



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, August 26, 2013

City Council Chambers

**PRE COMMISSION MEETING
6:15 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

**LEGAL BRIEFING BY CITY ATTORNEY REGARDING PLANNING, ZONING,
PLATTING, AND LAND USE**

**REVIEW OF REGULAR AGENDA ITEMS AND DISCUSSION OF PREVIOUS
MEETING MINUTES**

**DISCUSSION OF ITEMS TO BE PLACED ON FUTURE AGENDAS AND
UPDATES ON DEVELOPMENT TRENDS, PROGRESS AND CITY COUNCIL
ACTIONS ON PAST AGENDA ITEMS**

**EXECUTIVE SESSION – In accordance with Texas Government Code
Chapter 551, Subchapter D, Section 551.071 – Legal – Consultation with
attorney on legal issues raised by public hearing or action items on the
agenda**

**7:00 P.M. - REGULAR MEETING
CALL TO ORDER AND ROLL
INVOCATION: Commissioner Knox
PLEDGE OF ALLEGIANCE**

- 1. APPROVAL OF MINUTES**
August 12, 2013
- 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA AS A PUBLIC HEARING ITEM**
- 3. REGULAR AGENDA ITEMS**

- 3a** Approval of a minor plat for 1.97 acres on Tract 1B01A, of Abstract 1248 of the Thomas J. Polson Survey, located at 4800 Bedford Road, Case PC13-014.

4. PUBLIC HEARING AGENDA ITEMS

- 4a** Request for approval of a Special Use Permit for alcoholic beverage sales for off-premises consumption on Lot 7a, Block 2, Village Park Addition located at 4801 Colleyville Blvd. Approval of a Special Use Permit for alcoholic beverage sales for on-premises consumption on Lots 1R1, 4, 5a, 6a, 7a and 9R, Block 2, Village Park Addition located at 4701, 4709, 4717, 4725, 4801 and 4843 Colleyville Blvd, Case ZC13-009.

5. CONTINUED PUBLIC HEARING AGENDA ITEMS

- 5a** Consideration for a zoning change from PUD-C-Planned Unit Development Commercial to PUD-R-Planned Unit Development Residential on 1.94 acres on Lot 1, Block 1 of the San Bar Square Addition located at 105 Cheek-Sparger Road, Case ZC13-008.

6. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards August 23, 2013 by 5:00 p.m.

Taci Wrisley
Planning and Zoning Assistant

A quorum of the Colleyville City Council may be in attendance 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 Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
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Agenda Number	Agenda Date 08/26/2013	Number
Type Approval of Minutes		
Department Community Development		

Title

August 12, 2013

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - August 12, 2013



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
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Monday, August 12, 2013

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on August 12, 2013 at 7:00 p.m.

Roll Call

Present: Commissioners Larry Knox, Dave Dudziak, David Wheelwright, David Phelps, Jim Gotcher, Don Davis, and Jeff Byerly

Staff Present: Ron Ruthven, Taci Wrisley, Dale Crown, Rob McKeown, Amy Shelley, and Cathy Cunningham (City Attorney)

INVOCATION

The invocation was given by Commissioner Phelps

1. APPROVAL OF MINUTES

Commissioner Phelps moved to approve the July 22, 2013 meeting minutes as written. Commissioner Davis seconded.

The motion to approve carried with the following vote:

Aye: 7 - Knox, Dudziak, Wheelwright, Gotcher, Davis, Phelps, and Byerly

2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA AS A PUBLIC HEARING ITEM AS A PUBLIC HEARING ITEM

There were no citizen comments/presentations regarding items not on the agenda as a public hearing item.

3. CONTINUED PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration for a zoning change from PUD-C-Planned Unit Development Commercial to PUD-R-Planned Unit Development Residential on 1.94 acres on Lot 1, Block 1 of the San Bar Square Addition located at 105 Cheek-Sparger Road, Case ZC13-008.

Ron Ruthven presented the case and briefed the Commission.

The public hearing was opened at 7:04 p.m.

Mark Howe, the applicant, came forward and briefed the Commission.

Commissioner Dudziak questioned Mr. Howe regarding the square footage discrepancy regarding the open space. Keith Hamilton came forward and stated they were unaware of the discrepancy until just before the meeting and was not sure what the actual square footage was supposed to be.

Claudia Bevill, 119 Cheek-Sparger Road, came forward and spoke in opposition of the case.

Gary Guthrie, 505 Greenbriar Lane, came forward and spoke in opposition of the case.

Betsy Deck, 3601 Cliffwood Drive, came forward and spoke in opposition of the case.

Mike Davila, 100 Greenbriar Lane, came forward and spoke in opposition of the case.

Cyndi Wallace, 104 Greenbriar Lane, and David Wallace, 104 Greenbriar Lane, did not wish to speak but wished to record their opposition.

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

Mark Howe came forward to address comments and concerns.

Commissioner Dudziak questioned Mr. Howe regarding the materials that were proposed for the construction of the perimeter wall of the subdivision. Mr. Howe replied the wall will be stone columns with brick in between. He further explained along the open space, fronting Cheek-Sparger Road, there will be a wrought iron fence.

Steve Isbell, the development engineer for the project, came forward and explained the change in density.

Commissioner Dudziak stated his disappointment in the developer for not bringing back a better plan with more open space. Mark Howe

stated he did not know what else they could do with the open space. He further stated the development is geared toward empty nesters and they would not want a playground in there.

Discussion continued between Commissioner Dudziak and Mr. Howe regarding the open space.

Keith Hamilton, the project engineer for the project, came forward and explained the detention pond will only be approximately 20 percent of the open space.

Commissioner Phelps commended the developer's effort but stated the lot coverage percentage was still on the high end. He further stated there needed to be a little more open space. Mr. Howe concurred.

Commissioner Gotcher questioned staff regarding the actual acreage of the development. Ron Ruthven replied the actual acreage is 1.94 acres. He further explained the developer provided 1.82 acres to show the future right-of-way dedication.

Chairman Byerly questioned staff regarding the custom for density calculations. Ron Ruthven replied the custom is to use the acreage at the time of the rezoning request.

Commissioner Gotcher stated he echoed the other Commissioners regarding open space and lot coverage. Mr. Howe replied he was willing to go back and look at making more changes but could not make the development work with less than eight lots.

Discussion continued between Commissioner Gotcher and Mr. Howe regarding the changes that still needed to be made.

Chairman Byerly stated he would like to see 50 foot lots and more open space.

Commissioner Phelps questioned Mr. Howe regarding the width of the sidewalk along Cheek-Sparger Road. Mr. Howe replied it would meet what the code requires.

Commissioner Phelps questioned Mr. Howe regarding the thought process into using wrought iron along the open space and the neighboring property. Mr. Howe replied the neighboring property owners had requested that the fence be wrought iron.

Chairman Byerly confirmed with staff regarding which board or commission the applicant would go before if the Planning and Zoning Commission approved the case. Ron Ruthven replied the City Council.

Commissioner Dudziak made a motion to continue Case ZC13-008 to the August 26, 2013 meeting. Commissioner Phelps seconded.

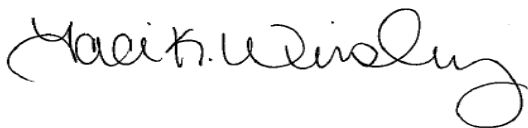
Aye: 6 - Knox, Dudziak, Wheelwright, Davis, Phelps, and Byerly

Nay: 1 - Gotcher

4. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on August 26, 2013 by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
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Agenda Number 3a	Agenda Date 08/26/2013	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a minor plat for 1.97 acres on Tract 1B01A, of Abstract 1248 of the Thomas J. Polson Survey, located at 4800 Bedford Road, Case PC13-014.

Explanation

Scott Sandlin, applicant, submitted a request for approval of a minor plat for a 1.97 acre lot that will consist of one residential lot. The property is currently unplatted. The applicant intends to demolish the existing home and build a new home.

Zoning. The property is zoned R-20-Single Family Residential which requires a minimum lot width of 100 feet and a minimum lot depth of 125 feet. The minimum lot area required is 20,000 square feet. The proposed lot meets the minimum requirements of the zoning district.

Existing Conditions. The lot is currently developed as a single family detached residence. The home is currently unoccupied.

Right-of-Way Waiver Request. Per the attached presentation, the applicant is requesting a partial waiver to the right-of-way dedication requirement for Bedford Road. Bedford Road is classified as a Minor Collector street on the Master Thoroughfare Plan. A Minor Collector Street is required to have a total right-of-way width of 75 feet. As such, given that the subject property is unplatted, 37.5 feet of right-of-way is required for dedication as part of the plat request, which measures from the centerline of the road.

The applicant is requesting a waiver of five (5) feet, resulting in a proposed right-of-way dedication of 32.5 feet. The applicant is requesting the waiver so that his front yard fence, when constructed, will be in line with the fence located on the adjacent property to the south. Given that most of Bedford Road contains only a 60 foot right-of-way width, the applicant also requests the waiver in order to maintain consistency with the remainder of the roadway right-of-way.

Surrounding Properties. Properties to the west and south are zoned R-MF-Multifamily Residential and developed as single family detached residences. Properties to the north are zoned PUD-C-Planned Unit Development Commercial and developed as office and retail uses. Properties to the east are zoned R-20-Single Family Residential

and are developed as single family detached residences.

Tree Preservation. All trees must be protected per the requirements of Chapter 5-Tree Preservation in the Land Development Code. Before construction begins on the site, protective fencing must be installed around all preserved trees located outside of the building footprints.

Sidewalks. Per the recommendations of the Supplemental Sidewalk System Map, a minimum five (5) foot sidewalk is required to be constructed along Bedford Road upon construction of the new home.

Summary. The owner's surveyor has addressed all Development Review Committee comments. However, the proposed plat does not comply with the right-of-way dedication requirements of the Land Development Code and the Master Thoroughfare Plan. This plat only requires approval by the Planning and Zoning Commission. Staff recommends denial due to technical non-compliance with the Land Development Code.

Recommendation

Denial

Attachments

1. Location and Zoning Map
2. Aerial
3. Applicant's Request
4. Master Thoroughfare Plan
5. Final Plat Exhibit

[illegible]

Aerial



**4800 Bedford Rd.
City of Colleyville**

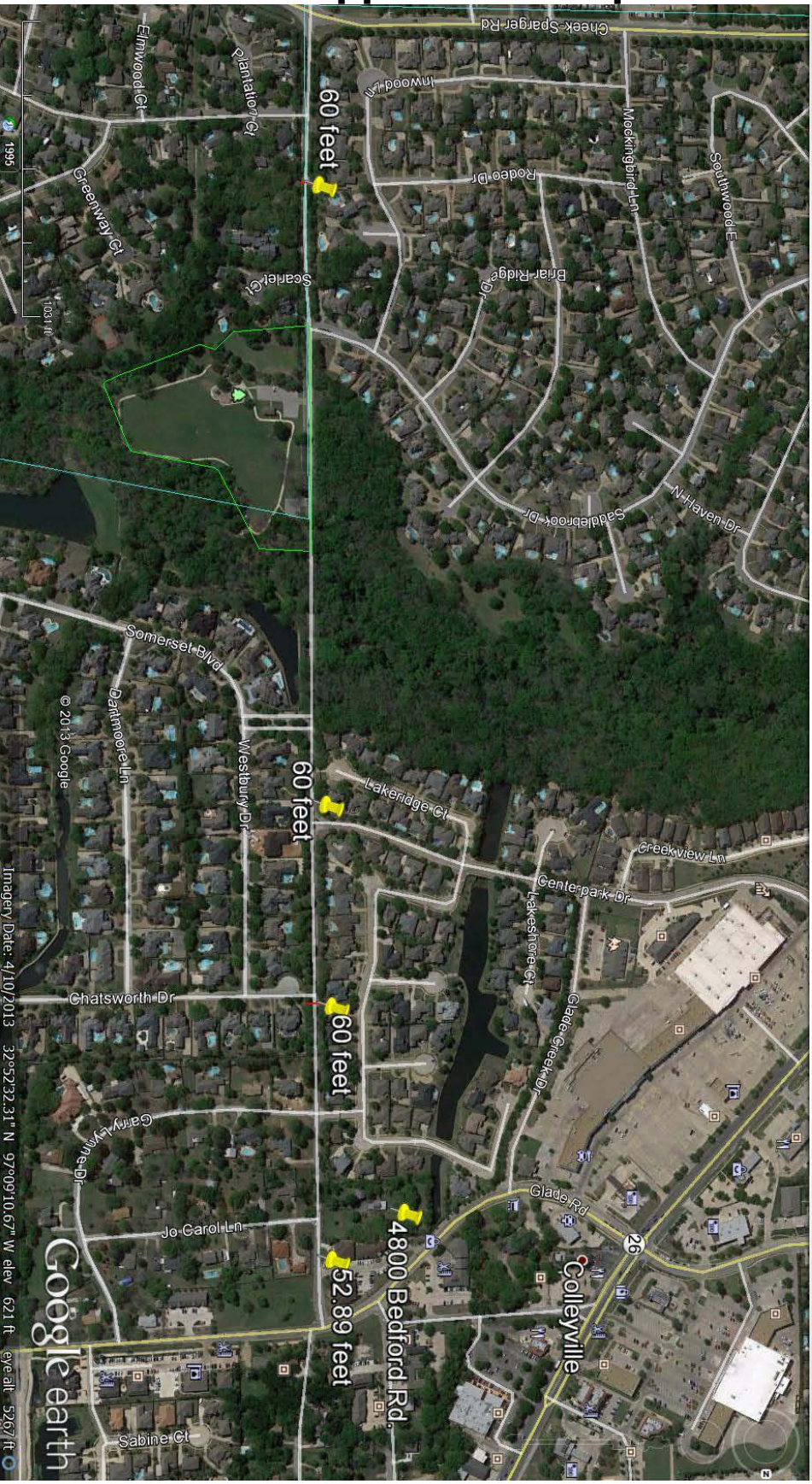
60' ROW

Applicant's Request

- Requesting a 32.5' ROW Dedication at 4800 Bedford rd. (60' ROW)
- Keeping consistent and harmonious with the look along Bedford rd.
- Approximately 48 other existing platted properties along Bedford rd. have a 60' ROW.
- Property to the North has a 52.89' ROW
- 75' ROW on Thoroughfare plan not feasible.

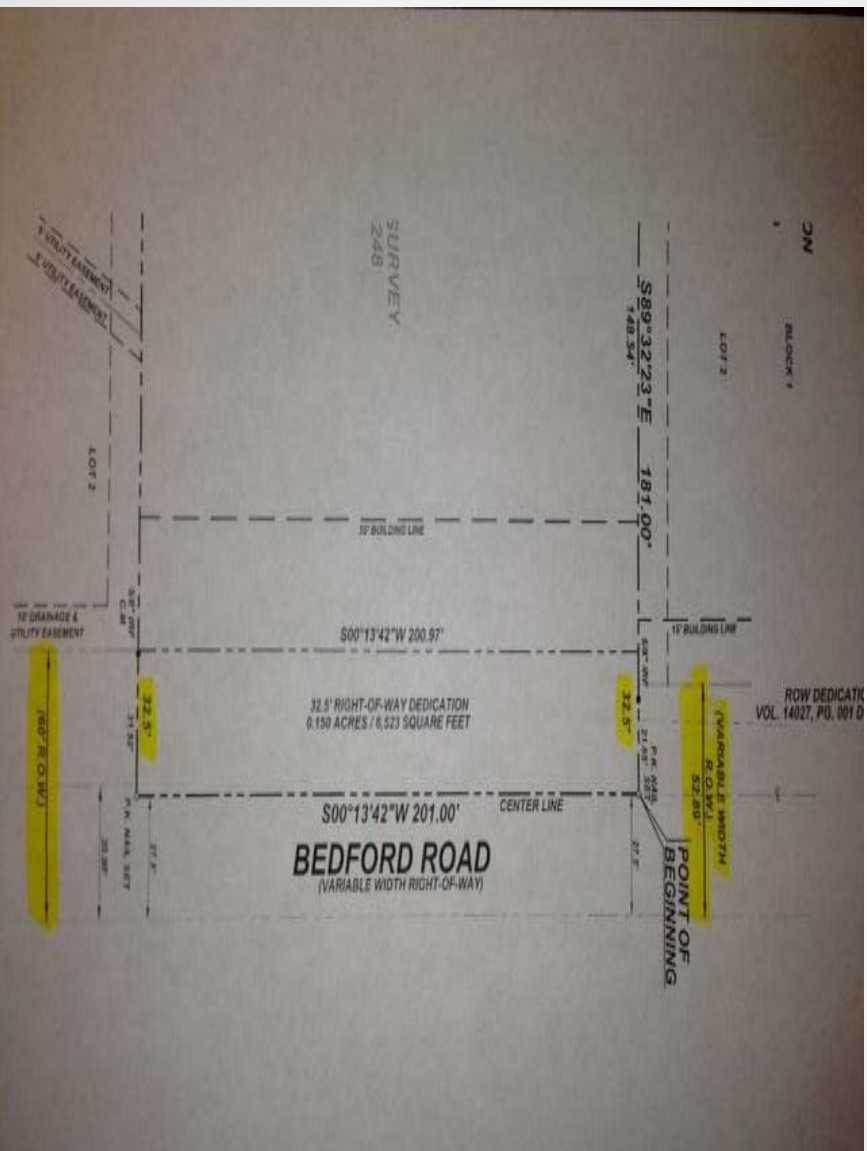
60' ROW all Along Bedford Rd.

Applicant's Request



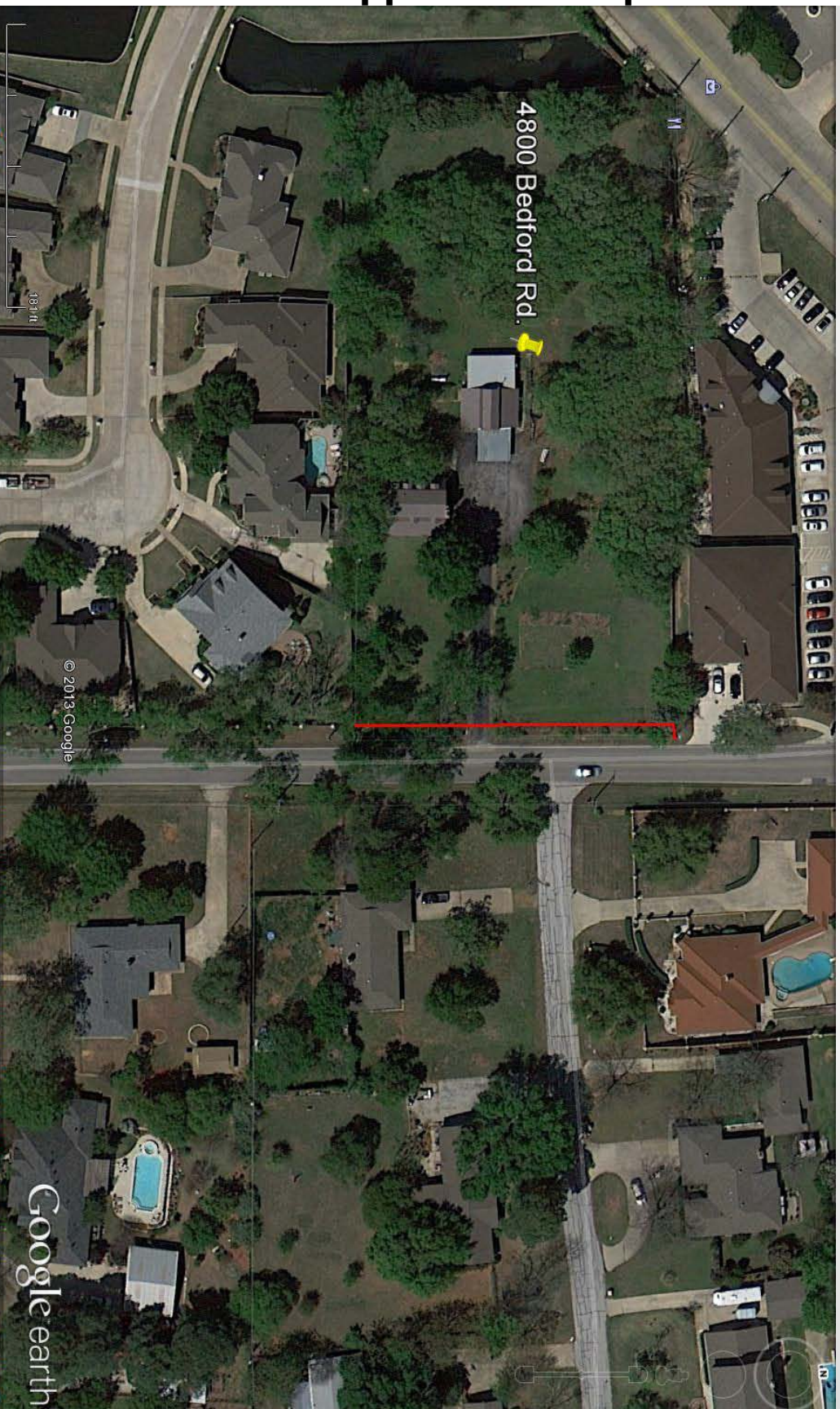
Applicant's Request

- 52.89' ROW to the North
- 60' ROW to the South



Aerial of Property

Applicant's Request



- Wall on Commercial Property to the North and existing fence on property.

Applicant's Request



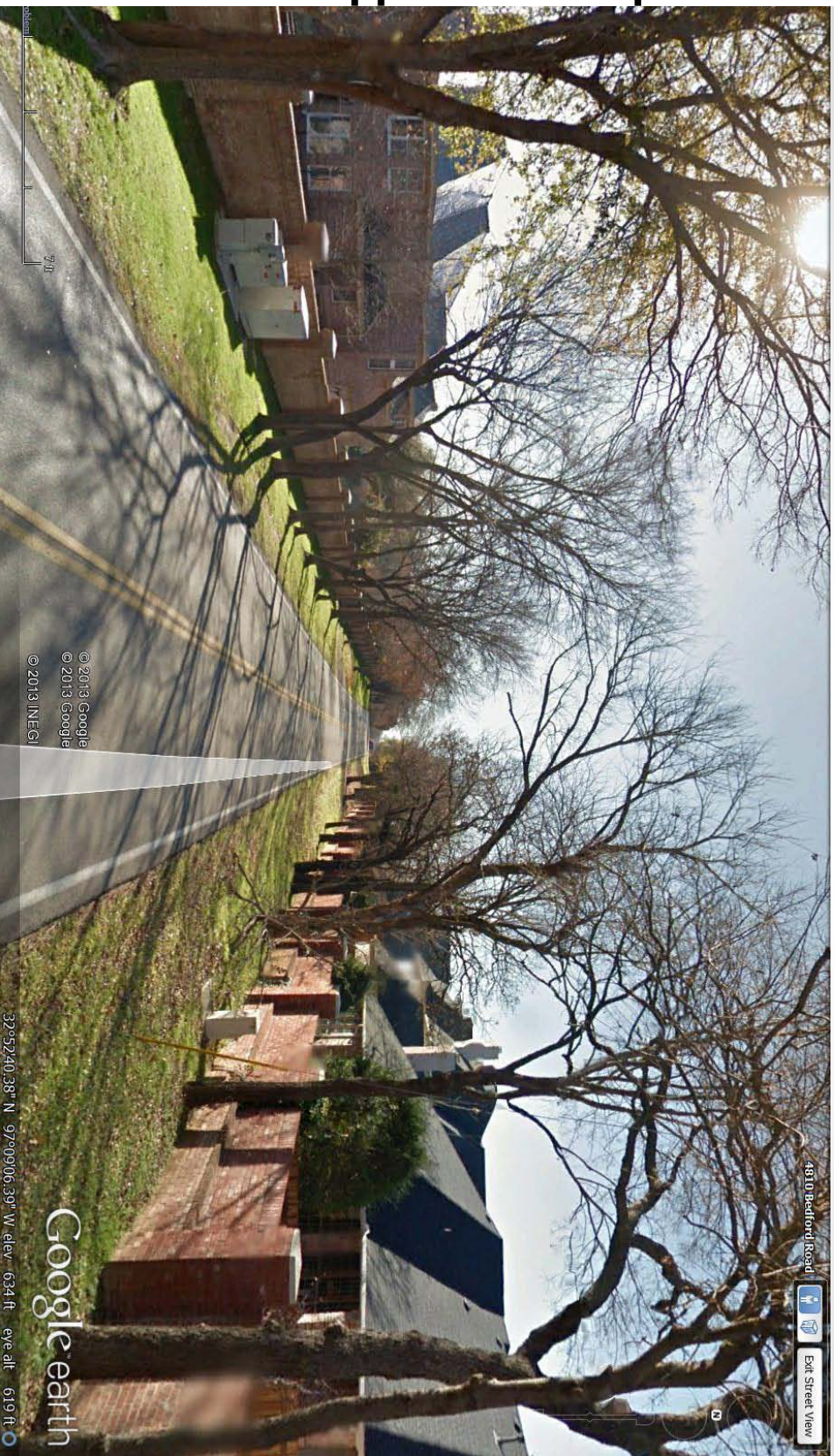
Wall to the South

Applicant's Request



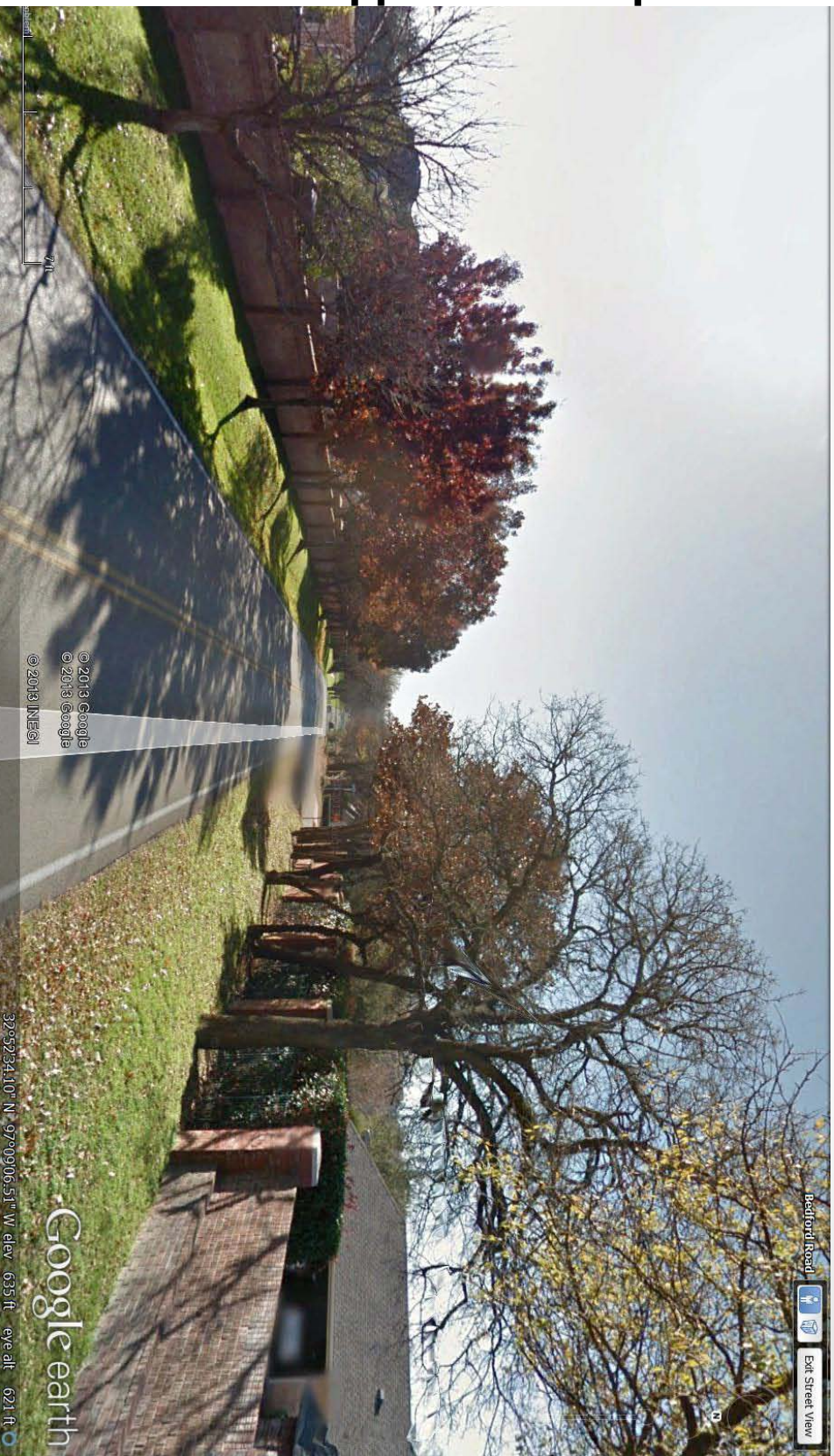
Bedford Rd. 60' ROW

Applicant's Request



View Along Bedford rd.

Applicant's Request



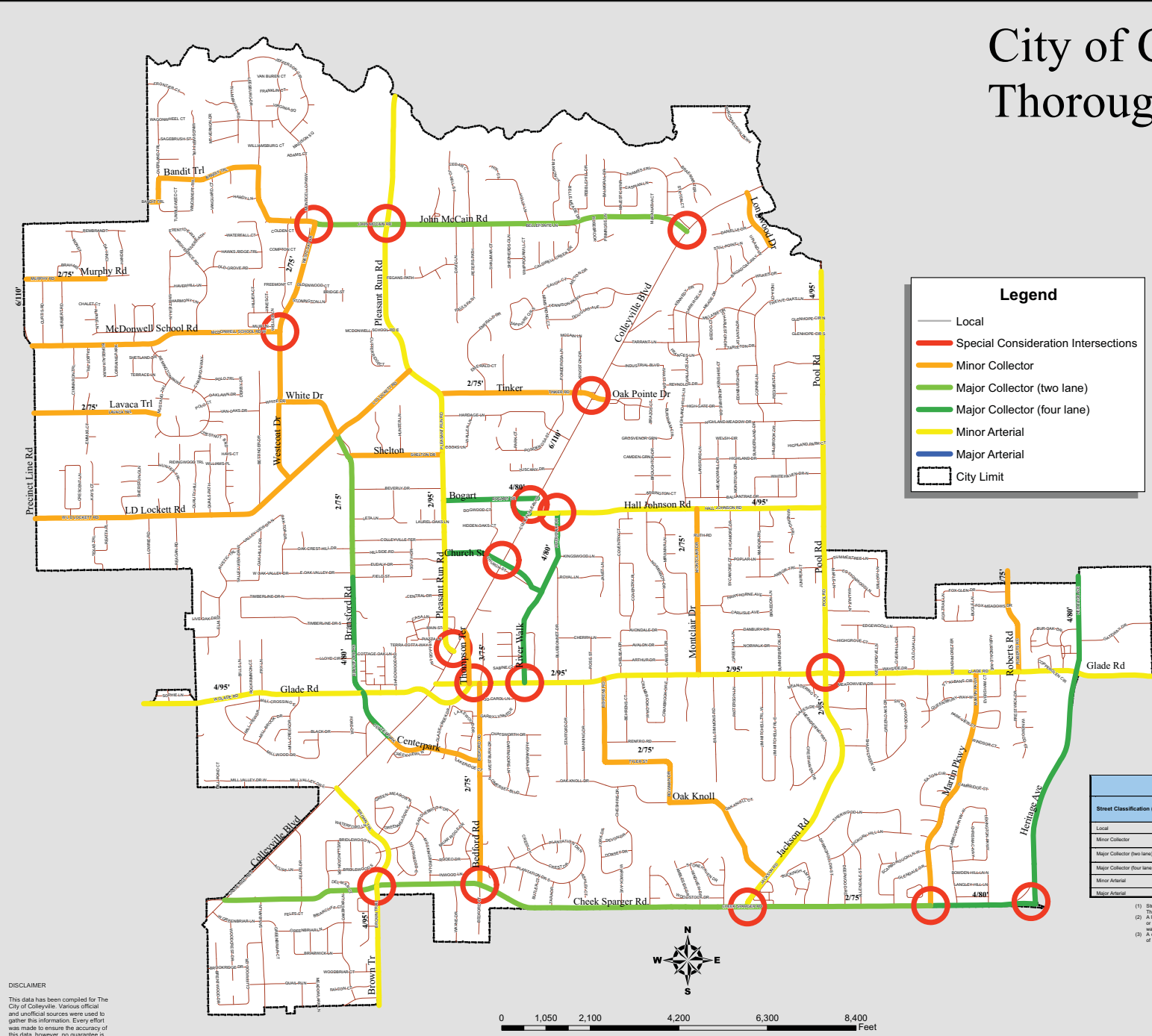
Continuing along Bedford Rd.

Applicant's Request



Master Thoroughfare Plan

City of Colleyville Thoroughfare Plan



Legend

Local

Special Consideration Intersections

Minor Collector

Major Collector (two lane)

Major Collector (four lane)

Minor Arterial

Major Arterial

City Limit

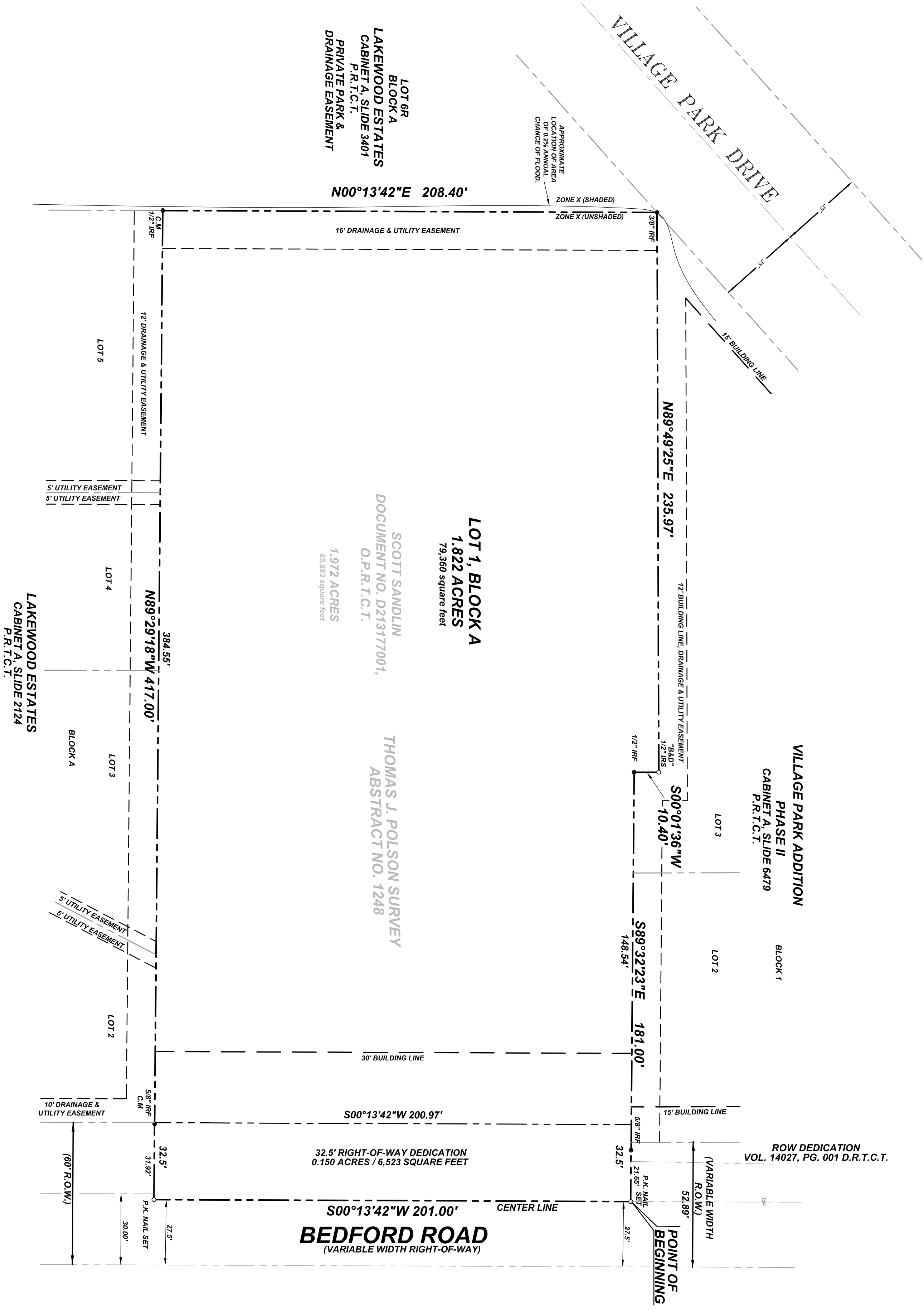
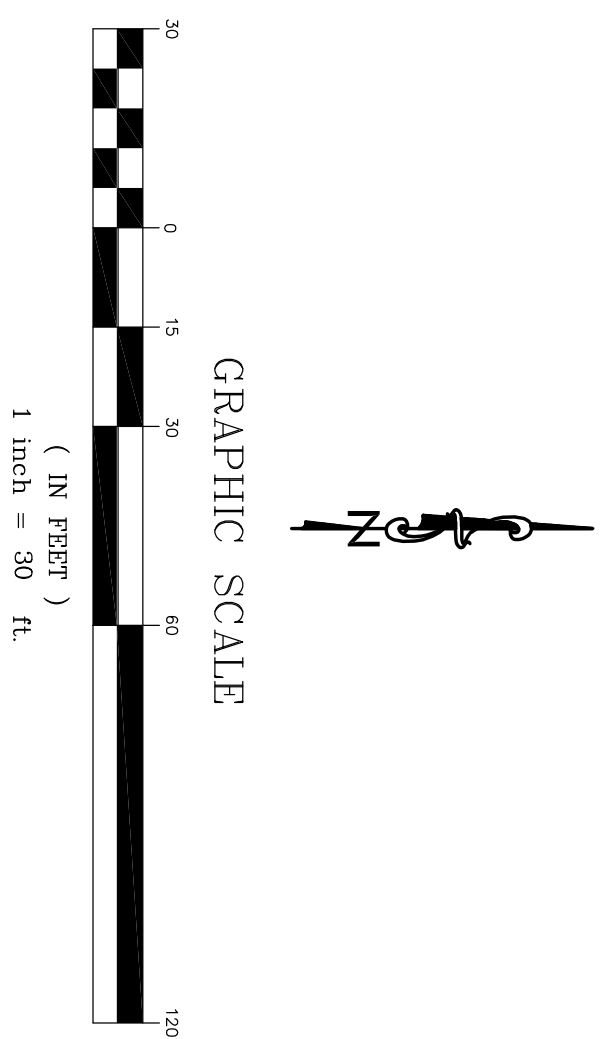
Approved by Council
May 15, 2012
Ordinance O-12-1844
Master Thoroughfare Plan R-98-1408
Adopted September 1, 1998
Amended by Ordinance O-99-1198
January 4, 2000
Amended by Ordinance O-05-1521
April 19, 2005
Amended by Ordinance O-06-1583
August 2, 2006
Amended by Ordinance O-08-1674
May 6, 2008
Amended by Ordinance O-12-1844
May 15, 2012

Master Thoroughfare Plan Right-of-Way and Pavement Standards					
Street Classification (1)	Street Type	R.O.W. Width (feet)	Lane Width (feet)	Total Pavement Width (feet)	Number of Lanes
Local	RSL	50' (2) (3)	15'	30'	2
Minor Collector	C20	75'	12'	42'	2 w/ 10' parking or 3 w/ 8' parking
Major Collector (two lane)	C20	75'	12'	42'	2 w/ 10' parking or 3 w/ 8' parking
Major Collector (four lane)	C40	80'	12'	48'	4 undivided
Minor Arterial	M40	95'	13'	52'	4 divided
Major Arterial	M40	120'	13'	52'	4 lanes or more

(1) Street classification refers to the functional classification shown on the Master Thoroughfare Plan.
(2) A local street having a total length in excess of one thousand two hundred (1,200) feet or serving more than thirty (30) dwelling units may be required to provide a right-of-way width of not less than sixty (60) feet.
(3) A collector street exceeding 600 feet in length shall have a 50' right-of-way and 36' of pavement.

DISCLAIMER
This data has been compiled for The City of Colleyville. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



[illegible]

LEGEND

O.P.R.I.C.T. = OFFICIAL PUBLIC RECORDS
TARRANT COUNTY, TEXAS

IRF(S) = IRON ROD FOUND (SET)
IP# = IRON PIPE FOUND
F# = FOUND MON. (AS DESCRIBED)
WYC = WITH YELLOW CAP
WRC = WITH RED CAP
WPC = WOOD FENCE POST COR

BOUNDARY LINE —————

GENERAL NOTES

- 1.) Beinging storm based on the north line is Lakewood Estates, Culbert's Lake P.A.C.T.
- 2.) Sliding a portion of this addition by means and found is a Volcano city ordinance and state law and is subject to fines and withholding of utilities and building permits
- 3.) The property described herein is not within a special flood hazard zone according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 46080C000K present effective date of map September 26, 2009. (non-proposed statute what Zone X (unshaded))

This plat filed under Doc. No. D _____ Date _____

OWNER:
Scott Sandlin
4800 Bedford Rd
Colleyville Tx 76034-4252
Phone: 817-281-3509

OWNER'S CERTIFICATE AND DEDICATION:

STATE OF TEXAS

WHEREAS Scott Sandlin is the owner of a 1.972 acre tract of land out of the Thomas J. Polson Survey, A.S.M. No. 1248 in the City of Colleyville, Tarrant County, Texas, and being that tract of land conveyed to Scott Sandlin as recorded in Document No. D273177001 of the Official Public Records of Tarrant County, Texas, and being more particularly defined by metes and bounds as follows:

THENCE South 00 degrees 13 minutes 42 seconds West, with the approximate center of Bedford Road and the east line of said 1.972 acre tract, a distance of 201.00 feet to a Pk nail set in asphalt for the southeast corner of said 1.972 acre tract;

CITATION: No. 89, dated 29 minutes 18 seconds West, depicting the approximate center of Bedford Road and with the south line of said road at 1972 feet and continuing with the north line of Block A, Lakewood Estates, as addition to the City of Clayville, Tennant County, Texas, by P.R.C.T.I., passing a 68 inch iron rod found at a distance of 31.92 feet and continuing for a total distance of 417.00 feet to a 1/2 inch iron rod found for the southeast corner of said 1972 feet area; the northwest corner of Lot 5 of said Block A, and being in the east line of lot 6B, Block A, Lakewood Estates, as addition to the City of Clayville, Tennant County, Texas, according to the plat thereof.

EVIDENCE: NORTH 00 degrees 45' 13.1 minutes; 42 seconds East, with the east line of said Lot 6R, running along the West line of said S. 19 T. 2 R. 2 W., a distance of 280 feet to a 3/8 inch iron rod found for the northeast corner of said Lot 6R, the northwest corner of said L. 9 T. 2 R. 2 W. tract, a distance of 100 feet to a 3/8 inch iron rod found for the east corner of lot 3, Block 1, Village Park Addition, P.P.S.R., an addition to the City of Colvilleville, Tarrant County, Texas, according to the plat thereof recorded in Cabinet A, Slide 6479, P.P.S.R., C.T., and being in the southeast line of Village Park Drive, 70 foot R.O.W.;

REFERENCE: North 89 degrees 49 minutes 25 seconds East, departing the southeast line of said Village Park Drive and with the south line of said Lot 3, same being the north line of said 1.972 acre tract, a distance of 235.97 feet to a 1/2 inch iron rod set with red cap stamped "B & D Surveying" for corner.

THENCE south 00 degrees 01 minutes 36 seconds West, continuing with the south line of said Lot 3 and the north line of said 1.912 acre tract, a distance of 10.40 feet to a 1/2 inch iron rod found for corner.

INTEREST. COURT OF VOGUES 32, limitates 2,2 seconds East, commencing with the south line of said Lot 2 and the north line of said 1, 972 acres tract and continuing with the south line of Lot 2 of said Block 1, passing a 5/8 inch iron rod found at a distance of 159.35 feet and continuing for a total distance of 181.00 feet to the **POINT OF BEGINNING**, and containing 1,972 acres of land, plus or minus.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

ordinances of the City of Cambridge. These ordinances are in effect at any time of procuring the submission of anyone. This bill approved subject to all polling ordinances, rules, regulations, and procedures of the City of Cambridge.

Witness by my hand this _____ day of _____, 2013.

Scott Sandlin, Owner

STATE OF TEXAS
COUNTY OF Tarrant

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Scott Sandlin, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN under my hand and seal of office this _____ date of _____, 2013

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYORS CERTIFICATE

STATE OF TEXAS
COUNTY OF DENTON

and corrected and was prepared from an actual survey made under my supervision on the ground. Furthermore, this survey conforms to the general rules and procedures and practices of the most current Professional Land Surveying Practices Act.

Dated this the _____ day of _____, 2013.

PRELIMINARY NOT TO BE FILED

Registered Professional Land Surveyor

Planning and Zoning Commission Approval

WHEREAS The Planning and Zoning Commission of the City of Coleville, Texas voted affirmatively on this _____ day of _____, 2013, to approve this plat:

Chairman, Planning and Zoning Commission

Attest, Secretary, Planning and Zoning Commission

**B & D
SURVEYING, INC.**

FINAL PLAT

**SANDLIN MANOR
LOT 1, BLOCK A
BEING 1.972 ACRES**

THOMAS J. POLSON SURVEY, ABST. NO. 1248
CITY OF COLLEYVILLE TARRANT COUNTY, TEXAS

**P. O. BOX 293264,
LEWISVILLE, TEXAS 75029
PHONE/FAX: 972-221-2838
Drawn by: MRD
Job No: 1306123
Date: July 30, 2013
Email: bandsurveying@verizon.net**



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
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Agenda Number 4a	Agenda Date 08/26/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for approval of a Special Use Permit for alcoholic beverage sales for off-premises consumption on Lot 7a, Block 2, Village Park Addition located at 4801 Colleyville Blvd. Approval of a Special Use Permit for alcoholic beverage sales for on-premises consumption on Lots 1R1, 4, 5a, 6a, 7a and 9R, Block 2, Village Park Addition located at 4701, 4709, 4717, 4725, 4801 and 4843 Colleyville Blvd, Case ZC13-009.

Explanation

AC Village Park Partners, LLC has submitted a Special Use Permit (SUP) application to allow the sale of alcoholic beverages for off-premises consumption and a blanket provision for the sale of alcoholic beverages for on-premises consumption in the existing Village Park Shopping Center located between Colleyville Boulevard (SH26), Glade Road, Glade Creek Drive and Centerpark Drive.

The applicant is the owner of the shopping center, which includes 195,865 square feet of existing retail space. The applicant plans to locate a Whole Foods Market in the vacant anchor tenant space located at 4801 Colleyville Boulevard. The applicant also plans to locate several restaurants in the shopping center. In conjunction with the proposed new tenants, the applicant plans to remodel the shopping center including the installation of a new front façade for the entire length of the shopping center.

Existing Zoning and Development Conditions. The subject properties are zoned CC2-Shopping Center district. The sale of alcoholic beverages for on and off-premises consumption is allowed in the CC2-Shopping Center district with the approval of a Special Use Permit.

The only existing Special Use Permit for alcoholic beverage sales in the shopping center applies to the Goody Goody Liquor package store located at 4701 Colleyville Boulevard, approved under Ordinance O-10-1780. Ordinance O-10-1780 would not be affected by the applicant's proposal. The subject properties are currently developed as follows:

4701 Colleyville Boulevard – 88,029 square feet of existing contiguous multi-tenant shopping center space

4709 Colleyville Boulevard – 24,400 square feet of existing contiguous multi-tenant shopping center space

4717 Colleyville Boulevard – 4,080 square feet of retail pad space

4725 Colleyville Boulevard – 2,137 square feet of retail pad space

4801 Colleyville Boulevard – 60,673 square feet of existing contiguous multi-tenant shopping center space

4843 Colleyville Boulevard – 16,546 square feet of existing contiguous multi-tenant shopping center space

Applicant's Request. The applicant is requesting a "restaurant overlay district" for all of the subject properties whereby the sale of alcoholic beverages of on-premises consumption would be allowed under a blanket provision with no time limit or ownership conditions. The applicant states that they "are working with a number of restaurant operators whose businesses involve the sale of alcoholic beverages for on-premises consumption. In addition, Whole Foods Market is planning to introduce a restaurant concept within its store, and expects to sell alcoholic beverages for on-premises consumption".

The applicant also proposes to allow the sale of alcoholic beverages for off-premises consumption for the Whole Foods Market only, to be located at 4801 Colleyville Boulevard. The off-premises sales would include beer and wine only. The sale of liquor for off-premises consumption would not be permitted in the proposed Whole Foods Market.

Landscaping. With the exception of 4701 Colleyville Boulevard, the subject properties are currently not in compliance with Chapter 4-Landscaping and Buffering in the Land Development Code. Staff recommends that all of the subject properties be brought into compliance as a condition of approval for the SUP. This includes providing landscaped islands within the parking lots and providing the requisite number of trees and shrubs based on the linear frontage of the shopping center adjacent to Centerpark Drive, Colleyville Boulevard and Glade Road. This provision is contained in the proposed ordinance.

Dumpster Screening. Staff recommends that all dumpsters be screened per the requirements of the Land Development Code prior to the issuance of the certificate of occupancy for any business serving alcoholic beverages per the provisions of the proposed ordinance.

Building Design and Construction. The applicant has provided proposed front building elevations (attached) for the entire length of the shopping center as seen from Colleyville Boulevard. According to Chapter 6-Building Design in the Land Development Code, all commercial buildings are required to meet a minimum design score of 30. Based upon staff's analysis, the elevations, as presented, contain an approximate design score of 30. Staff recommends that the building elevations meet all

requirements of Chapter 6-Building Design in the Land Development Code prior to the issuance of the certificate of occupancy for any business serving alcoholic beverages per the provisions of the proposed ordinance.

Signage. The applicant is proposing to construct a landmark sign per the attached exhibit. The new sign would be located close to Colleyville Boulevard at 4801 Colleyville Boulevard. The applicant also proposes to alter the existing landmark sign at 4701 to Colleyville Boulevard (approved by Ordinance O-10-1780) such that it matches the sign in the attached exhibit.

The sign provisions noted above have been added to the proposed ordinance.

Parking. The Land Development Code requires one (1) parking space per 200 square feet of gross floor area for general retail uses such as a shopping center. The applicant is requesting a parking waiver such that the total spaces required are calculated at 4.5 spaces per 1,000 feet of gross floor area. This equates to one space per each 222.22 square feet of gross floor area.

There are currently 883 existing parking spaces on the subject properties. This does not account for any spaces that may be removed as a result of installing the required parking lot landscaping mentioned above or the proposed electrical charging stations mentioned in the Statement of Planning Objectives. Based on the existing gross floor area of 195,865 square feet for the entire shopping center, 979 total parking spaces are required under the existing City requirements. 881 spaces are required based on the applicant's proposed calculation method. There is additional space available behind the shopping center to add more required parking if necessary.

The parking waiver requested by the applicant has been added to the proposed ordinance.

Required Distance Measurements and Findings. Section Six-Alcoholic Beverage Regulations of the Code of Ordinances requires a minimum distance of 300 feet from any establishment that sells alcoholic beverages and a church, public or private school, or hospital. The measurement distance must be calculated from closest front door to closest front door for churches and hospitals and from closest property line to closest property line for public or private schools.

There is an existing private school located behind the subject properties called the "Colleyville Montessori School". Per the attached map exhibit, the property lines for 4701, 4709 and 4801 are within the 300 foot separation required for the Montessori School. As such a waiver will be required in order to approve the SUP. This waiver has been added to the proposed ordinance.

Surrounding Properties. Properties to the east are zoned CC2-Shopping Center District and R-MF-Multifamily Residential district and are developed as offices, a private

school and single family detached residences. Properties to the south are zoned PUD-R-Planned Unit Development Residential district and developed as single family detached residences. Properties the west and north are zoned CC1-Village Retail and CC2-Shopping Center district and developed as retail and office uses.

Master Plan. The Colleyville Master Plan designates this property for future retail uses. The proposed use of the property complies with the plan with the approval of a Special Use Permit.

Public Notification. Staff notified 110 property owners within 500 feet of the subject properties regarding this request as well as all homeowner's associations within 500 feet. Notice was published in the Fort Worth Star-Telegram as required by state law and the Land Development Code. Staff has not received any correspondence regarding this request.

Summary. Although there are several waivers being requested as part of this proposal, staff agrees that the waivers will have little to no impact above and beyond what is already in place with regard to the shopping center. Staff also agrees that the proposed tenant additions to the shopping center along with the proposed improvements to the buildings and site are consistent with the strategic goals of the City as they relate to economic development and community sustainability.

Recommendation

Approval with the following conditions:

1. GENERAL

a. The Special Use Permit shall apply to the sale of alcoholic beverages for on-premises consumption and off-premises consumption.

b. The sale of alcoholic beverages for on-premises consumption may apply to any restaurant located on the subject properties provided that the restaurant is in compliance with City's alcoholic beverage regulations. The expiration and revocation provisions for Special Use Permits in the Land Development Code are hereby waived for any restaurant that serves alcoholic beverages for on-premises consumption as authorized by this ordinance.

c. The sale of alcoholic beverages for off-premises consumption shall only include beer and wine sales and shall only apply to the Whole Foods Market located at 4801 Colleyville Boulevard. The provision for off-premises sales of alcoholic beverages shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.

d. A variance to the 300 foot distance requirement to churches, public or private

schools or public hospitals is hereby granted by this ordinance.

e. All requirements of the Land Development Code and the Code of Ordinances shall be met, except where amended herein.

2. LANDSCAPING AND SCREENING

a. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, all landscaping on the subject properties shall meet the requirements of Chapter 4-Landscaping and Buffering in the Land Development Code.

b. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, all dumpsters on the subject properties shall be enclosed and screened per the requirements of Section 3.26 in the Land Development Code.

3. BUILDING DESIGN, SIGNAGE AND PARKING

a. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, the front façade of the shopping center shall meet the minimum requirements of Chapter 6-Building Design in the Land Development Code. The front façade shall be generally consistent with Exhibit "C".

b. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, not more than two landmark signs, as described in Chapter 7-Sign Regulations in the Land Development Code, shall be placed on the subject properties. The signs shall be generally consistent with Exhibit "D". The existing landmark sign located at 4701 Colleyville Boulevard and authorized by Ordinance O-10-1780 shall meet the standards shown in Exhibit "D".

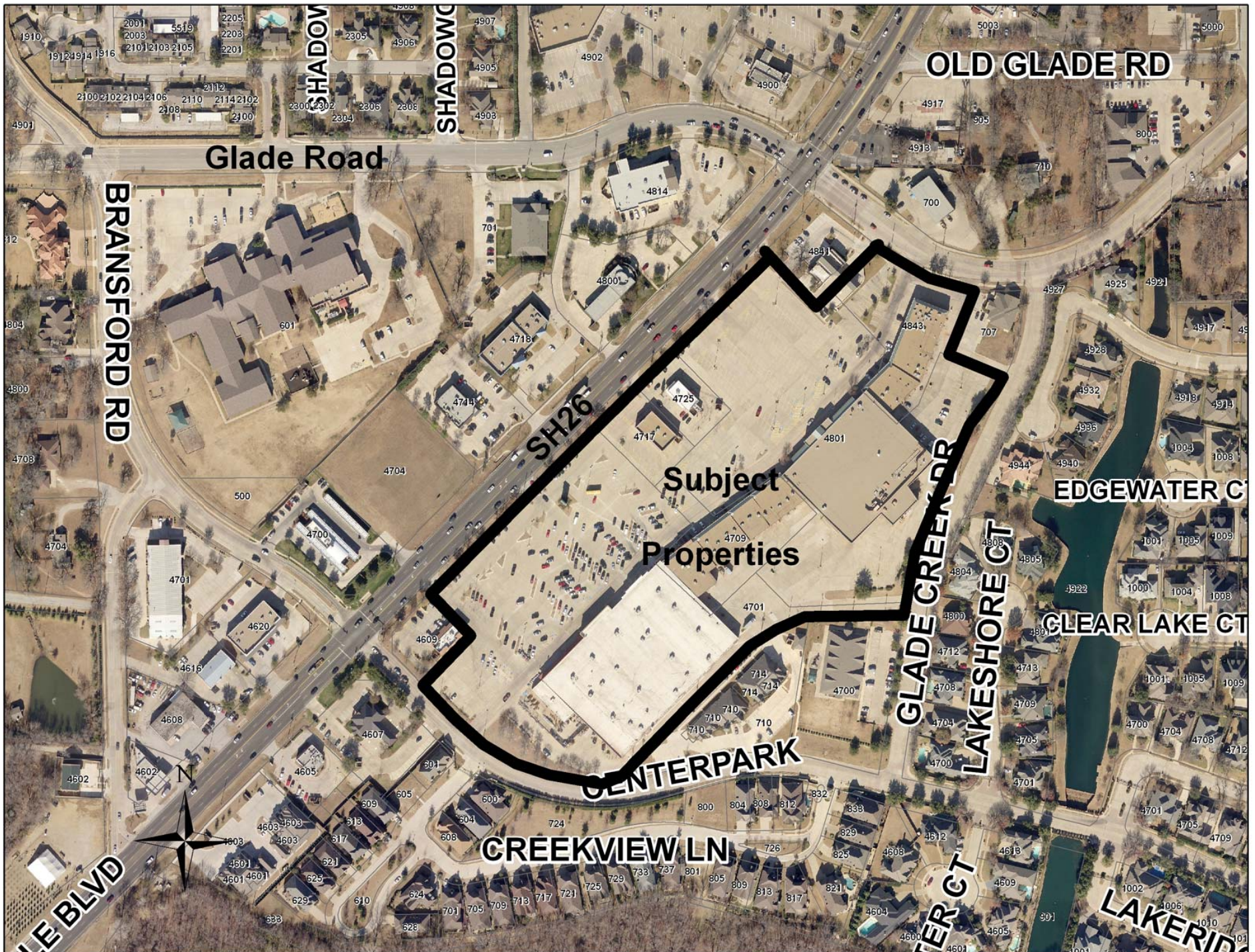
c. Required parking space calculations for the subject properties may be calculated at 4.5 parking spaces per 1,000 feet of gross floor area.

Attachments

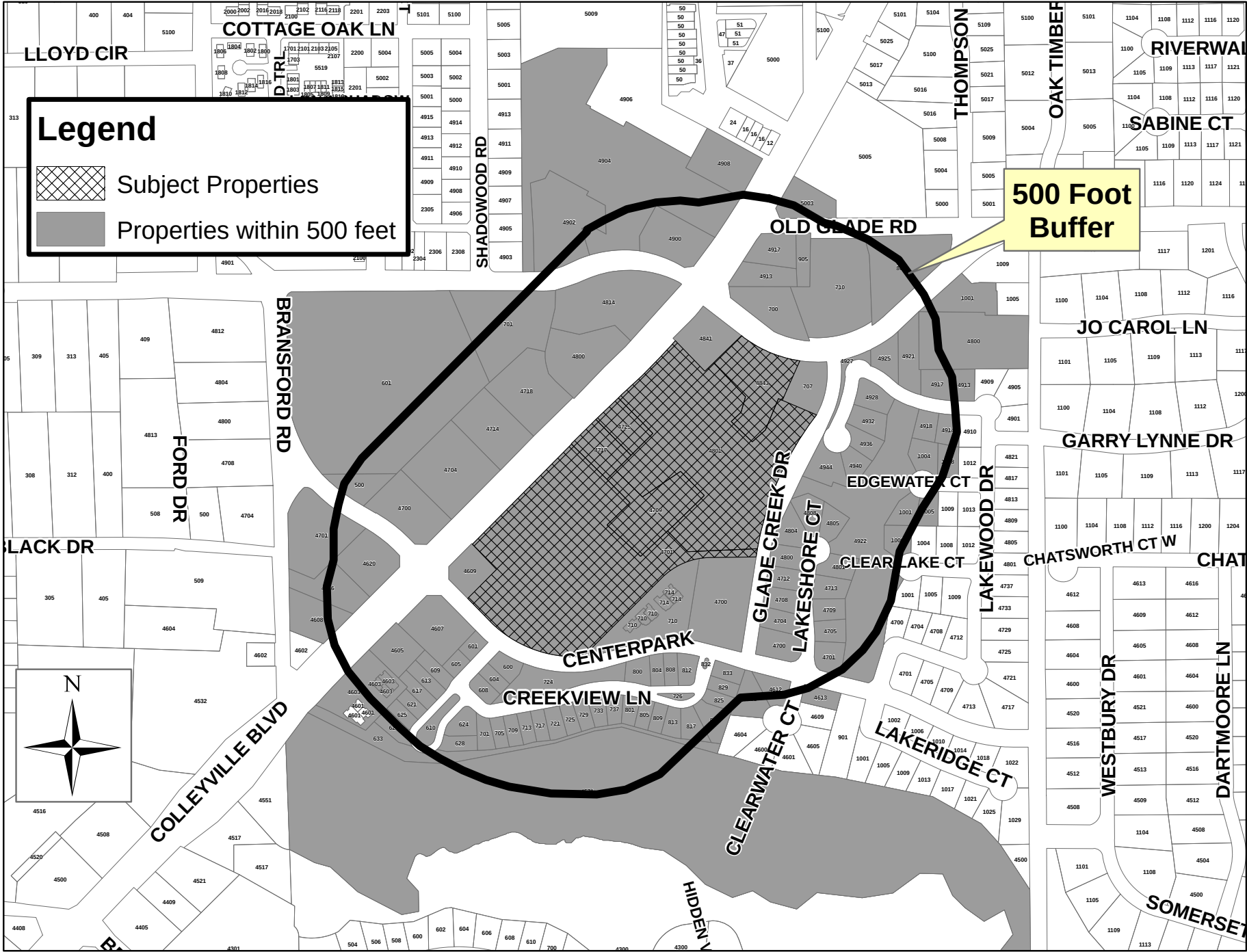
1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Statement of Planning Objectives
6. Proposed Alcohol Sales Site Exhibit
7. 300 Foot School Separation Map for Alcoholic Beverage Sales
8. Proposed Ordinance

The map displays a residential area with various zoning districts and property boundaries. The central area, outlined in black, is labeled "Subject Properties" and is primarily zoned CC-1 and CC-2. Surrounding areas include R-20 (yellow), R-MF (light blue), and PUD-R (light green). Key streets shown are Glade Road, Bransford Rd, Glade Creek Dr, Lakeshore Ct, Centerpark, Creekview Ln, and Lakeridge. A north arrow is located in the bottom left corner.

Aerial



Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
1 Chronicles 29:10-20 Llc	6620 Cedar Grove Dr	North Richland Hills	Texas	76182	714 Centerpark
Ac Village Park Partners Llc	8235 Douglas Ave Ste 655	Dallas	Texas	75225	4701 Colleyville Blvd
Alavi, Kambiz Etux Homa	5009 Westgrove Ln	Colleyville	Texas	76034	4709 Lakeshore Ct
Cambridge Homes Inc	5601 Democracy Dr Ste 190	Plano	Texas	75024	800 Creekview Ln
Ayia Properties Llc	1905 Central Dr Ste 205	Bedford	Texas	76034	714 Centerpark
Bennett, James Etux Joann	4917 Lakewood Dr	Colleyville	Texas	76034	4917 Lakewood Dr
Benton, Richard B Etux Susan N	4705 Lakeshore Ct	Colleyville	Texas	76034	4705 Lakeshore Ct
Betty B Pannell Rev Liv Tr	PO Box 815	Colleyville	Texas	76034	710 Centerpark
Blockbuster Investment Ltd	2317 Clearview Ct	Lewisville	Texas	75057	4608 Colleyville Blvd
Boney, Michael	4925 Lakewood Dr	Colleyville	Texas	76034	4925 Lakewood Dr
Bowden, William Etux Sharon	4928 Lakewood Dr	Colleyville	Texas	76034	4928 Lakewood Dr
Cambridge Homes Inc	5601 Democracy Dr Ste 190	Plano	Texas	75024	605 Creekview Ln
Centerpark Colleyville Prtnrs	3008 E Hebron Pkwy Bldg 300	Carrollton	Texas	75010	4712 COLLEYVILLE BLVD
Chandler, Raman	PO Box 611	Colleyville	Texas	76034	4501 COLLEYVILLE BLVD
Chonody, Andrew Etux Sandra	829 Creekview Ln	Colleyville	Texas	76034	829 Creekview Ln
Colleyville Blvd Condo Assoc	PO Box 47	Colleyville	Texas	76034	4603 Colleyville Blvd
Colleyville Centerpark Assoc	PO Box 47	Colleyville	Texas	76034	710 Centerpark
Colleyville Plaza Lp	580 Decker Dr Ste 203	Irving	Texas	75062	4908 Colleyville Blvd
Compass Bancshares Inc	PO Box 10566	Birmingham	Alabama	35296	4841 Colleyville Blvd
Crumpler, John K Etux Kandis L	725 Creekview Ln	Colleyville	Texas	76034	725 Creekview Ln
Curtis, Eleanor K Tr	629 Creekview Ln	Colleyville	Texas	76034	629 Creekview Ln
Daunis, Walter F & Letaine	8900 Crest Wood Dr	Fort Worth	Texas	76179	4609 Colleyville Blvd
Dehart, Doris	737 Creekview Ln	Colleyville	Texas	76034	737 Creekview Ln
Donato, Mario Jr Etux Melissa	4612 Clearwater Ct	Colleyville	Texas	76034	4612 Clearwater Ct
Drennan, Billy Etux Frances	705 Creekview Ln	Colleyville	Texas	76034	705 Creekview Ln
Enochson, Michael Etux Heather	4914 Lakewood Dr	Colleyville	Texas	76034	4914 Lakewood Dr
Erickson, O M & A L Magistrado	4804 Lakeshore Ct	Colleyville	Texas	76034	4804 Lakeshore Ct
Ervin, Richard L Etux Terri	1155 W Wall St Ste 101	Grapevine	Texas	76051	4700 Colleyville Blvd
Fick, Gary Etux Rebecca Cast	804 Creekview Ln	Colleyville	Texas	76034	804 Creekview Ln
Fiscal Fitness Center Lc	4603 Collyville Blvd Ste 140	Colleyville	Texas	76034	4603 Colleyville Blvd # 140
Fonberg, Mitchell Etal	5452 Glen Lakes Dr Ste 203	Dallas	Texas	75231	4714 Colleyville Blvd
Fonberg, Peter D	5452 Glen Lakes Dr Ste 203	Dallas	Texas	75231	4718 Colleyville Blvd
Giroir, Ron L Etux Lisinla G	609 Creekview Ln	Colleyville	Texas	76034	609 Creekview Ln
Glade Road Capital Llc	PO Box 1821	Colleyville	Texas	76034	1001 Village Park Dr
Grapevine Colleyville ISD	3051 Ira E Woods Ave	Grapevine	Texas	76051	601 Glade Rd
Haochuan, Li Etux Mei Han	4313 Pembroke Pkwy N	Colleyville	Texas	76034	4603 Colleyville Blvd # 120
Hardin, Carl W Tr	223 N Guadalupe St Unit 559	Santa Fe	New Mexico	87501	713 Creekview Ln
Hardin, Jo Dora	600 Creekview Ln	Colleyville	Texas	76034	600 Creekview Ln
Harris, John	4808 Lakeshore Ct	Colleyville	Texas	76034	4808 Lakeshore Ct
Hawkins, Christopher & Patrici	PO Box 235	Colleyville	Texas	76034	4944 Lakewood Dr
Hendricks, Chas Etux Patricia	4918 Lakewood Dr	Colleyville	Texas	76034	4918 Lakewood Dr
Heritage Personal Training Inc	1208 Crest Dr	Colleyville	Texas	76034	707 Glade Rd
Hoa - Lakewood Estates	6707 Brentwood Stair Rd	Fort Worth	Texas	76112	4922 Lakewood Dr
Hoa - Lakewood Estates	6707 Brentwood Stair Rd	Fort Worth	Texas	76112	4935 LAKEWOOD DR
Hoa Of Cambridge Place Inc	3500 Maple Ave Ste 1165	Dallas	Texas	75219	633 Creekview Ln
Jackson, Sharon R	4801 Lakeshore Ct	Colleyville	Texas	76034	4801 Lakeshore Ct
Johnson, Yvonne F	608 Creekview Ln	Colleyville	Texas	76034	608 Creekview Ln
Karegeannes, Harry G Etux	1004 Edgewater Ct	Colleyville	Texas	76034	1004 Edgewater Ct
Kettle, Keith & Teresa S	714 Centerpark Dr Ste 120	Colleyville	Texas	76034	710 Centerpark
Krivsky-Bartusiak Inc	3220 Clear Fork Dr	Hurst	Texas	76054	4701 Bransford Rd
Kwik Kar Of Colleyville Tx Llc	4616 Collyville Blvd	Colleyville	Texas	76034	4616 Colleyville Blvd
Lee, Moon D Etux Young Sun Lee	628 Creekview Ln	Colleyville	Texas	76034	628 Creekview Ln
Looney, John R	3001 S Country Club Rd	Garland	Texas	75043	4917 Colleyville Blvd
Loveita & Schon Llc	803 Caprock Dr	Big Spring	Texas	79720	4620 Colleyville Blvd
Matlock, Jc Jr	805 Creekview Ln	Colleyville	Texas	76034	805 Creekview Ln
McMahon, Danial J	1008 Edgewater Ct	Colleyville	Texas	76034	1008 Edgewater Ct
Mejia, Eduardo Etux Maria Silv	247 S Maple Glade Cir	Spring	Texas	77382	4800 Lakeshore Ct
Miller, Harry M Etux Belinda	4805 Lakeshore Ct	Colleyville	Texas	76034	4805 Lakeshore Ct
Mirzadeh, Marzia	4608 Clearwater Ct	Colleyville	Texas	76034	4608 Clearwater Ct
Moroski, Peter J Etux Deborah	813 Creekview Ln	Colleyville	Texas	76034	813 Creekview Ln
Morse, Julius Etux Billie	821 Creekview Ln	Colleyville	Texas	76034	821 Creekview Ln
Moyer, Cecilia C	604 Creekview Ln	Colleyville	Texas	76034	604 Creekview Ln
Nicholas, Rene Lou	808 Creekview Ln	Colleyville	Texas	76034	808 Creekview Ln
Nobel Source Company Llc	640 S Hill St Ste 341	Los Angeles	California	90014	800 Glade Rd
Noblit, Don Etux Barbara	PO Box 820895	Fort Worth	Texas	76182	4913 Colleyville Blvd

Notification List

Noorani, Anis Etux Reema	4940 Lakewood Dr	Colleyville	Texas	76034	4940 Lakewood Dr
Owen, Geoffrey R Etux Helen M	809 Creekview Ln	Colleyville	Texas	76034	809 Creekview Ln
Pardo, Lisa D	904 Saddlebrook Dr	Colleyville	Texas	76034	4607 Colleyville Blvd
Patel, Geeta Tr	601 Creekview Ln	Colleyville	Texas	76034	601 Creekview Ln
Pettit, Lois Jeannean	625 Creekview Ln	Colleyville	Texas	76034	625 Creekview Ln
Pittman, Bobby G	4913 Lakewood Dr	Colleyville	Texas	76034	4913 Lakewood Dr
Poslick, Martin A Etux Evelyn	4932 Lakewood Dr	Colleyville	Texas	76034	4932 Lakewood Dr
R&L Capital Properties Llc	6903 Shepherds Gln	Colleyville	Texas	76034	4800 Colleyville Blvd
Raphael Leasing Llc	PO Box 820895	North Richland Hills	Texas	76182	710 Centerpark
Realty Income Tx Pro 1 Llc	PO Box 460069	Escondido	California	92046	4700 Glade Creek Dr
Reddy, Prabhakar Etux Pallavi	4701 Lakeshore Ct	Colleyville	Texas	76034	4701 Lakeshore Ct
Renberg, Timothy S	613 Creekview Ln	Colleyville	Texas	76034	613 Creekview Ln
Rhodes, Dee Ann Etvir Joe	4712 Lakeshore Ct	Colleyville	Texas	76034	4712 Lakeshore Ct
Pillai, Jaime	621 Creekview Ln	Colleyville	Texas	76034	621 Creekview Ln
Ross, Peter M Etux Mickey K	721 Creekview Ln	Colleyville	Texas	76034	721 Creekview Ln
Salemizadeh, A Etux Belgheys G	1005 Edgewater Ct	Colleyville	Texas	76034	1005 Edgewater Ct
Sawyer, Matthew Etux Christi	4700 Lakeshore Ct	Colleyville	Texas	76034	4700 Lakeshore Ct
Schwab Group Llc	714 Centerpark Dr Ste 100	Colleyville	Texas	76034	714 Centerpark
Sharp, Perry L Etux Lori A	812 Creekview Ln	Colleyville	Texas	76034	812 Creekview Ln
Sisdr Properties Llc	4603 Colleyville Blvd Ste 100	Colleyville	Texas	76034	4603 Colleyville Blvd # 100
Small, Marvin B Jr	4613 Clearwater Ct	Colleyville	Texas	76034	4613 Clearwater Ct
Sorlie, Victor A Etux Linda	729 Creekview Ln	Colleyville	Texas	76034	729 Creekview Ln
Stalford, Elizabeth R Tr	701 Creekview Ln	Colleyville	Texas	76034	701 Creekview Ln
Stitts, Andrea A	4713 Lakeshore Ct	Colleyville	Texas	76034	4713 Lakeshore Ct
Suiter, Scott M Etux Julie A	825 Creekview Ln	Colleyville	Texas	76034	825 Creekview Ln
Sveska, Dorothy & Robert F	4700 Lakewood Dr	Colleyville	Texas	76034	617 Creekview Ln
Tadlock, Larry & Karen	624 Creekview Ln	Colleyville	Texas	76034	624 Creekview Ln
Talkington, Mary Alice	4708 Lakeshore Ct	Colleyville	Texas	76034	4708 Lakeshore Ct
Taylor, Virginia Ann	809 Silver Lake Dr	Keller	Texas	76248	4936 Lakewood Dr
Teague, Mary P Etvir Daniel	733 Creekview Ln	Colleyville	Texas	76034	733 Creekview Ln
Terry, Doug Etux Lee Martin	PO Box 622	Colleyville	Texas	76034	1001 Edgewater Ct
Thompson, John E	5017 Montclair Dr	Colleyville	Texas	76034	905 Old Glade Rd
Trow, Bradley M	PO Box 1201	Hurst	Texas	76053	4605 Colleyville Blvd
Tutt, Dorothy	4800 Bedford Rd	Colleyville	Texas	76034	4800 Bedford Rd
Wal-Mart Real Estate Bus Trust	PO Box 8050	Bentonville	Arkansas	72716	4904 Colleyville Blvd
Wilson, Edwin E	817 Creekview Ln	Colleyville	Texas	76034	817 Creekview Ln
Wilson, Mark D & John B Blick	701 Glade Rd	Colleyville	Texas	76034	701 Glade Rd
Winstead, Debra A	717 Creekview Ln	Colleyville	Texas	76034	717 Creekview Ln
Worthington National Bank	500W Main St	Fort Worth	Texas	76102	4814 Colleyville Blvd
Wren, Donald C Etux Barbara	4704 Lakeshore Ct	Colleyville	Texas	76034	4704 Lakeshore Ct
Y2Kitchen Properties Llc	4500 Dartmoore Ln	Colleyville	Texas	76034	5003 Colleyville Blvd
Yellock, Johnnie Etux Reagan	709 Creekview Ln	Colleyville	Texas	76034	709 Creekview Ln
Young, Alan	1000 Clear Lake Ct	Colleyville	Texas	76034	1000 Clear Lake Ct
Zell Three Inc	1190 Explorer St	Duncanville	Texas	75137	700 GLADE RD
Zinger, Charles Etux Joanne	833 Creekview Ln	Colleyville	Texas	76034	833 Creekview Ln
Ac Village Park Partners Llc, Applicant	8235 Douglas Ave Ste 655	Dallas	Texas	76034	Applicant

Public Hearing notices were mailed
Fri., Aug. 16, 2013 by Taci Wrisley

Statement of Planning Objectives

AC VILLAGE PARK PARTNERS, LLC
8235 Douglas Avenue, Suite 655
Dallas, Texas 75225

We currently own the Village Park Shopping Center located at the Southeast corner of Hwy. 26/Colleyville Boulevard and Glade Road, containing approximately 192,865 square feet of retail space (the "Property"). The Property is within Tax Increment Reinvestment Zone Number One and is the subject of an Economic Development Grant Agreement executed on February 19, 2013 between us and the City of Colleyville, Texas.

As you know, we are in the process of redeveloping and rebranding the Property into Colleyville Downs, a Class A shopping center to be anchored by Whole Foods Market. The redevelopment will not only introduce a Whole Foods grocery store to Colleyville, but will also involve a renovation of the shopping center to achieve an elevated quality of appearance, which blends harmoniously with the character and history of the City of Colleyville. In addition, we are working to introduce other new retailers and multiple restaurants to the center. At this point, we have entered into a lease agreement with Whole Foods, are in various stages of pre-leasing other vacancies at the center and in the pre-development stage of our construction activity. While we have had and continue to have success in execution of the business plan, we are in need of assistance to overcome certain obstacles that we have identified and are interfering with our redevelopment plans.

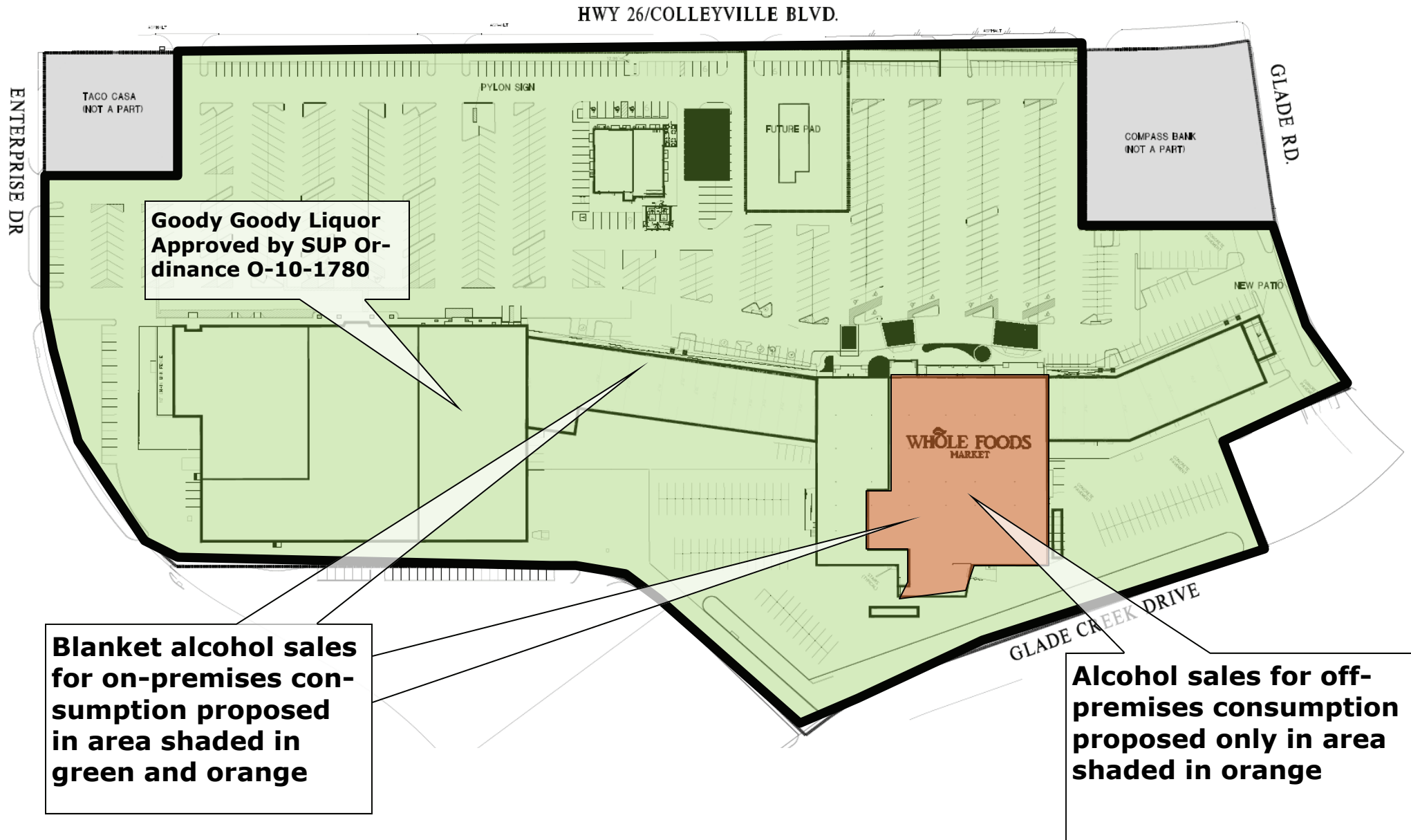
In furtherance of the Colleyville Downs redevelopment plan, we are writing to request that the City adopt a Special Use Permit that would provide for the following:

- **Restaurant Overlay District.** We are working with a number of restaurant operators whose businesses involve the sale of alcoholic beverages for on-premises consumption. In addition, Whole Foods is planning to introduce a restaurant concept within its store, and expects to sell alcoholic beverages for on-premises consumption. We would like to request a Restaurant Overlay District for Lots 1R1, 4, 5A, 6A, 7A and 9R.
- **Sale of Alcohol by Whole Foods.** Whole Foods is in the business of selling beer and wine for off-premises consumption. We would like to request permission for that activity on Lot 7A, Block 2 Village Park Addition – Colleyville.
- **Construction of New Landmark Sign.** Retailers that are interested in Colleyville Downs have demanding criteria for site selection, which include requirements of visibility, access and signage. Considering depth and slope of the parking field together with certain other issues, visibility in portions of the shopping center is limited. As a result, we will need to have the ability to offer additional signage to attract more retailers to the center. We would like to request permission to build a multi-tenant sign as described on Exhibit "A" of the attached site plan. The new landmark sign is designed to be consistent with the materials and design of the shopping center and resemble the existing landmark sign identified in Exhibit "B".

Statement of Planning Objectives

- **Improvement of Existing Landmark Sign.** As mentioned above, our success in leasing Colleyville Downs is determined in large part by available signage. In addition, considering our plan to improve the appearance of the shopping center, we think it would be appropriate to improve the appearance of existing signage so that it is consistent with the higher quality of the redeveloped shopping center. Thus, we would like to request permission to remodel the existing landmark sign that is identified on Exhibit "B". The remodeled sign would be constructed to be substantially similar to the drawing on Exhibit "C".
- **Establish 4.5 / 1000 Parking Ratio.** In order to accommodate the tenant interest in Colleyville Downs and optimize the occupancy, value, shopping traffic and sales volumes at the center, we would like to request a parking ratio of 4.5 /1000; which will suffice to comply with all permitted uses under the CC-2 Shopping Center district.
- **Allow for two electrical charging stations.** These stations will allow for the charging of electrically powered automobiles. We have not yet determined a final location for these devices and are simply asking for the allowance of the land use in conjunction with this Special Use Permit request.

Proposed Alcohol Sales Site Exhibit



The map displays a residential area with various streets and property lots. A large area is outlined in black and labeled "Subject Properties". A red buffer zone is drawn around a specific property, with a yellow callout pointing to it labeled "Required 300 Foot Buffer". The map includes a north arrow in the top left corner. Street names visible include SH26, Glade Road, Edgewater Ct, Clear Lake Ct, Centerpark, Creekview Ln, Glade Creek Dr, Lakeshore Ct, Ter Ct, and Lakeridge. Property numbers are scattered throughout the map, including 4814, 701, 4800, 4718, 4714, 4704, 4700, 4620, 4609, 4607, 4605, 601, 609, 605, 600, 604, 608, 724, 613, 617, 621, 625, 629, 610, 624, 701, 705, 709, 713, 717, 721, 725, 729, 733, 737, 801, 805, 809, 813, 817, 4604, 4600, 4601, 4605, 901, 1001, 1005, 1009, 1013, 1014, 1010, 1006, 1002, 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4708, 4709, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717, 4718, 4719, 4720, 4721, 4722, 4723, 4724, 4725, 4726, 4727, 4728, 4729, 4730, 4731, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4740, 4741, 4742, 4743, 4744, 4745, 4746, 4747, 4748, 4749, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4757, 4758, 4759, 4760, 4761, 4762, 4763, 4764, 4765, 4766, 4767, 4768, 4769, 4770, 4771, 4772, 4773, 4774, 4775, 4776, 4777, 4778, 4779, 4780, 4781, 4782, 4783, 4784, 4785, 4786, 4787, 4788, 4789, 4790, 4791, 4792, 4793, 4794, 4795, 4796, 4797, 4798, 4799, 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807, 4808, 4809, 4810, 4811, 4812, 4813, 4814, 4815, 4816, 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4831, 4832, 4833, 4834, 4835, 4836, 4837, 4838, 4839, 4840, 4841, 4842, 4843, 4844, 4845, 4846, 4847, 4848, 4849, 4850, 4851, 4852, 4853, 4854, 4855, 4856, 4857, 4858, 4859, 4860, 4861, 4862, 4863, 4864, 4865, 4866, 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877, 4878, 4879, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899, 4900, 4901, 4902, 4903, 4904, 4905, 4906, 4907, 4908, 4909, 4910, 4911, 4912, 4913, 4914, 4915, 4916, 4917, 4918, 4919, 4920, 4921, 4922, 4923, 4924, 4925, 4926, 4927, 4928, 4929, 4930, 4931, 4932, 4933, 4934, 4935, 4936, 4937, 4938, 4939, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4947, 4948, 4949, 4950, 4951, 4952, 4953, 4954, 4955, 4956, 4957, 4958, 4959, 4960, 4961, 4962, 4963, 4964, 4965, 4966, 4967, 4968, 4969, 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, 4981, 4982, 4983, 4984, 4985, 4986, 4987, 4988, 4989, 4990, 4991, 4992, 4993, 4994, 4995, 4996, 4997, 4998, 4999, 5000.

ORDINANCE O-13-xxxx

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOTS 1R1, 4, 5A, 6A, 7A AND 9R, BLOCK 2 OF THE VILLAGE PARK ADDITION, LOCATED AT 4701, 4709, 4717, 4725, 4801 AND 4843 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION AND OFF-PREMISES CONSUMPTION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for on-premise consumption of alcohol under Case No. ZC13-009; 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 enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the 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 Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the

Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lots 1R1, 4, 5A, 6A, 7A and 9R, Block 2, Village Park Addition located at 4701, 4709, 4717, 4725, 4801 and 4843 Colleyville Boulevard by authorizing a Special Use Permit for the sale of alcoholic beverages for on-premises consumption and off-premises consumption, as depicted on Exhibit "A" and described in Exhibit "B".
- Sec. 3. 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. 4. 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 sale of alcoholic beverages for on-premises consumption and off-premises consumption.
- b. The sale of alcoholic beverages for on-premises consumption may apply to any restaurant located on the subject properties provided that the restaurant is in compliance with City's alcoholic beverage regulations. The

expiration and revocation provisions for Special Use Permits in the Land Development Code are hereby waived for any restaurant that serves alcoholic beverages for on-premises consumption as authorized by this ordinance.

- c. The sale of alcoholic beverages for off-premises consumption shall only include beer and wine sales and shall only apply to the Whole Foods Market located at 4801 Colleyville Boulevard. The provision for off-premises sales of alcoholic beverages shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- d. A variance to the 300 foot distance requirement to churches, public or private schools or public hospitals is hereby granted by this ordinance.
- e. All requirements of the Land Development Code and the Code of Ordinances shall be met, except where amended herein.

2. LANDSCAPING AND SCREENING

- a. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, all landscaping on the subject properties shall meet the requirements of Chapter 4-Landscaping and Buffering in the Land Development Code.
- b. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, all dumpsters on the subject properties shall be enclosed and screened per the requirements of Section 3.26 in the Land Development Code.

3. BUILDING DESIGN, SIGNAGE AND PARKING

- a. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, the front façade of the shopping center shall meet the minimum requirements of Chapter 6-Building Design in the Land Development Code.

The front façade shall be generally consistent with Exhibit "C".

b. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, not more than two landmark signs, as described in Chapter 7-Sign Regulations in the Land Development Code, shall be placed on the subject properties. The signs shall be generally consistent with Exhibit "D". The existing landmark sign located at 4701 Colleyville Boulevard and authorized by Ordinance O-10-1780 shall meet the standards shown in Exhibit "D".

c. Required parking space calculations for the subject properties may be calculated at 4.5 parking spaces per 1,000 feet of gross floor area.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of 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. 6. 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. 7. 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. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of September 2013.

The second reading and public hearing being conducted on the 17th day of September 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

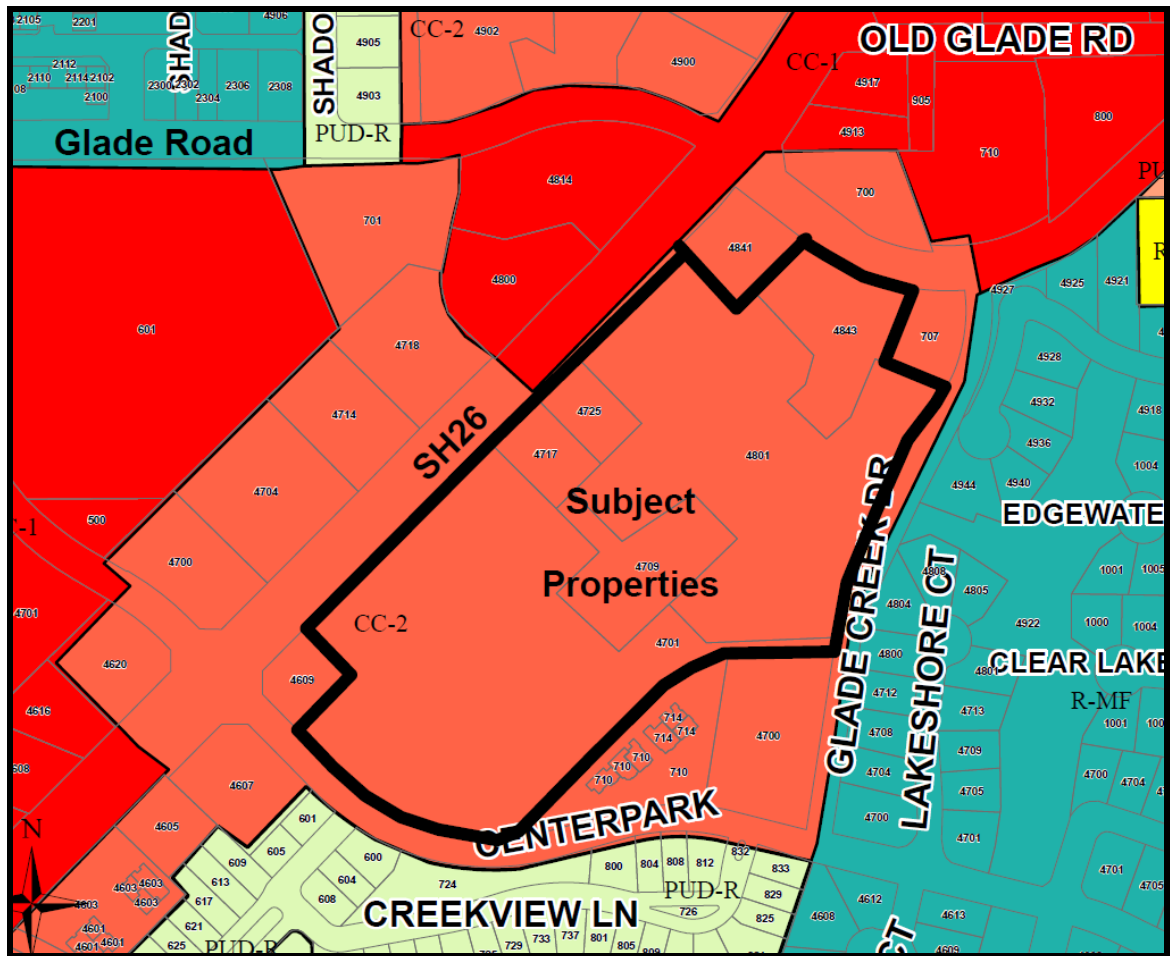


Exhibit “B” – Statement of Planning Objectives

AC VILLAGE PARK PARTNERS, LLC
8235 Douglas Avenue, Suite 655
Dallas, Texas 75225

We currently own the Village Park Shopping Center located at the Southeast corner of Hwy. 26/Colleyville Boulevard and Glade Road, containing approximately 192,865 square feet of retail space (the “Property”). The Property is within Tax Increment Reinvestment Zone Number One and is the subject of an Economic Development Grant Agreement executed on February 19, 2013 between us and the City of Colleyville, Texas.

As you know, we are in the process of redeveloping and rebranding the Property into Colleyville Downs, a Class A shopping center to be anchored by Whole Foods Market. The redevelopment will not only introduce a Whole Foods grocery store to Colleyville, but will also involve a renovation of the shopping center to achieve an elevated quality of appearance, which blends harmoniously with the character and history of the City of Colleyville. In addition, we are working to introduce other new retailers and multiple restaurants to the center. At this point, we have entered into a lease agreement with Whole Foods, are in various stages of pre-leasing other vacancies at the center and in the pre-development stage of our construction activity. While we have had and continue to have success in execution of the business plan, we are in need of assistance to overcome certain obstacles that we have identified and are interfering with our redevelopment plans.

In furtherance of the Colleyville Downs redevelopment plan, we are writing to request that the City adopt a Special Use Permit that would provide for the following:

- **Restaurant Overlay District.** We are working with a number of restaurant operators whose businesses involve the sale of alcoholic beverages for on-premises consumption. In addition, Whole Foods is planning to introduce a restaurant concept within its store, and expects to sell alcoholic beverages for on-premises consumption. We would like to request a Restaurant Overlay District for Lots 1R1, 4, 5A, 6A, 7A and 9R.
- **Sale of Alcohol by Whole Foods.** Whole Foods is in the business of selling beer and wine for off-premises consumption. We would like to request permission for that activity on Lot 7A, Block 2 Village Park Addition – Colleyville.
- **Construction of New Landmark Sign.** Retailers that are interested in Colleyville Downs have demanding criteria for site selection, which include requirements of visibility, access and signage. Considering depth and slope of the parking field together with certain other issues, visibility in portions of the shopping center is limited. As a result, we will need to have the ability to offer additional signage to attract more retailers to the center. We would like to request permission to build a multi-tenant sign as described on Exhibit “A” of the attached site plan. The new landmark sign is designed to be consistent with the materials and design of the shopping center and resemble the existing landmark sign identified in Exhibit “B”.

Exhibit “B” – Statement of Planning Objectives Cont.

- **Improvement of Existing Landmark Sign.** As mentioned above, our success in leasing Colleyville Downs is determined in large part by available signage. In addition, considering our plan to improve the appearance of the shopping center, we think it would be appropriate to improve the appearance of existing signage so that it is consistent with the higher quality of the redeveloped shopping center. Thus, we would like to request permission to remodel the existing landmark sign that is identified on Exhibit “B”. The remodeled sign would be constructed to be substantially similar to the drawing on Exhibit “C”.
- **Establish 4.5 / 1000 Parking Ratio.** In order to accommodate the tenant interest in Colleyville Downs and optimize the occupancy, value, shopping traffic and sales volumes at the center, we would like to request a parking ratio of 4.5 /1000; which will suffice to comply with all permitted uses under the CC-2 Shopping Center district.
- **Allow for two electrical charging stations.** These stations will allow for the charging of electrically powered automobiles. We have not yet determined a final location for these devices and are simply asking for the allowance of the land use in conjunction with this Special Use Permit request.

Exhibit "C" – Front Façade Elevations



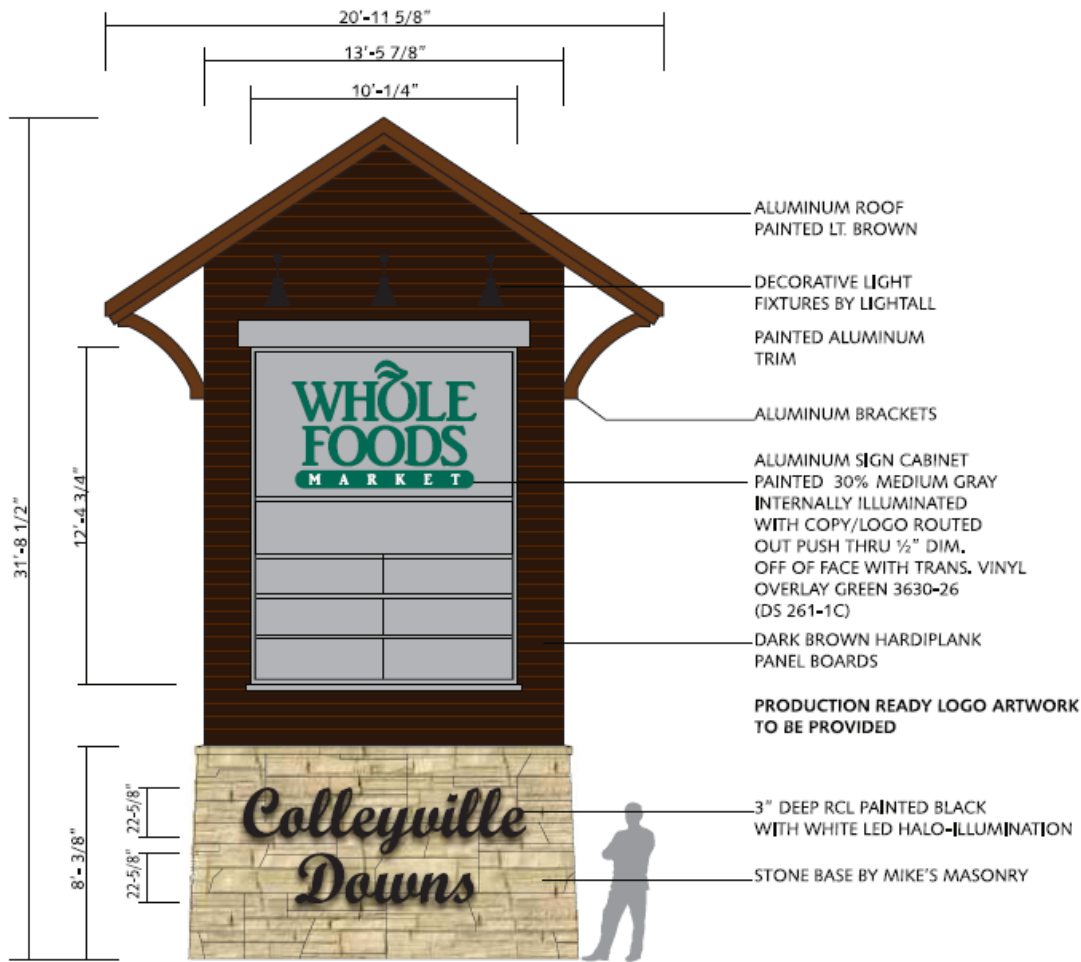
COLLEVILLE DOWNS COLLEVILLE TEXAS

EL 12

SCALE: 1/8" = 1'-0" (VERTICAL) 1/4" = 1'-0" (HORIZONTAL)

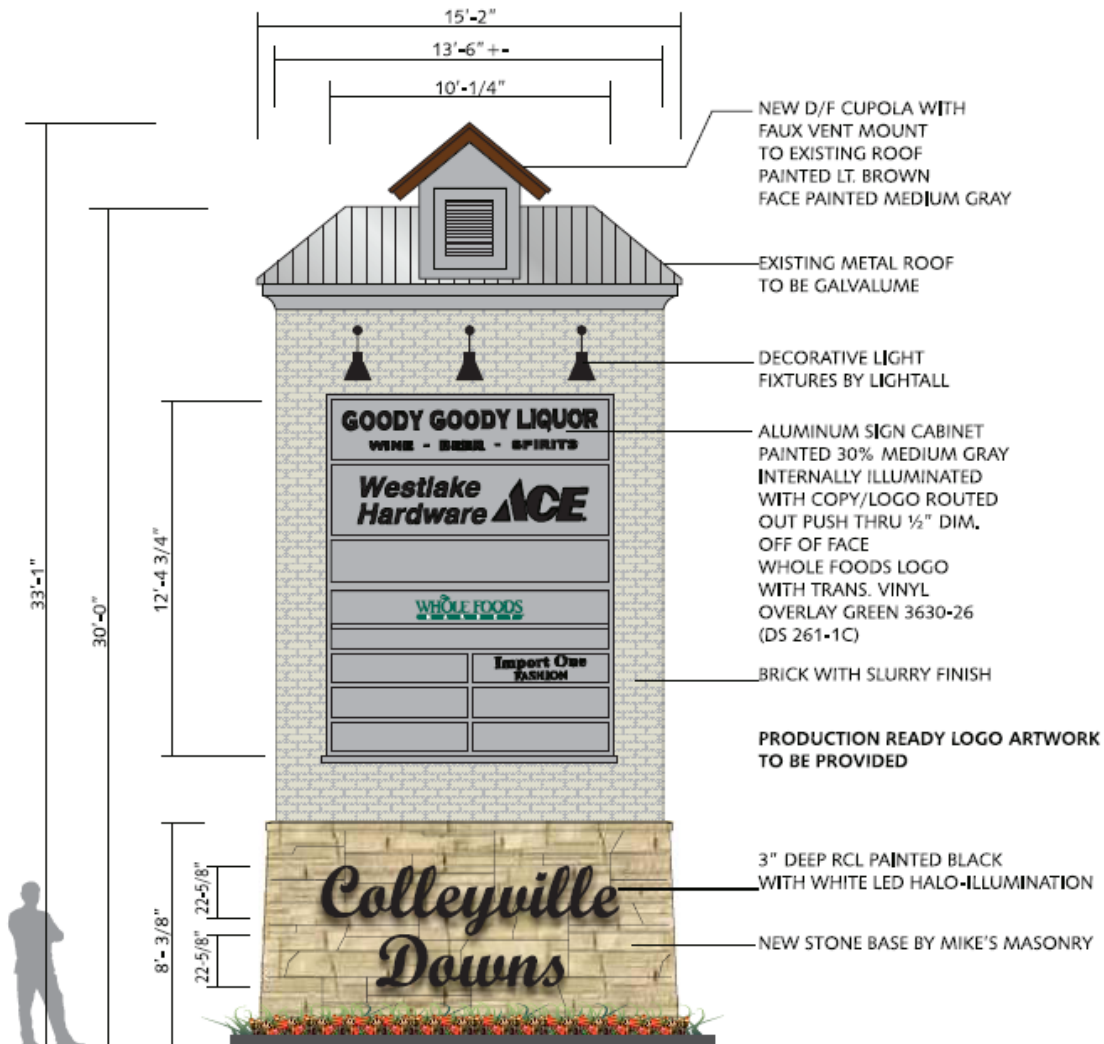


Exhibit "D" – Landmark Sign Exhibits



A D/F MONUMENT SIGN SCALE: 3/16" = 1'-0"
(1) REQUIRED - MANUFACTURE & INSTALL

Exhibit "D" – Landmark Sign Exhibits Cont.



D/F EXISTING MONUMENT SIGN SCALE: 3/16" = 1'-0" **MODIFIED**

(1) REQUIRED - MANUFACTURE & INSTALL
REF. W.O. 360714



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 5a	Agenda Date 08/26/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration for a zoning change from PUD-C-Planned Unit Development Commercial to PUD-R-Planned Unit Development Residential on 1.94 acres on Lot 1, Block 1 of the San Bar Square Addition located at 105 Cheek-Sparger Road, Case ZC13-008.

Explanation

August 26, 2013 Update. The Planning and Zoning Commission voted to continue this item at the August 12, 2013 meeting to the August 26, 2013 meeting in order to allow the applicant additional time to further modify the proposal based on concerns raised at the August 12, 2013 meeting regarding the density and open space.

The applicant has submitted a revised Statement of Planning Objectives, revised site plans as well as slides detailing the development. These items are attached to the briefing.

The following is a summary of the modifications from the original and the revised proposal:

1. Total number of homes: reduced from nine to eight homes on August 12, 2013. **No changes** were made for the August 26, 2013 meeting.
2. Total density: reduced from 4.54 dwelling units per acre to 4.4 dwelling units per acre on August 12, 2013. **No changes** were made for the August 26, 2013 meeting.
3. Minimum Lot Size: increased from 5,072 square feet to 6,216 square feet on August 12, 2013. **Reduced from 6,216 square feet to 5,807 square feet** for the August 26, 2013 meeting.
4. Minimum Lot Width: increased from 50 feet to 55 feet on August 12, 2013. **No changes** were made for the August 26, 2013 meeting.
5. Minimum Lot Depth: increased from 119 feet to 120 feet on August 12, 2013. **No changes** were made for the August 26, 2013 meeting.
6. Maximum Lot Coverage: **reduced from 80 percent to 65 percent.**
7. Total Open Space: reduced from 14.52 percent to 14.02 percent on August 12, 2013. The two open space lots that were located along San Bar were removed in order

to increase the lot sizes including the open space lot shown as Lot 3a on the conceptual site plan presented on August 12, 2013. **Total Open Space is proposed to increase from 14.02 percent to 17.6 percent** for the August 26, 2013 meeting. **Open space lots have been added at the corners of the intersection of the proposed new street and San Bar and in the middle of the proposed cul-de-sac.** The Land Development Code permits planter islands within cul-de-sacs provided the street pavement width diameter measures 100 feet across the cul-de-sac from back of curb to back of curb.

8. Maximum Percent of Open Space Utilized for Detention: **reduced from 50 percent to 25 percent.**

9. Restrictions on Second Floor Balconies and Verandas: **modified such that the restriction applies to Lots three (3) through eight (8) rather than Lots five (5) through nine (9).**

The proposed ordinance has been modified to reflect the modifications above. The remainder of the briefing remains unchanged from the July 22, 2013 and August 12, 2013 Planning and Zoning Commission meetings.

August 12, 2013 Update. The Planning and Zoning Commission voted to continue this item at the July 22, 2013 meeting to the August 12, 2013 meeting in order to allow the applicant time to modify the proposal based on concerns raised at the July 22, 2013 meeting regarding the density and open space.

The applicant has submitted a revised Statement of Planning Objectives and revised site plans. These items are attached to the briefing.

The following is a summary of the modifications from the original proposal:

1. Total number of homes: reduced from nine to eight homes.
2. Total density: reduced from 4.54 dwelling units per acre to 4.4 dwelling units per acre.
3. Minimum Lot Size: increased from 5,072 square feet to 6,216 square feet.
4. Minimum Lot Width: increased from 50 feet to 55 feet.
5. Minimum Lot Depth: increased from 119 feet to 120 feet.
6. Total Open Space: reduced from 14.52% to 14.02%. The two open space lots that were located along San Bar have been removed in order to increase the lot sizes including the open space lot shown as Lot 3a on the revised conceptual site plan.

The proposed ordinance has been modified to reflect the modifications above. The Small Lot Development Comparison Chart - 1996 to 2013 attached to the briefing has been updated as well to match the revised proposal. The remainder of the briefing remains unchanged from the July 22, 2013 Planning and Zoning Commission meeting.

Explanation. Mark Howe, applicant, has submitted a request to change the zoning on 1.94 acres, located at 105 Cheek-Sparger Road. The applicant is requesting to rezone the property from PUD-C-Planned Unit Development Commercial to PUD-R-Planned Unit Development Residential zoning district. The applicant is seeking a zoning change in order to develop the property for 9 new residential lots and open space.

Existing Conditions and Zoning. The subject property is currently vacant and is platted. The property is currently zoned PUD-C under Ordinance O-85-600 (attached). The uses allowed under Ordinance O-85-600 are "shopping centers, commercial or service centers, office parks, major recreation and entertainment facilities and other similar business and commercial centers or facilities when such uses are in conformance with the various commercial zoning district regulations" of the zoning ordinance as it existed in 1985. It should be noted that these uses are not listed in Ordinance O-85-600. In 1985 the PUD-C uses listed above were allowed by right as part of the PUD-C ordinance approval unless a particular use was specifically prohibited by the PUD-C ordinance. In the case of Ordinance O-85-600, no uses were prohibited.

The applicant purchased the property and has decided to pursue a residential use. Additional approval of a preliminary and final plat will be required upon approval of the rezoning request.

Statement of Planning Objectives. The applicant has submitted a Statement of Planning Objectives which contains a detailed description of the proposed development.

Lot Dimensions and Setbacks. The PUD-R regulations require a minimum lot size of 13,000 square feet with a minimum lot width of 100 feet, and lot depth of 120 feet. Per the details of the Statement of Planning Objectives and the Conceptual Site Plan, the applicant proposes the following development standards:

Minimum lot width: 50 feet

Minimum Lot Depth: 119 feet (Except for lot lines on cul-de-sac)

Lot area is proposed as follows:

The minimum lot size is proposed at 5,072 square feet (Lot 6) and increasing to 6,052 square feet (Lots 1 and 2). The average lot size is 5,785 square feet.

Setbacks are proposed as follows:

Front Yard Setbacks:

For lots with a J-Swing garage: 10 feet

For lots with a front entry garage: 20 feet

Rear Yard Setback: 10 feet

Side Yard Setbacks: Five (5) feet for center placed structure and one (1) foot and nine (9) feet for other placements; Minimum of 10 feet between structures

Maximum Lot coverage: 80 percent

Maximum Height: 35 feet

Residential Design Requirements. Homes will be both single and two story construction. For two-story homes there will be no balconies or verandas allowed on the second floor of lots 5-9.

Screening. A wood screening fence, not to exceed six (6) feet in height, will be constructed at the property lines adjacent to other residential properties to the east and south, as shown on the site plan. A variable height screening fence, constructed of a combination of brick, stone, and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek Sparger Road and San Bar Lane. The screening will be continuous along the boundary with the exception of entry road right-of-way.

Open Space. The PUD-R regulations require a minimum 20 percent of the development be reserved for open space for use by the residents of the development. The Statement of Planning Objectives states the development shall provide 14.52 percent open space, which is not in compliance with code. All open space shall be landscaped and maintained by the HOA. The proposed open space area is generally confined to the east of lot 4 and the western frontage of the development, with the space located along Cheek Sparger Road west of Lots 1 and 9.

Per the Statement of Planning Objectives, a dry detention basin will be constructed in the open space lot to the east of lot 4. The applicant proposes to utilize up to 50% of the open space for detention purposes. The Land Development Code requires that no more than 25% of the open space may be used for detention.

Preliminary Drainage Analysis. The developer has submitted a Preliminary Drainage Analysis of the site, which is to be reviewed by the Engineering Division of

the Public Works Department. Conditions associated with drainage and storm water runoff shall be set and enforced at the time of platting.

Sidewalks and Trails. Sidewalks are required to be installed along any new internal streets at the time of new home construction. According to the Colleyville Pathways Plan, sidewalks are required to be constructed along the frontage of Cheek Sparger Road and San Bar Lane. The sidewalk along Cheek-Sparger Road is required to be five feet in width and the sidewalk along San Bar Lane is required to be four feet in width. The sidewalks along the property frontages must be installed prior to the acceptance of final public improvements.

Development Schedule. The applicant provided the following preliminary schedule of key development dates:

- Zoning Approval: September 2013
- Preliminary and Final Plat Approval: October 2013
- Construction Commencing: November 2013
- Construction Completing: May 2014

Traffic Generation and Access. The developer is not required to provide a Traffic Impact Analysis, since the development is not projected to generate in excess of 1,000 vehicle trips per day. The Institute of Transportation Engineers publication Trip Generation provides estimates of expected traffic generation based on land use. Data has been collected in the United States and Canada since the 1960's, primarily in suburban locations. Single-family residences are expected to generate 9.57 trips per day, on average. Based on this average, a 9 lot development would add approximately 86 vehicle trips per day to the surrounding roadways.

Only one means of ingress and egress is required for subdivisions with 12 lots or less.

Residential Density. The Master Plan suggests a maximum residential density of 1.8 dwelling units per acre, in most situations. The 2004 Colleyville Master Plan states densities higher than 1.8 units per acre would be acceptable in those areas deemed consistent with sound land use planning principles. The proposed development of 9 residential units on the 1.94 acre property will produce a residential density of 4.6 dwelling units per acre based upon the density calculation method prescribed by the Master Plan. The proposed residential density is greater than other approved small lot PUD-R developments within the City of Colleyville. The Small Lot Development Comparison, attached to this briefing, provides a comprehensive listing of approved developments since 1996 with residential densities which exceed 1.8 dwelling units per acre.

Surrounding Development Trends. Properties to the north are zoned R20-Single Family Residential and developed as single family homes. Properties to the south are zoned R15-Single Family Residential and developed as single family homes, and properties to the east are zoned R-20 Single Family Residential and developed as single family homes. The property to the west is zoned PUD-C Planned Unit Development Commercial and is developed as an office-showroom, multi-tenant retail and self-storage business.

Master Plan. The Future Land Use Plan designates the entire subject property for single family residential, and is consistent with the proposed use of this development.

Public Notification. Staff mailed notices to 18 adjacent property owners as well as all Homeowners Associations within 500 feet of the subject property regarding this request. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. To date, staff has received no correspondence regarding this request.

Summary. The proposed zoning change is consistent with the Future Land Use Plan, which designates the subject property as single family residential uses. While the proposed development exceeds the residential density of 1.8 dwelling units per acre, the proposed density is generally consistent with other small lot subdivisions approved throughout the City of Colleyville, as referenced in the attached "Small Lot Subdivision Comparison" chart. The location of the proposed development will provide a viable transitional element between the commercial uses along Colleyville Boulevard to the west, and the collection of single family residential properties to the east and south. The proposed open space does not meet the minimum requirements of the PUD-R zoning district.

Recommendation

Approval with the following conditions:

1. GENERAL

a. The purpose of this PUD-R is for a single-family residential development of eight (8) detached single family dwelling units, constructed at a gross maximum density of 4.4 dwelling units per acre.

b. This development shall be generally consistent with the Statement of Planning Objectives, Exhibit "B".

c. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this Ordinance.

2. DEVELOPMENT PLAN AND PLATTING

a. The development shall be generally consistent with the conceptual site plan, Exhibit

"C", which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on the conceptual site plan to accommodate topographic, drainage, or other conditions.

b. The developer shall submit and receive approval from the City, a preliminary and final plat, approved as a single phase, in accordance with the requirements of the Land Development Code prior to development of this PUDR.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

a. Residential lot requirements and setbacks shall comply with the following provisions:

- 1. All lots shall be a minimum of 55 feet in width as measured at the building setback line.
- 2. The minimum lot size shall be 5,807 square feet.
- 3. The minimum lot depth shall be 120 feet, except for lots which front the cul-de-sac.
- 4. Front Yard Setbacks:

- a. For lots that have a J-Swing garage: 10 feet
- b. For lots that have a front entry garage: 20 feet

5. Minimum Rear Yard Setback: 10 feet

6. Minimum Side Yard Setbacks:

10 feet between structures; One (1) foot and nine (9) feet, or five (5) feet each side property line.

7. Maximum Lot coverage: 65 percent

5. RESIDENTIAL DESIGN REQUIREMENTS

The following requirements shall apply to all homes constructed in this development:

- a. Homes may be both single and two-story construction.
- b. Two-story homes on lots 3 through 8 shall not contain any balconies and verandas

constructed on the second floor.

6. OPEN SPACE

a. This development shall provide a minimum of 17.6 percent common open space, which shall be configured as shown on Exhibit "C". All open space areas shall be landscaped and maintained by the HOA.

b. No more than 25% of the open space area may be utilized for detention.

7. SCREENING AND TREES

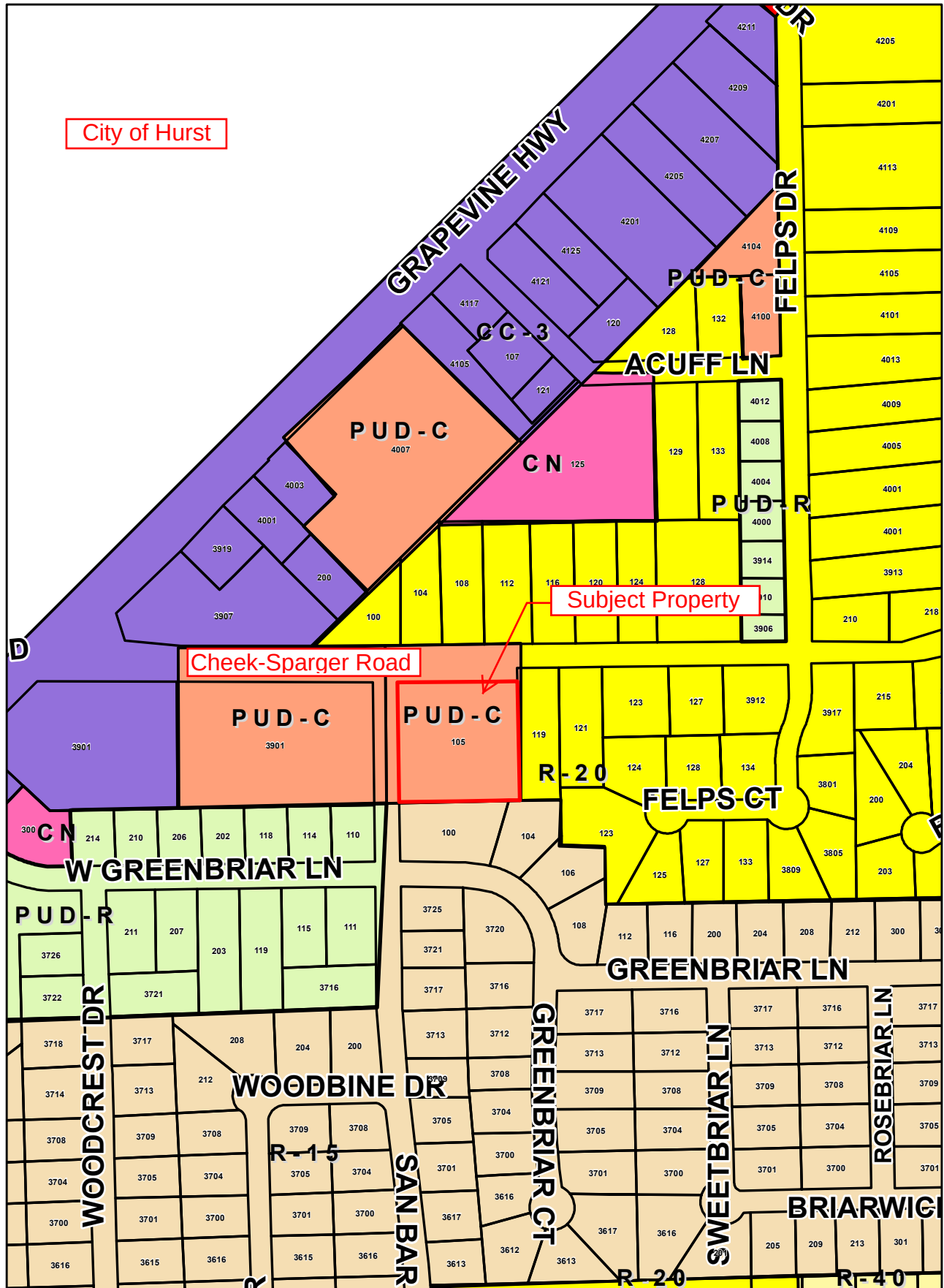
a. A wood screening fence, not to exceed six (6) feet in height, shall be constructed at the property lines adjacent to other residential properties to the east and south. A six foot wrought iron fence may be constructed adjacent to the open space lot 4a.

b. A variable height screening fence, constructed of a combination of brick, stone, and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek-Sparger road and San Bar Lane. The screening shall be continuous along the boundary with the exception of entry road right-of-way.

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Letters of Opposition
6. Letters of Support
7. Revised Statement of Planning Objectives - 8/26/2013 P&Z Meeting
8. Revised Conceptual Site Plan - 8/26/2013 P&Z Meeting
9. Revised Color Conceptual Site Plan - 8/26/2013 P&Z Meeting
10. Information Received From Applicant - 8/26/2013 P&Z Meeting
11. Statement of Planning Objectives - 8/12/2013 P&Z Meeting
12. Conceptual Site Plan - 8/12/2013 P&Z Meeting
13. Color Conceptual Site Plan - 8/12/2013 P&Z Meeting
14. Statement of Planning Objectives - 7/22/2013 P&Z Meeting
15. Conceptual Site Plan - 7/22/2013 P&Z Meeting
16. Color Conceptual Site Plan - 7/22/2013 P&Z Meeting
17. Small Lot Development Comparison Chart - 1996 to 2013
18. Ordinance O-85-600
19. Proposed Ordinance

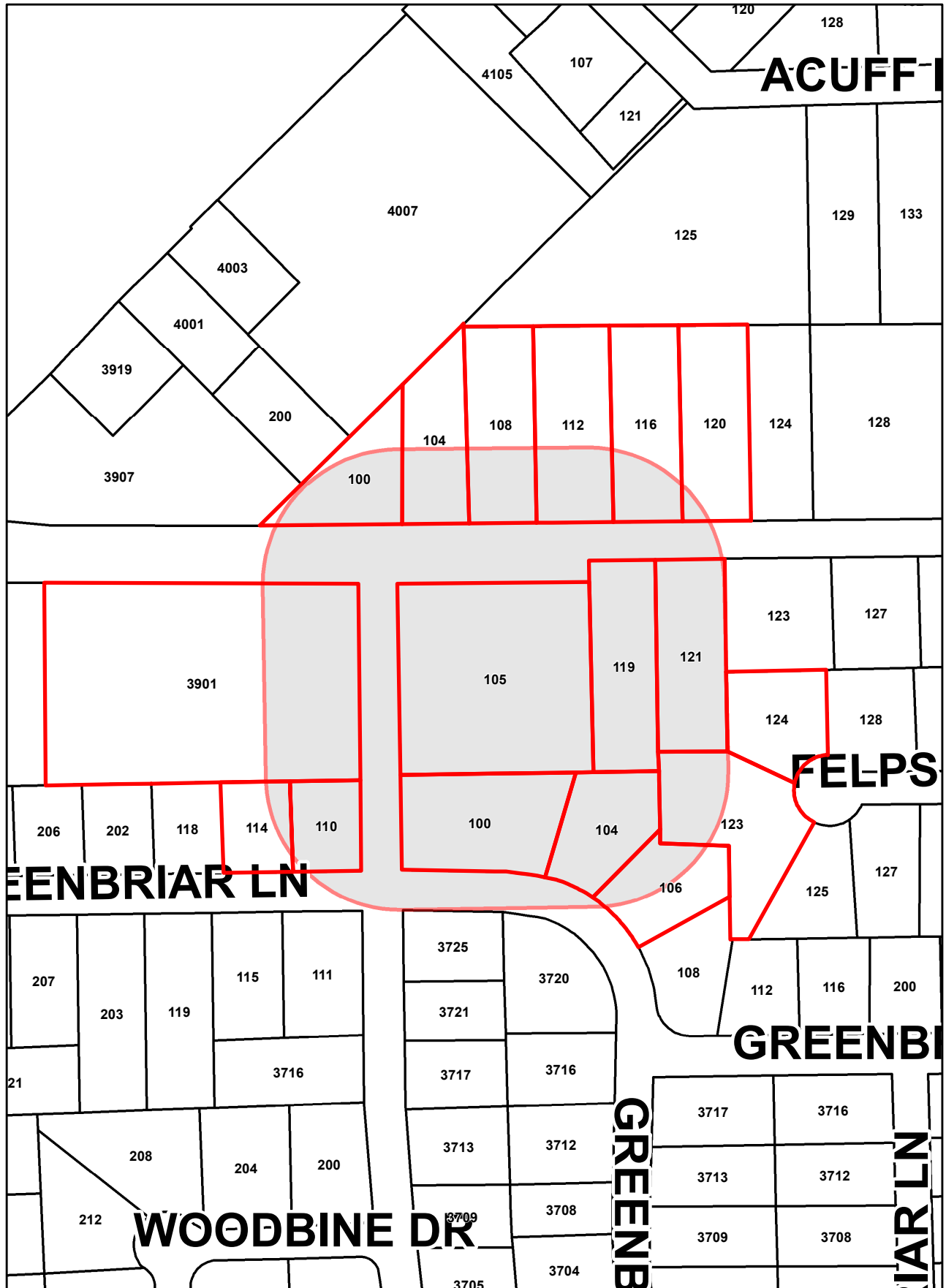
Location and Zoning Map



Aerial



Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Wallace, David A Etux Cynthia	104 Greenbriar Ln	Colleyville	TX	76034	104 Greenbriar Ln
Brand, Donald R	121 Cheek Sparger Rd	Colleyville	TX	76034	121 Cheek Sparger Rd
Bevill, James H Etux Claudia M	119 Cheek Sparger Rd	Colleyville	TX	76034	119 Cheek Sparger Rd
Blue Star Land Lp	1 Cowboys Pkwy	Irving	TX	75063	3901 Colleyville Blvd
Harris, D Keith	108 Cheek Sparger Rd	Colleyville	TX	76034	108 Cheek Sparger Rd
Hahn, Edward & Doris Est	7500 Windswept Trl	Colleyville	TX	76034	100 Cheek Sparger Rd
Callaway, Curtis L & Trisha	124 Felps Ct	Colleyville	TX	76034	124 Felps Ct
Morrison, Pamela M	710 Whispering Wood Cir	Southlake	TX	76092	123 Felps Ct
Guest, Elizabeth V	106 Greenbriar Ln	Colleyville	TX	76034	106 Greenbriar Ln
Uhlenhaker, Ronnie R	PO Box 1705	Colleyville	TX	76034	105 CHEEK-SPARGER RD
Davila, Michael Etux Jennifer	100 Greenbriar Ln	Colleyville	TX	76034	100 Greenbriar Ln
Skinner, Edna Etvir Floyd D	110 W Greenbriar Ln	Colleyville	TX	76034	110 W Greenbriar Ln
Rhodes, Gregory Etux Frances	114 W Greenbriar Ln	Colleyville	TX	76034	114 W Greenbriar Ln
Howell, Dean G	104 Cheek Sparger Rd	Colleyville	TX	76034	104 Cheek Sparger Rd
Chatsworth Enterprises Llc	4413 Bowman Dr	Colleyville	TX	76034	112 Cheek Sparger Rd
Burns, Edward H	7713 Lexus Dr	Fort Worth	TX	76137	120 Cheek Sparger Rd
Woodbriar Estates HOA	412 Woodbriar Court	Colleyville	TX	76034	Courtesy Notice
Mark Howe, Applicant	6617 Precinct Line Road, Suite 200	North Richland Hills	TX	76182	Applicant

Public Hearing notices were mailed
Friday, June 21, 2013 by Taci Wrisley

Letters of Opposition

From: [keith.h.](#)
To: [Taci Wrisley](#); [Bill Elliott](#); [Ron Ruthven](#)
Subject: Notice of Protest ;case # zc13-008
Date: Saturday, July 20, 2013 9:53:10 PM

19july2013

Notice of Protest

Please accept this Notice of Protest from me on the re-zone request on the property at ;
105 Cheek sparger rd.
Colleyville Tx.

case # ; ZC13-008
Applicant ; Mark Howe
requested zoning ; PUD-R

From ; D. Keith Harris
108 Cheek sparger rd.
Colleyville Tx. 76034

thank you; D.keith harris
19july2013

Letters of Opposition

From: [greg.howell](#)
To: [Taci Wrisley](#)
Cc: [Bill Elliott](#); [Ron Ruthven](#)
Subject: 105 Cheek sparger rd
Date: Sunday, July 21, 2013 10:55:46 AM

July 21st 2013

RE: zoning case ZC13-008

Dear sir and madam,

Please let this server as my written protest to the zoning change requested by Mark Howe for the 1.94 acre lot located at 105 cheek sparger rd to change to PUD_R.

I as the owner of 104 cheek sparger rd think that the purposed change would not be in the best interest of the neighborhood..

Greg Howell

Letters of Opposition

July 23, 2013

Colleyville Planning & Zoning Commission
100 Main St.
Colleyville, TX 76034

To Whom it May Concern:

First, I apologize for not being able to deliver this message in person. I am getting on a plane to leave for vacation one hour before your meeting. Otherwise, I would be there.

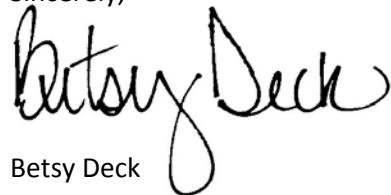
I have some concerns about the proposed development on the corner of San Bar and Cheek-Sparger Road. The conceptual site plan paints a picture of a high-density development in a low-density neighborhood. Nine homes on nearly two acres with a potential height of 35 feet will be a visual eye sore at the entrance of a beautiful, established neighborhood. I believe that will be higher than the commercial development next to it.

The building setbacks on the front and rear property lines are entirely too small. This will not be appealing visually or for resale value. In addition, the developer is only allowing for one way in and one way out of the neighborhood. The intersection of San Bar and Cheek-Sparger is an unusual one at best and currently causes challenges, especially during rush hour, with traffic suddenly merging out of the right turn only lane and into through traffic on Cheek-Sparger. Now, the cars that queue up along San Bar in the mornings will be forced to wait even longer to get on the main road. Furthermore, there are beautiful trees on the property and I don't see any intention of saving the existing trees on this plan.

I fell in love with our neighborhood because of the mature trees, wide roads and well built homes. The setbacks are appropriate for the neighborhood and allow neighbors to feel secluded in their own yards. I have many older neighbors that have recently moved out of our neighborhood, who didn't want to venture far away because they loved it so much. There is a great opportunity here to construct homes for an older demographic. However, I feel certain they would not purchase 2.5 story homes.

Please carefully evaluate this development and make sure it is a good fit for the neighborhood. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Betsy Deck". The signature is fluid and cursive, with the first name "Betsy" and the last name "Deck" clearly distinguishable.

Betsy Deck
3601 Cliffwood Dr.
Colleyville, TX 76034
817-832-7783

Letter of Opposition

From: [Claudia Bevill](#)
To: [Taci Wrisley](#)
Subject: Letter to Commissioners with Land Use Table Comparison
Date: Monday, August 12, 2013 3:17:45 PM
Attachments: [Land Use Comparison.docx](#)
[Questions.docx](#)

August 12, 2013
City of Colleyville
Planning and Zoning Commission

RE: ZC13-008 – 105 Cheek Sparger Road - 8/12/13

Dear Commissioner:

My husband and I live at 119 Cheek Sparger Rd. 325 feet of our property borders the property at 105 Cheek Sparger Rd. which is the subject of the above referenced zoning case to be considered tonight. While I support the rezoning of the property from it's current zoning to residential, I cannot support the revised development plan.

Last Friday I received a diagram of the new development plan. After seriously reviewing the plan, I made a list of my questions concerning the plan (attached), created a Land Use Table Comparison (attached), documenting the differences between the plan that we were given on July 21st and the current plan. I forwarded those documents to Mr. Isbell on Friday. This morning, I received a response to my questions

Letter of Opposition

with the exception of the last question requesting protective barriers at the end of the proposed cul-de sac. I appreciate the effort he has put forth to keep us informed on the project.

During the hearing on July 22nd, you requested that the number of houses be reduced from 9 to 8. The objective of that request, as stated by several of you, was clearly to create more open space and reduce the density of the development!

While the new plan does include only 8 homes as you requested, it actually DECREASES the amount of open space from the original plan (14.02% new vs. 14.72% original). In this respect, it does NOT meet the desired results requested by the Commission. Additionally, this plan has decreased the density by a marginal .24 of one unit, taking it from 4.64 units per acre to 4.4 units per acre. I believe that to be a negligible decrease in density, once again failing to accomplish the objective.

Another difference I noticed is that the original Land Use Table note indicated a "lot coverage not to exceed 65 percent of the individual lot", whereas the new Land Use Table note indicates "lot coverage not to exceed 80 percent of the individual lot". This difference clearly impacts the density of the development. Without a doubt, the revised plan falls significantly short of accomplishing the desired outcome as

Letter of Opposition

requested by the Commission at the July 22, public hearing.

I ask that you deny or once again delay approval of this development plan on the basis that it has not accomplished the intended goals of more open space, while offering an insignificant decrease in density from the original plan.

Thank you for the time you dedicate to development within the City of Colleyville.

Sincerely,

Claudia Bevill
119 Cheek Sparger Road
Colleyville, TX 76034
817-849-1360

Letter of Opposition

Land Use Table Comparison ZC13-008 – 105 Cheek Sparger Road - 8/12/13

The revised Land Use Table has successfully reduced the number of lots from 9 to 8 as requested by the Commission. However, this only reduces the density by .24 of a unit, still a significant variance from the required density set forth in the development code. Has this small reduction in density met the objective of the request by the Commission during the July 22nd Public Hearing?

In reducing the number of houses, the Commission's stated objective was not only to decrease the density, but also INCREASE the open space area for the development. Please note that the open space provided under the new plan is actually REDUCED from the original plan, clearly falling short of the Commission's objective.

Also note the original land use table indicated lot coverage shall not exceed 65 percent of the individual lot where as the current land use table allows for the lot coverage not to exceed 80 percent of the individual lot, decreasing the number of houses but increasing the size of the lot coverage.

Additionally, in the original land use table the development is for 1.94.09 acres whereas under the new land use table, the development is for 1.82 acres. Why did this number change?

Current Land Use Table

LAND USE TABLE

AREA OF DEVELOPMENT	1.82 ACRES (79,466 SF)
NUMBER OF UNITS	8
OPEN SPACE	11,142 SF (14.02%)
DENSITY	4.40 UNITS/AC
MAX BUILDING HEIGHT	2-1/2 STORIES OR 35 FEET
FRONT BUILDING LINE	10 FEET FOR J-SWING & 20 FEET FOR FRONT ENTRY
REAR BUILDING LINE	10 FEET

NOTES:

1. LOT COVERAGE SHALL NOT EXCEED 80 PERCENT OF THE INDIVIDUAL LOT.

Original Land Use Table

LAND USE TABLE

AREA OF DEVELOPMENT	1.9409 ACRES (84,544 SF)
NUMBER OF UNITS	9
OPEN SPACE	12,444 SF (14.72%)
DENSITY	4.64 UNITS/AC
MAX BUILDING HEIGHT	2-1/2 STORIES OR 35 FEET

NOTES:

1. LOT COVERAGE SHALL NOT EXCEED 65 PERCENT OF THE INDIVIDUAL LOT.

Letter of Opposition

QUESTIONS FOR DEVELOPER

DRAINAGE AND RIGHT OF WAY

- The new plan does not include the detention pond. What is the new drainage plan?

DEVELOPER RESPONSE

This is the zoning exhibit, the detention area was conceptual and shown on the drainage plan. We will still have a detention area and it will be in the same location as before, working around as many trees as possible, etc.

- Prefer sidewalk install as opposed to escrow

DEVELOPER RESPONSE

The sidewalk vs escrow has more to do with the eventual improvements the city does on Cheek Sparger.

- Will the City or HOA maintain the 35' between the sidewalk and the drainage ditch?

DEVELOPER RESPONSE

That land will belong to the city.

DEVELOPMENT ON THE EASTERN PROPERTY LINE

- The current plan requires a 142' wood fence on the east side of lot #4 (builder or developer). As discussed previously, can that fence be extended toward the north (to the southern corner of our house) to lend more privacy to our property?

DEVELOPER RESPONSE

As before, we have some flexibility on where to transition between the fences and we can work with you on that.

- Will the wooden fence still include metal poles and a concrete mow strip in keeping with the previous plan but not indicated on the new plan?

DEVELOPER RESPONSE

Yes, metal poles and a mow strip.

- As previously discussed, will the wood fence be installed before the development of the lots?

DEVELOPER RESPONSE

The fence won't be constructed while the lots are being developed, but can go up before the construction starts on the houses. Meaning, as we are grading the lots, putting in sewer, water, drainage, etc, there won't yet be a fence. I think when we talked about it before, I spoke about the house construction instead.

Letter of Opposition

- 6' wrought Iron fence on east side by developer; will that include a concrete mow strip?

DEVELOPER RESPONSE

There won't be a mow strip for the iron fence. That would hurt our flexibility in jogging around and protecting the trees.

MISCELLANEOUS

- Do we still have a commitment to save all existing trees where possible, especially on the east side fence line of the development?

DEVELOPER RESPONSE

Yes, those trees on/near the fence line that we talked about are still safe.

- Location of utility poles and location of street lights?

DEVELOPER RESPONSE

Utility locations have not been determined

- NOTES: #3 - Lot 4 Builder can build within 1' of fence line? How can that fence be maintained and accessed by the HOA?

DEVELOPER RESPONSE

I guess I don't understand the question regarding lot 4. We need to maintain a certain distance between structures under the fire/building code. The language of "5' and 3' or 1' and 7'" reflects that. It's something the engineer put in to highlight setbacks, which differ within the development based on a lot's adjacency to another.

- Can barriers be installed at the center of the cul-de-sac in the common area to prevent an out of control vehicle from coming through the wood fence?

THIS HAS NOT BEEN ADDRESSED

DEVELOPER COMMENTS

As for reducing the lots from 9 to 8, we did that as you'll recall as a specific request of the P&Z chair. The other things regarding the open space we're viewing as suggestions.

Letter of Opposition

From: [Claudia Bevill](#)
To: [Taci Wrisley](#)
Subject: FW: Drainage/high grass and weeds
Date: Monday, August 12, 2013 3:29:29 PM

Hi Taci! This is the email I sent to the Public Works Department earlier today. In it I mention the proposed development and potential problems with the drainage.

My husband believes the City Departments should look at this rather than the P&Z, but since you asked, I'm sending it along!

Regards,
Claudia Bevill

From:
To: blowry@colleyville.com
CC: jfadden@colleyville.com
Subject: Drainage/high grass and weeds
Date: Mon, 12 Aug 2013 10:36:35 -0500

Dear Mr. Lowry,

My home is at 119 Cheek Sparger Rd. and the attached photos were taken today. Pictured is the drainage ditch that runs in front of our property. I measured the grass at the far end of the drain at 46 inches (up to my shoulders). I am certain this is not acceptable by the standards set forth in our City Code. Who is maintaining this? If we had a heavy rain over several days, this ditch in it's current state could not effectively move the water and could result in flooding to the surrounding homes as well as the roadway. I have had to continue calling and monitoring this lack of maintenance for the past 11 years. Is there not a schedule for maintenance?

Additionally, there is a development plan before the P&Z Commission to develop the approx 2 acres to our immediate west, which could present serious problems during the development phase when the ground is turned and dirt will wash into the ditch, making it more shallow and less effective for carrying the run off. I would rather address that before, not after the fact. The developer has dedicated an additional 35' off Cheek Sparger (running the distance from San Bar to our property line - approx 273'). Since the City is not maintaining the right of way area that currently exists, what can we expect in the future in

Letter of Opposition

the way of maintenance with an additional 35'x273'?

In conjunction with the development of this property (105 Cheek Sparger) I would like to suggest improvements to the drainage from San Bar east to Felps Dr. I hope you will evaluate the situation and consider some type of improvement to this unsightly, poorly maintained drainage area where impending development could create a threat to the current residents in this area.

Kindest Regards,
Claudia Bevill
817-849-1360



Letter of Opposition



Letters of Opposition

Date: 7-22-13

SPEAKER CARD

☐ I will speak **In Support** of this item.

☒ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 7C13-008

Name: Greg Howell

Address: 104 Cheek Stanger

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 8177885493 Representing: owner
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Greg Howell

This information is a Public Record.

Date: 7/22/2013

SPEAKER CARD

☐ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☒ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 4b

Name: Cynthia Wallace

Address: 104 Greenbriar Lane

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 214-707-4903 Representing: self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Cynthia Wallace

This information is a Public Record.

Letters of Opposition

Date: _____

SPEAKER CARD

_____ I will speak **In Support** of this item.

_____ I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: _____

Name: GARY GUTHRIE

Address: 505 WOODBRIDGE LN

City: COLLEYVILLE State: TX Zip Code: 76034

Telephone Number: _____ Representing: _____
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: [Signature]

This information is a Public Record.

Date: 7/22/13

SPEAKER CARD

_____ I will speak **In Support** of this item.

☒ I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 4b

Name: Mike Davila

Address: 100 Greenbriar Ln

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 214 563-2211 Representing: Self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: [Signature]

This information is a Public Record.

Letters of Opposition

Date: 7-22-2013

SPEAKER CARD

☐ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☒ I do not wish to speak, but please record my: ☐ support ☒ **Opposition**

Agenda Item Number: 46

Name: Elizabeth Guest

Address: 106 Greenbriar Lane

City: Colleyville

State: TX

Zip Code: 76034

Telephone Number: 817-503-8750

Representing: Self

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Elizabeth Guest

This information is a Public Record.

Letters of Opposition

Date: 8/12/13

SPEAKER CARD

☐ I will speak **In Support** of this item.

☒ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 3

Name: Betsy Deck

Address: 3601 Cliffwood Dr.

City: Colleyville

State: TX

Zip Code: 76034

Telephone Number: _____

Representing: self

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Betsy Deck

This information is a Public Record.

Letters of Opposition

Date: _____

SPEAKER CARD

☐ I will speak **In Support** of this item.

☒ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: _____

Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Telephone Number: _____

Representing: _____

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: _____

This information is a Public Record.

Date: 8-12-2013

SPEAKER CARD

☐ I will speak **In Support** of this item.

☒ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 3a

Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Telephone Number: _____

Representing: _____

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: _____

This information is a Public Record.

Letters of Opposition

Date: 8/12/13

SPEAKER CARD

☐ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☒ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 3a

Name: David Wallace

Address: 104 Greenbriar Ln

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 817 821 6234 Representing: Self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: David Wallace

This information is a Public Record.

Date: 8-12-13

SPEAKER CARD

☐ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☒ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 3a

Name: Cyndi Wallace

Address: 104 Greenbriar Lane

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 214-707-4903 Representing: self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Cyndi Wallace

This information is a Public Record.

Letters of Opposition

Date: 8/12/13

SPEAKER CARD

☐ I will speak **In Support** of this item.

☒ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 3a

Name: Mike Davila

Address: 100 Greenbriar Ln

City: Colleyville

State: TX

Zip Code: 76034

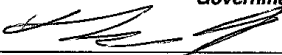
Telephone Number: 214 563 2211

Representing: Self

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: 

This information is a Public Record.

Letters of Support

Date: _____

SPEAKER CARD

☒ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 4b

Name: Claudia Bevil

Address: 119 Cheek Sparger Rd

City: Colleyville

State: TX

Zip Code: 76034

Telephone Number: 817-849-1360

Representing: self

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Claudia Bevil

This information is a Public Record.

Date: 2-22-13

SPEAKER CARD

☒ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 4B

Name: JAMES BEVILL

Address: 119 CHEEK SPARGER

City: COLLEYVILLE

State: TX

Zip Code: 76034

Telephone Number: 817-849-1360

Representing: _____

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: James Bevil

This information is a Public Record.

Letters of Support

Date:

7/22/13

SPEAKER CARD

_____ I will speak **In Support** of this item.

_____ I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: ☐ **support** ☐ **opposition**

Agenda Item Number:

46

Name:

Daniel Morrison

Address:

223 Felps Ct.

City:

Colleyville

State:

TX

Zip Code:

76034

Telephone Number:

852-651-5326

Representing:

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed:

Daniel Morrison

This information is a Public Record.

Revised Statement of Planning Objectives - 8/26/2013 P&Z Meeting

August 21, 2013

Briar Grove

Located at the SEC of Cheek-Sparger and San Bar

Zoning change from PUD-C to PUD-R

Revised Statement of Planning Objectives

Steve Isbell and Mark Howe have a contract to acquire approximately 2 acres of land at the southeast corner of Cheek Sparger and San Bar. They are requesting a zoning change from PUD-C to PUD-R. The current site is vacant and has been vacant for many years. The property was zoned several years ago and planned for an office type development. Over the years that has proven to not be the highest and best use for the property and the property has never been developed. The revised plan proposes 8 single family homes with open space, all to be accessed off San Bar by constructing a new Cul-De-Sac from San Bar East across the property. The open space will be owned by a Home Owners Association established for this project. Where drainage and utility easements are proposed, the City of Colleyville will provide normal city services to the open areas. The plan will provide a wrought iron fence along the open space lot backing to Cheek Sparger and a masonry fence along the balance of the perimeter of the property with the entry being on San Bar.

Through the planning process, we are planning on saving as many trees as possible and most of the trees on the perimeter will be retained. Drainage will be address by constructing a detention basin in the open space lot. The open space lot will have a sitting area with two park benches and a picnic table with a side walk to their location which will be selected to be in an area of the open space that will have appropriate shade.

The site is located just east of a self- storage project and the 99 cent store on Hwy 26 and to the south, north and east of the property are residential homes.

This project will provide 8 new households close to Hwy 26 and provide additional buying power for the proposed retail along the center corridor of Colleyville.

It is the developers' anticipation that these will be lifestyle type homes for empty nesters that want to downsize and still live in Colleyville. It is anticipated that the homes will sell from the mid \$400's – mid \$500's

Development Schedule:

Zoning approval: September 2013

Preliminary and Final Plat: October 2013

Construction Commencing: November 2013

Construction Completing: May 2014

Economic Development Information:

1. Total Square footage; 8 homes averaging 3200 sf at \$150/sf = \$3,840,000
2. Estimated sell out for the entire project is 18 months

Revised Statement of Planning Objectives - 8/26/2013 P&Z Meeting

PUD Single Family - 8 lots

1. GENERAL

- a. The purpose of PUD-R is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 4.40 dwelling units per acre.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan.
- b. The developer shall submit and receive approval from the City a Preliminary and Final Plat in accordance with the requirements of the Land Development code prior to development of this PUDR.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by the Conceptual Site Plan, shall control where such building line setback is different from the following requirements.

- | | |
|-------------------------|--|
| a. Minimum Lot Size | 5807 square feet |
| b. Minimum Lot Width | 55 feet |
| c. Minimum Lot Depth | 120 feet (exception for lot lines on cul-de-sac) |
| d. Front Building Line | 10 feet for J-Swing Garage/ 20 feet for Front Entry |
| e. Side Building Line | 5 feet for center placed structure and 1' and 9' for zero (except for lot 4 which can have side yards of 5' and 3' or 1' and 7') |
| f. Rear Building Line | 10 feet |
| g. Maximum Lot Coverage | 65 percent |
| h. Maximum Height | 35 feet |

5. OPEN SPACE

- a. This development shall provide not less than 17.6% common open space, which will generally be configured as shown on the Conceptual Site Plan. All open space areas shall be landscaped and maintained by the Homeowners Association.
- b. No more than 25 percent of the open space area shall be utilized for storm water detention or retention.

Revised Statement of Planning Objectives - 8/26/2013 P&Z Meeting

6. SCREENING

a. A wood screening fence, not to exceed six feet in height will be constructed at the property lines adjacent to other residential properties to the east and south, as shown on the Conceptual Site Plan. At a minimum the pole side of the screen fence will face into the new development along the south and east property lines.

b. A variable height screening fence, constructed of a combination of brick, stone and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek Sparger Road and San Bar. The screening will be continuous along the boundary with the exception of entry road right-of-way.

7. SIDEWALKS

Sidewalks will be constructed in accordance with the requirements of the Colleyville Land Development Code.

8. OTHER

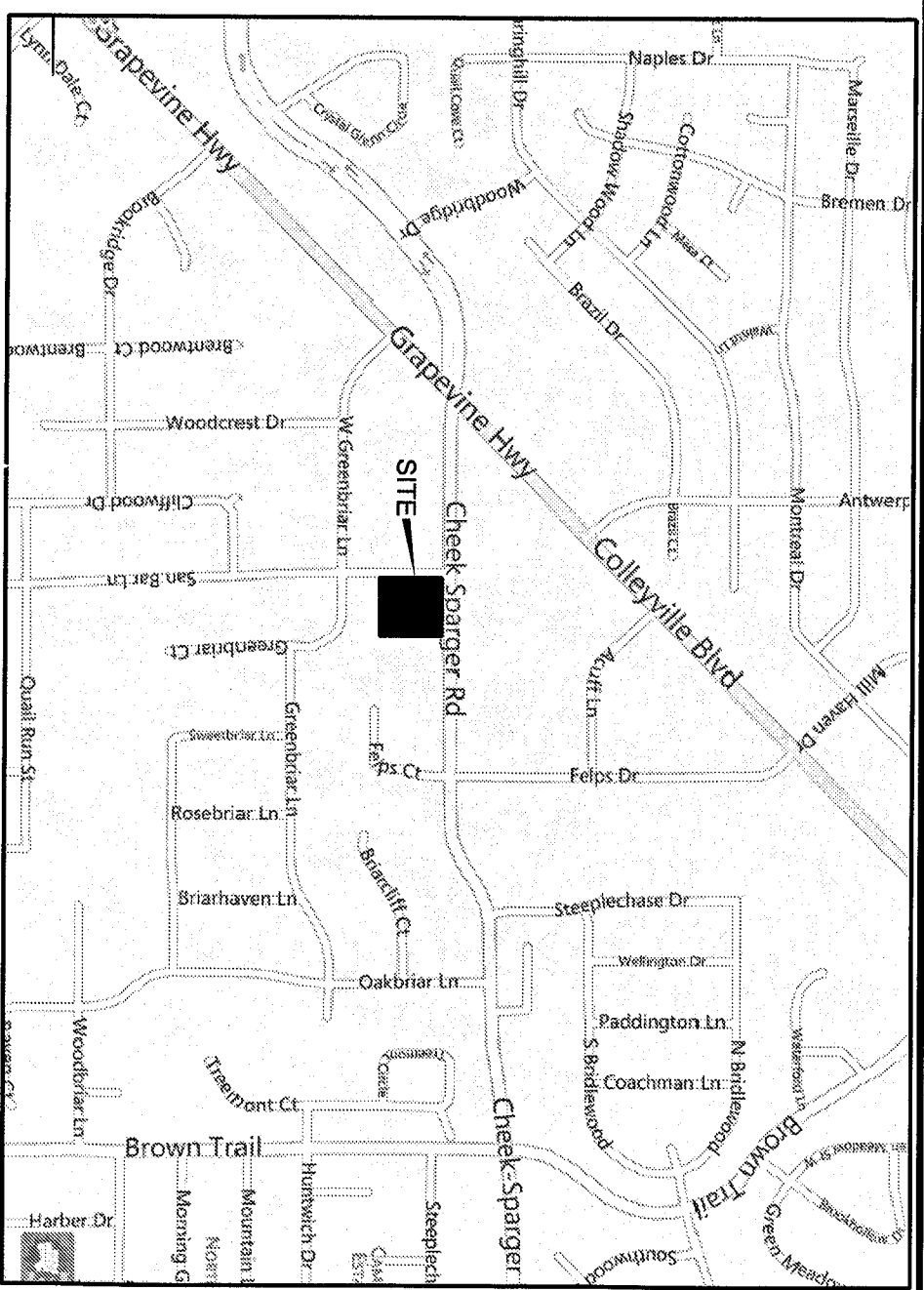
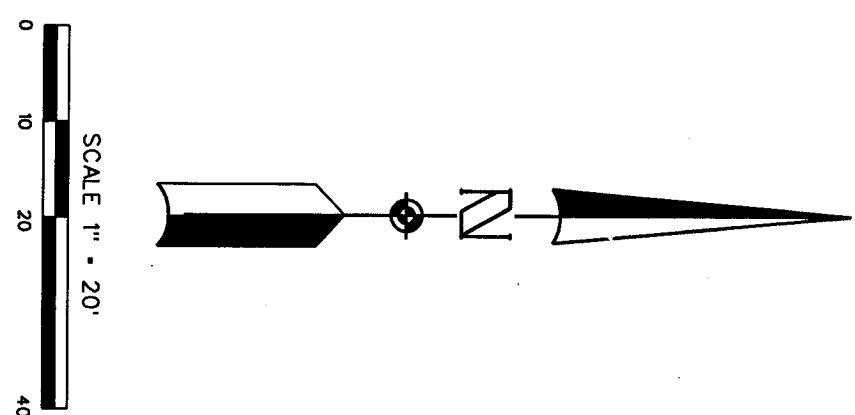
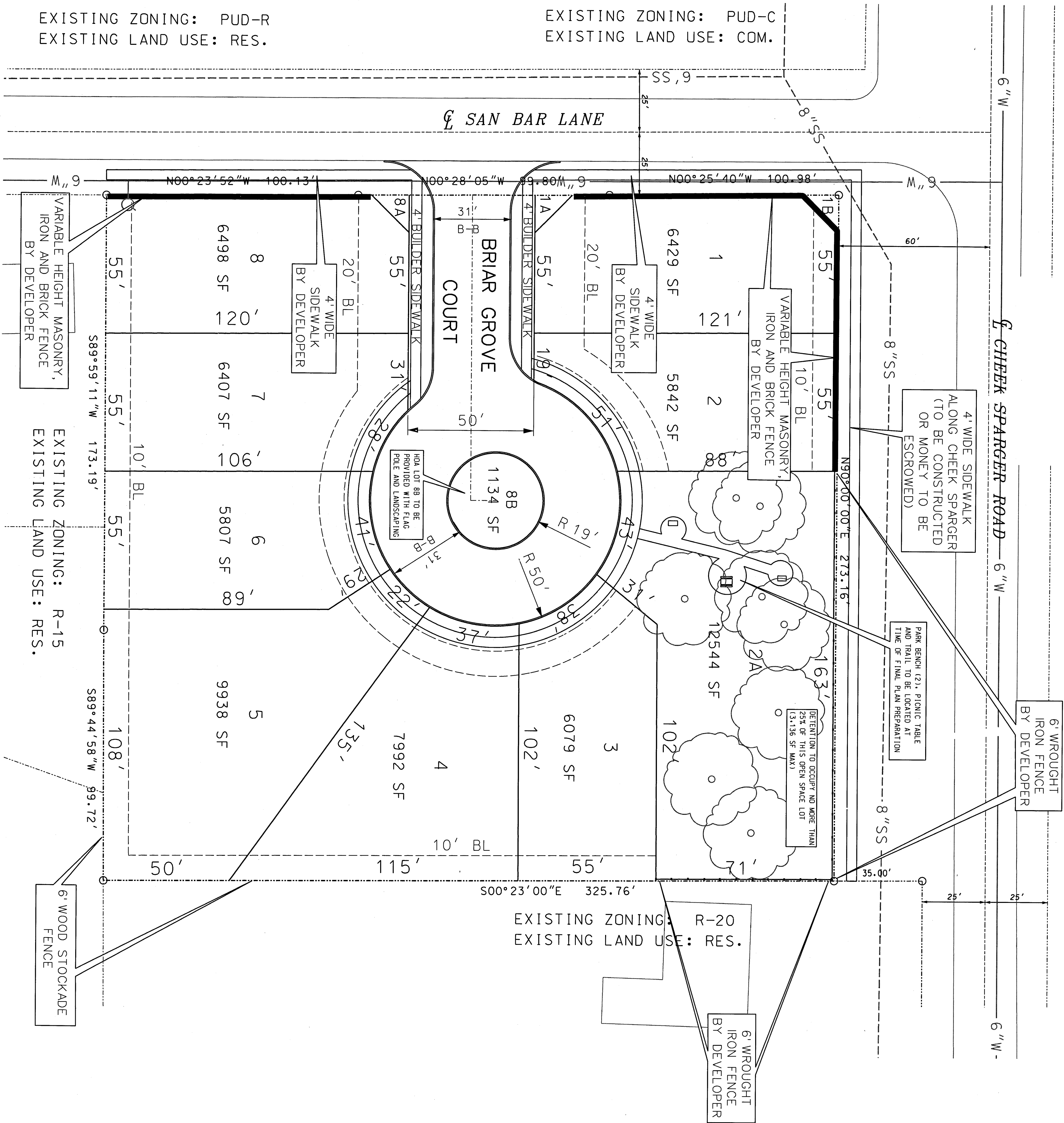
a. Homes will be both single and two story construction.

b. For two story homes there will be no balconies or verandas on the second floor of lots 3-8.

c. Maintenance of the wood fence, masonry fence, open space and landscaping will be the responsibility of the HOA governing the new sub-division.

d. Construction times would be limited to City of Colleyville rules and regulations (Monday - Saturday 7:00am - 6:00pm)

e. All agreements made between the home owners to the east and south of development will be recorded in the final development documents/ restrictions.



- NOTES:
- HOME OWNER'S ASSOCIATION (HOA) TO MAINTAIN DETENTION POND, OPEN SPACE LOTS, PERIMETER WALLS AND LANDSCAPING. CITY WILL RECEIVE COPY OF RECORDED HOA DOCUMENTS AT TIME OF BUILDER PERMIT PROCESS.
 - BRIAR GROVE COURT SHALL BE A PUBLIC STREET CONSTRUCTED TO CITY STANDARDS (31' B-9 WIDTH).
 - LOTS TO HAVE 5' SIDE YARDS ON EACH SIDE OF BUILDING PAD OR CAN BE ZERO LOTS WITH BUILDING 1' FROM ONE SIDE AND 9' FROM OTHER SIDE LOT WITH THE EXCEPTION OF LOT 4 WHICH CAN HAVE SIDE YARDS OF 5' AND 3' OR 1' AND 7'.
 - FRONT BUILDING LINE SHALL BE 20' FOR FRONT ENTRY GARAGES AND 10' FOR J-SWING GARAGES.
 - BUILDER SHALL BE REQUIRED TO PLANT 1 - 3" CANOPY TREE AND 1 ORNAMENTAL TREE IN THE FRONT YARD OF EACH HOUSE.
 - OPEN SPACE LOTS TO BE PLANTED PER LANDSCAPE PLAN. HOA TO MAINTAIN ALL OPEN SPACE AREAS.

LAND USE TABLE

AREA OF DEVELOPMENT	1.82 ACRES (79,466 SF)
NUMBER OF UNITS	8
OPEN SPACE	(LOTS 1A, 1B, 2A, 8A - 14,007 SF) (17.6%)
DENSITY	4.40 UNITS/AC
MAX BUILDING HEIGHT	35 FEET
FRONT BUILDING LINE	10 FEET FOR J-SWING 8-20 FEET FOR FRONT ENTRY
REAR BUILDING LINE	10 FEET

NOTES:

1. LOT COVERAGE SHALL NOT EXCEED 65 PERCENT OF THE INDIVIDUAL LOT.

ZONING EXHIBIT FOR ZONING
CHANGE FROM
PUD-C TO PUD-R (RESIDENTIAL)

BRIAR GROVE COURT

1.82 AC.

LOT 1, BLOCK 1,
SAN BAR SQUARE
CITY OF COLLEYVILLE,
TARRANT COUNTY, TEXAS

EXISTING ZONING - PUD-C
PROPOSED ZONING - PUD-R (RESIDENTIAL)
CITY FUTURE LAND USE - RESIDENTIAL

DATE OF PREPARATION 6-7-13

REVISED 6-26-13
REVISED 7-29-13
REVISED 8-19-13

OWNER:
RONNIE R. UNLEHNER
P.O. BOX 1405
COLLEYVILLE, TX 76034-1705

DEVELOPER:
STEVE ISBELL
6617 PRECINCT LINE ROAD
NRI, TEXAS 76182
STE #200

ENGINEER:
HAMILTON DUFFY, PC
824 MID CITIES BLVD.
NRI, TEXAS 76182
FAX (817) 284-8408

Revised Color Conceptual Site Plan - 8/26/2013 P&Z Meeting



Briar Grove Court

Information Received From Applicant - 8/26/2013 P&Z Meeting



Photo of an actual fence currently being constructed by the developer on another development. This is representative of the combination masonry and brick fence to be constructed for Briar Grove.

Information Received From Applicant - 8/26/2013 P&Z Meeting



Another photo of an actual fence currently being constructed by the developer on another development. Again, this is representative of the combination masonry and brick fence to be constructed for Briar Grove.

Information Received From Applicant - 8/26/2013 P&Z Meeting



This photo is a representation of the wrought iron fence to be constructed along the north and east borders of the major open space. The fence will be aligned in such a way as to not disturb the existing trees near the eastern property line.

Information Received From Applicant - 8/26/2013 P&Z Meeting



An example of the island in the cul de sac of Briar Grove Court, where the flagpole and additional landscaping will be located.

Summary of Changes

P&Z and Neighbor's Concerns

- Opposed to 9 lots, "too dense"
- 80% lot coverage "too high"
- Open space percentage "too low" at 14%
- Open space lacks quality and details
- Too much open space available for detention
- 50' lots are too small

Developer's responses

- Lower density by 11% to 8 lots
- Limit lot coverage to 65% max
- Increase open space by 28%, from 14 to 17.6%
- Provide aesthetic details such as benches, tables and a flagpole
- Limit open space available for detention to 25% max
- 55' lot widths

Summary of Changes, cont.

Additional changes in response to various neighbor requests:

- No rear facing, second story windows for south and east lots
- Provide additional details on masonry fence (photos of similar fences)
- Changed site plan to minimize impact on neighbors
- Removed concern of a runaway car coming through the fence off of Briar Grove Court

Statement of Planning Objectives - 8/12/2013 P&Z Meeting

July 30, 2012

Briar Grove

Located at the SEC of Cheek-Sparger and San Bar

Zoning change from PUD-C to PUD-R

Revised Statement of objectives

Steve Isbell and Mark Howe have a contract to acquire approximately 2 acres of land at the southeast corner of Cheek Sparger and San Bar. They are requesting a zoning change from PUD-C to PUD-R. The current site is vacant and has been vacant for many years. The property was zoned several years ago and planned for an office type development. Over the years that has proven to not be the highest and best use for the property and the property has never been developed. The revised plan proposes 8 single family homes with open space, all to be accessed off San Bar by constructing a new Cul-De-Sac from San Bar East across the property. The open space will be owned by a Home Owners Association established for this project. Where drainage and utility easements are proposed, the City of Colleyville will provide normal city services to the open areas. The plan will provide a wrought iron fence along the open space lot backing to Cheek Sparger and a masonry fence along the balance of the perimeter of the property with the entry being on San Bar.

Through the planning process, we are planning on saving as many trees as possible and most of the trees on the perimeter will be retained. Drainage will be address by constructing a dry detention basin in the open space lot. The open space lot will have a sitting area with two park benches with a side walk to their location which will be selected to be in an area of the open space that will have appropriate shade.

The site is located just east of a self- storage project and the 99 cent store on Hwy 26 and to the south, north and east of the property are residential homes.

This project will provide 8 new households close to Hwy 26 and provide additional buying power for the proposed retail along the center corridor of Colleyville.

It is the developers' anticipation that these will be lifestyle type homes for empty nesters that want to downsize and still live in Colleyville. It is anticipated that the homes will sell from the mid \$400's – mid \$500's

Development Schedule:

Zoning approval: September 2013

Preliminary and Final Plat: October 2013

Construction Commencing: November 2013

Construction Completing: May 2014

Economic Development Information:

1. Total Square footage; 8 homes averaging 3200 sf at \$150/sf = \$3,840,000
2. Estimated sell out for the entire project is 18 months

Statement of Planning Objectives - 8/12/2013 P&Z Meeting

PUD Single Family - 8 lots

1. GENERAL

- a. The purpose of PUD-R is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 4.40 dwelling units per acre.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan.
- b. The developer shall submit and receive approval from the City a Preliminary and Final Plat in accordance with the requirements of the Land Development code prior to development of this PUDR.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by the Conceptual Site Plan, shall control where such building line setback is different from the following requirements.

- | | |
|-------------------------|--|
| a. Minimum Lot Size | 6216 square feet |
| b. Minimum Lot Width | 55 feet |
| c. Minimum Lot Depth | 120 feet (exception for lot lines on cul-de-sac) |
| d. Front Building Line | 10 feet for J-Swing Garage/ 20 feet for Front Entry |
| e. Side Building Line | 5 feet for center placed structure and 1' and 9' for zero (except for lot 4 which can have side yards of 5' and 3' or 1' and 7') |
| f. Rear Building Line | 10 feet |
| g. Maximum Lot Coverage | 80 percent |
| h. Maximum Height | 35 feet |

5. OPEN SPACE

- a. This development shall provide not less than 14.02 % common open space, which will generally be configured as shown on the Conceptual Site Plan. All open space areas shall be landscaped and maintained by the Homeowners Association.
- b. No more than 50 percent of the open space area shall be utilized for storm water detention or retention.

Statement of Planning Objectives - 8/12/2013 P&Z Meeting

6. SCREENING

a. A wood screening fence, not to exceed six feet in height will be constructed at the property lines adjacent to other residential properties to the east and south, as shown on the Conceptual Site Plan. At a minimum the pole side of the screen fence will face into the new development along the south and east property lines.

b. A variable height screening fence, constructed of a combination of brick, stone and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek Sparger Road and San Bar. The screening will be continuous along the boundary with the exception of entry road right-of-way.

7. SIDEWALKS

Sidewalks will be constructed in accordance with the requirements of the Colleyville Land Development Code.

8. OTHER

a. Homes will be both single and two story construction.

b. For two story homes there will be no balconies or verandas on the second floor of lots 4-8.

c. Maintenance of the wood fence, masonry fence, open space and landscaping will be the responsibility of the HOA governing the new sub-division.

d. Construction times would be limited to City of Colleyville rules and regulations (Monday - Saturday 7:00am - 7:00pm)

e. All agreements made between the home owners to the east and south of development will be recorded in the final development documents/ restrictions.



Color Conceptual Site Plan - 8/12/2013 P&Z Meeting



Statement of Planning Objectives - 7/22/2013 P&Z Meeting

June 25, 2012

Briar Grove

Located at the SEC of Cheek-Sparger and San Bar

Zoning change from PUD-C to PUD-R

Statement of objectives

Steve Isbell and Mark Howe have a contract to acquire approximately 2 acres of land at the southeast corner of Cheek Sparger and San Bar. They are requesting a zoning change from PUD-C to PUD-R. The current site is vacant and has been vacant for many years. The property was zoned several years ago and planned for an office type development. Over the years that has proven to not be the highest and best use for the property and the property has never been developed. The new plan proposes 9 single family homes with open space, all to be accessed off San Bar by constructing a new Cul-De-Sac from San Bar East across the property. The open space will be owned by a Home Owners Association established for this project. Where drainage and utility easements are proposed, the City of Colleyville will provide normal city services to the open areas. The plan will provide a wrought iron fence along the open space lot backing to Cheek Sparger and a masonry fence along the balance of the perimeter of the property with the entry being on San Bar.

Through the planning process, we are planning on saving as many trees as possible and most of the trees on the perimeter will be retained. Drainage will be address by constructing a dry detention basin in the open space lot. The open space lot will have a sitting area with two park benches with a side walk to their location which will be selected to be in an area of the open space that will have appropriate shade.

The site is located just east of a self- storage project and the 99 cent store on Hwy 26 and to the south, north and east of the property are residential homes.

This project will provide 9 new households close to Hwy 26 and provide additional buying power for the proposed retail along the center corridor of Colleyville.

It is the developers' anticipation that these will be lifestyle type homes for empty nesters that want to downsize and still live in Colleyville. It is anticipated that the homes will sell from the mid \$400's – mid \$500's

Development Schedule:

Zoning approval: September 2013

Preliminary and Final Plat: October 2013

Construction Commencing: November 2013

Construction Completing: May 2014

Economic Development Information:

1. Total Square footage; 9 homes averaging 3200 sf at \$150/sf = \$4,320,000
2. Estimated sell out for the entire project is 18 months

PUD Single Family - 9 lots

1. GENERAL

- a. The purpose of PUD-R is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 4.54 dwelling units per acre.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan.
- b. The developer shall submit and receive approval from the City a Preliminary and Final Plat in accordance with the requirements of the Land Development code prior to development of this PUDR.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by the Conceptual Site Plan, shall control where such building line setback is different from the following requirements.

- | | |
|-------------------------|---|
| a. Minimum Lot Size | 5072 square feet |
| b. Minimum Lot Width | 50 feet |
| c. Minimum Lot Depth | 119 feet (exception for lot lines on cul-de-sac) |
| d. Front Building Line | 10 feet for J-Swing Garage/ 20 feet for Front Entry |
| e. Side Building Line | 5 feet for center placed structure and 1' and 9' for zero |
| f. Rear Building Line | 10 feet |
| g. Maximum Lot Coverage | 80 percent |
| h. Maximum Height | 35 feet |

5. OPEN SPACE

- a. This development shall provide not less than 14.52 % common open space, which will generally be configured as shown on the Conceptual Site Plan. All open space areas shall be landscaped and maintained by the Homeowners Association.

- b. No more than 50 percent of the open space area shall be utilized for storm water detention or retention.

6. SCREENING

- a. A wood screening fence, not to exceed six feet in height will be constructed at the property lines adjacent to other residential properties to the east and south, as shown on the Conceptual Site Plan. At a minimum the pole side of the screen fence will face into the new development along the south and east property lines.
- b. A variable height screening fence, constructed of a combination of brick, stone and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek Sparger Road and San Bar. The screening will be continuous along the boundary with the exception of entry road right-of-way.

7. SIDEWALKS

Sidewalks will be constructed in accordance with the requirements of the Colleyville Land Development Code.

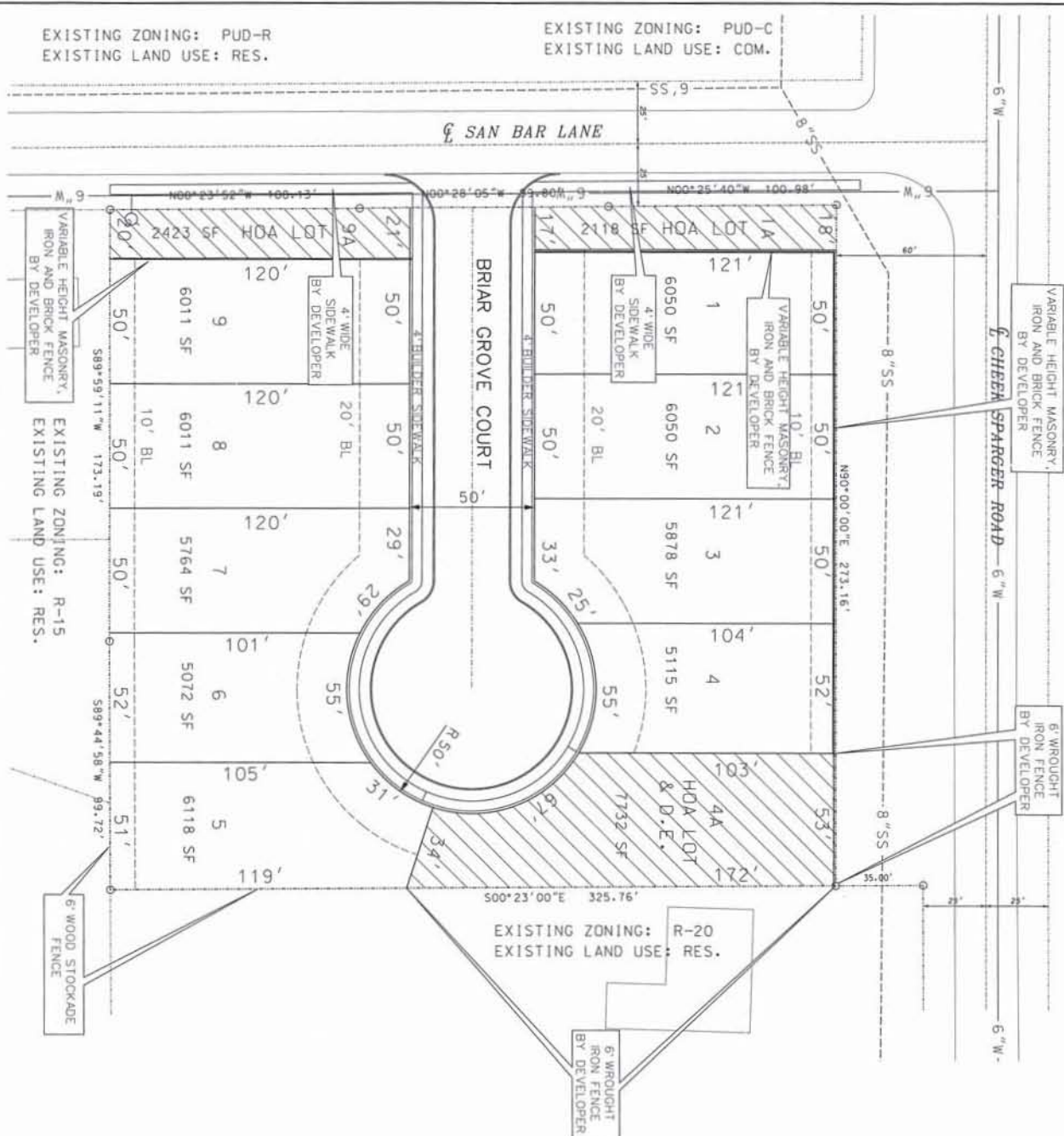
8. OTHER

- a. Homes will be both single and two story construction.
- b. For two story homes there will be balconies or verandas on the second floor of lots 5-9
- c. Maintenance of the wood fence, masonry fence, open space and landscaping will be the responsibility of the HOA governing the new sub-division.
- d. Construction times would be limited to City of Colleyville rules and regulations (Monday - Saturday 7:00am - 7:00pm)
- e. All agreements made between the home owners to the east and south of development will be recorded in the final development documents/ restrictions.

Conceptual Site Plan - 7/22/2013 P&Z Meeting

EXISTING ZONING: PUD-R
EXISTING LAND USE: RES.

EXISTING ZONING: PUD-C
EXISTING LAND USE: COM.



EXISTING ZONING: R-20
EXISTING LAND USE: RES.



- NOTES:
1. THE CITY OF COLLEYVILLE HAS REVIEWED THIS SITE PLAN AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE CITY CODE AND THE CITY ZONING ORDINANCE. THE CITY ENGINEER HAS REVIEWED THE SITE PLAN AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE CITY ENGINEERING CODES AND STANDARDS.
 2. THE CITY ENGINEER HAS REVIEWED THE SITE PLAN AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE CITY ENGINEERING CODES AND STANDARDS.
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 5. THE CITY ENGINEER HAS REVIEWED THE SITE PLAN AND HAS DETERMINED THAT IT IS IN CONFORMANCE WITH THE CITY ENGINEERING CODES AND STANDARDS.

LAND USE TABLE

AREA OF DEVELOPMENT	16409 ACRES (84,544 S.F.)
NUMBER OF UNITS	9
OPEN SPACE	0.273 SF (14,527)
DENSITY	4.64 UNITS/AC
MAX BUILDING HEIGHT	2-1/2 STORIES OR 35 FEET
FRONT BUILDING LINE	N-20' CITY-OWN FRONT ENTRY
REAR BUILDING LINE	TO FEET

1. LOT CORNER SHALL NOT EXCEED 60 PERCENT OF THE INDIVIDUAL LOT.

ZONING EXHIBIT FOR ZONING
CHANGE FROM
PUD-C TO PUD-R (RESIDENTIAL)
BRIAR GROVE COURT

DATE OF PREPARATION 6-7-13
REVISED 6-26-13

OWNER:
BRIAR GROVE COURT
P.O. BOX 1000
COLLEYVILLE, TX 76034-1000

DESIGNER:
STEVE GIBLIN
6617 PRECINCT LINE ROAD
ROCKFORD, IL 60082
512-250-0000

ENGINEER:
HAMILTON DUFFY & ASSOCIATES
8220 GILES BLVD.
DALLAS, TX 75243
(972) 256-0400
FAX (972) 256-0400

Color Conceptual Site Plan - 7/22/2013 P&Z Meeting



Small Lot Development Comparison Chart - 1996 to 2013

Subdivision Name	Total Lots	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Size (square feet)	Average Lot Size (square feet)	Maximum Lot Coverage	Master Plan Density - Dwelling Units Per Acre *	Land Development Code Density - Dwelling Units Per Acre **	Total Acres	Open Space	Approval Date	Ordinance
Spring Garden	45	36	70	2,520	2,700	90%	8	16.1	5.4	31.3%	12.17.96	O-96-1052
Villas of Caldwell Creek	43	59	115	6,594	7,408	50%	3.7	5.9	11.6	18.3%	4.1.97	O-97-1062
Bridges at Riverwalk	32	56	106	6,001	6,479	50%	3	6.7	10.0	24.0%	12.21.99	O-99-1192
Riverwalk at Colleyville	53	60	115	6,331	7,666	50%	3.2	5.7	20.0	20.0%	4.4.00	O-00-1210
Rosewood Villas	53	59	110	6,482	6,899	60%	3.6	6.3	14.8	21.4%	8.8.01	O-01-1286
Emerald Park	72	60	120	7,200	7,508	50%	3.5	5.8	20.2	19.6%	10.1.02	O-02-1366
Tiffany Park	25	60	100	7,200	7,580	50%	3.5	5.7	7.2	20.0%	10.21.03	O-04-1487
Tuscany	35	60	110	6,600	7,878	50%	3.9	5.5	8.8	6.6%	2.17.04	O-04-1442
Cambridge Place	38	50	58	4,500	5,300	60%	4.2	8.2	9.0	22.0%	7.6.04	O-04-1467
Heritage Oaks	103	30/40	90	2,700/3,600	3,600	90% and 75%	4.6	12.1	22.9	25.0%	03.21.06	O-09-1715
Villas at Oak Pointe	74	30/56	90/95/115	2,700/6,440	5,000	90% and 58%	3.7	8.7	13.6	22.0%	08.02.06	O-06-1584
Copperglen	22	55	105	5,924	6,650	65%	3.9	6.6	5.6	20.0%	10.17.06	O-06-1595
Villas of Colleyville	67	59	115	6,655	8,936	60%	3.4	4.9	19.8	21.0%	08.21.07	O-07-1627
Enclave at Arbor Estates	16	65	120	8,700	9,350	50%	2.9	4.7	5.6	19.3%	09.18.07	O-07-1634
Creekside at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645
Somerset Manor	77	50/60	100/110	5,000/6,600	6,000	50%	4	7.3	18.2	20.3%	05.05.08	O-08-1672
Ivy Glen	10	55	110	5,890	8,200	65%	3.4	5.3	3.0	20.0%	03.05.13	O-13-1864
The Preservation	36	60	140	8,500	9,170	50%	3	4.7	12.0	23.0%	05.14.13	O-13-1867
Average	59	56	106	6,207	6,866	57%	3.8	7.0	17.6	20.8%		
Zoning Case ZC13-008	8	55	120	5,807	6,874	65%	4.4	6.6	1.8	17.6%		

* Master Plan Density is calculated by dividing the total units in the development by the total acreage of the development

** Land Development Code Density is calculated by dividing the total units in the development by the total development acreage minus open space and right-of-way acreage



Posted
12-13-85
4:30 p.m.
by

ORDINANCE 0-85-600 ✓✓✓

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF A TRACT OF LAND SITUATED IN THE JONATHON RILEY SURVEY, ABSTRACT 1356, TRACT 3G AND WOODBRIAR ESTATES ADDITION, BLOCK 7, LOTS 20,21, AND 22 TO THE CITY OF COLLEYVILLE, TEXAS FROM R-15 AND R-20 TO PUD-C; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.

WHEREAS, an application for zoning change was filed by C. M. Bollinger, Inc. , October 22, 1985 under Case No. Z-85-547; and,

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 10 days before such hearing; and,

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

WHEREAS, notices were posted on the subject land as provided by the zoning ordinance; and,

WHEREAS, public hearings to change the zoning on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the zone change; and,

WHEREAS, the City Council is of the opinion that the zone change herein effectuated furthers the purpose of zoning as set forth in the Zoning Ordinance and is in the best interest of the citizens of the City of Colleyville;

NOW, THEREFORE,

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

Sec. 1. THAT Zoning Ordinance of the City of Colleyville, Texas, and the accompanying Zoning Map are hereby amended insofar as they relate to certain land located in Colleyville, Tarrant County, Texas, and described as follows:

1
2 BEING a tract of land in the JONATHON RILEY SURVEY,
3 Abstract NO. 1356, City of Colleyville, Tarrant
4 County, Texas, as surveyed by C.K. Vermillion,
Registered Public Surveyor No. 552, in August 1966,
and being more particularly described as follows:

5 BEGINNING at an iron pin in the South line of
6 Cheek-Sparger Road, said point being 202.0 feet
east and 15.0 feet south of the most westerly NW
corner of said Riley survey;

7 Thence East 100.00 feet along the south line of
said Cheek-Sparger Road to an iron pin;

8 Thence S 00° 23' E, 325.9 feet to an iron pin;

9 Thence S 89° 42' W, 100.0 feet to an iron pin;

10 Thence N 89° 36' W, 173.4 feet to an iron pin;

11 Thence N 00° 06' E, 300.00 feet to a point;

12 Thence S 89° 36' E, 173.4 feet to a point;

13 Thence N 00° 06' W, 23.60 feet to the point of
beginning and containing 1.943 acres of
land.

14 by changing the zoning thereof from R-15 and R-20
15 to PUD-C. **

16 Sec. 2. Any person, firm or corporation violating any of
17 the provisions of this ordinance as read together
18 with the Zoning Ordinance of the City of Colleyville
19 and accompanying official Zoning Map thereto shall
be guilty of a misdemeanor and upon conviction thereof
shall be fined in a sum not to exceed Two Hundred
Dollars (\$200.00). Each and every day such violation
continues shall constitute a separate offense and
shall be punishable as such.

20 Sec. 3. The City Secretary is hereby authorized and directed
21 to cause publication of the descriptive caption
and penalty clause hereof as an alternative method
of publication provided by law.

22 AND IT IS SO ORDERED.
23
24
25
26

The ^{17th} first reading and public hearing being conducted on the December, 1985.
The ^{7th} second reading and public hearing being conducted on the January, 1986.
The ^{21st} third reading and public hearing being conducted on the January, 1986.

ATTEST:

CITY OF COLLEYVILLE

Lavada Johnson
Lavada Johnson
City Secretary

J.R. "Buck" Hubbard
J.R. "Buck" Hubbard
Mayor

Approved as to Form and Legality:

Ross T. Foster
Ross T. Foster, City Attorney

**together with all site plans, supporting documents,
and other conditions and restrictions imposed by
and approved by the Council, which are incorporated
herein by reference.

ORDINANCE O-13-xxxx

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 1.94 ACRES ON LOT 1, BLOCK 1 OF THE SAN BAR SQUARE ADDITION SURVEY, LOCATED AT 105 CHEEK-SPARGER ROAD FROM THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC13-008; 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 enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the 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 Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference

to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 1.94 acres on Lot 1, Block 1 of the San Bar Square Addition Survey, located at 105 Cheek-Sparger Road from the PUD-C-Planned Unit Development Commercial zoning district to the PUD-R-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A" and "C", and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-R is for a single-family residential development of eight (8) detached single family dwelling units, constructed at a gross maximum density of 4.4 dwelling units per acre.
- b. This development shall be generally consistent with the Statement of Planning Objectives, Exhibit "B".
- c. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this Ordinance.

2. DEVELOPMENT PLAN AND PLATTING

- a. The development shall be generally consistent with the conceptual site plan, Exhibit "C", which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on the conceptual site plan to accommodate topographic, drainage, or other conditions.
- b. The developer shall submit and receive approval from the City, a preliminary and final plat, approved as a single phase, in accordance with the requirements of the Land Development Code prior to development of this PUDR.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

- a. Residential lot requirements and setbacks shall comply with the following provisions:
 1. All lots shall be a minimum of 55 feet in width as measured at the building setback line.
 2. The minimum lot size shall be 5,807 square feet.
 3. The minimum lot depth shall be 120 feet, except for lots which front the cul-de-sac.
 4. Front Yard Setbacks:
 - a. For lots that have a J-Swing garage: 10 feet
 - b. For lots that have a front entry garage: 20 feet
 5. Minimum Rear Yard Setback: 10 feet
 6. Minimum Side Yard Setbacks:

10 feet between structures; One (1) foot and nine (9) feet, or five (5) feet each side property line.

7. Maximum Lot coverage: 65 percent

5. RESIDENTIAL DESIGN REQUIREMENTS

The following requirements shall apply to all homes constructed in this development:

- a. Homes may be both single and two-story construction.
- b. Two-story homes on lots 3 through 8 shall not contain any balconies and verandas constructed on the second floor.

6. OPEN SPACE

- a. This development shall provide a minimum of 17.6 percent common open space, which shall be configured as shown on Exhibit "C". All open space areas shall be landscaped and maintained by the HOA.
- b. No more than 25% of the open space area may be utilized for detention.

7. SCREENING AND TREES

- a. A wood screening fence, not to exceed six (6) feet in height, shall be constructed at the property lines adjacent to other residential properties to the east and south. A six foot wrought iron fence may be constructed adjacent to the open space lot 4a.
- b. A variable height screening fence, constructed of a combination of brick, stone, and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek-Sparger road and San Bar Lane. The screening shall be continuous along the boundary with the exception of entry road right-of-way.

Sec. 5. 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. 6. 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. 7. 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. 8. 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. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of September 2013.

The second reading and public hearing being conducted on the 2nd day of October 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

[illegible]

Exhibit B – Statement of Planning Objectives

August 21, 2013

Briar Grove

Located at the SEC of Cheek-Sparger and San Bar

Zoning change from PUD-C to PUD-R

Revised Statement of Planning Objectives

Steve Isbell and Mark Howe have a contract to acquire approximately 2 acres of land at the southeast corner of Cheek Sparger and San Bar. They are requesting a zoning change from PUD-C to PUD-R. The current site is vacant and has been vacant for many years. The property was zoned several years ago and planned for an office type development. Over the years that has proven to not be the highest and best use for the property and the property has never been developed. The revised plan proposes 8 single family homes with open space, all to be accessed off San Bar by constructing a new Cul-De-Sac from San Bar East across the property. The open space will be owned by a Home Owners Association established for this project. Where drainage and utility easements are proposed, the City of Colleyville will provide normal city services to the open areas. The plan will provide a wrought iron fence along the open space lot backing to Cheek Sparger and a masonry fence along the balance of the perimeter of the property with the entry being on San Bar.

Through the planning process, we are planning on saving as many trees as possible and most of the trees on the perimeter will be retained. Drainage will be address by constructing a detention basin in the open space lot. The open space lot will have a sitting area with two park benches and a picnic table with a side walk to their location which will be selected to be in an area of the open space that will have appropriate shade.

The site is located just east of a self- storage project and the 99 cent store on Hwy 26 and to the south, north and east of the property are residential homes.

This project will provide 8 new households close to Hwy 26 and provide additional buying power for the proposed retail along the center corridor of Colleyville.

It is the developers' anticipation that these will be lifestyle type homes for empty nesters that want to downsize and still live in Colleyville. It is anticipated that the homes will sell from the mid \$400's – mid \$500's

Development Schedule:

Zoning approval: September 2013

Preliminary and Final Plat: October 2013

Construction Commencing: November 2013

Construction Completing: May 2014

Economic Development Information:

1. Total Square footage; 8 homes averaging 3200 sf at \$150/sf = \$3,840,000
2. Estimated sell out for the entire project is 18 months

Exhibit B – Statement of Planning Objectives (Cont.)

PUD Single Family - 8 lots

1. GENERAL

- a. The purpose of PUD-R is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 4.40 dwelling units per acre.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan.
- b. The developer shall submit and receive approval from the City a Preliminary and Final Plat in accordance with the requirements of the Land Development code prior to development of this PUDR.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by the Conceptual Site Plan, shall control where such building line setback is different from the following requirements.

- | | |
|-------------------------|--|
| a. Minimum Lot Size | 5807 square feet |
| b. Minimum Lot Width | 55 feet |
| c. Minimum Lot Depth | 120 feet (exception for lot lines on cul-de-sac) |
| d. Front Building Line | 10 feet for J-Swing Garage/ 20 feet for Front Entry |
| e. Side Building Line | 5 feet for center placed structure and 1' and 9' for zero (except for lot 4 which can have side yards of 5' and 3' or 1' and 7') |
| f. Rear Building Line | 10 feet |
| g. Maximum Lot Coverage | 65 percent |
| h. Maximum Height | 35 feet |

5. OPEN SPACE

- a. This development shall provide not less than 17.6% common open space, which will generally be configured as shown on the Conceptual Site Plan. All open space areas shall be landscaped and maintained by the Homeowners Association.
- b. No more than 25 percent of the open space area shall be utilized for storm water detention or retention.

Exhibit B – Statement of Planning Objectives (Cont.)

6. SCREENING

a. A wood screening fence, not to exceed six feet in height will be constructed at the property lines adjacent to other residential properties to the east and south, as shown on the Conceptual Site Plan. At a minimum the pole side of the screen fence will face into the new development along the south and east property lines.

b. A variable height screening fence, constructed of a combination of brick, stone and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek Sparger Road and San Bar. The screening will be continuous along the boundary with the exception of entry road right-of-way.

7. SIDEWALKS

Sidewalks will be constructed in accordance with the requirements of the Colleyville Land Development Code.

8. OTHER

a. Homes will be both single and two story construction.

b. For two story homes there will be no balconies or verandas on the second floor of lots 3-8.

c. Maintenance of the wood fence, masonry fence, open space and landscaping will be the responsibility of the HOA governing the new sub-division.

d. Construction times would be limited to City of Colleyville rules and regulations (Monday - Saturday 7:00am - 6:00pm)

e. All agreements made between the home owners to the east and south of development will be recorded in the final development documents/ restrictions.

Exhibit C – Conceptual Site Plan

