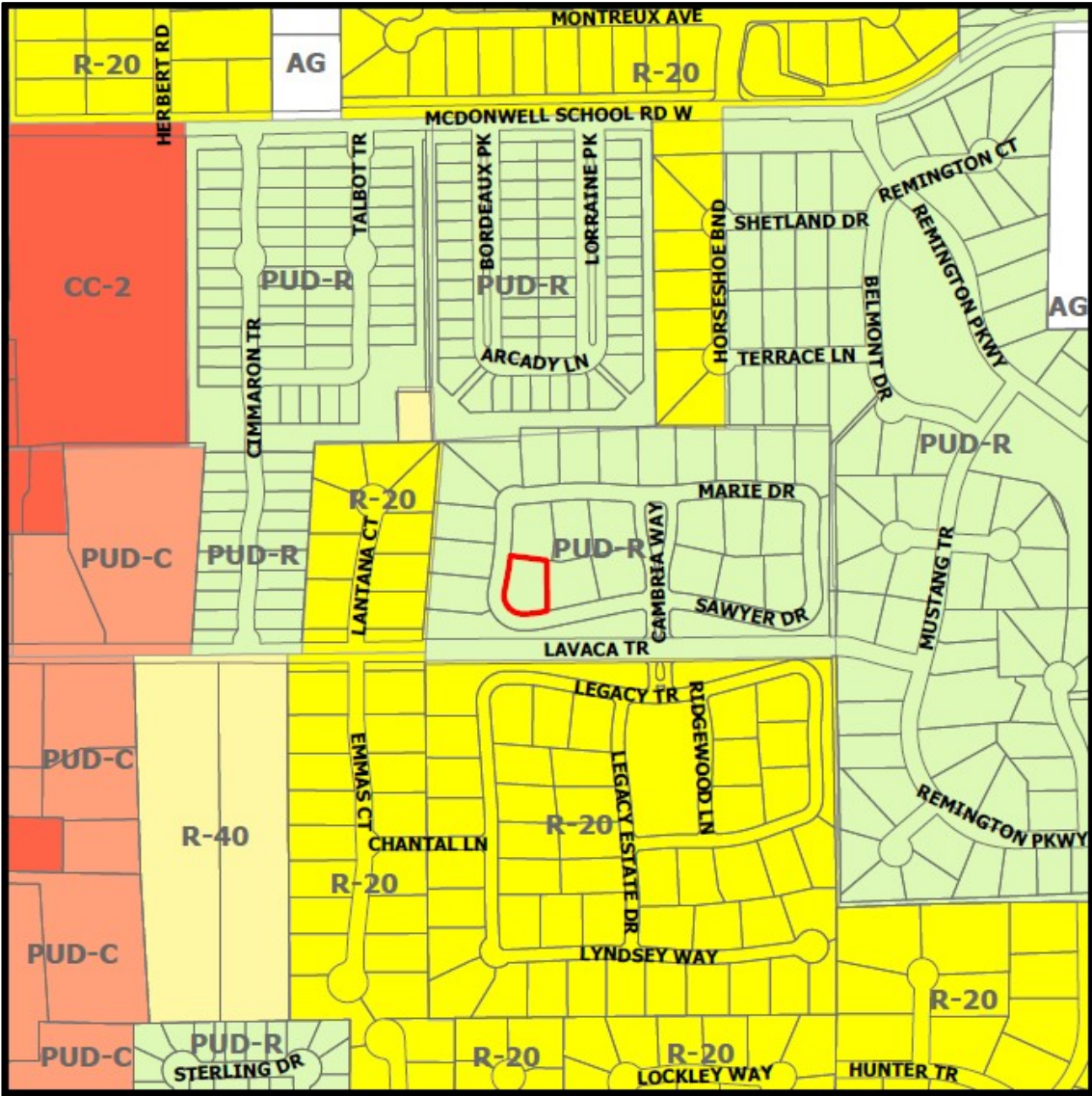
Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map



[illegible]



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 6f

Agenda Date 10/17/2023

Number Ordinance O-23-2267

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit to allow for a Veterinarian Clinic on Lot 1, Block A, 170 Players Addition, located at 3825 Glade Road, Suite 130, Case ZC23-026

Explanation

Second Reading and Public Hearing

The applicant was not present. No one came forward to speak during the public hearing.

First Reading and Public Hearing

Chris Dietrich, the applicant, has submitted a request for a Special Use Permit (SUP) to allow for Veterinary Clinic services at 3825 Glade Road, Suite 130. The subject property is zoned Planned Unit Development – Residential district. A Veterinary Clinic business is only allowed in commercial districts with the approval of an SUP.

Existing Conditions/Background: The subject property is currently known as Creekside Commercial North and is developed as a retail shopping center with commercial retail uses. The Veterinary Clinic received a Special Use Permit in 2021 to operate in Suite 140. The proposed use would be for the Clinic to expand into Suite 130 for truBond Veterinary Center.

Surrounding Development: The properties to the east and south are zoned PUD-R Planned Unit Development - Residential and are improved with retail commercial uses and single-family homes. The property to the east is zoned R-30 and developed as St. Mary's Orthodox Church.

Proposed Business: Per the attached Statement of Planning Objectives, the proposed name of the business is "truBond Veterinary Center" and is an operating veterinary business. There will be no outdoor kennels, no vacation boarding services, and no pet daycare services. They will offer spa-style pet grooming services. They will also install sound-proof walls.

Ordinance – Chapter 3 (Land Use) of the Land Development Code identifies the purpose of a Special Use Permit as:

"The purpose of a Special Use Permit is to allow a use not normally allowed in a zoning district, which could be of benefit in a particular case to the general welfare, provided

adequate development standards and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood.”

Analysis: The Special Use Permit request up for consideration is consistent with the land uses located on the subject property and the governing zoning district.

Plat Status: The property is platted as Lot 1, Block A, 170 Players Addition.

DRC Review: The DRC reviewed the request during their August 22, 2023 meeting and determined the application was complete.

Drainage: NA

Hours of Operation: According to the statement of planning objectives, the hours of operation of the business will be:

- 8:00 a.m. to 6:00 p.m. Monday-Friday
- 9:00 a.m. to 5:00 p.m. Saturday
- Closed on Sundays

Parking: The Land Development Code does prescribe a specific number of parking spaces for the proposed land use of one space per 300 s.f. Utilizing this ratio, 14 parking spaces will be required for the proposed use. Sufficient parking exists within the Creekside Commercial North development for the proposed expanded use.

Comprehensive Plan: The City’s Comprehensive Plan, *Destination Colleyville*, identifies the subject property for commercial development. The proposed SUP does not conflict with any portion of the comprehensive plan.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1000 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 recommends approval of the Special Use Permit. The proposed zoning change is generally consistent with the City’s comprehensive plan. Additionally, the request is consistent with the land uses located on the subject property and the governing zoning district.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the request at their September 11, 2023 meeting by a vote of 5-0.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Floor Plan
7. Notification Map
8. Notification List
9. Notification Letter
10. Ordinance O-23-2267

Aerial Map

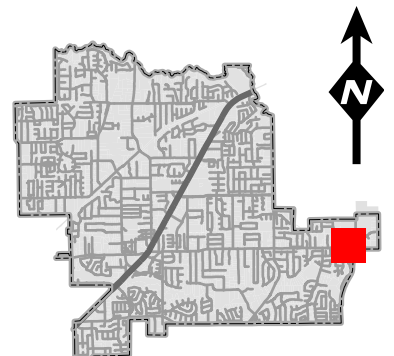


ZC23-026

3809 Glade Rd

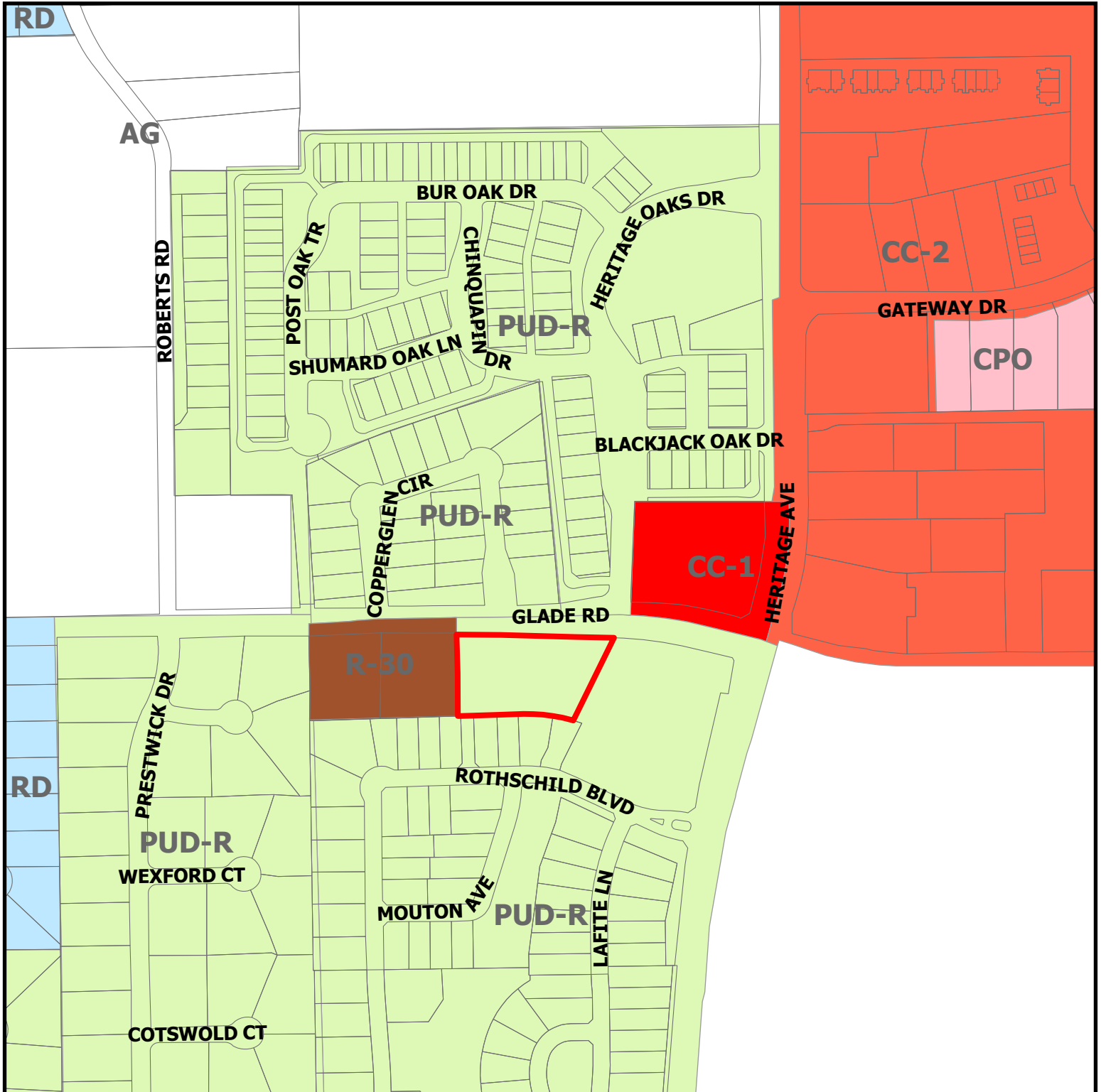


Subject Property



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.

Zoning Map

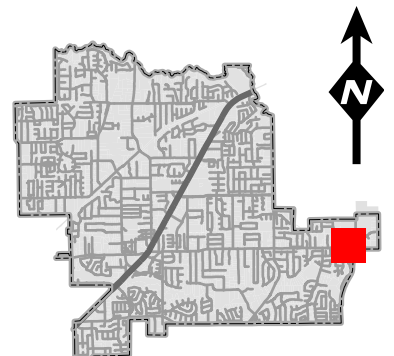


ZC23-026

3809 Glade Rd



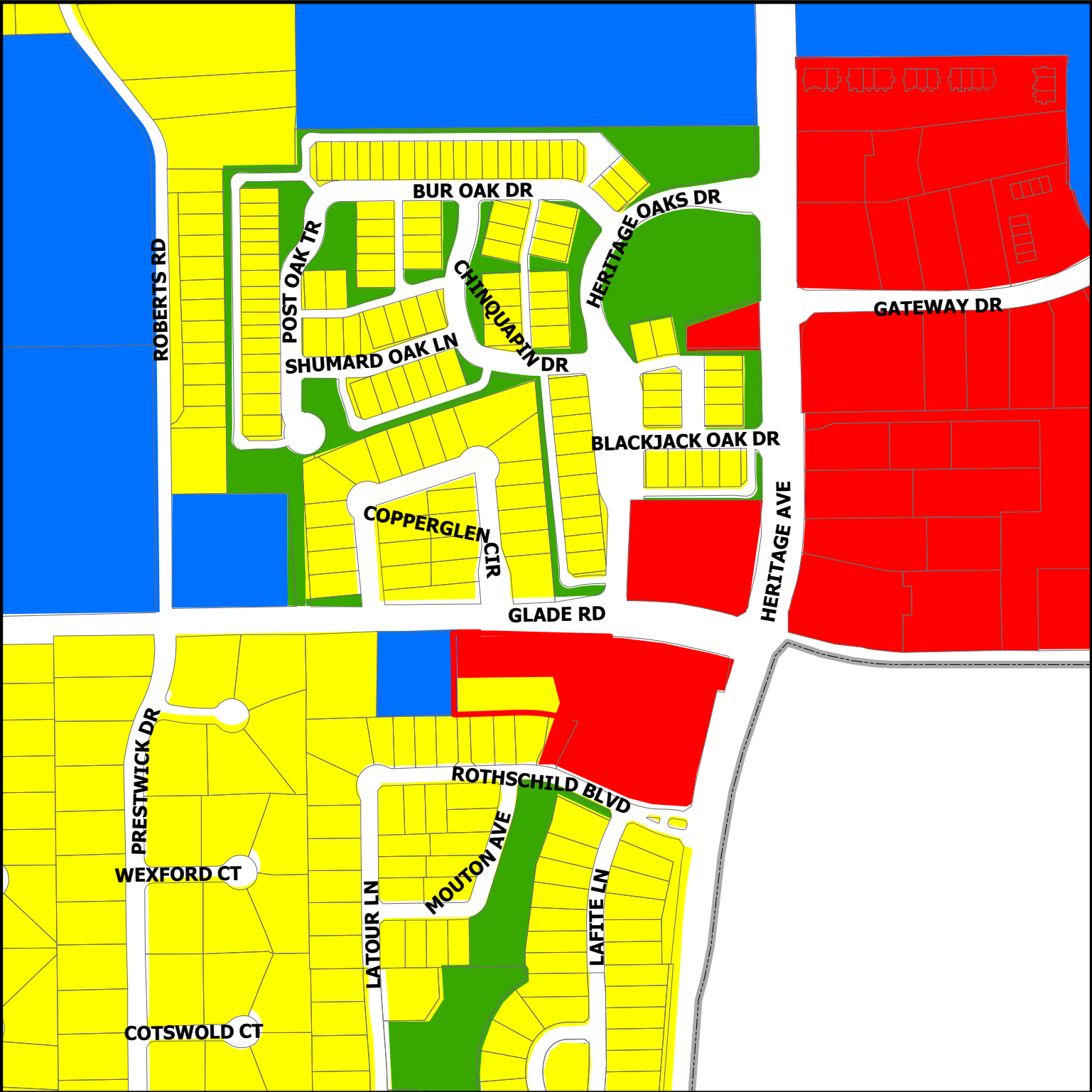
Subject Property



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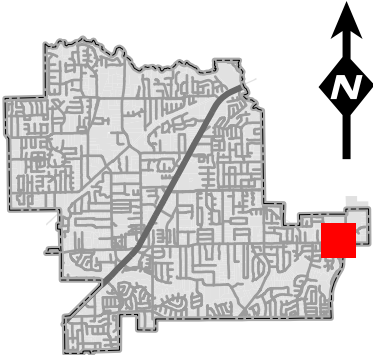
Future Land Use Map



ZC23-026
3809 Glade Rd

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- | | |
|---|---|
|  Residential |  Open Space; Parks |
|  Commercial |  Subject Property |
|  Institutional | |



Statement of Planning Objectives - truBOND Veterinary Center Expansion

My name is Dr. Chris Dietrich, and I'm the owner of truBOND Veterinary Center. We opened truBOND Veterinary Center in 2021 and we have been overwhelmed by the incredible response we received from our clients. The veterinary center has grown from 1 doctor practicing 6 days a week (myself) to a 3 doctor practice, with a 4th doctor to start in October, in less 2 years. We currently employ a total of 22 employees including 2 pet groomers, and we have over 3,000 clients and have helped almost 4,000 patients. Our grooming services are currently booked out completely for over 1 month with many on the waiting list.

We've earned a reputation for excellent customer service, compassionate and high quality care, and dedication to educating our clients on their pets needs. We currently have a 5-star rating on Google with 134 reviews and have been voted Neighborhood Favorite in 2022 and 2023 on Nextdoor. Our facebook page has almost 750 followers with 19K views of our highest viewed "reel". We've also had very little turnover in our team with only 6 terminated employees with most of these due to life changes (new career, school, moving). One of our technicians has been accepted to veterinary school and one is waiting to hear back regarding Medical School applications. We hosted a 4th year extern from the Texas A&M College of Veterinary Medicine are currently helping one of technicians complete her Licensed Veterinary Technician training.

We are expanding our facility to accommodate continued client/patient growth, and the addition of more doctors and team members. This expansion will allow the addition of exam rooms, a dedicated dental suite, and expansion of our treatment, surgery, and grooming areas.

One of things we've enjoyed most is being active members in the local community. We've had the pleasure to serve as mentor to 8 students in the GCISD non-paid Vet Assisting internship program for the 2021-2022 and 2022-2023 academic years. Two of these students joined our team part-time while they complete their college education. We've sponsored many local sports programs including Colleyville Heritage High School Football, Baseball, Soccer, Cheer, and Wrestling, and we are an Annual Sponsor to Heritage Elementary School. We participated in Career Day at OC Taylor Elementary School. We also have sponsored both the Colleyville Police and Fire Departments. Recently we've formed a non-profit organization, The truBOND Gold Foundation, and looking forward to offering more ways of giving back to the communities we serve.

It's been our honor and privilege to serve the community we live in and we are looking forward to many more years of dedicated service. Thank you for your consideration of our special use permit.

Thank you,

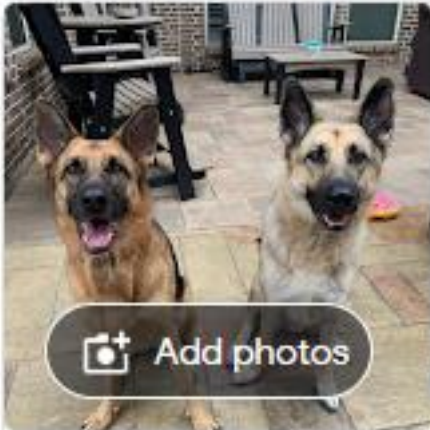
A handwritten signature in black ink, appearing to read "Chris Dietrich DVM".

Chris Dietrich, DVM
truBOND Veterinary Center, Owner

Home: 4807 Meandering Way, Colleyville, TX 76034

Mobile: 817-713-4790

Chris.dietrich@trubondvet.com



[Add photos](#)

[See outside](#)

WORK (truBOND Veterinary Center)

[Website](#) [Directions](#) [Saved](#) [Call](#)

5.0 ★★★★★ 134 Google reviews

Veterinarian in Colleyville, Texas

 You manage this Business Profile 

Address: 3825 Glade Rd Suite 140, Colleyville, TX 76034

Hours: Open · Closes 6 PM ▼

Phone: (817) 527-1595



Laura Ballam

3 reviews

★★★★★ a day ago **NEW**

True pet lovers, explain everything clearly and no pressure at all! We've found our new vet!



1





Lane Cox

7 reviews



★★★★★ a week ago

NEW

Truly cannot say enough good things. They are fantastic. All of our pets come here for care. Across each of our pets we have done just about everything from annual care, allergy ear infections, to end of life care. You can tell that everyone here truly cares about your pet and wants what is best for them. They truly take the time to talk with you to develop a treatment plan, and explain everything from the cause of the problems to how the treatment works. They are so great that all of our dogs are excited when they get to go to the vet! Your pets are in the best hands here and I never hesitate to recommend them.



Jstubby68

3 reviews · 3 photos



★★★★★ 2 weeks ago

NEW

I took my cat here to truBOND Veterinary Center for treatment. I was very impressed with the look and design of the clinic. Very modern, sleek, stylish and well laid out. As wonderful as the building was, the doctor and staff were even more impressive!! I felt welcomed and my business appreciated. They took great care of my cat-MissYuki. They were kind and gentle when they dealt with her. She was seen by Dr. Dietrich. He explained everything thoroughly in easy to understand terms regarding her care and treatment. Not being a scientist or medical professional, I appreciated that!

In summary, I am very happy with my decision to take my beloved cat here. I feel she is receiving top notch care from doctors and staff that genuinely care about the wellbeing of animals.



Fletcher Sanders

4 reviews



★★★★★ 3 weeks ago

NEW

Another amazing experience at truBOND. Cat, Mittens, did not want to go to the vet and fought me every step of the way. When I finally got her to truBOND she was as calm and cool as a cucumber. Either they put tranquilizer in the air or the techs really know what they are doing. Everything went smoothly. Amazing !



Julimar Guerra

2 reviews



★★★★★ 2 months ago

As a first time dog owner I was very particular on where I wanted to take my dog, and the staff at truBOND were nothing but AMAZING. They loved on my boy like he was their own. Dr.Dietrich was super helpful and explained everything easily for me to understand! I appreciate y'all! And I know Choko will always be in good hands!

[Switch Now](#) Offers free Wi-Fi

It's National Back to School Month, and that means pet parents may be noticing signs of separation anxiety in their furry friends! Not sure how to deal with your pet's anxiety? Give our veterinarian team a call! <https://trubondvet.com/>

#Colleyvillevet #Colleyvilleveterinarian #Colleyvilletexasvet #texasvet #Colleyvillegroomer #Colleyvilletexasgroomer #Veterinarianatexas #texasgroomer #trubond

The collage consists of eight images arranged in three rows. The top row features three informational graphics: a 'SYMPTOMS OF SEPARATION ANXIETY' infographic with a list of signs, a 'NATIONAL PUZZLE DAY' poster with a dog puzzle theme, and an Instagram follow banner for 'Follow us on Instagram!'. The middle row shows three people interacting with dogs: a woman holding a small dog, a man with a dog in a harness, and a man with a dog. The bottom row includes a man with a dog, a close-up of a dog's face, and a close-up of a dog's paws.

NATIONAL BACK-TO-SCHOOL MONTH

truBND
VETERINARY CENTER

SYMPTOMS OF SEPARATION ANXIETY



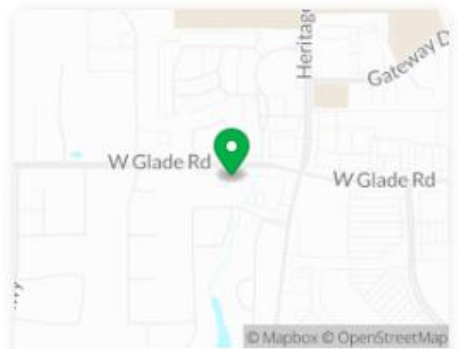
Nextdoor App:

nextdoor

Sign in

Join

Texas > Colleyville > truBOND Veterinary Center



Colleyville, TX

🕒 Open until 6:00 PM

✉ info@trubondvet.com

 trubondvet.com

truBOND Veterinary Center

 16

Veterinarian

Dog groomer

 Fave

 Message

 Call

Awards

[See all](#)

Neighborhood
Fave



Neighborhood
Fave

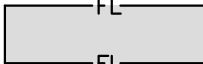
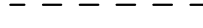
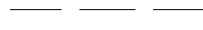
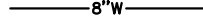
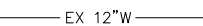
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USER: CADWATER DATE/TIME: May 16, 2019 9:06am

DEVELOPER
MONTAGE DEVELOPMENT, LLC
151 PLAYERS CIRCLE, SUITE 200
SOUTHLAKE, TX 76092
817.944.4980 PH

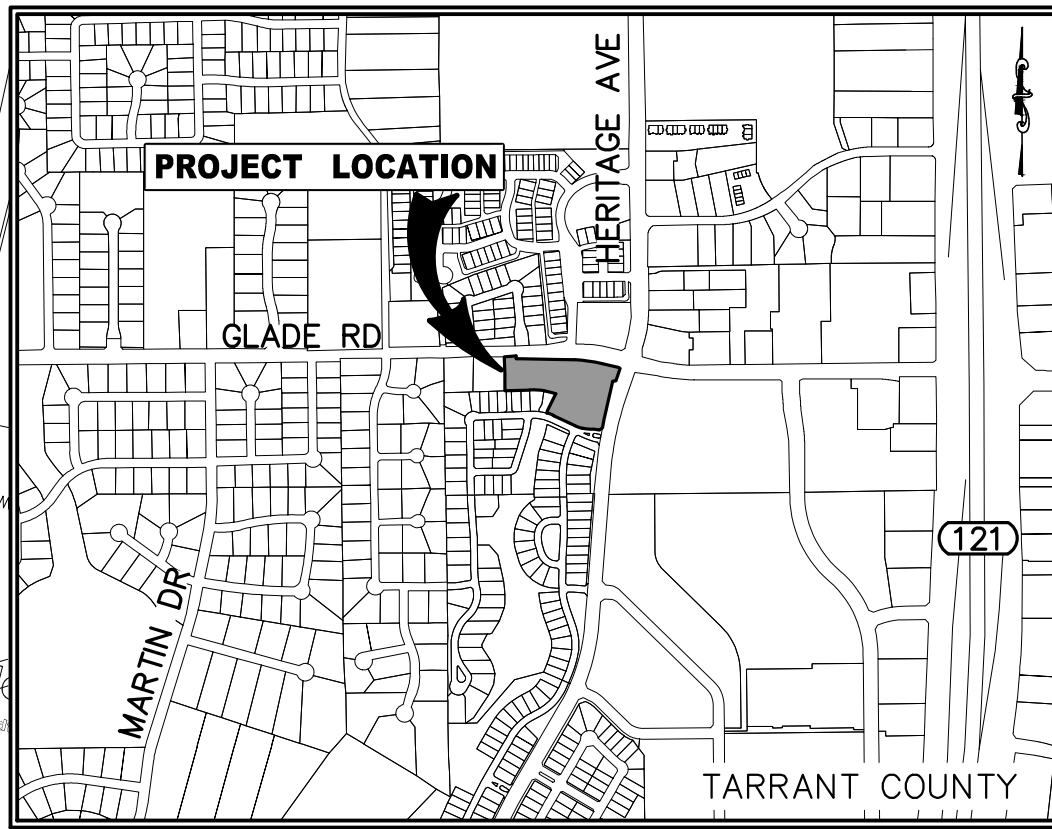
ENGINEER
HPcivil Engineering, LLC
5339 ALPHA ROAD, SUITE 300
DALLAS, TEXAS 75240
972.701.9636 PH
972.701.9639 FAX
JASON T. PYKA, P.E.

ARCHITECT
BLAKE ARCHITECTS
1202 S. WHITE CHAPEL RD.
SOUTHLAKE, TEXAS 76092
817.488.9397 PH

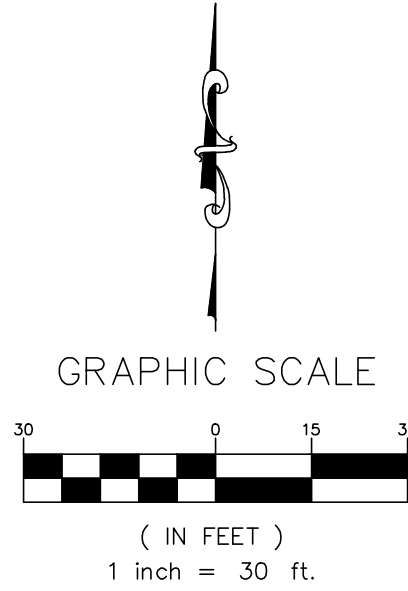
SURVEYOR
REALSEAR OF TEXAS, LLC
P.O. BOX 1006
GODLEY, TEXAS 76044
817.937.2655 PH
JEREMY LUKE DEAL, R.P.L.S.

LEGEND			
	PROPOSED FIRELANE		PROP. GABION MATTRESS
	ACCESSIBLE CROSSWALK		BARRIER FREE RAMP-BFR
	ACCESSIBLE ROUTE		PROP. LIGHT POLE 1-FIXTURE
	PROPOSED RETAINING WALL		PROP. LIGHT POLE 2-FIXTURES
	SETBACK LINE: BUILDING LINE & L/S BUFFER		PROP. TRANSFORMER PAD
	PROP. EASEMENT LINE		PROP. FIRE HYDRANT
	PROP. SAWCUT LINE		PROP. FIRE DEPT. CONNECTION
	EX. EASEMENT LINE		PROP. WATER METER AND VAULT
	PROP. SANITARY SEWER LINE		PROP. WATER METER
	PROP. WATER LINE		PROP. WATER VALVE
	EX. WATER LINE		PROP. SEWER DOUBLE CLEANOUT
	EX. SANITARY SEWER LINE		PROP. SEWER SINGLE CLEANOUT
	EX. STORM LINE		PROP. SEWER MANHOLE
	PROP. PROPERTY LINE		PROP. GREASE TRAP
	PROPERTY LINE OFF-SITE		PROP. SIGN
			PROP. GRATE INLET
			PROP. JUNCTION BOX
			CURB INLET
			PARKING COUNT
			MUTUAL & EMERGENCY ACCESS AND PUBLIC UTILITY EASEMENT
			PROP. ELEVATED WALKWAY (SEE NOTES)

CITY OF COLLEYVILLE ACCEPTABLE
HAMMERHEAD FIRE LANE CONFIGURATION
(LAND DEVELOPMENT CODE, PG 14-8)



VICINITY MAP
(NOT TO SCALE)



NOTES

- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
- REFER TO SHEET C01 FOR GENERAL NOTES AND LEGEND.
- REFER TO ARCHITECTURAL AND STRUCTURAL PLANS FOR BUILDING, DUMPSTER ENCLOSURE AND DETACHED GARAGE FOUNDATION LAYOUT AND DESIGN.
- REFER TO LANDSCAPE PLANS FOR FENCE AND HARDSCAPE LAYOUT AND DESIGN.
- ALL DRIVEWAY APPROACHES, FIRE HYDRANTS, AND FIRE LANES ARE REQUIRED TO BE INSTALLED PRIOR TO CONSTRUCTION ABOVE THE FOUNDATION.
- ALL LIGHTS SHALL BE SHIELDED FROM ANY RESIDENTIAL USES.
- ELEVATED SIDEWALK/WALKWAY BEHIND BUILDING 2 TO BE DESIGNED BY A LICENSED ENGINEER PROFICIENT IN STRUCTURAL ENGINEERING DESIGN PRIOR TO INSTALLATION. SIDEWALK TO COMPLY WITH ALL ADA REQUIREMENTS.

SITE DATA SUMMARY TABLE

ZONING	PUD-R
PROPOSED LAND USE	RESTAURANT / RETAIL
LOT AREA	170,890.32 SF / 3.92 AC
BUILDING AREA	
BLDG. A:	19,600 SF
BLDG. B:	9,500 SF
BUILDING HEIGHT	30'-0" (1 STORY)
LANDSCAPE AREA REQUIRED: MINIMUM 20% SITE	34,181 SF / 0.78 AC
PARKING REQUIRED	
RESTAURANT - 1 SP / 100 SF	78 SPACES
RETAIL - 1 SP / 200 SF	107 SPACES
TOTAL:	185 SPACES
TOTAL PARKING PROVIDED	191 SPACES

BENCHMARKS

BM-1: 2" BRASS DISC IN TOP OF CURB AT SOUTH END OF MEDIAN IN CENTERLINE OF MARTIN STREET LOCATED 23' EAST OF WEST BACK OF CURB. ALSO LOCATED 52' NORTH OF ST. ALBANS FROM THE CENTERLINE.

NORTHING=7,006,375.864'
EASTING=2,394,116.655'
(ELEVATION=587.18')

BM-2: 2" BRASS DISC IN THE SOUTHWEST CORNER OF A CONCRETE PAD IN THE SOUTHWEST QUADRANT OF GLADE ROAD AND HERITAGE ROAD. LOCATED 9' SOUTHWEST OF A TRAFFIC LIGHT POLE, 65' WEST OF THE CENTERLINE OF HERITAGE ROAD AND 42.5' SOUTH OF GLADE ROAD.

NORTHING=7,006,498.192'
EASTING=2,396,465.156'
(ELEVATION=584.76')

BM-3: 2" BRASS DISC ON EAST BACK OF CURB OF WINEWOOD COURT, LOCATED 6' SOUTH OF THE POINT OF CURVATURE IN THE CUL-DE-SAC 46.4' NORTHEAST OF THE RADIUS POINT.

NORTHING=7,004,542.182'
EASTING=2,395,257.402'
(ELEVATION=576.69')

CREEKSIDE COMMERCIAL - NORTH LOT 1 AND 2, BLOCK A

CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

HPcivil engineering, LLC.

5339 ALPHA ROAD, SUITE 300 DALLAS, TEXAS 75240
972.701.9636 • 972.701.9639 FAX
TX REGISTERED ENGINEERING FIRM F-12600
www.hpcivileng.com



SHEET TITLE

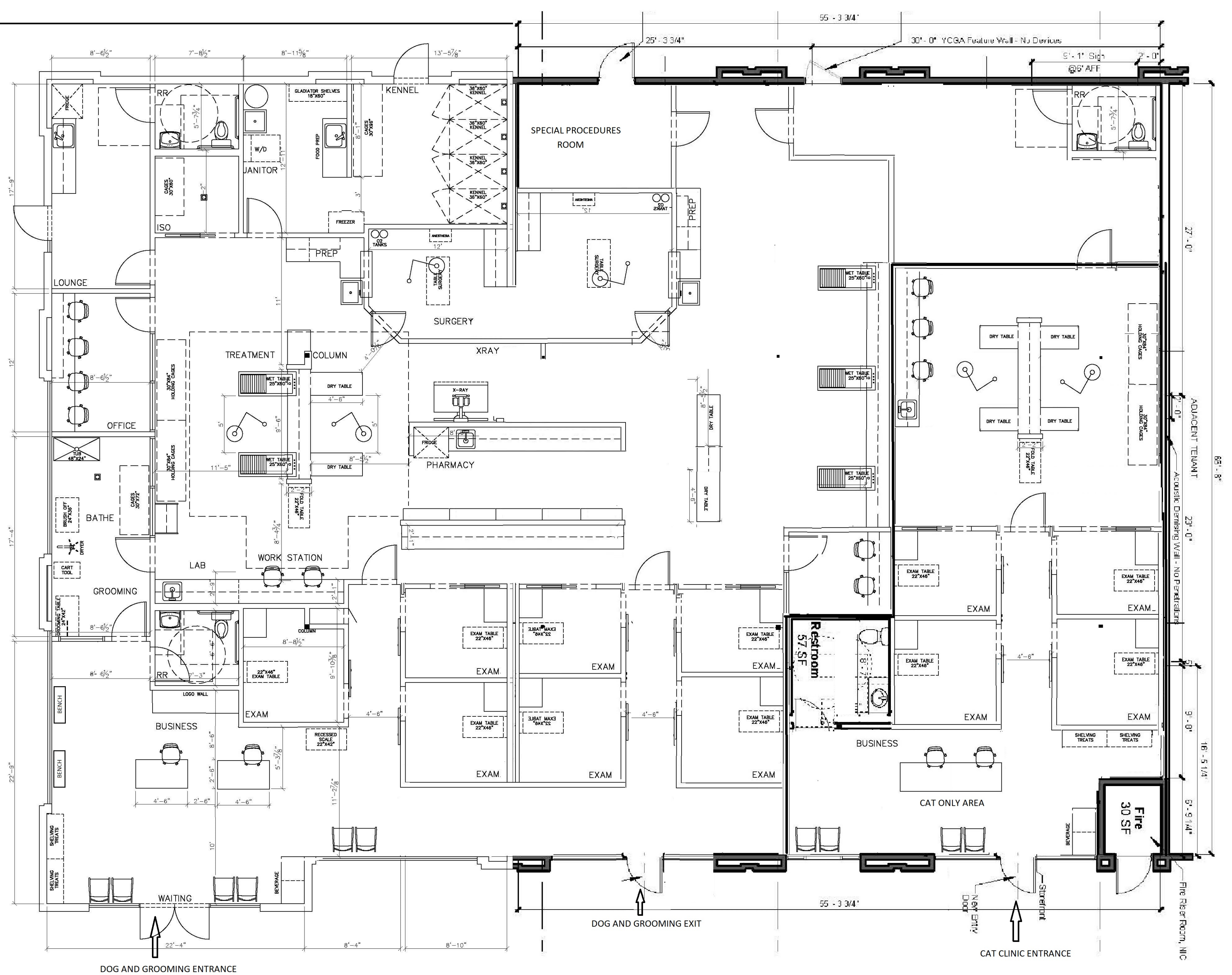
SITE PLAN

SHEET NO.

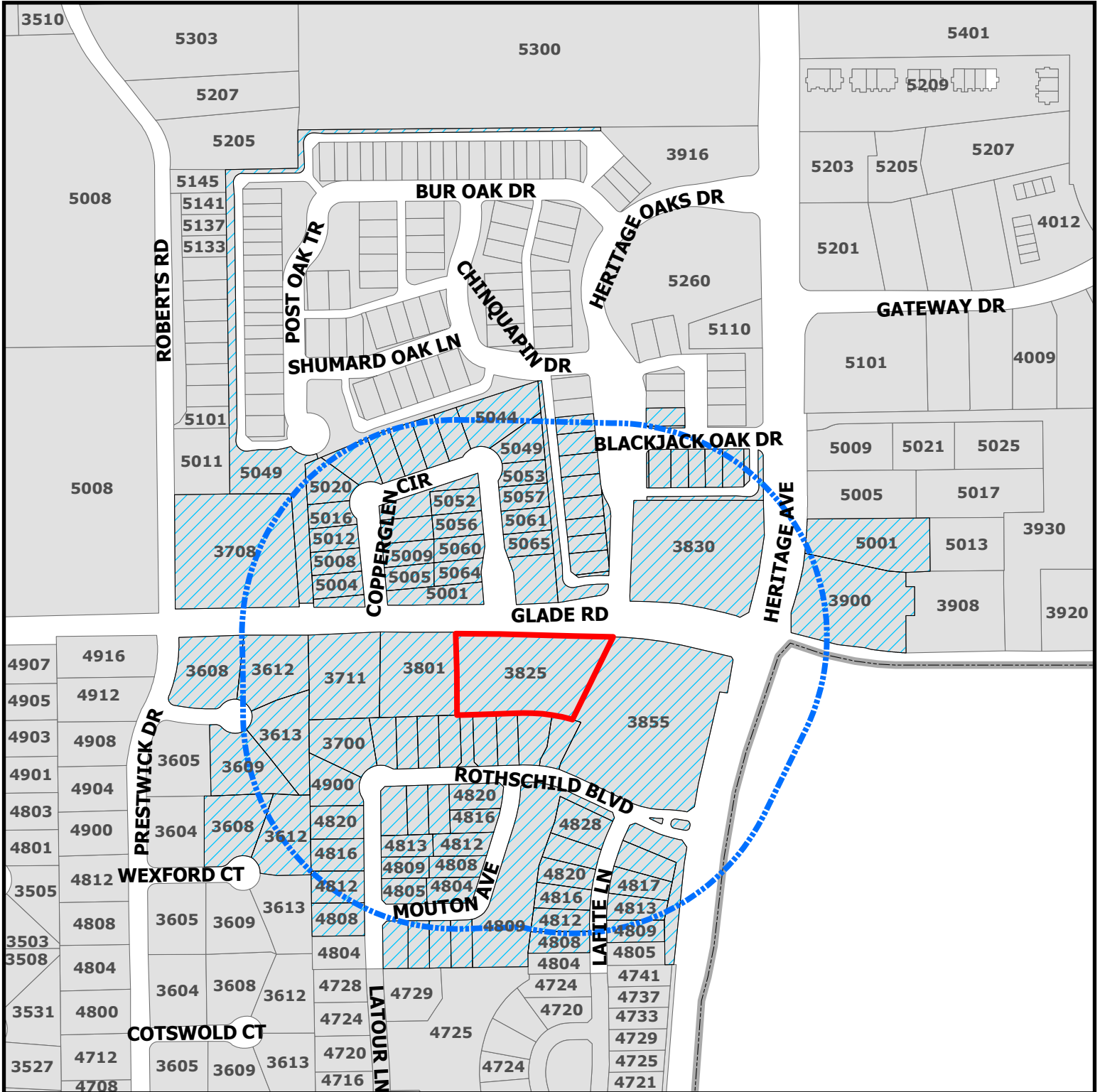
C0.4

HPCE #17-316

Engineer of Record: JAL		
Drawn by: AA		
Date Plotted: 5/16/2019		
Issue for Pricing / Bidding:		
Issue for Permit Application:		
Issue for Construction:		
REVISIONS		
#	DATE	COMMENTS
1	05/13/2019	PHASING PLAN



Notification Map

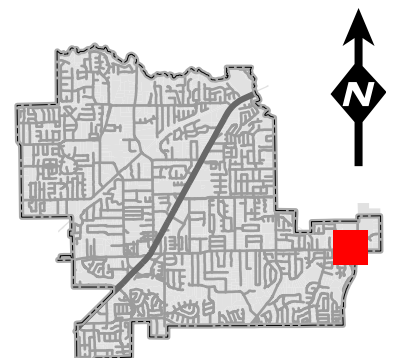


DISCLAIMER:
This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances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

ZC23-026

3809 Glade Rd

-  Parcels to be notified
 Buffer
 Subject Property



Owner Name	Owner Address	Owner City	Owner Zip
ALLICK, SUZETTE	3913 BLACKJACK OAK DR	COLLEYVILLE, TX	76034
VOTAW, ROBERT B	5032 HERITAGE OAKS DR	COLLEYVILLE, TX	76034
FROST, HOWARD M	5009 COPPERGLEN CIR	COLLEYVILLE, TX	76034
BRADFORD TRUST	5005 COPPERGLEN CIR	COLLEYVILLE, TX	76034
SHA, CHANG	5056 HERITAGE OAKS DR	COLLEYVILLE, TX	76034
COPPERGLEN HOA INC	PO BOX 1901	COLLEYVILLE, TX	76034
MCCASKEY, SANFORD	5004 COPPERGLEN CIR	COLLEYVILLE, TX	76034
COLLEYVILLE ASSOC HERITAGE OAK	4760 PRESTON RD STE 244-238	FRISCO, TX	75034
COPPERGLEN HOA INC	PO BOX 1901	COLLEYVILLE, TX	76034
LUCAS, TAMA	5060 HERITAGE OAKS DR	COLLEYVILLE, TX	76034
GREENWAY GLADE PARTNERS LP	2808 FAIRMOUNT ST STE 100	DALLAS, TX	75201
KUEN I TANG TRUST	5008 COPPERGLEN CIR	COLLEYVILLE, TX	76034
RECTOR, BEVERLY	5060 COPPERGLEN CIR	COLLEYVILLE, TX	76034
SZABO, STEVE	5040 COPPERGLEN CIR	COLLEYVILLE, TX	76034
COPPERGLEN HOA INC	PO BOX 1901	COLLEYVILLE, TX	76034
ALI, AHMED	3917 BLACKJACK OAK DR	COLLEYVILLE, TX	76034
MAI, NGAN	5024 COPPERGLEN CIR	COLLEYVILLE, TX	76034
WITTE, DAN	5036 COPPERGLEN CIR	COLLEYVILLE, TX	76034
BENDER, JEFFERY	5020 COPPERGLEN CIR	COLLEYVILLE, TX	76034
SUBLETT, DELORES C	3608 WEXFORD CT	COLLEYVILLE, TX	76034
COLLEYVILLE ASSOC HERITAGE OAK	4760 PRESTON RD STE 244-238	FRISCO, TX	75034
BRYANT, ROSIE	5064 COPPERGLEN CIR	COLLEYVILLE, TX	76034
PLEASANT GLADE BAPTIST CHURCH	3708 GLADE RD	COLLEYVILLE, TX	76034
BIBEAU, GUY R	5052 COPPERGLEN CIR	COLLEYVILLE, TX	76034
MILLER, DEBRA	5028 HERITAGE OAKS DR	COLLEYVILLE, TX	76034
TUTTLE, TODD E	5044 HERITAGE OAKS DR	COLLEYVILLE, TX	76034
PITTS, WALLACE J	3612 AMBERLEY CT	COLLEYVILLE, TX	76034
O'SHELL, HOWARD C	5012 COPPERGLEN CIR	COLLEYVILLE, TX	76034
MINDIOLA, JUAN C	3925 BLACKJACK OAK DR	COLLEYVILLE, TX	76034
COLLEYVILLE ASSOC HERITAGE OAK	4760 PRESTON RD STE 244-238	FRISCO, TX	75034
RODRIGUEZ, SARA	5032 COPPERGLEN CIR	COLLEYVILLE, TX	76034
GIBSON, DARWIN	5028 COPPERGLEN CIR	COLLEYVILLE, TX	76034
NAGUBOINA, RAMESH	3929 BLACKJACK OAK DR	COLLEYVILLE, TX	76034
SANDOVAL, ALEXANDER	5036 HERITAGE OAKS DR	COLLEYVILLE, TX	76034
WEAKLEY, JERRY	5016 COPPERGLEN CIR	COLLEYVILLE, TX	76034
WANG, JULIE	5065 COPPERGLEN CIR	COLLEYVILLE, TX	76034
BHAIDANI, SALIM	4437 LAFITE LN	COLLEYVILLE, TX	76034
ROSSO, PATRICK	3933 BLACKJACK OAK DR	COLLEYVILLE, TX	76034
POLAKALA, REKHA	5048 HERITAGE OAKS DR	COLLEYVILLE, TX	76034
SHARP, LINDA CAROLYN	5061 COPPERGLEN CIR	COLLEYVILLE, TX	76034
HOLDER, JAMES	5053 COPPERGLEN CIR	COLLEYVILLE, TX	76034
BHAT, PREVEEN KUMAR	5052 HERITAGE OAKS DR	COLLEYVILLE, TX	76034
MDC-HERITAGE OAKS ESTATES LTD	545 E JOHN CARPENTER FWY	IRVING, TX	75062
SOHN, TAESIK	3608 AMBERLEY CT	COLLEYVILLE, TX	76034
PIRANI, SALIMA	5013 COPPERGLEN CIR	COLLEYVILLE, TX	76034
COMER, CLARENCE	5056 COPPERGLEN CIR	COLLEYVILLE, TX	76034
BRACEVILLE LLC	2501 KENSINGTON PL	COLLEYVILLE, TX	76034
SCOTT, LARRY P	PO BOX 1159	DEERFIELD, IL	60015
MDC-HERITAGE OAKS ESTATES LTD	545 E JOHN CARPENTER FWY	IRVING, TX	75062
COPPERGLEN HOA INC	PO BOX 1901	COLLEYVILLE, TX	76034
JEANS, COURNTEY	5049 COPPERGLEN CIR	COLLEYVILLE, TX	76034
COPPERGLEN HOA INC	PO BOX 1901	COLLEYVILLE, TX	76034
COLLEYVILLE ASSOC HERITAGE OAK	4760 PRESTON RD STE 244-238	FRISCO, TX	75034
WARD, IRVING	5057 COPPERGLEN CIR	COLLEYVILLE, TX	76034
COLLEYVILLE ASSOC HERITAGE OAK	4760 PRESTON RD STE 244-238	FRISCO, TX	75034
SAINT MARY'S ROMANIAN ORTH CH	3801 GLADE RD	COLLEYVILLE, TX	76034
HASAN, AARESH	3713 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
CREEKSIDE AT COLLEYVILLE HOA IN	106 N DENTON TAP RD # 210-375	COPPELL, TX	75019
MAGAN, KRISHAN	4817 LAFITE LN	COLLEYVILLE, TX	76034
ROY, MATHEW	4820 MOUTON AVE	COLLEYVILLE, TX	76034
JAYARAM, SHANKAR	4820 LAFITE LN	COLLEYVILLE, TX	76034
CHARANIA, AMEEN	4828 LAFITE LN	COLLEYVILLE, TX	76034
SIDDIQUI, IRMAN	3713 MOUTON AVE	COLLEYVILLE, TX	76034
NGUYEN, LISA HONG	4809 LATOUR LN	COLLEYVILLE, TX	76034
PURDY, JULIE	4808 LAFITE LN	COLLEYVILLE, TX	76034
KRUSH, ANDREW	4808 MOUTON AVE	COLLEYVILLE, TX	76034
PALMER, STACY	3712 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
MALLICK, HIMANSU	4809 LAFITE LN	COLLEYVILLE, TX	76034
CREEKSIDE AT COLLEYVILLE HOA IN	106 N DENTON TAP RD # 210-375	COPPELL, TX	75019
SAMANT, VIPUL	4805 LATOUR LN	COLLEYVILLE, TX	76034
NAGABHUSHAN, MEGHNA	3709 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
PATEL, CHANDRAKALA	2520 NE 28TH ST	FORT WORTH, TX	76106
SHI, LILI	3732 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
GUPTA, PRATEEK	4813 LAFITE LN	COLLEYVILLE, TX	76034
PATEL, PREMAL	4816 LATOUR LN	COLLEYVILLE, TX	76034
PRESSON, ERIC W	3717 MOUTON AVE	COLLEYVILLE, TX	76034
BAHA INVESTMENTS LLC	10620 TREENA ST STE 230	SAN DIEGO, CA	92131
HOUGHTON, JUSTIN	3728 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
MARTINS VERAS FAMILY REVOCABLE	3705 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
BESSE, DANIEL	4900 LATOUR LN	COLLEYVILLE, TX	76034
THAKUR, AJAY	4824 LAFITE LN	COLLEYVILLE, TX	76034
UEBELE, ROBERT	4808 LATOUR LN	COLLEYVILLE, TX	76034
CREEKSIDE AT COLLEYVILLE HOA IN	106 N DENTON TAP RD # 210-375	COPPELL, TX	75019
BRUENNIG LIVING TRUST	4816 MOUTON AVE	COLLEYVILLE, TX	76034
THE MOHAMED FAMILY TRUST	3704 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
RAMIREDDY, CHANDRASEKHAR	3709 MOUTON AVE	COLLEYVILLE, TX	76034
WINSTEAD, SCOTT	4812 LAFITE LN	COLLEYVILLE, TX	76034
HUNTINGTON BEACH PROPERTIES LLC	151 PLAYERS CIR	SOUTHLAKE, TX	76092
CORDELL, ELLEN A	4804 MOUTON AVE	COLLEYVILLE, TX	76034
GUO, JINGHUA	3708 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
LAKHANI, SAHANAWAZ	4813 LATOUR LN	COLLEYVILLE, TX	76034
SAINT MARY'S ROMANIAN ORTH CH	3801 GLADE RD	COLLEYVILLE, TX	76034
COLLINS FAMILY TRUST	4820 LATOUR LN	COLLEYVILLE, TX	76034
NEO, ALAN	4812 LATOUR LN	COLLEYVILLE, TX	76034
RASHID, KARIM	4812 MOUTON AVE	COLLEYVILLE, TX	76034
BENAVIDES, GABRIEL	4816 LAFITE LN	COLLEYVILLE, TX	76034
THIRUVEEDULA, THIRUMALESWARA	3705 MOUTON AVE	COLLEYVILLE, TX	76034
ALAGARSAMY, LAKKUREDDI	3724 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
ACOSTA, JOHNNY	3716 ROTHSCHILD BLVD	COLLEYVILLE, TX	76034
PATEL, SAGAR	4821 LAFITE LN	COLLEYVILLE, TX	76034
TRAN, TAM THI	3613 AMBERLEY CT	COLLEYVILLE, TX	76034
SHADMAN FAMILY REVOCABLE TRUST	3612 WEXFORD CT	COLLEYVILLE, TX	76034
CROWLEY, BRIAN	3609 AMBERLEY CT	COLLEYVILLE, TX	76034
CREEKSIDE AT COLLEYVILLE HOA IN	106 N DENTON TAP RD # 210-375	COPPELL, TX	75019
COPPERGLEN ADDITION	P.O. Box 323	COLLEYVILLE ,TX	76034
WOODLAND HILLS (COLLEYVILLE)	4100 Oxford Court	COLLEYVILLE ,TX	76034
CREEKSIDE	106 N Denton Tap Rd # 210-375	COPPELL ,TX	75019
PRESTWICK PARK SOUTH	3605 Cotswold Court	COLLEYVILLE ,TX	76034
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051

NOTICE HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, September 11th, 2023 at 7:00 p.m.
City Council Meetings: Wednesday, October 4, 2023 & Tuesday, October 17, 2023 at 7:00 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit to allow for a veterinary clinic on Lot 1, Block A, of the Players Addition. The request is for TruBond Veterinary Clinic to expand into an additional suite.

Zoning Case: ZC23-026

Applicant: Chris Dietrich

Owner: Chris Dietrich

Location: 3809 Glade Rd

Property Description: Lot 1, Block A, Players Addition

Present Zoning: PUD-R, Planned Unit Development Residential

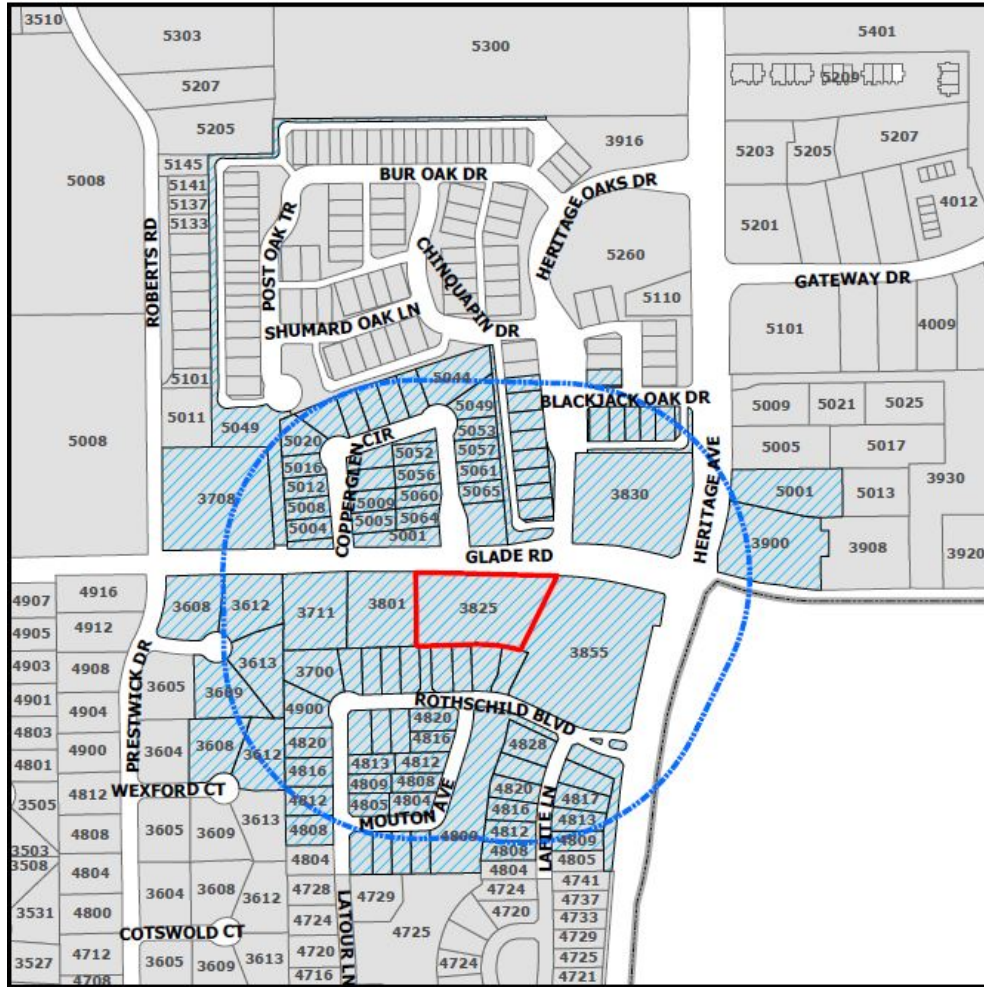
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

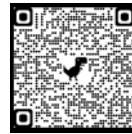
Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

NOTICE OF PUBLIC HEARING



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ORDINANCE O-23-2267

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 1.35 ACRES, BEING LOT 1, BLOCK A, 170 PLAYERS ADDITION, LOCATED AT 3825 GLADE ROAD, SUITE 130, BY AUTHORIZING A SPECIAL USE PERMIT FOR VETERINARY CLINIC SERVICES FOR THE BUSINESS KNOWN AS TRUBOND VETERINARY CENTER; 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 veterinary clinic services business Case No. ZC23-026; 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 that 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 Veterinary Clinic on 1.35 acres, being Lot 1, Block A, of the 170 Players Addition, located at 3825 Glade Road, Suite 130, for the business known as

truBond Veterinary Center, 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 the Veterinary Clinic business only.
- b. The name of the business authorized for Veterinary Clinic by this Special Use Permit shall be called "truBond Veterinary Center".
- c. The hours of operation are: Monday – Friday 8:00 a.m. – 6:00 p.m.; Saturday 9:00 a.m.- 5:00 p.m.; and Closed on Sundays.
- d. The entire business must be conducted within a soundproofed building. Noise and odors created by activities within the building shall not be discernible beyond the property line.
- e. No animals shall be kept outside the building.
- f. The clinic shall be for outpatient services only.
- g. 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.
- h. 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 4th day of October 2023.

The second reading and public hearing being conducted on the 17th day of October 2023.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood	_____	Mayor Pro Tem Callie Rigney	_____
Brandi Elder, Place 1	_____	George Bond, Place 2	_____
Scotty Richardson, Place 3	_____	Ben Graves, Place 4	_____
Chuck Kelley, Place 5	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

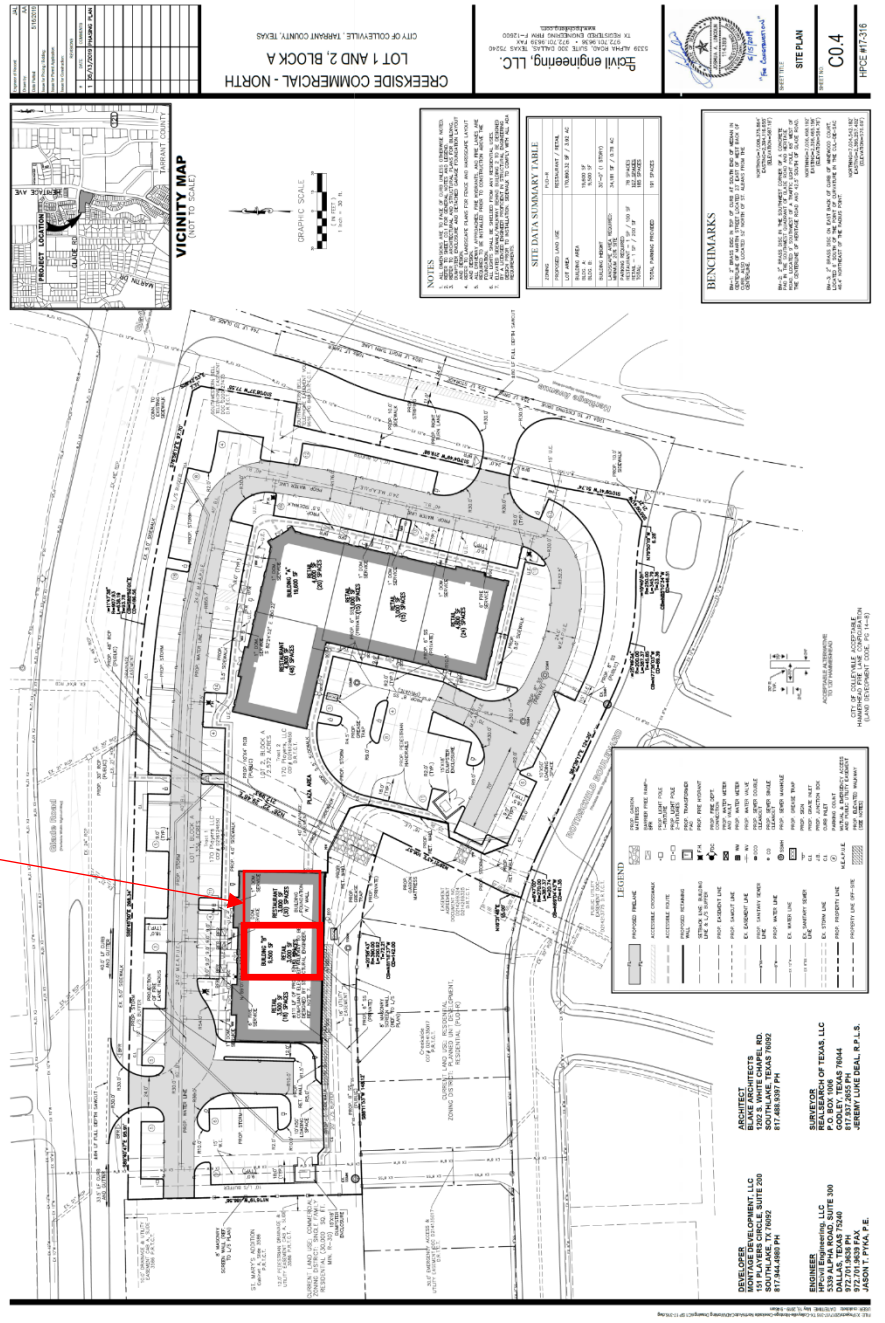
Bobby Lindamood
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

The map displays a residential area with various streets and zoning designations. Key streets include Roberts Road, Post Oak Trail, Shumard Oak Lane, Chiquar Drive, Heritage Oaks Drive, Glade Road, Prestwick Drive, Wexford Court, Cotswold Court, Latour Lane, Mouton Avenue, Rothschild Boulevard, and Heritage Avenue. Zoning designations include AG, PUD-R, R-30, CC-1, CC-2, and CPO. Lot numbers are provided for many of the parcels. A red outline highlights a specific lot at the intersection of Glade Road and Heritage Avenue, with the number 3825.

Approved
2021





CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 6g

Agenda Date 10/17/2023

Number Ordinance O-23-2268

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit to allow for a fence for Tract 3K & TR 3Y, Abstract 211, BBB & C RY Survey, located at 509 West LD Lockett Road, Case ZC23-027

Explanation

Second Reading and Public Hearing

The applicant was present and answered questions from the City Council. An updated exhibit showing the new house plan has been provided. No one came forward to speak during the public hearing.

First Reading and Public Hearing

Cory Watson, the applicant, has submitted a request for a Special Use Permit (SUP) to allow an opaque wood fence to be located within the street side yard setback on Tract 3K & TR 3Y, BBB & C RY Survey, Abstract 211, being approximately 1.69 acres, and zoned R-40 Single Family Residential district.

Existing Conditions/Background: The subject property, 509 W. LD Lockett Road, has R-40 zoning and is located on the south side of W. LD Lockett at the intersection with Regan Road.

SUP Request: The applicant is requesting approval of an SUP to allow for a wood fence 6-feet in height to be placed within the street side yard setback and be non-opaque.

Ordinance – Section 3.26 Fences, Free Standing Walls, and Screening Materials Regulations of the Land Development Code establishes the maximum size and location of fencing to be permitted by staff on a residential lot:

"E. Fence and Free-Standing Wall Setback Requirement:

1. Front Yards: No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall be located beyond the front façade of the primary residential structure.

- a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City

Building Official. All poured in place concrete and CMU shall contain an architectural finish.

d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent opaque construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. This exception shall not apply to properties zoned as a PUD district.

2. Corner Side Yards: Except where allowed elsewhere in this chapter, no fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall extend into the required street side yard. The regulations of 1.a through 1.d above shall apply. A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding paragraph."

Regulation "2" above applies in this case requiring that a fence allowed within the front yard setback be no more than 25% opaque. This lot does meet the exception due to size, but the applicant wishes for a solid, opaque wood fence instead of the allowed non-opaque fence, such as wrought iron. The Land Development Code provides the opportunity to request an SUP to deviate from the requirements.

Special Use Permit Provision: Any request for a building permit for a fence/wall 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.

Analysis: The applicant is proposing a solid, opaque wood fence 6-feet in height in lieu of a fence that is no more than 25% opaque. The lot size is 73,485 square feet.

Plat Status: The property is unplatted as BBB & C RY Survey Abstract 211 Tract 3K & TR 3Y. The applicant is currently in the process of platting.

DRC Review: The DRC met on August 22, 2023.

Drainage: NA

Surrounding Development: The properties to the north are zoned R-20 Single Family Residential and improved with single-family homes. The properties to the south, east and west are zoned R-40 Single Family Residential and are improved with single-family homes.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 recommends denial of the requested SUP as it does not meet the technical requirements of the Land Development Code.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the request at their September 11, 2023 meeting by a vote of 5-0.

Recommendation

Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. 509 W L D Lockett Rd - Site Plan
5. Statement of Planning Objectives
6. Zoning Exhibit
7. Photos provided by Applicant
8. Notification Map
9. Notification List
10. Notification Letter
11. Ordinance O-23-2268

Aerial Map

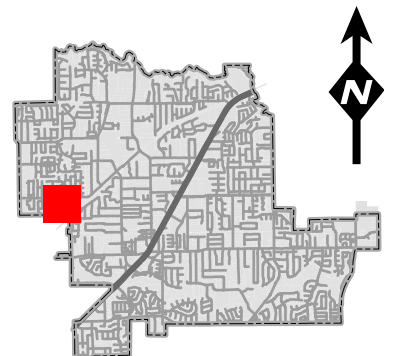


ZC23-027

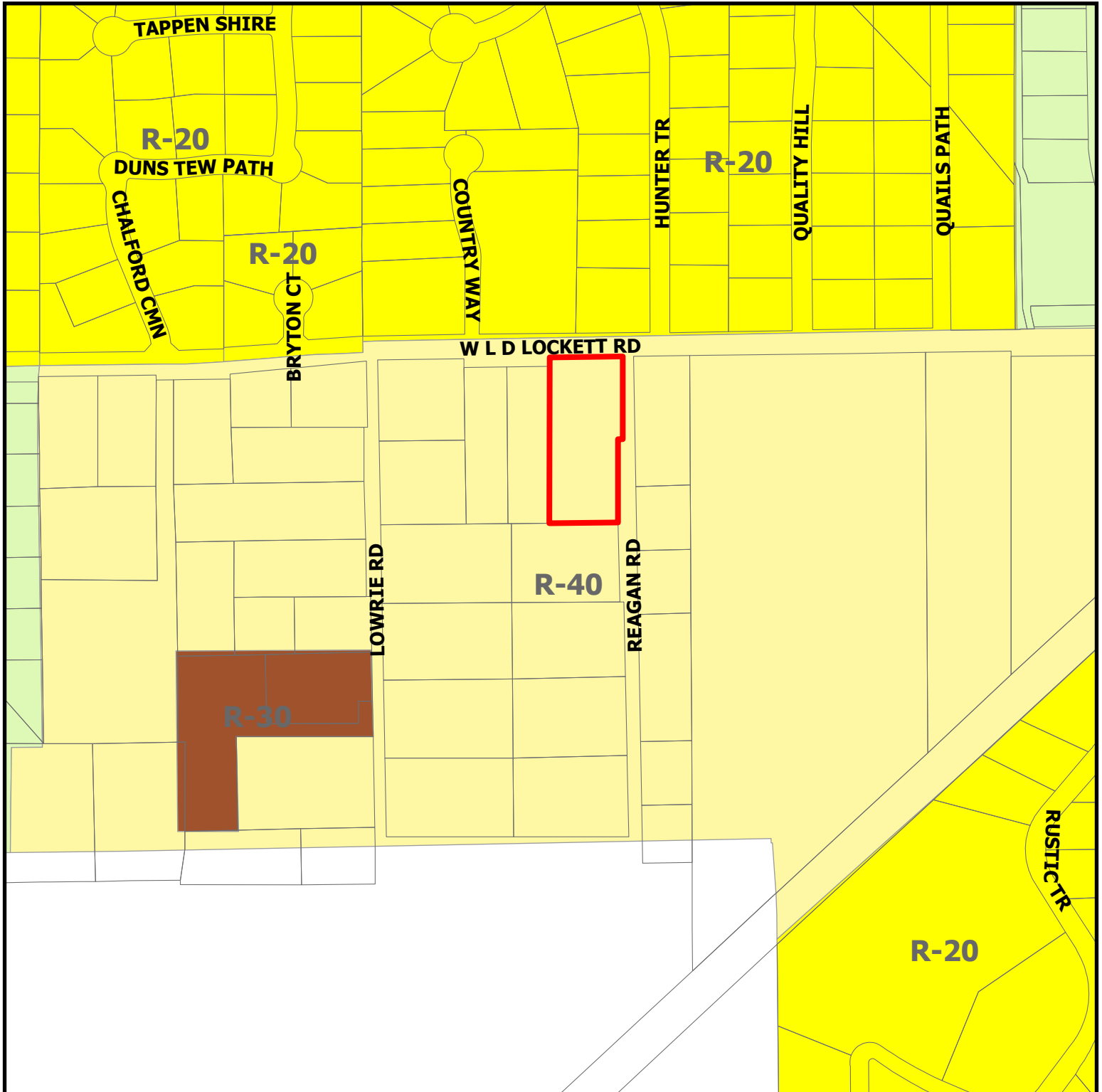
509 L D Lockett

DISCLAIMER:
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 Subject Property



Zoning Map

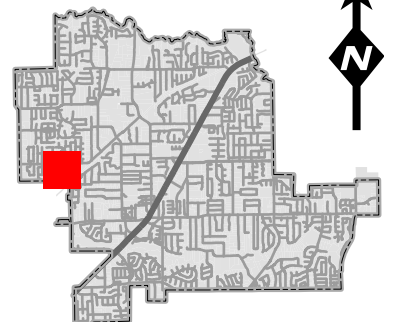


ZC23-027

509 L D Lockett



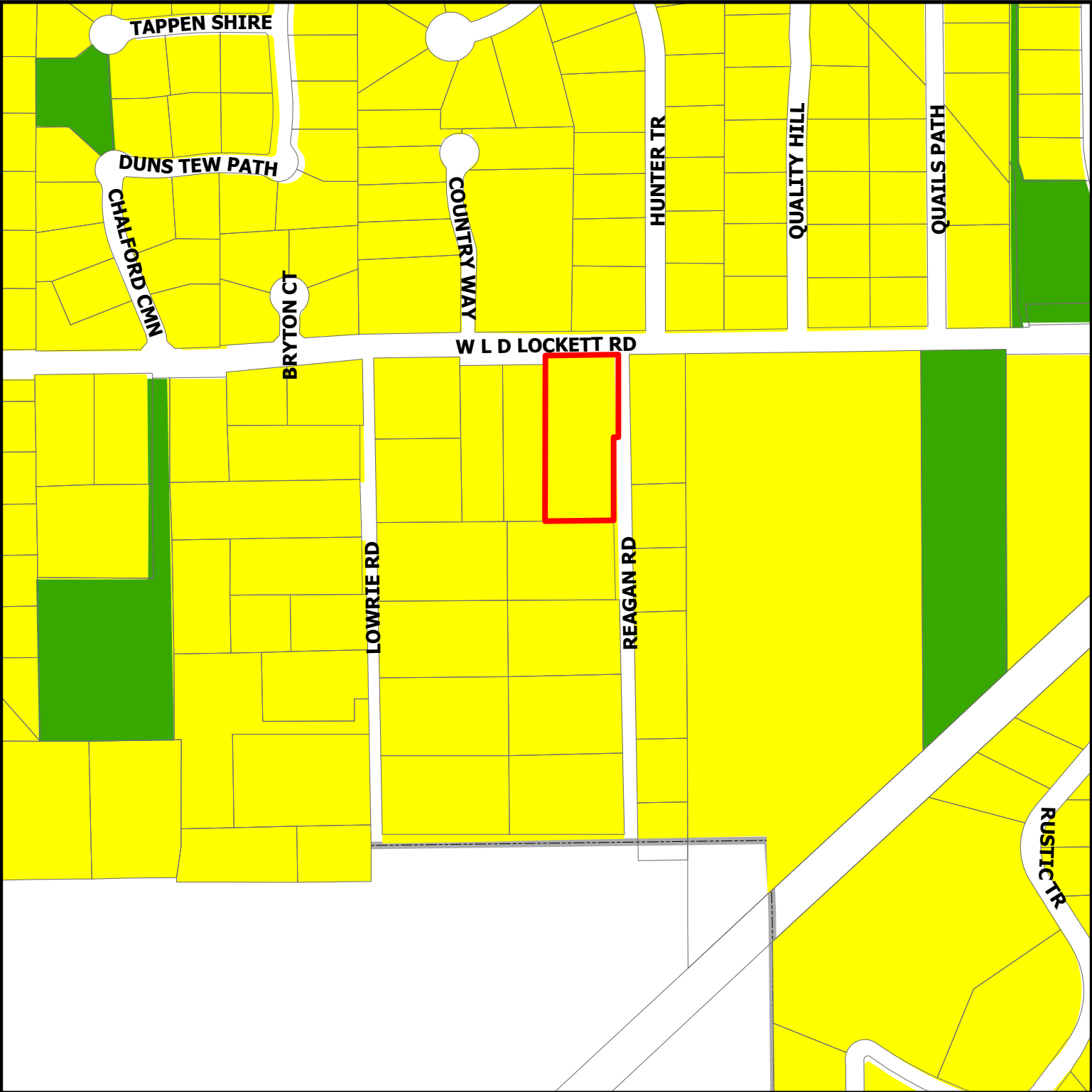
Subject Property



DISCLAIMER:

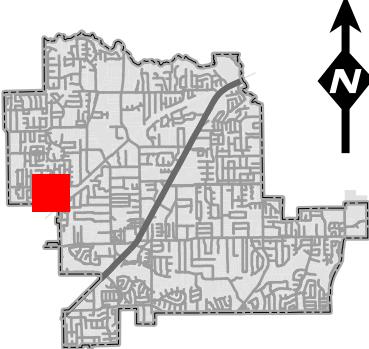
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Future Land Use Map



ZC23-027
509 L D Lockett

-  Residential
-  Open Space; Parks
-  Subject Property



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MASTER REVISION INDEX							
REVISION #	DESCRIPTION	DATE	DRAWN BY	CHECKED BY	ENGINEERING REQUIRED	FRAMING REQUIRED	ELEC/ MECH. REQUIRED
1	COMPLETED FULL SET WORKING DRAWINGS	08-25-21	MH	ALM			
2	REVISED PER COA #1-2. SENT FOR ENGINEERING. FINAL PLANS.	9-10-21	PJO				
3							
4							
5							
6							
7							
8							

DESIGN NOTES
MONTALCINO SERIES
NATURAL GAS
GAS FURNACE
TANKLESS WATER HEATER(S)
FIRE SPRINKLER SYSTEM
ALL (5) TOILETS TO BE ADA HEIGHT
2/3 HP GARBAGE DISPOSAL IN KITCHEN ILO STANDARD

I / WE HAVE REVIEWED THESE PLANS WITH OUR OUR COUNTRY HOMES SALES REPRESENTATIVE AND CONSTRUCTION SUPERINTENDENT PRESENT AND I / WE APPROVE THESE PLANS TO BE USED AS THE FINAL MASTER PLAN FOR CONSTRUCTION PURPOSES. I / WE AGREE THE HOME WILL BE CONSTRUCTED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND CHANGES REQUESTED AT A LATER STAGE WILL BE SUBJECT TO ADDITIONAL CHARGES.

DATE: _____

PURCHASER / OWNER: _____

PURCHASER / OWNER: _____

SALES CONSULTANT: _____

CONSTRUCTION SUPERINTENDENT: _____

[illegible]

TOTAL SLAB: 7,444 SQ. FT
LOT SIZE: 73,585 SQ. FT
% COVERAGE = 10.12%

LOCATION OF A/C CONDENSERS
TO BE DETERMINED ON BY
MECHANICAL COMPANY

FLATWORK	5,411 SQ. FT.	SCALE: 1"= 30'-0"
PERMEABLE SURFACE AREA	69,213 SQ. FT.	

NORTH

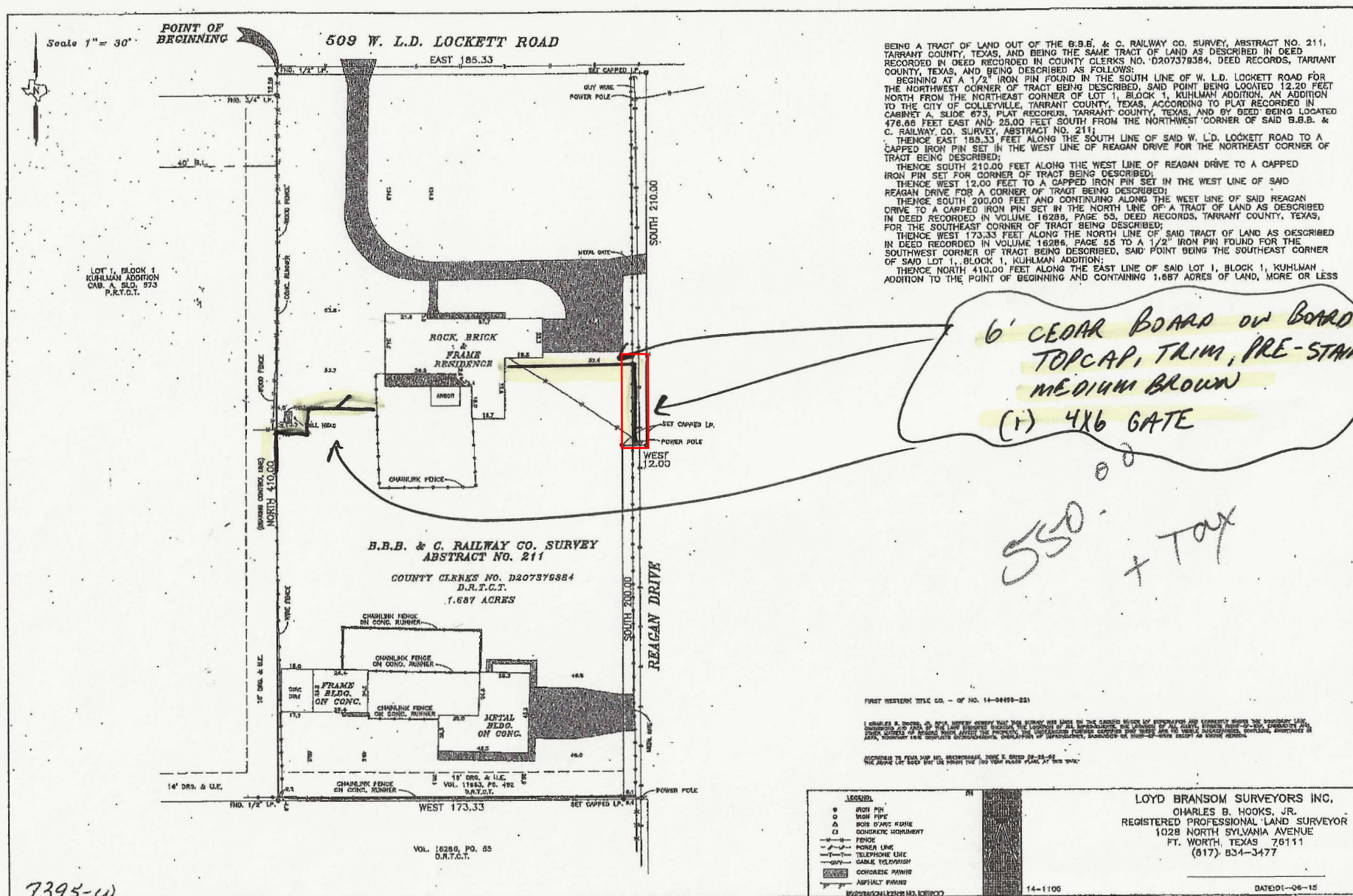
WATSON RESIDENCE
509 W.L.D. LOCKET ROAD
LOT 1, BLOCK 1
COLLEYVILLE, TEXAS

SHEET

C

STATEMENT OF PLANNING OBJECTIVES

We're replacing a portion of an existing wooden fence with wooden slats; we're keeping the existing poles and runners. We're adding new wooden fence returns to keep our dogs in.



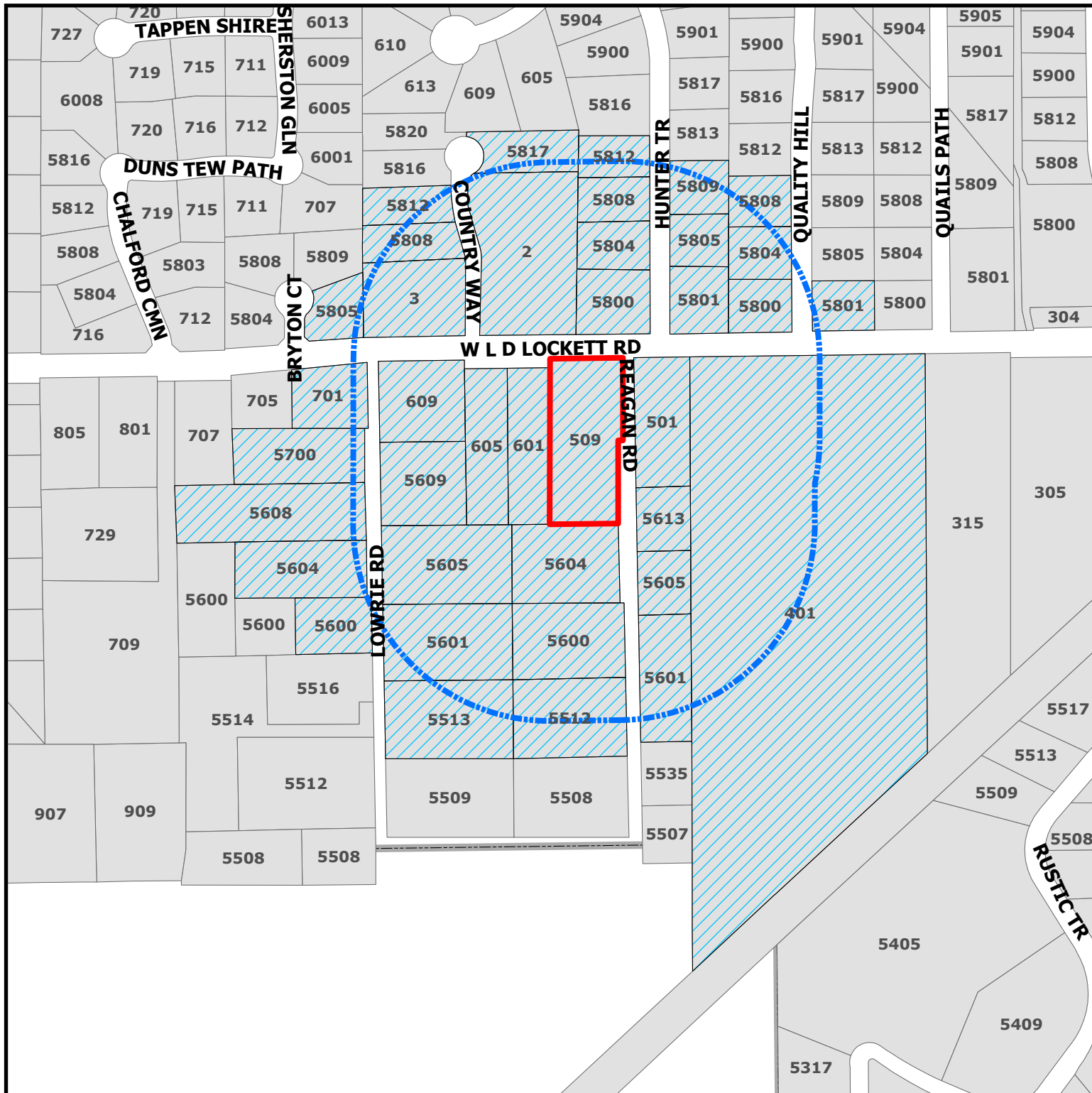
7395-W







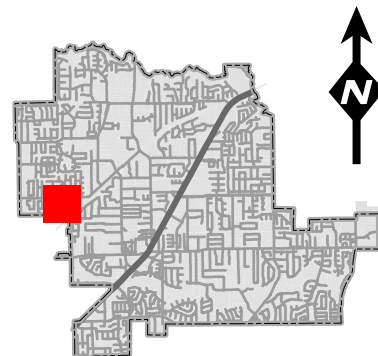
Notification Map



ZC23-027

509 L D Lockett

-  Parcels to be notified
-  Buffer
-  Subject Property



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Owner Name	Owner Address	Owner City	Owner Zip
TERSIGNI, LUCILLE	1718 PEREGRINO WAY	SAN JOSE, CA	95125
TOMERLIN, MARTHA	2 COUNTRY WAY	COLLEYVILLE, TX	76034
MOBLEY, KENNETH	3 COUNTRY WAY	COLLEYVILLE, TX	76034
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051
DOODY, KEVIN J	401 W LD LOCKETT RD	COLLEYVILLE, TX	76034
DELGADO, TIMOTHY	501 W L D LOCKETT RD	COLLEYVILLE, TX	76034
WATSON, CORY	509 W D LOCKET RD	COLLEYVILLE, TX	76034
SANCHEZ, JUAN	5512 REGAN RD	COLLEYVILLE, TX	76034
JUSTISS, LISA	5513 LOWRIE RD	COLLEYVILLE, TX	76034
GIBSON, SCOTT C	5600 REAGAN RD	COLLEYVILLE, TX	76034
MCINTOSH, JOSEPH	5601 LOWRIE RD	COLLEYVILLE, TX	76034
HEDDEN, J MICHAEL	5601 REAGAN RD	COLLEYVILLE, TX	76034
MCCANN, ROBERT E	5604 LOWRIE RD	COLLEYVILLE, TX	76034
FINLEY, DOUGLAS	5604 REAGAN RD	COLLEYVILLE, TX	76034
RADTKE, ROBERT	5605 REAGAN RD	COLLEYVILLE, TX	76034
DULANEY, NANCY	5608 LOWERIE RD	COLLEYVILLE, TX	76034
BIASATTI, DORIS M	5609 LOWRIE RD	COLLEYVILLE, TX	76034
VANDER ARK, ROBERT	5613 REAGAN RD	COLLEYVILLE, TX	76034
REMINGTON PARK ADDITION	5750 KROGER DR	KELLER ,TX	76244
COVINGTON ADDITION	5751 KROGER DR	KELLER ,TX	76034
MILITANO, JENNIFER	5800 HUNTER TR	COLLEYVILLE, TX	76034
MILLER, VICTOR A	5800 QUALITY HILL RD	COLLEYVILLE, TX	76034
TICE, VIRGINIA B	5801 HUNTER TR	COLLEYVILLE, TX	76034
SAILER, RAYMOND	5801 QUALITY HILL RD	COLLEYVILLE, TX	76034
WALLACE, C J	5804 HUNTER TR	COLLEYVILLE, TX	76034
GRAFF, MASON R	5804 QUALITY HILL RD	COLLEYVILLE, TX	76034
COOK BOATMAN LIVING TRUST	5805 BRYTON CIR	COLLEYVILLE, TX	76034
KIM, JESSICA	5805 HUNTER TRL	COLLEYVILLE, TX	76034
SILVESTRI, MARIO	5808 COUNTRY WAY	COLLEYVILLE, TX	76034
SEARLE, CHERYL W	5808 HUNTER TR	COLLEYVILLE, TX	76034
MILNE REGAN BRUCE	5808 QUALITY HILL RD	COLLEYVILLE, TX	76034
MARAKI, DANE	5809 HUNTER TRL	COLLEYVILLE, TX	76034
PYRON, THOMAS S	5812 COUNTRY WAY	COLLEYVILLE, TX	76034
MCHUGH, JESSE	5812 HUNTER TRL	COLLEYVILLE, TX	76034
MCKENZIE, DAVID	605 W LD LOCKETT RD	COLLEYVILLE, TX	76034
FLEISCHER, LAWRENCE	609 W LD LOCKETT RD	COLLEYVILLE, TX	76034
CATHOLIC DIOCESE OF FT WORTH	800 W LOOP 820 S	FORT WORTH, TX	76108
MCM CUSTOM HOMES LLC	8101 MONTPELIER WAY	COLLEYVILLE, TX	76034



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, September 11th, 2023 at 7:00 p.m.
City Council Meetings: Wednesday, October 4, 2023 & Tuesday, October 17, 2023 at 7:00 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit to allow for a fence for Tract 3K & TR 3Y, Abstract 211, BBB & C RY Survey, located at 509 W. LD Lockett Road. The request is for an opaque fence located within the street side yard setback.

Zoning Case: ZC23-027

Applicant: Cory Watson

Owner: Cory Watson

Location: 509 W. LD Lockett Rd

Property Description: BBB & C RY SURVEY Abstract 211 Tract 3K & TR 3Y

Present Zoning: R-40, Single Family Residential

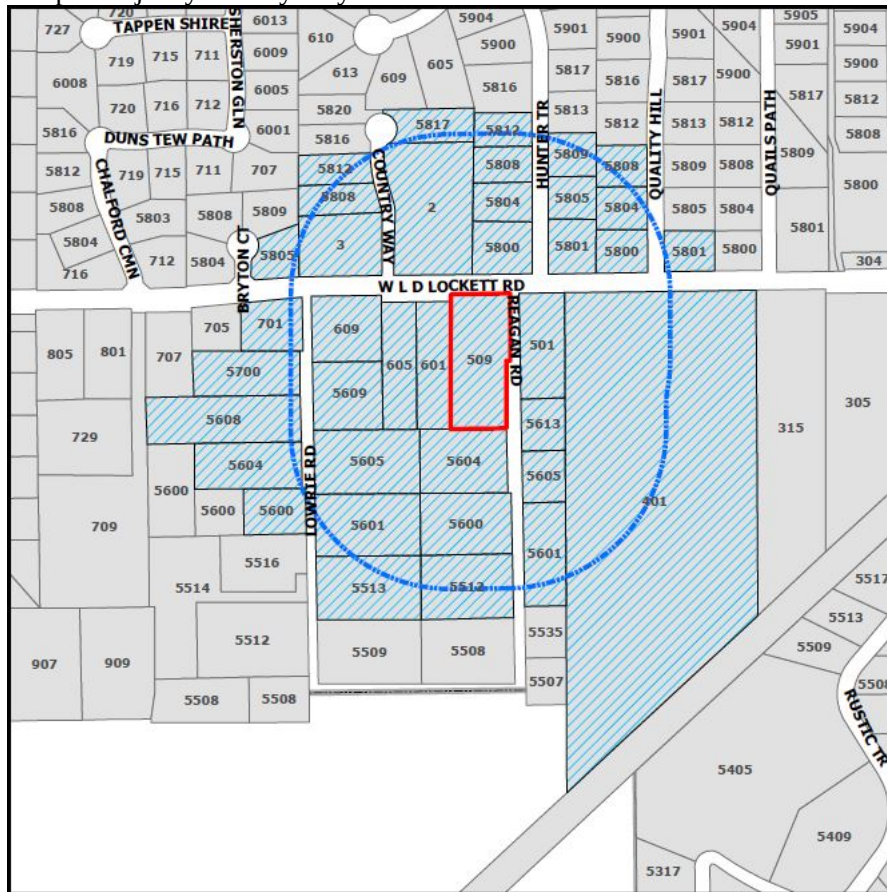
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

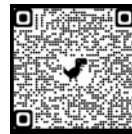
Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

NOTICE OF PUBLIC HEARING

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ORDINANCE O-23-2268

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 1.69 ACRES, ON BBB & C RY SURVEY ABSTRACT 211 TRACT 3K & TR 3Y BY AUTHORIZING A SPECIAL USE PERMIT TO ALLOW FOR A SOLID, NON-OPAQUE FENCE WITHIN THE STREET SIDE YARD SETBACK AND LOCATED ALONG THE PROPERTY LINE; 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 to allow for a solid, opaque fence within the street side yard setback an located along the property line under Case No. ZC23-027; 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 that 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 to allow for a solid, opaque fence within the street side yard setback an located along the property line on 1.69 acres, on BBB & C RY Survey Abstract

211 Tract 3K & TR 3Y, 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 wooden fence, 6 feet in height within the street side yard setback and be located along the side property line.
- b. It shall be generally consistent with the site plan and as depicted on the attached Exhibit "B".
- c. 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 4th day of October 2023.

The second reading and public hearing being conducted on the 17th day of October 2023.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood	_____	Mayor Pro Tem Callie Rigney	_____
Brandi Elder, Place 1	_____	George Bond, Place 2	_____
Scotty Richardson, Place 3	_____	Ben Graves, Place 4	_____
Chuck Kelley, Place 5	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map

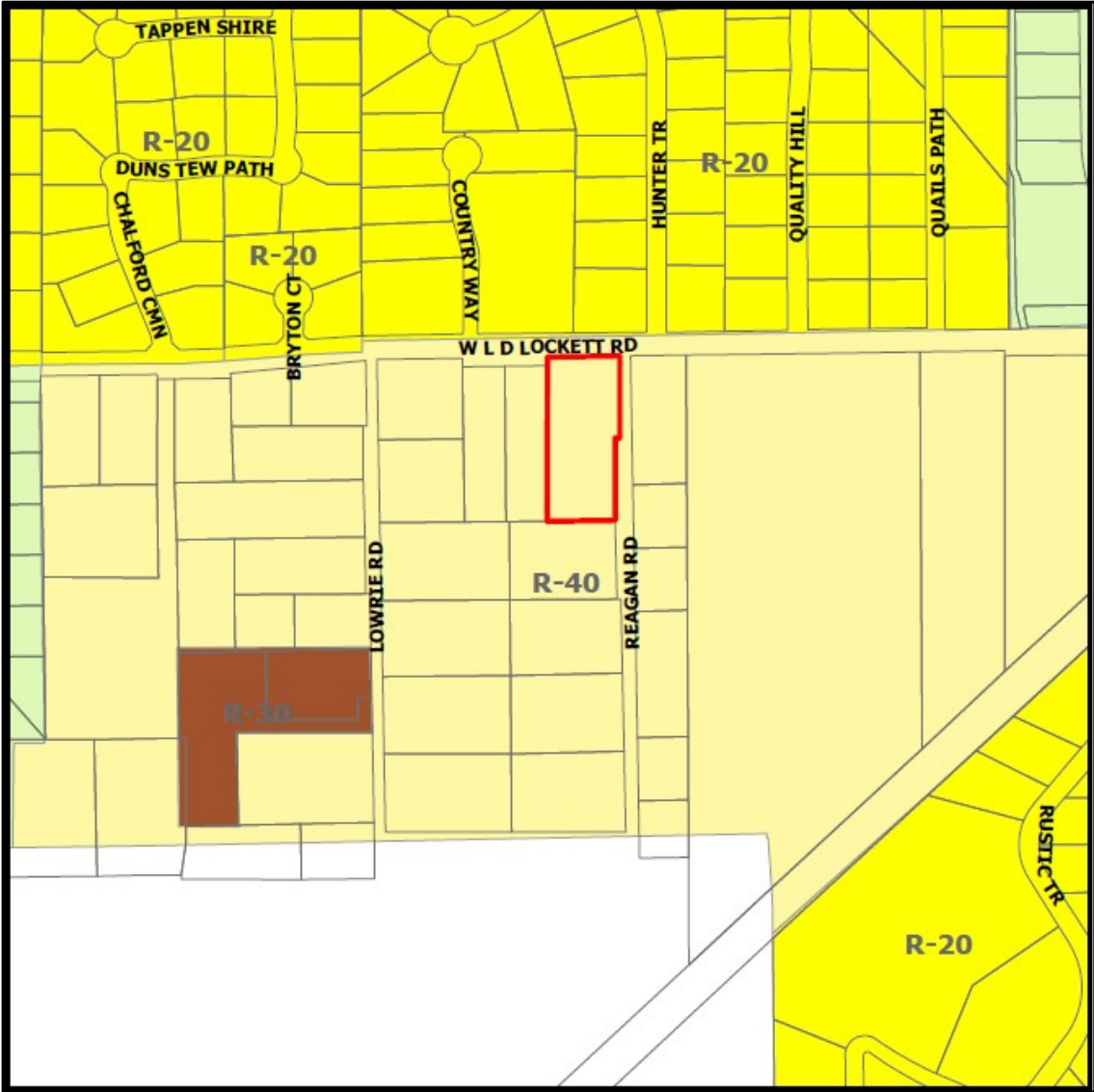
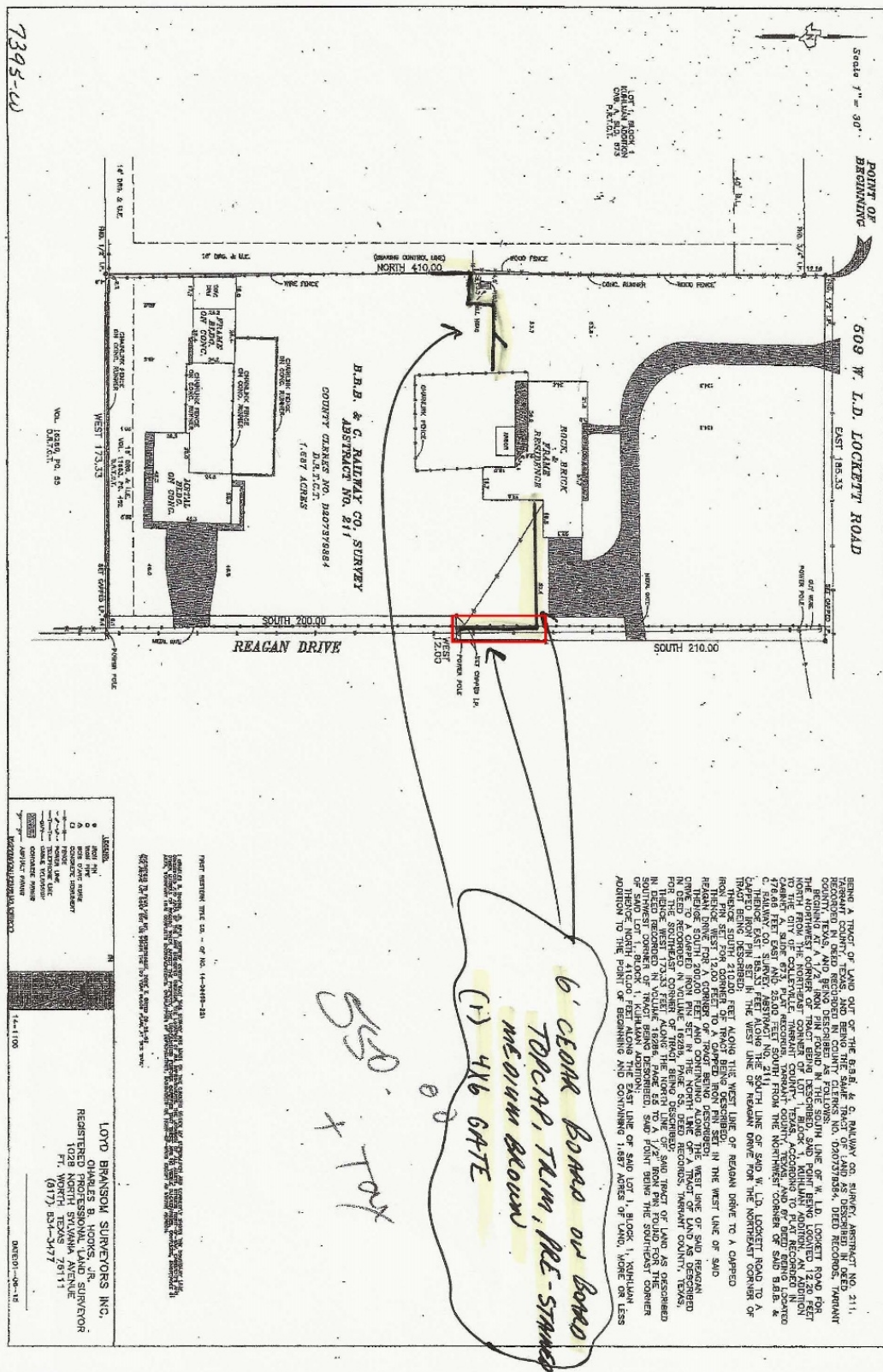


Exhibit "B" – Site Plan





CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number 7a

Agenda Date 10/17/2023

Number Resolution R-23-4883

Type Resolution

Department Community Development

Title

Consideration of a variance to lot size, lot coverage, and side yard setbacks for lot 27, Community Home Addition, located at 1611 Cherry Lane, Case VC23-004

Explanation

Reading and Public Hearing

This item was tabled from the October 4, 2023 meeting. The applicant was present and answered questions from the City Council. The Council discussed the need for a drainage study to understand how the increased run-off will be handled with the existing drainage. The applicant indicated that they will have a drainage study for the next meeting. No one came forward to speak during the public hearing.

Colin and Janice Travis, the applicants, have submitted a request for variances to the provisions of Section 3.24.G, Schedule of District Regulations of the Land Development Code, specifically for the lot size (area and width), lot coverage, and side yard setbacks in the R-40 Single Family Residential district. The request is to allow for the lot area of 27,355 square feet, lot width of 105 feet, lot coverage of 29.1%, and 10-foot side yards.

Existing Conditions/Background: The subject property, 1611 Cherry Lane, resides at the end of Cherry Lane near the intersection with Rose Street and has R-40 zoning. The existing lot area is 27,355 sq. ft., not the required 40,000 sq. ft. The lot width is 105 ft., not the required 150 ft. This is an existing platted lot, which is not developed.

Requested Variance: The applicant is requesting a variance to the lot size (area and width), lot coverage, and side yard setbacks to allow for a single-family home to be constructed. The existing R-40 zoning requires a minimum of 40,000 sq. ft. for the lot area, 150 ft. for lot width, 20% maximum lot coverage, and 15 ft. side yard setbacks when developed with a single-family residential use. The variance would allow for the existing lot area of 27,355 sq. ft. and lot width of 105 ft. along with a 29.1% lot coverage and 10 ft. side yard setbacks.

Ordinance – Chapter 3 – Land Use – Section 3.24.G Schedule of District Regulations

The minimum standards for the R-40 zoning district are as follows:

Minimum Lot Size	40,000 square feet	27,355 s.f.
------------------	--------------------	-------------

Minimum Lot Width	150 feet	105 ft.
Minimum Lot Depth	150 feet	
Front Building Line	40 feet	
Side Building Line	15 feet	10 ft.
Rear Building Line	25 feet	
Max. Lot Coverage	20%	29.1%
Max. Impervious Coverage	50%	

Plat Status: The property is currently platted as Lot 27, County Home Addition.

DRC Review: The Development Review Committee (DRC) reviewed the request at their August 21, 2023 meeting, did not offer any comments, and scheduled the request for the City Council meeting on October 4, 2023.

Drainage: There is approximately 21.2 offsite drainage from the north and west currently being conveyed through this property. This development will be required to convey this offsite drainage under fully developed conditions through this development and into the existing wye inlet located south of this property.

Analysis: The subject property is requesting to have a variance to the lot size (area and width), lot coverage and side yard setbacks. The property is zoned R-40 and the lot size is not in compliance. When developed with a single-family residential use, the lot shall comply with the R-40 zoning district standards. A variance to the lot size (area and width), lot coverage and side yard setbacks would allow the ability to apply for and receive the necessary building permit to build a new single-family home.

Surrounding Development: The properties to the north, south, and west are zoned R-40 Single Family Residential district and are improved with single-family residential homes. The properties to the east are zoned R-20 Single Family Residential district and are improved with single-family residential homes.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 the requested variances.

Financial Impact

There is no financial impact to the City.

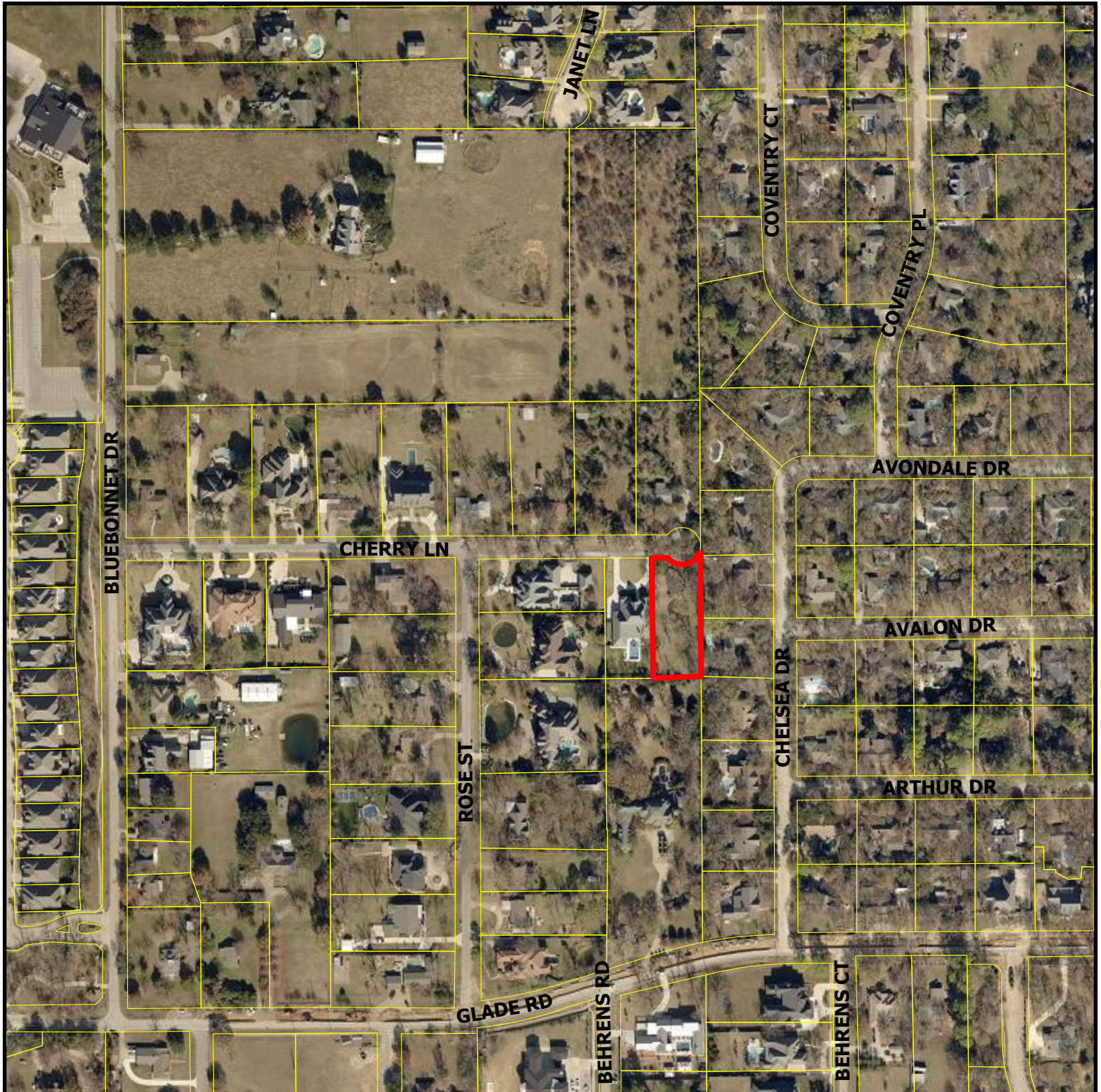
Recommendation

None

Attachments

1. Aerial
2. Zoning
3. Future Land Use
4. Statement of Planning Objectives
5. Original Plat
6. Plat
7. Site Plan
8. Lot Size Exhibit
9. Elevation Exhibit
10. Land Development Code Information
11. Notification Map
12. Notification List
13. Notification Letter
14. Letters Received
15. Resolution R-23-4883

Aerial Map

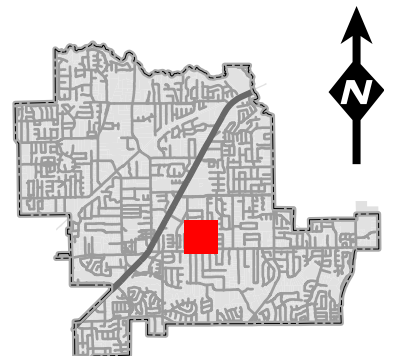


VC23-004

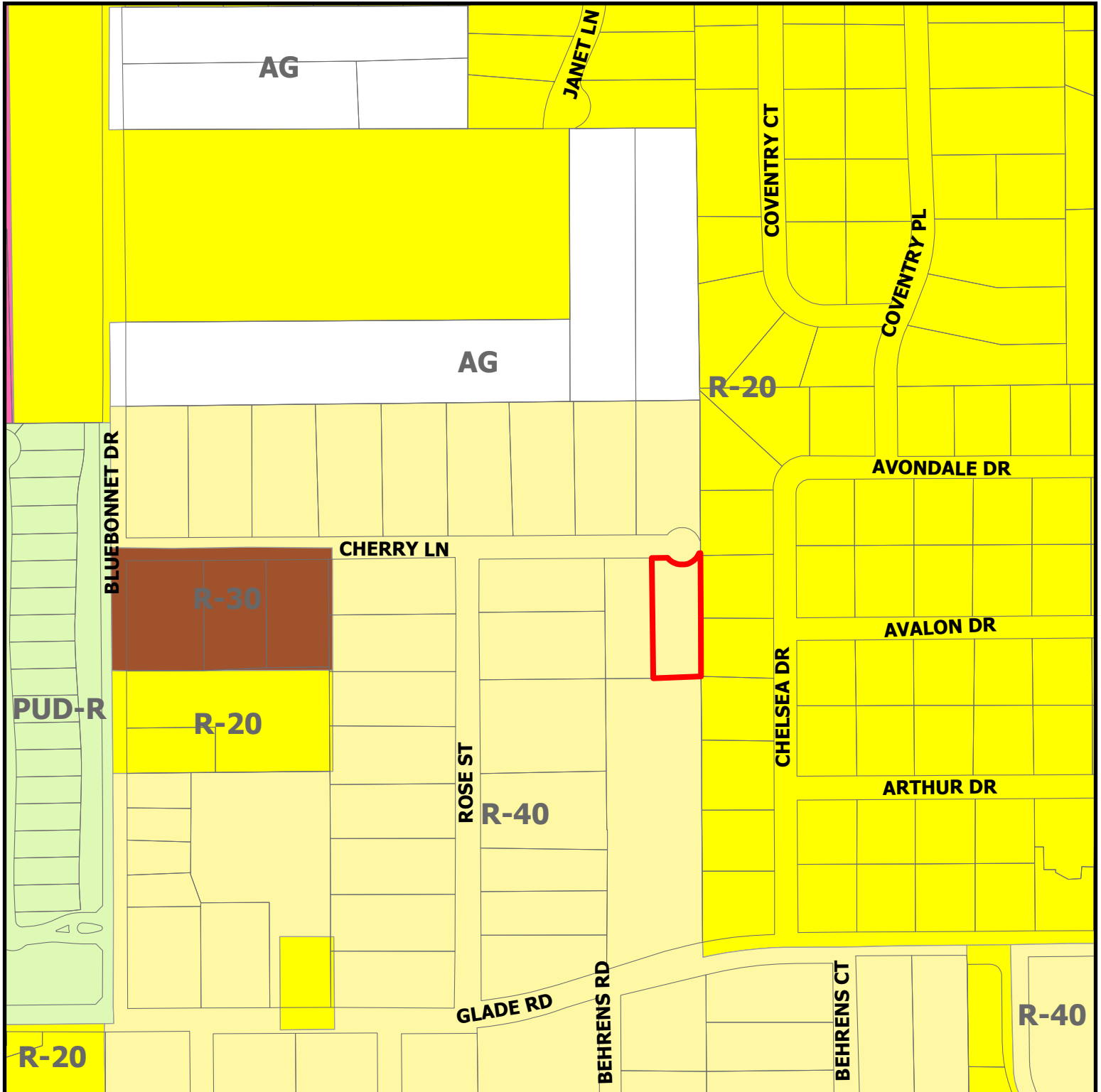
1611 Cherry Ln

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 Subject Property



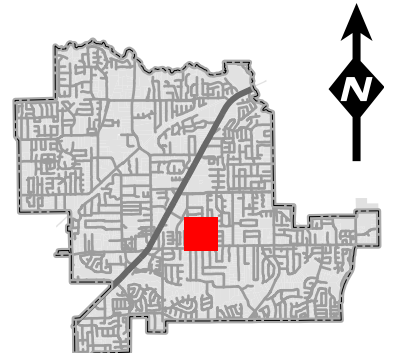
Zoning Map



VC23-004

1611 Cherry Ln

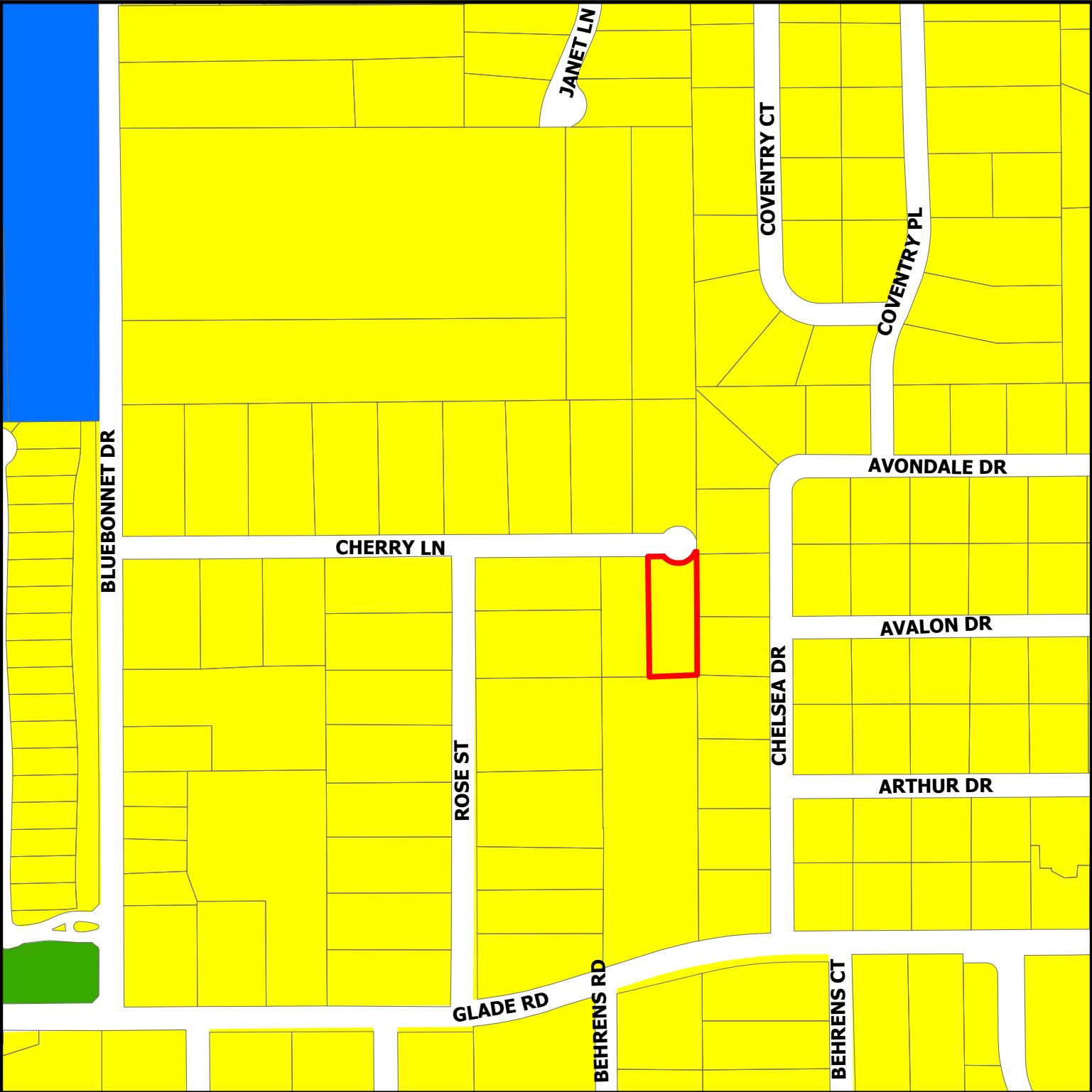
 Subject Property



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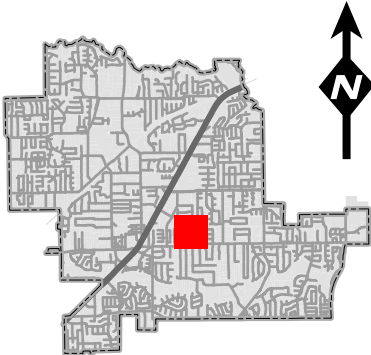
Future Land Use Map



VC23-004
1611 Cherry Ln

- Residential
- Institutional
- Open Space; Parks
- Subject Property

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August 9, 2023

Re: 1611 Cherry Lane, Colleyville 76034

Lot 27 - Community Home Addition

We would like to request a variance for 1611 Cherry Lane, Colleyville.

The City of Colleyville has advised us that a re-zoning application would not be approved, despite the fact that this lot should be zoned R20 due to the size.

In 1952 this lot was platted as it stands today. The size of the lot is approximately 27,355 sq ft. In the 1970's, Colleyville zoned the lot as R40, which requires a minimum lot size of 40,000 sq. ft. For this reason, we are requesting the following variances:

- (1) the east side setback of 10 ft, instead of the required 15 ft.
- (2) the west side setback of 10 ft, instead of the required 15 ft
- (3) lot coverage of 29 % from 20% required for R40 size lot.

This property differs from other properties in the area due to the limited size of the lot.

Special conditions and circumstances exist which differ from other structures in the area and the same district. This is a hardship as we are not allowed to build the house that we want, the lot coverage and set backs are calculated on a lot that is 30 % larger than the lot in question, 1611 Cherry Lane.

Example:

R20 side yard setback 10 ft.

R40 side yard setback 15 ft.

R20 Maximum Lot coverage of 30% of 27,355 sq ft = 8206 sq ft of under roof which includes all garages, patios, porch, outdoor kitchen.

R40 Maximum Lot coverage of 20% of 27,355 sq ft= 5471 sq ft of under roof which includes all garages, patios, porch, outdoor kitchen.

We ask that you consider approving the variances.

Sincerely,

Colin and Janice Travis

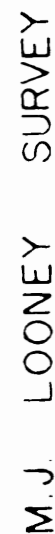


BY ALL YARRIZ
CLERK OF COMM COURT

FRANK H. PAYNE & ASSOC
CIVIL ENGINEERS



Plot Record Volume
388-R
Page 40
March 1952



SCALE: 1" = 200'

APPROVED 11-1-52 1952

GRAPEVINE, TEXAS

BY W. H. H. H. MAYOR

BY _____
SECRETARY

AUTHORIZED BY ORDER OF THE
COMMISSIONERS COURT OF
TARRANT COUNTY, TEXAS.

THIS 24th DAY OF May 1952

MELVIN (MEL) FAULK
COUNTY CLERK

BY Ann Yarny
CLERK OF COMM COURT

G.W. TEETER SURVEY

PLAT SHOWING

LOTS 1 - 27

COMMUNITY HOME ADDITION

TO

GRAPEVINE, TARRANT COUNTY, TEXAS

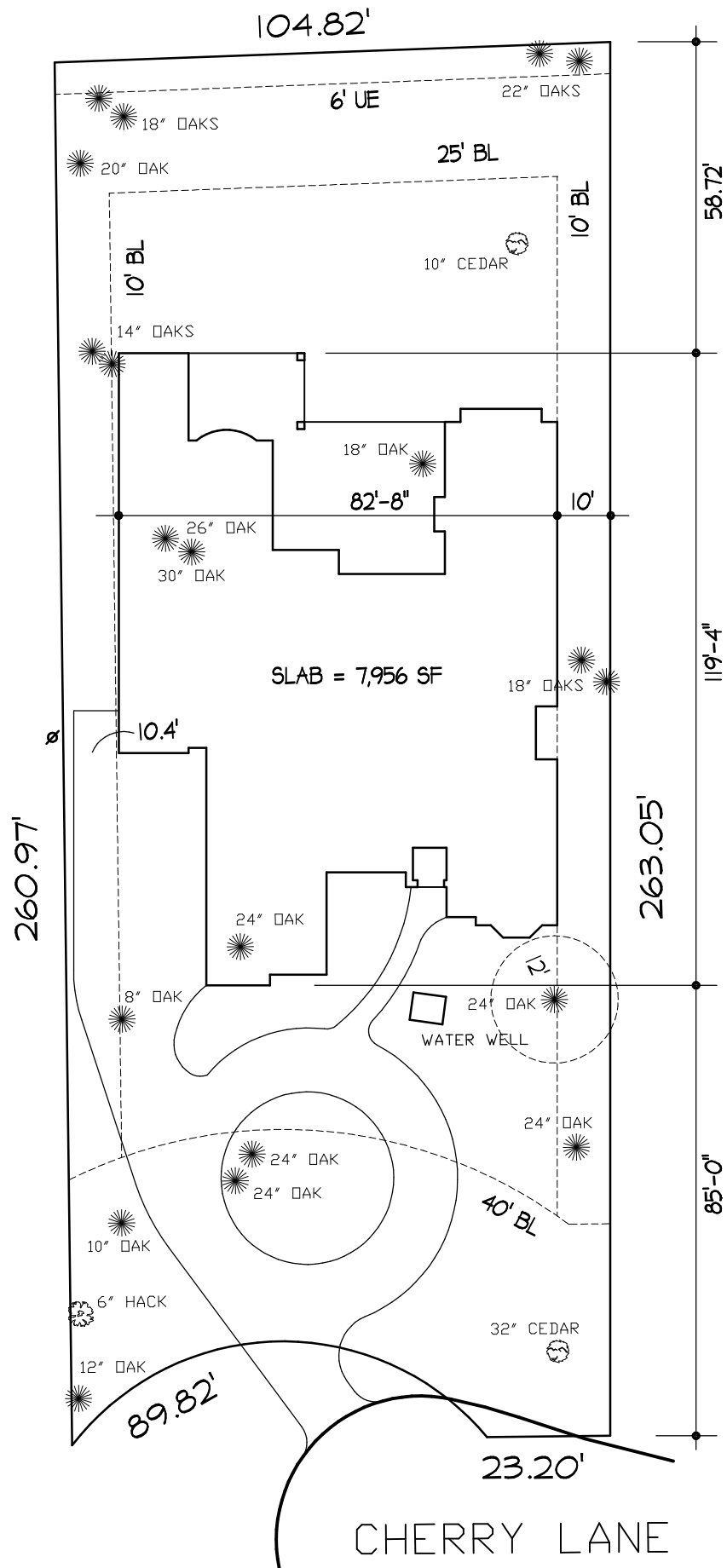
SURVEYED APRIL, 1952

BY

FRANK H. PAYNE & ASSOC
CIVIL ENGINEERS



Plat Record Volume
388-R
Page 40
received 1952



PLOT PLAN

SCALE: 1"=20'

LOT 27
COMMUNITY HOME ADD'N
COLLEYVILLE, TEXAS

NORTH

LOT = 27,355 SF
SLAB = 7,956 SF
COVERAGE = 29.1%

Lot Size for surrounding area in R40 district

1.	Lot 1	40,616
2.	Lot 2	41,566
3.	Lot 3	42,706
4.	Lot 4	42,634
5.	Lot 5	42,814
6.	Lot 6	42,109
7.	Lot 7	41,889
8.	Lot 8	40,795
9.	Lot 9	41,843
10.	Lot 10	33,871
11.	Lot 11	35,063
12.	Lot 12	33,146
13.	Lot 13	35,089
14.	Lot 14	32,798
15.	Lot 15	33,776
16.	Lot 16	34,048
17.	Lot 17	33,392
18.	Lot 18	32,557
19.	Lot 19	27,428
20.	Lot 20	26,436
21.	Lot 21	47,794
22.	Lot 22 & 23 combined 57,978	
23.	Lot 24	42,000
24.	Lot 25	33,032
25.	Lot 26	27,566
26.	Lot 27	27,355

Of 27 Lots in "Community Home Addition" platted in 1952, only 11 have the R-40 District Minimum requirement of 40,000 sq. ft. the other 16 are less than the minimum requirement.



SECTION 3.24.G – SCHEDULE OF DISTRICT REGULATIONS

MAXIMUM RESIDENTIAL DENSITY; MINIMUM LOT SIZE REQUIREMENTS; MINIMUM YARD REQUIREMENTS; MAXIMUM BUILDING HEIGHT; MAXIMUM LOT COVERAGE; OUTDOOR STORAGE; SCREENING; AND, HOURS OF OPERATION

(See District Regulations Notes following Section 3.24.F for explanation of letters in charts)

Zoning Districts		Minimum Lot Size Requirements				Max. Lot Size	Minimum Yard Requirements**			Max. Building Height		Max. Lot Coverage	Max. Impervious Coverage
		Area (sq. ft.)		Min. Width in feet	Min. Depth in feet		Front/Street ROW Side (feet)	Internal Side (feet)	Rear (feet)	Stories	Feet		
		Per Family	Total										
Classification													
AG	Agricultural	130,680	130,680	200	300	n.a.	40'	25'	40'	2.5	35'	20%	50%
RE	S.F. "Estate" Residential	80,000	80,000	200	300	n.a.	40'	25'	40'	2.5	35'	20%	50%
R-40	Single Family Residential	40,000	40,000	150'	150'	n.a.	40'	15'	25'	2.5	35'	20%	50%
R-30	Single Family Residential	30,000	30,000	125'	125'	n.a.	35'	10'	25'	2.5	35'	25%	55%
R-20	Single Family Residential	20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	60%
R-15	Single Family Residential	15,000	15,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	60%
R-D	Two Family Residential	4,000	8,000	70'	115'	n.a.	25'	10'	25'	2.5	30'	50%	60%
R-MF	Multi-Family Residential (zoned after June 16, 1961)	2,700	18,000	70'	115'	n.a.	25'	10'	25'	2.0	30'	50%	80%
R-MF	Multi-Family Residential (zoned before June 16, 1961)	1,500	10,000	70'	115'	n.a.	25'	10'	25'	3.0	30'	75%	80%
MH	Mobile Home (Minimum size of mobile home park - 40 spaces)	20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	30'	30%	40%
C-PO	Professional Office Commercial	n.a.	7,200	100'	120'	1 acre	40'	15' (B/C)	10' (C/D)	2.0	35'	40%	80%
CN	Neighborhood Commercial	n.a.	10,000	100'	120'	1 acre	40'	15' (B/C)	10' (C/D)	2.0	35'	40%	80%
CC1	Village Retail	n.a.	15,000	150'	120'	5 acres	40' (A)	15' (B/C)	10' (C/D)	2.0	35'	50%	80%
CC2	Shopping Center	n.a.	20,000	150'	120'	none	40' (A)	15' (B/C)	10' (C/D)	2.0	35'	60%	80%
CC3	Highway Commercial	n.a.	10,000	150'	120'	none	40'	15' (B/C)	10' (C/D)	2.0	35'	70%	80%
ML	Light Manufacturing	n.a.	10,000	100'	120'	none	40'	15' (B/C)	10' (C/D)	2.0	35'	60%	80%

* All regulations may vary when above districts are used as a base district for a PUD.

** 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.

Notification Map



VC23-004

1611 Cherry Ln



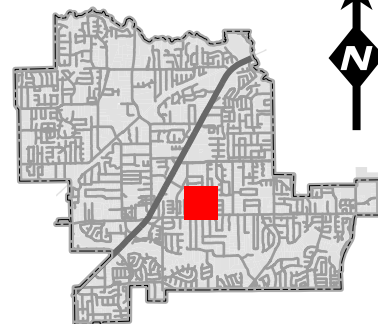
Parcels to be notified



Buffer



Subject Property



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.

OBJECTID	Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
55	MONTCLAIR PARC ADDITION	1108 W. Pioneer Parkway	ARLINGTON ,TX	76013	COURTESY NOTICE
33	STEWART, LARRY	1509 CHERRY LN	COLLEYVILLE, TX	76034	5016 ROSE ST
27	WOODCOCK, DAVID	1512 CHERRY LN	COLLEYVILLE, TX	76034	1512 CHERRY LN
17	DAMERON, RAY	1600 CHERRY LN	COLLEYVILLE, TX	76034	1600 CHERRY LN
36	TRAVIS, COLIN	1609 CHERRY LN	COLLEYVILLE, TX	76034	1609 CHERRY LN
4	ROGERS, NANCY	1612 CHERRY LN	COLLEYVILLE, TX	76034	1608 CHERRY LN
37	DUCIC, YADRANKO	1700 GLADE RD	COLLEYVILLE, TX	76034	1700 GLADE RD
49	PARKER, TIMOTHY	1704 ARTHUR DR	COLLEYVILLE, TX	76034	1704 ARTHUR DR
3	DAVIS, RICHARD J	1704 AVALON DR	COLLEYVILLE, TX	76034	1704 AVALON DR
39	DUNN, MARC P	1704 AVONDALE DR	COLLEYVILLE, TX	76034	1704 AVONDALE DR
46	STANLEY, REBECCA S	1704 GLADE RD	COLLEYVILLE, TX	76034	1704 GLADE RD
18	MILNER, WALTER J	1705 ARTHUR DR	COLLEYVILLE, TX	76034	1705 ARTHUR DR
45	CASILIO JOELLEN TR	1705 AVALON DR	COLLEYVILLE, TX	76034	1705 AVALON DR
42	LEPORI, WILLIS R	1705 AVONDALE DR	COLLEYVILLE, TX	76034	1705 AVONDALE DR
23	SPENCER, DANIEL	1708 ARTHUR DR	COLLEYVILLE, TX	76034	1708 ARTHUR DR
22	GILSTRAP, JEFF	1708 AVALON DR	COLLEYVILLE, TX	76034	1708 AVALON DR
10	KLINE, ALAN	1708 AVONDALE DR	COLLEYVILLE, TX	76034	1708 AVONDALE DR
5	BROWN, KATHARINE M	1709 ARTHUR DR	COLLEYVILLE, TX	76034	1709 ARTHUR DR
16	CARR, DONNA M	1709 AVALON DR	COLLEYVILLE, TX	76034	1709 AVALON DR
40	MARSHALL, M A	1709 AVONDALE DR	COLLEYVILLE, TX	76034	1709 AVONDALE DR
26	WALKER, BRYAN	1712 AVALON DR	COLLEYVILLE, TX	76034	1712 AVALON DR
41	STOWE, STEPHEN	1713 AVALON DR	COLLEYVILLE, TX	76034	1713 AVALON DR
34	MARCH, JAMES H	1713 AVONDALE DR	COLLEYVILLE, TX	76034	1713 AVONDALE DR
52	CHELSEA PARK ADDITION	1816 Avondale Drive	COLLEYVILLE ,TX	76034	COURTESY NOTICE
11	FATCAT II LLC	2140 E SOUTHLAKE BLVD STE L-675	SOUTHLAKE, TX	76092	5208 COVENTRY CT
56	GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
32	ABBOTT, LARRY	4700 JIM MITCHELL TR E	COLLEYVILLE, TX	76034	1712 ARTHUR DR
13	OLENGUE, INNOCENT	5000 CHELSEA DR	COLLEYVILLE, TX	76034	5000 CHELSEA DR
25	HOOKS, DURAN	5004 CHELSEA DR	COLLEYVILLE, TX	76034	5004 CHELSEA DR
29	BACA, CHAD	5005 ROSE ST	COLLEYVILLE, TX	76034	5005 ROSE ST
43	MANGHAM, WEBSTER M	5008 CHELSEA DR	COLLEYVILLE, TX	76034	5008 CHELSEA DR
1	HARRINGTON, D NEAL	5012 CHELSEA DR	COLLEYVILLE, TX	76034	5012 CHELSEA DR
9	WILLIAMS, LACI	5012 ROSE ST	COLLEYVILLE, TX	76034	5012 ROSE ST
2	WINTERS, DAN L	5013 ROSE ST	COLLEYVILLE, TX	76034	5013 ROSE ST
24	KING, MARY	5016 CHELSEA DR	COLLEYVILLE, TX	76034	5016 CHELSEA DR
31	HICKEY, BRIAN DOUGLAS	5100 CHELSEA DR	COLLEYVILLE, TX	76034	5100 CHELSEA DR
19	STEWART, CONNIE	5100 ROSE ST	COLLEYVILLE, TX	76034	5100 ROSE ST
20	FORDYCE, MARK	5101 ROSE ST	COLLEYVILLE, TX	76034	5101 ROSE ST
30	BURAL, EARL	5104 CHELSEA DR	COLLEYVILLE, TX	76034	5104 CHELSEA DR
47	CLARK, HARRY P	5104 ROSE ST	COLLEYVILLE, TX	76034	5104 ROSE ST
8	HERRON, DAVID	5105 ROSE ST	COLLEYVILLE, TX	76034	5105 ROSE ST
21	MILLER, TRACY S	5108 CHELSEA DR	COLLEYVILLE, TX	76034	5108 CHELSEA DR
44	COURON, SUSAN	5108 ROSE ST	COLLEYVILLE, TX	76034	5108 ROSE ST
14	PERRY, STAN	5111 ROSE ST	COLLEYVILLE, TX	76034	5111 ROSE ST
6	TEW, TERESA A	5117 COVENTRY PL	COLLEYVILLE, TX	76034	5117 COVENTRY PL
28	DOSSANI, ANWAR A	520 E NORTHWEST HWY STE 100	GRAPEVINE, TX	76051	5209 BLUEBONNET DR
48	HARGROVE, BELINDA	5200 COVENTRY CT	COLLEYVILLE, TX	76034	5200 COVENTRY CT
50	APTE, SHIREESH	5204 COVENTRY CT	COLLEYVILLE, TX	76034	5204 COVENTRY CT
53	CRANBROOK ESTATES	P.O. Box 372	COLLEYVILLE ,TX	76034	COURTESY NOTICE
54	KINGSWOOD ESTATES-COLLEYVILLE	P.O. Box 978	COLLEYVILLE ,TX	76034	COURTESY NOTICE
15	STEWART, LARRY R	PO BOX 1497	COLLEYVILLE, TX	76034	5009 ROSE ST
7	PHILLIPS, DEAN F	PO BOX 210445	BEDFORD, TX	76095	1604 CHERRY LN



NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

**City Council Meeting: Tuesday, September 19, at 7:00 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas**

Request: Consideration of a variance for the required lot size, lot coverage, and side yard setbacks. The area and width of the lot do not comply with the minimums standards for the R-40 district. The request will allow for the construction of a new single family home.

Zoning Case: VC23-004

Applicant: Colin and Janice Travis

Owner: Colin and Janice Travis

Location: 1611 Cherry Lane

Property Description: Lot 27, Community Home Addition

Present Zoning: R-40, Single Family Residential

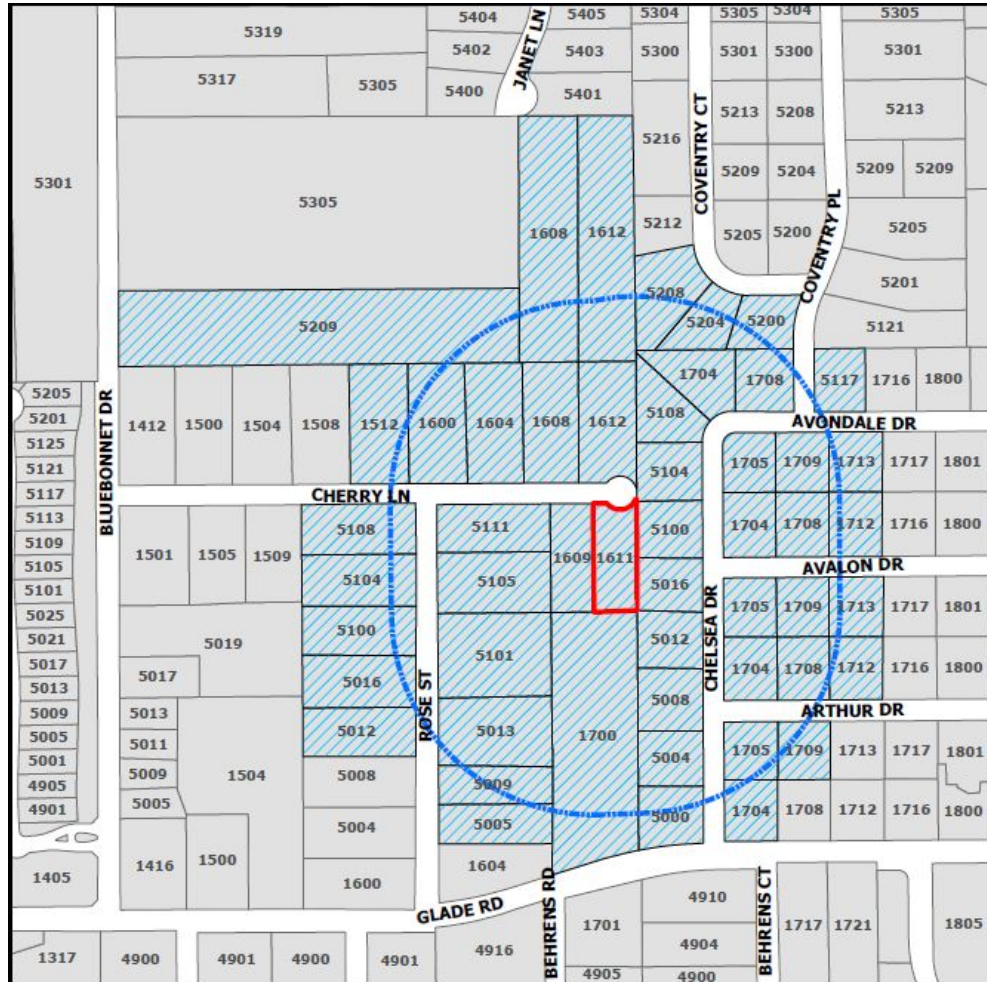
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

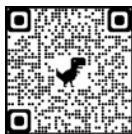
**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

NOTICE OF PUBLIC HEARING



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

ZONING CASE VC23-004

1611 CHERRY LANE

LOT 27, COMMUNITY HOME ADDITION

I protest the changes requested. The owners knew of the restrictions when it was purchased, and benefit from a less dense neighborhood.

Dan Winters

DAN WINTERS

5013 ROSE ST.

Colleyville, Tx 76034

September 12, 2023

Community Development Department
City of Colleyville

In regard to the following:

Zoning Case VC23-004
1611 Cherry Lane
Lot 27, Community Home Addition

My wife, Carol, and I have lived at 5111 Rose St, Colleyville, for the past 12 plus years. We attended the City Council meetings several years ago when the Traveses requested a similar variance for the lot at 1609 Cherry Lane where they currently live, and we spoke in favor of approval at that time. It is our opinion that the Council acted appropriately and granted that request. The reason we say appropriately is that the lot sizes at 1609 and 1611 Cherry Lane are considerably smaller than the lot description for R-40 zoning. In fact, we think a majority of the lots in this neighborhood are not a full acre, which is typical of R-40. I know our lot is smaller as well.

It is our understanding that the Traveses are requesting a larger percentage of building size to lot size and a 10 ft. set-back on the west side only of lot 27. We also understand that their request is in line with the typical requirements for lots of this size. We received a variance when we built our house for a 10 ft. set-back on one side. We cannot see why the Council would not grant the same variance on this lot as was granted on the previous lot. We can tell you that the house which the Traveses built at 1609 is very attractive and fits into the neighborhood quite nicely. Many of us who are getting older want to live in single story homes, and this creates a need for a larger building size to lot size ratio.

We would urge you to approve this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stan Perry Carol Perry". The signature is written in a cursive, flowing style.

Stan & Carol Perry

From: [Brian Hickey](#)
To: [Jackie Reyff](#)
Subject: VC23-004
Date: Tuesday, September 26, 2023 1:32:29 PM

Ms. Reyff,

I am writing regarding the zoning case noted above.

I live directly east of and next to the subject lot. I have lived here over 18 years.

The Travis's requested and received the same variance for their current lot, and the results were fantastic.

The property they built is beautiful, and the setback deltas are not noticeable at all.

Based on the proposed renderings of the home to be built, I am sure it will be just as nice.

As such, I have no issue with their request for a variance and support their request.

Should you have any questions, please contact me at your convenience.

Regards,

Brian Hickey
5100 Chelsea Drive, Colleyville



RESOLUTION R-23-4883

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO SECTION 3.24.G, SCHEDULE OF DISTRICT REGULATIONS OF THE LAND DEVELOPMENT CODE, SPECIFICALLY FOR LOT AREA, LOT WIDTH, LOT COVERAGE, AND SIDE YARD SETBACKS, IN THE R-40 SINGLE FAMILY RESIDENTIAL DISTRICT, FOR LOT 27, COMMUNITY HOME ADDITION, LOCATED AT 1611 CHERRY LANE

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

- Sec. 1. THAT the variance to allow for the lot area to be approximately 27,355 square feet, lot width to be 105 feet, lot coverage to be 29.1%, and side yard setbacks of 10 feet with the R-40 Single Family Residential zoning district located at 1611 Cherry Lane (the "Property"), as depicted in Exhibit "A" hereto, is approved.
- Sec. 2. THAT this Resolution shall become effective immediately upon passage; provided that, the variance for the Property shall become effective immediately upon the conditions stated herein being fully satisfied.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF ____ AYES, ____ NAYS, ON THIS THE 17TH DAY OF OCTOBER 2023.

Mayor Bobby Lindamood	_____	Mayor Pro Tem Callie Rigney	_____
Brandi Elder, Place 1	_____	George Bond, Place 2	_____
Scotty Richardson, Place 3	_____	Ben Graves, Place 4	_____
Chuck Kelley, Place 5	_____		

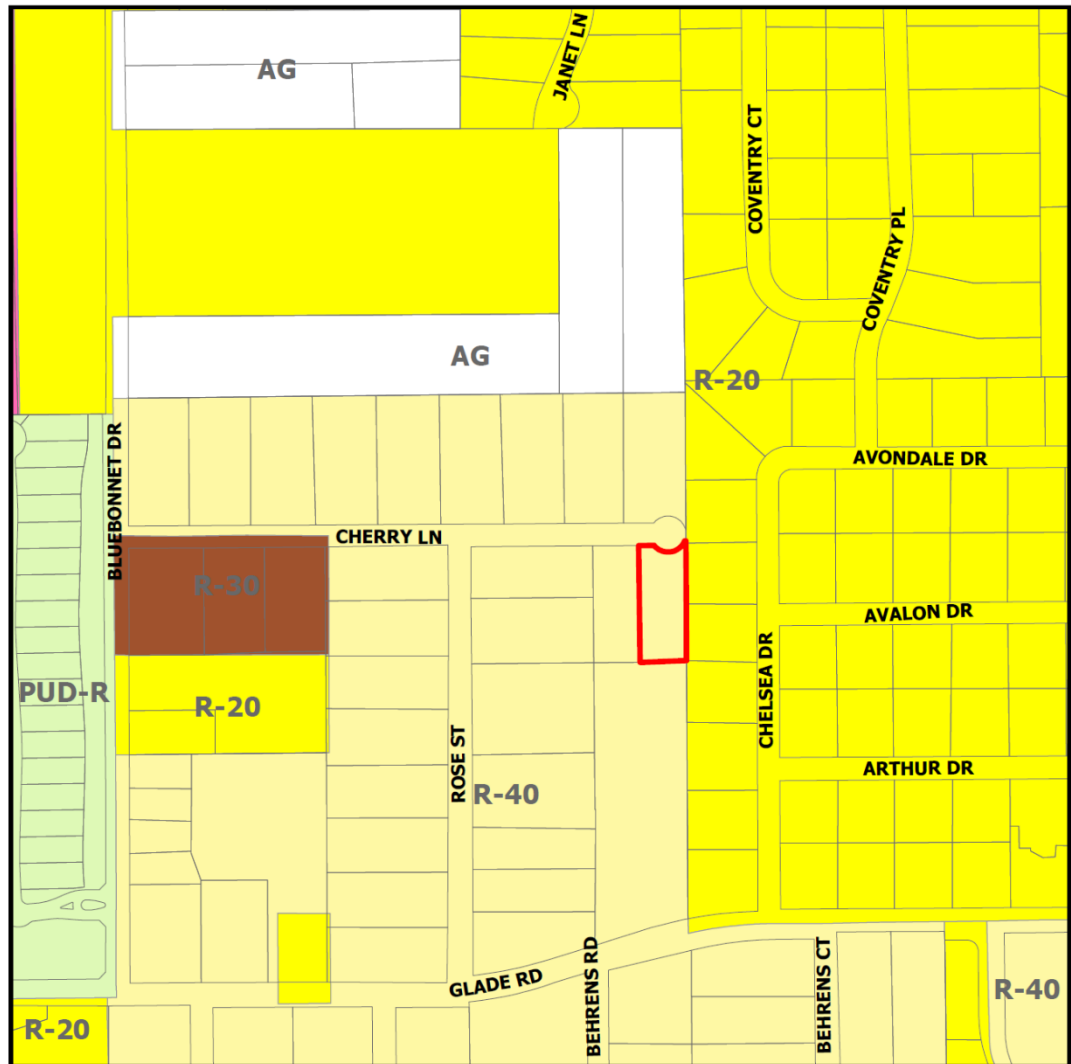
ATTEST:

CITY OF COLLEYVILLE

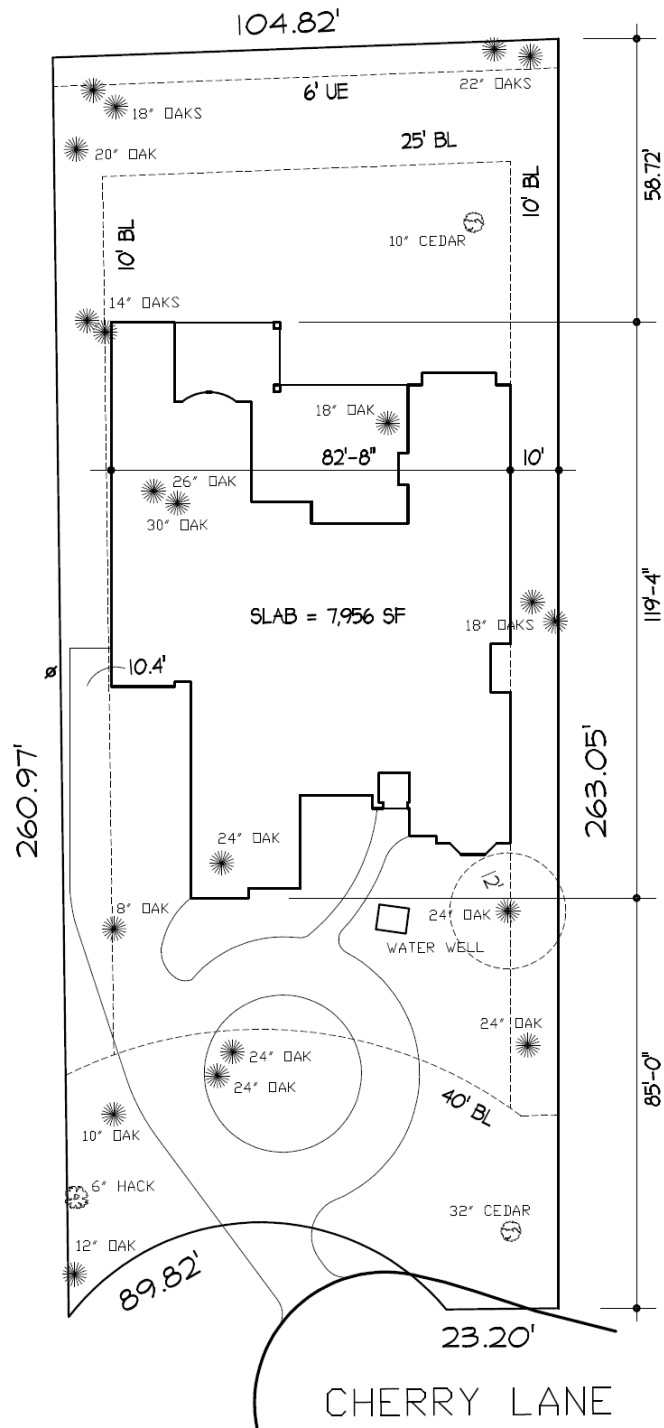
Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

Attachment "A"



Attachment "B"



PLOT PLAN
 LOT 27
 COMMUNITY HOME ADD'N
 COLLEYVILLE, TEXAS

SCALE: 1"=20'

NORTH

LOT = 27,355 SF
 SLAB = 7,956 SF
 COVERAGE = 29.1%



CITY OF COLLEYVILLE CITY COUNCIL BRIEFING

Agenda Number

Agenda Date 10/17/2023

Type Report

Department City Secretary

Title

Library Board Meeting Minutes - August 14, 2023

Planning and Zoning Commission Meeting Minutes - September 11, 2023

Planning and Zoning Commission Worksession Meeting Minutes - September 25, 2023

Attachments

1. Library Board Meeting Minutes - August 14, 2023
2. September 11, 2023 Planning and Zoning Commission Minutes
3. September 25, 2023 Planning and Zoning Commission Worksession Minutes



CITY OF COLLEYVILLE COLLEYVILLE LIBRARY BOARD MINUTES

110 Main Street, Colleyville, Texas, 76034

MONDAY, AUGUST 14, 2023 - 6:00 PM

1. CALL TO ORDER

Chair Molly Skinner called the meeting of the Colleyville Library Board to order at 6:00 p.m.

Present: Chair Molly Skinner, Vice Chair Joan Roberts, and Board members: Kay Newton, Wanda Cotter, Pat Jones, Gary McPherson, Joy Lee Fulton, Joseph Stout and Denise Light. City staff: Library Director Mary Rodne and Library Community Events Coordinator Maria Hoefke.

Absent:

2. APPROVAL OF MINUTES

June 12, 2023

A motion was made by Kay Newton and seconded by Pat Jones to approve the June 12, 2023 minutes. The motion was approved unanimously.

3. REGULAR AGENDA ITEMS

3a Update on the 2023 Summer Reading Program

Library Director Rodne reported that this year's Summer Reading Program had gone very well. To date, Rodne added it was one of the highest in registration with 1,463 Library patrons enrolled. Throughout the Summer, Rodne stated that the Library offered 143 programs and over 10,000 people attended. Rodne also said around 1,500 attended the Summer Reading Finale and that many favorable comments were received.

3b City of Colleyville Fiscal Year 2024 (FY24) budget update

Rodne reported that the budget process began in April and noted in the General Fund any anticipated increases for the Library had been included. Rodne said the first reading of the City's FY24 budget will be on September 5 and the second reading on September 19 with the new fiscal year budget taking effect on October 1. Rodne reported that additional Library funding

comes from the CEDC (Colleyville Economic Development Fund) and that this budget will also be approved at the September 19 Council meeting. Some of the Library salaries and maintenance costs for online systems are incorporated in the CEDC budget, said Rodne. Additionally, the Library's new automated materials handling system, will come out of the FY24 CEDC budget, but as a roll-over item from the previous year. Rodne said the new material sorters are anticipated to arrive in October.

Additionally, Rodne provided an update on Library's remote locker project, also included in the FY24 CEDC budget. Currently, Rodne noted that the proposed location for the remote lockers will be in the new Recreation Center lobby. The three-locker system will allow Library users to place holds on materials and pick them up at the remote locker location. Users will be able to scan their Library card at the remote locker and an individual locker will open to provide access to their requested material. A third locker of the remote locker system will house best-sellers or more popular books and Library users will also be able to check those items out, said Rodne. The remote lockers are expandable, should they prove to be popular. Rodne said the outside of the lockers are wrap-ready for a custom graphic wrap to promote the Library. Rodne said the goal is to have the units up and available possibly in May 2024.

- 3c** Approval to use the Voluntary Library Fund in Fiscal Year 2024, for purchase of library materials, materials processing supplies, and library programs, in an amount not to exceed \$190,000

Director Rodne provided an overview of the Voluntary Library Fund report, which gave projections through August 2, 2023. Rodne stated that the anticipated available funds were about \$574,186 and requested \$190,000.00 be used for the purchase of library materials, materials processing supplies, and programs. Rodne explained that the Library would like to increase funding for digital materials and noted that an additional \$5,000 for library materials had been included in the FY24 CEDC budget. Rodne also highlighted past expenditures provided in the attached Voluntary Library Fund report. The Board discussed the proposed expenditures of \$190,000.00 for the purchase of collection materials, materials processing supplies, and library programs.

A motion was made by Joseph Stout and seconded by Joan Roberts to make a recommendation to City Council to proceed with the expenditure of these funds for the purchase of library materials, materials processing supplies, and library programs, in an amount not to exceed \$190,000.00 for the FY24 budget year. The motion was approved unanimously.

3d Review of Colleyville Public Library Fee Schedule

Rodne explained that as a part of the City's annual budget process, departments review the fees charged by the City and propose new fees, revisions of current fees, or deletions of fees. Rodne added that during this budget process, the Library was not proposing any changes to the Library's attached current fee schedule. It was noted as of last year, the Library no longer charges fines for late materials, only lost or damaged items.

3e Discussion of Items for Future Agendas

There were no comments or suggestions for future discussion items.

4. REPORTS**4a** Librarian's Report

Director Rodne provided an update on Library statistics for June and July, stating numbers were very good and circulation statistics were ahead by seven percent over last year at this time. Additionally, Rodne said volunteer hours were up, mostly due to the National Charity League volunteers during the summer. Rodne also noted that volunteer hours from the Friends of the Library were counted in the total number of hours.

Rodne continued with a report on donations to the Library and noted that there were no donations in June or July. Rodne added that last year, patron Anne Maddux gave \$10,000 to the Library in memory of her daughter. It was explained that there had been discussion of possible lasting purchases with the funding. One suggestion included purchasing paintings from local artist Ann Hardy. It was noted that Rodne, along with Library Foundation member Ginny Tighe had visited Ann Hardy's studio and selected three paintings with a Texas theme for purchase.

Additionally, Rodne said Hardy had donated a painting to the Library with a children's theme when the Library opened. Rodne concluded that Hardy no longer does commissioned work, but that they were able to pick from what Hardy had available in her existing collection.

For the remainder of the donation funds, the Library will continue to look for a sculpture as previously discussed.

Library Programs

Rodne said the Library was wrapping up the Summer Reading Program and had begun planning for the Fall sessions. It was announced that Fall program registration will begin on September 5, and that programs will begin on September 11 and will continue through December 2. It was announced that in August, the Library is partnering with Chick-fil-A for weekly story times. Each Monday a different Youth Services staff member will be offering stories and crafts and Chick-fil-A will offer incentives to those attending, including having the Chick-fil-A cow making a visit for photos.

In September, the Library will host Library Card Sign-up Month. This year, will feature a zip line theme. Rodne also said a Fall StoryWalk® will kick-off in October.

Rodne concluded with an update on staff vacancies and noted that recently there had been four vacant positions, three clerk positions and one youth services position. Rodne added that two clerks and a youth services assistant had been hired, leaving one clerk position open.

4b Friends of the Colleyville Public Library Report

Friends of the Library President Joan Roberts reported that the group had sold water at the Summer Reading Finale and distributed older Summer Reading Program shirts during the event. Roberts said the Friends had sold out of water at the Finale by 7:30 pm, earning \$236 in popcorn and water sales. Roberts said the group had three cases of water for the evening, but said if they were the only organization selling water they will have to have more on hand for next year.

Additionally, Roberts said the Friends were not actively accepting book donations, but acknowledged residents still do make drop-offs. Roberts hopes the group will be able to do a pop-up sale in December, if Recreation classes temporarily housed in the Library move back to their facility. Roberts said the Friends continue to re-stock the Friends bookshelf, but simply have no place to store used books. Roberts concluded that members of Friends continue to process donations through Half-Price Books and Better World Books.

4c Colleyville Public Library Foundation Report

Foundation President Denise Light reported the group will be participating in the annual North Texas Giving Day on September 21, however, they will be focusing more on the upcoming fundraiser on October 19.

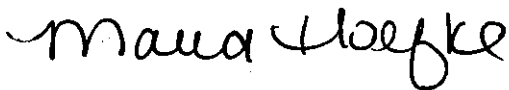
Light said that invitations had been printed and that the Foundation will be organizing in early September to send out invitations. Additionally, the invitation will be posted on the Foundation's website. Light noted that the event will be limited to 120 seats and that event tickets were \$75 per person as they are looking to raise funds for the Library. Light said they are hoping to raise over \$30,000, as this is the Library's 20th anniversary. The evening will include Just Jazz, a three-piece jazz trio; author Erica Bauermeister speaking from 7:00 – 7:40 pm; hors d'oeuvres and drinks will be available, and Dallas Morning News columnist Dave Lieber will be the emcee for the evening. The event will be from 6:00 – 8:00 p.m. The Library will be closing early for event set-up that evening.

5. ADJOURNMENT

A motion was made by Wanda Cotter and seconded by Kay Newton to adjourn the meeting of the Colleyville Library Board at 6:30 p.m. The motion was approved unanimously.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 14TH DAY OF AUGUST.

Minutes taken and prepared by:



Maria Hoefke
Library Community Events Coordinator



CITY OF COLLEYVILLE PLANNING AND ZONING COMMISSION MINUTES

100 Main Street, Colleyville, Texas, 76034

MONDAY, SEPTEMBER 11, 2023

CALL MEETING TO ORDER EXECUTIVE CONFERENCE ROOM

The City of Colleyville Planning and Zoning Commission Worksession Meeting was called to order by Chair Bevill on September 11, 2023, at 6:15 p.m.

Roll Call

Present: David Groves, Mark Alphonso, Sayeda Syed, Claudia Bevill, and Jerome Obinabo

Absent: Jim Linn and Tim Raine

Staff Present: Ben Bryner, Jacquelyn Reyff, Kris Potts, and Scott Hammons

Also Present: Attorney, Nicole Corr

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 Worksession Meeting at 6:47 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 September 11, 2023, at 7:00 p.m.

Roll Call

Present: David Groves, Mark Alphonso, Sayeda Syed, Jim Linn, Claudia Bevill, and Jerome Obinabo

Absent: Jim Linn and Tim Raine

Staff Present: Ben Bryner, Jacquelyn Reyff, Kris Potts, and Scott Hammons

Also Present: Attorney, Nicole Corr

1. APPROVAL OF MINUTES

- 1a** Planning and Zoning Commission Meeting Minutes – August 14, 2023
Planning and Zoning Commission Worksession Minutes – August 28, 2023
Planning and Zoning Commission Special Meeting Minutes – August 28, 2023

Commissioner Groves made a motion to approve the August 14, 2023 Planning and Zoning Commission Meeting Minutes, the August 28, 2023 Planning and Zoning Worksession minutes, and the amended August 28, 2023 Planning and Zoning Commission Worksession Minutes. Commissioner Syed seconded the motion.

The motion was carried by the following vote:

Aye: 5 – Groves, Alphonso, Syed, Bevill, and Obinabo
Nay: 0

2. PUBLIC HEARING AGENDA ITEMS

- 2a** TABLED FROM the July 10th meeting - Presentation and discussion of a change of zoning from a PUD-C Planned Unit Development – Commercial district to a PUD-C Planned Unit Development – Commercial district, specifically for new commercial offices. The request is for medical and general office uses to include a compound pharmacy. Located at 105 Cheek-Sparger, Case ZC23-006.

Commissioner Claudia Bevill recused herself at 7:05 p.m.

Commissioner Groves made a motion to remove Case ZC23-006 from the table. Commissioner Obinabo seconded the motion.

The motion was carried by the following vote:

Aye: 5 – Groves, Alphonso, Syed, Linn, Bevill, and Obinabo
Nay: 0

Jacquelyn Reyff presented the case and briefed the commission.

Robert Johnson, 845 Enterprise Place, Suite B, Southlake, TX, presented his case for the proposed pharmacy.

The public hearing was opened at 7:11 p.m.

Courtney Atwood, 3609 San Bar Ln., spoke in opposition of the case.
Cynthia Wallace, 104 Greenbriar Ln., spoke in opposition of the case.
Becky Schraeder, 213 Briarwick Ln., spoke in opposition of the case.
Bob Schraeder, 213 Briarwick Ln., spoke in opposition of the case.
John McDaniel, 3609 Cliffwood Dr., spoke in opposition of the case.
Janet Lanhart, 412 Woodbriar Ct., spoke in opposition of the case.
Elizabeth Dewhirst, 3609 Oakbriar Ln., spoke in opposition of the case.
Lisa Ismert, 3612 Greenbriar Ct., spoke in opposition of the case.
Michael Davila, 100 Greenbriar Ln., spoke in opposition of the case.

With no one else wishing to speak, the public hearing was closed at 7:27 p.m.

Commissioner Syed made a motion to table case ZC23-006 for the October 9, Planning and Zoning Commission meeting, Commission Alphonso seconded the motion.

The motion was carried by the following vote:

Aye: 4 – Groves, Alphonso, Syed, and Obinabo

Nay: 0

Recused: 1 – Bevill

- 2b** Consideration of a Rezoning from AG Agricultural to R-20 Single Family Residential for Tract 2B09B, Abstract 439, CC Doss Survey, located at 5209 Pool Road, Case ZC23-020

Jacquelyn Reyff presented the case and briefed the Commission.

The applicant, Theo Simmons, 5209 Pool Rd., Colleyville TX, spoke on the case and answered the Commissions' questions.

The public hearing was opened at 7:56 p.m.

With no one wishing to speak, the public hearing was closed at 7:56 p.m.

Commissioner Syed made a motion to approve Case ZC23-020. Commissioner Groves seconded the motion.

The motion was carried by the following vote:

Aye: 5 – Groves, Alphonso, Syed, Bevill, and Obinabo

Nay: 0

- 2c** Consideration of a Special Use Permit to allow a fence for Lot 5, Block 5, Woodbriar Estates Addition, located at 3716 Briarhaven Lane, Case ZC23-021.

Kris Potts presented the case and briefed the Commission.

The applicant, Chelsea Martinez spoke on behalf of Maurica Contreras, 3716 Briarhaven Ln., Colleyville TX, for the case and answered the Commission's questions regarding location of the proposed fence.

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

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

Commissioner Alphonso made a motion to approve Case ZC23-021. Commissioner Obinabo seconded the motion.

Aye: 4 – Groves, Alphonso, Bevill, and Obinabo

Nay: 1 – Syed

- 2d** Consideration of a Special Use Permit to allow for a fence for Lot 1, Block 1, Naler Addition, located at 6101 Waller Lane, Case ZC23-022

Kris Potts presented the case and briefed the Commission.

The applicant, De Ann Naler, 6101 Waller Ln., Colleyville, TX came forward and discussed the proposed fence.

The public hearing was opened at 8:07 p.m.

With no one wishing to speak, the public hearing was closed at 8:07 p.m.

Commissioner Groves made a motion to approve Case ZC23-022, with the proposed wood fence to be built to the length of the carport.

Commissioner Syed seconded the motion.

The motion was carried by the following vote:

Aye: 5 – Groves, Alphonso, Syed, Bevill, and Obinabo

Nay: 0

- 2e** Consideration of a Special Use Permit to allow for a fence for Lot 4, Block C, Legacy North, located at 703 Marie Drive, Case ZC23-023

Kris Potts presented the case and briefed the Commission.

The applicant, Nick Smith, 7219 Oak Alley, Colleyville TX, spoke on the case and answered the commission's questions.

The public hearing was opened at 8:15 p.m.

The homeowner, Laura Miller, 703 Marie Dr., spoke in support of the case, and answered the commissions' questions regarding the fence.

Mike Farley, 812 Sawyer Dr., spoke in support of the case.

With no one else wishing to speak, the public hearing was closed at 8:33 p.m.

The Commission took a recess for an Executive Session at 8:36 p.m.

The Executive Session ended and the regular meeting resumed at 8:49 p.m.

Commissioner Syed made a motion to deny Case ZC23-023. The motion did not receive a second and the motion failed.

Commissioner Groves made a motion to approve case ZC23-023. Commissioner Alphonso seconded the motion.

The motion was carried by the following vote:

Aye: 4 – Groves, Alphonso, Bevill, and Obinabo

Nay: 1 – Syed

- 2f** Consideration of a Special Use Permit to allow for a fence and an

accessory building for Lot 1, Block B, Legacy North, located at 812 Sawyer Drive, Case ZC23-024

Scott Hammons presented the case and briefed the Commission.

The applicant, Mike Farley, 812 Sawyer Dr., Colleyville, TX, spoke on the case and answered the commission's questions regarding the accessory dwelling.

The public hearing was opened at 8:58 p.m.

With no one wishing to speak, the public hearing was closed at 8:58 p.m.

Commissioner Alphonso made a motion to approve Case ZC23-024. The motion did not receive a second, the motion failed.

Commissioner Groves made a motion to deny Case ZC23-024. Commissioner Syed seconded the motion.

The motion was carried by the following vote:

Aye: 4 – Groves, Syed, Bevill, and Obinabo
Nay: 1 – Alphonso

- 2g** Consideration of a Rezoning from AG Agricultural to R-30 Single Family Residential and R-40 Single Family Residential for Lots 1 and 2R1, Block 1, Davis Place Addition, located at 6400 and 6316 Pleasant Run Road, Case ZC23-025.

THE APPLICANT REQUESTED TO TABLE TO THE OCTOBER 9, 2023 PLANNING AND ZONING COMMISSION MEETING

Commissioner Alphonso made a motion to table Case ZC23-025 to the October 9, Planning and Zoning Commission meeting. Commissioner Obinabo seconded the motion.

The motion was carried by the following vote:

Aye: 5 – Groves, Alphonso, Syed, Bevill, and Obinabo
Nay: 0

- 2h** Consideration of a Special Use Permit to allow for a Veterinarian Clinic for a for Lot 1, Block A, 170 Players Addition, located at 3825 Glade Road, Suite 130, Case ZC23-026

Scott Hammons presented the case and briefed the Commission.

The applicant, Chris Dietrich, 4807 Meandering Way, Colleyville, TX, spoke on the case and answered the commission's questions regarding the expansion of TruBond Veterinary Clinic.

The public hearing was opened at 9:16 p.m.

With no one wishing to speak, the public hearing was closed at 9:16 p.m.

Commissioner Syed made a motion to approve Case ZC23-026. Commissioner Obinabo seconded the motion.

The motion was carried by the following vote:

Aye: 5 – Groves, Alphonso, Syed, Bevill, and Obinabo

Nay: 0

- 2i** Consideration of a Special Use Permit to allow for a fence for Tract 3K & TR 3Y, Abstract 211, BBB & C RY Survey, located at 509 W. LD Lockett Road, Case ZC23-027

Scott Hammons presented the case and briefed the Commission.

The applicant, Cory Watson, 509 W LD Lockett Rd, Colleyville, TX, spoke on the case and answered the commission's questions regarding the proposed fence.

The public hearing was opened at 9:30 p.m.

With no one wishing to speak, the public hearing was closed at 9:30 p.m.

Commissioner Alphonso made a motion to approve Case ZC23-026. Commissioner Groves seconded the motion.

The motion was carried by the following vote:

Aye: 5 – Groves, Alphonso, Syed, Bevill, and Obinabo

Nay: 0

2j Consideration of a Planned Unit Development – Commercial Amendment for Lot 2R, Atlantic Oil and Gas Addition, located at 7970 Precinct Line Road, Case ZC23-028

Jacquelyn Reyff presented the case and briefed the Commission.

The applicant, David Gregory, 1668 Keller Parkway STE 100, Keller, TX, spoke on the case and answered the commission's questions regarding the proposed carwash. Specifically in relation to the noise, and potential traffic from the development.

The public hearing was opened at 10:15 p.m.

Robin Runtz, 1008 Heron Dr. E, Colleyville TX, spoke in opposition of the case. Laurie Stack, 5732 Heron Dr. W, Colleyville TX, spoke in opposition of the case. Jeffrey Mills, 5728 Heron Dr. W, Colleyville TX, spoke in opposition of the case. Scott Podsednik, 5736 Heron Dr. W, Colleyville TX, spoke in opposition of the case.

With no one else wishing to speak, the public hearing was closed at 10:30 p.m.

Commissioner Syed made a motion to table Case ZC23-028 to the October 9, 2023, Planning and Zoning Commission meeting. Commissioner Groves seconded the motion.

The motion was carried by the following vote:

Aye: 5 – Groves, Alphonso, Syed, Bevill, and Obinabo
Nay: 0

3. CITIZEN COMMENTS

The public forum opened at 10:44 p.m. and with no one wishing to speak closed at 10:45 p.m.

4. ADJOURNMENT

The meeting adjourned at 10:45 p.m.

The minutes were written and prepared by:

Kris Potts

Kristopher Potts

Planner

The meeting minutes were approved on October, 09 2023 by a vote of (6-1).



CITY OF COLLEYVILLE PLANNING AND ZONING COMMISSION WORKSESSION MINUTES

100 Main Street, Colleyville, Texas, 76034

MONDAY, SEPTEMBER 25, 2023

CALL MEETING TO ORDER EXECUTIVE CONFERENCE ROOM

The City of Colleyville Planning and Zoning Commission Worksession Meeting was called to order by Chair Bevill on September 25, 2023, at 6:15 p.m.

Roll Call

Present: David Groves, Mark Alphonso, Tim Raine, Claudia Bevill, Sayeda Syed, Jim Linn, and Jerome Obinabo

Absent: None

Staff Present: Ben Bryner, Jacquelyn Reyff, Kristopher Potts, Scott Hammons, and Chris Pham

Also Present: Attorney, Nicole Corr and Fire Marshal, Robert McKeown

2. WORKSESSION AGENDA ITEMS

- 2a** Presentation and discussion of a Replat for Lot 16R1, Block 3, Highland Acres Addition, being a portion of Lot 15 and a portion of Lot 16, Block 3, Highland Acres Addition, located at 105 Timberline Drive South, Case PC23-005

Jacquelyn Reyff presented item 2a and briefed the Commission. City staff addressed questions from the Commission regarding the size and zoning of the property.

- 2b** Presentation and discussion of a Preliminary/Final Plat for the Park Place Subdivision, being Lot 1, Block 1, Crisp Addition and a portion of Lot 1R, Block 1, Wiggins Addition, located at 5305 Bluebonnet Drive, Case PC23-006

Jacquelyn Reyff presented item 2b and briefed the Commission. City staff addressed questions from the Commission regarding the zoning on the property, road widths required by fire, potential subdivision fencing, and questions regarding the proposed open space.

- 2c** Presentation and discussion of a Preliminary/Final Plat for the Park Place Subdivision, being Lot 1, Block 1, Crisp Addition and a portion of Lot 1R, Block 1, Wiggins Addition, located at 5305 Bluebonnet Drive, Case PC23-007

Jacquelyn Reyff presented item 2c and briefed the Commission. City staff addressed questions from the Commission regarding the zoning on the property, road widths required by fire, potential subdivision fencing, and questions regarding the proposed open space.

- 2d** Presentation and discussion of a Consideration of a Special Use Permit for a Contractor Office with Storage Yard on Tract 2K, Abstract 963, Absalom J Lott Survey, located at 6516 Colleyville Boulevard, Case ZC23-029

Jacquelyn Reyff presented item 2d and briefed the Commission. City staff addressed questions from the Commission regarding the current use, and questions regarding the screening of outdoor storage.

- 2e** Presentation and discussion of a Special Use Permit for a Carport on Lot 1, Block 1, of the Howard Place Addition, located at 6113 Bransford Road, Case ZC23-030

Jacquelyn Reyff presented item 2e and briefed the Commission. City staff addressed questions from the Commission regarding permits and the SUP request.

3. ADJOURNMENT

The meeting adjourned at 6:48 p.m.

The minutes were written and prepared by:

Kris Potts

Kristopher Potts
Planner

The meeting minutes were approved on October, 09 2023 by a vote of (6-1).

RESOLUTION R-23-48XX

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
OCTOBER 17, 2023**

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 17TH DAY OF
OCTOBER 2023.

Mayor Bobby Lindamood _____
Brandi Elder, Place 1 _____
Scotty Richardson, Place 3 _____
Chuck Kelley, Place 5 _____

Mayor Pro Tem Callie Rigney _____
George Bond, Place 2 _____
Ben Graves, Place 4 _____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor