



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, September 9, 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 Dudziak
PLEDGE OF ALLEGIANCE**

1. APPROVAL OF MINUTES

August 26, 2013

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

3. REGULAR AGENDA ITEMS

3a Approval of a final plat on 10.07 acres on Lot 1, Block 1, Stajduhar
Addition located at 816 W. L. D. Lockett Road, Case PC13-015.

- 3b** Approval of a final plat for 12.0 acres on Tracts 3, 3E and 3F, of Abstract 936 of the Joseph M Looney Survey and Lot 1, Block 1, of the Bone Addition, located at 5008 and 5100 Bluebonnet Drive, case PC13-016.

4. PUBLIC HEARING AGENDA ITEMS

- 4a** Request for a Special Use Permit for an accessory building on Lot 10, Block 4, of the Ashmore Addition located at 2713 Highgrove Court, case ZC13-011.
- 4b** Request for a zoning change from AG-Agricultural to R-40 Residential on 1.06 acres on Lot 8 of the Mrs. Eva Paul's Subdivision located at 1105 Tinker Road, case ZC13-012.
- 4c** Request for a Special Use Permit for a dance studio on Lot 1, Block 1, of the Ratliff Addition, located at 5310 Pleasant Run Road, case ZC13-013.

5. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards September 6, 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
Colleyville, Texas 76034
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Agenda Number	Agenda Date 09/09/2013	Number
Type Approval of Minutes		
Department Community Development		

Title

August 26, 2013

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - August 26, 2013



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
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Monday, August 26, 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 26, 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, Marty Wieder, and Matt Butler (City Attorney)

INVOCATION

The invocation was given by Commissioner Knox

1. APPROVAL OF MINUTES

Commissioner Knox made a motion to approve the minutes as amended. Commissioner Davis seconded.

The motion to approve the minutes as amended carried by the following vote:

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

A second vote was made at the end of the Continued Public Hearing Item based on corrections made by the applicant of case ZC13-008.

Chairman Byerly made a motion to approve the minutes as corrected. Commissioner Knox seconded.

The motion to approve the minutes as corrected carried by 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

There were no 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.

Ron Ruthven presented the case and briefed the Commission.

Commissioner Davis questioned staff regarding whether the fence line along the front of the property would allow for a single fence line along Bedford Road. Ron Ruthven replied correct.

Scott Sandlin, the property owner of 4800 Bedford Road, came forward and briefed the Commission.

Commissioner Davis made a motion to approve case PC13-014. Commissioner Wheelwright seconded.

The motion to approve case PC13-014 carried by the following vote:

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

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.

Ron Ruthven and Marty Wieder presented the case and briefed the Commission.

Commissioner Phelps questioned staff regarding whether there is a different standard for parking requirements for a stand-alone business versus a business with a shared parking agreement. Ron

Ruthven replied no.

Discussion continued between the Commissioners and staff regarding the parking requirements.

Commissioner Dudziak questioned staff regarding the number of parking spaces that were located at the rear of the property, behind the building. Ron Ruthven replied approximately 60 parking spaces. Commissioner Dudziak further questioned regarding whether there was reasonable access to those parking spaces other than walking around to the front of the building. Ron Ruthven replied unless there were an employee that will have access to a rear door, one will have to walk to the front of the building. Commissioner Davis stated when Albertson's was in business, the rear parking spaces were for employees.

Commissioner Dudziak questioned staff regarding whether there was a separate provision for employee parking in the code. Ron Ruthven replied no.

Discussion continued between Commissioner Dudziak and staff regarding the parking requirements.

Chairman Byerly questioned staff regarding whether the shopping center was already short on parking spaces. Ron Ruthven replied correct.

The public hearing was opened at 7:29 p.m.

Scott Woodruff, the applicant, came forward and briefed the Commission.

Commissioner Dudziak questioned Mr. Woodruff regarding whether he thought there was sufficient parking for the shopping center and surrounding pad sites. Mr. Woodruff replied yes. He further explained, as landlords, they would prefer the parking lot to appear to be full versus having an empty parking lot. Mr. Woodruff also explained their lease agreement with Whole Foods states employees would have to park in the rear parking spaces.

Commissioner Dudziak questioned Mr. Woodruff regarding whether there would be an employee entrance on the rear of the building. Mr. Woodruff replied the plans for an employee entrance are in the works but have not been finalized.

Commissioner Dudziak questioned staff regarding parking along the front of the property and would any be lost with the future expansion of Highway 26. Ron Ruthven replied no additional spaces will be

taken with the future expansion.

Commissioner Dudziak questioned Mr. Woodruff regarding their control over the leases ability to open restaurants within their current businesses. Mr. Woodruff replied the current businesses are leased under a specific use. He further explained if the businesses wanted to change their use they would have to go through the landlord to do so.

Commissioner Dudziak questioned Mr. Woodruff regarding whether he had been approached by other businesses wanting to build on a pad site. Mr. Woodruff replied yes, hundreds. He further explained they were limited to 6,000 square feet of restaurant space for the pad site and they are maxed out already.

Commissioner Dudziak questioned Mr. Woodruff regarding the possibility of a parking garage. Mr. Woodruff replied a parking garage would be economically impossible to do in this location.

Commissioner Gotcher questioned Mr. Woodruff regarding the possibility of re-striping the lot if the number of parking spaces ever became an issue. Mr. Woodruff replied yes, there are ways of creating additional spaces.

There being no one else wishing to speak, the public hearing was closed at 7:42 p.m.

Commissioner Phelps stated he liked having the pad sites out front because it eliminated the look of a vacant parking lot.

Discussion occurred amongst the Commissioners regarding the lack of parking issues when the shopping center was fully functioning.

Ron Ruthven referred to an earlier question regarding the number of parking spaces in the rear of the property and there are a total of 100 parking spaces. He further explained that an additional 100 parking spaces could potentially be added.

Discussion continued between the Commissioners and staff regarding the current and future use of the parking spaces on the north, south, and east sides of the property.

Commissioner Dudziak questioned Mr. Woodruff regarding what would happen with Ace Hardware's outdoor storage. Mr. Woodruff replied it is part of their lease and it will stay. Commissioner Dudziak further questioned Mr. Woodruff whether the parking spaces the outdoor storage would take up was included in the total parking space count. Mr. Woodruff replied no, the spaces were counted by them as non-usable spaces.

Commissioner Dudziak questioned Mr. Woodruff regarding whether all the other business, with the exception of Whole Foods, would have to park behind the building. Mr. Woodruff replied he did not believe so due to the other business not seeing as much traffic as Whole Foods would.

Commissioner Phelps made a motion to approve case ZC13-009. Commissioner Knox seconded.

The motion to approve case ZC13-009 carried by the following vote:

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

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.

Ron Ruthven presented the case and briefed the Commission.

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

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

Steve Isbell, the development engineer for the project, came forward and briefed the Commission.

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

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

Three (3) attendees did not wish to speak but wished to record their opposition: Cyndi Wallace of 104 Greenbriar Lane, David Wallace of 104 Greenbriar Lane, Mike Davila of 100 Greenbriar Lane.

There being no one else wishing to speak, the public hearing was closed at 8:21 p.m.

Commissioner Gotcher questioned staff regarding the uses allowed by the current Planned Unit Development-Commercial. Ron Ruthven

replied the uses that would be allowed would most likely be the uses allowed by the code today. He further stated before any building permits would be issued, staff would verify that the use is in fact allowed.

Commissioner Phelps questioned staff regarding the process for approving the uses; would the request for any of the allowed uses be heard by the Planning and Zoning Commission or the City Council? Ron Ruthven replied no.

Commissioner Davis questioned staff regarding whether the property owner could build a Sonic Drive-In restaurant on this property. Ron Ruthven replied based on his initial interpretation, yes.

Chairman Byerly questioned staff regarding whether the calculation of density or right-of-way was effected by the miscalculation of land. Ron Ruthven replied no. He further stated the correct number would be amended to go before City Council.

Commission Knox questioned Keith Hamilton, the engineer for the project, and Mr. Howe regarding the drainage for Lots 4, 5, & 6. Mr. Howe replied a 12 inch drainage pipe would be installed along the rear of the properties and will drain into the detention pond.

Discussion continued between the Commissioners, Mr. Hamilton, and Mr. Howe regarding construction of the drainage system.

Commissioner Dudziak questioned Mr. Isbell regarding the plans for the open space in the center of the roadway. Mr. Isbell replied as a request of a neighbor, they would construct a flag pole that would be lighted.

Commissioner Gotcher made a motion to deny case ZC13-008. Commissioner Dudziak seconded.

The motion to deny case ZC13-008 failed by the following vote:

Aye: 2 – Dudziak and Gotcher

Nay: 5 – Knox, Wheelwright, Davis, Phelps, and Byerly

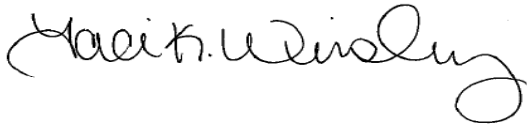
Commissioner Knox made a motion to approve case ZC13-008. Commissioner Davis seconded.

The motion to approve case ZC13-008 carried by the following

vote:**Aye: 5** – Knox, Wheelwright, Davis, Phelps, and Byerly**Nay: 2** – Dudziak and Gotcher**6. ADJOURNMENT**

The meeting adjourned at 8:35 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on September 9, 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 09/09/2013	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a final plat on 10.07 acres on Lot 1, Block 1, Stajduhar Addition located at 816 W. L. D. Lockett Road, Case PC13-015.

Explanation

John Dickerson has submitted a request for a final plat for 10.2 acres, located at 816 W. L.D. Lockett Road, which includes 17 single family residential lots and two open space lots. The plat will be called St. Andrews Estates. The following is an analysis of the issues associated with this final plat.

Zoning. A re-zoning request from R40-Single Family Residential to R20-Single Family Residential was approved by City Council on July 16, 2013 under Ordinance O-13-1880.

Lot Dimensions and Setbacks. The R20 zoning district regulations, in the Land Development Code, require a minimum lot size of 20,000 square feet with a minimum lot width of 100 feet, and lot depth of 125 feet. Per Section 3.24 G, Schedule of District Regulations, the following residential zoning standards apply:

Minimum Front Yard Setback: 30 feet

Minimum Side Yard Setbacks: 10 feet

Minimum Rear Yard Setback: 25 feet

Maximum Lot Coverage: 30 Percent

The dimensions of the proposed lots meet the minimum standards of the Land Development Code.

Open Space. The R20 zoning district regulations in the Land Development Code do not require a minimum percentage of open space. However, the applicant has proposed two (2) open space lots, totaling approximately .51 acres, or approximately five (5) percent, located on the west side of the development, to the south of Lot 1, and to the north of Lot 4. Both open space lots will contain detention ponds. According to the Land Development Code, retention ponds located in open space lots are required to be maintained by the homeowner's association.

Sidewalks and Trails. Sidewalks are required to be installed along the new internal streets, at the time of new home construction. According to the Colleyville Trails and Sidewalk Systems Map, a five (5) foot sidewalk is also required along L.D. Lockett Road. The sidewalk must be installed prior to the acceptance of final public improvements.

Development Fees. Park land dedication fees are required in the amount of \$1,802 per residential lot, for the 17 lots where new homes are proposed. Park land dedication fees are due at the time of final plat, and must be paid before the final plat is recorded with the County Clerk's office.

Perimeter street improvement fees are due at the time of approval of the final plat for L.D. Lockett Road. Perimeter street improvements are required for the newly created development since L.D. Lockett Road is considered unimproved adjacent to the subject property. The developer's portion of the costs for infrastructure improvements may not exceed the amount that is roughly proportionate to the projected impact of the proposed development, as determined by a professional engineer, licensed in the State of Texas, and who is retained by the City of Colleyville. In making the rough proportionality determination, consideration shall be given to the availability of adequate and minimum levels of public facilities and accessibility to the site for the delivery of emergency services.

Roadway impact fees are due in the amount of \$4,941 per residential lot at the time of the building permit application, which amounts to a total of \$83,997 for this development.

Water and Wastewater impact fees are due at the time of the building permit application. Fees for a typical 5/8 inch meter are \$2,491 for the water impact fee, and \$643 for the wastewater impact fee.

Infrastructure. Water and sanitary sewer services are available along adjacent rights-of-way. The developer is responsible for the extension of water and sewer service lines to the individual lots.

Tree Preservation. As required by Chapter 5-Tree Preservation of the Land Development Code, approval of a tree survey and mitigation plan is required upon approval of the final plat for the property. A tree survey and tree mitigation plan have been submitted.

Drainage and Stormwater Runoff. As required by the Land Development Code, drainage and engineering plans have been submitted with the proposed plat. The development will provide on-site detention.

Preliminary Plat Approval. The Planning and Zoning Commission recommended approval of the preliminary plat at the July 22, 2013 meeting and the City Council

approved the preliminary plat on August 20, 2013.

Summary. The proposed final plat satisfies the requirements of Ordinance O-13-1880 and the Land Development Code.

Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Final Plat Exhibit



City of Colleyville Planning and Zoning Commission Agenda Briefing

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Lot Dimensions and Setbacks. The R20 zoning district regulations, in the Land Development Code, require a minimum lot size of 20,000 square feet with a minimum lot width of 100 feet, and lot depth of 125 feet. Per Section 3.24 G, Schedule of District Regulations, the following residential zoning standards apply:

Minimum Front Yard Setback: 30 feet

Minimum Side Yard Setbacks: 10 feet

Minimum Rear Yard Setback: 25 feet

Maximum Lot Coverage: 30 Percent

The dimensions of the proposed lots meet the minimum standards of the Land Development Code.

Open Space. The R20 zoning district regulations in the Land Development Code do not require a minimum percentage of open space. However, the applicant has proposed two (2) open space lots, totaling approximately .51 acres, or approximately five (5) percent, located on the west side of the development, to the south of Lot 1, and to the north of Lot 4. Both open space lots will contain detention ponds. According to the Land Development Code, retention ponds located in open space lots are required to be maintained by the homeowner's association.

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Roadway impact fees are due in the amount of \$4,941 per residential lot at the time of the building permit application, which amounts to a total of \$83,997 for this development.

Water and Wastewater impact fees are due at the time of the building permit application. Fees for a typical 5/8 inch meter are \$2,491 for the water impact fee, and \$643 for the wastewater impact fee.

Infrastructure. Water and sanitary sewer services are available along adjacent rights-of-way. The developer is responsible for the extension of water and sewer service lines to the individual lots.

Tree Preservation. As required by Chapter 5-Tree Preservation of the Land Development Code, approval of a tree survey and mitigation plan is required upon approval of the final plat for the property. A tree survey and tree mitigation plan have been submitted.

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Summary. The proposed final plat satisfies the requirements of Ordinance O-13-1880 and the Land Development Code.

Recommendation

Approve

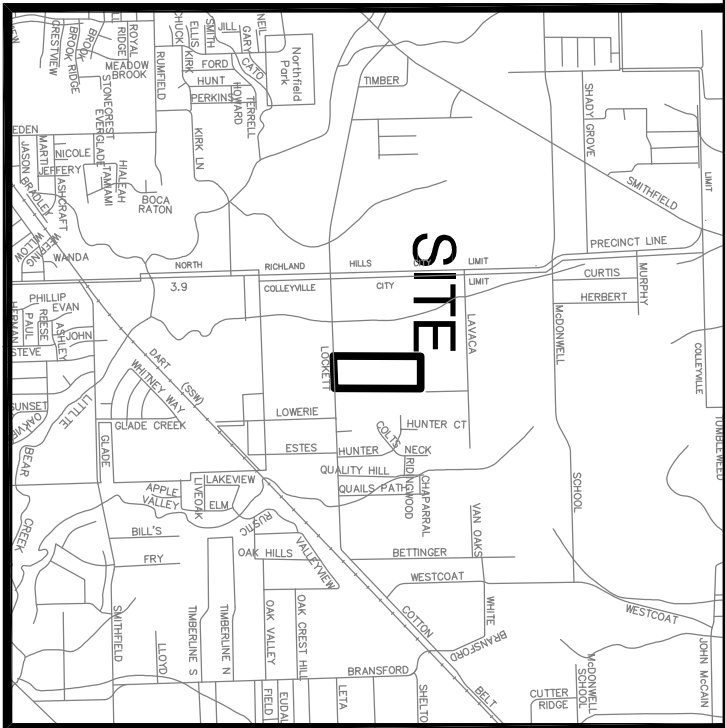
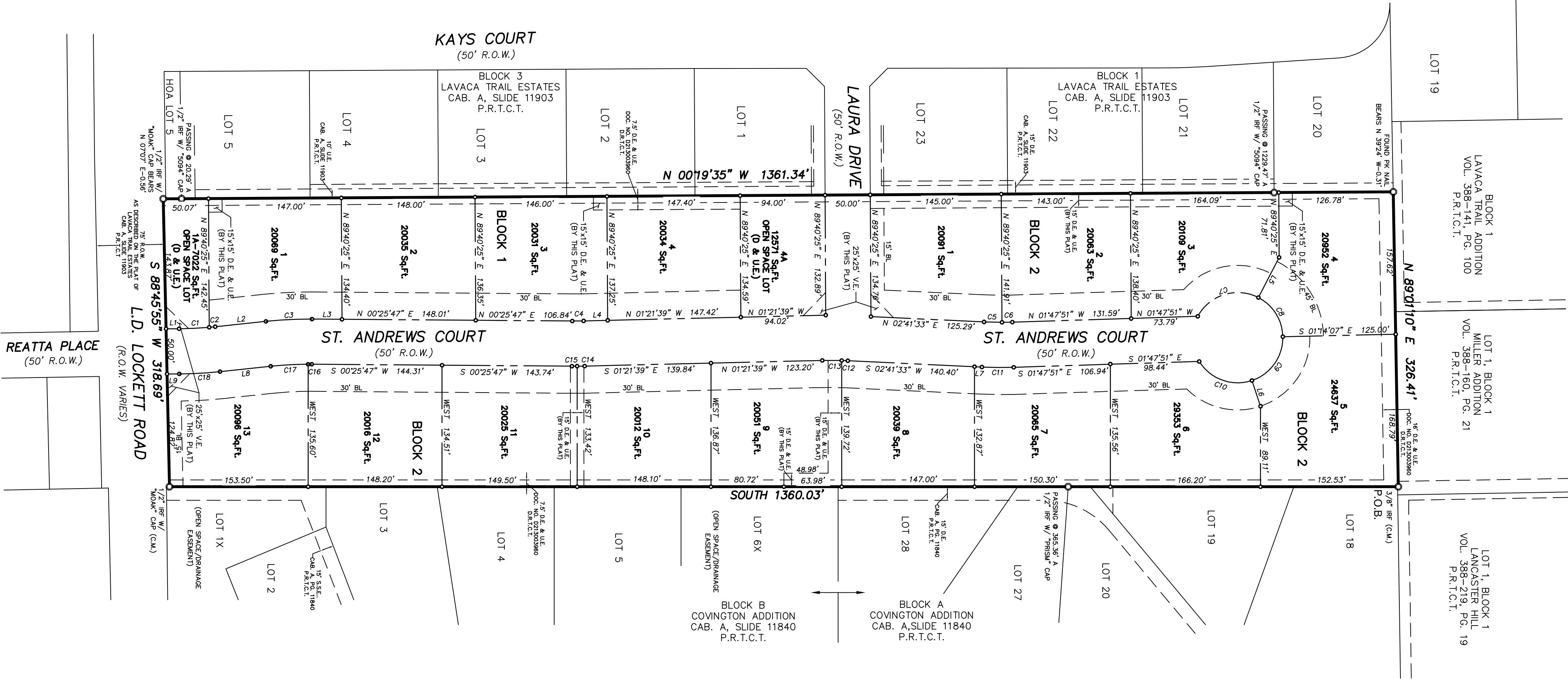
Attachments

1. Location and Zoning Map
2. Aerial
3. Final Plat Exhibit

[illegible]

Aerial Looking North





SURVEYOR CERTIFICATE

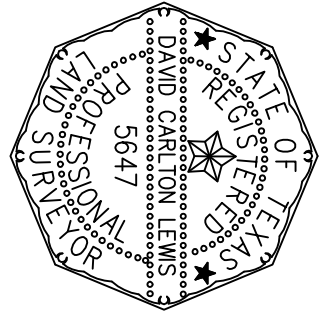
That I, David Carlton Lewis, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land shown on the monuments shown herein were found and/or placed under my personal supervision and in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of

This document shall not be recorded for any purpose. This drawing shall be used for REVIEW PURPOSES ONLY

David Carlton Lewis
R.P.L.S. No. 5647

Date: SEPTEMBER 5, 2013

Date: SEPTEMBER 5, 2013



OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF TARRANT

and more particularly described by metes and bounds as follows: (all bearings shown hereon are based on the east line of said Lot 1, Block 1, Stoldalner Addition):

BEGINNING at a 3/8" iron rod found for the northeast corner of said Stogdohar Addition, common to the northwest corner of Covington Addition, recorded in Cabinet A, Slide 11840 in the Plat Records of Tarrant County, Texas, and in the south line of Lot 1, Block 1, Miller Addition, recorded in Volume 388-160, Page 21 P.R.T.C.T.;

L. D. Lockert Road (R.O.W. Varies);

THENCE South 88 45 55" West - 318.69' along the north right-of-way line of said L. D. Lockett Road to the southwest corner of said Lot 1, Block 1, Steiguhar Addition, from which a found 1/2" iron rod with a cap stamped "MOAK" bears North 07° 07' East - 0.56';

THECC, North 00.9, 3' rod west along the west line of said Soligudar Addition, passing at a distance of 20.29, 2' 1/2" rod with cap stamped "5094" found for the southeast corner of Lot 1, Block 1, Lavaca Trail Estates, continuing for the southeast corner of Lot 1, Block 1, Lavaca Trail Estates, in Subdivision A, Cohnert A, Slide 11903, P.R.T.C., passing at a distance of 12.93, 9' 1/2" rod north with a cap stamped "5094" found for the common east corner of Lot 20 of said Lavaca Addition, continuing for the common east corner of Lot 20 of said Lavaca Addition, and Lot 21, Block 1 of said Lavaca Trails, continuing for a total distance of 136.34', Lavaca Trail, northwest corner of said Soligudar Addition, in the south line of Lot 1, Block 1, Lavaca Trail Addition, recorded in Volume 388-141, Page 100 P.R.T.C., from which a found Pk. Nail in a fence, east bears North 39.24' West - 0.31';

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

that Martin & Lisa Stodun, the Owners, do hereby adopt this plat designating the hereinbefore described property as Lot 1-4, Block 1, Lots 1-13, Block 2, St. Andrews Estates, and addition to the same, containing approximately 6.0 acres more or less, located in the City of Louisville, Kentucky, forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of the underground facilities, pipes, conduits, cables, wires, poles, towers, structures, appurtenances, and equipment interfering with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from such easements for the purpose of constructing, reconstructing, inspecting, and repairing the same. The City of Louisville, Kentucky, does hereby approve and ratify the foregoing approved subject to all existing ordinances, rules, regulations, and resolutions of the City of Louisville, Texas.

Witness our hands this _____ day of _____,
20____.

Signature _____ Title _____

Owner

NOTARY CERTIFICATE

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the said County and State, on this _____ day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____, 20__.

Notary Signature

Planning and Zoning Commission Approval

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20____, to approve this Plat.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

PURPOSE OF PLAT

The purpose of this plat is to develop Lot 1, Block 1, Stegindhar Addition described in the plat recorded in Document Number 20213003960 in the Deed Records of Tarrant County, Texas, City of Mckinneyville, Tarrant County, Texas, as a residential community.

A FINAL PLAT OF

ST. ANDREWS ESTATES

AN ADDITION TO THE CITY OF COLLETTVILLE, BEING A REPLAT OF
LOTS 1, BLOCK 1, STAUDENHAR ADDITION,
RECORDED IN DOCUMENT NUMBER D231003960, IN THE DEED RECORDS OF
TARRANT COUNTY, TEXAS, WHICH IS 10.70 ACRES
IN THE W.C. NEWTON SURVEY, A - 1182
CITY OF COLLETTVILLE, TARRANT COUNTY, TEXAS

OWNER: Martin & Lisa Stajduhar

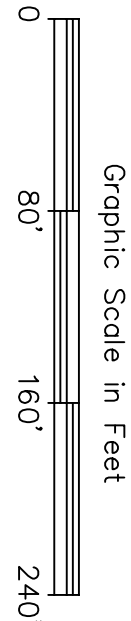
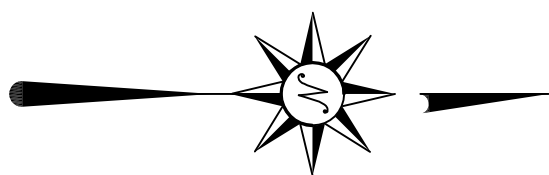
Martin & Liso Stojanhar
101 Williamsburg Ct
Coleyville, TX 76034
Ph: _____

ENGINEER: Hamilton Duffy, P.C.
E.S.&C.M., Inc.
8241 Mid-Cities Blvd., Ste.100
North Richland Hills, TX 76182

SURETOR: Stry Surveyors
8241 Mid-Cities Blvd., Ste.100
North Richland Hills, TX 76182
Phone: 817-896-6150

SPRY PROJECT NO. 034-082-30
DATE: SEPTEMBER 2013

THIS PLAT WAS FILED IN DOCUMENT NO. _____ ON DATE _____





City of Colleyville Planning and Zoning Commission Agenda Briefing

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Agenda Number 3b	Agenda Date 09/09/2013	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a final plat for 12.0 acres on Tracts 3, 3E and 3F, of Abstract 936 of the Joseph M Looney Survey and Lot 1, Block 1, of the Bone Addition, located at 5008 and 5100 Bluebonnet Drive, case PC13-016.

Explanation

Paul Spain, on behalf of Terra/Manna, LLC, has submitted a request to approve the final plat for The Preservation on Glade, located at 5008 and 5100 Bluebonnet Drive, which includes 36 single family residential lots and five open space lots.

Zoning. A rezoning request for PUD-R-Planned Unit Development Residential was approved by City Council on May 7, 2013 under attached Ordinance O-13-1867.

Development Standards. Ordinance O-13-1867 requires the following development standards:

- Minimum Lot Size: 8,500 square feet
- Minimum Lot Depth: 140 feet
- Minimum Lot Width: 60 feet at the building line
- Front Building Setback: 15 feet; 20 feet for a front facing garage
- Side Building Setback: 5 feet, or 15 feet on one side and 0 feet on the other side
- Rear Building Setback: 20 feet
- Maximum Lot Coverage: 50 percent
- Minimum Roof Pitch: Minimum of a 10:12 roof pitch.
- Garage Standard: Minimum of a two car garage.
- Masonry Requirement: One hundred percent (100%) brick, stone or real stucco masonry. No EIFS or artificial stucco material shall be permitted in the subdivision.
- Additional Elevation Requirements: Elevations will have a hierarchy of plate

dominance featuring custom front doors and entrances; balanced architectural features and interests with natural tones for paint and exterior finishes. Roofing to be either 40 lb. Architectural Dimensional shingles, slate, tile or standing seam metal. Each elevation should add interest to the entire street scape.

- Driveways and Private Walkways: All shall be of a washed aggregate or stamped finished concrete.

- Windows: No aluminum widows allowed in the subdivision, only windows of higher quality and energy efficiency will be allowed. All windows will be insulated glass with a "low-e".

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 final plat for the development indicates 23 percent of the total development as open space.

Detention or retention ponds are proposed in the northwest and southwest corners of the subject property. These ponds are located in common open space areas as designated on the applicant's site plan. Per the requirements of the Land Development Code, no more than 25 percent of the common open space areas may be used for retention/detention. All of the open spaces will be landscaped and maintained by the Homeowner's Association (HOA).

Streets. All streets in this development shall be private. The minimum right-of-way for streets shall be 40 feet and the minimum pavement width for streets shall be 31 feet, measured from back of curb to back of curb. A five foot utility easement shall be located along both sides of all internal streets.

Sidewalks and Trails. Four foot wide concrete sidewalks will be constructed along both sides of the internal streets at the time houses are constructed on the lots. A sidewalk is also required along Bluebonnet Drive. According to the Colleyville Pathways Plan, a 10 foot wide concrete trail is required to be built along Glade Road as part of this development. The development plan includes a 10 foot wide concrete trail to be constructed along Glade Road in a curvilinear fashion that will bypass mature trees.

Fences, Walls and Screening. Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, will be open style fencing of decorative metal, and/or masonry. All lot boundaries along common open space areas will be open style fencing of decorative metal, and/or masonry. Where lots back to existing residential lots, the existing fence will remain. Where open space lots adjoin adjacent properties, either the existing fence will be maintained, or a decorative metal or wood fence will be installed, as part of the fencing plan.

Emergency Access. An emergency access easement has been placed at the north

end of the property, connected to the public parking area owned by the City of Colleyville adjacent to the Justice Center. Staff recommends that the developer dedicate an emergency access easement on the public parking area to the north (Lot 1, Block 1, of the Colleyville Community Center Addition) such that it connects the emergency access easement on the subject property to Bluebonnet Drive. All costs associated with the dedication of the easement on Lot 1, Block 1, of the Colleyville Community Center Addition shall be paid by the developer. Said easement shall not cross, intersect, or touch the Justice Center parking lot (Lot 2, Block 1, of the Colleyville Community Center Addition).

The placing of this easement in lieu of a second street entrance to the development meets the requirements of the Land Development Code regarding the provision of two points of ingress and egress into the development.

Development Fees. Park land dedication fees are due in the amount of \$1,802 per residential lot at the time of platting, which amounts to a total of \$64,872 for this development.

Roadway impact fees are due in the amount of \$4,941 per residential lot at the time of the building permit application, which amounts to a total of \$177,876 for this development.

Water and Wastewater impact fees are due at the time of the building permit application. Fees for a typical 5/8 inch meter are \$2,491 for the water impact fee and \$643 for the wastewater impact fee.

Perimeter street improvement fees are due at the time of approval of the final plat for Glade Road and Bluebonnet Drive. Perimeter street improvements are required for the newly created lots since Glade Road and Bluebonnet Drive are considered unimproved adjacent to the subject property. The developer's portion of the costs for infrastructure improvements may not exceed the amount that is roughly proportionate to the projected impact of the proposed development, as determined by a professional engineer, licensed in the State of Texas, and who is retained by the City of Colleyville. In making the rough proportionality determination, consideration shall be given to the availability of adequate and minimum levels of public facilities and accessibility to the site for the delivery of emergency services.

Tree Preservation. As required by Chapter 5-Tree Preservation of the Land Development Code, approval of a tree survey and mitigation plan is required upon approval of the final plat for the property. A tree survey and tree mitigation plan have been submitted.

Drainage and Stormwater Runoff. As required by the Land Development Code, drainage and engineering plans have been submitted with the proposed plat. The development will provide on-site retention.

Residential Density. The development of 36 residential units on the 12 acre property will produce a residential density of 3.0 dwelling units per acre based upon the density calculation method prescribed by the Master Plan; and will produce a residential density of 5.1 dwelling units per acre based upon the density calculation method prescribed by the Land Development Code. This is consistent with other small lot subdivisions approved in Colleyville.

Preliminary Plat Approval. The Planning and Zoning Commission recommended approval of the preliminary plat at the June 24, 2013 meeting by a vote of 5-0 and the City Council approved the preliminary plat on July 2, 2013.

Summary. The final plat complies with the requirements of Ordinance O-13-1867 and the Land Development Code.

Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Ordinance O-13-1867
4. Final Plat Exhibit



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3b	Agenda Date 09/09/2013	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a final plat for 12.0 acres on Tracts 3, 3E and 3F, of Abstract 936 of the Joseph M Looney Survey and Lot 1, Block 1, of the Bone Addition, located at 5008 and 5100 Bluebonnet Drive, case PC13-016.

Explanation

Paul Spain, on behalf of Terra/Manna, LLC, has submitted a request to approve the final plat for The Preservation on Glade, located at 5008 and 5100 Bluebonnet Drive, which includes 36 single family residential lots and five open space lots.

Zoning. A rezoning request for PUD-R-Planned Unit Development Residential was approved by City Council on May 7, 2013 under attached Ordinance O-13-1867.

Development Standards. Ordinance O-13-1867 requires the following development standards:

- Minimum Lot Size: 8,500 square feet
- Minimum Lot Depth: 140 feet
- Minimum Lot Width: 60 feet at the building line
- Front Building Setback: 15 feet; 20 feet for a front facing garage
- Side Building Setback: 5 feet, or 15 feet on one side and 0 feet on the other side
- Rear Building Setback: 20 feet
- Maximum Lot Coverage: 50 percent
- Minimum Roof Pitch: Minimum of a 10:12 roof pitch.
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- Masonry Requirement: One hundred percent (100%) brick, stone or real stucco masonry. No EIFS or artificial stucco material shall be permitted in the subdivision.
- Additional Elevation Requirements: Elevations will have a hierarchy of plate

dominance featuring custom front doors and entrances; balanced architectural features and interests with natural tones for paint and exterior finishes. Roofing to be either 40 lb. Architectural Dimensional shingles, slate, tile or standing seam metal. Each elevation should add interest to the entire street scape.

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Detention or retention ponds are proposed in the northwest and southwest corners of the subject property. These ponds are located in common open space areas as designated on the applicant's site plan. Per the requirements of the Land Development Code, no more than 25 percent of the common open space areas may be used for retention/detention. All of the open spaces will be landscaped and maintained by the Homeowner's Association (HOA).

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Emergency Access. An emergency access easement has been placed at the north

end of the property, connected to the public parking area owned by the City of Colleyville adjacent to the Justice Center. Staff recommends that the developer dedicate an emergency access easement on the public parking area to the north (Lot 1, Block 1, of the Colleyville Community Center Addition) such that it connects the emergency access easement on the subject property to Bluebonnet Drive. All costs associated with the dedication of the easement on Lot 1, Block 1, of the Colleyville Community Center Addition shall be paid by the developer. Said easement shall not cross, intersect, or touch the Justice Center parking lot (Lot 2, Block 1, of the Colleyville Community Center Addition).

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Summary. The final plat complies with the requirements of Ordinance O-13-1867 and the Land Development Code.

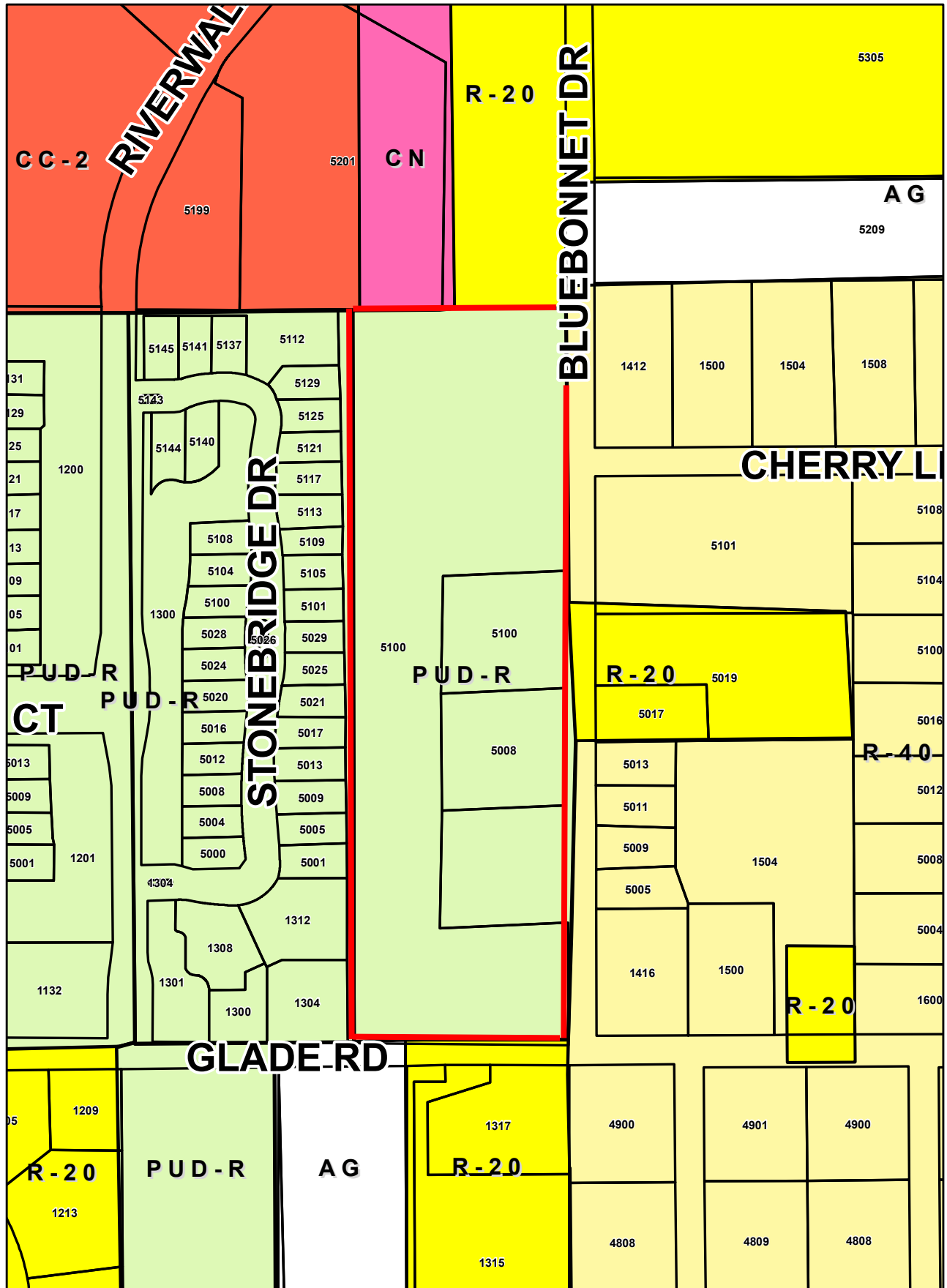
Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Ordinance O-13-1867
4. Final Plat Exhibit

Location and Zoning Map



Aerial



ORDINANCE O-13-1867

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 12.04 ACRES ON TRACTS 3, 3E, AND 3F, OF ABSTRACT 936 OF THE JOSEPH M. LOONEY SURVEY AND LOT 1, BLOCK 1, OF THE BONE ADDITION FROM THE R20-SINGLE FAMILY RESIDENTIAL 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. ZC12-025; 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 12.04 acres on Tracts 3, 3E, and 3F, of Abstract 936 of the Joseph M. Looney Survey and Lot 1, Block 1, of the Bone Addition from the R20-Single Family Residential zoning district to the PUD-R-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A" and as legally 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 36 detached dwelling units, constructed at a gross maximum density of 3.0 dwelling units per acre.
- b. This development shall be generally consistent with the Statement of Planning Objectives, attached as Exhibit "C".

- c. The subject property is subject to all the regulations contained in the Land Development Code, except where amended by this Ordinance.

2. DEVELOPMENT PLAN AND PLATTING

- a. The development shall be generally consistent with Exhibit "D", Conceptual Site Plan, which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "D" 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 PUD-R.

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

- a. Minimum Lot Size: 8,500 square feet
- b. Minimum Lot Depth: 140 feet
- c. Minimum Lot Width: 60 feet at the building line
- d. Front Building Line: 15 feet; 20 feet for a front facing garage
- e. Side Building Line: 5 feet, or 15 feet on one side and 0 feet on the other side
- f. Rear Building Line: 20 feet
- g. Maximum Lot Coverage: 50 percent

- h. Minimum House Size: 2,500 feet

5. RESIDENTIAL DESIGN REQUIREMENTS

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

- a. Minimum roof pitch: 10:12
- b. Garage Standard: A minimum two car garage shall be constructed with wood, architecturally enhanced doors.
- c. Masonry: The exterior wall of all homes shall be composed of 100 percent masonry materials. Approved masonry materials shall adhere to the masonry materials allowed in Chapter 6-Building Design of the Land Development Code.
- d. Elevation requirements: Elevations shall have a hierarchy of plate dominance featuring custom front doors and entrances; balanced architectural features and interests with natural tones for paint and exterior finishes. Roofing shall contain either 40 pound Architectural Dimensional shingles, slate, tile or standing seam metal. Each elevation shall add interest to the entire street scape.
- e. Windows: Aluminum windows are prohibited. Windows shall be of higher quality and energy efficiency and shall be insulated glass with a "low-e" specification.

6. OPEN SPACE

- a. This development shall provide a minimum of 23 percent common open space, as shown on Exhibit "D", which shall be for the leisure and recreational use of the development's residents. The open space shall comply with the provisions contained in the Land Development Code. All open space areas shall be landscaped.
- b. Open space may be utilized for storm water retention not to exceed 25 percent of the common open space area.

7. PRIVATE STREETS AND SIDEWALKS

- a. Sidewalks along lot frontages shall be constructed by each homebuilder. All sidewalks shall be constructed in accordance with the requirements of the Land Development Code. A curvilinear 10 foot wide trail shall be constructed within the open space area along the entire length of Glade Road. Said trail may be located on private property within the open space provided it is located within a public pedestrian access easement.
- b. All streets in this development shall be private. Right-of-way and pavement widths shall meet the following requirements: the minimum right-of-way for streets shall be 40 feet and the minimum pavement width for street shall be 31 feet, measured from back of curb to back of curb. A five foot utility easement shall be located along both sides of all internal streets.
- c. All gates shall meet the minimum requirements of Chapter 14-Engineering Design Standards in the Land Development Code.

8. FENCES, SCREENING AND LANDSCAPING

- a. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry.
- b. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry.
- c. Where open space lots border adjacent properties, either the existing fence shall be maintained or improved, or a decorative metal fence shall be installed, all in cooperation with the adjacent property owner.
- d. An eight foot decorative masonry wall shall be constructed by the developer along the entire north property line in order to screen the development from the Justice Center and City parking lot to the north.

- e. All lots shall contain a minimum of one (1) three-inch (3") caliper tree in the front yard adjacent to the street right-of-way. Each lot shall be fully landscaped with an approved irrigation system in the front and rear yard prior to the final inspection.
- f. Prior to the acceptance of final public improvements, evergreen shrubs shall be planted by the developer in the open space lot such that a living screen is created between the required wrought iron fencing and Bluebonnet Drive providing for a continuous screen of the backyards in the development that back up to Bluebonnet Drive per Exhibit "F". Shrub species shall be allowed per the specifications in Chapter 4-Landscaping and Buffering in the Land Development Code. Said shrubs shall be maintained by the homeowner's association.
- g. A minimum of four, three (3) inch caliper Live Oak trees and five ornamental screening trees, as defined in Chapter 4-Landscaping and Buffering in the Land Development Code, shall be planted in each back yard along the west property line per the attached Exhibit "E" by the homebuilder prior to the final inspection.
- h. A minimum of three, three (3) inch caliper Live Oak trees shall be planted in the backyard of all lots on located on the east side of the development where no existing trees of equal inches currently exist per Exhibit "F". All trees shall be planted by the homebuilder prior to the final inspection.

9. DRAINAGE

- a. Lateral pipes and inlets shall be installed to eliminate surface drainage from sheet flowing from the subject property onto the Bridges at Riverwalk development. Final design and construction shall meet the requirements of the Land Development Code.
- b. Detention ponds shall be constructed to reduce flows to that of existing conditions per the City of Colleyville drainage design standards with pond outfalls into the northern pond of the Bridges at Riverwalk development and southern pipe system stubbed to the property.

10. OTHER

- a. All driveways and private walkways shall be of a washed aggregate or stamped finished concrete.
- b. An emergency access easement shall be located at the north cul-de-sac such that it connects to Lot 1, Block 1, of the Colleyville Community Center Addition. The developer shall dedicate an emergency access easement on Lot 1, Block 1, of the Colleyville Community Center Addition such that it connects the emergency access easement on the subject property to Bluebonnet Drive. All costs associated with the dedication of the easement on Lot 1, Block 1, of the Colleyville Community Center Addition shall be paid by the developer. Said easement shall not cross, intersect, or touch Lot 2, Block 1, of the Colleyville Community Center Addition. The final configuration of said easement shall require the final approval of the city manager or her/his designee. The emergency access easement and its associated gate shall meet all Land Development Code requirements.
- c. There shall be no rear facing second story windows for any homes with a rear elevation that faces either east or west.
- d. Prior to the acceptance of final public improvements, evidence of a cash escrow of \$10,000 shall be provided to the City. Said escrow shall be dedicated for any necessary dredging of any retention/detention ponds in the Bridges at Riverwalk development.
- e. The developer shall construct a new sidewalk such that it connects to the existing sidewalk around the north side of the justice center in order to connect to the sidewalk that is currently alongside Riverwalk Drive. The sidewalk shall match the existing sidewalk.
- f. Prior to the issuance of the grading permit for this development, the developer shall install a temporary construction entrance with signage directing all construction traffic to enter along the north property line of the project. All construction traffic shall be directed by the developer to enter into the project from the north.

g. The homeowners association shall be responsible for 50 percent of the maintenance and repair of the screening wall between the Bridges at Riverwalk and Fountains at Riverwalk developments and the subject property.

- 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.

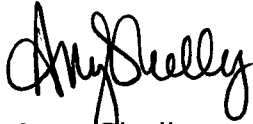
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 5th day of March 2013.

The second reading and public hearing being conducted on the 19th day of March 2013.

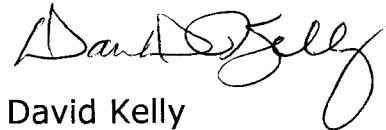
PASSED AND APPROVED by the City Council of the City of Colleyville, Texas,
on this the 7th day of May 2013.

ATTEST:



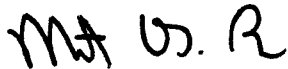
Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit A –Location and Zoning Map

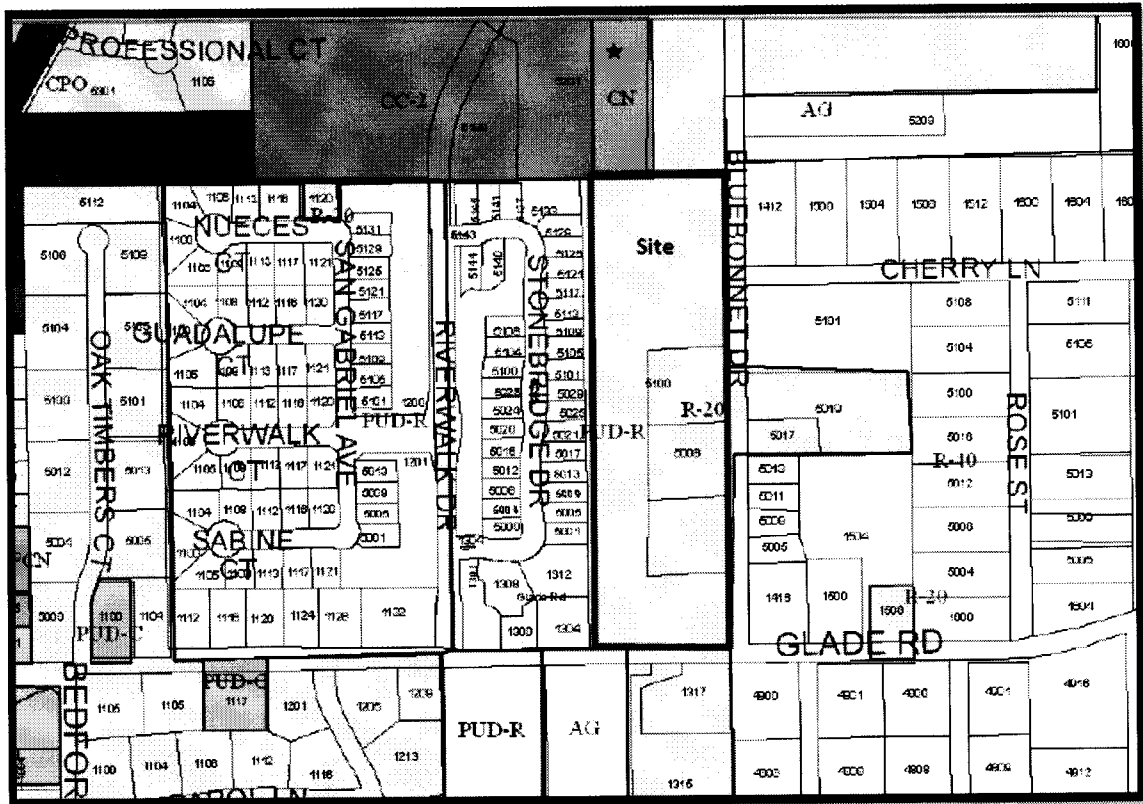


Exhibit B – Legal Description

BEING a 12.04 acre tract of land situated in the J.M. Looney Survey, Abstract No. 936, City of Colleyville, Tarrant County, Texas. Said 12.04 acre tract of land being all of that certain tract of land as conveyed to Marion B. Bone, as recorded in Volume 11384, Page 1830 and Volume 6868, Page 158 and Volume 8620, Page 641, Deed Records, Tarrant County, Texas. Said 12.04 acre tract of land being all of those certain Save and except tracts of land as conveyed to Arnold Del Hierro and wife Charlotte Del Hierro and Garrison B. Bone and the Homestead of said Marion B. Bone, as recorded in Volume 8603, Page 2266 and said Volume 11384, Page 1830, said Deed Records. Also being all of that certain Lot 1, Block 1 of the Bone Addition. An addition to the City of Colleyville. As recorded in Cabinet 388-200, Page 27, Map Records, Tarrant County, Texas. Said 12.04 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a PK Nail set, being in Glade Road, a variable width public roadway - right-of-way. Said point being South 01 degrees 00 minutes 12 seconds East, 25.41' from a 5/8 inch iron rod found, being the Southeast corner of that certain Bridges at Riverwalk Addition, an Addition to the City of Colleyville, as recorded in Cabinet A, Slide 7749, Map Records, Tarrant County, Texas. Said point being the Southwest corner of the tract herein described as follows;

THENCE, North 01 degrees 00 minutes 12 seconds West, along the common line of said Bone tract and Bridges at Riverwalk tract, generally along a brick, stone screening wall, a distance of 1,334.50 feet, to a 5/8" inch iron rod found, being the Northwest corner of the said 12.04 acre tract as hereon described. Also being in the South line of that certain tract of land as conveyed to the City of Colleyville as recorded in Volume 13998, Page 371, said Deed Records;

THENCE, North 89 degrees 32 minutes 31 seconds East, along the North line of said 12.04 acre Bone tract, a distance of 398.00 feet to a 1/2 inch iron rod, set, with cap stamped RDS, INC., being the Northeast corner of said 12.04 acre Bone tract, also being in the occupied West line of Bluebonnet Drive, a variable width public roadway - right-of-way;

THENCE, South, 00 degrees 44 minutes 45 seconds East, along the East line of said 12.04 acre tract and along the West line of said Bluebonnet Drive, a distance of 1,334.60 feet to a PK Nail set, being the Southeast corner of the said 12.04 acre Bone tract. Said iron rod being in the aforementioned Glade Road;

THENCE, South 89 degrees 33 minutes 46 seconds West along the South line of said 12.04 acre Bone tract, a distance of 390.00 feet to the POINT OF BEGINNING and containing 12.04 acres of land, more or less.

Exhibit C - Statement of Planning Objectives

The Preservation on Glade

Colleyville, Texas - March 11, 2013

Sage Group, Inc.

Statement of Planning Objectives-

The Preservation on Glade is a proposed residential neighborhood to be developed by Terra/ Manna, LLC under the Planned Unit Development regulations for Residential development (PUD-R) in the City of Colleyville. The 12.04 acre property is located on the northwest side of the Glade Road/ Bluebonnet Drive intersection. The property is currently zoned Residential-20 (R-20) and is occupied by two single family homes, open space and agricultural areas.

The surrounding area is fully developed. To the north is the Colleyville Police Center, to the west lies The Bridges at Riverwalk PUD-R, containing existing Office buildings along Glade, with "Villa" residential along the remainder. Across Glade Road is existing residential in an area zoned R-20 and AG. Across Bluebonnet Drive, to the east, is existing single family residential in a mix of R-20 and R-40 zoning.

The subject tract is shown on the Future Land Use Plan as "Single Family Residential" for the northern $\frac{3}{4}$ of the site, with a layer of "Office" along Glade. We believe there would be a limited market for office in this location and are suggesting that the adjacent Offices in Riverwalk, with access to Riverwalk Blvd already present a logical conclusion to the office uses along Glade Road, and that a better use for this property would be to begin a transition from the office and higher density residential to the west, in The Bridges at Riverwalk PUD, to the lower density residential to the east with only a Single-Family Residential use.

This proposal, which transitions between the Office and smaller lots to the west in the Bridges at Riverwalk (6-7,000 s.f.) with residential lots averaging over 9,200 s.f. to the larger lots along Bluebonnet, and over 23% Open Space, is consistent with this and- we believe- the surrounding uses.

The property generally slopes down from east to west and from our discussions with staff and the adjacent neighbors, we learned there is a concern regarding the existing sheet flow of drainage onto their lots. Our intention would be to capture that drainage and direct it to the appropriate drainage facilities and resolve this concern as an issue.

Preliminarily, we believe the developed areas downstream have accounted for "fully developed" drainage coming from this property, but we have commissioned a drainage study to illustrate the current conditions and make sure this development- as proposed- would meet the requirements of the ordinances regulating development and drainage. Silt runoff will be strictly controlled during construction. In addition, we have agreed to have our engineers work with an independent civil engineer, hired by the Bridges at Riverwalk HOA, to verify the effectiveness of our proposed improvements.

Exhibit C – Statement of Planning Objectives (Continued)

Quality and compatibility with the adjacent residential, as well as the rest of Colleyville are essential, and we have designed this proposal with those goals in mind.

The residences planned for The Preservation on Glade will be very upscale, with selling prices estimated to range between \$500,000 to over \$700,000. The development will have as its focal point, and feature, an open space and landscaped perimeter located along the frontage of Bluebonnet Road and Glade Road, saving many of the existing trees located along those frontages. The main entry road has been carefully located between some of the best trees identified on the tree survey, and will result in a spectacular entry experience.

Because of the traffic along Glade, and the safety concerns related to the somewhat limited visibility beyond the Bluebonnet/ Glade intersection, we have chosen to locate our entry road on the much less travelled Bluebonnet Dr. The internal road is planned to be a gated private road with a Resident/ Visitor gate at the southern end, designed to meet all the city standards for such an entry. An emergency-only entry into the city-owned parking lot to the north will also be constructed, providing a second point of access. We propose to build the normal Colleyville street section of 31' (back of curb to back of curb), in a 40' R.O.W. with 5' utility and sidewalk easements on either side.

The large existing trees in the open space area along the perimeter roads have been taken into consideration in project planning and as many of them as possible will be preserved during development. In addition to the existing trees we will save within the open space areas, there will be a requirement of a front yard tree for every residential lot to be installed by the home builders, adjacent to the street right of way. Two trees will also be installed in each rear yard, where existing trees do not already exist. To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, and the required 10' trail will be built along the Glade Rd. frontage. The indicated landscaped setbacks, along Glade and Bluebonnet, will be preserved within an open space lot, to be owned and maintained by The Preservation Homeowners Association.

The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

The Preservation on Glade will be developed in a single phase with the development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Economic Development Information

The Preservation on Glade will have a total of thirty-six (36) homes, each with an average estimated value upon completion of approximately \$500,000 to over \$700,000, resulting in an overall tax base of \$21,600,000, based on a \$600,000 estimated average. At the current tax rate of 2.694677%, the total taxes generated from the development are projected to be \$582,050, with \$ 80,450 generated directly for the City.

Exhibit C – Statement of Planning Objectives (Continued)

Development Standards

Permitted Land Use:	Single Family Residential Detached
Minimum House Size:	2,500 square feet.
Minimum Lot Area:	8,500 s.f.
Minimum Lot Width:	Sixty feet (60') measured at the building setback line.
Minimum Lot Depth:	140'
Front Yard Setbacks:	Fifteen feet (15') back of the property line, 20' to Face of Garage.
Rear Yard Setbacks:	Twenty feet (20')
Side Yard Setbacks:	Five feet (5') on each side, or Fifteen Feet (15') one side/ Zero feet (0') other side.
Minimum Roof Pitch:	Minimum of a 10:12 roof pitch.
Garage Standard:	Minimum of a two car garage.
Fencing:	Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lot boundaries along Common Open Space areas shall be open style fencing of Decorative Metal, and/or Masonry. Where lots back to existing residential lots, the existing fence shall be kept. Where open space lots border adjacent properties, either the existing fence will be maintained, or a Decorative Metal or Wooden fence will be installed, as per the Fencing Plan.
Streetscape Standards:	Minimum of one (1) three-inch (3") caliper tree per each front yard, and two (2) three inch (3") caliper trees per each rear yard on all lots (credit toward this requirement for preserving existing trees will be given). Fully landscaped and sprinklered front and rear yard within sixty days of completing a house.
Front Yard Maintenance:	The open space lots within the subdivision shall be maintained in a consistent, uniform manner by The Preservation on Glade Homeowners Association through dues collected from the individual homeowners. Membership in the Homeowner's Association is mandatory.

Exhibit C – Statement of Planning Objectives (Continued)

Street Design Standards:

Right of Way: Forty feet (40')
Travel Lane Width: Thirty-one foot (31'), back of curb to back of curb
Turning Radii: Twenty feet (20')

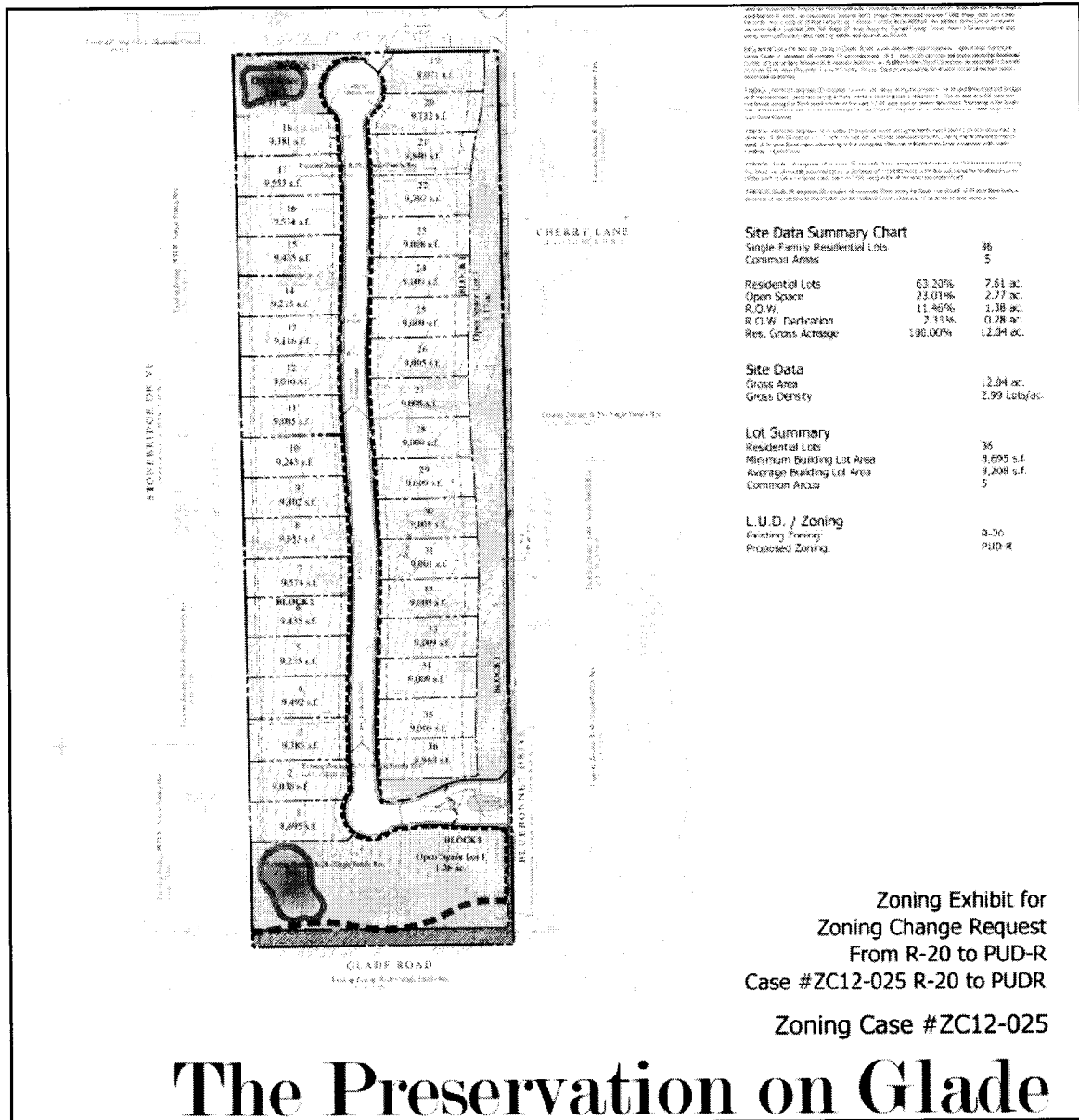
Open Space Standards:

The Common Open Space shall be either left natural (where disturbance and irrigation may harm existing trees) or fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned and operated by The Preservation on Glade Homeowners Association which shall have a mandatory membership of all homeowners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Association shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.

Signage:

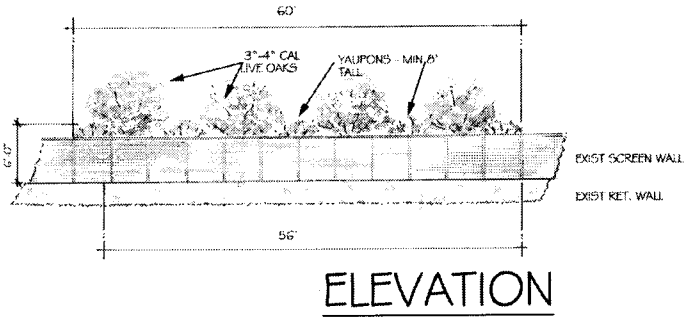
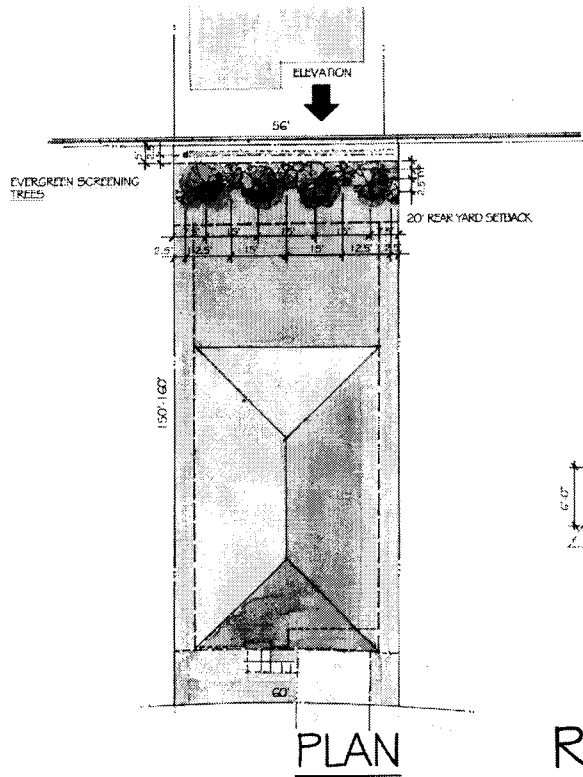
A monument sign identifying the subdivision shall be built at the entry from Bluebonnet Drive and/or incorporated into the masonry wall adjacent to that entry.

Exhibit D - Conceptual Site Plan



The Preservation on Glade

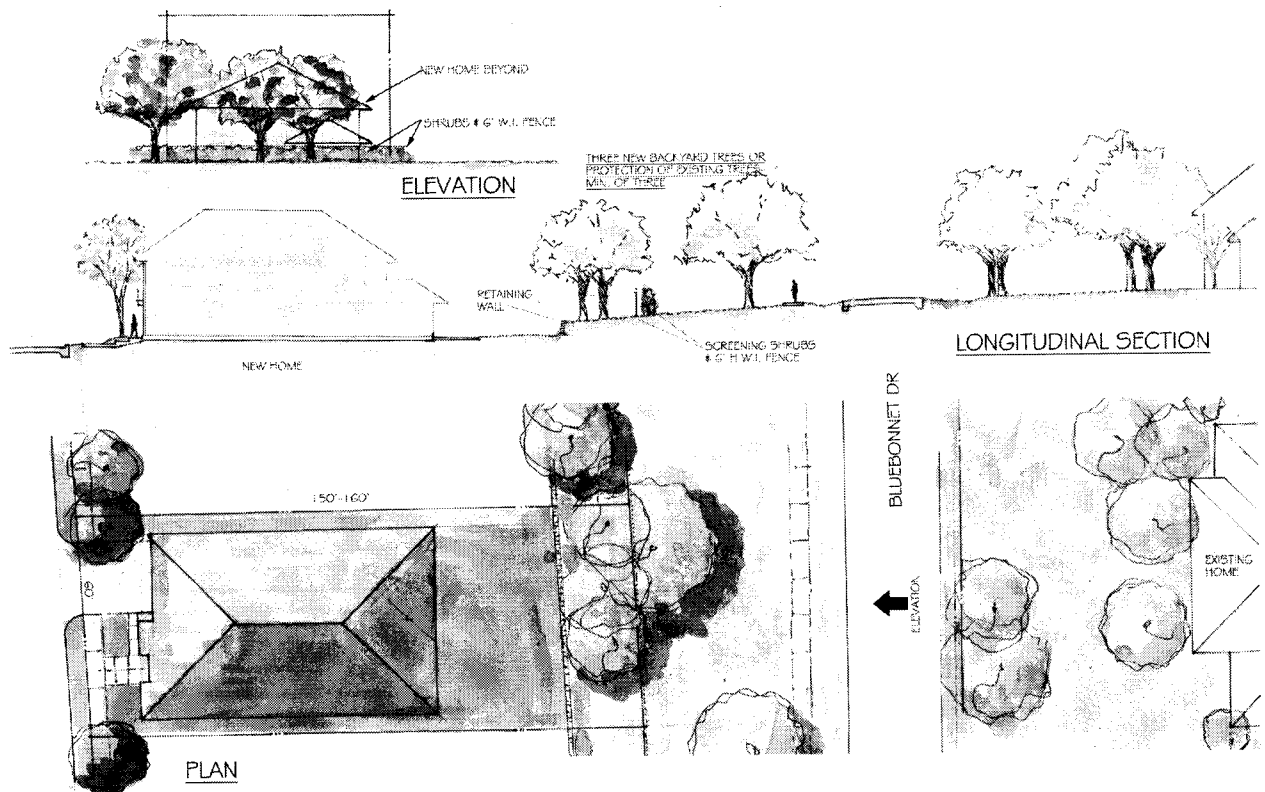
Exhibit E – West Side Landscaping Example



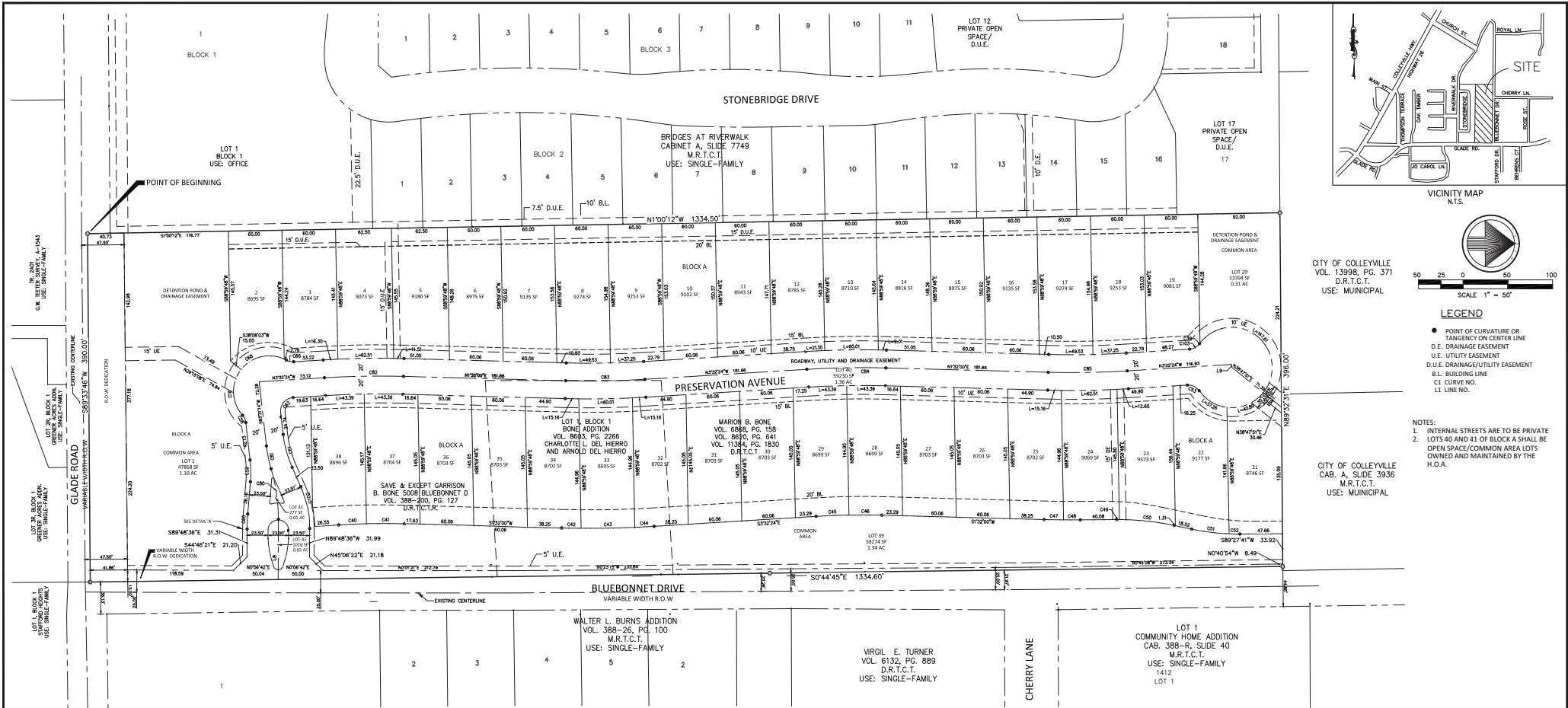
REAR YARD SCREENING

12 APRIL 2013

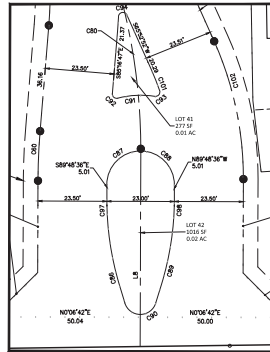
Exhibit F – East Side Landscaping Plan



Final Plat Exhibit



Curve Table					Curve Table					Parabel Line Table	
Curve #	Length	Radius	Delta	Chord Length	Curve #	Length	Radius	Delta	Chord Length	Line #	Direction
C18	55.65	40.0	070°32'38"	51.27	C88	58.87	16.0	00°00'00"	57.88	L1	26.59 S89°52'35.30" W
C19	48.3	46.3	070°02'58"	45.21	C89	7.74	10.0	02°03'34"	7.78	S89°18'48" W	
C20	48.3	46.3	070°02'58"	45.21	C90	25.44	10.0	02°03'34"	24.43	N89°43'42" E	
C21	31.0	83.0	002°08'58"	31.0	C91	58.08	20.0	01°38'21"	57.88	S89°52'35" W	L4.63
C22	40.0	40.0	002°03'00"	40.0	C92	10.0	10.0	00°00'00"	10.0	S89°52'35" W	L4.63
C23	31.0	83.0	002°08'58"	31.0	C93	58.08	20.0	01°38'21"	57.88	S89°52'35" W	L4.63
C24	31.0	83.0	002°08'58"	31.0	C94	58.08	20.0	01°38'21"	57.88	S89°52'35" W	L4.63
C25	80.0	110.0	02°05'19"	80.0	C95	88.50	10.0	00°04'24"	88.50	N89°00'00" W	L7
C26	48.3	46.3	02°05'19"	48.3	C96	88.50	10.0	00°04'24"	88.50	N89°00'00" W	L7
C27	48.3	46.3	02°05'19"	48.3	C97	88.50	10.0	00°04'24"	88.50	N89°00'00" W	L7
C28	31.0	83.0	02°05'19"	31.0	C98	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C29	31.0	83.0	02°05'19"	31.0	C99	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C30	31.0	83.0	02°05'19"	31.0	C100	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C31	31.0	83.0	02°05'19"	31.0	C101	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C32	31.0	83.0	02°05'19"	31.0	C102	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C33	31.0	83.0	02°05'19"	31.0	C103	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C34	31.0	83.0	02°05'19"	31.0	C104	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C35	31.0	83.0	02°05'19"	31.0	C105	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C36	31.0	83.0	02°05'19"	31.0	C106	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C37	31.0	83.0	02°05'19"	31.0	C107	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C38	31.0	83.0	02°05'19"	31.0	C108	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C39	31.0	83.0	02°05'19"	31.0	C109	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C40	31.0	83.0	02°05'19"	31.0	C110	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C41	31.0	83.0	02°05'19"	31.0	C111	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C42	31.0	83.0	02°05'19"	31.0	C112	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C43	31.0	83.0	02°05'19"	31.0	C113	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C44	31.0	83.0	02°05'19"	31.0	C114	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C45	31.0	83.0	02°05'19"	31.0	C115	36.13	11.5	18°00'00"	33.00	S50°11'24" W	
C46	31.0	83.0	02°05'19"	31.0	C116	36.13	11.5	18°00'00"	33.00	S50°11'24" W	



City Council Approval

WHEREAS The City Council of the City of Colleyville, Texas voted affirmatively on this ____ day of _____, 20____, to approve this Plat.

Mayor, City of Colleyville

Attest: City Secretary

FINAL PLAT
THE PRESERVATION ON
GLADE
BLOCK A, LOTS 1-42
36 RESIDENTIAL LOTS & 6 OPEN SPACE LOTS

12.04 acres in the
J.M. Looney Survey, Abstract No. 936
CITY OF COLLEYVILLE
TARRANT COUNTY, TEXAS

SHEET 1 OF 2

09 August 2013

Applicant:
Terra Manna Preservation, LLC
395 W SH 114, Suite 300
Southlake, TX 76092
Contact: Bret Pedigo

Surveyor:
Ronald D. Smith Surveyor, Inc.
P.O. Box 1679
Forney, Texas 75126
972-564-9840



J. VOLK CONSULTING, INC.
 800 East Campbell Road, Suite 120
 Richardson, Texas 75081
 972.201.3100
 Texas Registration No. F-11962

Final Plat Exhibit

PLAT DEDICATION CERTIFICATE

Whereas TERRA MANNA PRESERVATION, LLC is the owner of a 12.04 acre tract of land situated in the J.M. Looney Survey, Abstract No. 936, City of Colleyville, Tarrant County, Texas. Said 12.04 acre tract of land being all of that certain tract of land as conveyed to Marion B. Bone, as recorded in Volume 11384, Page 1830 and Volume 6868, Page 158 and Volume 8620, Page 641, Deed Records, Tarrant County, Texas. Said 12.04 acre tract of land being all of those certain Save and except tracts of land as conveyed to Arnold Del Hierro and wife Charlotte Del Hierro and Garrison B. Bone and the Homestead of said Marion B. Bone, as recorded in Volume 8603, Page 2266 and said Volume 11384, Page 1830, said Deed Records. Also being all of that certain Lot 1, Block 1 of the Bone Addition. An addition to the City of Colleyville. As recorded in Cabinet 388-200, Page 27, Map Records, Tarrant County, Texas. Said 12.04 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a PK Nail set, being in Glade Road, a variable width public roadway - right-of-way. Said point being South 01 degrees 00 minutes 12 seconds East, 25.41' from a 5/8 inch iron rod found, being the Southeast corner of that certain Bridges at Riverwalk Addition, an Addition to the City of Colleyville, as recorded in Cabinet A, Slide 1749, Map Records, Tarrant County, Texas. Said point being the Southwest corner of the tract herein described as follows;

THENCE, North 01 degrees 00 minutes 12 seconds West, along the common line of said Bone tract and Bridges at Riverwalk tract, generally along a brick, stone screening wall, a distance of 1,334.50 feet, to a 5/8" inch iron rod found, being the Northwest corner of the said 12.04 acre tract as hereon described. Also being in the South line of that certain tract of land as conveyed to the City of Colleyville as recorded in Volume 13998, Page 371, said Deed Records;

THENCE, North 89 degrees 32 minutes 31 seconds East, along the North line of said 12.04 acre Bone tract, a distance of 390.00 feet to a 1/2 inch iron rod, set, with cap stamped RDS, INC., being the Northeast corner of said 12.04 acre Bone tract, also being in the occupied West line of Bluebonnet Drive, a variable width public roadway - right-of-way;

THENCE, South, 00 degrees 44 minutes 45 seconds East, along the East line of said 12.04 acre tract and along the West line of Bluebonnet Drive, a distance of 1,334.60 feet to a PK Nail set, being the Southeast corner of the said 12.04 acre Bone tract. Said iron rod being in the aforementioned Glade Road;

THENCE, South 89 degrees 33 minutes 46 seconds West along the South line of said 12.04 acre Bone tract, a distance of 390.00 feet to the POINT OF BEGINNING and containing 12.04 acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENT:

THAT Terra Manna, LLC, acting by and through the undersigned, its duly authorized agent, does hereby adopt this plat designating the hereinabove described real property as the Preservation on Glade, an addition to the City of Colleyville, Tarrant County, Texas, and does hereby dedicate to the public's use the emergency access and utility easements shown thereon subject to the conditions of approval stated herein.

WITNESS MY HAND at Colleyville, Tarrant County, Texas, this _____ day of _____, 2013.

TERRAMANNA, LLC.

By:
NAME:
TITLE:

1. Lots 1-40 of Block A denotes the private access and private drainage easement owned by the Homeowners Association (HOA) of the Preservation on Glade. No building permit will be issued for Lots 1, 20, 39 - 42 of Block A.
2. The landowners and any subsequent owners of lots shown herein (the Lot Owners), jointly and severally, shall be responsible and liable for the construction, operation and maintenance of any private common areas or facilities in the addition created herein (the Addition), including but not limited to private streets, private entrance gates or structures, private walls and fences, private pedestrian access, private storm drainage systems, private lake, private open space and landscaping, and emergency access.
3. A HOA shall be established by the subdivider or developer to operate and/or maintain the aforementioned private common areas or facilities.
4. The City of Colleyville, Texas (the City) shall not be responsible for maintaining any of the aforementioned private common areas or facilities. The City will maintain only the public water and sanitary sewer systems in utility easements accepted by the City.
5. The HOA, lot owners, and landowners shall not seek maintenance from the City except for the aforementioned public water and sanitary sewer systems in utility easements accepted by the City.
6. Any public utility entities, including the City, shall have the right at all times of ingress and egress to and from and upon the utility easements shown herein for the purpose of construction, reconstruction, inspection, patrolling, maintaining, and adding to or removing all or part of its respective systems. Except for private storm drainage systems, private streets and related entrance gates or structures that are approved by the City, no buildings, fences, structures, trees, shrubs, or other improvements or growths shall be constructed or placed upon, or across said public utility easements. Any public utility entity, including the City, shall have the right to remove and keep removed all or parts of any buildings, fences, structures, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with its respective systems within said utility easements.
7. The City shall have the right at all times to remove and keep removed any vehicle or obstacle that impairs emergency access in the emergency access easements shown herein.
8. Any governmental entities, including the City, shall have the right at all times of ingress and egress to and from and upon the private access easements shown herein for any purpose related to the exercise of a governmental service or function.
9. If the HOA or lot owners fail to maintain reliable access to any public utility or governmental entities for purposes stated hereinabove, the City may enter the Addition and remove any entrance gate or structure which is a barrier to access at the sole expense of the HOA or lot owners on a pro-rata share formula.
10. The construction, reconstruction or repair of any private streets within the Addition must meet the approval of the Director of Public Works and comply with the specifications of the City for public streets at the time of construction, reconstruction or repair. The construction, reconstruction or repair of any entrance gate and structure for the Addition must meet the approval of the Engineering Department and Fire Department of the City.
11. The installation or replacement of all traffic regulatory signs along the private streets must conform to the Texas Manual of Uniform Traffic Control Devices.
12. The HOA and LOT OWNERS AGREE TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, LICENSEES, SERVANTS AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS OR SUITS FOR PROPERTY DAMAGE OR LOSS AND/OR PERSONAL INJURY, INCLUDING DEATH, TO ANY AND ALL PERSONS, OF WHATSOEVER KIND OR CHARACTER, WHETHER REAL OR ASSERTED, ARISING OUT OF OR IN CONNECTION WITH, DIRECTLY OR INDIRECTLY, (A) THE REASONABLE USE OF THE PRIVATE STREETS, EMERGENCY ACCESS, UTILITY EASEMENTS, ENTRANCE GATE OR STRUCTURE BY THE CITY, ITS OFFICERS, AGENTS, LICENSEES, SERVANTS AND EMPLOYEES; (B) THE CONDITION OF THE PRIVATE STREETS, PRIVATE ENTRANCE GATES OR STRUCTURES, PRIVATE WALLS AND FENCES, PRIVATE PEDESTRIAN ACCESS, PRIVATE STORM DRAINAGE SYSTEMS AND EMERGENCY ACCESS; OR (C) ANY USE OF THE ADDITION BY THE CITY, ITS OFFICERS, AGENTS, LICENSEES, SERVANTS AND EMPLOYEES FOR ANY PURPOSE STATED HEREINABOVE, WHETHER OR NOT CAUSED, IN WHOLE OR IN PART, BY ALLEGED NEGLIGENCE OR OFFICERS, AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES OR INVITEES OF CITY. THE HOA SHALL BE RESPONSIBLE FOR CARRYING LIABILITY INSURANCE TO MEET THE REQUIREMENTS IN THIS PARAGRAPH.

STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.

GIVEN under my hand and seal of office on this the ____ day of _____, 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____.

STATE OF TEXAS §
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS: That I, Ronald D. Smith, do hereby certify that I have prepared this plat from an actual survey of the land, and that the corner monuments shown thereon were found or placed under my personal supervision in accordance with the platting rules and regulations of the City of Colleyville, Texas.

RONALD D. SMITH, R.P.L.S.
Registered Professional Land Surveyor No. 4944

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Ronald D. Smith, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated. GIVEN under my hand and seal of office on this the ____ day of _____, 2013.

FINAL PLAT
THE PRESERVATION ON
GLADE
BLOCK A, LOTS 1-42
36 RESIDENTIAL LOTS & 6 OPEN SPACE LOTS

12.04 acres in the
J.M. Looney Survey, Abstract No. 936
CITY OF COLLEYVILLE
TARRANT COUNTY, TEXAS

SHEETS 2 OF 2

09 August 2013

Applicant:
Terra Manna Preservation, LLC
395 W SH 114, Suite 300
Southlake, TX 76092
Contact: Bret Pedigo

Surveyor:
Ronald D. Smith Surveyor, Inc.
P.O. Box 1679
Forney, Texas 75126
972-564-9840



J. VOLK CONSULTING, INC.
800 East Campbell Road, Suite 120
Richardson, Texas 75081
972.201.3100
Texas Registration No. F-11962



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4a	Agenda Date 09/09/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a Special Use Permit for an accessory building on Lot 10, Block 4, of the Ashmore Addition located at 2713 Highgrove Court, case ZC13-011.

Explanation

Perry Roberts has submitted a request for a Special Use Permit (SUP) to construct a 2,462 square foot detached accessory building on 1.03 acres located at 2713 Highgrove Court.

Existing Conditions and Zoning. The property is zoned R20-Single Family Residential zoning district and is currently developed as a 5,521 square foot single family residence.

Applicant's Request. The applicant plans to construct the accessory building next to the existing swimming pool. The proposed building will include a game/media room, bathroom and snack bar. The accessory building will be located behind the house and will be 25 feet in height, six feet less than the height of the house.

Accessory buildings are regulated in the Land Development Code by Section 3.27-Accessory Buildings and Residential Carport Regulations (attached). The Land Development Code only allows up to a 1,750 square foot accessory building for a lot of this size. The actual enclosed portion of the building will include only 1,750 square feet. However, the building will include a 712 square foot covered patio that will be included under the main roof. According to Section 3.27(A)2b in the Land Development Code, the size of the accessory building shall include the building footprint, which includes all areas of the building under the building roof. Therefore, the total square footage of the proposed accessory building is 2,462 square feet including the covered patio.

Section 3.27 requires the approval of a Special Use Permit for any accessory building that does not meet the conditions of the section.

The proposed accessory building complies with the other requirements of Section 3.27 including building setback, building height and permitted use requirements. The proposed building, in combination with the existing home, also complies with the maximum lot coverage requirements for the R20-Single Family Residential zoning

district, which is 30 percent.

Surrounding Zoning and Development. All surrounding properties are zoned R20-Single Family Residential zoning district and are developed as single family detached homes.

Public Notification. Staff mailed notices to 12 adjacent property owners regarding this request. Notice was published in the Fort Worth Star-Telegram as required by state law and the Land Development Code. Staff has received no correspondence regarding this request.

Summary. Other than exceeding minimum building size requirements, the proposed accessory building complies with the development regulations stated within the Land Development Code including building setback, height, permitted use and lot coverage requirements.

Recommendation

Approval with the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the construction of accessory building.
- b. The accessory building shall not exceed 2,462 square feet in size including all covered patio areas.
- c. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".
- d. All requirements of the Land Development Code shall be met, except where amended herein.

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Statement of Planning Objectives
6. Development Schedule
7. Site Plan
8. Elevations
9. Floor Plan
10. Section 3.27 - Land Development Code
11. Proposed Ordinance



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4a	Agenda Date 09/09/2013	Number
Type Public Hearing Agenda Items		
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Title

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Perry Roberts has submitted a request for a Special Use Permit (SUP) to construct a 2,462 square foot detached accessory building on 1.03 acres located at 2713 Highgrove Court.

Existing Conditions and Zoning. The property is zoned R20-Single Family Residential zoning district and is currently developed as a 5,521 square foot single family residence.

Applicant's Request. The applicant plans to construct the accessory building next to the existing swimming pool. The proposed building will include a game/media room, bathroom and snack bar. The accessory building will be located behind the house and will be 25 feet in height, six feet less than the height of the house.

Accessory buildings are regulated in the Land Development Code by Section 3.27-Accessory Buildings and Residential Carport Regulations (attached). The Land Development Code only allows up to a 1,750 square foot accessory building for a lot of this size. The actual enclosed portion of the building will include only 1,750 square feet. However, the building will include a 712 square foot covered patio that will be included under the main roof. According to Section 3.27(A)2b in the Land Development Code, the size of the accessory building shall include the building footprint, which includes all areas of the building under the building roof. Therefore, the total square footage of the proposed accessory building is 2,462 square feet including the covered patio.

Section 3.27 requires the approval of a Special Use Permit for any accessory building that does not meet the conditions of the section.

The proposed accessory building complies with the other requirements of Section 3.27 including building setback, building height and permitted use requirements. The proposed building, in combination with the existing home, also complies with the maximum lot coverage requirements for the R20-Single Family Residential zoning

district, which is 30 percent.

Surrounding Zoning and Development. All surrounding properties are zoned R20-Single Family Residential zoning district and are developed as single family detached homes.

Public Notification. Staff mailed notices to 12 adjacent property owners regarding this request. Notice was published in the Fort Worth Star-Telegram as required by state law and the Land Development Code. Staff has received no correspondence regarding this request.

Summary. Other than exceeding minimum building size requirements, the proposed accessory building complies with the development regulations stated within the Land Development Code including building setback, height, permitted use and lot coverage requirements.

Recommendation

Approval with the following conditions:

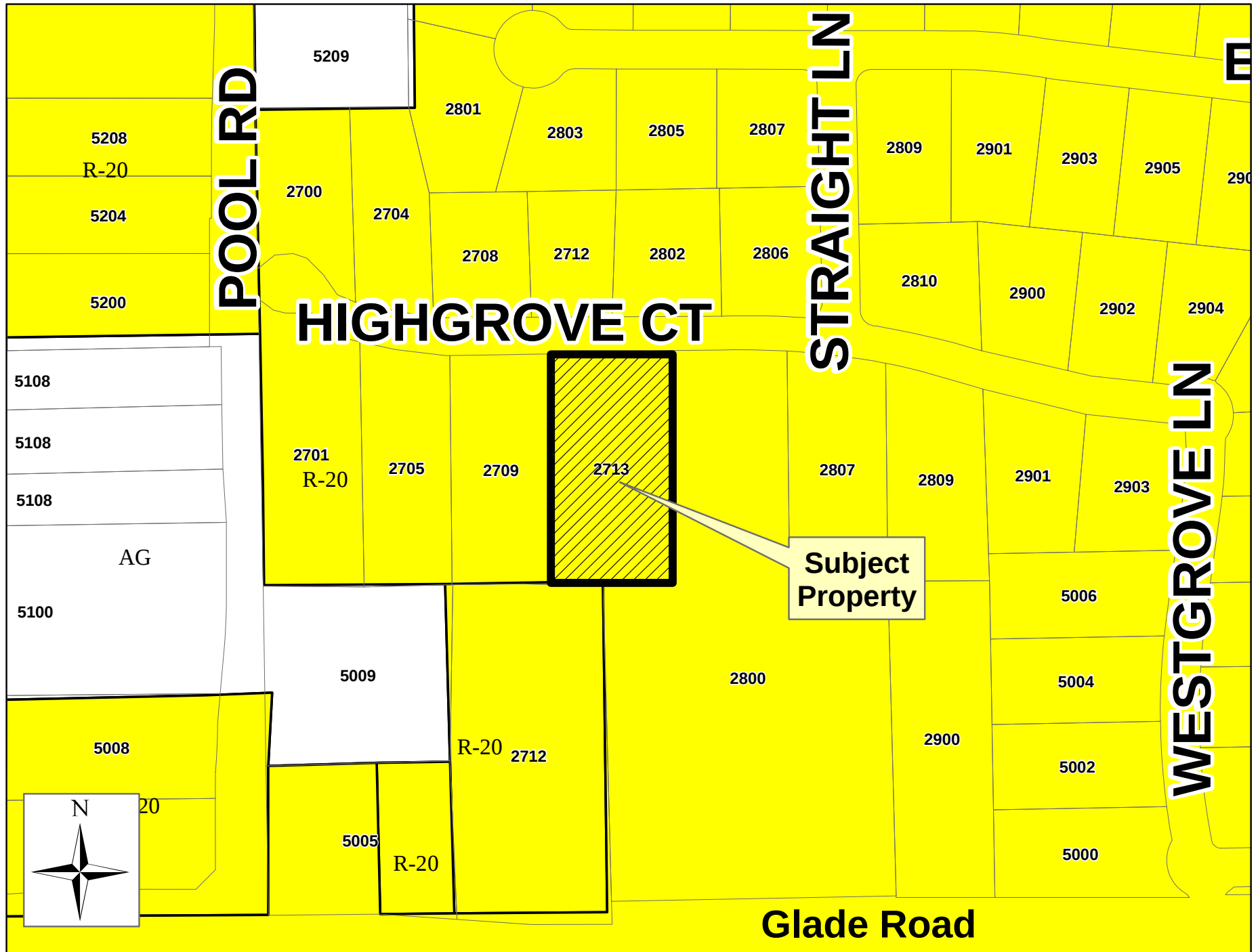
1. GENERAL

- a. The Special Use Permit shall apply to the construction of accessory building.
- b. The accessory building shall not exceed 2,462 square feet in size including all covered patio areas.
- c. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".
- d. All requirements of the Land Development Code shall be met, except where amended herein.

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Statement of Planning Objectives
6. Development Schedule
7. Site Plan
8. Elevations
9. Floor Plan
10. Section 3.27 - Land Development Code
11. Proposed Ordinance

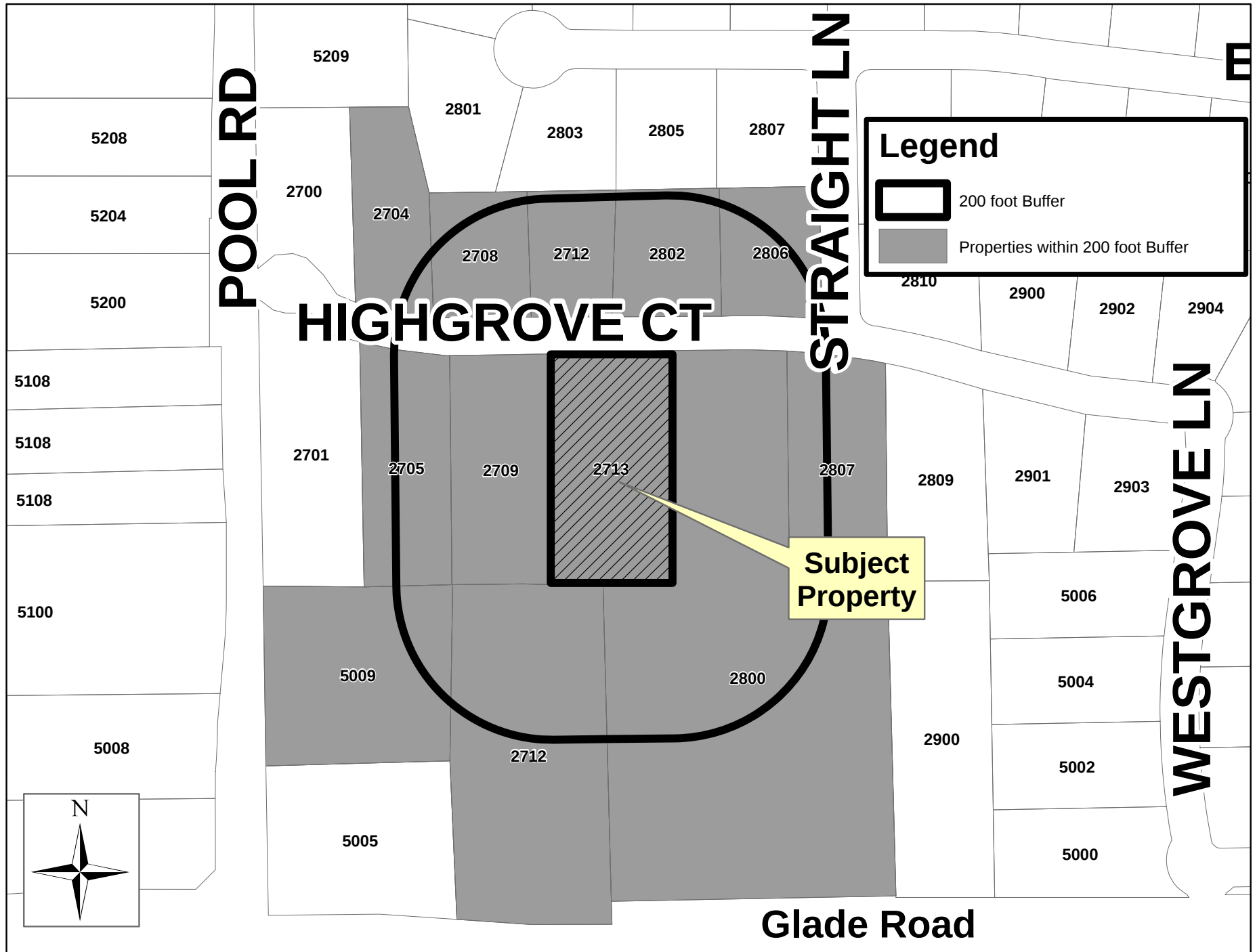
Location and Zoning Map



Aerial



Buffer Map



Notification List

Owner Name	Owner Addr	Owner City	Owner State	Owner Zip	Situs Address
McCormick, Robert J	2220 Pool Rd Ste 100	Grapevine	Texas	76051	5009 Pool Rd
McCormick, Robert & Cynthia	2807 Edgewood Ln	Colleyville	Texas	76034	2712 Glade Rd
Dzura, Michael Etux Patricia	2704 Highgrove Ct	Colleyville	Texas	76034	2704 Highgrove Ct
Fyffe, Jack B & Jane G	2708 Highgrove Ct	Colleyville	Texas	76034	2708 Highgrove Ct
Halai, Akeel S & Zahra	2806 Highgrove Ct	Colleyville	Texas	76034	2806 Highgrove Ct
Ramachandran, Sunil Etux P R	2802 Highgrove Ct	Colleyville	Texas	76034	2802 Highgrove Ct
Little, David P Etux Shelly	2712 Highgrove Ct	Colleyville	Texas	76034	2712 Highgrove Ct
Tarpara, Narendra Etux Triveni	1809 Sandalwood Ln	Grapevine	Texas	76051	2807 Highgrove Ct
Johnson, Zachary S Etux Amy W	2713 Highgrove Ct	Colleyville	Texas	76034	2713 Highgrove Ct
Fontenot, Kelly R Etux Kelle L	2705 Highgrove Ct	Colleyville	Texas	76034	2705 Highgrove Ct
Wuestenberg, Kurt Etux Melissa	2709 Highgrove Ct	Colleyville	Texas	76034	2709 Highgrove Ct
McCormick, Robert & Cynthia	2807 Edgewood Ln	Colleyville	Texas	76034	2800 Glade Rd
Perry Roberts, Applicant	1008 Wade Drive	Bedford	Texas	76022	Applicant

Public Hearing notices were mailed
Friday, Aug. 30, 2013 by Taci Wrisley

Statement of Planning Objectives

NORTH TEXAS CUSTOM BUILDERS

1008 Wade Drive
Bedford, TX 76022
Office: 817-285-7100
Fax: 817-285-7101
ntcbcons@gmail.com

8/08/2013

Statement of Planning Objective

Zach and Amy Johnson own/live at 2713 Highgrove Court in Colleyville. They are proposing to build a game room/media room separate from the house out by there pool area. They are planning on using this as their area for family entertainment. They also will be using this area for entertaining guest that come over as well.

Perry Roberts (owner)



North Texas Custom Builders

Development Schedule

NORTH TEXAS CUSTOM BUILDERS

1008 Wade Drive
Bedford, Texas 76022
Office: 817-285-7100
Fax: 817-285-7101
ntcbcons@gmail.com

2713 Highgrove Court Development Schedule

August 9, 2013 Apply for SUP permit

September 9, 2013 Attend Planning and Zoning Meeting

October 2, 2013 Attend City Council Meeting

October 15, 2013 Attend 2nd City Council Meeting if Needed

Upon approval obtain permit to start project

After obtaining permit then start project

Completion will take approximately 90-120 days depending on weather.

Perry Roberts



North Texas Custom Builders

Site Plan

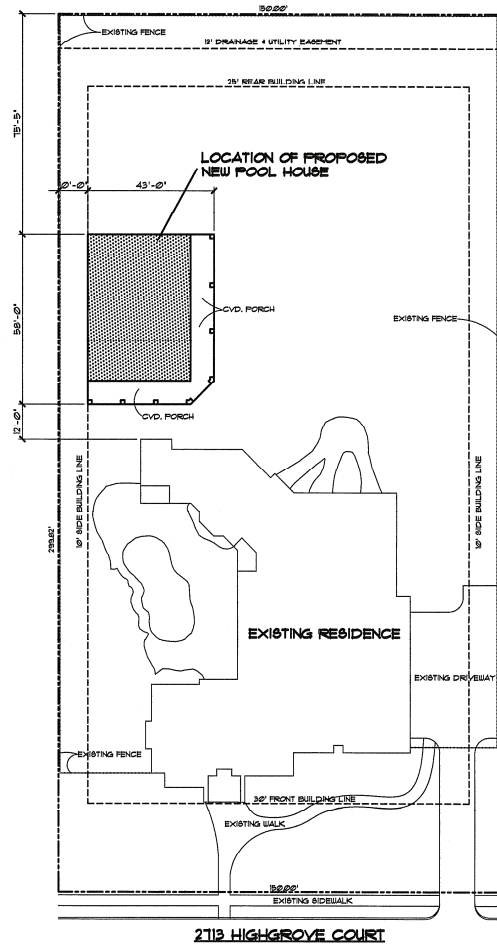


CHART DATA	
EXISTING RESIDENCE A/C, GARAGE, PORCHES, & PATIO	1380
PROPOSED POOL HOUSE	1750
PROPOSED POOL HOUSE PORCH	30
TOTAL AREA COVERAGE	3260
TOTAL PAVING	3260
LOT AREA	44,000 SQ. FT.
TOTAL LOT IMPERVIOUS COVERAGE	7.4%
TOTAL LOT COVERAGE	7.4%

SITE PLAN
 SCALE: 1"=10'0"
 LOT 10 BLOCK 4
 ASHMORE #5
 COLLEYVILLE, TEXAS

Date: 8/5/13
 Drawn By: M.J.W.
 Checked By: M.J.W.
 Revisions:

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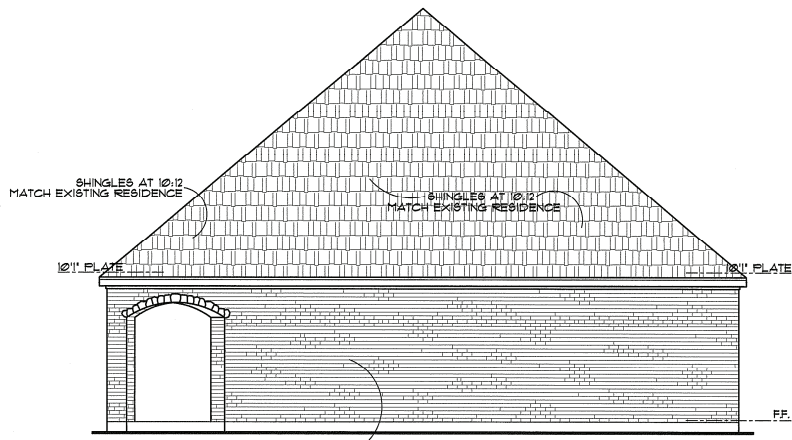
'COMMON RESIDENCE'
 2719 HIGHGROVE COURT
 NORTH TEXAS CUSTOM BUILDERS



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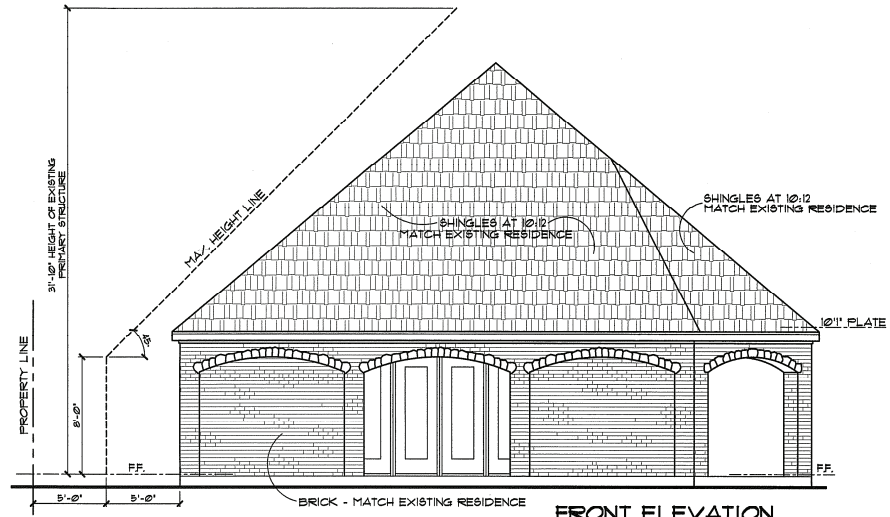
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SITE
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Elevations



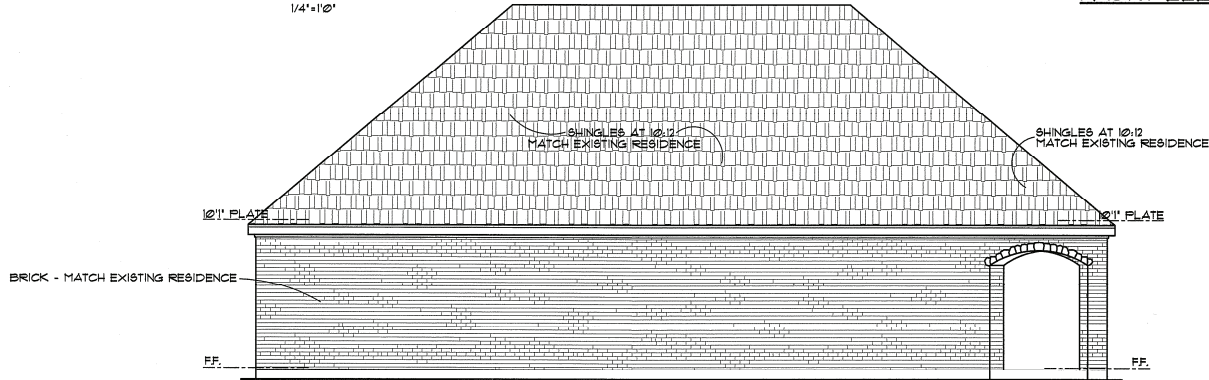
REAR ELEVATION

1/4" = 1'0"



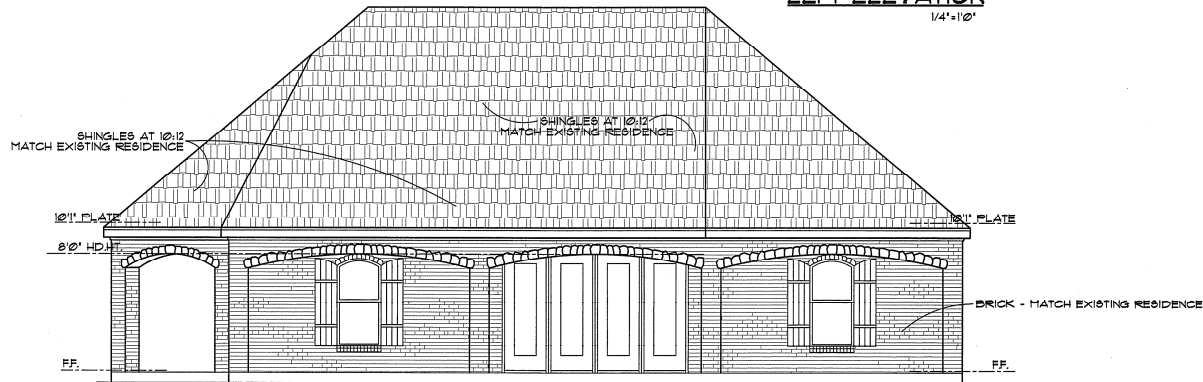
FRONT ELEVATION

1/4" = 1'0"



LEFT ELEVATION

1/4" = 1'0"



RIGHT ELEVATION

1/4" = 1'0"

Date: 8/5/13
Drawn By: MJW
Checked By: MJW
Revision:

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'JOHNNY RESIDENCE'
2715 HIGHGROVE COURT
NORTH TEXAS CUSTOM BUILDERS

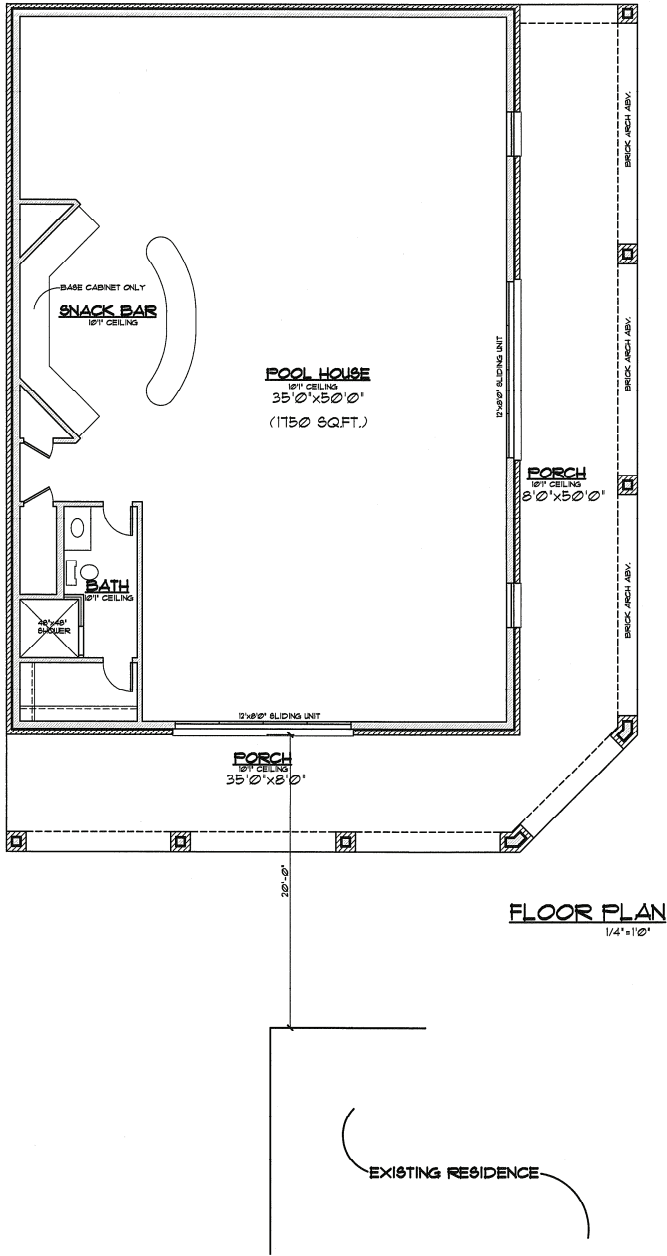


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2
Project No.
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Floor Plan



Date 8/5/13
 Drawn By M.W.
 Checked By M.W.
 Reviewer

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 1309N1TX

Section 3.27 - Land Development Code

Colleyville, Texas, Land Development Code

Section 3.27 Accessory Buildings and Residential Carport Regulations

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

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

1. *Permit Required:*

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages and pool houses, but shall exclude a carport (see Section 3.27.C).

2. *Maximum Size and Number of Buildings:*

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed the maximum square footage specified in the following table.

Maximum Square Footage of all Accessory Buildings				
Lot Size	Under .5 ac	.5– .99 ac.	1 – 2.99 ac.	3+ ac.
Total s. f.	750 s. f.	1,000 s. f.	1,750 s. f.	2,500 s. f.

- b. For the purpose of this Section, the size of an accessory building shall be the square footage of the building footprint.
- c. An application to exceed the total square footage shown in the above table may be approved as a Special Use Permit (SUP).
- d. An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, an existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.
- e. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

- a. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
- b. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces.
- c. Detached accessory buildings – A detached accessory building shall comply with the setback

Section 3.27 - Land Development Code

Colleyville, Texas, Land Development Code

lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.

4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the height of the primary building.
5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district, except, no accessory building shall be used for dwelling purposes other than for domestic servants employed for the premises, where permitted by the district regulations.
6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

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

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

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

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.

Section 3.27 - Land Development Code

Colleyville, Texas, Land Development Code

- b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.

c. *Setbacks:*

- i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
- ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.

- d. *Maximum Number Per Lot:* one

e. *Paving and Street Access:*

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

f. *Design Criteria:*

- i. *Roof* - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
- ii. *Posts* - Posts shall be constructed of brick, stone or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than twelve inches (12") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Wooden posts shall be prohibited.

g. *Adequacy of Plans and Specifications:*

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

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 LOT 10, BLOCK 4 OF THE ASHMORE ADDITION, LOCATED AT 2713 HIGHGROVE COURT BY AUTHORIZING A SPECIAL USE PERMIT FOR AN ACCESSORY BUILDING; 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 Special Use Permit for an accessory building under Case No. ZC13-011; 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 Lot 10, Block 4 of the Ashmore Addition located at 2713 Highgrove Court by authorizing a Special Use Permit for an accessory building, as depicted on Exhibit "A" and 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 construction of accessory building.
- b. The accessory building shall not exceed 2,462 square feet in size including all covered patio areas.
- c. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".
- d. All requirements of the Land Development Code shall be met, except where amended herein.

- 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 2nd day of October 2013.

The second reading and public hearing being conducted on the 15th 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

Exhibit "A" – Location and Zoning Map

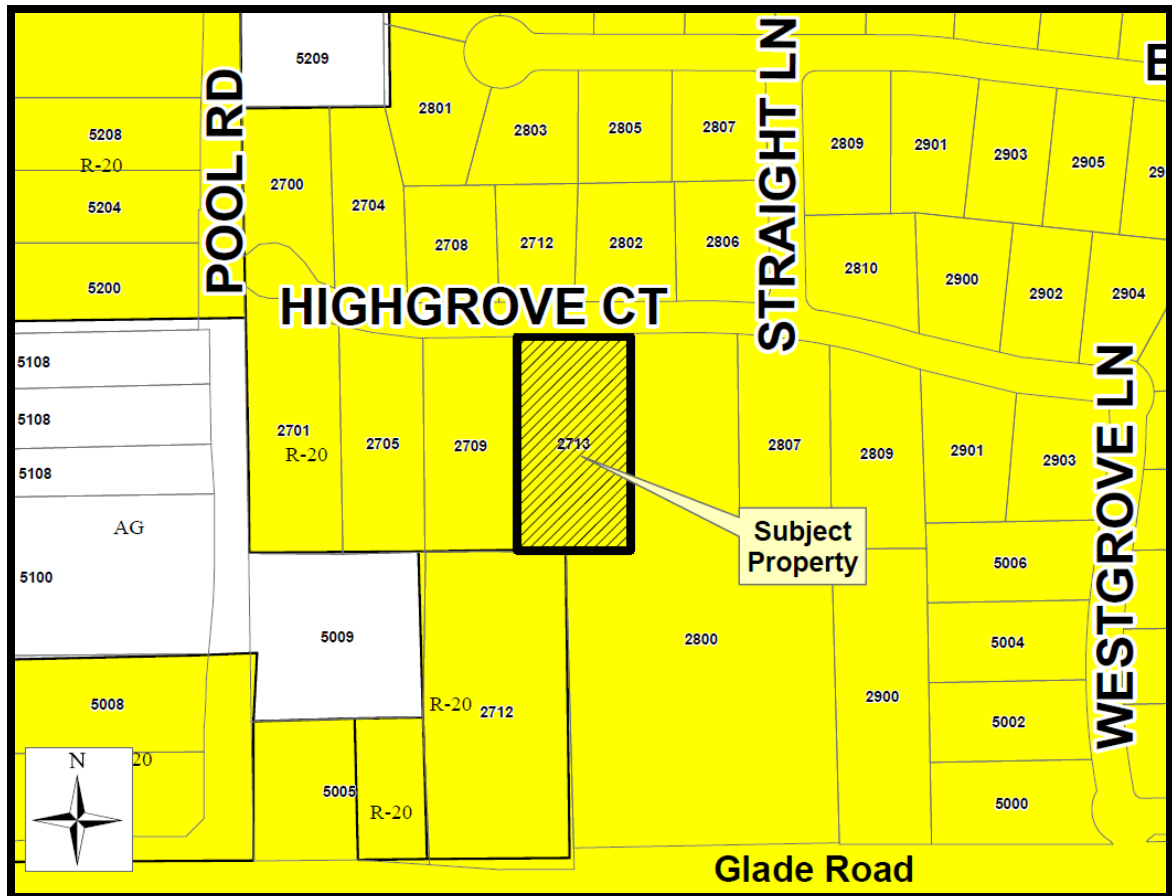


Exhibit "B" – Site Plan

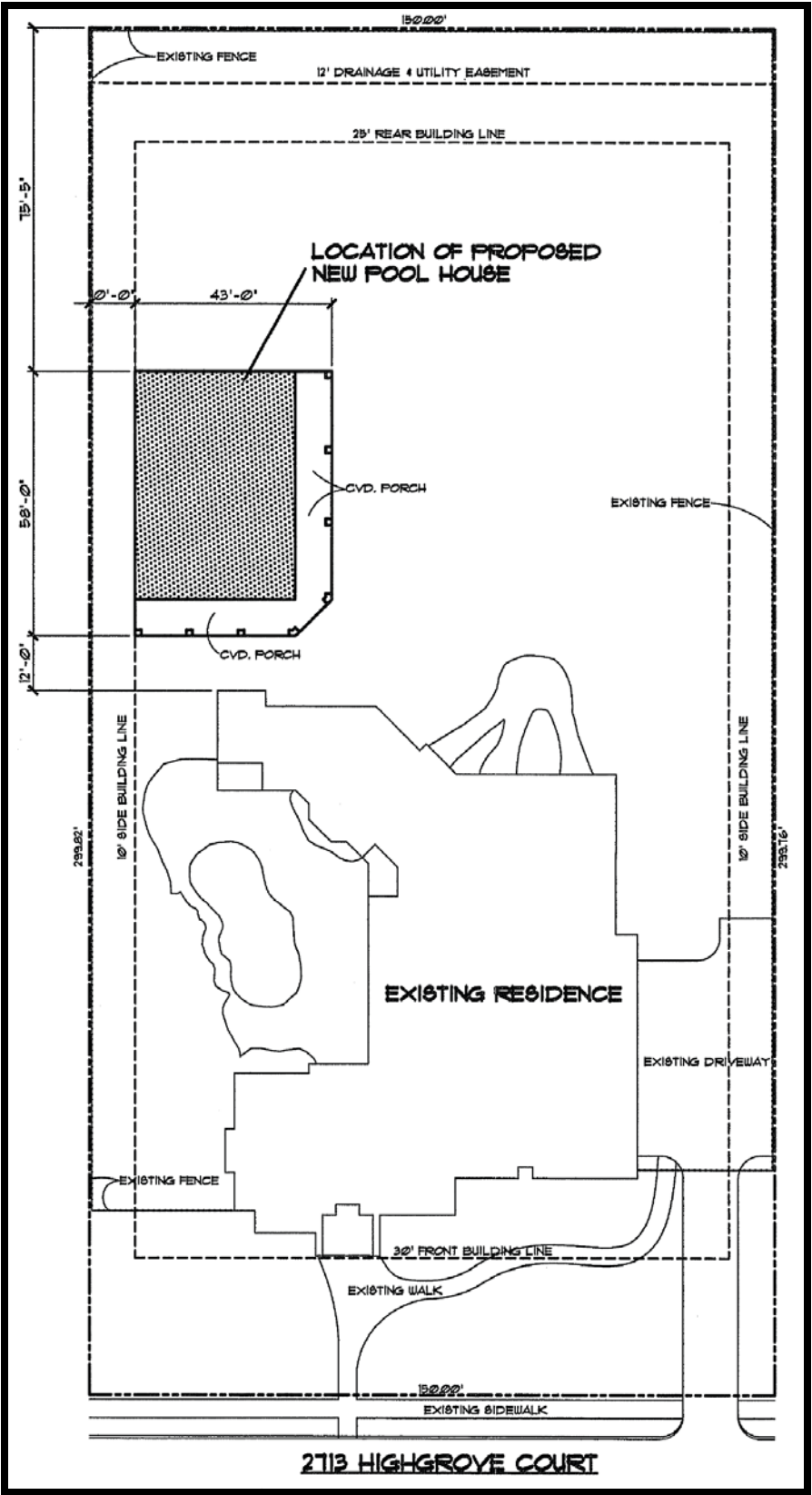
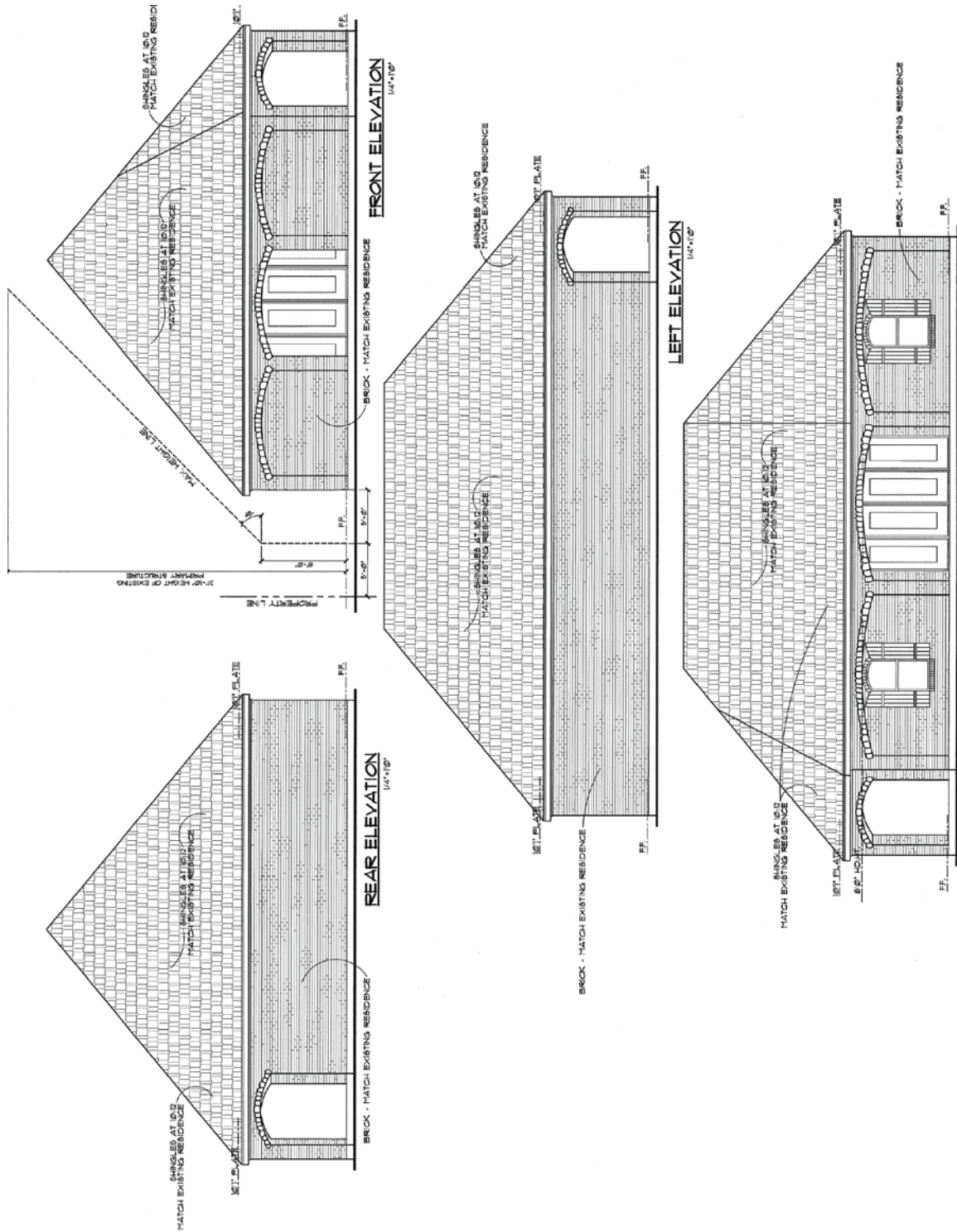


Exhibit "C" – Building Elevations





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4b	Agenda Date 09/09/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a zoning change from AG-Agricultural to R-40 Single Family Residential on 1.06 acres on Lot 8 of the Mrs. Eva Paul's Subdivision located at 1105 Tinker Road, case ZC13-012.

Explanation

Frank Ritz has submitted a request to change the zoning on 1.06 acres, located at 1105 Tinker Road. The applicant is requesting to rezone the property from the AG-Agricultural zoning district to the R20-Single Family Residential zoning district. The applicant is seeking a zoning change in order to redevelop the property with a new single family home. The AG-Agricultural zoning district allows single family detached uses. However, the AG district requires a minimum 25 foot side yard setback, a minimum rear yard setback of 40 feet, and a minimum lot size of 130,680 square feet.

Existing Conditions. The subject property is platted and currently consists of a 1,540 square foot single family detached home that was built in 1965.

Statement of Planning Objectives. The applicant submitted a Statement of Planning Objectives which contains a brief description of the proposed development and it is attached to this agenda briefing.

Non-Discretionary Zoning Request. As the rezoning request does not involve a discretionary zoning category such as a Special Use Permit or Planned Unit Development, and is, instead, a rezoning request from one non-discretionary zoning district to another non-discretionary zoning district, no extra conditions or exactions may be added to the proposed ordinance as part any approval by the Planning and Zoning Commission.

Lot Dimensions and Setbacks. The R40 zoning regulations, in the Land Development Code, require a minimum lot size of 40,000 square feet with a minimum lot width of 150 feet, and lot depth of 150 feet. Per Section 3.24 G, Schedule of District Regulations, in the Land Development Code, the following residential zoning standards apply:

Minimum Front Yard Setback: 40 feet

Minimum Side Yard Setbacks: 15 feet

Minimum Rear Yard Setback: 25 feet

Maximum Building Height: 35 feet

Maximum Lot Coverage: 20 Percent

The current dimensions of the lot meet the minimum standards of the Land Development Code for the R40 zoning district.

Surrounding Development Trends. The properties to the north are zoned R-40 Single Family Residential zoning district and are developed as single family detached homes. The properties to the east and west are zoned AG-Agricultural and are developed as single family detached homes. The properties to the south are zoned R-20 Single Family Residential and are developed as single family detached homes.

Master Plan. The Future Land Use Plan designates the subject property for single family residential uses. The proposed rezoning is consistent with the Future Land Use Plan.

Public Notification. Staff mailed notices to 13 adjacent property owners within 200 feet 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.

Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Statement of Planning Objectives
6. Zoning Exhibit
7. Proposed Ordinance



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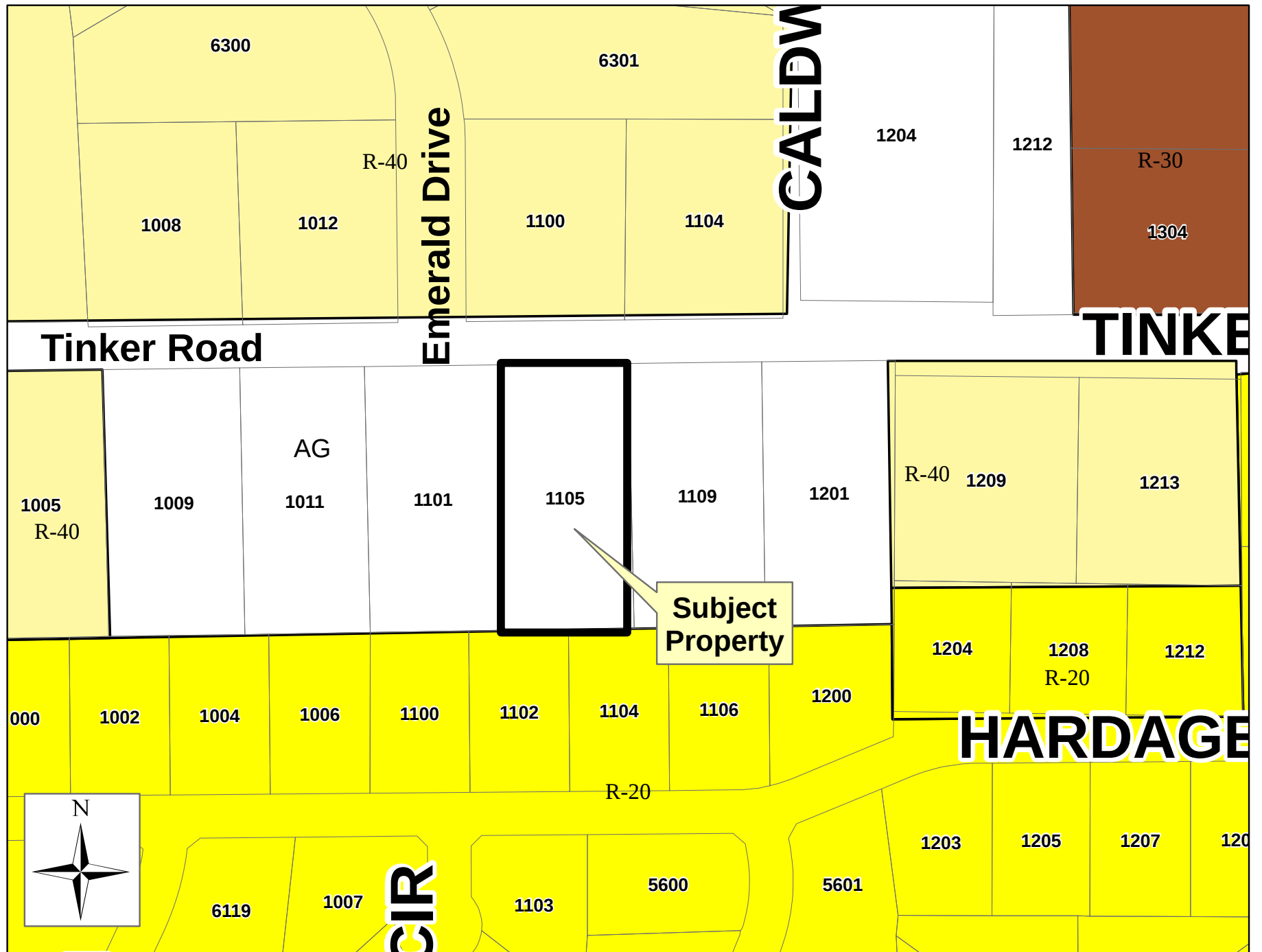
Recommendation

Approve

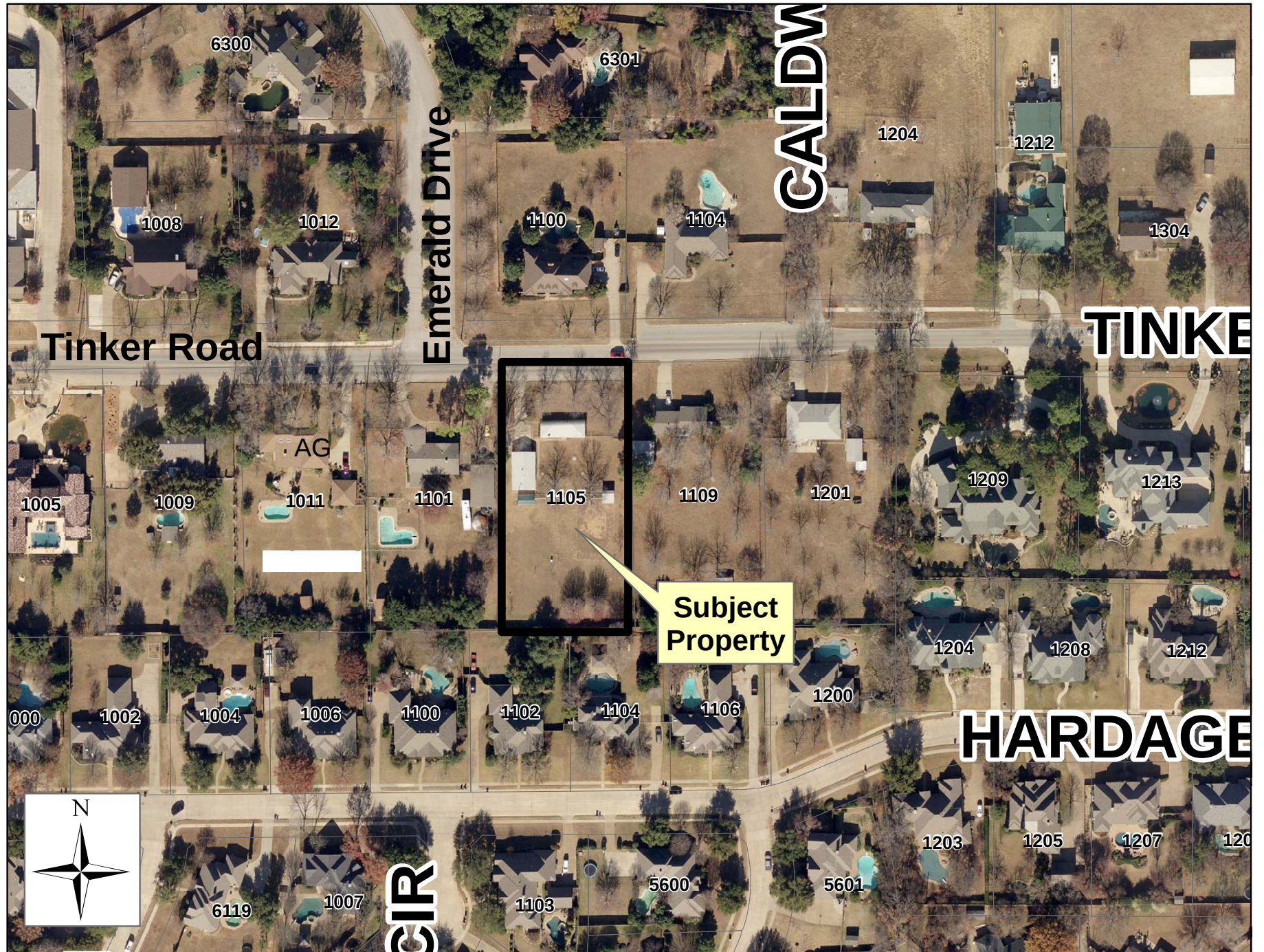
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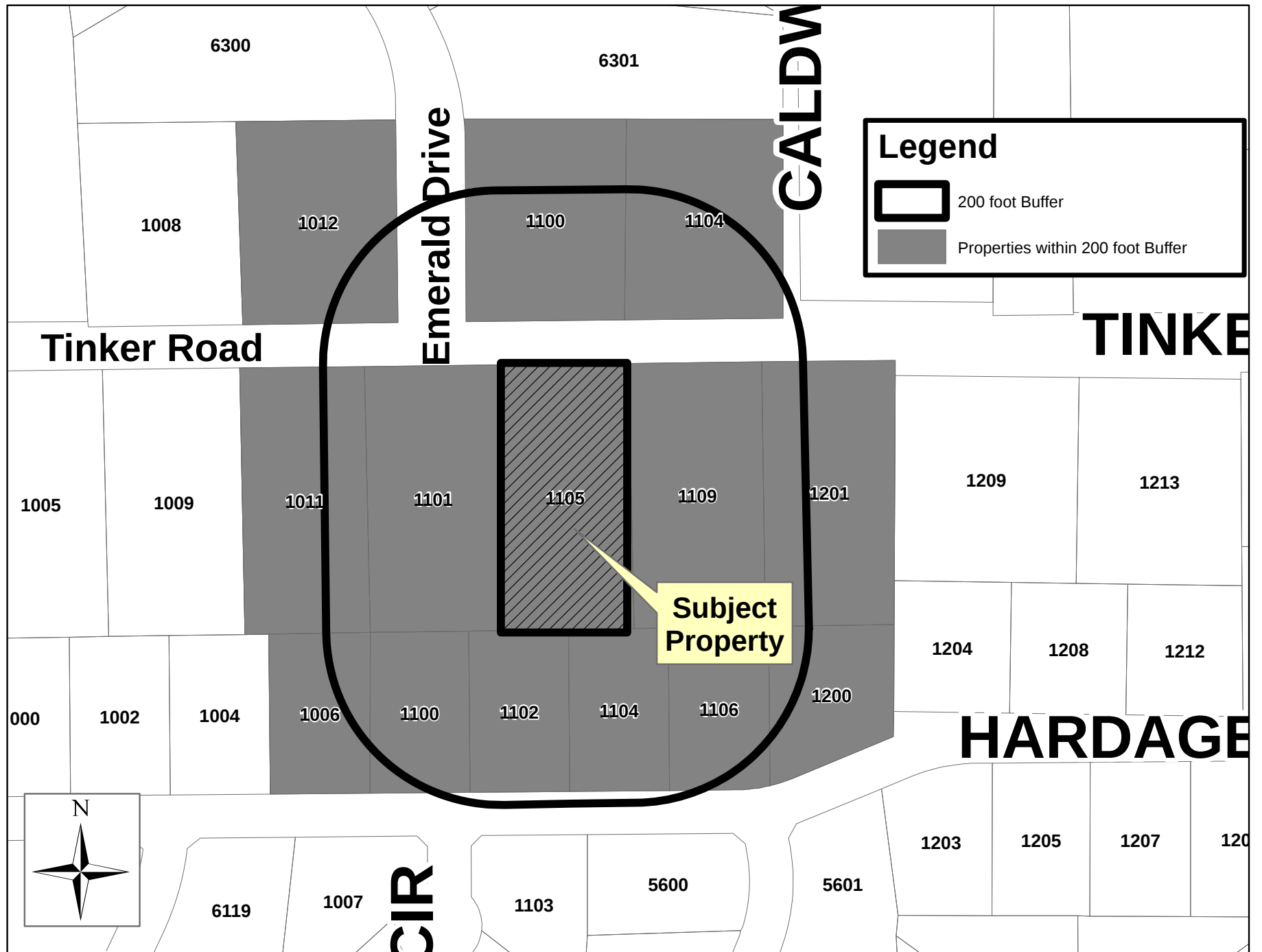
Location and Zoning Map



Aerial



Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Maddox, Ty C Etux Tiffany	1200 Hardage Ln	Colleyville	Texas	76034	1200 Hardage Ln
Lewis, Mary Belinda	7004 Rosebrook	Colleyville	Texas	76034	1201 Tinker Rd
Ostman, Neal Etux Janis N	1104 Tinker Rd	Colleyville	Texas	76034	1104 Tinker Rd
Turpentine, George A	1100 Tinker Rd	Colleyville	Texas	76034	1100 Tinker Rd
Nunn, Kenneth E Jr	1101 Tinker Rd	Colleyville	Texas	76034	1101 Tinker Rd
Vigil, Stephen L Etux Theresa	1011 Tinker Rd	Colleyville	Texas	76034	1011 Tinker Rd
Flowers, Keith	1012 Tinker Rd	Colleyville	Texas	76034	1012 Tinker Rd
Bolton, Jonathan Etux Carol	105 Williamsburg Ct	Colleyville	Texas	76034	1109 Tinker Rd
Smith, J Daniel Etux Becky	1102 Hardage Ln	Colleyville	Texas	76034	1102 Hardage Ln
Sporisky, Jody J & Julie K	1100 Hardage Ln	Colleyville	Texas	76034	1100 Hardage Ln
Wright, Gary Etux Melinda	1006 Hardage Ln	Colleyville	Texas	76034	1006 Hardage Ln
Ewing, Stephen Etux Maria	1104 Hardage Ln	Colleyville	Texas	76034	1104 Hardage Ln
Lane, Lonnie B II Etux Aimee	1106 Hardage Ln	Colleyville	Texas	76034	1106 Hardage Ln
Ritz, Frank A Etux Brenda, Applicant	1105 Tinker	Colleyville	Texas	76034	Applicant

Public Hearing notices were mailed
Fri., Aug. 30, 2013 by Taci Wrisley

Statement of Planning Objectives

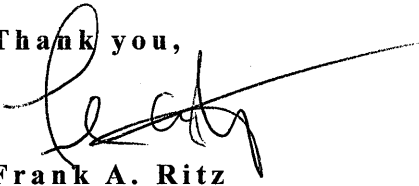
August 8, 2013

**Re; Statement Of Planning Objective
Zoning Change City of Colleyville
Lot 8 Mrs. Eva Paul's Subdivision
1105 Tinker Road**

To Whom It May Concern:

We will be constructing a single family residence and would like to have the property rezoned from AG to R-40. We believe the zoning change is more in keeping with the neighborhood both now and in the future. Construction will begin as soon as possible.

Thank you,

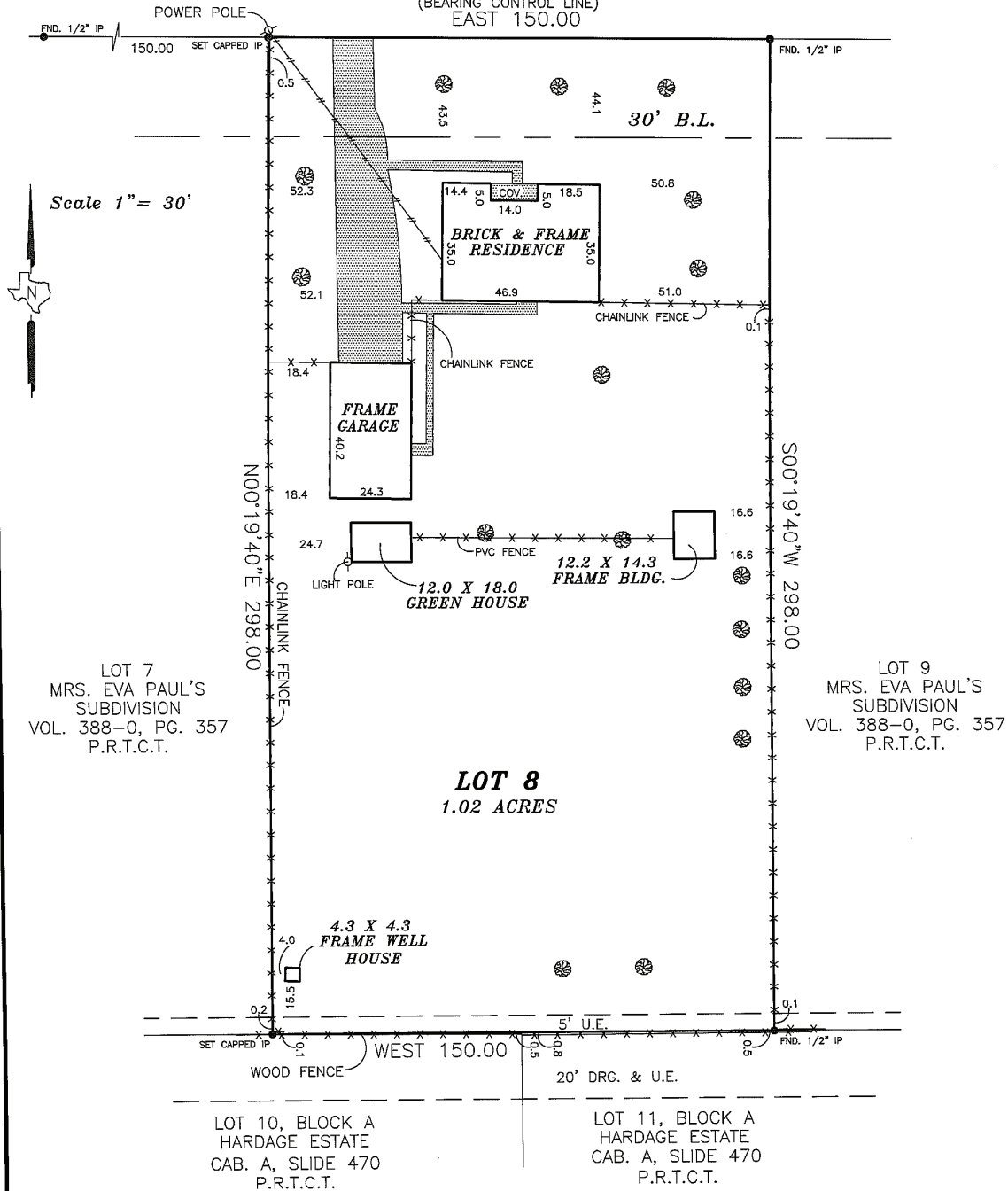
A handwritten signature in black ink, appearing to read 'Frank A. Ritz', with a long horizontal stroke extending to the right.

Frank A. Ritz

Zoning Exhibit

1105 TINKER ROAD

50' R.O.W. ~ ASPHALT PAVING
(BEARING CONTROL LINE)
EAST 150.00



TRINITY TITLE OF TEXAS GF FILE NO. 7278FW

I, CHARLES B. HOOKS, JR., RPLS, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE BOUNDARY LINE, DIMENSIONS AND AREA OF THE LAND INDICATED THEREON, THE LOCATION OF ALL IMPROVEMENTS, THE LOCATION OF ALL ALLEYS, STREETS RIGHT-OF-WAY, EASEMENTS AND OTHER MATTERS OF RECORD WHICH AFFECT THE PROPERTY. THE UNDERSIGNED FURTHER CERTIFIES THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHT-OF-WAYS EXCEPT AS SHOWN HEREON.

ACCORDING TO FEMA MAP NO. 48433C00095K, ZONE X, DATED 9-25-09
THE ABOVE LOT DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN, AT THIS TIME.

BEING LOT 8, OF MRS. EVA PAUL'S SUBDIVISION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS,
ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 388-0, PAGE 357, PLAT RECORDS, TARRANT COUNTY, TEXAS

LEGEND:

- IRON PIN
- IRON PIPE
- △ BOIS D'ARC STAKE
- CONCRETE MONUMENT
- x-x- FENCE
- p-p- POWER LINE
- t-t- TELEPHONE LINE
- c-c- CABLE TELEVISION
- CONCRETE PAVING
- ASPHALT PAVING



LOYD BRANSOM SURVEYORS INC.

CHARLES B. HOOKS, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
1028 NORTH SYLVANIA AVENUE
FT. WORTH, TEXAS 76111
(817) 834-3477

Charles B. Hooks, Jr.

13-676

DATE: 07-07-13

ORDINANCE O-13-xxxx

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 1.06 ACRES ON LOT 8 OF THE MRS. EVA PAUL'S SUBDIVISION, LOCATED AT 1105 TINKER ROAD, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE R40-SINGLE FAMILY 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 rezoning under Case ZC13-012; 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; and 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 1.06 acres on Lot 8 of the Mrs. Eva Paul's Subdivision, located at 1105 Tinker Road, from the AG-Agricultural zoning district to the R40-Single Family Residential zoning district, as depicted in the attached Exhibit "A".
- 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 any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

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

Sec. 7. THAT 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 2nd day of October 2013.

The second reading and public hearing being conducted on the 15th 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

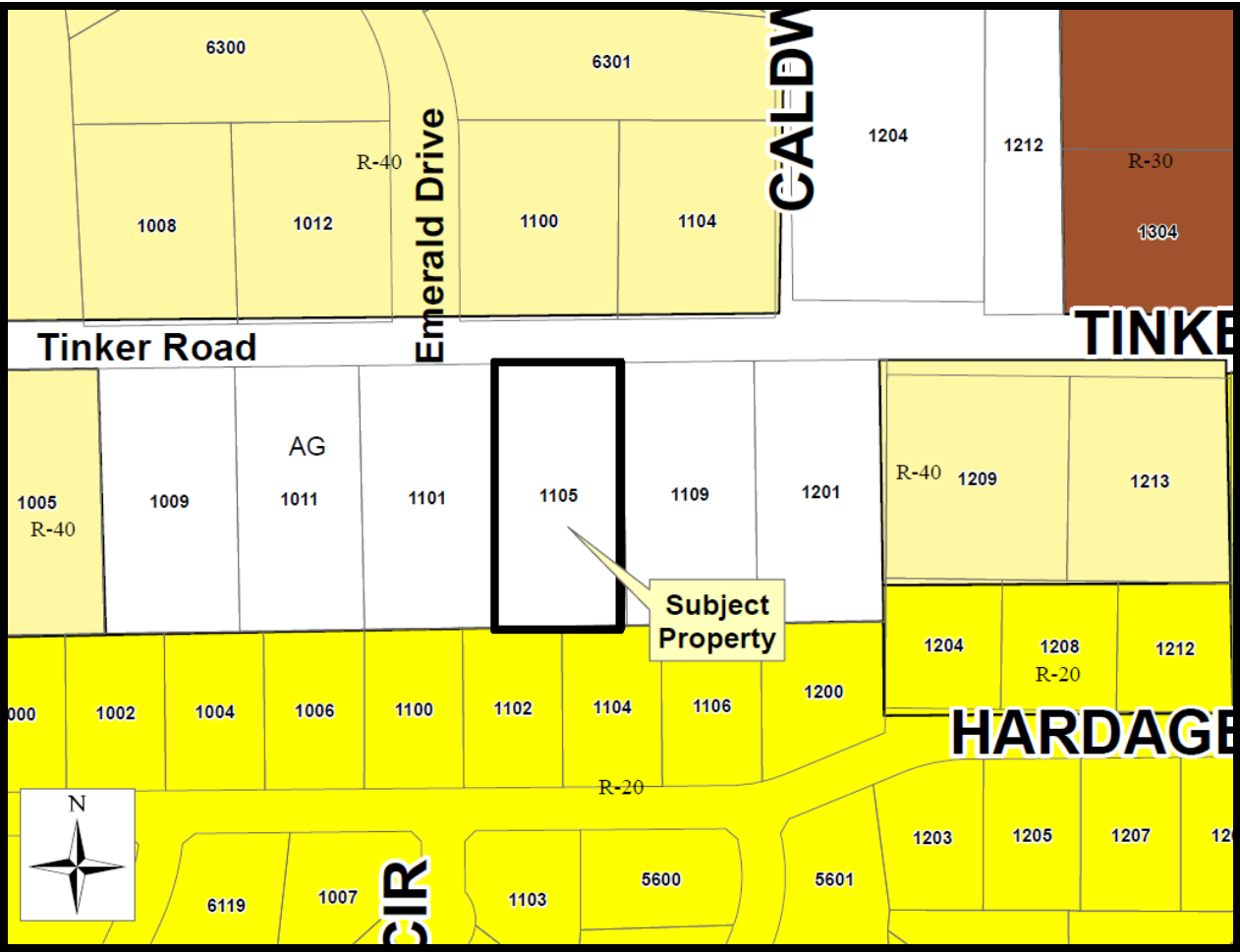
Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit “A”- Location and Zoning Map





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Agenda Number 4c	Agenda Date 09/09/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a Special Use Permit for a dance studio on Lot 1, Block 1, of the Ratliff Addition, located at 5310 Pleasant Run Road, case ZC13-013.

Explanation

Yuli Nesterenko has submitted a request for a Special Use Permit to allow a dance studio at 5310 Pleasant Run Road.

Existing Conditions and Zoning. The subject property is platted and contains a 4,712 square foot building, which is currently vacant. The building was built in 1977 and housed the Colleyville Post Office until 1997, when the current post office was constructed at 1501 Hall-Johnson Road. The building was subsequently occupied by several businesses and has been vacant for over a year. The property owner performed minor remodeling of the building earlier this year by adding some new windows and a new masonry surface over the original brick wall. The subject property is zoned CN-Neighborhood Commercial zoning district.

Special Use Permit Requirement. The use of a dance studio is permitted in the CN-Neighborhood Commercial zoning district with the approval of a Special Use Permit. Dance studios are allowed by right in all other commercial zoning districts with the exception of the CPO-Professional Office Commercial zoning district, where a Special Use Permit is also required. The reason for the Special Use Permit requirement in the CN-Neighborhood Commercial is due to the following description of the zoning district in the Land Development Code: "This district is designed to be compatible adjacent to or near residential areas and to provide goods needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments, and hours of operation do not permit businesses to be open at night."

Statement of Planning Objectives. The applicant submitted a Statement of Planning Objectives which contains a detailed description of the proposed business and is attached to this agenda briefing.

Proposed Business. The proposed business would be named the Marina Almayeva School of Classical Ballet. The business is currently located at 4209-B Colleyville Boulevard. The applicant states that the school teaches classical ballet and other dance styles to children aged 3 to 18. The applicant states that they are moving to the proposed location given its larger size. There are currently 90 students enrolled in the

school with a potential growth to 300 students within five to ten years. Upon approval of the Special Use Permit, the applicant states that they intend to perform minor interior modifications that would include creating three dance rooms. The applicant states that there would be no more than 45 students attending classes on the site at any one time.

Parking, Access and Traffic Generation. The Land Development Code requires that dance studios provide a minimum of one parking space per 200 square feet of gross floor area. Given a gross floor area of 4,712 square feet, a minimum of 24 parking spaces are required for the proposed use. There are currently 35 parking spaces located on the subject property. Therefore, adequate parking exists for the proposed use.

The subject property contains two points of access, with one driveway located on Central Drive and one driveway on Pleasant Run Road. Given that students will likely be dropped-off and picked-up, the two driveways are situated such that pick-up/drop-off traffic can circulate from one driveway to the next without having to turn-around.

According to the Trip Generation Manual published by the Institute of Transportation Engineers, the proposed use would generate 192 trips per day on average based on a gross floor area of 4,712 square feet. Based on the estimate from the applicant that no more than 45 students will be taking classes at any one time, it can be assumed that there may be a maximum of 45 vehicles arriving to the property at any one time.

Given the amount of parking provided on the site, staff recommends that no cars be allowed to queue or park on Central Drive or Pleasant Run Road in conjunction with the proposed use in order to minimize impacts to the surrounding neighborhood. As such, all traffic must queue on the subject property and utilize existing parking spaces where possible. This requirement has been added to the proposed ordinance.

Hours of Operation. The applicant states that the business will be open from 11:00 a.m. to 9:00 p.m. daily. The applicant states that the last class will be from 7:00 p.m. to 9:00 p.m. and will contain the oldest, and smallest, group of students with the least amount of traffic impact. According to the Land Development Code, businesses located in the CN-Neighborhood Commercial district are only allowed to be open during daytime hours.

The applicant's requested hours of operation have been added to the proposed ordinance.

Development Plans. The applicant states that the business should be open in January 2014 if the request is approved.

Surrounding Land Uses. The properties to the north are zoned CN-Neighborhood Commercial zoning district and contain a single tenant office building and a vacant lot.

The properties to the east are zoned AG-Agricultural and CC1-Village Retail and developed as single family detached homes and First Baptist Church. Properties to the west are zoned R-20 Single Family Residential and are developed as single family detached homes. The property to the south is zoned AG-Agricultural and is vacant.

Master Plan. The Future Land Use Plan designates the subject property for single family residential uses. Although the proposed zoning request is not consistent with the Future Land Use Plan, it is compliant with the current zoning on the property with the approval of a Special Use Permit.

Public Notification. Staff mailed notices to 14 adjacent property owners within 200 feet 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 subject property has contained institutional and commercial uses since 1977. The primary impacts from the proposed use involve traffic generation. Provided all traffic generated by the proposed use is confined to the subject property and does not encroach into the existing single family neighborhood to the west along Central Drive, staff believes that the proposed use is compatible with the surrounding neighborhood.

Recommendation

Approval with the following conditions:

1. GENERAL

a. The Special Use Permit shall only apply to the use of a dance studio, allowed as described in Exhibit "B".

b. The dance studio shall not occupy more than 4,712 square feet of building area on the subject property.

c. The dance studio may operate until 9:00 p.m. and shall, otherwise, operate during daytime hours only.

d. Notwithstanding any requirements of the building and fire code, there shall be no more than 45 students occupying the building and/or premises at any one time.

e. No vehicle traffic associated with the dance studio may queue or park on any public street at any time.

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

Attachments

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Recommendation

Approval with the following conditions:

1. GENERAL

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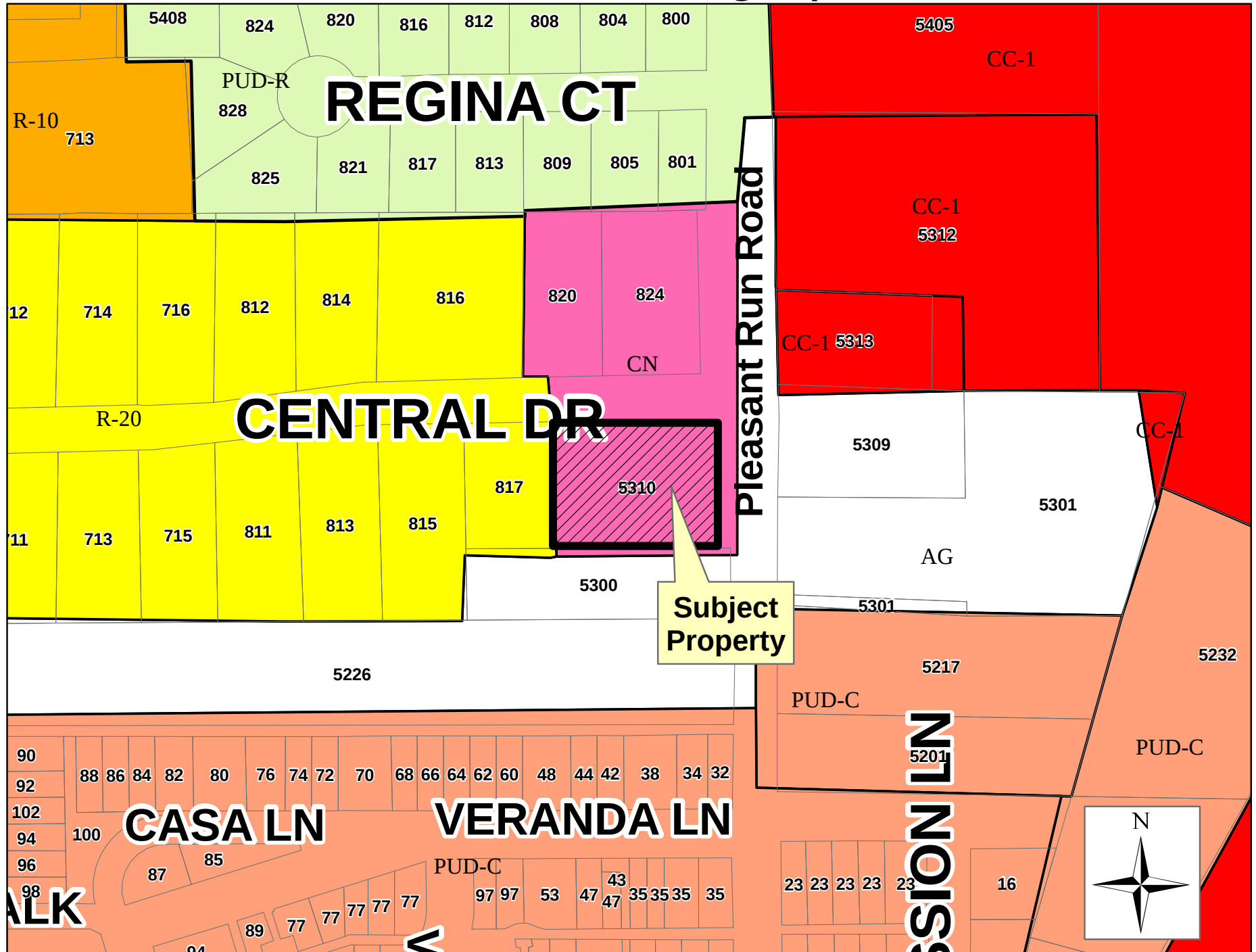
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f. All requirements of the Land Development Code shall be met, except where amended herein.

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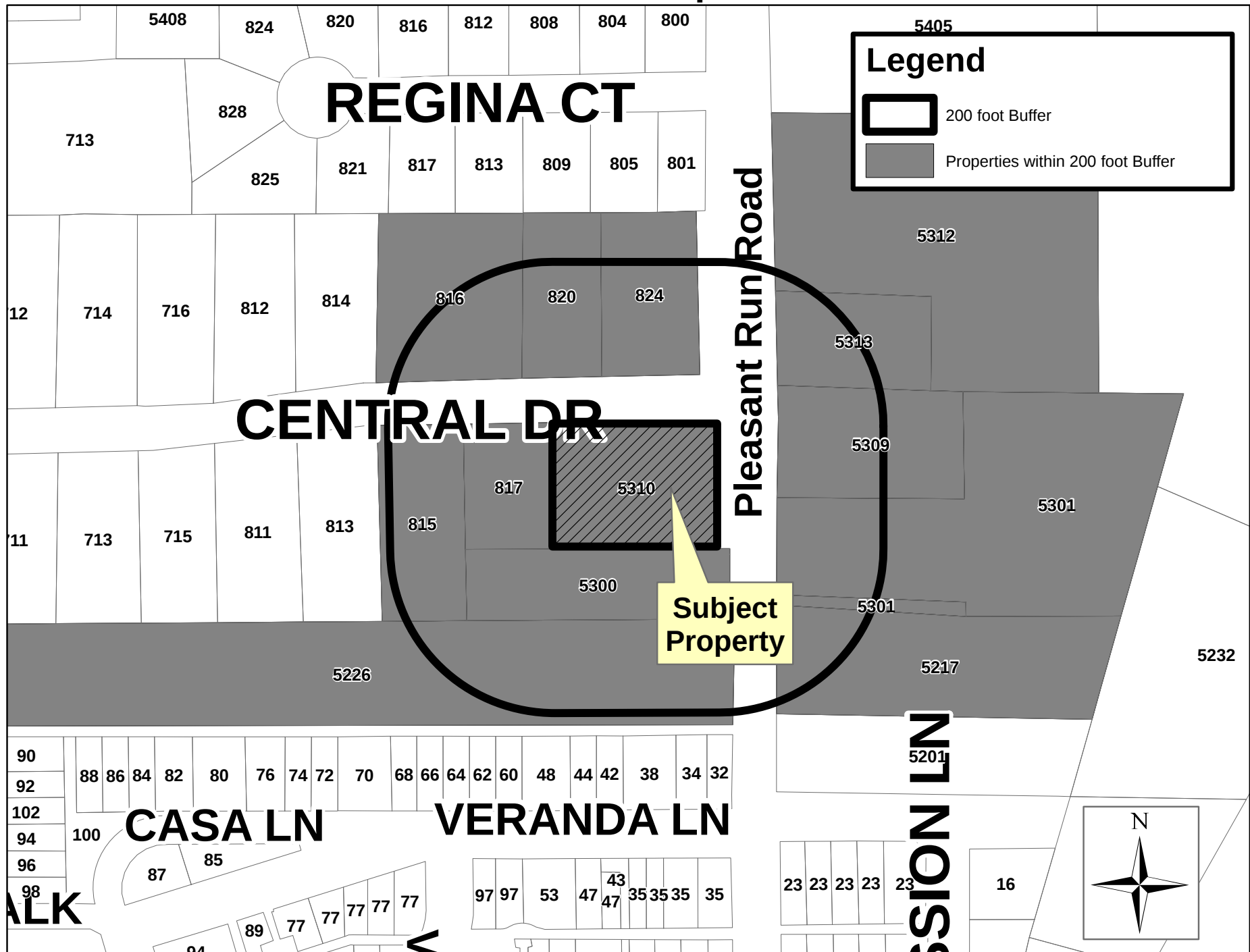
Location and Zoning Map



Aerial



Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Hart, Kay Lynn Foster	5301 Pleasant Run Rd	Colleyville	Texas	76034	5301 Pleasant Run Rd
First Baptist Ch Colleyville	5405 Pleasant Run Rd	Colleyville	Texas	76034	5312 Colleyville Blvd
D & V Walker Properties Llc	5501 Normandy Dr	Colleyville	Texas	76034	5226 Pleasant Run Rd
Horobec, John	1404 W Irving Blvd	Irving	Texas	75061	5300 Pleasant Run Rd
Lala, Marlene	816 Central Dr	Colleyville	Texas	76034	816 Central Dr
Groffman, Steven Etux Beth	815 Central Dr	Colleyville	Texas	76034	815 Central Dr
Hart, Kay Lynn Foster	5301 Pleasant Run Rd	Colleyville	Texas	76034	5301 Pleasant Run Rd
Liberty Bank	860 Airport Fwy Ste 100	Hurst	Texas	76054	5217 Pleasant Run Rd
Ethridge, Edgar	3324 Dustin Trl	Hurst	Texas	76054	5309 Pleasant Run Rd
Clarke Products Inc	820 Central Dr	Colleyville	Texas	76034	820 Central Dr
Stephens, Jim & Ann Roseberry	3604 San Bar Ln	Colleyville	Texas	76034	824 Central Dr
Horobec, John	626 S Church St	Grapevine	Texas	76051	5310 Pleasant Run Rd
Figueroa, Robert & Beverley	817 Central Dr	Colleyville	Texas	76034	817 Central Dr
First Baptist Ch Colleyville	5405 Pleasant Run Rd	Colleyville	Texas	76034	5313 Pleasant Run Rd
Nesterenko, Yuliy (applicant)	4929 Chaps Ave.	Fort Worth	Texas	76244	Applicant

Public Hearing notices were mailed
Fri., Aug. 30, 2013 by Taci Wrisley

Statement of Planning Objectives

Statement of Planning Objectives

Marina Almayeva School of Classical Ballet

(SUP Application for property located at 5310 Pleasant Run Rd. Colleyville, TX 76034)

Marina Almayeva School of Classical Ballet is a ballet studio currently located at 4209 #B Colleyville Blvd. Colleyville, TX 76034.

The studio was established as general partnership in May of 2007 by Marina Almayeva, former professional ballerina trained in Russia and her husband Yuliy Nesterenko.

Primary business activity of the school is teaching classical ballet and several other dance styles to children aged 3 to 18. The studio was opened in 2007 with no students and over 6 years has grown to the size of about 90 students on average taking classes. At this size the current facility of the studio cannot sufficiently accommodate all students and all classes which becomes an obstacle for continued growth of the business.

The new facility at 5310 Pleasant Run Rd. that the studio is planning to occupy is considerably larger and has better location from the business development prospective. The intended use of the building will be dance instructions to children. Classes will be taught by a small faculty of 3 – 4 dance instructors in 3 dance rooms with 10 – 20 students in class on average.

The classes use standard household audio equipment and no sounds can ever be heard outside the building, so there may never be any disturbance of any kind to anyone.

A small part of the facility (small office) will accommodate a Dancewear store, which will sell dance clothes to the students.

Traffic Impact and Parking

Traffic impact from the studio will be insignificant even when the number of students increase. Currently less than 90 students attend the school with estimated number of 50 vehicle trips per day. Even with growth to 300 students that may take 5 to 10 years the number of trips per day will still be less than 200.

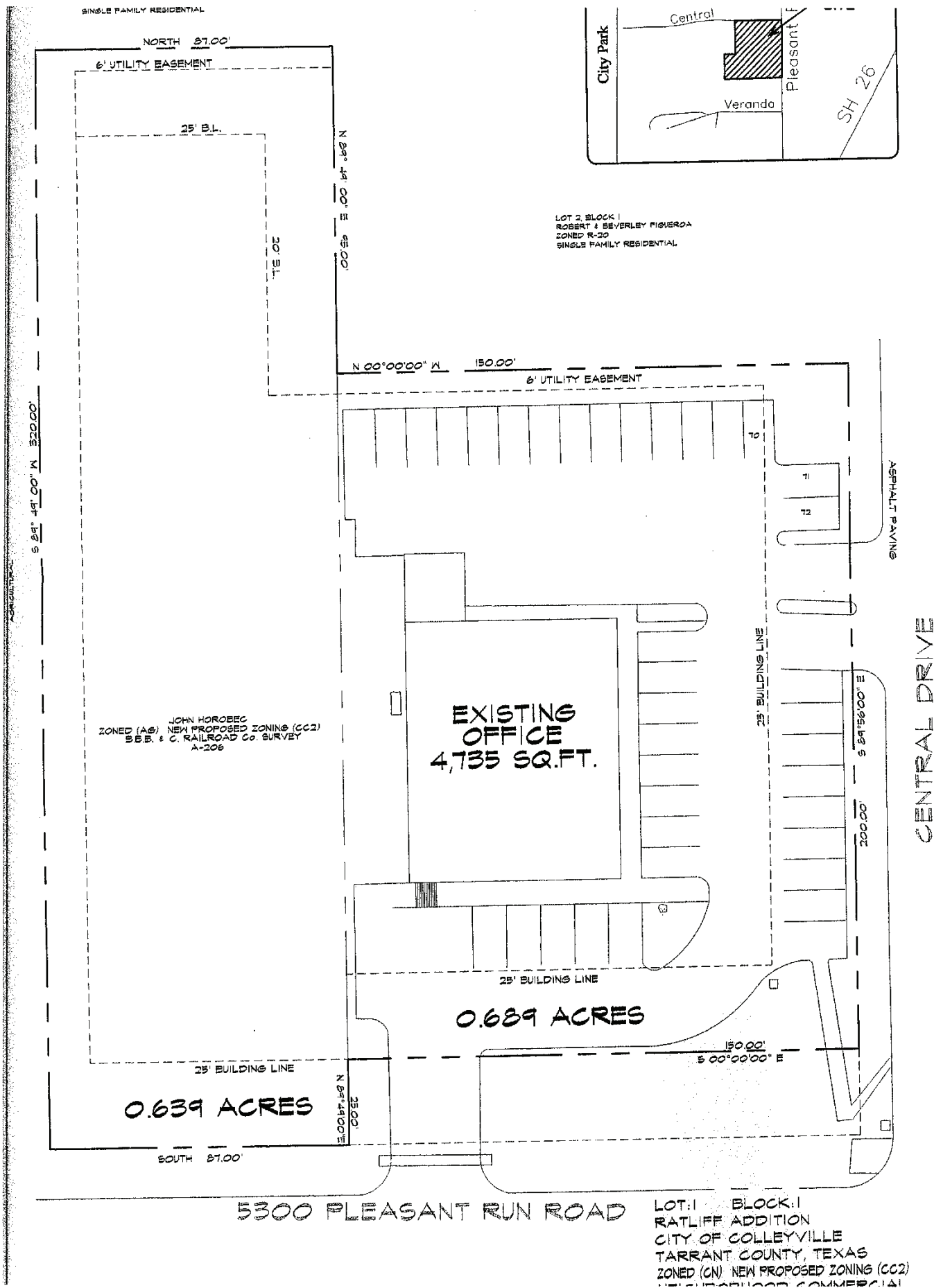
The largest number of students taking classes at the same time in 3 studios should not exceed 45, but for the time been would be much closer to 25. There is plenty of parking available to easily accommodate all drop-offs and pick-ups, even if most parents decide to wait in the studio, which in reality never happens. The majority of students are usually dropped off by their parents for a couple of hours and picked up later. (Current location has about 6-8 parking slots in front and more on the back, but the back parking is almost never used.)

The majority of classes take place after 4 pm since most students attend schools in the first half of the day. Hence, the business hours for this facility will be 11 am to 9 pm. The last class during the day is usually 7 pm to 9 pm. These classes are for students age 13 and older which is the group with the lowest number of students. This means that there will be effectively no traffic in and out of school after 7 pm.

Development Plans

If the special use permit is granted for the facility, the planned renovation project will start upon receiving building permit. The project will take approximately 30 to 40 days to be completed and will include partitioning of the facility into 3 dance rooms, lobby and a few small offices, including the one housing a small dancewear store. If application is granted in October and CO is issued the studio will start operations in January 2014.

Site Plan



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 LOT 1, BLOCK 1 OF THE RATLIFF ADDITION, LOCATED AT 5310 PLEASANT RUN ROAD BY AUTHORIZING A SPECIAL USE PERMIT FOR A DANCE STUDIO; 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 Special Use Permit for a dance studio under Case No. ZC13-013; 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 Lot 1, Block 1 of the Ratliff Addition located at 5310 Pleasant Run Road by authorizing a Special Use Permit for a dance studio, 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 only apply to the use of a dance studio, allowed as described in Exhibit "B".
- b. The dance studio shall not occupy more than 4,712 square feet of building area on the subject property.
- c. The dance studio may operate until 9:00 p.m. and shall, otherwise, operate during daytime hours only.
- d. Notwithstanding any requirements of the building and fire code, there shall be no more than 45 students occupying the building and/or premises at any one time.

e. No vehicle traffic associated with the dance studio may queue or park on any public street at any time.

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

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 2nd day of October 2013.

The second reading and public hearing being conducted on the 15th 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

Exhibit "A" – Location and Zoning Map

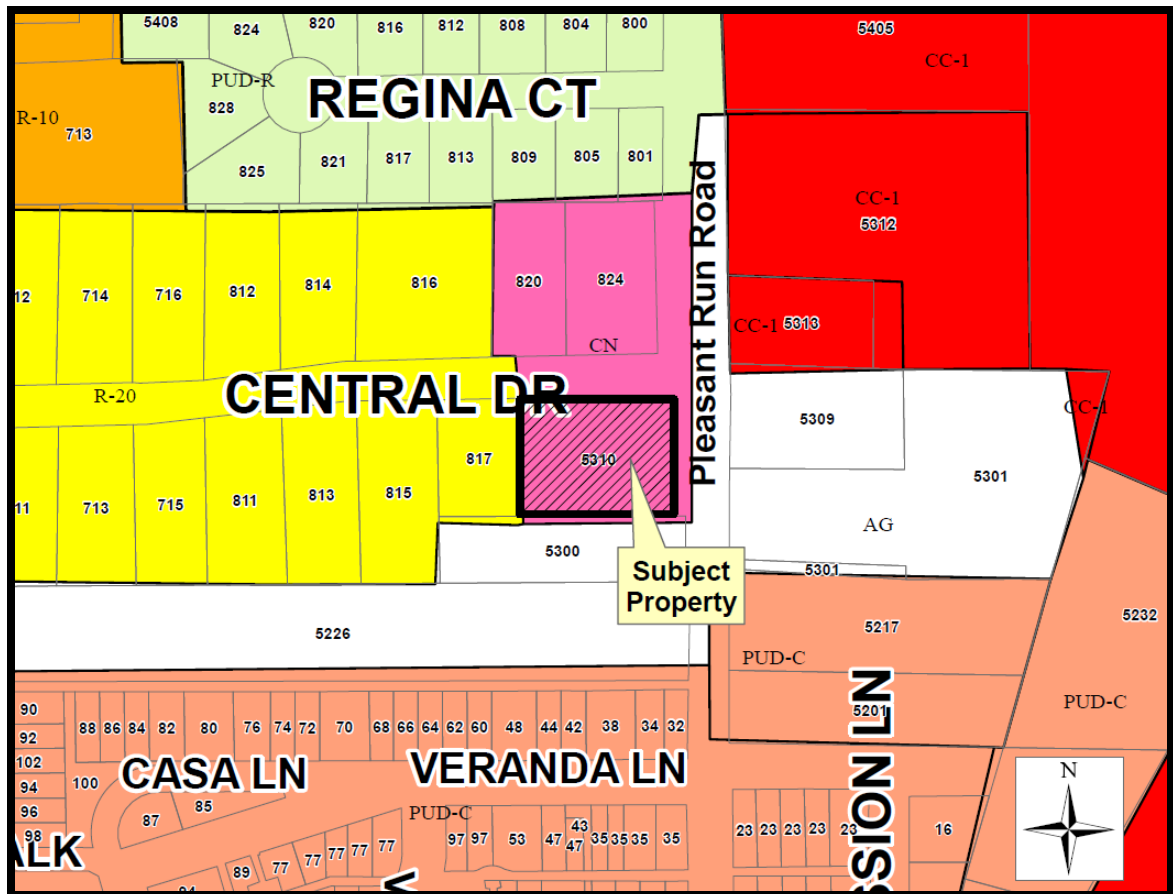


Exhibit “B” – Statement of Planning Objectives

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