



City of Colleyville City Council Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817.503.1000
www.colleyville.com

Wednesday, October 2, 2013

City Council Chambers

**PRE COUNCIL MEETING
EXECUTIVE SESSION
5:30 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER

- PC-1** Presentation and discussion of SH26/Colleyville Boulevard
- PC-2** Presentation and update on the Cheek-Sparger Road and Bedford Road/Court Intersection Improvement Project
- PC-3** Update and discussion regarding the 2014 citizen survey methodology
- PC-4** Discussion of Ordinance O-02-1322
- PC-5** Discussion of the October 2, 2013, City Council regular agenda items

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

Section 551.071 - Legal - Consultation with attorney on legal issues raised by public hearing or action items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding solicitor ordinance

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

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

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

INVOCATION: Pastor Shawn Maurer, Compass Christian Church

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

- 2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-13-3676**
- 3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**
Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition
- 4. CONSENT: READING AND PUBLIC HEARING - Resolution R-13-3677**
 - 4a** Approval of the minutes of the City Council worksession of September 16, 2013
 - 4b** Approval of the minutes of the regular City Council meeting of September 17, 2013
 - 4c** Approval of Progressive Waste Solutions' Consumer Price Index (CPI) rate adjustment of 3.29 percent, for commercial and roll-off accounts only, and establishing the effective date of the adjustment to be November 1, 2013
 - 4d** 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
 - 4e** 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
 - 4f** Approval to purchase four Chevrolet Tahoe patrol vehicles, and all equipment, from Caldwell Country Chevrolet, in an amount not to exceed \$201,676. Approval to purchase one Ford Fusion administrative vehicle, from Philpott Ford, in an amount not to exceed \$18,523.75; both approved state vendors, bid through the Cooperative Purchasing Program with the State of Texas
 - 4g** Approval and adoption of the City of Colleyville Landscape Branding manual

- 4h** Approval of the renewal of an Interlocal Agreement with Tarrant County for the Cheek-Sparger Road and Jackson Road Intersection Improvements, and authorize the city manager to execute the agreement
- 4i** Approval of an Interlocal Agreement with Tarrant County for the rehabilitation of Lavaca Trail, and authorize the city manager to execute the agreement

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

5a Ordinance O-13-1887

Consideration for a zoning change from PUD-C-Planned Unit Development Commercial to PUD-R-Planned Unit Development Residential, on 1.82 acres on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek-Sparger Road, Case ZC13-008

5b Ordinance O-13-1888

Consideration of a 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

5c Ordinance O-13-1889

Consideration of a request for a zoning change from AG-Agricultural to R40-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

5d Ordinance O-13-1890

Consideration of a 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

5e Ordinance O-13-1891

Approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division, regarding the Company's 2013 Annual Rate Review Mechanism filing and adopting tariffs that reflect rate adjustments consistent with the negotiated settlement

5f Ordinance O-13-1892

Approval of amendments to the Code of Ordinances Chapter 70, Article II, Section 70-28, Relating to Home Solicitation, Distribution, and Miscellaneous Sales

6. RESOLUTION(S): READING AND PUBLIC HEARING

6a Resolution R-13-3678

A resolution nominating candidates to the Tarrant Appraisal District (TAD) Board of Directors

7. ORDINANCE(S) CONTINUED: READING AND PUBLIC HEARING**7a Ordinance O-13-1881**

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 Boulevard. 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 Boulevard, Case ZC13-009

8. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**9. REPORTS**

Historical Preservation Committee Minutes - June 13, 2013

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR OCTOBER 2, 2013 - Reading and Public Hearing - Resolution R-13-3679**11. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, September 27, 2013 by 5:00 p.m.

Amy Shelley, TRMC
City Secretary

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at

817.503.1133, and reasonable accommodations will be made to assist you.



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-1

Agenda Date 10/02/2013

Type Pre Council

Department Public Works

Title

Presentation and discussion of SH26/Colleyville Boulevard

Explanation

The City Council held a worksession on September 16, 2013 to discuss the status of the SH26/Colleyville Boulevard reconstruction project. During the worksession there was a discussion of current prioritization of construction and the possibilities to fully fund the remainder of the project. The presentation included presentations by City staff and Michael Morris, the Director of Transportation for the North Central Texas Council of Governments (NCTCOG).

During the worksession the City Council gave staff the directive to further evaluate two scenarios. The primary scenario was to reprioritize the funding to focus on completing the section of roadway between Brown Trail and Hall-Johnson Road. The secondary scenario was to evaluate the potential to expand the project with the goal of completing the entire corridor from Brown Trail to John McCain Road.

Staff will present an update and additional information on the two directives that staff received during the worksession.

Attachments

1. SH26/Colleyville Boulevard Reconstruction Project



SH26/Colleyville Boulevard Reconstruction Project

City Council Pre Council
October 2, 2013

Objectives

- Obtain City Council direction about how to prioritize the remaining sections of SH26/Colleyville Blvd. Reconstruction
- Decide how many lanes of traffic the City prefers on SH26/Colleyville Blvd.
- Consider the option of any additional funding to extend the project's construction limits

Recap of Worksession

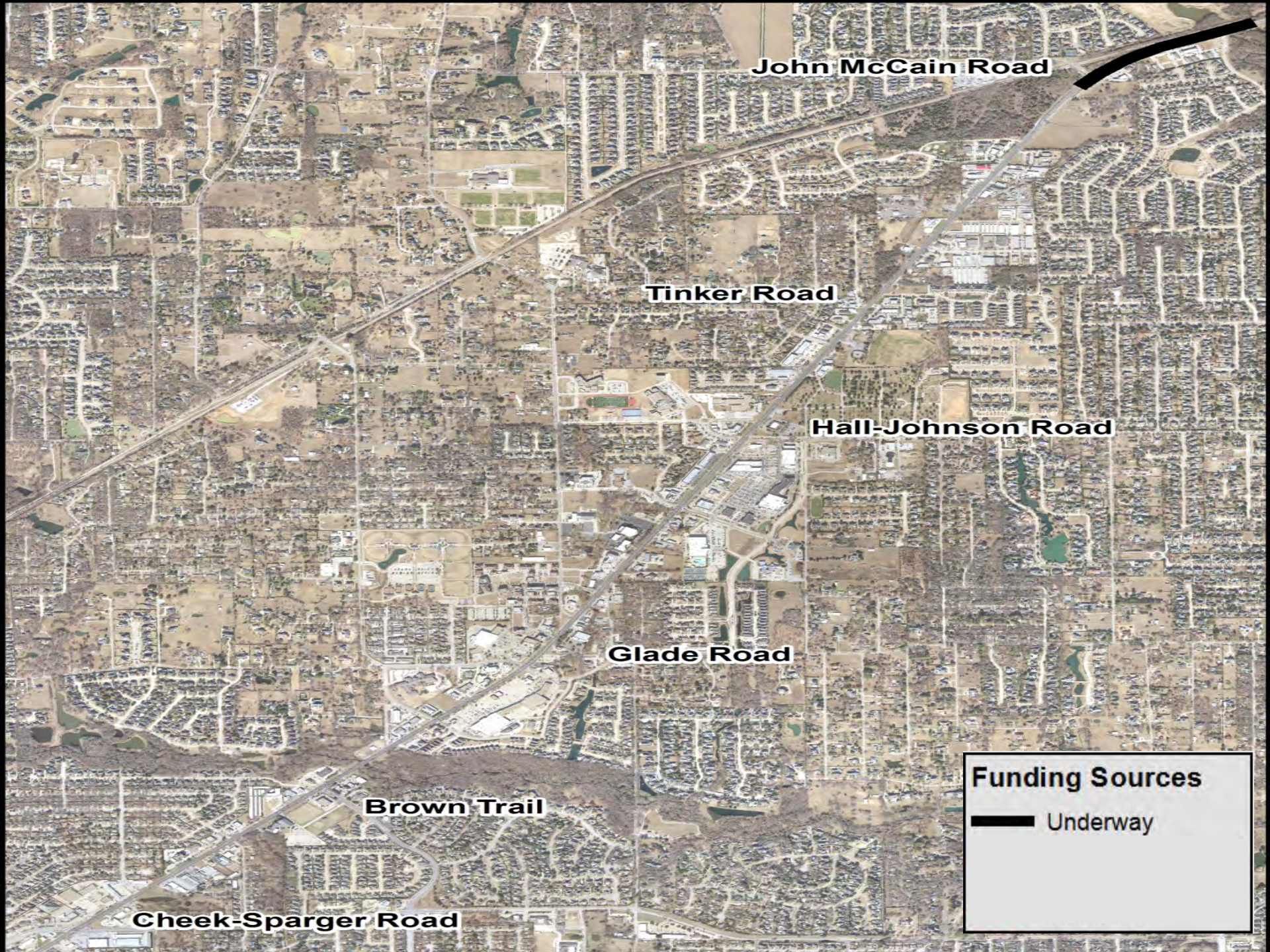
- The opportunity to influence the project is now and direction should be given to NCTCOG and TxDOT by October 24 to prevent any delays
- “Destination Colleyville”
- Four Lanes vs. Six Lanes
- City Council Direction:
 - o Primary Directive: Focus funding on the central business district (Brown Trail to Hall-Johnson Road)
 - o Secondary Directive: Complete the project (Brown Trail to John McCain Road)

Current Status

- Brumlow/Pool Road to John McCain Road under construction (Colleyville TIF contribution of \$5,070,00 total construction cost of \$11,414,000)
- TxDOT is set to let John McCain Road to Hall-Johnson Road in FY2014

Assumptions

- All cost estimates are consistent with estimates provided in previous presentations
- Graphics are for visual reference only
- A conservative 10% savings was used for the four lane concept



John McCain Road

Tinker Road

Hall-Johnson Road

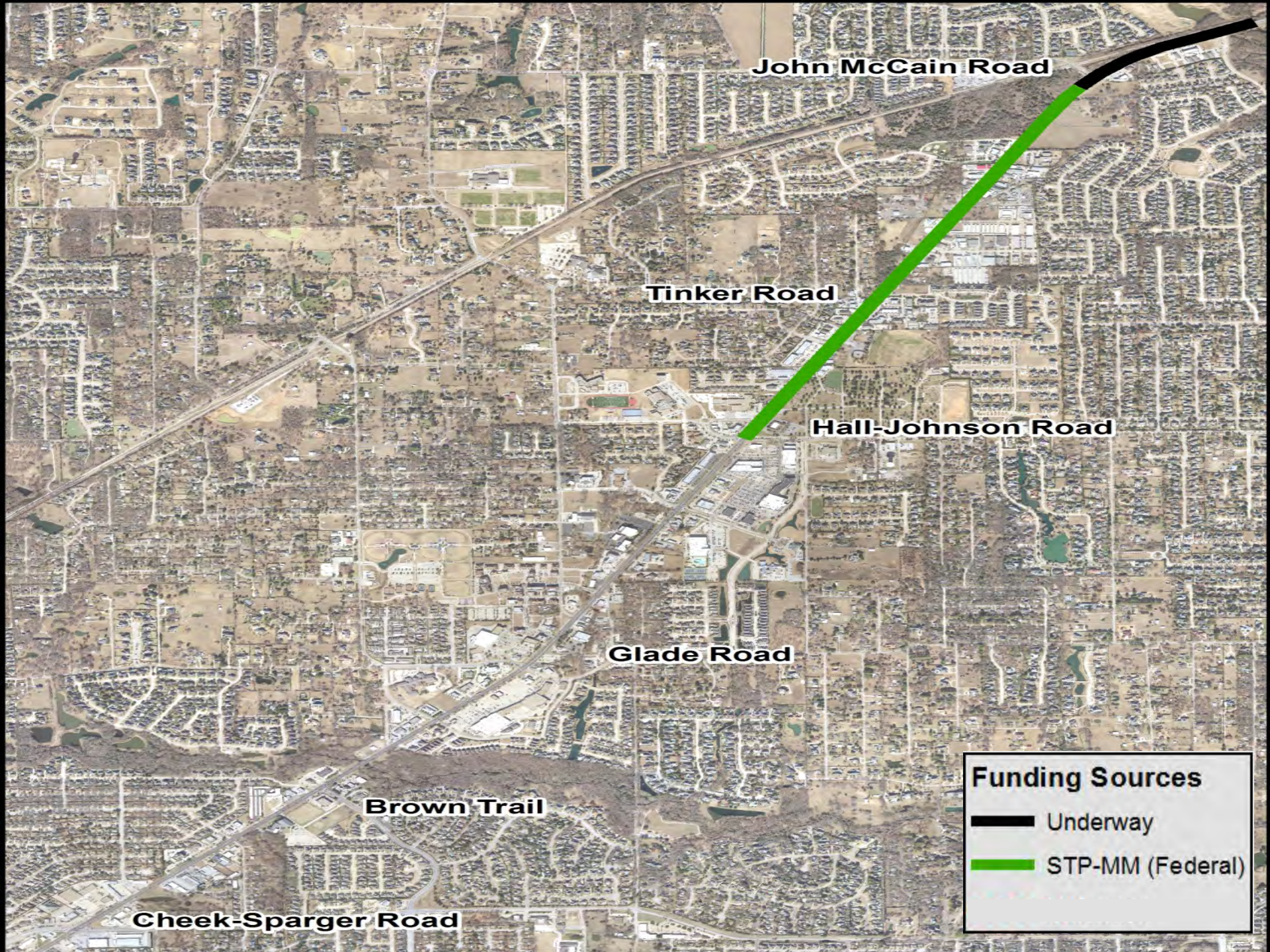
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

 **Underway**



John McCain Road

Tinker Road

Hall-Johnson Road

Glade Road

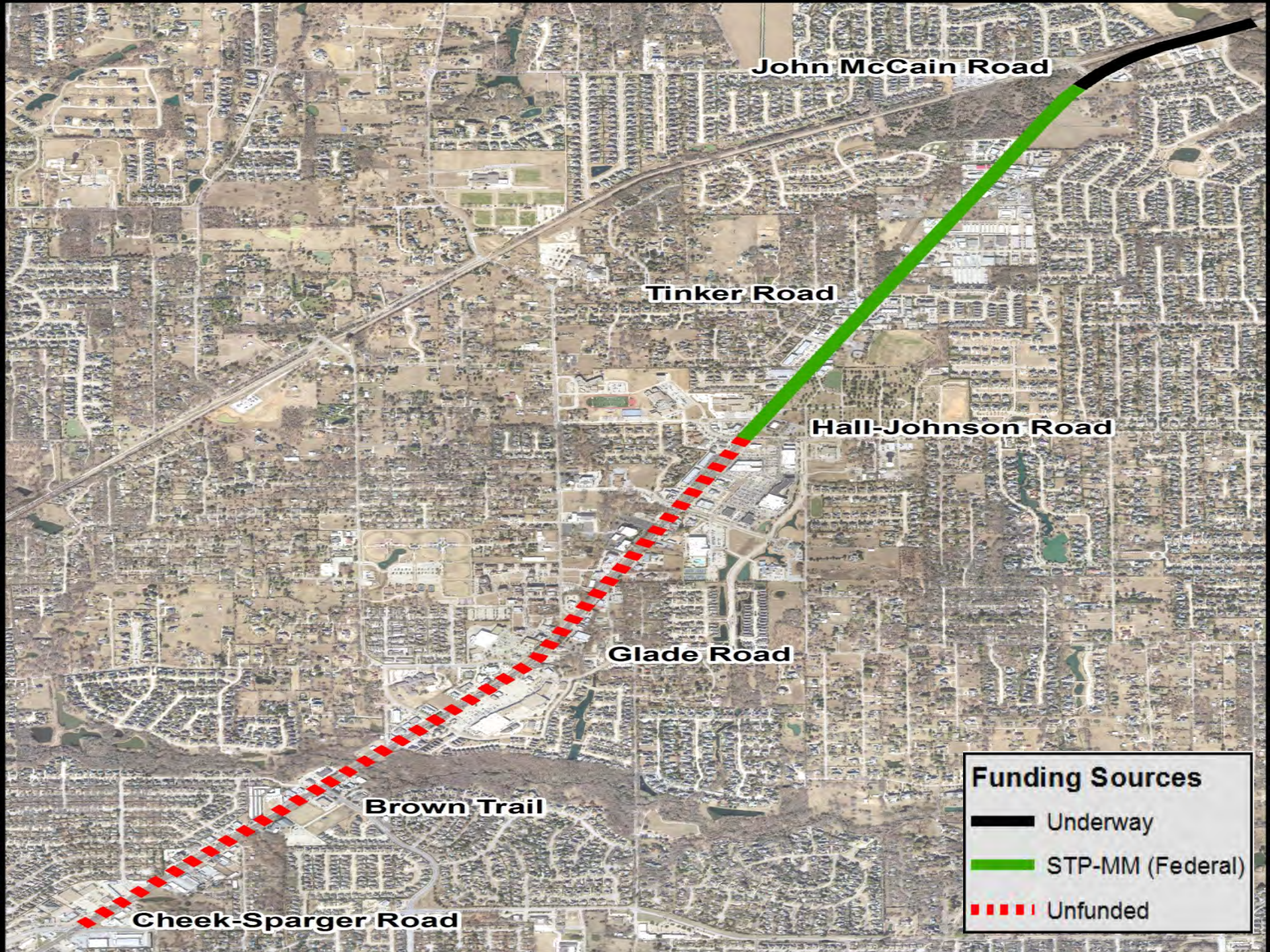
Brown Trail

Cheek-Sparger Road

Funding Sources

 Underway

 STP-MM (Federal)



John McCain Road

Tinker Road

Hall-Johnson Road

Glade Road

Brown Trail

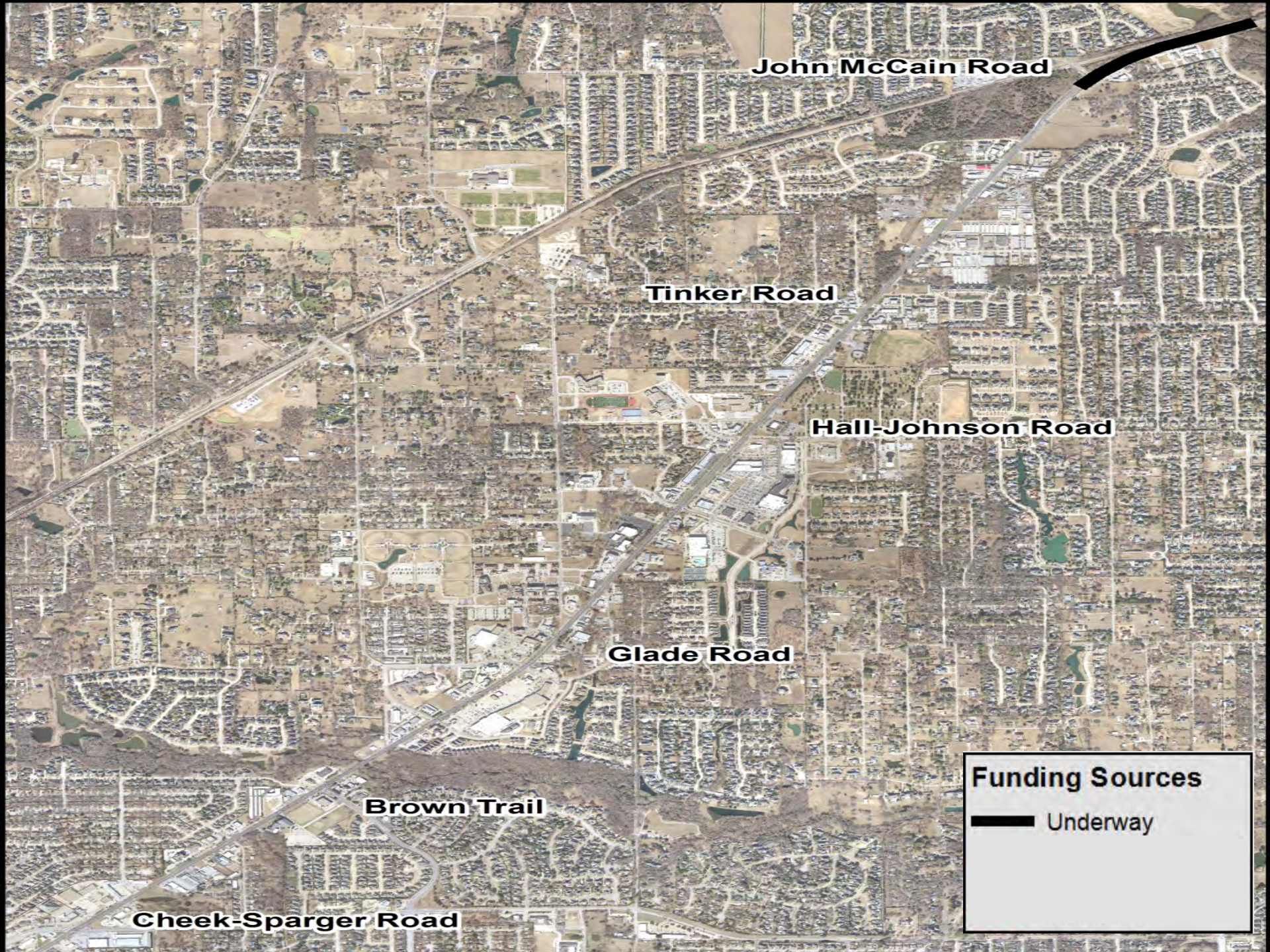
Cheek-Sparger Road

Funding Sources

-  Underway
-  STP-MM (Federal)
-  Unfunded

Primary Directive

- Focus remaining project funding on Colleyville's central business district of Colleyville Boulevard
- Prioritizes the Brown Trail to Hall-Johnson Road section prior to the section from Hall-Johnson Road to John McCain Road



John McCain Road

Tinker Road

Hall-Johnson Road

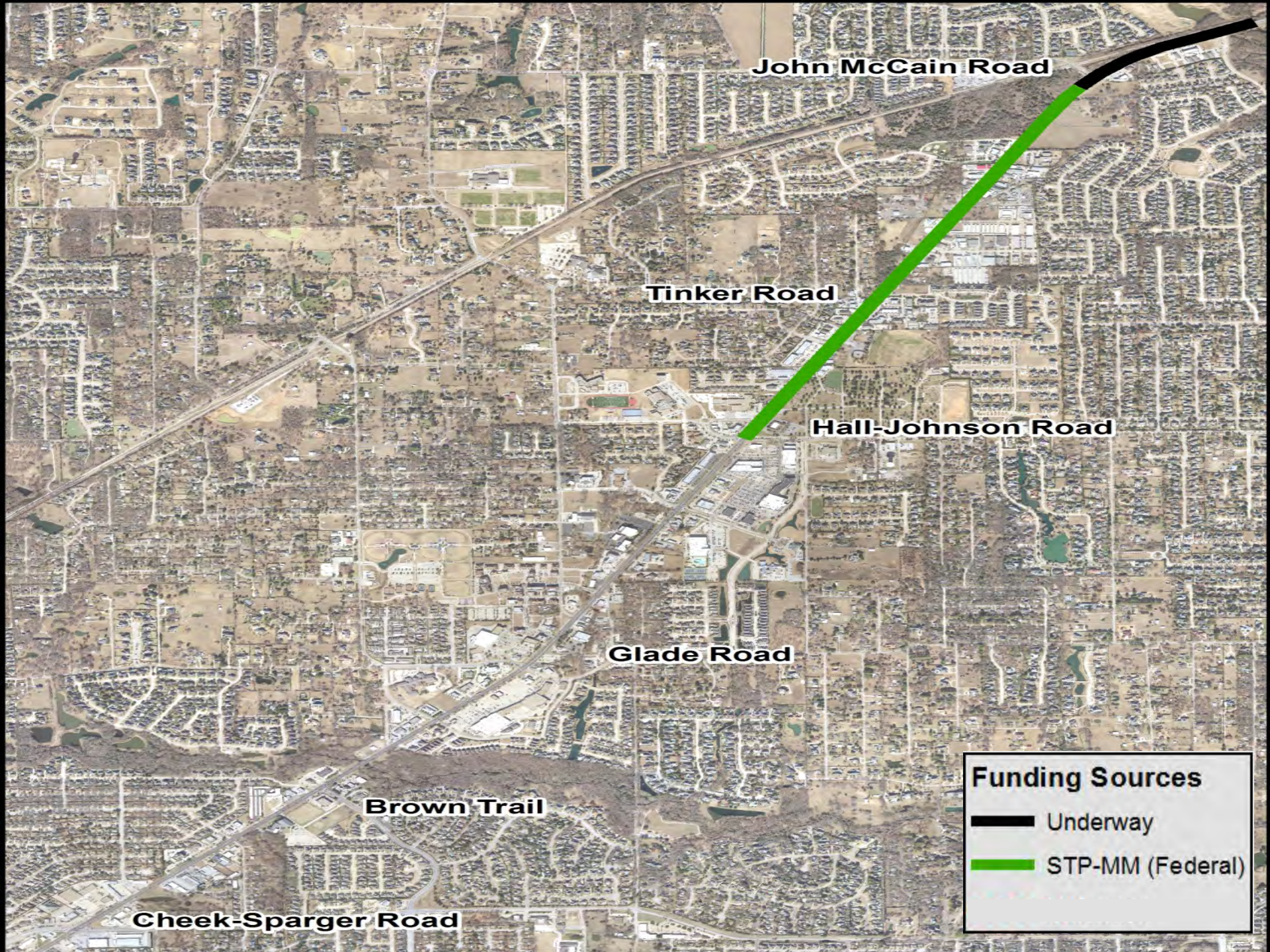
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

 Underway



John McCain Road

Tinker Road

Hall-Johnson Road

Glade Road

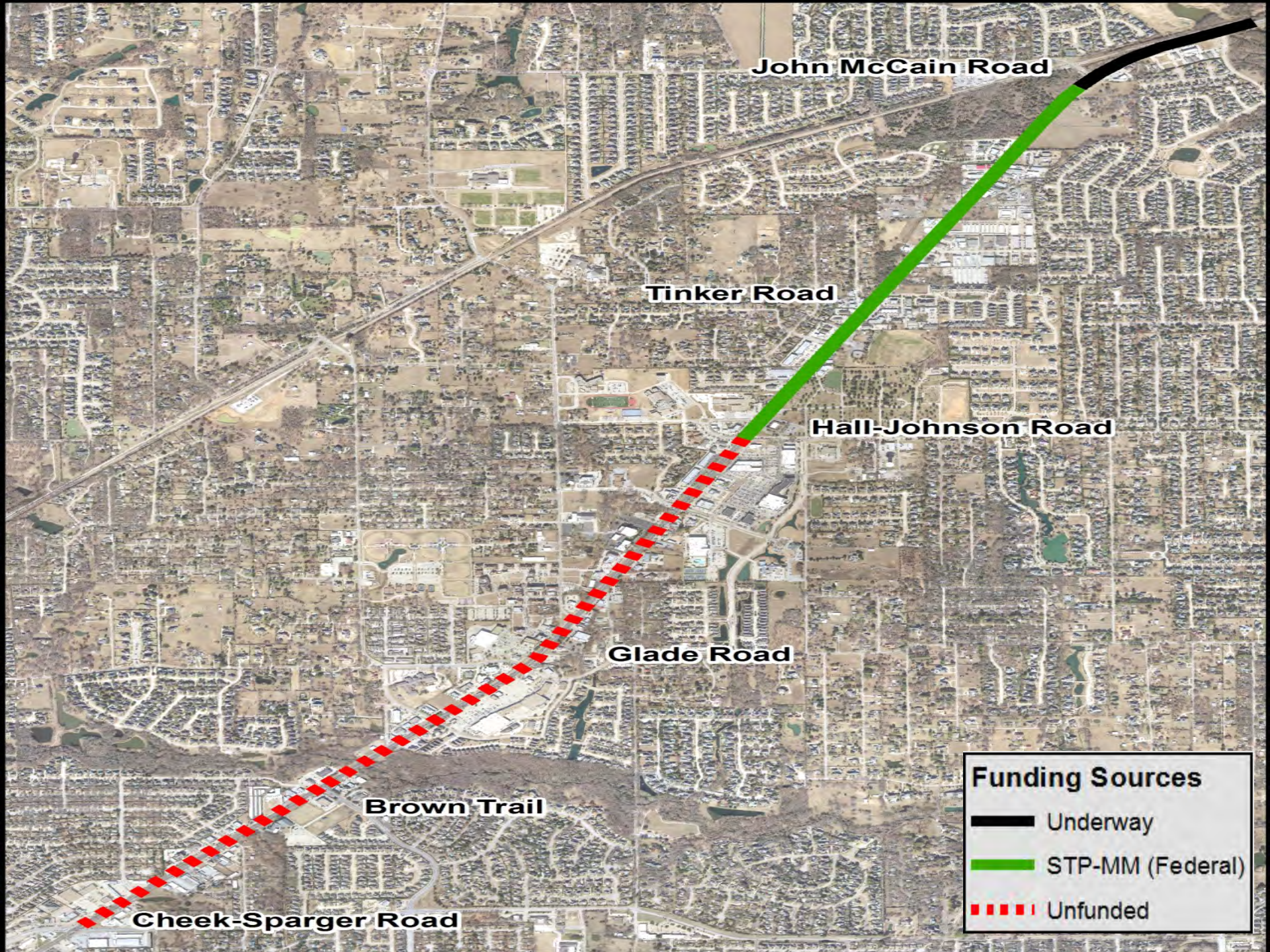
Brown Trail

Cheek-Sparger Road

Funding Sources

 Underway

 STP-MM (Federal)



John McCain Road

Tinker Road

Hall-Johnson Road

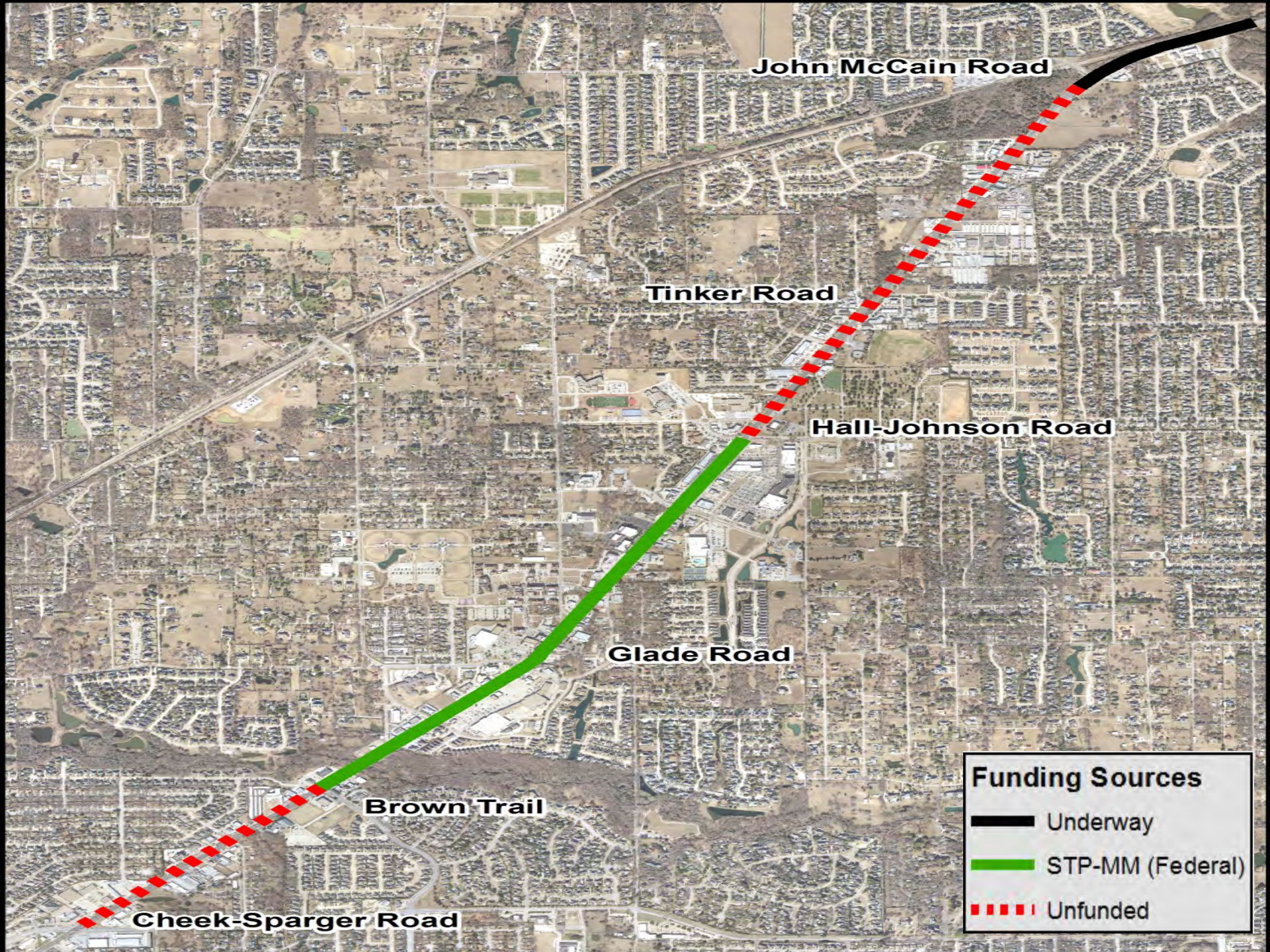
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

-  Underway
-  STP-MM (Federal)
-  Unfunded



John McCain Road

Tinker Road

Hall-Johnson Road

Glade Road

Brown Trail

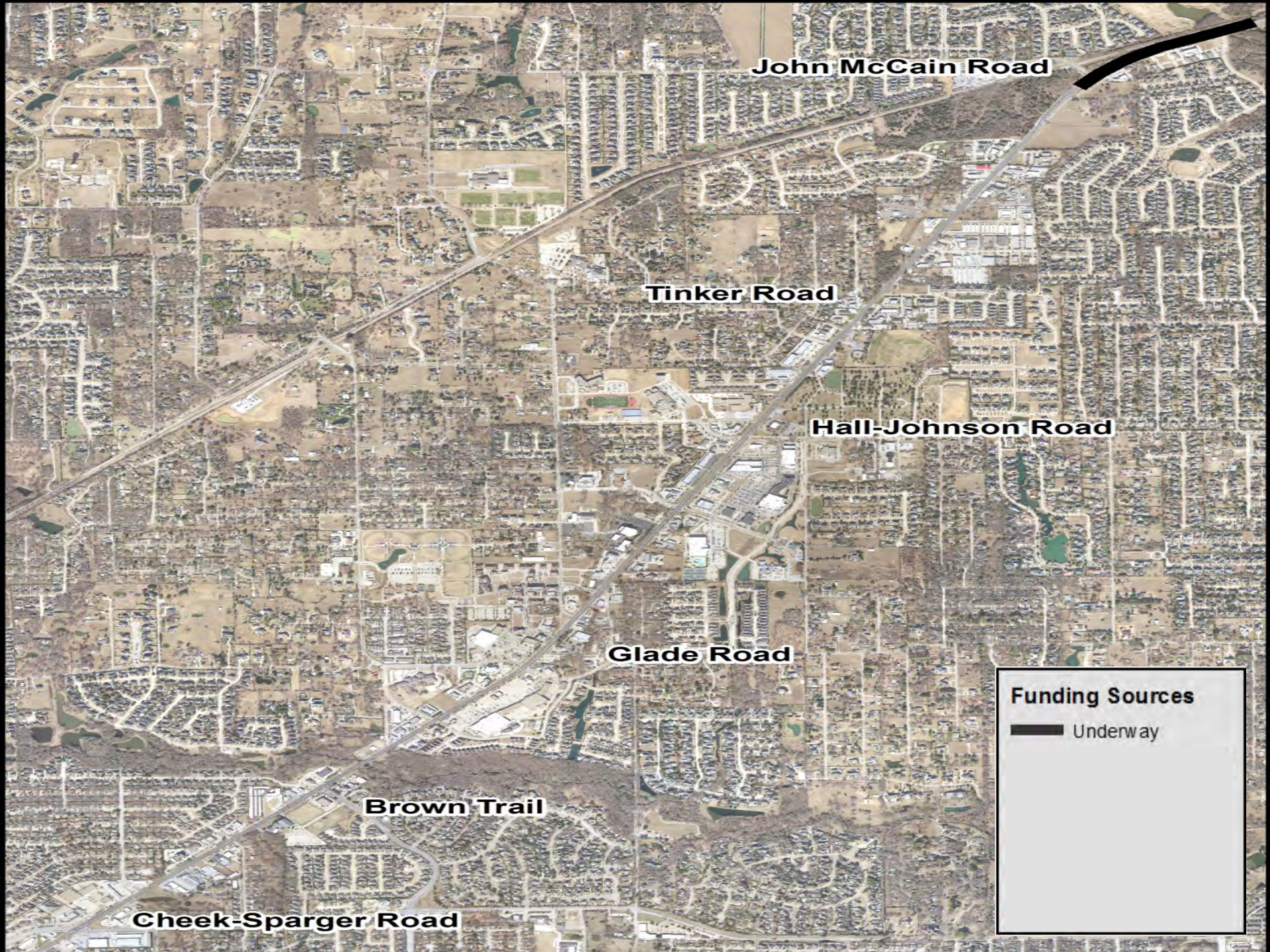
Cheek-Sparger Road

Funding Sources

-  Underway
-  STP-MM (Federal)
-  Unfunded

Secondary Directive

Evaluate the potential to expand the limits of the next phase of construction to complete the reconstruction of the roadway through Colleyville



John McCain Road

Tinker Road

Hall-Johnson Road

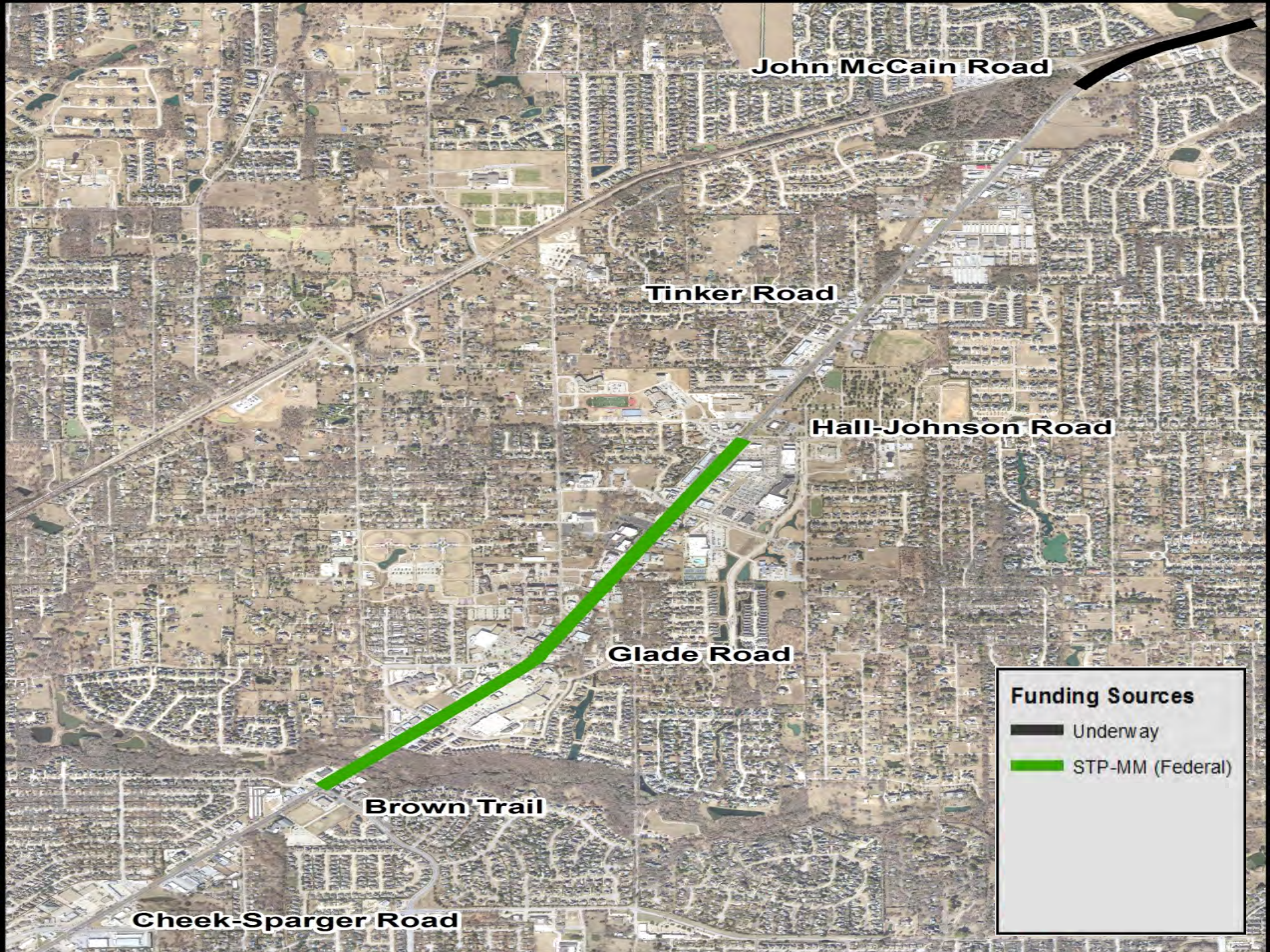
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

 Underway



John McCain Road

Tinker Road

Hall-Johnson Road

Glade Road

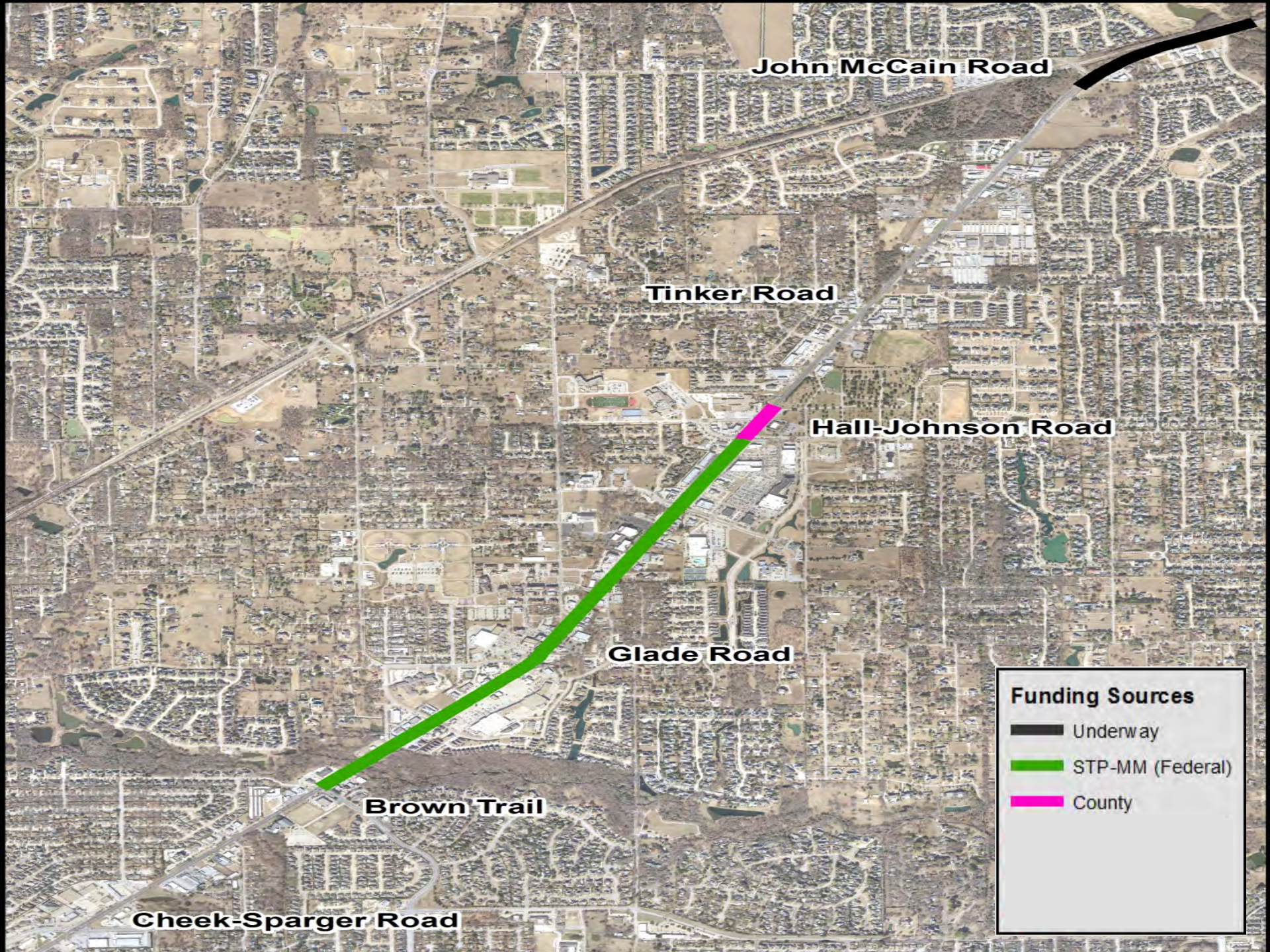
Brown Trail

Cheek-Sparger Road

Funding Sources

 Underway

 STP-MM (Federal)



John McCain Road

Tinker Road

Hall-Johnson Road

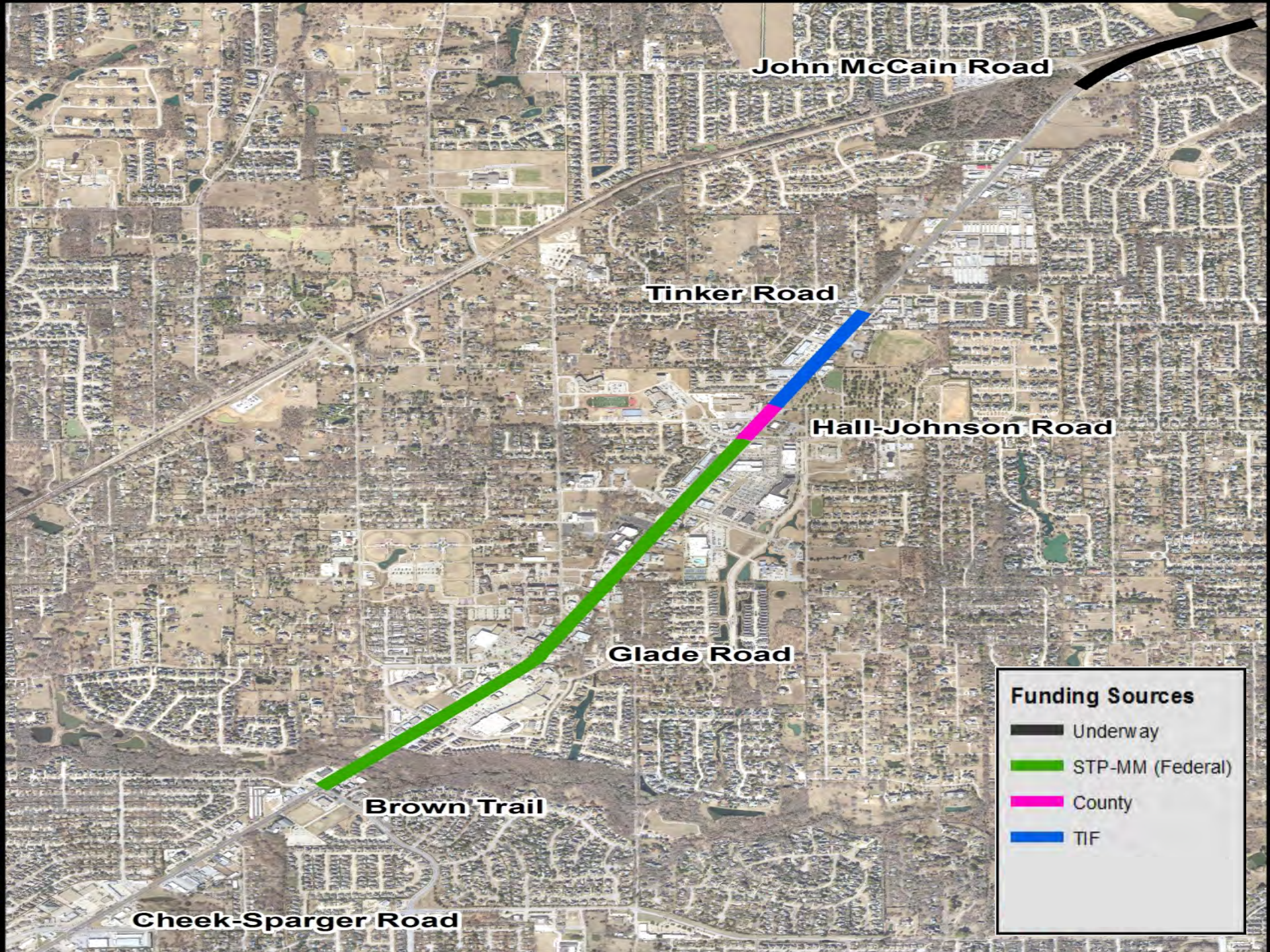
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

-  Underway
-  STP-MM (Federal)
-  County



John McCain Road

Tinker Road

Hall-Johnson Road

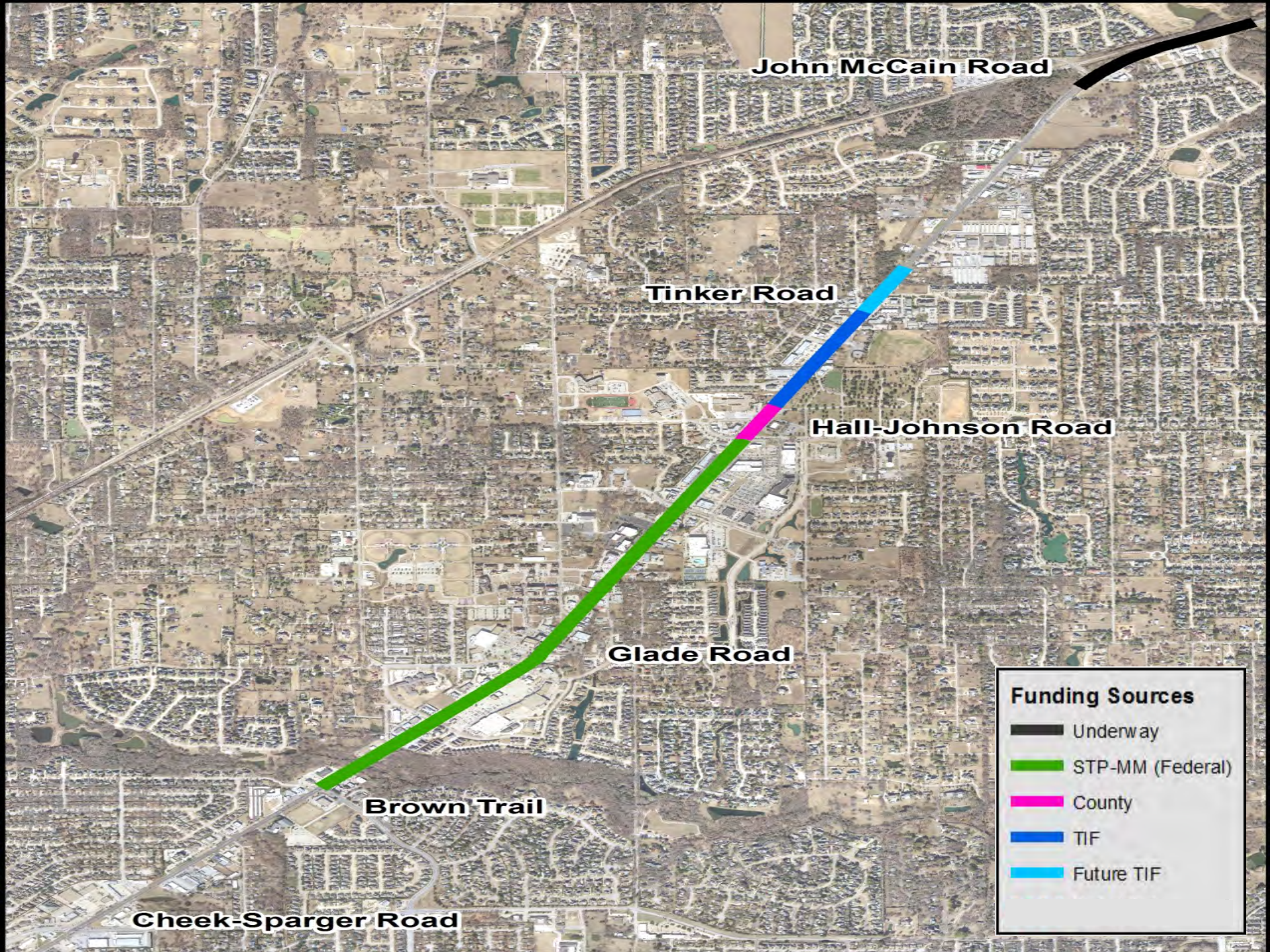
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

-  Underway
-  STP-MM (Federal)
-  County
-  TIF



John McCain Road

Tinker Road

Hall-Johnson Road

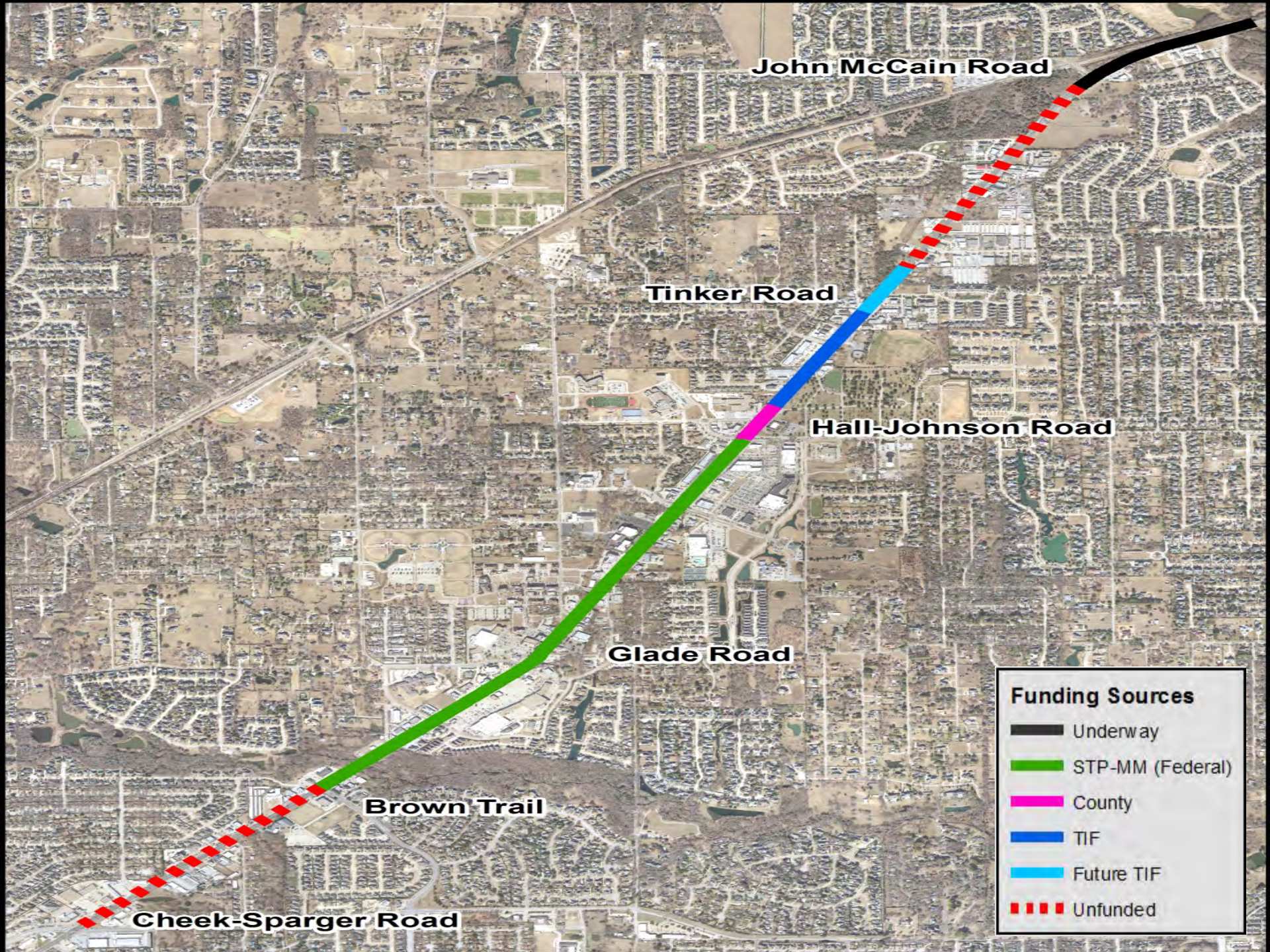
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

-  Underway
-  STP-MM (Federal)
-  County
-  TIF
-  Future TIF



Destination Colleyville

- Create a “Sense of Place” and a “Sense of Arrival”
- Landscape Branding Manual
- Opportunity to use the Transportation Enhancement Grant
- Consider a four lane concept for SH26/Colleyville Boulevard through the main commercial corridor of the City



Six Lane R.O.W. with Four Lanes



Six Lane R.O.W. with Six Lanes



Four Lane Road Heading Toward an Intersection



Six Lane Road Heading Toward an Intersection



Six Lane Bridge with Four Lanes



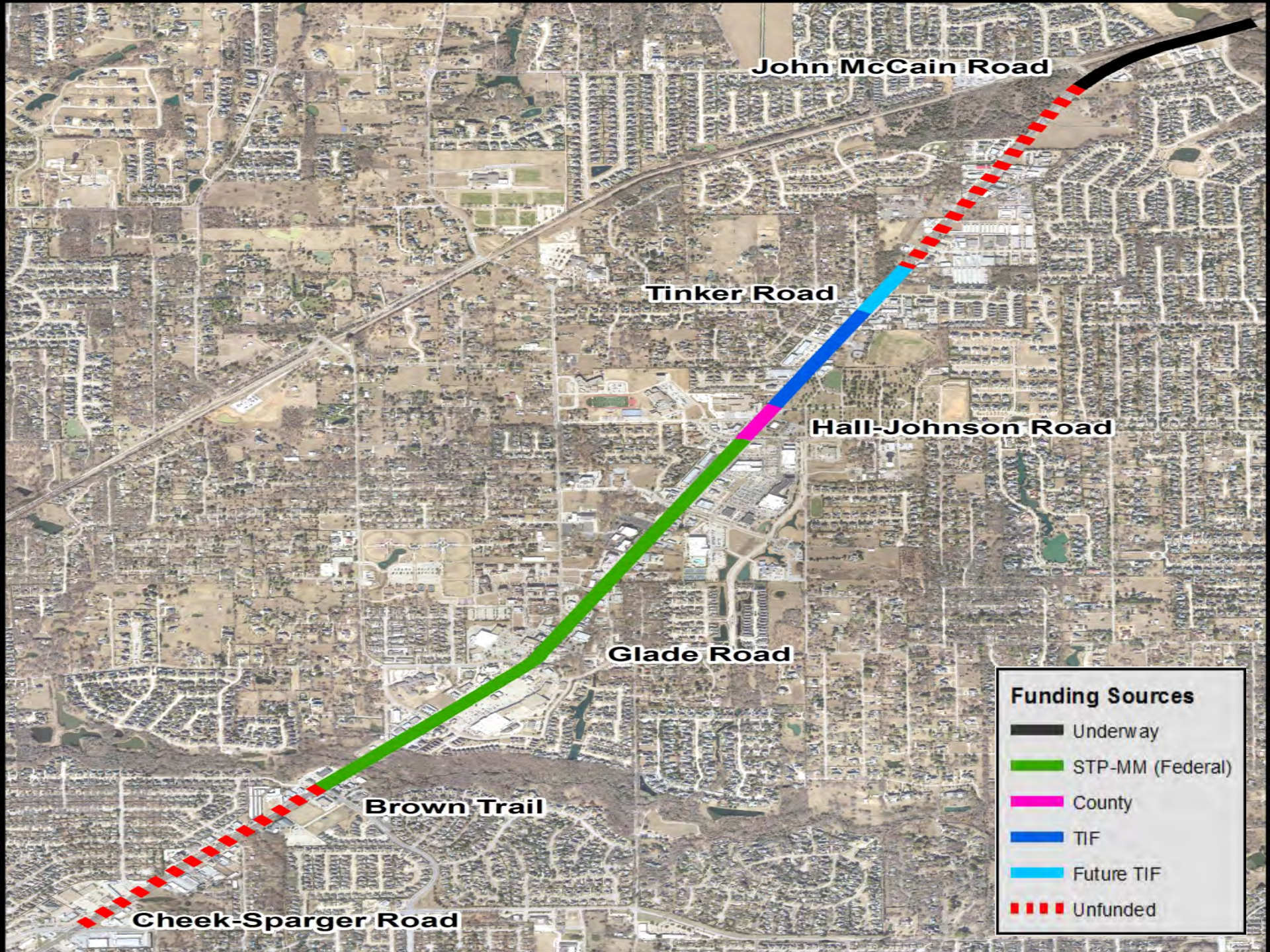
Four Lane Section Expanding for an Intersection



Four Lane Concept 34' Median



Six Lane Concept 14' Median



John McCain Road

Tinker Road

Hall-Johnson Road

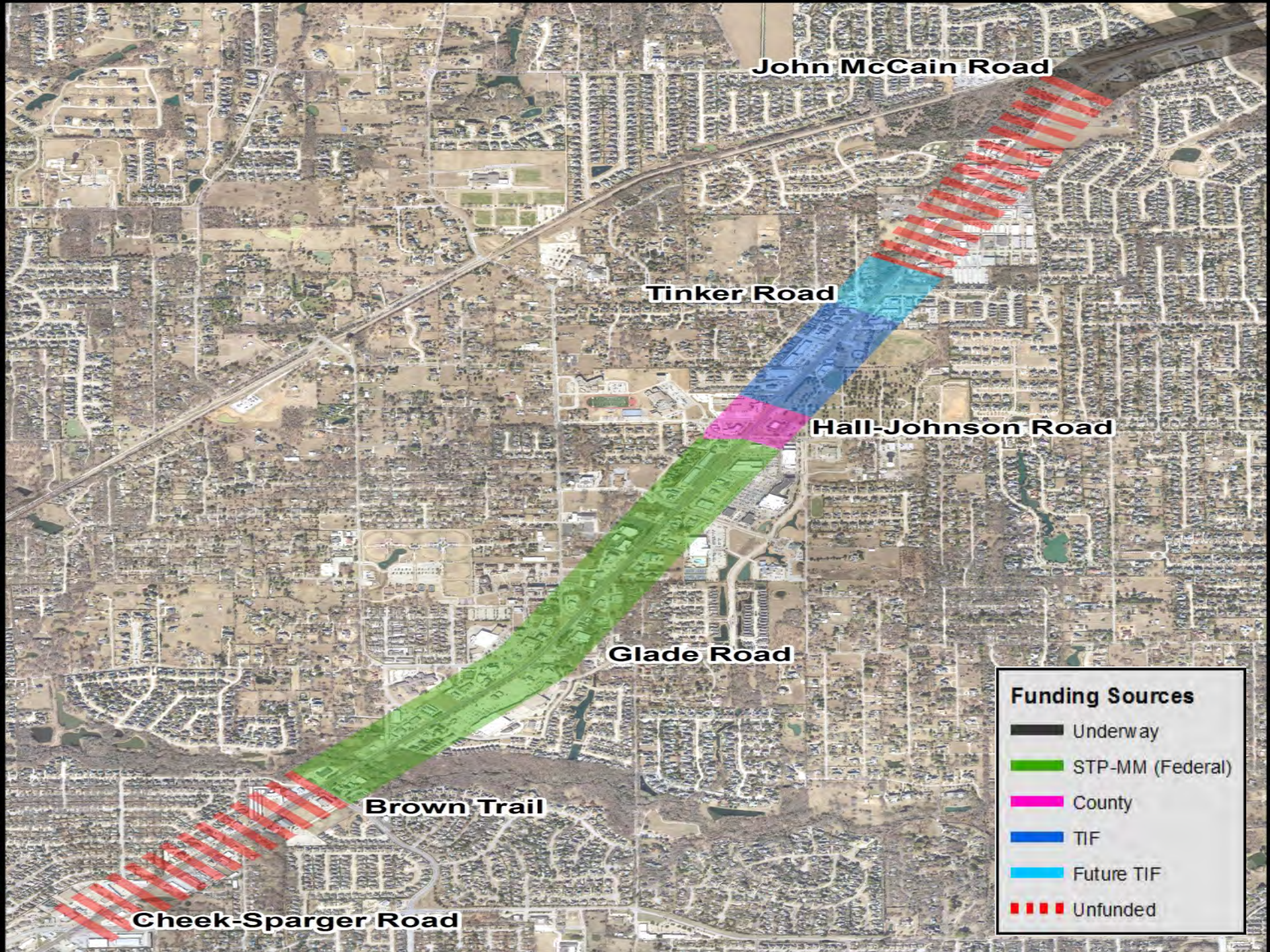
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

-  Underway
-  STP-MM (Federal)
-  County
-  TIF
-  Future TIF
-  Unfunded



John McCain Road

Tinker Road

Hall-Johnson Road

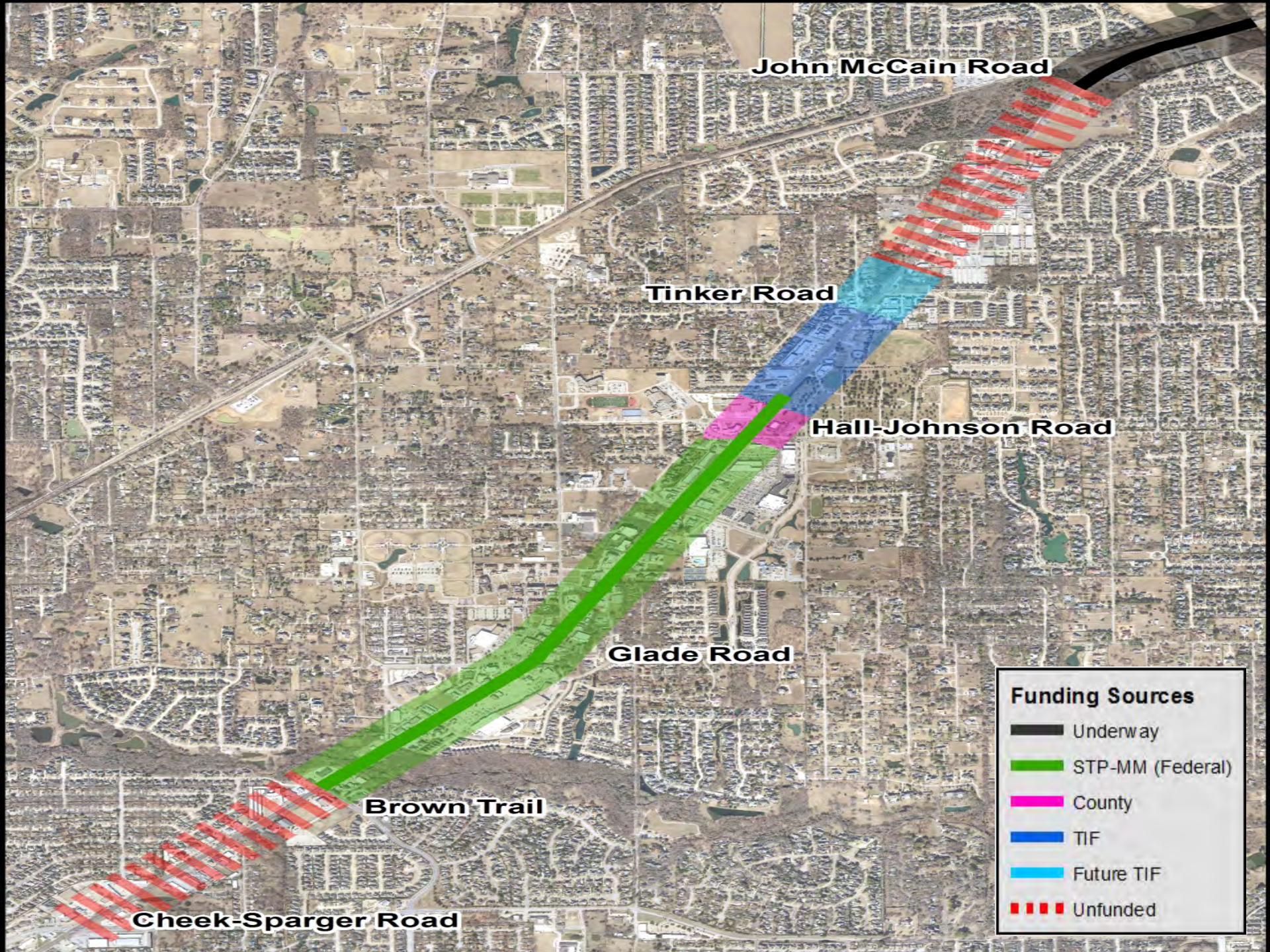
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

- Underway
- STP-MM (Federal)
- County
- TIF
- Future TIF
- Unfunded



John McCain Road

Tinker Road

Hall-Johnson Road

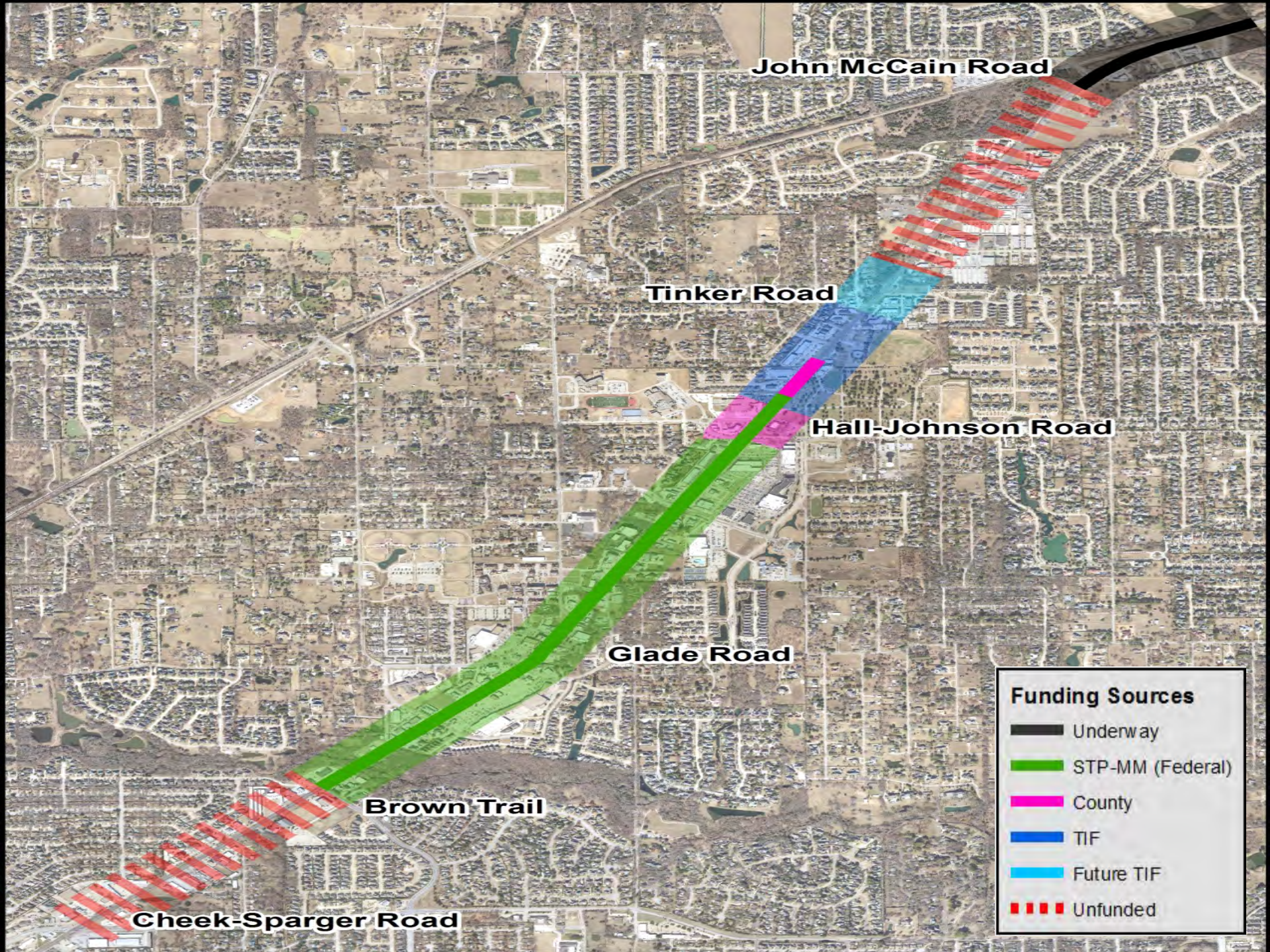
Glade Road

Brown Trail

Cheek-Sparger Road

Funding Sources

-  Underway
-  STP-MM (Federal)
-  County
-  TIF
-  Future TIF
-  Unfunded



John McCain Road

Tinker Road

Hall-Johnson Road

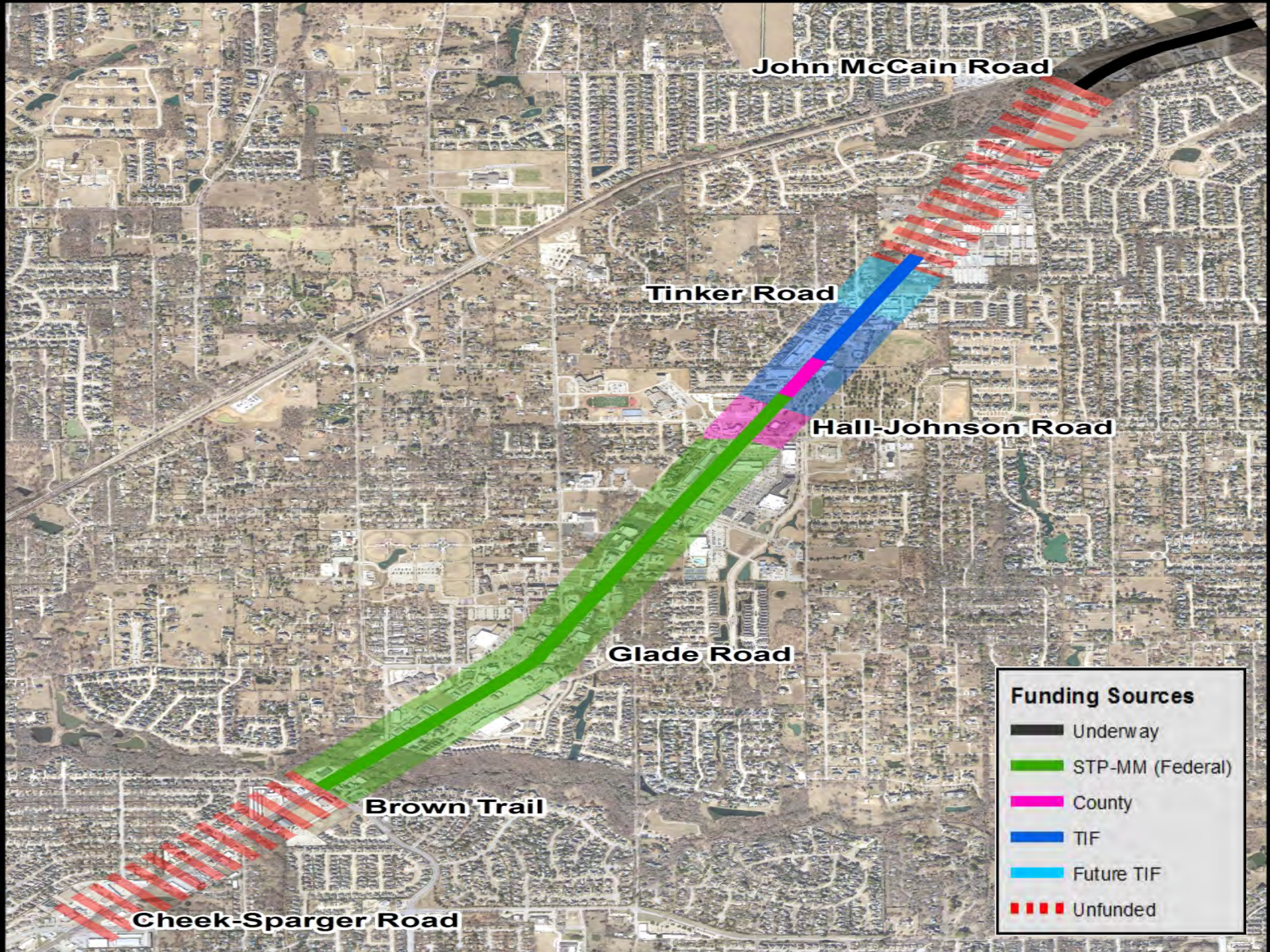
Glade Road

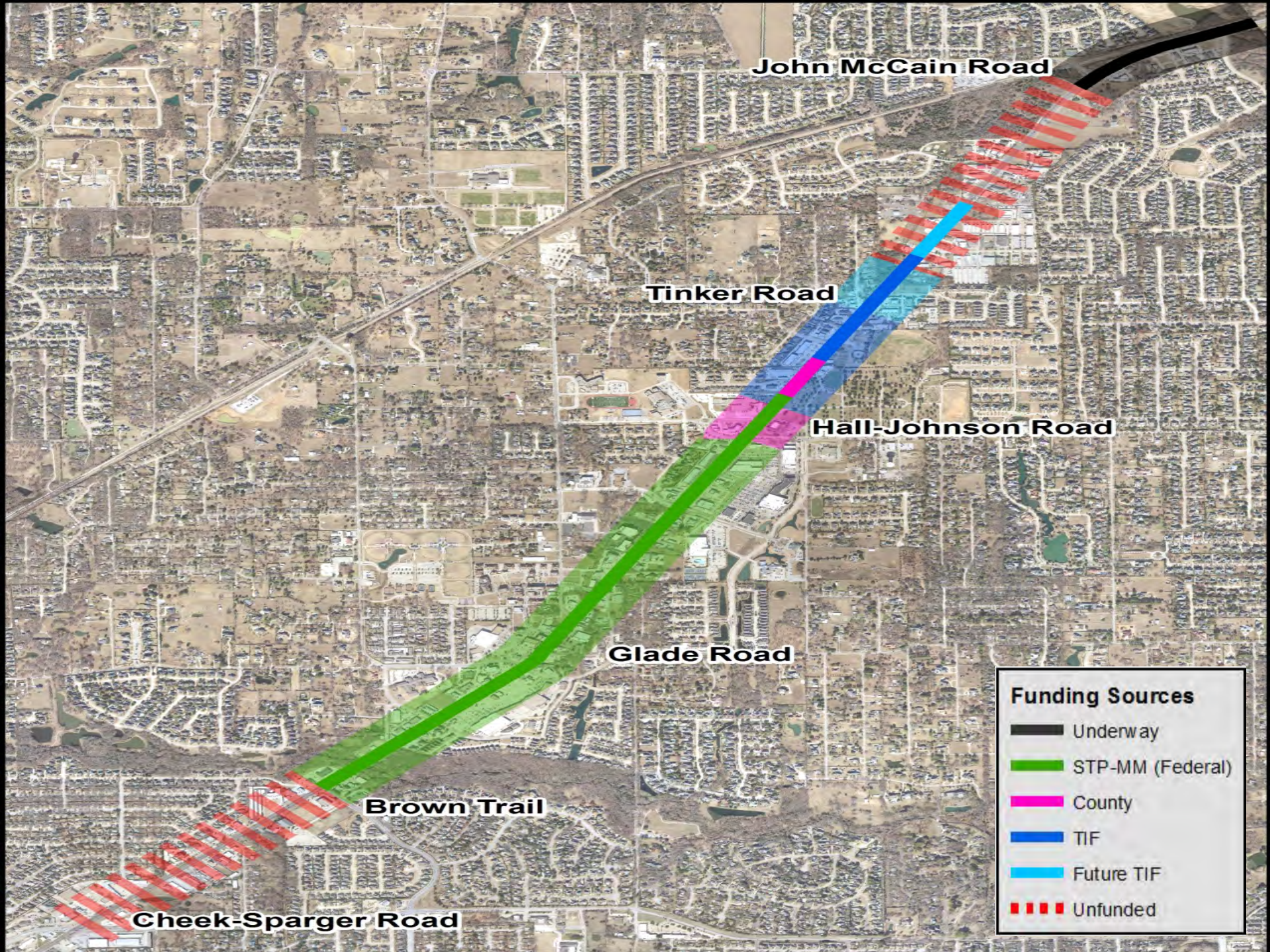
Brown Trail

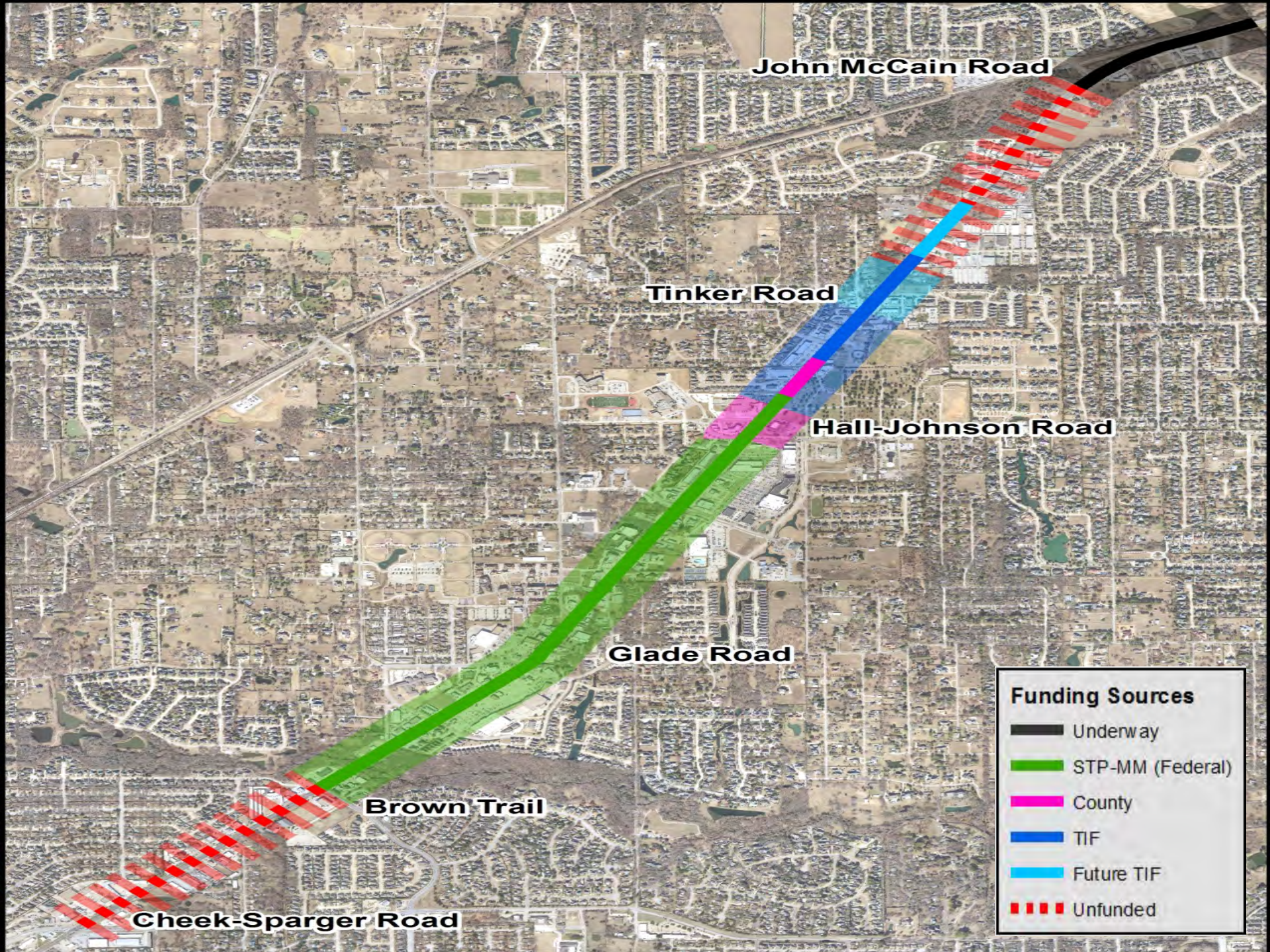
Cheek-Sparger Road

Funding Sources

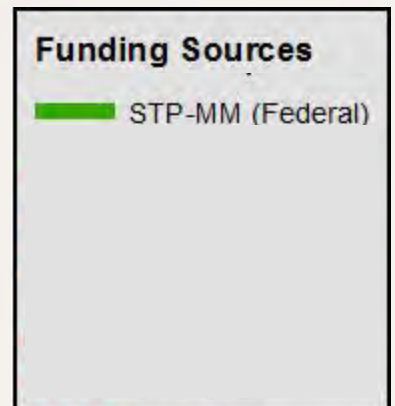
-  Underway
-  STP-MM (Federal)
-  County
-  TIF
-  Future TIF
-  Unfunded



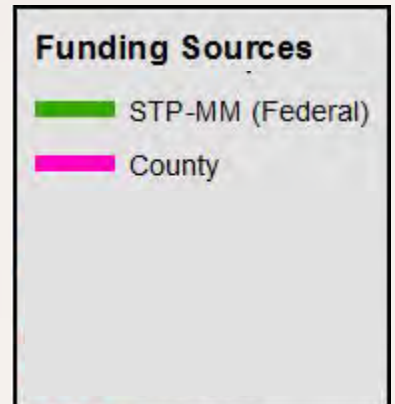




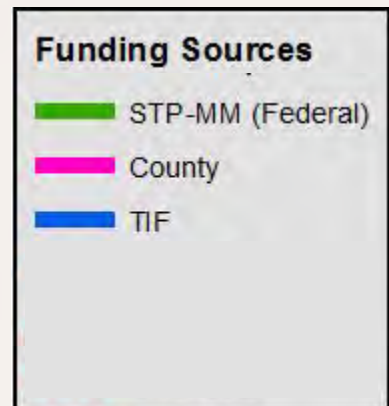
Current Funding (\$13.6 mil)



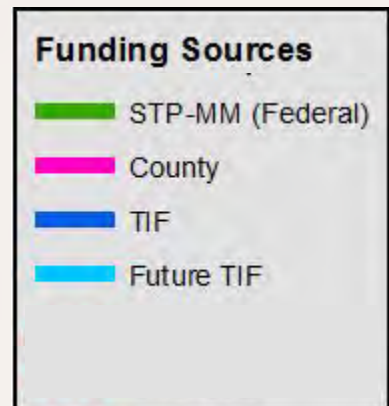
Current Funding and Potential Additional County Funding (\$1 mil)



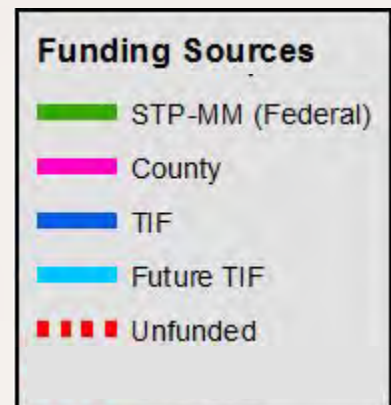
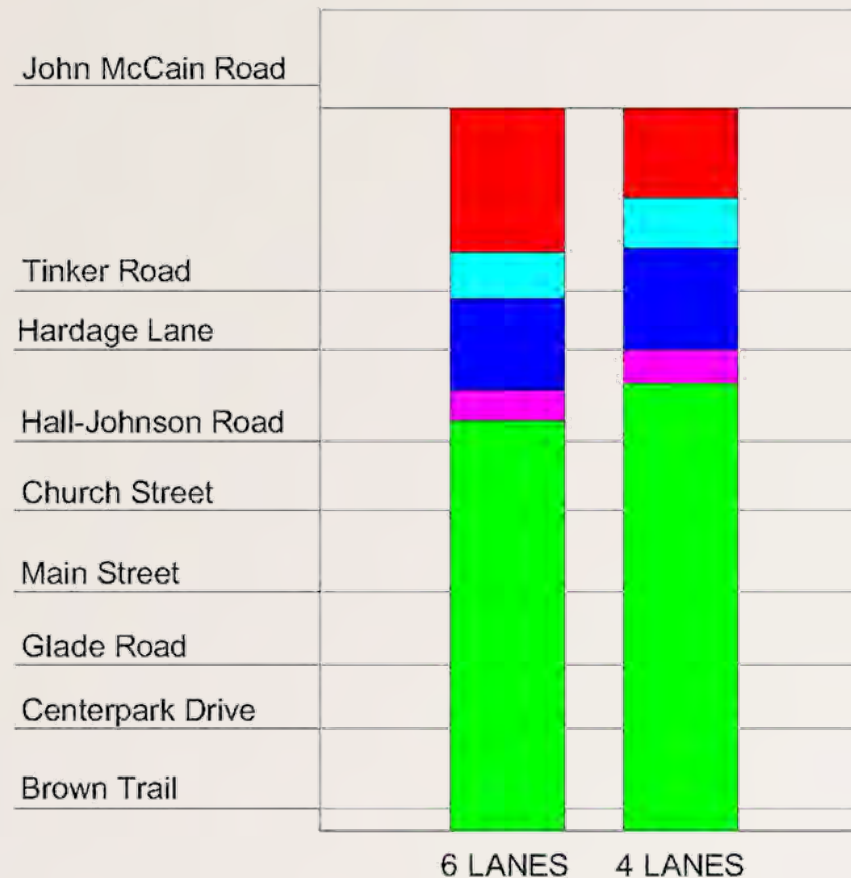
Current Funding, Potential Additional County Funding, and Potential Additional Colleyville TIF Funding (\$3 mil)



Current Funding, Potential Additional County Funding, Potential Additional Colleyville TIF Funding, and Potential Future Colleyville TIF Funding (\$1.5 mil)



Current Funding, Potential Additional County Funding, Potential Additional Colleyville TIF Funding, Potential Future Colleyville TIF Funding, and Unfunded



Unfunded Section of Roadway

- Complete the project as a six lane roadway:
\$5,650,000 additional funding
- Complete the project as a four lane roadway:
\$3,000,000 additional funding
- Tax Anticipation Note through the TIF with the principal and interest cost funded through the City's annual contribution to the TIF

Direction from City Council

- Construct the section between Brown Trail and Hall-Johnson Road?
- How many lanes of traffic?
- Use additional funds to extend the project limits of the next section of construction?



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-2

Agenda Date 10/02/2013

Type Pre Council

Department Public Works

Title

Presentation and update on the Cheek-Sparger Road and Bedford Road/Court Intersection Improvement Project

Explanation

On October 1, 2012, the City Council approved the attached PUD Ordinance O-12-1832, which allows for the Heritage Farms development located on approximately 19 acres at the southeast corner of Wayne Drive and Cheek-Sparger Road. As a condition of the PUD Ordinance, the Developer of this property is required to improve the intersection of Cheek-Sparger Road and Bedford Road/Court. The attached City/Developer Agreement (CDA) was executed on January 15, 2013 and includes several requirements related to the intersection improvements:

1. The Developer will provide the City with a report from a Registered Professional Engineer licensed in the State of Texas stating that a roundabout (the "public improvements") at Cheek-Sparger Road and Bedford Road/Court provides the City with a recommended method of traffic mitigation.
2. The Developer will contract for the construction of the public improvements using reputable contractors. All contract documents will bear the seal of a Registered Professional Engineer licensed in the State of Texas. The scope of work for the public improvements will include a two-year maintenance bond in the amount of 10% of the construction cost.
3. The Developer will submit the contract documents to the City for its review and approval. As a prerequisite to commencing construction on the roundabout, the City must approve the contract documents and issue a Notice to Proceed to the Developer.
4. The Developer understands that permit fees and plan review fees associated with Heritage Farms must first be paid to the City, in order for the City to reimburse Developer for the cost of the public improvements.
5. The City agrees to the roadway impact fee credit and fee reimbursement schedule per "CDA - Exhibit A" for all expenses incurred by the Developer for the purposes of designing and constructing the public improvements.
6. The reimbursements and credits from the City of Colleyville for the public

improvements referenced in Section 5 above shall not exceed \$675,000.

7. The Developer understands that no final Certificate of Occupancy will be given for the first completed senior living building at Heritage Farms, either (a) the Assisted Living/Memory Care building, or (b) the Independent Living building, until the public improvements are accepted by the City.

8. The Developer agrees to provide the City with as-built drawings of the completed public improvements.

9. The Developer understands it has no authority to cancel or amend the terms of this agreement without specific written authority by the City.

10. If for any reason the ownership of the property should change prior to the acceptance of the public improvements by the City, the conditions of this agreement will pass to the subsequent Owner/Developer. The City will require proper signatures of the new Owner/Developer showing acceptance of the terms of this agreement.

The developer has engaged Kimley-Horn and Associates, Inc., a design consultant, and they have prepared the preliminary design for the proposed intersection improvements. The preliminary design is consistent with the preliminary study that was previously presented to the City Council. The proposed traffic control is also attached as the project will most likely require a road closure in order to construct the proposed improvements in a timely manner. This Pre Council item will allow the developer and design consultant to present the current status of the design prior to the preparation of the final construction documents, as well as allow for City Council input at this pivotal step in the design process.

Attachments

1. Kimley-Horn Preliminary Roundabout Design and Feasibility Study
2. Ordinance O-12-1832
3. Resolution R-13-3587
4. Exhibit "A" to Resolution R-13-3587 - City/Developer Agreement
5. Traffic Control Plan
6. Proposed Roundabout

Kimley-Horn Preliminary Roundabout Design and Feasibility Study



December 12, 2012

Mr. Randall Johnson
Development Manager
Cirrus Health
2800 E. Hwy 114 #300
Trophy Club, TX 76262

■
12750 Merit Drive,
Suite 1000
Dallas, TX
75251

Re: Cheek-Sparger Road and Bedford Road Intersection Evaluation

Dear Mr. Johnson,

Kimley-Horn and Associates, Inc. (KHA) has completed a review of data and analyses of the Cheek-Sparger and Bedford Road intersection in Colleyville, Texas. The following discussion presents our findings and conclusions.

BACKGROUND

Cheek-Sparger Road is designated a Major Collector with two lanes undivided in 75 feet of right-of-way (ROW) on the City of Colleyville Master Thoroughfare Plan (approved by Council May 6, 2008, Ordinance O-08-1674). It extends from Colleyville Boulevard and the city limits boundary with Hurst on the west to Heritage Avenue and the city limits boundary with Bedford on the east. East and west of the City of Colleyville, the Cheek-Sparger corridor is designated as Mid-Cities Boulevard and is 6-lanes divided. Bedford Road intersects Cheek-Sparger approximately 6,000 feet east of Colleyville Boulevard and approximately 6,500 feet west of Jackson Road. Bedford Road north of Cheek-Sparger is designated as a Minor Collector with two lanes undivided in approximately 60 feet of right-of-way and extends approximately one mile north to Glade Road. Bedford Court south of the intersection with Cheek-Sparger is a two lane undivided local road ending into the Heritage Farms property. Currently, this intersection is two-way stop control (TWSC) with the traffic on Cheek-Sparger allowed to flow freely through the intersection while the traffic on Bedford Road/Court approaching from the north and south is required to stop.

EXISTING INTERSECTION AND ROADWAY CONDITIONS

Cheek-Sparger aligns east-west near the southern boundary of Colleyville and the city of Bedford and for a majority of the 4 mile length is an approximately 24-30 feet wide asphalt pavement section with no shoulders and a "rural" cross-section including open drainage swales and bar ditches. This narrow cross section tends to discourage vehicles from speeding and limits the total number of vehicles that might be inclined to use Cheek-Sparger as a short-cut or an alternate regional route. The ROW varies, but was measured in the vicinity of the intersection to be approximately 100 feet. As the roadway approaches Bedford from both the east and west, the City has constructed short left-turn storage lanes to accommodate traffic turning to

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TEL: 972.770.1300
CEL: 214.546.6114

Kimley-Horn Preliminary Roundabout Design and Feasibility Study



Mr. Randall Johnson
December 12, 2012
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the north and south. The posted speed limit of Cheek-Sparger is 30 miles per hour. A partially paved Hike and Bike Trail exists on the south side of Cheek-Sparger for several miles, but stops east of McLain Road, approximately 1000 feet east of the Bedford Court intersection.

Bedford Road approaches Cheek-Sparger from the north and is 24 feet wide with a rural cross-section and open drainage. In general the road has a variable ROW for the one mile it extends north to Glade Road and is approximately 60 feet in the vicinity of the intersection. There is a railroad tie retaining wall on the west side of Bedford Road beginning approximately 150 feet north of the intersection that is being studied by the City of Colleyville for reconstruction at some point in the future. A sidewalk exists on the east side of Bedford Road south of Sparger Park to Plantation Drive. Currently, the sidewalk does not extend south to the Cheek-Sparger intersection. The posted speed limit on Bedford Road north of Cheek-Sparger is 30 miles per hour.

Bedford Court approaches the intersection from the south and currently only extends 500 feet south serving the retail center, the day care center and an alley that provides access to a residential subdivision in the City of Bedford. In the future this road will connect to the Heritage Farms development and through public access easements over to Wayne Drive. The ROW of Bedford Court in the vicinity of the intersection is approximately 50 feet wide. The posted speed limit on this local road is 15 miles per hour, possibly because of the presence of the daycare center.

EXISTING TRAFFIC CONDITIONS

We have been able to collect 24-hour traffic volumes on Cheek-Sparger Road from four different sources: the City of Colleyville, NCTCOG, DeShazo Group and Kimley-Horn and Associates, Inc. (KHA).

Time Frame	Cheek-Sparger 24-Hour Traffic Volume	Source
2004	11,707	NCTCOG
2/18/2011	10,678	DeShazo Group
3/5/2012	10,537	City of Colleyville
5/1/2012	12,783	Kimley-Horn & Associates, Inc.

Approximately 2,294 vehicles approached Cheek-Sparger from the north on Bedford Road and 153 approached from the south on Bedford Court during the 24-hour period on May 1, 2012.

Kimley-Horn Preliminary Roundabout Design and Feasibility Study



Mr. Randall Johnson
December 12, 2012
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AM and PM peak period turning movement counts were collected at the subject intersection by DeShazo Group in February of 2011 and by KHA in May 2012. Even though the 24-hour volume on Cheek-Sparger Road collected by KHA in 2012 was almost 20% higher than the DeShazo Group and City of Colleyville counts, the individual turning movement counts during the peak periods are very similar. AM and PM peak hour turning movement counts are presented in the figures below. We counted only 10 pedestrian crossings in the vicinity of the intersection in 24-hours.

Figure 1 - Existing Turning Movement Counts – AM Peak Hour – May 2012

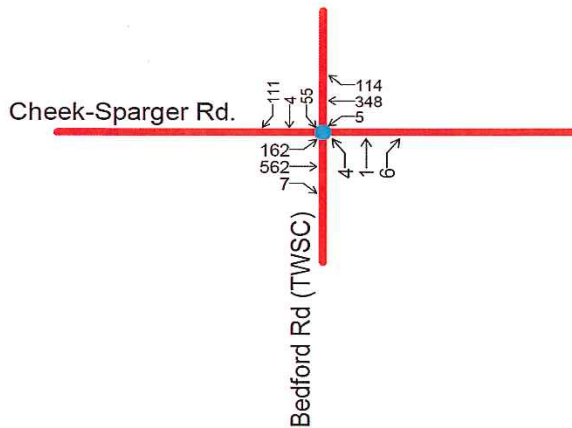
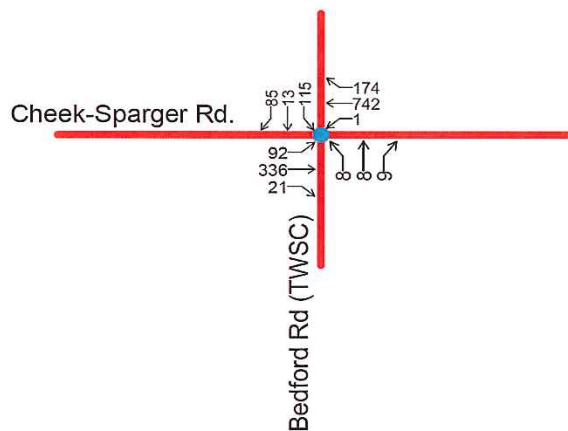


Figure 2 - Existing Turning Movement Counts – PM Peak Hour – May 2012



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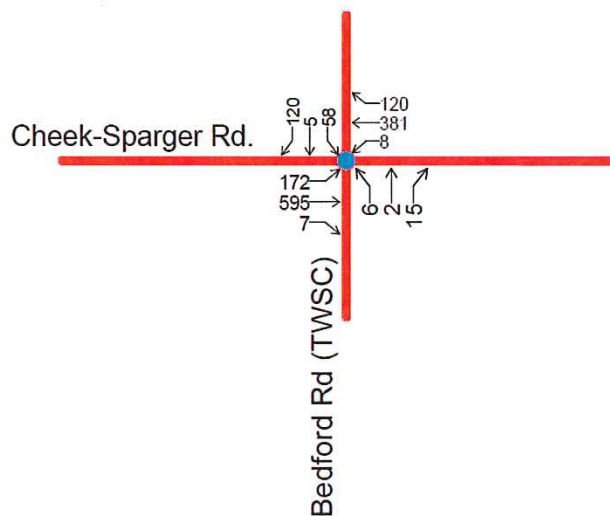


Mr. Randall Johnson
December 12, 2012
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PROJECTED (BUILDOUT) TRAFFIC CONDITIONS

Projected Build Out traffic volumes were estimated by increasing the May 2012 peak hour turning movement counts by one percent per year for 5 years (or the year 2017) creating the background traffic and adding the traffic estimated to be generated by the full build out and full occupancy of the Heritage Farms project. We believe this escalation of traffic based on 1 percent per year for 5 years and adding to that the full build out and fully occupied condition for Heritage Farms is a reasonable way to make an informed recommendation about future traffic operations at the Cheek-Sparger/Bedford intersection because the existing intersection is approach saturated flows of traffic during the peak periods. NCTCOG regional planning model parameters estimate that a 2-lane undivided Collector in a suburban residential setting can handle 10,500 vehicles per day. That same road when it functions as a Minor Arterial in a suburban residential setting has a 24-hour capacity of 16,500 vehicles per day. What the data suggest is that the peak periods are growing in time while the peak hours are leveling off.

Figure 3 – Projected Turning Movement Counts – AM Peak Hour – Build Out

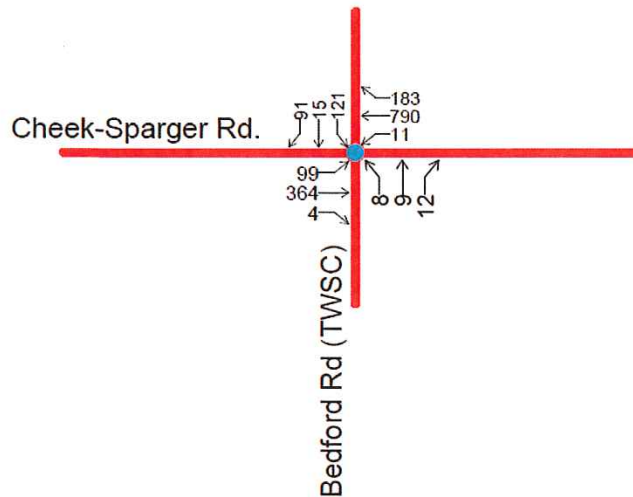


Kimley-Horn Preliminary Roundabout Design and Feasibility Study



Mr. Randall Johnson
December 12, 2012
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Figure 4 – Projected Turning Movement Counts – PM Peak Hour – Build Out



EXISTING (2012) AND FUTURE (BUILD OUT) TRAFFIC DELAYS

KHA used Highway Capacity Software (HCS) and special software developed to analyze new modern roundabouts (SIDRA 5.1 and RODEL) to estimate delays and Level of Service (LOS) for vehicles entering the intersection in 2012 and future (Build Out). The following intersection control conditions were studied: two-way stop (existing control), signalized, single-lane roundabout (SLR), single-lane roundabout with a westbound right-turn bypass lane, single-lane roundabout with westbound and southbound right-turn bypass lanes and a two-lane roundabout.

Table 2 provides a comparison of the results of the Level of Service analysis which we performed for the PM Peak Hour during the future Build Out year. A single-lane roundabout provides an overall intersection Level of Service of B with only the north approach (southbound) on Bedford Road experiencing a LOS of D. This D is still better than the existing two-way stop control and better than that provided by a signal. The single-lane roundabout provides a better level of service in each approach and for the intersection overall. The printout of the SIDRA 5.1 analysis of the single-lane roundabout is provided as Attachment A.

Kimley-Horn Preliminary Roundabout Design and Feasibility Study



Kimley-Horn
and Associates, Inc.

Mr. Randall Johnson

December 12, 2012

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Table 2-Future (Build Out) PM Peak Hour Level of Service for Alternative Intersection Controls

Intersection Control	Intersection	EB	WB	NB	SB
Two-way Stop	F	A	A	F	F
Signal	D	B	D	C	D
Single-lane Roundabout	B	A	B	B	D

LEVEL OF SERVICE ANALYSIS GENERAL NOTES:

2012 Existing (Base) volumes are from May 2012 count by KHA.

Future (Build Out) PM Peak Hour volumes are the 2012 existing volumes grown for 5 years at an 1% annual rate, plus the Heritage Farms site-generated traffic.

Two-way stop control analysis uses 2010 HCM procedure as performed by Synchro 8 software.

Signalized analysis uses 2010 HCM procedure as performed by Synchro 8 software.

Roundabout analysis uses SIDRA Intersection 5.1.5.2006 software, Level of Service (LOS) Method: Delay(HCM 2000).

FINDINGS AND CONCLUSIONS

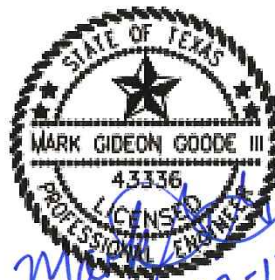
Based on information available at the present time, a single-lane roundabout will accommodate the existing and build out traffic at acceptable levels of service (a concept drawing is provided as Attachment B). A multi-lane roundabout provides a higher level of service, but the existing right-of-way and drainage structures would need to be altered at an expense that we believe is not justified.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

(Texas Registered PE Firm #928)

Mark G. Goode, III, P.E. (TX)
Senior Project Manager



Mark G. Goode III
12-13-2012

ATTACHMENT A-Build Out PM SIDRA Model - 12-13-12

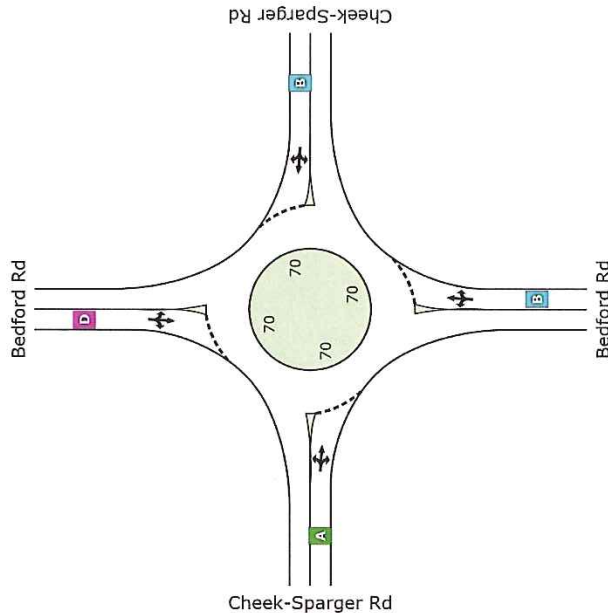
ATTACHMENT B-CS-Bedford_Roundabout_20121212

Kimley-Horn Preliminary Roundabout Design and Feasibility Study

Site: 2017 PM

LEVEL OF SERVICE SUMMARY

Colleyville, Texas - Single Lane Roundabout (SLR)
Roundabout



LOS	South	East	North	West	Intersection
	B	B	D	A	B

Level of Service (LOS) Method: Delay (HCM 2000).
Roundabout LOS Method: Same as Signalized Intersections.
Lane LOS values are based on average delay per lane.
Intersection and Approach LOS values are based on average delay for all lanes.

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Kimley-Horn Preliminary Roundabout Design and Feasibility Study

INTERSECTION SUMMARY

Colleyville, Texas - Single Lane Roundabout (SLR)
Roundabout

Site: 2017 PM

Intersection Performance - Hourly Values

Performance Measure	Vehicles	Pedestrians
Demand Flows (Total)	1855 veh/h	2227 pers/h
Percent Heavy Vehicles	2.0 %	
Degree of Saturation	0.951	
Practical Spare Capacity	-10.7 %	
Effective Intersection Capacity	1950 veh/h	
Control Delay (Total)	7.70 veh-h/h	9.24 pers-h/h
Control Delay (Average)	14.9 sec	14.9 sec
Control Delay (Worst Lane)	38.8 sec	
Control Delay (Worst Movement)	40.8 sec	40.8 sec
Stochastic Delay (Average)	31.5 sec	
Stochastic Delay (Worst Lane)	11.1 sec	
Intersection Level of Service (LOS)	LOS B	
95% Back of Queue - Vehicles (Worst Lane)	31.4 veh	
95% Back of Queue - Distance (Worst Lane)	798.2 ft	
Total Effective Stops	1510 veh/h	1812 pers/h
Effective Stop Rate	0.81 per veh	0.81 per pers
Proportion Queued	0.89	0.89
Performance Index	55.9	55.9
Travel Distance (Total)	645.0 veh-m/h	773.8 pers-m/h
Travel Distance (Average)	184.7 ft	184.7 ft
Travel Time (Total)	57.3 veh-h/h	57.3 pers-h/h
Travel Time (Average)	57.3 sec	57.3 sec
Travel Speed	22.0 mph	22.0 mph
Cost (Total)	528.16 \$/h	528.16 \$/h
Fuel Consumption (Total)	31.5 gal/h	
Carbon Dioxide (Total)	298.2 kg/h	
Hydrocarbons (Total)	0.499 kg/h	
Carbon Monoxide (Total)	20.99 kg/h	
NOx (Total)	0.615 kg/h	

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Intersection LOS value for Vehicles is based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model used.

Intersection Performance - Annual Values

Performance Measure	Vehicles	Pedestrians
Demand Flows (Total)	88,089 veh/y	1,068,730 pers/y
Delay	3,686 veh-h/y	4,435 pers-h/y
Effective Stops	724,770 veh/y	869,710 pers/y
Travel Distance	311,525 veh-m/y	373,830 pers-m/y
Travel Time	14,180 veh-h/y	17,016 pers-h/y
Cost	253,515 \$/y	253,515 \$/y
Fuel Consumption	15,111 gal/y	
Carbon Dioxide	143,119 kg/y	
Hydrocarbons	239 kg/y	
Carbon Monoxide	10,076 kg/y	
NOx	295 kg/y	

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INTERSECTION

Kimley-Horn Preliminary Roundabout Design and Feasibility Study

MOVEMENT SUMMARY

Colleyville, Texas - Single Lane Roundabout (SLR)
Roundabout

Site: 2017 PM

Movement Performance - Vehicles											
Mov/ID	Turn	Demand Flow veh/hr	HV %	Dep. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance ft	Prop. Queued	Effective Stop Rate per veh	Average Speed mph
South: Bedford Rd											
3	L	9	2.0	0.060	14.1	LOS B	0.3	8.3	0.71	0.82	23.1
8	T	10	2.0	0.060	8.5	LOS A	0.3	8.3	0.71	0.67	24.5
18	R	13	2.0	0.060	9.7	LOS A	0.3	8.3	0.71	0.71	24.3
Approach		32	2.0	0.060	10.6	LOS B	0.3	8.3	0.71	0.73	24.0
East: Cheek-Sparger Rd											
1	L	12	2.0	0.951	16.4	LOS B	31.4	798.2	1.00	0.81	21.0
6	T	859	2.0	0.951	13.5	LOS B	31.4	798.2	1.00	0.81	22.8
16	R	199	2.0	0.951	14.8	LOS B	31.4	798.2	1.00	0.81	22.5
Approach		1070	2.0	0.951	13.8	LOS B	31.4	798.2	1.00	0.81	22.5
North: Bedford Rd											
7	L	132	2.0	0.797	40.8	LOS D	8.7	221.4	1.00	1.32	15.7
4	T	16	2.0	0.797	37.1	LOS D	8.7	221.4	1.00	1.32	15.3
14	R	89	2.0	0.797	36.4	LOS D	8.7	221.4	1.00	1.32	15.9
Approach		247	2.0	0.797	38.8	LOS D	8.7	221.4	1.00	1.32	15.7
West: Cheek-Sparger Rd											
5	L	108	2.0	0.524	10.4	LOS B	4.7	118.6	0.62	0.77	24.8
2	T	396	2.0	0.524	4.8	LOS A	4.7	118.6	0.62	0.53	25.7
12	R	4	2.0	0.524	6.7	LOS A	4.7	118.6	0.62	0.61	25.5
Approach		508	2.0	0.524	6.0	LOS A	4.7	118.6	0.62	0.58	25.5
All Vehicles		1855	2.0	0.951	14.9	LOS B	31.4	798.2	0.89	0.81	22.0

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model used.

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Kimley-Horn Preliminary Roundabout Design and Feasibility Study

LANE SUMMARY

Colleyville, Texas - Single Lane Roundabout (SLR)
Roundabout

Site: 2017 PM

Lane Use and Performance																
Approach	Demand Flows			Total veh/h	HV %	Cap. veh/h	Deg. Satn v/c	Lane Util. %	Average Delay sec	Level of Service	95% Back of Queue veh	Distance ft	Lane Length ft	SL Type	Cap. Adj. %	Prob. Block %
	L veh/h	T veh/h	R veh/h													
South: Bedford Rd																
Lane 1	9	10	13	32	2.0	524	0.060	100	10.6	LOS B	0.3	8.3	100	-	0.0	0.0
Approach	9	10	13	32	2.0		0.060		10.6	LOS B	0.3	8.3				
East: Cheek-Sparger Rd																
Lane 1	12	859	199	1070	2.0	1124	0.951	100	13.8	LOS B	31.4	798.2	100	-	0.0	100.0
Approach	12	859	199	1070	2.0		0.951		13.8	LOS B	31.4	798.2				
North: Bedford Rd																
Lane 1	132	16	99	247	2.0	310	0.797	100	38.8	LOS D	8.7	221.4	100	-	0.0	39.2
Approach	132	16	99	247	2.0		0.797		38.8	LOS D	8.7	221.4				
West: Cheek-Sparger Rd																
Lane 1	108	396	4	508	2.0	969	0.524	100	6.0	LOS A	4.7	118.6	100	-	0.0	10.3
Approach	108	396	4	508	2.0		0.524		6.0	LOS A	4.7	118.6				
Intersection				1855	2.0		0.951		14.9	LOS B	31.4	798.2				

Level of Service (LOS) Method: Delay (HCM 2000).
Roundabout LOS Method: Same as Signalised Intersections.
Lane LOS values are based on average delay per lane.
Intersection and Approach LOS values are based on average delay for all lanes.
Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model used.

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ROUNDABOUT EXHIBIT
PREPARED FOR
CIRRRUS HEALTH

CHEEK-SPARGER & BEDFORD
CITY OF COLLEVILLE, TX

DRAFT DEC. 12, 2012

CHEEK-SPARGER RD
BEDFORD RD
BEDFORD CT

14 MPH
15 MPH
20 MPH
21 MPH

N
E
S
W

Technical drawing of a road intersection, likely a roundabout or a complex junction. The drawing shows lane markings, traffic flow, and vehicle dimensions. The intersection is marked with yellow and blue lines. A large 'D' shape is visible on the left side of the drawing. The drawing includes a title block with the following information:

DATE: _____
 CHECKED BY: _____
 DRAWN BY: _____
 DESIGNED BY: _____
 SCALE (H): 1"=50'
 SCALE (V): NONE

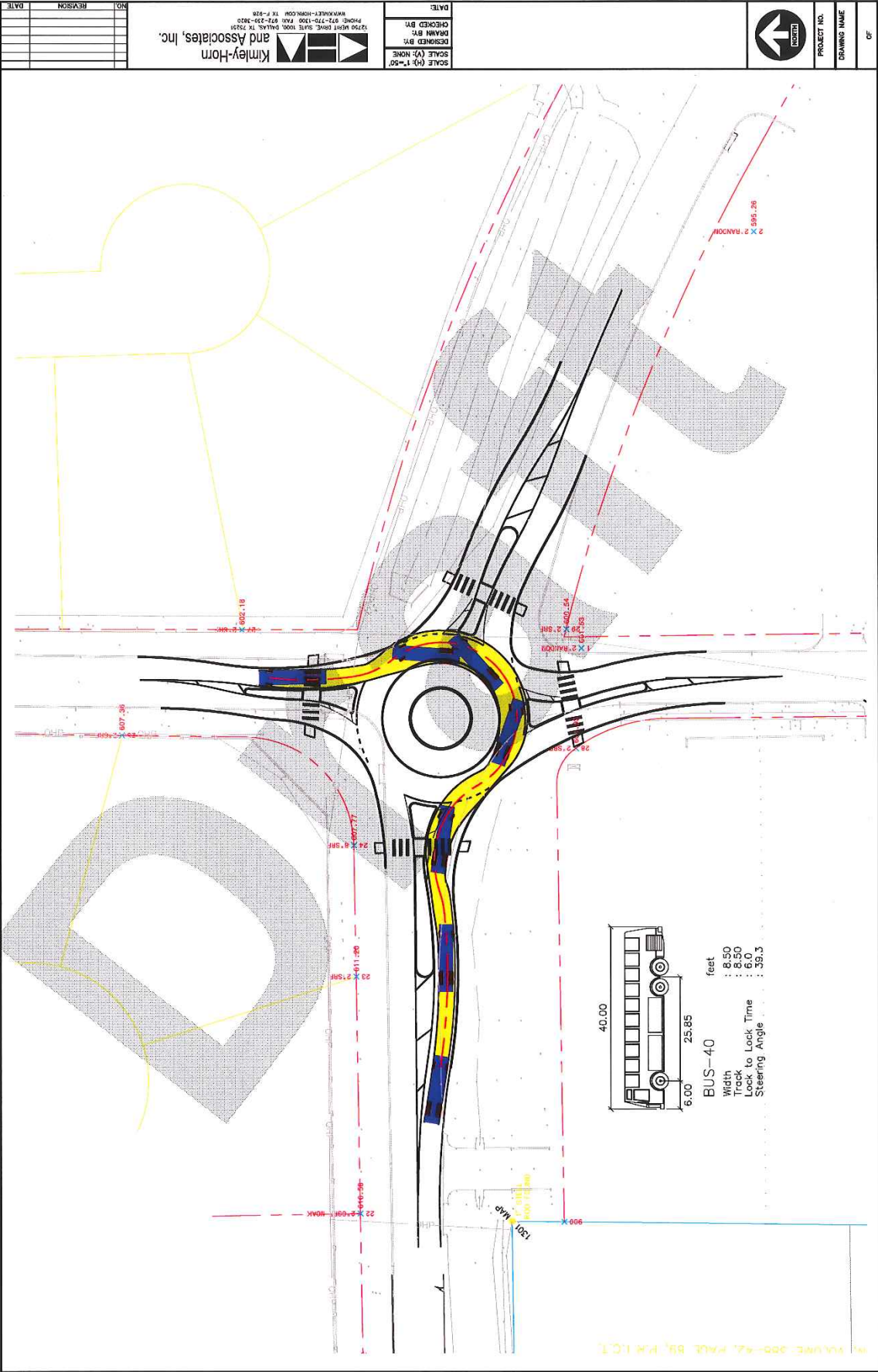
Kimley-Horn
 and Associates, Inc.
 17500 KIMLEY-HORN DRIVE, SUITE 1000, DALLAS, TX 75248
 PHONE: 972-770-1300 FAX: 972-770-1300
 WWW.KIMLEY-HORN.COM TX-1-203

PROJECT NO. _____
 DRAWING NAME _____

Vehicle dimensions and specifications:

Parameter	Value
Tractor Width	7.50
Tractor Length	42.50
Trailer Width	3.00
Trailer Length	35.50
Trailer Track	12.50
Lock to Lock Time	: 6.00
Steering Angle	: 17.7
Articulating Angle	: 70.0

Kimley-Horn Preliminary Roundabout Design and Feasibility Study



[illegible]

ORDINANCE O-12-1832

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 7.99 ACRES ON LOTS 3 AND 4, BLOCK 1 AND LOTS 1-6, BLOCK 2 OF THE SOUTHGATE ADDITION AND 11.8 ACRES ON TRACTS 5A, 5A1, 5A1A, 5A1B, 5A2A, 5A02B, 5A2C, 5A02D, 5A02E OF ABSTRACT 339 OF THE ALLEN CHRISTIAN SURVEY AND TRACTS 1, 1A AND 1B OF ABSTRACT 1077 OF THE L.L. McLAIN SURVEY FROM THE AG-AGRICULTURAL AND R40-SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL 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 request under Case No. ZC12-007; 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 7.99 acres on Lots 3 and 4, block 1 and Lots 1-6, Block 2, of the Southgate Addition and 11.8 ACRES on Tracts 5A, 5A1, 5A1A, 5A1B, 5A2A, 5A02B, 5A2C, 5A02D, 5A02E of Abstract 339 of the Allen Christian Survey and Tracts 1, 1A and 1B of Abstract 1077 of the L.L. McLain survey from the AG-Agricultural and R40-Single Family Residential Zoning District to the PUD-C-Planned Unit Development Commercial zoning district, as depicted on Exhibit "A" and described on Exhibit "B" and Exhibit "C".
- Sec. 3. THAT the above described tract of land shown on Exhibit "A" 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 purpose of this PUD-C is for a mixed use development consisting of retail and medical office uses on 1.2 acres on the northeast corner of Cheek-Sparger Road and Wayne Drive and a senior housing development on the remaining 17.2 acres with a combination of independent living, assisted living, and memory care.
- b. This facility shall be licensed as a Type A and/or Type B Assisted Living Center by the Texas Department of Aging and Disability Services as required by the Assisted Living Facility Licensing Act. Proof of such licensing shall be required prior to the issuance of a Certificate of Occupancy for this property.
- c. This property is subject to all the regulations contained in the Land Development Code, except where amended by this Ordinance.

2. LAND USE

- a. The commercial uses allowed by this PUD shall include all land uses in the CC1-Village Retail zoning district only and shall not exceed 15,000 square feet total.
- b. Type "A" and Type "B" assisted living facilities are permitted with a maximum of 74 units for assisted living uses and a maximum of 45 beds for memory care uses.
- c. A maximum of 162 multifamily independent living units are permitted as depicted in Exhibit "D".
- d. All residential units permitted by this PUD shall only be occupied by persons who are age 55 or older per the requirements of the United States Department of Housing and Urban Development.

3. HOURS OF OPERATION

- a. Deliveries to the facility for food service and general delivery will be restricted to 7:00 a.m. to 6:00 p.m. daily.

4. CONCEPTUAL PLAN AND PLATTING

- a. The development shall be generally consistent with Exhibit "D", which shall not be considered the preliminary plat.
- b. The developer shall submit, and receive approval from the City of Colleyville, a replat in accordance with the requirements of the Land Development Code prior to development of this PUD-C.

5. BUILDINGS

- a. The maximum square footage for the retail/office facility for this development shall be 15,000 square feet.
- b. Building elevations shall be consistent with the elevations shown on Exhibit "E".
- c. All buildings allowed for this development shall not exceed two and one-half stories in height and 35 feet.
- d. There shall be a ten foot building setback along Cheek-Sparger Road. Otherwise all building setbacks shall comply with minimum requirements of the Land Development Code.
- e. The exterior wall of the buildings in this development shall be as follows:

The Homestead (office/retail): 100 percent masonry minimum

The Inn (assisted living): 50 percent masonry minimum

The Residences (independent living): 50 percent masonry minimum

All buildings shall, at a minimum, meet the provisions of Chapter 6-Building Design in the Land Development Code.

6. OPEN SPACE

- a. This development shall provide a minimum of 54 percent

common open space, as shown on Exhibit "D" and all open space areas shall be landscaped and maintained by the property owner.

- b. All landscaping shall comply with Chapter 4-Landscaping in the Land Development Code.

7. SIDEWALKS

- a. The sidewalk along Cheek-Sparger Road must be at least five (5) feet wide. The sidewalk along Wayne Drive and Bedford Court must be at least four (4) feet wide. The sidewalk must be installed when any new structures are built on the property.

8. PARKING AND ACCESS

- a. This development shall be allowed to have a minimum of 282 parking spaces.
- b. All parking shall be mutually accessible and available across all uses within this development.
- b. As depicted on Exhibit "D", two 24 foot public access and fire lane easements shall be located within the development such that they connect Wayne Drive to a single access point at the southern terminus of the Bedford Court right-of-way boundary. Said easements shall be included on the final plat for the subject property.

9. LIGHTING

- a. All lighting shall be directed away from adjacent residential properties. Illumination from light poles shall not exceed 0.5 foot-candles as measured from any portion of the property line.

10. FENCING

- a. An eight (8) foot fence, which shall be a preponderance of masonry materials, with other materials allowed as necessary to protect trees or as needed in regard to other considerations, shall be constructed along the south and

east property lines adjacent to the existing residential uses located in the City of Bedford.

- b. All decorative split-rail fencing throughout the property shall be no more than 36 inches in height.
- c. All decorative stone walls throughout the property shall be no more than 42 inches in height.

11. SIGNAGE

- a. All monument signs shall meet the minimum requirements of the Land Development Code.

12. DUMPSTER ENCLOSURE

- a. The dumpster enclosure elevations shall be composed of masonry materials and be generally consistent with Exhibit "F".
- b. All requirements of the Land Development Code shall be met, except where amended herein.

13. PUBLIC IMPROVEMENTS

- a. In lieu of constructing any required perimeter street improvements, the developer shall construct the following roadway improvements: (1) improve the intersection of Cheek-Sparger Road and Bedford Road/Bedford Court such that it may result in the construction of a roundabout; (2) add a right-turn only lane to northbound Wayne Drive where it intersects Cheek-Sparger Road.
- b. Given the requirements of Section "a" above, prior to the acceptance of any plat applications as required by this ordinance, the developer shall submit a City/Developer Agreement (CDA) for a approval by the City Council that, at a minimum, addresses the following areas:
 - (1) Total estimated cost, scope, feasibility and traffic impact of the construction of a roundabout at Bedford Road/Court and Cheek-Sparger and a northbound right-turn lane at

the intersection of Wayne Drive and Cheek-Sparger Road as determined by a registered professional engineer in the State of Texas;

- (2) Plans and details of a schedule for reimbursement of construction costs to the developer by the City or waiver of fees;
- (3) Clear delineation of duties and responsibilities with regard to right-of-way acquisition, construction, inspections, maintenance of all proposed public improvements.
- (4) Any existing escrowed funds for future roadway improvements to Wayne Drive, Cheek-Sparger Road and Bedford Road/Bedford Court paid by the developers of any properties within 2,000 feet of the subject property within the preceding ten years are hereby eligible to be applied toward the roadway improvements described above provided a written affidavit is submitted to the City of Colleyville from the developer that paid said escrow approving the use of said escrow funds for the roadway improvements described above.
- (5) Any change to the terms of this section shall require an amendment to this ordinance.

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.

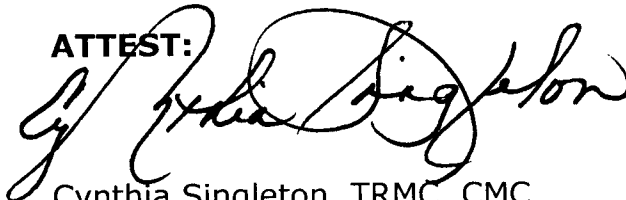
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of April 2012.

The second reading and public hearing being conducted on the 1st day of May 2012.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 15th day of October 2012.

ATTEST:



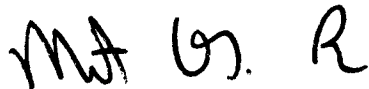
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

EXHIBIT "A" – Location and Zoning Map

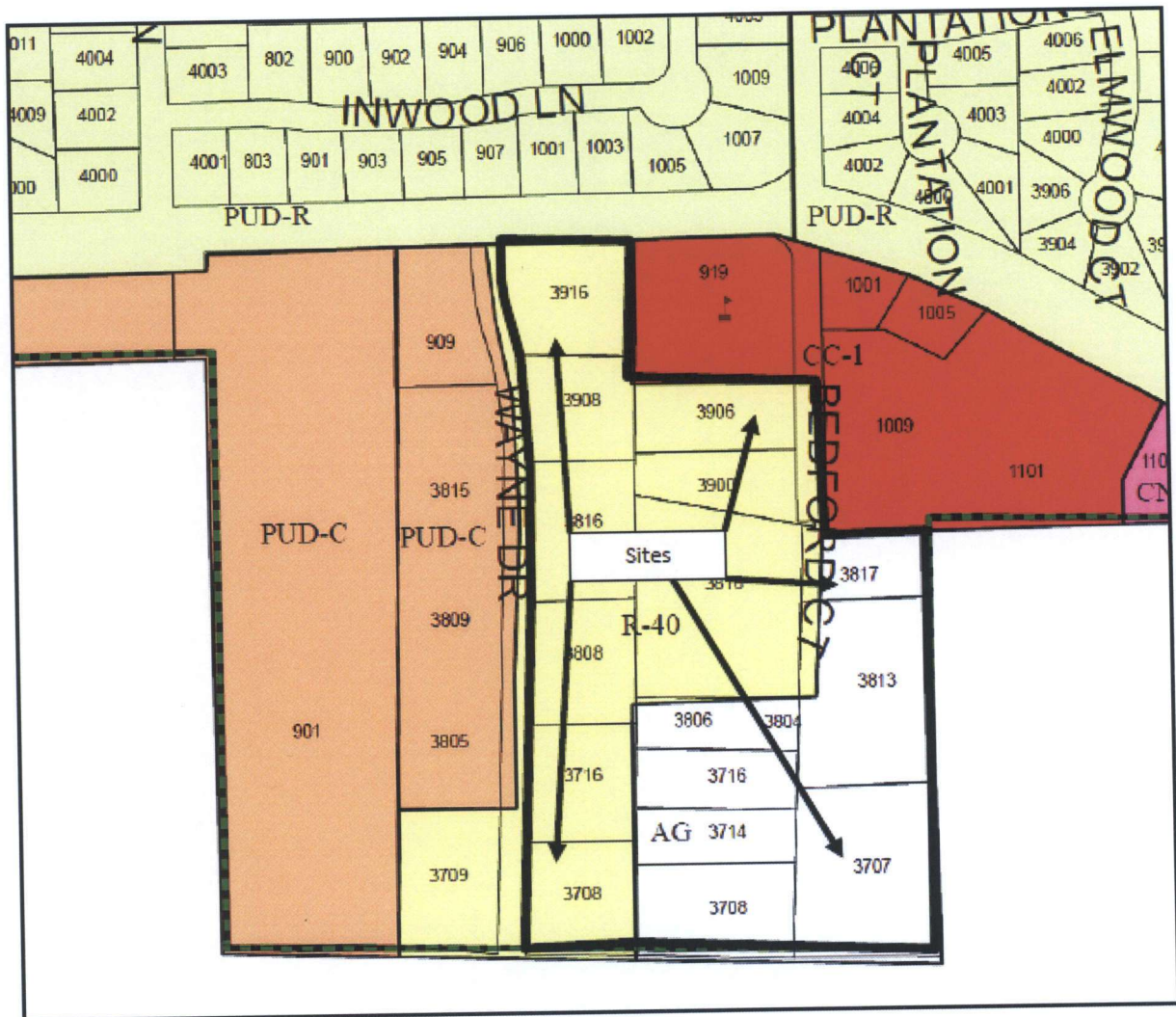


EXHIBIT "B" – Property Description

DESCRIPTION, of a 19.862 acre tract of land situated in the Allen Christian Survey, Abstract No. 339, Tarrant County, Texas; said tract being all of Lots 3 and 4, Block 1, part of County Road No. 3081 (now Bedford Court, a 65-foot right-of-way) and County Road No. 3124 (now Cheek Sparger Road, a variable width right-of-way), Southgate Addition, an addition to the City of Colleyville, Texas according to plat recorded in Volume 388-29, Page 143, all of Lots 1 through 6, Block 2, part of Wayne Drive (a 60-foot right-of-way) Southgate Addition, an addition to the City of Colleyville, Texas according to plat recorded in Volume 388-42, Page 69 both of the Plat Records of Tarrant County, Texas; said tract also being all of a tract of land described in General Warranty Deed to CCDCW, LP recorded in Instrument Number D2063759233, all of a tract of land described as Tract I and Tract II in Warranty Deed to Larry Keith Chatham, David L Meadows, Kem Meadows, Carole Shaw recorded in Instrument Number D205387156, all of a tract of land described in Warranty Deed to Covenant Christian Academy recorded in Instrument Number D207003805, all of a tract of land described in Warranty Deed With Vendor's Lien to Kevin J. Wolfe and Larry Keith Chatham recorded in Instrument Number D207003803, all of a tract of land described in Warranty Deed With Vendor's Lien to CCDCW, LP recorded in Instrument Number D208004590, all of a tract of land described in Warranty Deed With Vendor's Lien to CCDCW, LP recorded in Instrument Number D208115123, all of a tract of land described in General Warranty Deed to Keith Chatham recorded in Instrument Number D206148429, all of a tract of land described in General Warranty Deed to CCDCW, LP recorded in Instrument Number D206375924, all of a tract of land described in Warranty Deed to CCDCW, LP recorded in Instrument Number D208004594, all of a tract of land described in Warranty Deed With Vendor's Lien to CCDCW, LP recorded in Instrument Number D208004592, all of a tract of land described in Warranty Deed With Vendor's Lien to CCDCW, LP recorded in Instrument Number D208082463, all of the Deed Records of Tarrant County, Texas; said 19.862 acre tract being more particularly described as follows:

BEGINNING, at a point for corner, said point being northwest corner of Block 12, Bedford Place, Section II, an addition to the City of Bedford, Tarrant County, Texas according to the plat recorded in Volume 388-136, Page 11 of said Plat Records and being in the south line of Lot 3, Block 1, Tara Addition, an addition to the City of Colleyville according to the plat recorded in Volume 388-192, Page 86 of said Plat Records;

19.682 ACRE TRACT
(Continued)

THENCE, South 00 degrees, 45 minutes, 12 seconds West, departing the said south line of said Lot 3, Block 1 and along the said west line of said Block 12, a distance of 830.79 feet to a point for corner; said point being the northeast corner of a tract of land described in General Warranty Deed to David Meadows and wife, Kem Meadows recorded in Instrument Number D208382171, of said Deed Records;

THENCE, North 87 degrees, 10 minutes, 00 seconds West, departing the said west line of said Block 12 and along the north line of said Meadows tract, at a distance of 763.00 feet passing a point for the northwest corner of said Meadows tract; said point being in the east right-of-way line of said Wayne Drive, continuing in all a total distance of 793.01 feet to a point for corner; said point being in the centerline of said Wayne Drive;

THENCE, along the said centerline of Wayne Drive the following five (5) calls:

North 01 degrees, 38 minutes, 00 seconds East, a distance of 931.85 feet to a point for corner; said point being the beginning of a non-tangent curve to the left;

In a northwesterly direction, along said curve to the left, having a central angle of 14 degrees, 03 minutes, 17 seconds, a radius of 804.76 feet, a chord bearing and distance of North 05 degrees, 31 minutes, 19 seconds West, 196.92 feet, an arc distance of 197.41 feet to a point at the end of said curve;

North 13 degrees, 00 minutes, 46 seconds West, a distance of 29.87 feet to a point for corner; said point being the beginning of a non-tangent curve to the right;

In a northwesterly direction, along said curve to the right, having a central angle of 12 degrees, 39 minutes, 39 seconds, a radius of 676.64 feet, a chord bearing and distance of North 06 degrees, 12 minutes, 50 seconds West, 149.22 feet, an arc distance of 149.52 feet to a point at the end of said curve;

North 00 degrees, 07 minutes, 00 seconds East, a distance of 53.61 feet to a point for corner; said point being in the centerline of said Cheek Sparger Road;

THENCE, Due East, a distance of 276.69 feet to a point for corner;

THENCE, South 01 degrees, 38 minutes, 00 seconds West, at a distance of 60.02 feet passing a point for the northwest corner of Lot 1-R, Block 1, Southgate Addition, an addition to the City of Colleyville according to the plat recorded in Instrument Number D197041345, of said Deed Records; said point being in the south right-of-way line of said Cheek Sparger Road, continuing along the west line of said Lot 1-R, Block 1 and departing the said south line of Cheek Sparger Road, in all a total distance of 304.21 feet to a point for corner; said point being the southwest corner of said Lot 1-R, Block 1;

THENCE, South 89 degrees, 59 minutes, 50 seconds East, along the south line of said Lot 1-R, Block 1, at a distance of 301.30 feet a point for the southeast corner of said Lot

19.682 ACRE TRACT
(Continued)

1-R, Block 1; said point being in the west line of said Bedford Court, continuing in all a total distance of 333.80 feet to a point for corner; said point being in the centerline of said Bedford Court;

THENCE, South 00 degrees, 11 minutes, 09 seconds West, along the said centerline of Bedford Court, a distance of 260.69 feet to a point for corner; said point being in the terminus of said Bedford Court;

THENCE, South 89 degrees, 25 minutes, 01 seconds East, along the said terminus of Bedford Court, at a distance of 32.50 feet passing a point for the southwest corner of said Lot 3, Block 1, continuing along said south line of said Lot 3, Block 1 in all a total distance of 217.16 feet to the POINT OF BEGINNING;

CONTAINING, 865,205 square feet or 19.862 acres of land, more or less.

EXHIBIT "C" – Statement of Planning Objectives

Heritage Farms

Introduction

As the City of Colleyville and surrounding communities move further into the 21st century, the number of residents in the community over the age of 65 is projected to increase. Based on our study of the market and its demographic trends, the total population of residents age 65+ within the greater Colleyville area has increased 54.5% from 2000 to 2009; it's expected to increase another 43.2% by 2014. *This localized rate of increase is more than double the average rate found within the State of Texas (19%).*

We are addressing this need by developing Heritage Farms. This new 'pocket neighborhood' will be geared towards a population of seniors fifty-five years of age and above, and features a continuum of care in three distinct environments: independent living, assisted living, and memory care. The unique philosophy of Heritage Farms is 'hospitality informed by health care', where residents are treated more like guests of a nice hotel. This new approach will yield a level of service, coupled with enriching living environments and amenities, where one can embrace a transformational lifestyle - not simply where one goes to retire.

Design Concept

The architecture of Heritage Farms begins with an understanding of Colleyville's history as a community of farms and settlements connected by country roads, all built in a vernacular style that reflected the timeless values of those early pioneers. There is a certain charm and comfort inherent in that style, and many of us associate those images with the concept of 'home'. We have a unique opportunity on this site to recapture the concept of 'home' for seniors, and pay homage to Colleyville's early historical structures that were indicative of regional construction prominent in the early 20th century, such as the City's restored Webb House. Through careful site planning, building design, and landscape design, the development team is committed to seeing this concept through in the exterior and interior of the buildings, as well as in the motor courts, common areas and courtyards. Only through this cohesive approach can we honor a time that truly reflects the heritage and history of Colleyville.

From the moment one arrives on the site, guests and residents will see an architecture that connects to its community. The fencing will be split-rail, the building exteriors will include a mix of board-and-batten and stone, and the landscaping will have an assortment of trees and grasses that reinforce a sense of relaxation and comfort.

We will preserve many of the large trees and over 47% of the open space around the site in order to create a 'sense of place' on day one. A significant number of the existing trees along the southern and eastern property lines will be protected in an effort to provide an enhanced landscape buffer between the existing Bedford residents and the new

EXHIBIT "C" – Statement of Planning Objectives (Continued)

senior living residents. The existing fencing along these two property lines will be re-built with stained cedar. The development program is spread across three different areas of the site, each with a distinct name and function:

I - The Homestead at Heritage Farms (15,000 SF of Retail and Office)

The vision of The Homestead building is that it could have been the original iconic estate house of Heritage Farms, now re-purposed for commercial use. The architectural style and scale is appropriate for its location and it provides a transition from the residential neighborhoods along Cheek-Sparger to the commercial and educational buildings along Wayne Drive. The one- and two-story structure is intended to be used for general office, medical office, and retail purposes, providing access to services for those residents living on the property, as well as to those within the Colleyville area.

The Homestead's main elevation addresses Cheek-Sparger as the primary street, while also providing for a second vehicular entry from Wayne Drive to the motor court on the south side of the building. Signature landscaping and guest parking is provided, although the intention is that most of the visitors walk or take the shuttle from other buildings within the campus to lessen the need for excess parking. The floor plan of the building is in the shape of an 'L', a nod to the historic Webb House that also has this configuration.

II - The Inn at Heritage Farms (74 Assisted Living Units & 45 Memory Care Units)

Addressing the need for specialized health care and resident services, the assisted living and memory care components are contained within The Inn at Heritage Farms, located along Wayne Drive just south of The Homestead. The Inn is distinguished by its own entry court framed by landscaped walls and an iconic entry feature. The architecture is consistent with early rural wood-framed structures, with simple massing, clean forms and roof shapes, and a classic vernacular style with a human scale.

The Inn will have 74 assisted living units on two levels and 45 memory care units on one level. The facility will be designed for a 'Type B' license. Operating hours will be 24/7, primarily to accommodate visitation by outside family members. Service deliveries will typically occur between the hours of 7am & 6pm, and will be screened by wings of the building.

The common areas for assisted living will contain functions such as reception, kitchen, dining, and salon. Residents will have access to exterior courtyards for recreation and therapy. All floors will be attended by registered nursing aides, who will provide care and assistance as needed.

The memory care units are arranged around internal common activity areas and central private courtyards. The private courtyards will be secure and monitored, as required by the Texas Department for Aging and Disabilities, in order to prevent residents from leaving the memory care areas.

EXHIBIT "C" – Statement of Planning Objectives (Continued)

III - The Residences at Heritage Farms

(162 Independent Living Residences)

Located south of the assisted living and memory care building, The Residences at Heritage Farms will feature 150 age-qualified independent living homes for residents age 55 years and older, as well as an assortment of amenities. Residents will be provided with a selection of recreational activities, dining options, activity areas, and wellness programs, including landscaped courtyards with outdoor pool and spaces for entertaining.

The building is generally two stories, but does increase in height to three stories at its center to provide some visibility to and from Cheek-Sparger Road. The architectural style is once again similar to that of The Inn, maintaining the concept of a cohesive farm vernacular. Operating hours will be 24/7, with service and deliveries typically occurring between the hours of 7am & 6pm.

Development Schedule

PHASE 1

- The Homestead at Heritage Farms: 15,000 SF of office/retail
- The Inn at Heritage Farms: 74 assisted living units, 45 memory care units
- Construction Complete: 1st Quarter, 2014

PHASE 2

- The Residences at Heritage Farms: 162 independent living residences
- Construction Complete: 2nd Quarter, 2016

EXHIBIT "C" – Statement of Planning Objectives (Continued)

Pedestrian Connections

Keeping seniors an active part of the community will be an important concept at Heritage Farms. Social programs and organized trips into the community will certainly be a few of the ways our seniors stay connected with friends and relatives, but our intention is to go beyond those typical programs. Through the use of walking trails and outdoor amenity areas, we will also enable our residents to make pedestrian connections to their surrounding neighborhood. Not only is walking a terrific way to stay fit, but it's also one of the best ways to meet and greet new neighbors. Our residents will have the ability to interact with the Bedford residents to the south, the school teachers and kids to the west, and Tara Village Retail to the north. As the city trail system is finished along Cheek-Sparger, our residents will also be able to enjoy a walk to Sparger Park.

Open Space Amenities

Outdoor amenities will be provided for residents, visitors, and neighbors. These amenities will include an outdoor pavilion and fountain, walking trails with benches, various courtyards, and an assortment of canopy and ornamental trees placed throughout the site for shade and comfort. The public landscape shall be rural in character, with vegetation and native grasses similar to the concept images.

Support for Retail in Colleyville

This new "pocket neighborhood" of seniors will bring a much needed boost to the tenants of Tara Village Shopping Center. The close proximity of Heritage Farms to the existing retail center enables our residents to drive, or even walk, a very short distance to have dinner, pick up their dry cleaning, or just do a little shopping. To the extent there is an unmet need for additional goods and services by our seniors, there may be opportunities for the owner of Tara Village to expand the current list of tenants.

Jobs for the Community

This project will create approximately 100 jobs for the local economy, 70 full-time and 30 part-time. These on-site positions will provide employment in a professional environment and a career path in management, nursing, or facility support.

Utility Provisions

Information obtained from sources at the City of Colleyville, Oncor, Atmos, and AT&T, have each verified there is adequate availability of water, sewer, storm, electric, gas, and phone services to the site.

Traffic Impact

Continuing care retirement centers are low traffic generators. Virtually all of the residents within the independent living portion of the facility are retired and no longer have a daily commute to and from work. Many no longer own a vehicle. Miscellaneous local travel for things like doctor appointments and running errands are done mostly as a group by facility-owned van. As for residents within the assisted living or memory care portion of the facility, they are even less likely to generate traffic, simply due to their advanced age and/or health condition.

Kimley-Horn & Associates, a national engineering firm who specializes in traffic planning and design, has performed additional traffic analysis for this project. A detailed report of the results has been provided to the City.

EXHIBIT "C" – Statement of Planning Objectives (Continued)

Through our conversations with city staff, we understand the intersection of Cheek-Sparger Road & Bedford Road to be a "Special Consideration Intersection", and is thus under consideration by the city for improvements such as signalization or roundabout. We believe a roundabout is the best option for this intersection, as it allows constant movement of east- and west-bound traffic along Cheek-Sparger Road. It will also enable easier north- and south-bound movements onto Cheek-Sparger Road from Bedford Road and Bedford Court.

As a way of funding the construction of the improvements at this intersection, we propose the use of roadway and water/sewer impact fees from Heritage Farms (fees yet to be assessed) and roadway impact fees from Covenant Christian Academy (fees already assessed). A detailed proposal of sources and uses has been provided to the City.

Economic Development

The project will provide a substantial public benefit to all taxing jurisdictions through the assessment of taxes. Below is the projected incremental¹ ad valorem and sales tax revenue over a 15-year period for each entity. (See attached spreadsheet for details)

AD VALOREM TAX REVENUE

City of Colleyville	\$ 2,049,721
Tarrant County	\$ 1,520,445
Tarrant County College	\$ 857,957
Tarrant County Hospital	\$ 1,312,518
HEB School District	\$ <u>8,143,594</u>
Total	\$ 13,884,234

SALES TAX REVENUE

City of Colleyville	\$ 512,590
---------------------	------------

1. Revenue totals are exclusive of ad valorem taxes assessed on current property.
There are no sales taxes on current property.

EXHIBIT "C" – Statement of Planning Objectives (Continued)

Summary of Architectural Guidelines

Development Program

- The Homestead (General Office, Medical Office, Retail) = 15,000 SF
- The Inn (Assisted Living and Memory Care) = 74 AL units, 45 MC units
- The Residences (Independent Living) = 162 homes

Building Setbacks

- 10'-0" setback along Cheek-Sparger Road
- 40'-0" setback along Wayne Drive (10' for The Homestead building)
- 25'-0" setback along east property line
- 25'-0" setback along south property line

Building Height

- The Homestead = maximum height of 35'-0"
- The Inn = maximum height of 35'-0"
- The Residences = maximum height of 35'-0"

Building Elevations

- The Homestead = minimum of 100% masonry
- The Inn = minimum of 50% masonry
- The Residences = minimum of 50% masonry

Parking

- The Homestead (General and Medical Office) = 1 per 300 SF
- The Inn (Assisted Living) = 1 per 2 units
- The Inn (Memory Care) = 1 per 2 units
- The Residences (Independent Living) = 1 per unit; covered parking may be provided for all resident and staff parking

Fences and Walls

- Privacy fencing along south and east property lines shall be constructed of 8'-0" stained cedar.
- Decorative split-rail fencing elsewhere on the property shall be no more than 36" in height (measured to the centerline of top rail); setback from property line shall be 0'-0"
- Decorative stone walls (non-retaining) shall be no more than 42" in height (measured to the top of wall); setback from property line shall be 0'-0"

Building Signage

- Size and shape of building signage shall be based on attached concept drawings; location per concept plan

Dumpster Enclosures

- Size and shape of dumpster enclosures shall be based on attached concept drawings; location per concept plan

HERITAGE FARMS
COLLEYVILLE, TEXAS
AUGUST 3, 2012

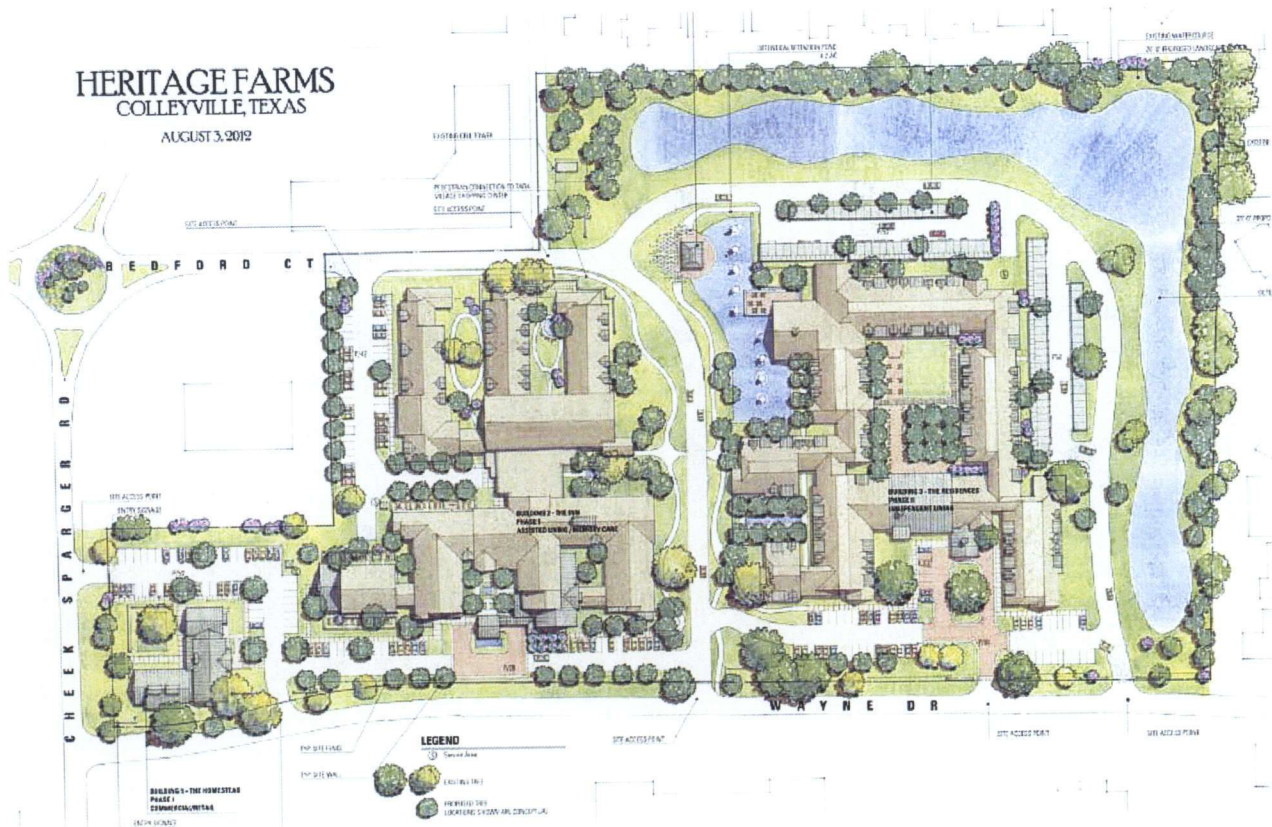
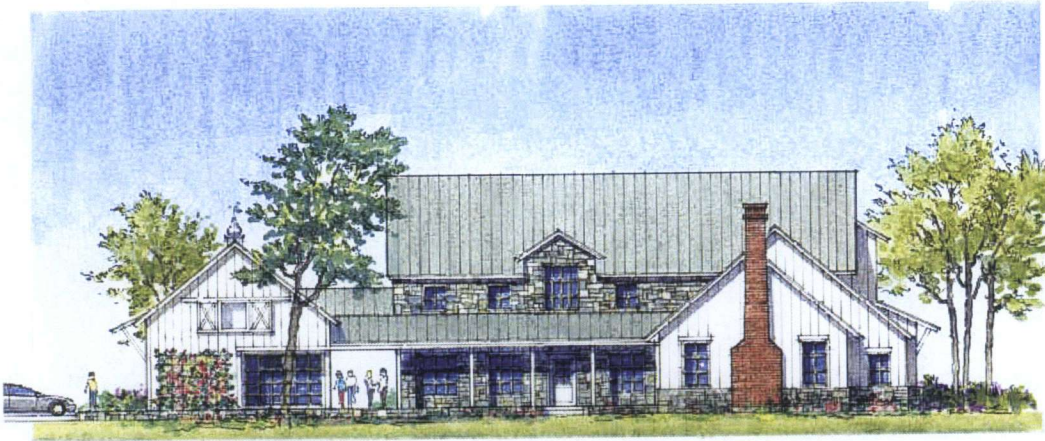


Exhibit "E" – Building Elevations



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THE HOMESTEAD at
HERITAGE FARMS

Conceptual Wayne Drive Elevation

All buildings not to exceed 35'-0" in height



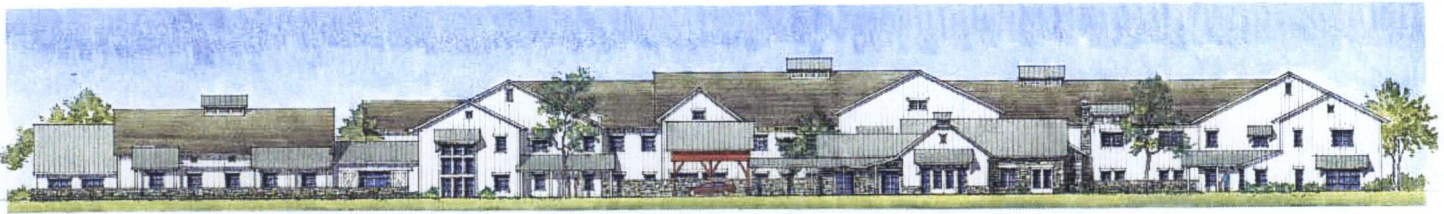
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THE HOMESTEAD at
HERITAGE FARMS

Conceptual Cheek-Sparger Elevation

All buildings not to exceed 35'-0" in height

Exhibit "E" – Building Elevations Continued



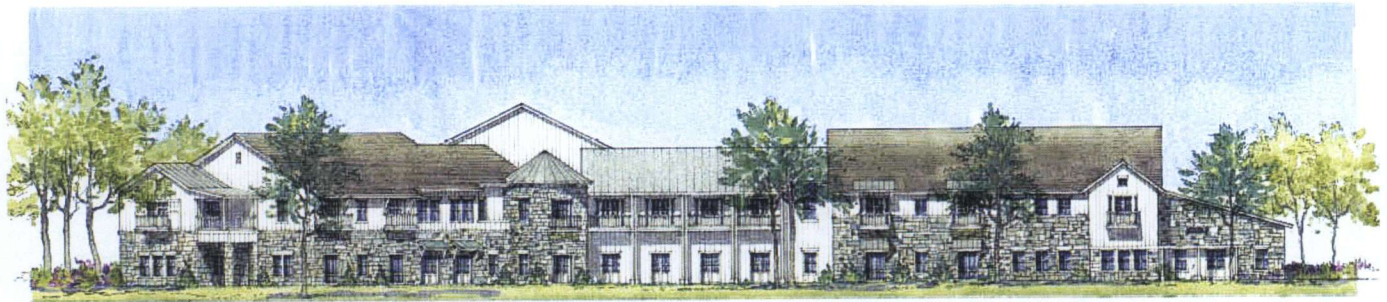
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THE INN at HERITAGE FARMS

Assisted Living and Memory Care

Conceptual Wayne Drive Elevation

All buildings not to exceed 35'-0" in height



scale: 1 : 20

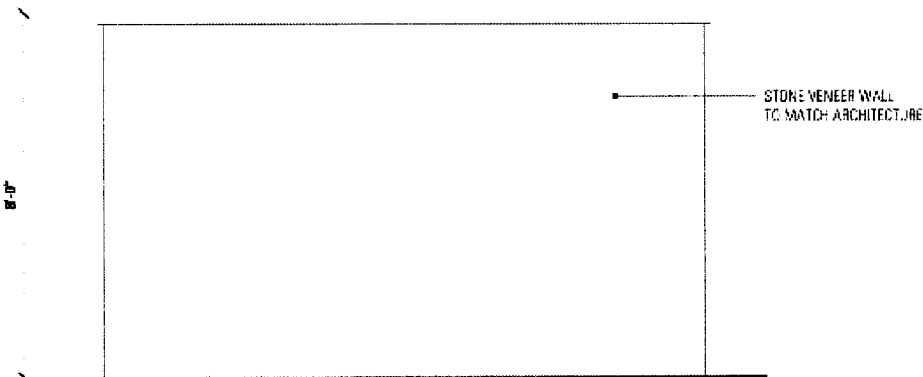
THE RESIDENCES at HERITAGE FARMS

Independent Living Residences

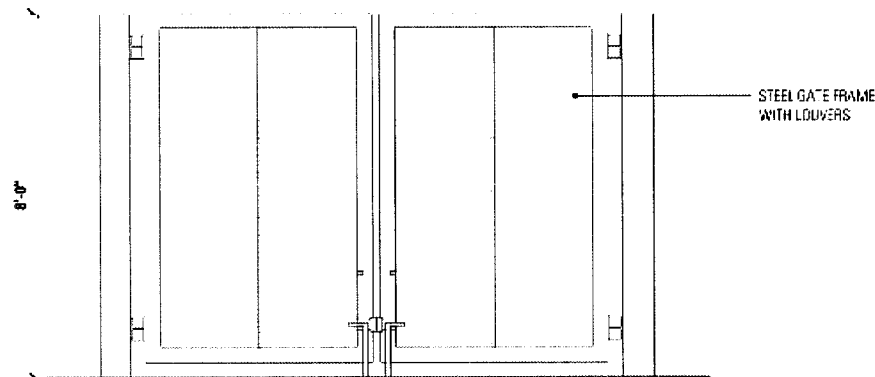
Conceptual Wayne Drive Elevation

All buildings not to exceed 35'-0" in height, with the exception
of area defined by PUD-C site plan where allows to 50'-0".

Exhibit "F" – Dumpster Enclosure Elevations



SIDE ELEVATION



FRONT ELEVATION

1 DUMPSTER ENCLOSURE
Scale: 1/4" = 1'

RESOLUTION R-13-3587

**A RESOLUTION APPROVING A CITY/DEVELOPER AGREEMENT
BETWEEN AVERE COLLEYVILLE, SL, LLC AND THE CITY OF
COLLEYVILLE FOR THE HERITAGE FARMS DEVELOPMENT AND
AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, Section 13 of Ordinance O-12-1832, approved by the City Council on October 1, 2012 authorizing the Heritage Farms Development, requires the developer to enter into a City/Developer Agreement (CDA) with the City for the construction of a roundabout at the intersection of Bedford Road/Court and Cheek-Sparger Road; and

WHEREAS, Avere Colleyville, SL, LLC has agreed to the terms of said agreement in accordance with Ordinance O-12-1832.

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

Sec. 1. THAT the CDA between Avere Colleyville, SL, LLC and the City of Colleyville for the Heritage Farms Development, attached as Exhibit "A", is hereby approved.

Sec. 2. THAT the CDA shall be executed upon the signature of the city manager.

AND IT IS SO RESOLVED.

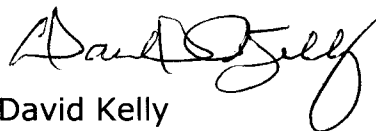
PASSED BY A VOTE OF 7 AYES, 0 NAYS AND 0 ABSTENTIONS
ON THIS THE 15TH DAY OF JANUARY 2013.

ATTEST:



Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

Exhibit "A"

City of Colleyville City/Developer Agreement for Heritage Farms Development

That, Avere Colleyville, SL, LLC hereinafter called "Developer" and the City of Colleyville, Tarrant County, Texas, hereinafter called "City", enters into the following agreement (The "Agreement"), which shall become effective upon the signature of both parties.

NOW, THEREFORE, in consideration of the mutual covenant herein contained and for the purpose of developing Heritage Farms, the parties hereto do agree to the following items:

1. The Developer will provide the City with a report from a Registered Professional Engineer licensed in the State of Texas stating that a roundabout (the "public improvements") at Cheek-Sparger Road and Bedford Road/Court provides the City with a recommended method of traffic mitigation.
2. The Developer will contract for the public improvements using reputable contractors. All contract documents will bear the seal of a Registered Professional Engineer licensed in the State of Texas. The scope of work for the public improvements will include a two-year maintenance bond in the amount of 10% of the construction cost.
3. The Developer will submit the contract documents to the City for its review and approval. As a prerequisite to commencing construction on the roundabout, the City must approve the contract documents and issue a Notice to Proceed to the Developer.
4. The Developer understands that permit fees, and plan review fees associated with Heritage Farms must first be paid to the City in order for the City to reimburse Developer for the cost of the public improvements.
5. The City agrees to the roadway impact fee credit and fee reimbursement schedule per "CDA - Exhibit A" for all expenses incurred by the Developer for the purposes of designing and constructing the public improvements.
6. The reimbursements and credits from the City of Colleyville referenced in Section 5. above shall not exceed \$675,000.

Exhibit "A"

7. The Developer understands that no final Certificate of Occupancy will be given for the first completed senior living building at Heritage Farms, either (a) the Assisted Living/Memory Care building, or (b) the Independent Living building, until the public improvements are accepted by the City.
8. The Developer agrees to provide the City with As-Built drawings of the completed public improvements.
9. The Developer understands it has no authority to cancel or amend the terms of this agreement without specific written authority by the City.
10. If for any reason the ownership of the property should change prior to the acceptance of the public improvements by the City, the conditions of this agreement will pass to the subsequent Owner/Developer. The City will require proper signatures of the new Owner/Developer showing acceptance of the terms of this Agreement.

This Agreement is duly executed by the parties hereto as of the date set forth below.

Avere Colleyville, SL, LLC

By: Don Wilson

Name: Don Wilson, President

Date

CITY OF COLLEYVILLE

Name: Jennifer Fadden, City Manager

Date

Exhibit "A"

CDA – Exhibit "A"

SCHEDULE OF ROADWAY IMPACT FEE CREDITS AND FEE REIMBURSEMENT BY CITY TO DEVELOPER FOR PUBLIC IMPROVEMENTS AT CHEEK-SPARGER ROAD AND BEDFORD ROAD/COURT

	<u>Phase 1</u>	<u>Phase 2</u>	<u>TOTAL</u>
USES			
Construction of Roundabout by Developer	\$875,000		
Less: Developer Contribution	(\$200,000)		
Total Reimbursement by City to Developer:	\$675,000		
SOURCES			
FEES FROM COVENANT CHRISTIAN ACADEMY			
<i>Perimeter Street Fees (already paid)</i>	\$140,438		
FEES FROM, AND CREDITS TO, DEVELOPER			
Roadway Impact Fee (Credit)			
<i>Office</i>	\$4,090		
<i>Memory Care</i>	\$21,420		
<i>Assisted Living</i>	\$35,224		
<i>Independent Living</i>		\$217,404	
TOTAL Roadway Impact Fees	\$60,734	\$217,404	\$278,138
Park Land Dedication Fees			
<i>Office</i>	\$1,200		
<i>Memory Care</i>	\$2,400		
<i>Assisted Living</i>	\$2,400		
<i>Independent Living</i>		\$291,924	
TOTAL Park Land Dedication Fees:	\$6,000	\$291,924	\$297,924
Building Permit & Plan Review Fees			
<i>Office</i>	\$18,434		
<i>Memory Care</i>	\$39,371		
<i>Assisted Living</i>	\$54,302		
<i>Independent Living</i>		\$117,613	
TOTAL Building Permit & Plan Review Fees:	\$112,107	\$117,613	\$229,719
<u>FEE AND CREDIT TOTALS</u>			
TOTAL ELIGIBLE ROADWAY IMPACT FEE CREDITS NOT CHARGED TO DEVELOPER	\$60,734	\$217,404	\$278,138
TOTAL ELIGIBLE FEES PAID FROM DEVELOPER	\$118,107	\$409,537	\$527,644
TOTAL FROM FEES PAID BY CCA	\$140,438		
TOTAL ELIGIBLE FEES & CREDITS	\$319,279	\$626,941	\$946,220

Exhibit "A"

CDA – Exhibit "A"

REIMBURSEMENT AND CREDIT TO DEVELOPER TOTALS

	<u>Phase 1</u>	<u>Phase 2</u>	<u>TOTAL</u>
ROADWAY IMPACT FEE CREDITS FROM CITY TO DEVELOPER	(\$60,734)	(\$217,404)	(\$278,138)
FEEs REIMBURSED BY CITY TO DEVELOPER	(\$258,545)	(\$138,317)	(\$396,862)
TOTAL FEES AND CREDITS TO DEVELOPER FROM CITY			(\$675,000)
REMAINING SOURCES AFTER REIMBURSEMENT TO DEVELOPER	\$271,200 (from unreimbursed Phase 2 fees)		
BALANCE OF REIMBURSEMENT DUE DEVELOPER	\$0		

NOTE: Roadway impact fee credits are authorized per Section 13-180 of the Colleyville Land Development Code.

Exhibit "A"

City of Colleyville City/Developer Agreement for Heritage Farms Development

That, Avere Colleyville, SL, LLC hereinafter called "Developer" and the City of Colleyville, Tarrant County, Texas, hereinafter called "City", enters into the following agreement (The "Agreement"), which shall become effective upon the signature of both parties.

NOW, THEREFORE, in consideration of the mutual covenant herein contained and for the purpose of developing Heritage Farms, the parties hereto do agree to the following items:

1. The Developer will provide the City with a report from a Registered Professional Engineer licensed in the State of Texas stating that a roundabout (the "public improvements") at Cheek-Sparger Road and Bedford Road/Court provides the City with a recommended method of traffic mitigation.
2. The Developer will contract for the public improvements using reputable contractors. All contract documents will bear the seal of a Registered Professional Engineer licensed in the State of Texas. The scope of work for the public improvements will include a two-year maintenance bond in the amount of 10% of the construction cost.
3. The Developer will submit the contract documents to the City for its review and approval. As a prerequisite to commencing construction on the roundabout, the City must approve the contract documents and issue a Notice to Proceed to the Developer.
4. The Developer understands that permit fees, and plan review fees associated with Heritage Farms must first be paid to the City in order for the City to reimburse Developer for the cost of the public improvements.
5. The City agrees to the roadway impact fee credit and fee reimbursement schedule per "CDA - Exhibit A" for all expenses incurred by the Developer for the purposes of designing and constructing the public improvements.
6. The reimbursements and credits from the City of Colleyville referenced in Section 5. above shall not exceed \$675,000.

Exhibit "A"

7. The Developer understands that no final Certificate of Occupancy will be given for the first completed senior living building at Heritage Farms, either (a) the Assisted Living/Memory Care building, or (b) the Independent Living building, until the public improvements are accepted by the City.
8. The Developer agrees to provide the City with As-Built drawings of the completed public improvements.
9. The Developer understands it has no authority to cancel or amend the terms of this agreement without specific written authority by the City.
10. If for any reason the ownership of the property should change prior to the acceptance of the public improvements by the City, the conditions of this agreement will pass to the subsequent Owner/Developer. The City will require proper signatures of the new Owner/Developer showing acceptance of the terms of this Agreement.

This Agreement is duly executed by the parties hereto as of the date set forth below.

Avere Colleyville, SL, LLC

By: Don Wilson


 Name: Don Wilson, President

Date: 7.22.13

CITY OF COLLEYVILLE

Name: Jennifer Fadden, City Manager Date: 1/21/13

Exhibit "A"

CDA – Exhibit "A"

SCHEDULE OF ROADWAY IMPACT FEE CREDITS AND FEE REIMBURSEMENT BY CITY TO DEVELOPER FOR PUBLIC IMPROVEMENTS AT CHEEK-SPARGER ROAD AND BEDFORD ROAD/COURT

	<u>Phase 1</u>	<u>Phase 2</u>	<u>TOTAL</u>
USES			
Construction of Roundabout by Developer	\$875,000		
Less: Developer Contribution	(\$200,000)		
Total Reimbursement by City to Developer:	\$675,000		
SOURCES			
FEES FROM COVENANT CHRISTIAN ACADEMY			
<i>Perimeter Street Fees (already paid)</i>	\$140,438		
FEES FROM, AND CREDITS TO, DEVELOPER			
Roadway Impact Fee (Credit)			
<i>Office</i>	\$4,090		
<i>Memory Care</i>	\$21,420		
<i>Assisted Living</i>	\$35,224		
<i>Independent Living</i>		\$217,404	
TOTAL Roadway Impact Fees	\$60,734	\$217,404	\$278,138
Park Land Dedication Fees			
<i>Office</i>	\$1,200		
<i>Memory Care</i>	\$2,400		
<i>Assisted Living</i>	\$2,400		
<i>Independent Living</i>		\$291,924	
TOTAL Park Land Dedication Fees:	\$6,000	\$291,924	\$297,924
Building Permit & Plan Review Fees			
<i>Office</i>	\$18,434		
<i>Memory Care</i>	\$39,371		
<i>Assisted Living</i>	\$54,302		
<i>Independent Living</i>		\$117,613	
TOTAL Building Permit & Plan Review Fees:	\$112,107	\$117,613	\$229,719
<u>FEE AND CREDIT TOTALS</u>			
TOTAL ELIGIBLE ROADWAY IMPACT FEE CREDITS NOT CHARGED TO DEVELOPER	\$60,734	\$217,404	\$278,138
TOTAL ELIGIBLE FEES PAID FROM DEVELOPER	\$118,107	\$409,537	\$527,644
TOTAL FROM FEES PAID BY CCA	\$140,438		
TOTAL ELIGIBLE FEES & CREDITS	\$319,279	\$626,941	\$946,220

Exhibit "A"

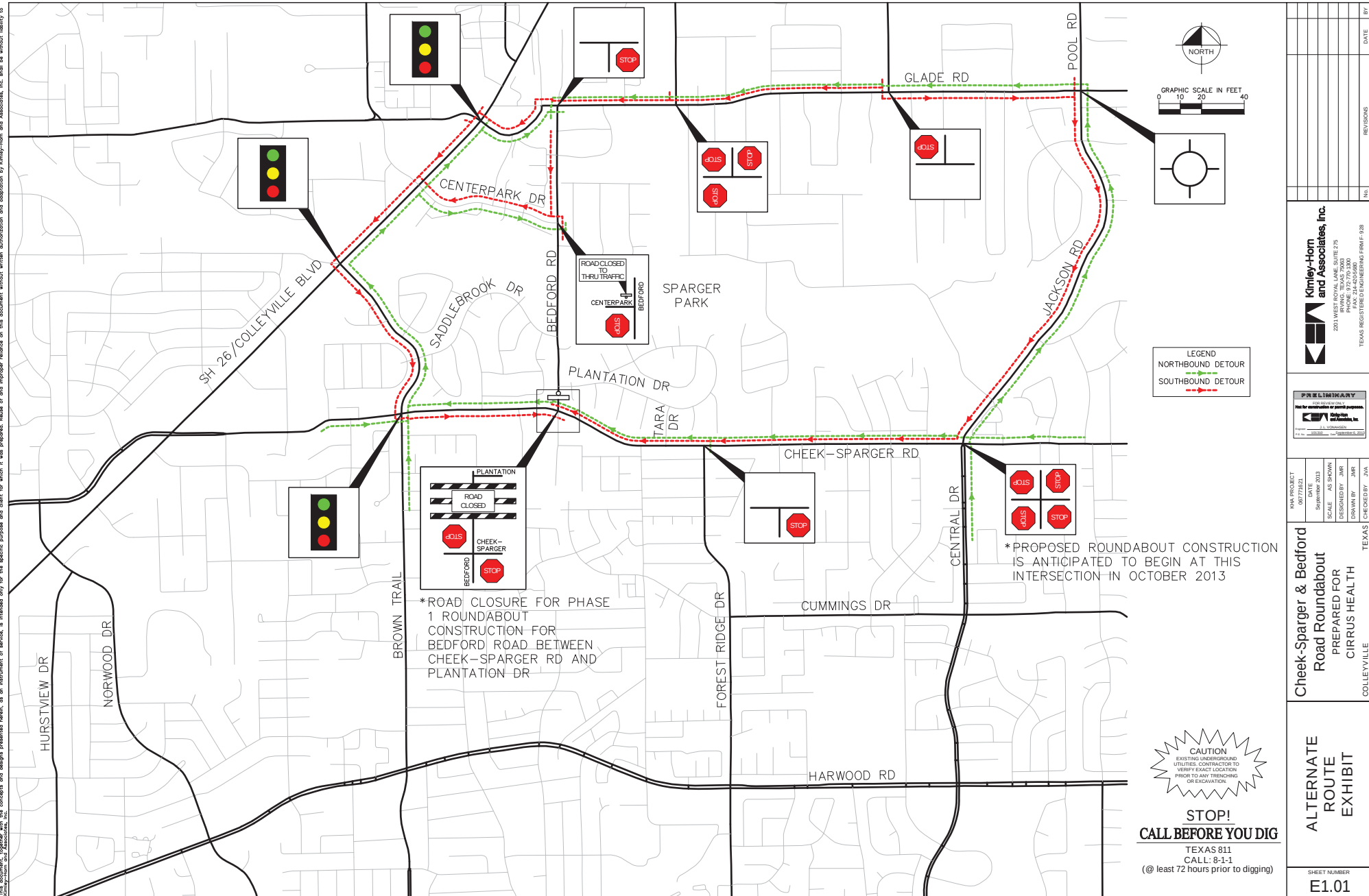
CDA – Exhibit "A"

REIMBURSEMENT AND CREDIT TO DEVELOPER TOTALS

	<u>Phase 1</u>	<u>Phase 2</u>	<u>TOTAL</u>
ROADWAY IMPACT FEE CREDITS FROM CITY TO DEVELOPER	(\$60,734)	(\$217,404)	(\$278,138)
FEES REIMBURSED BY CITY TO DEVELOPER	(\$258,545)	(\$138,317)	(\$396,862)
TOTAL FEES AND CREDITS TO DEVELOPER FROM CITY			(\$675,000)
REMAINING SOURCES AFTER REIMBURSEMENT TO DEVELOPER	\$271,200 (from unreimbursed Phase 2 fees)		
BALANCE OF REIMBURSEMENT DUE DEVELOPER	\$0		

NOTE: Roadway impact fee credits are authorized per Section 13-180 of the Colleyville Land Development Code.

Traffic Control Plan



Proposed Roundabout





City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-3

Agenda Date 10/02/2013

Type Pre Council

Department City Manager

Title

Update and discussion regarding the 2014 citizen survey methodology

Explanation

The purpose of this item is to provide an update and discussion of the 2014 citizen survey. The citizen survey has been completed on a biennial basis beginning in 2010 and is one of the most important mechanisms by which citizen feedback on priorities and satisfaction levels is gathered. The results of the citizen survey provide the foundation for the City's strategic plan, annual budget, and all other major efforts.

The 2014 citizen survey is scheduled to be available for completion during the month of January, in order for results to be used and considered in the development of the Fiscal Year 2015 budget. The City's Comprehensive Plan will also be in the process of being developed during the same timeframe and was originally planned to include an online survey component for citizen engagement. In order to prevent confusion or duplication of effort, staff recommends expanding the 2014 citizen survey to include additional questions that would have been asked in a separate survey for the Comprehensive Plan.

Several options are available in terms of the methodology used to conduct the 2014 citizen survey, each with their own advantages, disadvantages, and cost. Staff seeks direction from the City Council regarding the preferred methodology to use for the 2014 citizen survey that best meets the needs and priorities of the community. Both the 2010 and 2012 citizen surveys were mailed to all households in Colleyville, with the option to complete the survey online as opposed to mailing a completed paper survey.

Attachments

1. 2014 Citizen Survey Presentation



2014 Citizen Survey Update

**Pre Council Meeting
October 2, 2013**

Overview

The purpose of this presentation is to:

- Provide highlights and updates regarding the 2014 Citizen Survey
- Discuss methodology options
- Select methodology for 2014 Citizen Survey

Highlights & Updates

- Inclusion of questions related to the Comprehensive Plan
 - Avoids having two surveys out in same timeframe
 - Opportunity to adapt current questions to elicit the information/ feedback needed
 - Will result in a longer survey for 2014
- Proposals and estimates were gathered from three companies experienced in citizen surveys
- \$15,000 is included in the FY 2014 budget for the 2014 Citizen Survey
 - Additional funding may come from the Comprehensive Plan budget, if needed

Highlights & Updates

The timeline has been adapted to have results prior to FY 2015 budget preparation.

- December 3, 2013: Survey questions submitted to Council for final approval
- January 2014: Survey sent and completed by citizens
- February 2014: Results compiled/analyzed
- March 1, 2014: Final results and report submitted
- Late March 2014: FY 2015 Budget Kickoff

Results & Trends

Prior Results

- 2012 Survey: 1,665 responses (1,070 mail; 595 online)
- 2010 Survey: 1,677 responses (1,412 mail; 265 online)

Methodology Used by Cities

- Online only for all citizens- Southlake, Hurst
- Online only for random sample- Denison
- Telephone to random sample- Trophy Club, Coppell, Sugarland
- Mail to a random sample- Flower Mound, Burleson
- Combination of methods to random sample- North Richland Hills, Plano
- Combination of methods for all citizens- Colleyville, Westlake

Methodology Option 1: Mail Survey

- Mail survey to all households in Colleyville
- Return postage is pre-paid
- Survey not to exceed 8 pages and 6.3 oz.
- Citizens have the option of completing the mailed survey or responding online

Points to consider:

- Some individuals prefer paper surveys
- Number of questions asked is constrained by space
- Most expensive option
- Less “green”

Methodology Option 2: Online Survey

- All citizens may complete the online survey
- Survey is announced via regular channels including
 - Utility billing newsletter, E-News, City website, City cable

Points to consider:

- Some individuals may not feel comfortable completing a survey online or have access to the internet
- Number of questions asked is not constrained by space; provides an opportunity for context/information
- Least expensive option
- “Green” option

Methodology Option 3: Mail Postcard

- Mail postcard to all households in Colleyville
- Postcard invites citizens to complete an online survey

Points to consider:

- Provides an additional notification tool to encourage more responses
- Mid-range in price
- Some individuals may not feel comfortable completing a survey online or have access to the internet
- Number of questions asked is not constrained by space; provides an opportunity for context/information
- Less “green” than online only, but more so than full mail survey

Methodology Options Summary

Option 1: Mailed Survey (with online option)	\$20,850
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Option 2: Online Survey	\$ 9,350
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Option 3: Mailed Postcards (invitation to online survey)	\$12,250
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* Each option ensures a 95% confidence level with a +/- 4.5% margin of error (lower if more than 500 surveys are completed).

Questions and Discussion



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-4

Agenda Date 10/02/2013

Type Resolution

Department City Secretary

Title

Discussion of Ordinance O-02-1322

Explanation

At the request of Councilmember Jody Short, this item is provided for discussion.

In 2001, City Council appointed a citizen based Ethics Commission. The Commission's work initially focused on implementing Resolution R-01-1789, however, in February, 2002, City Council rescinded this resolution and approved Ordinance O-02-1322.

This ordinance requires each member of the City Council, including the Mayor, each candidate for membership in the City Council, including the Mayor, each member of the Planning and Zoning Commission, and Zoning Board of Adjustment, who were appointed after the passage of this ordinance, and each applicant for a position on the Planning and Zoning Commission or the Zoning Board of Adjustment, to file a Financial Disclosure and Business Conflict of Interest Report with the City Secretary. This obligation is a continuing obligation and elected and appointed officials must comply with this ordinance until their successors have qualified for the office.

Both Resolution R-01-1789 and Ordinance O-02-1322 have been attached to this agenda briefing.

Attachments

1. Resolution R-01-1789
2. Ordinance O-02-1322

RESOLUTION R-01-1789

A RESOLUTION OF THE CITY OF COLLEYVILLE, TEXAS STATING THAT AS A MATTER OF POLICY EACH ELECTED OFFICIAL OR CANDIDATE FOR CITY OFFICE FILE A FINANCIAL DISCLOSURE STATEMENT AND BUSINESS CONFLICTS OF INTEREST STATEMENT FOR THE INDIVIDUAL, THE INDIVIDUAL'S SPOUSE AND MINOR CHILDREN

WHEREAS, to ensure citizen trust of their elected officials.

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

Sec. 1. THAT as a matter of policy the Mayor and Council and Council Candidates should file a financial disclosure statement that shall include:

- A. The account of financial activity required in this section to file a financial statement must include a statement of financial activity of the individual, individual's spouse and minor children if the individual had actual control over the activity for the year or it is community property.
- B. The account of financial activity consists of:
 - i. A list of sources of occupational income, identified by the employer, or if self-employed, by the nature of the occupation; and
 - ii. Identification by description of all beneficial interests in real property, including but not limited to partnerships and limited real estate partnerships in land located in the areas of Northeast Tarrant County and Denton County defined to include Texas Motor Speedway in the northwest border, Lake Grapevine to the north, Interstate 35 to the west and Interstate 30 to the south and the Dallas and Tarrant County line to the east; and
 - iii. Identification of business entities held or acquired; and

- iv. Identification of a person or other organization from which the individual or the individual's spouse or dependent children received a gift of anything of value in excess of \$250 and a description of each gift, except:
 - a. a gift received from an individual at any time within the second degree by consanguinity or affinity as determined under Subchapter A, Chapter 573 of the Government Code; and
 - b. a political contribution that was reported as required by law; and
 - c. an expenditure required to be reported by a person to be registered under Chapter 305 of the Government Code.
- v. A list of all boards of directors of which the individual is a member and executive positions that the individual holds in corporations, not-for-profit corporations, charitable boards, firms, partnerships or proprietorships, stating the name of each corporation, firm partnership, or proprietorship and position held; and
- vi. Any partnership, joint venture, or other business association in which the City Official and Candidate has an interest.

Sec. 3. THAT disclosure of any bankruptcy whether personal or by a business in which the Mayor, Councilmember or Candidate has a ten percent or more ownership interest or is an officer or on the Board of Directors is required.

Sec. 4. THAT the Mayor, Councilmembers or Candidates for those offices shall disclose any felony indictments or convictions personal to them or of corporations, partnerships, companies or proprietorships, in which they have a ten percent or larger financial interest or are officers or board members, stating the name and position on each corporation, firm, partnership, or proprietorship and the nature of the indictment or felony conviction.

- Sec. 5. THAT an Ethics Committee, consisting of five (5) members, will be established by the City Council to review the ethics portion of the Colleyville City Charter and ethics ordinances and resolutions to make recommendations to the City Council.
- Sec. 6. THAT the City Manager is directed to create a disclosure form, the first of which is to be filed eight (8) days prior to election to public office and any changes to be filed on January 15 and July 15, of each subsequent year.
- Sec. 7. THAT this Resolution shall take effect immediately upon passage.

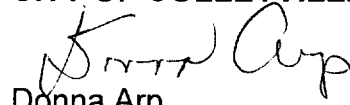
AND IT IS SO RESOLVED.

Passed by a vote of 5 ayes, 0 nays, and 0 abstentions on the 14th day of April, 2001.

ATTEST:


Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE


Donna Arp
Mayor

ORDINANCE O-02-1322

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, REQUIRING THE FILING OF A FINANCIAL DISCLOSURE AND BUSINESS CONFLICTS OF INTEREST STATEMENT FOR ELECTED OFFICIALS, CANDIDATES, AND CERTAIN BOARDS AND COMMISSION MEMBERS, ESTABLISHING DEFINITIONS OF TERMS, PROMULGATING REPORTING FORMS, PROVIDING FOR FILING DATES, REPEALING A PRIOR RESOLUTION CONCERNING THE SUBJECT MATTER OF THE ORDINANCE, PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.

WHEREAS, the citizens of the City of Colleyville are entitled to know certain information about candidates for public office, elected officials and members of the Planning and Zoning Commission and the Zoning Board of Adjustment that may influence their decisions or determine whether they can make unbiased decisions; and

WHEREAS, to insure citizen trust of elected and appointed officials of the City,

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

Sec. 1. THAT the terms used in this ordinance shall have the following meaning:

- A. Account of Financial Activity. An "Account of Financial Activity" means and shall consist of:
- (i) A list of sources of occupational income during the reporting period, identified by the employer, the employer's address and position held, or if self-employed, by the nature of the occupation, the business address and position held of the individual, their spouse and those under the individual's financial control; and
 - (ii) Where an individual or those under the individual's financial control own real property or a beneficial interest in a business entity owning real property within the area crosshatched on Exhibit "A" to this ordinance during the reporting period, the account shall list the name in which legal title to the property is held, the nature of ownership interest, the name of the business entity in which a beneficial interest is held (if applicable), the lot, block, subdivision, city and county, or, if the real property is not part of a subdivision, the number of acres and tract, city and county in which the property is located. Further the account shall list each property identification number assigned by the

county appraisal district to the property and by the street address (if available). Further, the account shall list the names and addresses of other persons or business entities which own an interest in the real property. If a business entity is a limited partnership, the name and address of the general partner shall be included; and

- (iii) The name, address and nature of business of any business entity in which the individual or those under the individual's control held or acquired a beneficial interest of 10% or more during the reporting period; and
 - (iv) The name and address of the person, business entity or other organization from which the individual or those under the individual's financial control during the reporting period received a gift of anything of value in excess of \$250.00 and a description of each gift, except (1) gifts received from an individual within the second degree of consanguinity or affinity as determined under sub-chapter B of Chapter 573 of the Government Code; (2) a political contribution that was reported as required by law; and (3) an expenditure required to be reported by a person required to be registered under Chapter 305 of the Government Code; and
 - (v) The name and address of any business entity, non-profit corporation, charitable association, business association or other type of organization in which the individual or those under the individual's financial control were an officer, director, or held another position during the reporting period and a description of the position held.
- B. Bankruptcy. "Bankruptcy" means the filing of a petition, voluntary or involuntary, under Chapter 7, 11 or 13 of the Bankruptcy Code. (Title 11 of the United States Code).
- C. Beneficial Interest. A "beneficial interest" means an ownership of either legal or equitable title and includes any ownership interest held in trust where the individual is either the trustee or the beneficiary of the trust. Where the ordinance refers to a beneficial interest of 10% or more of a business entity it is meant that the individual owns or is entitled to either a legal or equitable interest in 10% or more of the

outstanding stock, membership interest or other indicia of ownership of the business entity.

- D. Business Entity. A "business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law through which business or profit is conducted.
- E. Those Under The Individual's Financial Control. "Those under the individual's financial control" means the individual's spouse and dependent children's property or financial interest over which the individual had actual control or where the property was community property during the reporting period.
- F. Reporting Individuals. "Reporting Individuals" means each member of the City Council, including the Mayor, each candidate for membership in the City Council, including the Mayor, each member of the Planning and Zoning Commission and Zoning Board of Adjustment, who are appointed after the passage of this ordinance and each applicant for a position on the Planning and Zoning Commission or the Zoning Board of Adjustment.
- G. Reporting Period. The "reporting period" means the twelve (12) month period immediately preceding the date the Account of Financial Activity is due pursuant to the terms of this ordinance.
- H. Trust. A "trust" means a trust subject to Chapter 9 of the Texas Property Code that owns real property or a beneficial interest in a business entity owning real property within the area crosshatched on Exhibit "A" to this ordinance or where the trust owns a 10% or more beneficial interest in another business entity.

Sec. 2. THAT the Reporting Individuals shall file a report of their Account of Financial Activity for the applicable reporting period.

Sec. 3. THAT the Reporting Individuals shall file a report disclosing the filing of any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing.

- Sec. 4. THAT the Reporting Individuals shall file a report disclosing the filing of any information which charges a misdemeanor involving moral turpitude, a felony indictment, conviction of a misdemeanor involving moral turpitude or conviction of a felony of the individual or of a business entity in which the individual had a 10% or more beneficial interest or where the individual was at the time of the filing or conviction an officer or director of the business entity. The report shall specify the name of the person or business entity charged, the nature of the offense, and if the information or indictment did not result in a conviction, the disposition of the information or the indictment.
- Sec. 5. THAT the disclosures required by Sections 2, 3 and 4 hereof shall be made on the Financial Disclosure and Business Conflict of Interest Forms which are attached hereto, shall be verified as provided therein and shall be filed with the City Secretary on the following dates:
- A. Candidates for membership in the City Council, including the Mayor, who are not currently sitting Council members, shall file within two (2) business days following the date upon which the filing for election for the position for which the individual seeks election is closed.
 - B. Sitting Council members, including the Mayor, shall file on or before twenty (20) days after the passage of this ordinance and on the first business day following January 15 and July 15 each year.
 - C. Applicants seeking appointment to the Planning and Zoning Commission or the Zoning Board of Adjustment shall file within two (2) business days following the end of the application period stated in the official City advertisement for application for the position.
 - D. Sitting members of the Planning and Zoning Commission and the Zoning Board of Adjustment, who are appointed after the passage of this ordinance, shall file on the first business day following January 15 and July 15 of each year.
- Sec. 6. THAT the Reporting Individuals shall have a duty to file supplemental disclosures upon the Financial Disclosure and Business Conflict of Interest Forms which are attached hereto within three (3) business days of an occurrence of any change in the information reflected in the Financial Disclosure and Business Conflict of Interest Forms previously filed by the individual or where said information becomes inaccurate or

incomplete after the reporting period but prior to the conduct of the election at which they seek office or prior to their appointment.

- Sec. 7. THAT the failure to file when due the Financial Disclosure and Business Conflict of Interest Forms, including any supplements required thereto, shall constitute a violation of this ordinance and shall be punishable by a fine not to exceed the sum of \$500.00. It shall be a defense to any prosecution of a violation of this ordinance that within three (3) business days of the due date of any Financial Disclosure and Business Conflict of Interest Form, including any supplements required thereto, the individual filed a Financial Disclosure and Business Conflict of Interest Form in conformity with the provisions of this ordinance.
- Sec. 8. THAT if any section, paragraph, clause or provision of this ordinance for any reason is to be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect the remaining portion of this ordinance and the ordinance shall be read as if such invalid or unenforceable provisions did not exist.
- Sec. 9. THAT upon passage hereof, Resolution R-01-1789 is repealed in its entirety.
- Sec. 10. THAT the City Secretary is hereby authorized and directed to cause publication of a description caption and penalty clause hereof as an alternative method of publication as provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 15th day of January 2002.

The second reading and public hearing being conducted on the 5th day of February 2002.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



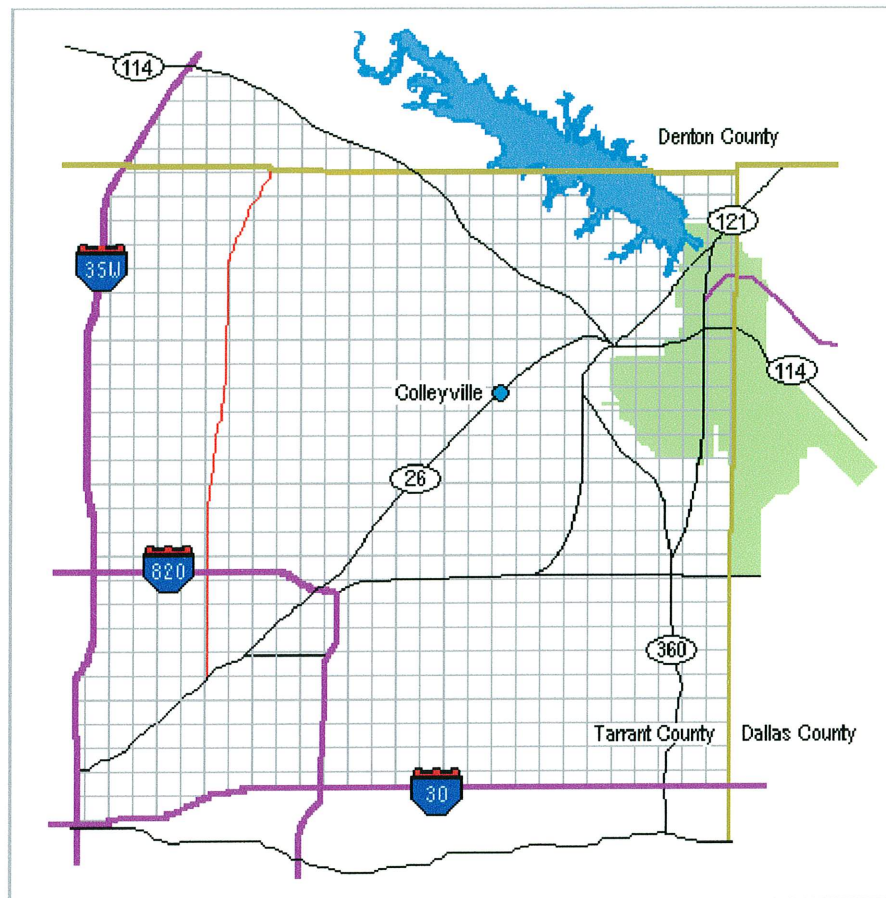
Donna Arp
Mayor

APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster
City Attorney

ORDINANCE NO. 0-02-1322
Exhibit "A"



The crosshatched area is the portion of Tarrant County north of Interstate 30 and east of Interstate 35 W, and that portion of Denton County south of State Highway 114 and east of Interstate 35 W.

Form 1

INITIAL HERE: _____ DATE: _____

DATE: _____

SOURCES OF OCCUPATIONAL INCOME

Form 2

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on FORM 1.

¹ INFORMATION RELATES TO	☐ FILER	☐ SPOUSE	☐ DEPENDENT CHILD _____
² EMPLOYMENT	NAME AND ADDRESS OF EMPLOYER / POSITION HELD		
☐ EMPLOYED BY ANOTHER			
☐ SELF EMPLOYED	NATURE OF OCCUPATION / NAME AND ADDRESS / POSITION HELD		
INFORMATION RELATES TO	☐ FILER	☐ SPOUSE	☐ DEPENDENT CHILD _____
EMPLOYMENT	NAME AND ADDRESS OF EMPLOYER / POSITION HELD		
☐ EMPLOYED BY ANOTHER			
☐ SELF EMPLOYED	NATURE OF OCCUPATION / NAME AND ADDRESS / POSITION HELD		
INFORMATION RELATES TO	☐ FILER	☐ SPOUSE	☐ DEPENDENT CHILD _____
EMPLOYMENT	NAME AND ADDRESS OF EMPLOYER / POSITION HELD		
☐ EMPLOYED BY ANOTHER			
☐ SELF EMPLOYED	NATURE OF OCCUPATION		

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: _____

DATE: _____

INTERESTS IN REAL PROPERTY**Form 3**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year within the area crosshatched on the map attached to Ordinance 02-1322.
For more information see INSTRUCTION GUIDE

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

1 HELD OR ACQUIRED BY	☐ FILER	☐ SPOUSE	☐ DEPENDENT CHILD _____
2 DESCRIPTION	Lot _____ Block _____ Subdivision _____ Acres and Tract _____	City _____ County _____ Ad Valorem Tax Account Number _____	
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE		
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY		
HELD OR ACQUIRED BY	☐ FILER	☐ SPOUSE	☐ DEPENDENT CHILD _____
2 DESCRIPTION	Lot _____ Block _____ Subdivision _____ Acres and Tract _____	City _____ County _____ Advalorem Tax Account Number _____	
3 STREET ADDRESS ☐ NOT APPLICABLE	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE		
4 NAME ☐ INDIVIDUAL ☐ BUSINESS	LIST THE NAMES AND ADDRESSES OF OTHER PERSONS OR BUSINESS ENTITIES WHICH OWN AN INTEREST IN THE REAL PROPERTY		

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: _____

DATE: _____

Gifts**Form 4**

Identify any person or organization that has given a gift worth more than \$250 to you, or those under your financial control as defined in Ordinance 02-1322. Do not include: 1) expenditures required to be reported by a person required to be registered as a lobbyist under Government Code, Chapter 305, 2) political contributions reported as required by law, or 3) gifts given by a person related to the recipient within the second degree by consanguinity or affinity.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
² DONOR	NAME AND ADDRESS
³ DESCRIPTION OF GIFT	
RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
DONOR	NAME AND ADDRESS
DESCRIPTION OF GIFT	
RECIPIENT	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
DONOR	NAME AND ADDRESS
DESCRIPTION OF GIFT	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: _____

DATE: _____

BOARDS AND EXECUTIVE POSITIONS**Form 5**

This section is for information concerning executive positions and directorship held by you or those under your financial control. For more information see INSTRUCTION GUIDE

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
² ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOCIATION ☐ BUSINESS ASSOCIATION	ADDRESS
³ POSITION HELD	
POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
ORGANIZATION ☐ NON PROFIT ☐ CHARITABLE ASSOCIATION ☐ BUSINESS ASSOCIATION	ADDRESS
POSITION HELD	
POSITION HELD BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
ORGANIZATION	
POSITION HELD	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: _____

DATE: _____

BANKRUPTCIES**Form 6**

Individuals shall disclose any bankruptcy petition by or against the individual, their spouse, a business entity in which the individual owned a beneficial interest of 10% or more, or a business entity in which the individual was an officer or director of the business entity at the time of bankruptcy filing. For more information see INSTRUCTION GUIDE

1 TYPE OF BANKRUPTCY NAME _____	☐ PERSONAL ☐ BUSINESS ☐ N/A ☐ NONE
2 CHAPTER	☐ 7 ☐ 11 ☐ 13
3 IF CHAPTER 7 DID YOU RECEIVE A DISCHARGE	☐ YES ☐ NO
4 IF CHAPTER 11 OR 13 DID YOU COMPLETE A SUCCESSFUL REORGANIZATION	☐ YES ☐ NO

Misdemeanor Involving Moral Turpitude and Felonies

Individuals shall disclose any information which charges a misdemeanor involving moral turpitude, a felony indictment, conviction of a misdemeanor involving moral turpitude or conviction of a felony of the individual or of a business entity in which the individual had a 10% or more beneficial interest or where the individual was at the time of the filing or conviction an officer or director of the business entity.

1 NAME _____ Business or Entity Charged	☐ PERSONAL ☐ BUSINESS
2 TYPE OF INDICTMENT or INFORMATION	
3 NATURE OF OFFENSE	DESCRIPTION
4 DISPOSITION OF INDICTMENT or INFORMATION	

COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY

INITIAL HERE: _____

DATE: _____

**INTERESTS IN PARTNERSHIPS, JOINT VENTURES,
OR OTHER BUSINESS ASSOCIATIONS****Form 7**

Describe all interests in business entities held or acquired by you or those under your financial control as defined in Ordinance 02-1322. For an explanation of "beneficial interest" and other specific directions for completing this section, see INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on Form 1.

¹ HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
² DESCRIPTION	NAME AND ADDRESS
³ NATURE OF BUSINESS	
HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
DESCRIPTION	NAME AND ADDRESS
NATURE OF BUSINESS	
HELD OR ACQUIRED BY	☐ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
DESCRIPTION	NAME AND ADDRESS
NATURE OF BUSINESS	
COPY AND ATTACH ADDITIONAL PAGES AS NECESSARY	

INITIAL HERE: _____

DATE: _____

**PERSONAL FINANCIAL STATEMENT
AFFIDAVIT****Form 8**

The Ordinance 02-1322 requires that the disclosures in the Financial Disclosure and Business Conflict of Interest Forms be verified. The verification page must have the signatures of the Financial Disclosure and Business Conflict of Interest Forms, as well as the signature and seal of a notary public. Without proper verification, the statement is not considered filed. Falsification of information is subject to criminal prosecution under state penal code.

Before me, the undersigned authority, personally appeared _____
who, after being duly sworn upon their oath deposed and stated as follows:

"My name is _____ and I hereby submit for filing pursuant to
Ordinance No. 0-02-1322 of the City of Colleyville, the attached Financial Disclosure and Business Conflict
of Interest Forms. I have personal knowledge of all information contained in said forms and all information
contained in the forms is true and correct."

"Further, all of the information contained in the forms is complete. There is no information that has
been withheld or not disclosed which is responsive to or required to be disclosed by the forms."

Affiant

Sworn to and subscribed before me, this the _____ day of _____ 20____.

Notary Public, State of Texas

INITIAL HERE: _____

DATE: _____



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-5

Agenda Date 10/02/2013

Type Pre Council

Department City Secretary

Title

Discussion of the October 2, 2013, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

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

Agenda Number 1

Agenda Date 10/02/2013

Type Executive Session

Department City Secretary

Title

Section 551.071 - Legal - Consultation with attorney on legal issues raised by public hearing or action items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding solicitor ordinance

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

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

Attachments

RESOLUTION R-13-3676

**A RESOLUTION APPROVING CITY COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF OCTOBER 2, 2013**

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

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

Sec. 1. THAT the following actions of the City Council are hereby adopted and approved:

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 2ND DAY OF OCTOBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 3

Agenda Date 10/02/2013

Type Announcements, Proclamations, and Presentations

Department City Secretary

Title

ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

RESOLUTION R-13-3677

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF OCTOBER 2, 2013

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

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the City Council worksession of September 16, 2013
 - b. Approval of the minutes of the regular City Council meeting of September 17, 2013
 - c. Approval of Progressive Waste Solutions' Consumer Price Index (CPI) rate adjustment of 3.29 percent, for commercial and roll-off accounts only, and establishing the effective date of the adjustment to be November 1, 2013
 - d. 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
 - e. 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
 - f. Approval to purchase four Chevrolet Tahoe patrol vehicles, and all equipment, from Caldwell Country Chevrolet, in an amount not to exceed \$201,676. Approval to purchase one Ford Fusion administrative vehicle, and all equipment, from Philpott Ford, in an amount not to exceed \$18,523.75; both approved state vendors, bid through the Cooperative Purchasing Program with the State of Texas
 - g. Approval and adoption of the City of Colleyville Landscape Branding manual

- h. Approval of the renewal of an Interlocal Agreement with Tarrant County for the Cheek-Sparger Road and Jackson Road Intersection Improvements, and authorize the city manager to execute the agreement
- i. Approval of an Interlocal Agreement with Tarrant County for the rehabilitation of Lavaca Trail, and authorize the city manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 2ND DAY OF OCTOBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville

City Council Worksession

Minutes - Draft

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

Monday, September 16, 2013
6:00 p.m.

Executive Conference Room
Third Floor, City Hall

The City Council conducted interviews with board, commission, and committee applicants at 5:30 p.m.

Mayor David Kelly called the Colleyville City Council Worksession to order on September 16, 2013 at 6:12 p.m.

ROLL CALL: Mayor David Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart.

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Economic Development Director Marty Wieder, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Public Works Field Operations Manager Ken Tywater, Public Works Project Engineer Dan Hartman, Public Works Construction Manager Craig Knight, Communications and Marketing Director Mona Gandy, Community Development Director Ron Ruthven, and City Secretary Amy Shelley.

2. PRESENTATION AND DISCUSSION

2a Presentation on the status of the SH26/Colleyville Boulevard reconstruction project and discussion of options to accelerate completion of the project

Public Works Director Bob Lowry presented the status of the SH26/Colleyville Boulevard reconstruction project and discussed options to accelerate the completion of the project. He introduced Michael Morris, Director of Transportation with North Central Texas Council of Governments (NCTCOG); Christie Gotti, Senior Program Manager with NCTCOG; Karla Weaver and Loyl Bussel, both with the Texas Department of Transportation (TxDOT).

Mayor Kelly questioned staff regarding if the right-of-way has been acquired. Director Lowry replied the right-of-way has been acquired.

Mayor Kelly complimented Phase I of the project.

Councilmember Mogged questioned Ms. Gotti regarding business visibility with the updated landscaping. City Manager Jennifer Fadden answered and explained that there will be ample visibility for the businesses because of the distance requirement with the updated landscaping.

Director Lowry replied there will be visibility across Colleyville Boulevard. Councilmember Mogged stated visibility is important to those businesses.

Ms. Gotti presented an update regarding the SH26/Colleyville Boulevard reconstruction project.

Mayor Kelly questioned Ms. Gotti regarding the Dallas and Tarrant Counties allocations for funding. Ms. Gotti replied \$600,000 million has recently been approved for the project, and now the funding has been re-balanced.

Councilmember Short questioned Ms. Gotti regarding the returning of the roads. Ms. Gotti stated it is now a voluntary program.

Councilmember Hart questioned Ms. Gotti regarding the decrease in traffic counts, and does that have an impact on the proposal? Mr. Morris answered for Ms. Gotti, and replied no, the decline in traffic counts does not have an impact on the proposal.

Mayor Pro Tem Taylor questioned Mr. Morris regarding the reasons for the decline in the traffic counts. Mr. Morris replied the decline in traffic is due to other projects being completed in the area, and a change in travel patterns. He added the traffic volumes have no bearing on the funding options that are available.

Councilmember Hall questioned Mr. Morris regarding if option two will require a utility relocation. Mr. Morris replied yes, the roadway is built from the outside-in.

Councilmember Hall questioned Mr. Morris regarding if option two could be constructed this next year. Mr. Morris replied yes.

Mayor Kelly stated the intersections would be constructed at the higher capacity. Mr. Morris concurred.

Councilmember Mogged questioned staff regarding the utility relocation in the proposed section. City Engineer Jeremy Hutt replied there are very few utility relocations between Brown Trail and Centerpark.

Councilmember Mogged questioned staff regarding the cost for such relocations. Director Lowry replied the cost would approximately be \$200,000-\$300,000.

Mr. Morris explained they may be able to help close the gap in funding, if necessary.

Mayor Pro Tem Taylor stated the utilities are being relocated to the six lane matrix, a one-time relocate. He stated there would be room to expand into the future, if necessary.

Mayor Pro Tem Taylor stated option two seems to make more sense.

Mayor Pro Tem Taylor questioned Mr. Morris regarding if the same lane miles exist for option two. Mr. Morris replied yes, for the most part.

Mayor Kelly questioned City Council regarding the length of the project from John McCain to Brown Trail, and the unfunded portion of the project left.

Councilmember Hall stated he has had citizens state they do not want this to look like Southlake.

Councilmember Hall stated this will help with the Glade Road project.

Mayor Pro Tem Taylor questioned Mr. Morris regarding the Glade Road improvement project. Mr. Morris stated additional funding does not exist. He stated the future of Colleyville is not a six lane roadway; it is about making it a destination.

Councilmember Hall stated there is a total reconstruction of Glade Road, east to west.

Mr. Morris stated the original message has not been lost; it is simply being done in a different order.

Mayor Pro Tem Taylor questioned staff regarding if option two will solve the flooding issue at The Londoner's location. Director Lowry replied yes.

Councilmember Hall questioned staff regarding if Whole Foods will be good with the reconstruction of SH26/Colleyville Boulevard. Economic Development Director Marty Wieder stated he has talked with the developers, and they seem to be open to the construction.

Mayor Pro Tem Taylor stated the developers of Town Center were aware of construction options when that shopping center was developed.

Mayor Kelly stated the section from John McCain to Hall-Johnson Road will be left to complete, and this is the area in which the most redevelopment may occur. He stated the entire corridor may need to be done, versus having the center core redone. He added the other funding options may be used to complete the rest of the project.

Mayor Kelly questioned City Council regarding if this is an opportunity to reinvigorate Colleyville with the entire stretch of corridor. Councilmember Wollin concurred.

Mayor Pro Tem Taylor questioned Mr. Morris regarding if the proposed option is from the northern portion of the intersection at Hall-Johnson Road to the southern portion of the intersection at Brown Trail. Mr. Morris replied yes.

Mayor Kelly stated there are plan modifications for a six lane versus a four lane roadway. Mr. Morris recommended the plan for a six lane so there is room for future expansion. He stated TxDOT can plan a bid for both. Ms. Gotti stated they will need to know by October 25. Mr. Bussel concurred and stated there are design elements to be considered.

Councilmember Short questioned Mr. Morris regarding the destination Colleyville. Mr. Morris stated the architectural amenities will enhance the destination to Colleyville, and will help to market Colleyville.

Mayor Kelly stated a wide center median will show the destination to Colleyville.

Mayor Pro Tem Taylor questioned Mr. Morris regarding the traffic counts, will they continue to rise? Mr. Morris replied yes, and the intersections need to be the point of concentration.

Councilmember Short questioned Mr. Morris regarding if there are any other destination locations. Mr. Morris replied Fort Worth has a location in the Rosedale area.

Councilmember Hall stated they have always had destination in place when considering businesses to locate here.

Councilmember Short stated the focus should be shifted from access management rather than movement. Mr. Morris stated that can be accomplished by design.

City Council concurred that they want staff to look at the funding options for finishing John McCain Road to Hall-Johnson Road.

Councilmember Hall questioned Mr. Morris regarding what has to happen to get the money allocated for Phase II to the Phase III portion. Ms. Gotti stated the City just needs to submit the request to change the scope. Mr. Bussel concurred, and stated TxDOT just needs a decision from the City on either a four or six lane roadway.

Mayor Pro Tem Taylor stated he would like to know the options for either a four or six lane roadway for the decision process. He stated he would hate to decide upon a four lane roadway and then find out the option for a six lane was available.

Mayor Kelly stated a six lane option may not be necessary for the middle of Colleyville, regardless of the savings and/or cost.

Councilmember Hall stated the citizens do not want a six lane roadway.

Councilmember Short stated a six lane roadway can be designed so that traffic can be slowed down going through Colleyville.

Mayor Kelly stated we have to decide if we want a community and rural feel versus an urban feel.

Councilmember Short questioned Mr. Morris regarding the traffic counts on FM1709. Mr. Morris stated he did not have those numbers for tonight's meeting.

Councilmembers Hall and Wollin stated the corridor can look and feel more rural with design elements.

City Manager Jennifer Fadden explained staff will put together options for City Council to consider. She added that if funding is available for this project, it will likely be better to complete the project all at once.

Mayor Kelly questioned staff if the money has to be in hand to let that contract. City Manager Jennifer Fadden replied yes.

Councilmember Hall stated being in favor of looking at the entire project, if the funding is available.

City Manager Jennifer Fadden stated there is \$3 million dollars, unfunded, within the current project plan in the TIF, that should the City Council direct, it could be allocated to this project. She added the partners within the TIF would have to agree.

Councilmember Wollin questioned staff regarding if the Glade Road project will be delayed. City Manager Jennifer Fadden stated Glade Road is funded, over a five year period, in the CIP, with TIF funds, separate and apart from this project.

Councilmember Hall stated having a concern with one part of the road impacting the other, and only having a limited time to do so. City Manager Jennifer Fadden stated if City Council is willing to invest into this additional piece of the roadway, in the scope of this next phase, staff will deliberate on the options.

Mayor Kelly questioned City Council regarding if they want the entire stretch to be considered.

Mayor Pro Tem Taylor questioned staff regarding the funding. Mayor Kelly explained the construction portion is all that has to be considered, right now.

Councilmember Mogged questioned City Council regarding if the \$1.5 million from Commissioner Fickes is being counted in the funding. Mayor Kelly replied no, not at this time.

Councilmember Short questioned City Council regarding why the south portion of SH26/Colleyville Boulevard is being ignored. Mayor Kelly stated there is another city involved, which does not want to participate.

Mayor Pro Tem Taylor questioned staff regarding their opinion and how this will work. Director Lowry stated it will cost more in the future.

Mayor Pro Tem Taylor questioned staff regarding the cost savings on a four lane roadway versus a six lane roadway. Director Lowry replied the cost savings is in one lane of road in each direction, which is not that significant.

Mayor Kelly stated the time to capitalize on this is now, especially since Colleyville is a small portion of the 16 county road improvement projects.

Mayor Pro Tem Taylor stated he does not want to jeopardize option two.

Mayor Kelly stated the option is to look to see how we can get this completed.

Councilmember Hall stated he did not want to lose the momentum.

Mayor Pro Tem Taylor stated Brown Trail takes into consideration the flood issue which costs more money.

City Manager Jennifer Fadden stated staff will want to meet NCTCOG's deadline in October.

Mayor Pro Tem Taylor stated he would like staff to consider the wider median areas in order to create an opportunity to put a destination look in that section of town, in order to make a statement or an iconic vista.

Councilmember Short questioned the terms of the NCTCOG agreement. City Manager Jennifer Fadden explained the terms of the agreement.

Councilmember Short stated we have made a significant commitment to this project, and the partners need to hold up their end of the agreement.

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

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information that the City has received from business prospects that the City seeks to have locate, stay, or expand in the City and

with which the City is conducting economic development negotiations;
deliberate the offer of a financial or other incentive to a business prospect

This item was not needed.

4. ADJOURNMENT

Mayor Kelly adjourned the City Council worksession at 8:09 p.m.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____
ABSTENTIONS ON THIS THE 2nd DAY OF OCTOBER 2013.

Minutes taken and prepared by:

*Amy Shelley, TRMC
City Secretary*



City of Colleyville City Council Minutes - Draft

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

Tuesday, September 17, 2013

City Council Chambers

The City Council conducted interviews with board, commission, and committee applicants at 5:00 p.m.

Mayor David Kelly called the Pre Council meeting of the Colleyville City Council to order on September 17, 2013 at 5:36 p.m.

ROLL CALL: Mayor David Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart.

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Parks and Recreation and Library Director Mary Rodne, Human Resources Director Michelle Reyes, Colleyville Center Manager Leslie Hill, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Finance Manager Karen Hines, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Parks Superintendent Tim Hightshoe, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley.

PC-1 Discussion of a community band

Ms. Lola Brown, Irving Symphonic Band, and Mike McWethy, presented this item and briefed the City Council.

Mayor Kelly questioned Ms. Brown regarding if there are any special needs, such as space. Ms. Brown explained the band would need a place to rehearse, chairs, stands, percussion equipment, a place to store the music cabinets, podium, sound equipment, microphone, and a place to perform concerts.

Councilmember Hall stated he thought the Senior Center could be used for rehearsals or perhaps the Colleyville Center when it is not being used.

Councilmember Hall questioned Ms. Brown regarding the financial commitment needed. Ms. Brown replied \$700 dollars would be needed.

Councilmember Hall questioned Ms. Brown regarding if the name of the band would be changed to the Colleyville Community Band. Ms. Brown replied yes.

Councilmember Hall questioned Ms. Brown regarding if they could purchase their own percussion equipment. Ms. Brown replied she would visit with their Board regarding the percussion equipment.

Councilmember Hall stated the band would have to provide the sound equipment.

Councilmember Hall stated he played in this band and was first chair trumpet.

Councilmember Wollin questioned Ms. Brown regarding the times in which they rehearse. Ms. Brown replied Thursday evenings for two hours.

Mayor Kelly stated he would hate to commit the Senior Center for this use since the Senior Center is going through a rebranding.

Mayor Kelly stated the community is not largely supportive of the arts, so maybe the band could perform for the community to gain exposure and support.

Councilmember Hall suggested contacting the school district for the use of their facility for the rehearsals.

Councilmember Wollin stated the Colleyville Heritage High School has a great facility.

Councilmember Hart questioned Councilmember Hall regarding if there would be citizen interest in this band. Councilmember Hall replied it would depend on the exposure of this band.

Councilmember Wollin questioned Mr. McWethy regarding the marketing efforts. Mr. McWethy explained their marketing efforts.

Councilmember Wollin questioned Ms. Brown regarding the pricing for the concerts. Ms. Brown replied \$8 for adults, \$6 for students.

Councilmember Mogged questioned Ms. Brown regarding if any fundraising events have taken place for the band. Ms. Brown replied they have had a garage sale and a marketing packet.

Councilmember Wollin questioned Ms. Brown regarding a timeframe for the need of a practice facility. Ms. Brown stated they did not have a timeframe, but as soon as possible. She stated they need support more than anything.

Councilmember Hall questioned Councilmember Wollin regarding who they may contact with the school district. Councilmember Wollin stated she does not have a contact person. She suggested that they should go to the school district and ask.

Mayor Pro Tem Taylor questioned Ms. Brown regarding if the Arts Council of Tarrant County had been contacted. Ms. Brown replied they are in the process of contacting them.

Ms. Brown stated they are going to apply for a grant in the fall.

Mayor Kelly stated staff will get you a contact person with the school district.

Councilmember Hall suggested the band should set up for an audition, of some sort. Councilmember Wollin stated she would like for the band to pursue the other options first.

PC-2 Presentation and update on the landscaping branding manual and the proposed landscaping plans for various locations throughout the City

City Engineer Jeremy Hutt presented this item and briefed the City Council.

Brad Moulton and Michael Black, La Terra Studio, came forward to present this item and brief the City Council regarding the landscaping branding manual.

Mayor Pro Tem Taylor questioned Mr. Moulton regarding if the signs will be reflective. Mr. Moulton replied they are working to incorporate smaller reflective signs.

Mayor Kelly questioned Mr. Moulton regarding how the landscaping will look throughout the seasons. Mr. Moulton stated the landscaping will contain seasonal interest.

Councilmember Mogged questioned Mr. Moulton regarding the berm feature. Mr. Black stated the berm is just high enough to hide the pavement on the other side, not the view of the street.

Councilmember Mogged questioned Mr. Moulton regarding the trees in the median. Mr. Moulton replied the canopy will be required to be maintained per TxDOT's requirements.

Councilmember Hall stated he likes the pavers along the side.

Councilmember Wollin stated she likes the bluish/purple and yellow coloring.

Councilmember Mogged questioned staff regarding the horticulture maintenance contracts. Parks Superintendent Tim Hightshoe explained \$35,000 would be required for maintenance for this landscaping standard along SH26.

Mayor Kelly stated the location at John McCain would be heavily landscaped so that it is more evident to the traveler, and they would know that they are in a different city.

Councilmember Wollin suggested having daffodils for spring coloring. Mr. Moulton replied staff can use these elements and substitute as necessary.

Councilmember Wollin stated the Garden Club could offer their input as well.

Councilmember Wollin questioned staff regarding if TxDOT will allow statues in the median. Engineer Hutt replied only landscaping, not hardscaping, was pursued with this green ribbon grant.

Mayor Pro Tem Taylor stated the reflective paints and other design elements will set Colleyville apart.

Councilmember Hall stated when the shrubs grow; the reflective signs will be hidden. Mr. Moulton stated plant materials will be suggested for the right location to ensure the signs were not covered.

Mayor Kelly questioned City Council regarding if they liked the plan. City Council stated they liked the plan.

Mayor Kelly questioned staff regarding if this will be used at the Glade Road and Pool Road roundabout. City Manager Jennifer Fadden explained this would be applied in the future budget years.

Councilmember Hall questioned staff if this will be used moving forward with the roundabout projects. City Manager Jennifer Fadden replied yes.

Councilmember Mogged questioned staff regarding the budget for the landscaping at the John McCain Road and Pleasant Run Road roundabout. Engineer Hutt replied approximately \$50,000 has been budgeted for each roundabout but that each one will be different, but the landscape manual will be followed.

Mayor Pro Tem Taylor questioned Mr. Moulton regarding the stone edging, will the round edges increase the expense? Mr. Moulton replied those are formed stone.

PC-3 Presentation of the Monthly Financial Report - August 2013

Finance Manager Karen Hines presented this item and briefed City Council.

PC-4 Discussion of the September 17, 2013, City Council regular agenda items

Community Development Director Ron Ruthven presented the information received by the applicant for agenda item 5a.

Mayor Kelly stated having concerns for the alcohol overlay. Director Ruthven stated this is a wholesale critique of the ordinance by the applicant.

Mayor Kelly questioned staff regarding what would happen to the Special Use Permit (SUP) if Whole Foods went out of business. Director Ruthven replied the SUP would expire.

Mayor Kelly stated it appears the applicant is good with the blanket SUP being tied to the Whole Foods lease, but not the other waivers.

Mayor Pro Tem Taylor stated being concerned about the quality of merchants if something changes with Whole Foods.

Mayor Kelly questioned staff regarding the parking requirements. Director Ruthven replied that the original document stated if the SUP expires, then the waivers would expire as well.

Mayor Kelly questioned staff regarding if the applicant would then be able to request a continuation of those waivers. Director Ruthven stated they would then become legal non-conforming.

Mayor Kelly questioned staff regarding if the SUP expires, can other provisions still be relevant outside of that? City Attorney Matthew Boyle replied it can be done.

Mayor Kelly stated he suggested the blanket exemption for the alcohol sales be tied to the Whole Foods lease.

Councilmember Hall questioned Mayor Kelly regarding if it is good for the other exemptions to exist. Mayor Kelly stated he is good with that.

Councilmember Hall questioned staff regarding the maximum of 25 percent of hardie plank. Director Ruthven stated the applicant's architect is having issues with meeting the 75 percent masonry requirement.

Councilmember Hall questioned staff regarding the alternate materials they are considering? Director Ruthven stated the applicant's architect should be present to answer those questions.

Councilmember Hall stated he does not want items to become in disrepair.

Councilmember Mogged questioned staff regarding if there is a concern for disrepair. Director Ruthven replied the thicker cement finish is a more study base over EIFS.

Mayor Pro Tem Taylor stated the concern is for the blanket provision but that Whole Foods will be more restrictive for the merchant type.

Director Ruthven stated if Whole Foods were to close, the existing SUPs for the restaurants would continue to operate. He added in the event those businesses cease to exist, then the Land Development Code requirements would take over.

Councilmember Short questioned staff regarding the landscaping. Director Ruthven replied the applicant will be required to comply with the landscaping requirements.

Mayor Kelly questioned staff regarding the other waiver requests. Director Ruthven replied the language exists in the ordinance to govern those requests, Section C (4), page 3.

Councilmember Short questioned staff regarding why limit the number of electric charging stations. Director Ruthven replied since the Land Development Code does not specifically allow electric charging stations, staff has limited those stations to only two. He added the parking is already limited.

Mayor Kelly adjourned the Pre Council meeting at 6:50 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Kelly at 7:45 p.m.

ROLL CALL: Mayor David Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart.

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Captain Robert Hinton, Fire Chief Brian Riley, Code Enforcement Officer Ky Roby, Economic Development Director Marty Wieder, Parks and Recreation and Library Director Mary Rodne, Parks Superintendent Tim Hightshoe, Human Resources Director Michelle Reyes, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Public Works Field Operations Manager Ken Tywater, Finance Manager Karen Hines, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley.

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

Section 551.071 - Legal - Consultation with attorney on legal issues raised by public hearing or action items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding solicitor ordinance

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

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

Mayor Kelly explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. The meeting was recessed at 6:49 p.m. and reconvened at 6:50 p.m.

INVOCATION: Pastor Ricky Texada, Colleyville Covenant Church

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-13-3664

This resolution was not needed.

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

Councilmember Mogged announced the Lions Club Hole-In One Event to be held on Friday, September 20 from noon to 7:00 p.m.; Saturday, September 21 from 10:00 a.m. to 7:00 p.m. and Sunday, September 22 from noon to 5:00 p.m.

Mayor Kelly announced the Texas Night Out Event to be held on Tuesday, October 1, from 6:00 p.m. to 9:00 p.m. at City Park.

Mayor Kelly announced that Colleyville was the winner of the annual Grapevine Mayor's Stomp Event that was held on Saturday, September 14.

Proclamation in recognition of the Colleyville Public Library 2013 Summer Chess Club Team and staff

Mayor Kelly presented a proclamation to the Colleyville Public Library 2013 Chess Club and library staff.

In recognition of Colleyville's featured business - Life Time Fitness, 1221 Church Street; William Leschber, Manager - Mayor David Kelly and Economic Development Director Marty Wieder

Mayor Kelly and Economic Development Director Mary Wieder recognized Life Time Fitness, and William Leschber, Manager. Mr. Leschber thanked the Mayor and City Council for their recognition of Life Time Fitness.

Recognition of employees' years of service

Mayor Kelly recognized Greg Prewitt, Police Department; Homer Cruse, Public Works; and David Martz, Police Department for years of service to the City of Colleyville.

Recognition of employee achievements

Mayor Kelly recognized Amy Shelley, City Secretary, for earning the Texas Municipal Clerks Certification.

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-13-3665

- 4a** Approval of the minutes of the regular City Council meeting of September 3, 2013
- 4b** Approval of an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt from the Tarrant County Precinct Three Maintenance Department, at the County's contract price, and authorize the city manager to execute the agreement
- 4c** Approval of an Interlocal Agreement with the City of Southlake to share the cost of repairs to the Pleasant Run Road/South White Chapel Road bridge over Big Bear Creek, and authorize the city manager to execute the agreement
- 4d** Approval to award a janitorial services contract to Oriental Building Services, Inc., acting as a primary vendor through the City of Arlington Interlocal Agreement, in an amount not to exceed \$128,000, and authorize the city manager to execute same, subject to the approval of funding in the Fiscal Year 2014 (FY 2014) budget
- 4e** Approval to renew the Grounds Maintenance Mowing Contract with Whitmore and Sons, Inc., in an amount not to exceed \$141,340.29, and authorize the city manager to execute same, and any associated

change orders, in an amount not to exceed \$25,000, subject to the approval of funding in the Fiscal Year 2014 (FY 2014) budget

- 4f** Approval of a contract renewal for the Horticultural Grounds Maintenance Contract to the Lawn Firm, in an amount not to exceed \$145,734, and authorizing the city manager to execute same, and any associated change orders, in an amount not to exceed \$25,000, subject to the approval of funding in the Fiscal Year 2014 (FY 2014) budget
- 4g** Approval of an Interlocal Agreement for participation in Fort Worth's Environmental Collection Center Household Hazardous Waste program, and authorize the city manager to execute the agreement
- 4h** Approval of Broker/Dealer firms for investment purchases
- 4i** Approval of the use of the Voluntary Library Fund in Fiscal Year 2014 (FY 2014), for the purchase of library materials, collection processing supplies, and library programs, in an amount not to exceed \$145,000
- 4j** Approval of the disposal of surplus, damaged, worn and outdated library books, audiovisual items, DVDs, CDs, and non-book materials, learning games, and puzzles
- 4k** Approval of the disposal of obsolete and non-serviceable equipment and vehicles

Mayor Kelly read Resolution R-13-3665 in its entirety.

Mayor Kelly opened the public hearing at 8:05 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:05 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-13-3665. Councilmember Wollin seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

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

5a Ordinance O-13-1881

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 Boulevard. 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 Boulevard, Case ZC13-009

Mayor Kelly read the caption of Ordinance O-13-1881.

Community Development Director Ron Ruthven presented the item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:09 p.m.

Scott Woodruff, Senior Vice President – Asset Management Centennial Real Estate Company, LLC., presented the item and briefed the City Council. Mr. Woodruff stated he would like this item to be delayed for two weeks to ensure their attorney is good with the changes to the proposed ordinance.

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

Mayor Kelly questioned staff regarding the TIF agreement. City Manager Jennifer Fadden stated she did not have that information for this evening's meeting, but would be happy to present that information at the next meeting, in two weeks.

Mayor Kelly stated having concerns with the blanket Special Use Permit exemption, for eternity with anyone, up to and including Whole Foods. Mr. Woodruff stated they may operate, in the future, under someone different, other than the Whole Foods concept. He added they will need to review to ensure the ordinance language is acceptable to their attorney.

Mayor Kelly moved to continue this item with a public hearing at the October 2, 2013 meeting. Councilmember Hart seconded the motion.

Councilmember Hart stated this piece is the only unknown to clarify at the next meeting.

Mayor Pro Tem Taylor stated having concerns since an attorney has now given recommendations to this ordinance; therefore, City Council was not prepared for these requested changes.

Councilmember Hall questioned Mr. Woodruff regarding the landscaping behind the building. City Manager Jennifer Fadden explained the applicant will have to comply with the landscaping requirements of the Land Development Code.

The motion to continue carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

5b Ordinance O-13-1882

Adoption of the proposed Fiscal Year 2014 (FY 2014) budget

Mayor Kelly read the caption of Ordinance O-13-1882.

Strategic Services Manager Adrienne Lothery presented the item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:21 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:21 p.m.

Mayor Pro Tem Taylor bragged on the citizens of Colleyville, City Council, and staff for the budget and the reserve funding.

Councilmember Wollin questioned staff regarding if another citizen survey is going to be done. Manager Lothery replied yes, in January of 2014.

Councilmember Wollin encouraged citizens to take the survey since their input is used during the budget process.

Mayor Kelly commended staff for their due diligence during the budget process.

Councilmember Hall moved to approve Ordinance O-13-1882. Mayor Pro Tem Taylor seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

5c Ordinance O-13-1883

Adoption of the Ad Valorem Tax Rate for Fiscal Year 2014 (FY 2014)

Mayor Kelly read the caption of Ordinance O-13-1883.

Assistant City Manager and Chief Financial Officer Terry Leake presented the item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:28 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:28 p.m.

Councilmember Hart moved to approve Ordinance O-13-1883. Mayor Pro Tem Taylor seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

5d Ordinance O-13-1884

Adoption of the Colleyville Economic Development Corporation Fiscal Year 2014 (FY 2014) Budget

Mayor Kelly read the caption of Ordinance O-13-1884.

Assistant City Manager and Chief Financial Officer Terry Leake presented the item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:34 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:34 p.m.

Councilmember Wollin questioned staff regarding the interest saved by using the Colleyville Tomorrow Funds. Assistant City Manager and Chief Financial Officer Terry Leake replied between interest and other fees, we saved approximately \$50,000.

Councilmember Hall questioned staff regarding the remaining funds in the Colleyville Tomorrow Fund. Assistant City Manager and Chief Financial Officer Terry Leake replied approximately \$1.1 million in the Parks Tomorrow Fund. She added the Colleyville Tomorrow Fund will be \$2.1 million after the pay back.

Mayor Kelly moved to approve Ordinance O-13-1884. Councilmember Wollin seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

5e Ordinance O-13-1885

Request for approval to amend Part II, Chapter 2- Administration, Article II- Finance, Division 1, Sec. 2-26 of the Colleyville, Texas, Code of Ordinances, which sets fees and charges for City services

Mayor Kelly read the caption of Ordinance O-13-1885.

Strategic Services Manager Adrienne Lothery presented the item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:38 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:38 p.m.

Councilmember Hall moved to approve Ordinance O-13-1885. Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

5f Ordinance O-13-1886

Amending Ordinance O-12-1850 relating to the Fiscal Year 2013 budget

Mayor Kelly read the caption of Ordinance O-13-1886.

Strategic Services Manager Adrienne Lothery presented the item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:40 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:40 p.m.

Councilmember Wollin moved to approve Ordinance O-13-1886. Councilmember Hall seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

6. RESOLUTION(S): READING AND PUBLIC HEARING

6a Resolution R-13-3666

Adoption of the Fiscal Year 2014 - Fiscal Year 2018 Capital Improvement Program (CIP)

Mayor Kelly read Resolution R-13-3666 in its entirety.

Public Works Director Bob Lowry presented the item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:43 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:43 p.m.

Mayor Kelly questioned staff regarding the approximate figure for the total needs. Director Lowry replied over the course of the next 50 years, it will approach \$800 million. Mayor Kelly said this is really the first comprehensive plan to address those needs.

Councilmember Hall stated he appreciates this plan.

Councilmember Hall questioned staff regarding Lavaca Trail. Director Lowry replied the City pays for the materials used and the County will do the construction. He added Lavaca Trail will not be completely done with curbs and gutters.

Councilmember Hall questioned staff regarding the timing of this project. Director Lowry said he hopes it will be early, but he does not know the timing of the project.

Mayor Kelly added that the City of Colleyville has a great working relationship with the County.

Councilmember Wollin questioned staff regarding the roundabout project at Jackson Road and Cheek-Sparger Road. Director Lowry stated construction should begin in November.

Councilmember Hall questioned staff regarding what Bedford is doing on the corner. Director Lowry replied there is a residential subdivision going in on the southwest corner.

Councilmember Hall questioned staff regarding the 240 square feet of right-of-way from the City of Bedford. Director Lowry replied yes, it has been acquired.

Councilmember Hall questioned staff regarding the bridge in that location. Director Lowry explained the bridge and the location of it.

Councilmember Mogged questioned staff regarding the Glade Road project and when is the cut-off period for citizen input for this project. Director Lowry replied the design team is still receiving input through the project website and presentations. He added staff will be presenting an update in November to City Council.

Councilmember Wollin stated the response has been phenomenal.

Councilmember Hall questioned staff regarding if public safety has been able to put in their input regarding the Glade Road project. Director Lowry replied yes, they will be thrilled with the end product.

Councilmember Mogged moved to approve Resolution R-13-3666. Councilmember Hall seconded the motion.

Councilmember Hall complimented Director Lowry and his recommendations for this plan.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

6b Resolution R-13-3667

Consideration of a Right-of-Way Encroachment and Joint Use Agreement on Lot 9R, Block 1, of the Blackberry Farm Addition, located at 6504 Westcoat Drive, Case GC13-017

Mayor Kelly read Resolution R-13-3667 in its entirety.

Community Development Director Ron Ruthven presented this item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:56 p.m.

Chip Mercer, applicant and property owner, came forward to present this item and brief the City Council.

There were no others present wishing to speak and Mayor Kelly closed the public hearing at 8:57 p.m.

Mayor Kelly questioned staff regarding if this will remain with the property versus the property owner. Director Ruthven concurred.

Mayor Pro Tem Taylor stated a portion of the driveway is in the right-of-way, therefore, the City would not be responsible for replacing such. Director Ruthven concurred.

Councilmember Short questioned staff regarding if there is an issue with the fences on the east side, if Westcoat Drive is ever improved. Director Ruthven replied it is not an issue at this time, however, if Westcoat Drive is ever expanded, it will then become an issue.

Mayor Kelly questioned staff regarding if there is something recorded if this property sells in the future. Director Ruthven stated the City will have the right to take the fence down if Westcoat Drive is ever widened.

Mayor Pro Tem Taylor questioned staff regarding the existing driveway, if the City needed to use that right-of-way, would the City be responsible for replacing that driveway? Director Ruthven replied the property owner is responsible for the driveway since it currently exists in the right-of-way. City Attorney Matthew Boyle concurred.

Councilmember Hall moved to approve Resolution R-13-3667. Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

6c Resolution R-13-3668

Consideration of appointments to the Colleyville Economic Development Corporation

Mayor Kelly read Resolution R-13-3668 in its entirety.

Mayor Kelly opened the public hearing at 9:02 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:02 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-13-3668 with the following appointments: Mark Slosson, Mark Davidson, and Bradley Shields.

Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

6d Resolution R-13-3669

Consideration of appointments to the Historical Preservation Committee

Mayor Kelly read Resolution R-13-3669 in its entirety.

Mayor Kelly opened the public hearing at 9:04 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:04 p.m.

Councilmember Wollin moved to approve Resolution R-13-3669 with the following appointments: Joe Deupree, Gigi Walker, Lloyd Bohnstengel, and Timothy Kelso. She further advised staff to readvertise for the remaining opening.

Councilmember Short seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

6e Resolution R-13-3670

Consideration of appointments to the Library Board

Mayor Kelly read Resolution R-13-3670 in its entirety.

Mayor Kelly opened the public hearing at 9:06 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:06 p.m.

Councilmember Wollin moved to approve Resolution R-13-3670 with the following appointments: Place 1 – Kay Newton; Place 3 – Thad Bolline; Place 5 – Billie Tuttle; Alternate 1 – Vernon Noronha. She further advised staff to readvertise for the remaining opening.

Councilmember Hall seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

6f Resolution R-13-3671

Consideration of appointments to the Metroport Teen Court Advisory Board

Mayor Kelly read Resolution R-13-3671 in its entirety.

Mayor Kelly opened the public hearing at 9:07 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:07 p.m.

Councilmember Hall moved to approve Resolution R-13-3671 with the following appointments: Catherine Burton and Carrie Stewart.

Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

6g Resolution R-13-3672

Consideration of appointments to the Planning and Zoning Commission

Mayor Kelly read Resolution R-13-3672 in its entirety.

Mayor Kelly opened the public hearing at 9:09 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:09 p.m.

Councilmember Hall moved to approve Resolution R-13-3672 with the following appointments: Place 5 – Carel Tornes; Place 6 – Don Davis; and Place 7 – Larry Knox.

Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

6h Resolution R-13-3673

Consideration of appointments to the Senior Center Advisory Committee

Mayor Kelly read Resolution R-13-3673 in its entirety.

Mayor Kelly opened the public hearing at 9:10 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:10 p.m.

Councilmember Short moved to approve Resolution R-13-3673 with the following appointments: Donna Bertram and Denise LaPosta

Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

6i Resolution R-13-3674

Consideration of appointments to the Zoning Board of Adjustment

Mayor Kelly read Resolution R-13-3674 in its entirety.

Mayor Kelly opened the public hearing at 9:11 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:11 p.m.

Councilmember Hart moved to approve Resolution R-13-3674 with the following appointments: Place 4 – Dee McNosky; and Place 5 – Mark Collier

Councilmember Hall seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

7. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA

There was no one present wishing to speak regarding this item.

8. REPORTS

Sign Board of Appeals Meeting Minutes - August 14, 2013

Zoning Board of Adjustment Meeting Minutes - August 14, 2013

Planning and Zoning Commission Meeting Minutes - August 26, 2013

There was no discussion of this item.

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR SEPTEMBER 17, 2013 - Reading and Public Hearing - Resolution R-13-3675

This resolution was not needed.

10. ADJOURNMENT

There being no further business before the City Council, Councilmember Mogged moved to adjourn, and Councilmember Wollin seconded the motion.

The motion carried with the following vote:

Aye: 7 - Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Mayor Kelly adjourned the City Council meeting at 9:12 p.m.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____
ABSTENTIONS ON THIS THE _____ DAY OF _____.

Minutes taken and prepared by:

Amy Shelley, TRMC
City Secretary



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4c

Agenda Date 10/02/2013

Number Resolution R-13-3677

Type Resolution

Department City Manager

Title

Approval of Progressive Waste Solutions' Consumer Price Index (CPI) rate adjustment of 3.29 percent, for commercial and roll-off accounts only, and establishing the effective date of the adjustment to be November 1, 2013

Explanation

Reading and Public Hearing

On July 29, 2013, Progressive Waste Solutions, the City's solid waste franchisee, filed a letter and supporting documents requesting a 3.29 percent rate increase for commercial and roll-off accounts based on an increase in the Consumer Price Index (CPI). Per the contract executed in 2011, residential rates were frozen until at least October 31, 2014 and no adjustment to residential rates is requested at this time.

The contract requires Progressive Waste Solutions to provide written notice of a rate adjustment request to the City at least 90 days prior to the anniversary date of November 1. Section V (a)1 states, "Billing rate adjustments for changes in the (i) Consumer Price Index for All Urban Consumers (CPI-U), for the Dallas-Fort Worth, Texas Area (as defined below) and (ii) Fuel Index (as defined below) will be considered by the City no more than once per year during the term of the Contract... Contractor must receive approval from the City for such billing rate adjustment, which approval shall not be unreasonably withheld."

The City is currently in year two of a six year contract with Progressive Waste Solutions and will soon be entering the third year. The contract is an exclusive contract beginning November 1, 2011 and terminating October 31, 2017, with an option to renew for an additional five year period.

Financial Impact

If the adjustment is approved, commercial and roll-off accounts would experience a 3.29 percent rate increase, effective November 1, 2013. These rate changes are reflected in the requested 2013 Rate Schedule, which is attached. The rate change is also projected to increase franchise fee revenue to the City by approximately \$2,146 annually.

Recommendation

Approve

Attachments

1. 2011 Rate Schedule (Current)
2. 2013 Rate Schedule (Requested)
3. Progressive Waste Solutions Rate Adjustment Request Letter Dated July 29, 2013

2011 Rate Schedule (Current)



IESI TX CORPORATION

4001 Old Denton Rd, Haltom City, Texas 76117

Contact: Paul Hansen; District Manager

Phone: (817) 222-2221

City of COLLEYVILLE RATE SHEET

Effective: 11/01/2011

RESIDENTIAL CURBSIDE COLLECTION:	\$9.60	per month
CURBSIDE RECYCLING-65 Gallon Cart:	\$3.16	per month
Additional Cart:	\$3.00	per month
Commercial Recycling-65 Gallon Cart:	\$10.00	per month
Additional Cart:	\$5.00	
Replacement Cart:	\$60.00	per cart
COMMERCIAL HAND COLLECT:	\$24.40	2X per week (includes 96 gallon cart)

COMMERCIAL RATE SCHEDULE

CONTAINER

Lifts Per Week

SIZE	1	2	3	4	5	6	Extra-Lifts
2 Cubic Yd	57.79	91.29	123.65	158.32	189.52	223.04	28.88
3 Cubic Yd	72.53	119.02	168.72	216.10	265.79	313.17	34.66
4 Cubic Yd	87.83	145.61	204.55	260.01	318.96	376.74	40.44
6 Cubic Yd	134.06	194.15	270.41	347.84	425.27	502.69	46.22
8 Cubic Yd	151.39	247.31	344.38	440.29	536.21	634.44	52.00

FRONT LOAD COMPACTOR RATES* (Negotiable)

6 Cubic Yd	215.50	431.01	646.51	862.02	1,077.52	1,293.02	68.05
8 Cubic Yd	272.23	544.42	816.64	1,088.85	1,361.08	1,633.28	79.41

Monthly Front Load Compactor Rental: 6 yd- \$177.24 8 yd- \$205.58

Containers w/ Casters \$ 9.82 per month

Containers w/ Locks or Gates \$ 9.07 per month

ROLL OFF RATE SCHEDULE

CONTAINER

ROLL OFF OPEN TOPS

SIZE	HAUL	DELIVERY	DAILY RENT	DISPOSAL	DRY RUNS
20 Cubic Yd	329.36	86.67	5.02	\$28.88 per ton	85.78
30 Cubic Yd	329.36	86.67	5.02	\$28.88 per ton	85.78
40 Cubic Yd	329.36	86.67	5.02	\$28.88 per ton	85.78

CONTAINER

SIZE	HAUL	RENTAL	WASH OUT	DISPOSAL	DRY RUNS
20 Cubic Yd	340.91	Negotiable	173.33	\$28.88 per ton	85.78
30 Cubic Yd	340.91	Negotiable	173.33	\$28.88 per ton	85.78
35 Cubic Yd	340.91	Negotiable	173.33	\$28.88 per ton	85.78
40 Cubic Yd	340.91	Negotiable	173.33	\$28.88 per ton	85.78
42 Cubic Yd	340.91	Negotiable	173.33	\$28.88 per ton	85.78

Franchise and Billing Fees:

Residential: 8.0%

Commercial: 8.0%

* All rates are inclusive of all franchise and billing fees

2013 Rate Schedule (Requested)



Progressive Waste Solutions of TX, Inc.

4001 Old Denton Rd, Haltom City, Texas 76117

Contact: Paul Hansen; District Manager

Phone: (817) 222-2221

City of COLLEYVILLE RATE SHEET

Effective: November 2013 BILLING

RESIDENTIAL CURBSIDE COLLECTION:	\$9.60	per month, per Single-Family Residential Unit
CURBSIDE RECYCLING-65 Gallon Cart:	\$3.16	per month, per Single-Family Residential Unit
Additional Cart:	\$3.00	per month, per Single-Family Residential Unit
Commercial Recycling-65 Gallon Cart:	\$10.00	per month
Additional Cart:	\$5.00	
Replacement Cart:	\$60.00	per cart
COMMERCIAL HAND COLLECT:	\$25.20	2X per week (includes 96 gallon cart)

COMMERCIAL RATE SCHEDULE

CONTAINER SIZE	Lifts Per Week						
	1	2	3	4	5	6	Extra-Lifts
2 Cubic Yd	59.69	94.29	127.72	163.53	195.76	230.38	29.83
3 Cubic Yd	74.92	122.94	174.27	223.21	274.53	323.47	35.80
4 Cubic Yd	90.72	150.40	211.28	268.56	329.45	389.13	41.77
6 Cubic Yd	138.47	200.54	279.31	359.28	439.26	519.23	47.74
8 Cubic Yd	156.37	255.45	355.71	454.78	553.85	655.31	53.71

FRONT LOAD COMPACTOR RATES* (Negotiable)

6 Cubic Yd	222.59	445.19	667.78	890.38	1,112.97	1,335.56	70.29
8 Cubic Yd	281.19	562.33	843.51	1,124.67	1,405.86	1,687.01	82.02

Monthly Front Load Compactor Rental: 6 yd- \$183.07 8 yd- \$212.34

Containers w/ Casters \$ 10.14 per month

Containers w/ Locks or Gates \$ 9.37 per month

ROLL OFF RATE SCHEDULE

CONTAINER SIZE	ROLL OFF OPEN TOPS				
	HAUL	DELIVERY	DAILY RENT	DISPOSAL	DRY RUNS
20 Cubic Yd	340.20	89.52	5.19	\$29.83 per ton	88.60
30 Cubic Yd	340.20	89.52	5.19	\$29.83 per ton	88.60
40 Cubic Yd	340.20	89.52	5.19	\$29.83 per ton	88.60

CONTAINER SIZE	ROLL OFF OPEN TOPS				
	HAUL	RENTAL	WASH OUT	DISPOSAL	DRY RUNS
20 Cubic Yd	352.13	Negotiable	179.03	\$29.83 per ton	88.60
30 Cubic Yd	352.13	Negotiable	179.03	\$29.83 per ton	88.60
35 Cubic Yd	352.13	Negotiable	179.03	\$29.83 per ton	88.60
40 Cubic Yd	352.13	Negotiable	179.03	\$29.83 per ton	88.60
42 Cubic Yd	352.13	Negotiable	179.03	\$29.83 per ton	88.60

Franchise and Billing Fees:

Residential: 8.0%

Commercial: 8.0%

* All rates are inclusive of all franchise and billing fees



July 29, 2013

Ms. Jennifer Fadden
City Manager-City of Colleyville
100 Main Street
Colleyville, Texas 76034

Re: Price Increase Request:

Dear Ms. Fadden:

Progressive Waste Solutions would like to take this opportunity to express our appreciation for your business. Per our contract we would like to present to you our request for the 2013 rate adjustment that is outlined in our contract, for Commercial and Roll-off accounts, the Cities residential rates were frozen until 2014. The amount is based on the published Bureau of Labor Standard Consumer Price Index / Urban Consumers (CPI-U DFW)-all items-May 2011 to May 2013 (see attached). The amount of the request for 2013 is equal to 3.29%. We respectfully ask for your support in order to maintain our operations and continue to meet our financial obligations.

If you have any questions or need additional information, please feel free to contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Norm Bulaich", written over a horizontal line.

Norm Bulaich,
Municipal Manager
Progressive Waste Solutions
817-999-2584

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Data extracted on: July 29, 2013 (4:04:29 PM)

Consumer Price Index - All Urban Consumers

Series Id: CUURA316SA0, CUUSA316SA0
Not Seasonally Adjusted
Area: Dallas-Fort Worth, TX
Item: All items
Base Period: 1982-84=100

Download: .xls

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2003	174.0		176.8		176.9		176.5		177.0		175.9		176.2	176.1	176.4
2004	175.7		177.7		179.1		179.1		179.7		179.9		178.7	177.8	179.6
2005	180.0		181.3		183.5		184.3		188.9		187.8		184.7	182.0	187.4
2006	188.6		188.4		191.2		191.7		192.0		188.4		190.1	189.7	190.5
2007	188.890		190.156		192.779		194.286		194.847		196.465		193.245	191.057	195.433
2008	197.079		198.596		202.357		206.413		205.883		200.051		201.791	200.118	203.463
2009	198.623		200.039		199.311		200.663		201.802		201.958		200.544	199.494	201.595
2010	202.106		201.982		202.108		200.227		201.882		201.168		201.624	201.908	201.339
2011	203.199		206.967		208.794		208.602		209.255		209.283		207.933	206.768	209.097
2012	209.203		212.618		212.226		211.267		214.033		212.901		212.227	211.520	212.935
2013	213.696		216.465		215.670										

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out in the manner, at the times, and in the locations and at the prices specified in the contract documents, and shall be subject to inspection and approval of the City Manager, or his designee.

Section V Fees and Rates

Contractor shall obtain information concerning the conditions at locations that may affect its performance of work. Contractor accepts that quantities of the number of residential, recycling and commercial units provided by City are strictly estimates. In evaluating and determining the base value of the Contract, Contractor is responsible to survey the City for use in preparing the proposal and as such, is encouraged to utilize its own or other estimates and to provide for growth or shrinkage factors.

- (A) **Billing Rate:** The rates to be charged by Contractor for refuse collection through September 1, 2008, will be those set forth in Exhibit "A", the Rate Sheet, as modified from time to time as set forth and incorporated herein for all purposes. These rates will be binding and considered part of the Contract and may be modified by Resolution as approved by the City.

a. **Modification of Billing Rate at Contractor's Request:** Contractor shall maintain such rates as shown in Exhibit "A" until at least August 31, 2008. Annually thereafter, the rates shown in Exhibit "A" may be adjusted annually as provided herein in accordance with the Contract, subject to the contractor providing written notice as provided herein to the City at least ninety (90) calendar days in advance of the anniversary date, the intent to adjust rate. Except as otherwise specifically provided, said rate adjustments are subject to the approval of the City pursuant to Section V.(a)1(c) and V.(a)2. herein.

1. **Qualifications for Billing Rate Adjustment:**

Billing rate adjustments for changes in the (i) Consumer Price Index for All Urban Consumers (CPI-U), for the Dallas-Fort Worth, Texas Area (as defined below) and (ii) Fuel Index (as defined below) will be considered by the City no more than once per year during the term of the Contract, during the month of August of each contract year. Contractor must receive approval from the City for such billing rate adjustment, which approval shall not be unreasonably withheld. Contractor's request for an adjustment in the billing rates for increases in the CPI and the Fuel Index shall be calculated as follows:

(a) **CPI-U Component –**

Contractor shall first calculate the percentage of change in the Consumer Price Index (CPI-U), Dallas-Fort Worth,

Texas; All Items Less Energy; Base Period 1982-84=100, Not Seasonally Adjusted, published by the United States Bureau of Labor Statistics, Consumer Price Index (the "CPI") between the published final June CPI index of the then current year and the published final June CPI index of the immediately preceding year (the "CPI Component"). In the event the U.S. Department of Labor, Bureau of Labor Statistics ceases to publish the CPI, the parties hereto agree to substitute another equally authoritative measure of change in the purchasing power of the U.S. dollar as may be then available so as to carry out the intent of this provision.

(b) Fuel Component –

Contractor shall also calculate the percentage of change in the cost of diesel fuel during the prior twelve (12) month period, using the weekly average price of diesel fuel, as determined by reference to the Energy Information Administration of the U.S. Department of Energy ("EIA/DOE")'s Weekly Retail On Highway Diesel Prices for the Gulf Coast, published on the last Monday of each May of the Contract Year ("Fuel Index"). The EIA/DOE currently publishes these prices on their website at the following location: www.tonto.eia.doe.gov/oog/info/wohdp/diesel.asp. Contractor shall calculate the percentage of change in the price of diesel fuel between the average price of diesel fuel from the aforesaid website published for the last Monday of May of the then immediately prior year (the "Initial Fuel Base") and the average price of diesel fuel from the aforesaid website for the 52 weeks period immediately prior to the last Monday of May of the current year (the average being calculated by adding together the weekly fuel price for each of the 52 prior weeks, divided by 52) (the "Current Fuel Base"). The Initial Fuel Base utilized for May of 2007 shall be \$2.55 per gallon. The percentage change in the Initial Fuel Base and Current Fuel Base shall be multiplied by 13%, and the product thereof shall be the "Fuel Adjustment Component."

(c) Supplemental Component –

Contractor may petition the City, not more than once per year following the completion of the initial year, for adjustments to reimburse the Contractor for the reasonable costs to Contractor of any capital and/or operating expenditures including taxes, fees and surcharges required or imposed solely by federal or state law, regulation, rule, permit, or permit condition, that was not imposed because of

the action or inaction of the Contractor. Determination of such supplemental request for billing rate adjustment shall be at the sole discretion of the City.

- (d) Modification of Billing Rate at City's Request: City may petition Contractor, not more than once per year following the completion of the initial year, for adjustments to adjust the billing rate based on any decrease in Contractor's disposal costs, including but not limited to a decrease in average amount of waste per pickup. City's request will be reviewed as an individual component and any decrease will be automatically applied to the billing rate.

2. City Decision:

The City shall, within forty-five (45) days after Contractor's request for a Base Rate adjustment, advise Contractor of its approval or disapproval of an increase in the Base Rates effective as of September 1 of the then current year. If the City fails to render its decision within such forty-five (45) day period, the request shall be deemed approved. However, the City may provide, by written notice to Contractor, of an extension of the forty-five day requirement for an additional thirty (30) day evaluation period. The City's approval of Contractor's request for an increase in the Base Rates for a CPI-U/Fuel Components, as calculated above, shall not be unreasonably withheld. However, the decision by the City for a Supplemental Component billing rate adjustment shall be at the sole discretion of the City.

- (B) Franchise Fee: For and in consideration of the City granting Contractor a Contract within the city limits for commercial and residential refuse collection, the City shall independently establish a franchise fee, separate and apart from the Contractor cost for refuse collection services, calculated pursuant to:

- (1) Residential Billing: The City is hereby designated as the billing and collection agent for the residential refuse services provided herein. The City will levy 8.0 percent (8.0%) for each customer billing as payment of the portion of the franchise fee due on gross revenues. The City agrees to provide Contractor with a computer printout establishing the amount of the residential billings by the City each month, said printout to be provided and any amounts due to Contractor to be paid to Contractor no later than the twentieth (20) day of month following the month billed.

- (2) Commercial Billing: Contractor shall be responsible for billing and collection of funds for commercial refuse services. Contractor agrees to

Exhibit "B"

AMENDMENT AND EXTENSION AGREEMENT

This Amendment and Extension Agreement (the "Amendment") is entered into this 6th day of September, 2011 to be effective as of November 1, 2011 (the "Effective Date") by and between IESI TX Corporation (the "Contractor") and the City of Colleyville, Texas, a municipal corporation in Tarrant County (the "City").

RECITALS:

WHEREAS, the City and the Contractor entered into a Contract for Refuse Services for Residential, Recycling and Commercial Refuse Collection dated as of May 24, 2007 (the "Contract");

WHEREAS, the Contract was to terminate on August 31, 2012; and

WHEREAS, the City and the Contractor mutually desire to amend and extend the Contract as further described herein.

AGREEMENT:

NOW, THEREFORE, and in consideration of the premises and such other lawful consideration, the receipt and sufficiency of which each of the parties hereto acknowledge, the parties agree as follows:

1. Exclusive Contract. The last sentence of Section I of the Contract is hereby deleted in its entirety and replaced as follows:

"City also hereby grants to Contractor a license to use the public streets, alleys, easements and thoroughfares within the limits of the City for the purpose of collection and disposal of garbage, brush, bulky items, bundled, bagged or boxed bundled items, and other refuse for a period of six years beginning November 1, 2011, and terminating October 31, 2017, with an option to renew for an additional five year period beginning on November 1, 2017 and terminating on October 31, 2022, subject to the limitations, terms, and conditions hereinafter specified and contained in the Contract, more particularly in Section X(C) hereof."

2. Definitions. The following definitions from Section III of the Contract are hereby amended as follows:

- A. Section III(A) of the Contract is hereby deleted in its entirety and replaced as follows:

"Anniversary Date – November 1."

Exhibit "B"

- B. Section III(F) of the Contract is hereby deleted in its entirety and replaced as follows:

"Recycling Cart – A wheeled receptacle with sixty-five gallons of capacity constructed of plastic or fiberglass and utilized for the collection of recyclable materials."

3. Fees and Rates. The following paragraphs of Section V of the Contract are hereby amended as follows:

- A. The second paragraph of Section V of the Contract is hereby deleted in its entirety and replaced as follows:

"Billing Rate: The rates to be charged by Contractor for refuse and recyclable material collection through October 31, 2012, will be those set forth in the Exhibit "C", the Rate Sheet, as modified from time to time as set forth and incorporated herein for all purposes. These rates will be binding and considered part of the Contract and may be modified by Resolution as approved by the City."

- B. The third paragraph of Section V of the Contract is hereby deleted in its entirety and replaced as follows:

"(A) Modification of Billing Rate at Contractor's Request: The rates shown in Exhibit "C" for Residential Premises shall remain in effect until at least October 31, 2014, so long as the CPI Component is an increase in the CPI, as determined according to Section V(1)(a) of the Contract, for the twelve-month periods ending on June 30, 2012 and/or June 30, 2013 (each, an "Adjustment Period") and such increase is equal to or below 2.5% ("Base Percentage") during such Adjustment Period. If the CPI Component during an Adjustment Period is an increase in the CPI and is larger than the Base Percentage, then the Contractor shall be entitled to increase the residential rates in an amount equal to the difference between the CPI Component during such Adjustment Period and the Base Percentage. Such rate increase shall be effective for the Contract Year that immediately follows such Adjustment Period. For the purpose of this Contract a "Contract Year" shall begin on November 1 and end on October 31 each year. Beginning on November 1, 2014 and on each Anniversary Date thereafter, the rates may be adjusted as provided herein, so long as the Contractor provides the City with written notice of its intent to adjust the rates no later than ninety (90) days prior to the Anniversary Date. The rates shown in Exhibit "C" for Commercial Premises shall remain in effect until at least October 31, 2012. Beginning on November 1, 2012 and on each

Exhibit "B"

Anniversary Date thereafter, the rates may be adjusted as provided herein, so long as the Contractor provides the City with written notice of its intent to adjust the rates no later than ninety (90) days prior to the Anniversary Date. Except as otherwise specifically provided, said rate adjustments are subject to the approval of the City pursuant to Sections V.(A)(1)(c) and V.(A)2. hereof."

- C. Section V(A)(1) of the Contract is hereby amended by replacing "August" with "October".
- 4. Curbside Recycling. The following paragraphs from Section VII(B) of the Contract are hereby amended as follows:
 - A. The last sentence of Section VII(B)(2) of the Contract is hereby deleted in its entirety.
 - B. Section VII(B)(3) of the Contract is hereby deleted in its entirety and replaced as follows:

"Any Additional Recycling Cart utilized by such Residential Premise shall be charged according to the Rates set forth in Exhibit "C"."
 - C. Section VII(B)(4) of the Contract is hereby deleted in its entirety and replaced as follows:

"Contractor shall repair or replace Recycling Carts that are damaged by the Contractor during its operations at no cost to the Residential Premise. Additionally, Contractor will replace at no cost one (1) stolen Recycling Cart per Residential Premise, so long as the Residential Premise provides the Contractor with a valid police report for the stolen Recycling Cart. All other replacement Recycling Carts shall be charged to the Residential Premise at the rate set forth in Exhibit "C"."
 - D. Section VII(B)(5) of the Contract is hereby deleted in its entirety and replaced as follows:

"Contractor shall only be responsible for the collection of recyclable materials that are placed within the Recycling Cart by such Residential Premise."
 - E. The following is hereby added to the Contract as Section VII(B)(9):

"For any contract quarter in which the Contractor collects an Aggregate Monthly Average as defined herein, of recyclable materials in excess of sixty-five (65) pounds for each Residential Premise located within the City (the "Recyclable Base Average"), the Contractor shall submit a rebate

Exhibit "B"

payment to the City equal to \$25.00 per ton of recyclable materials collected by the Contractor in excess of the Recyclable Base Average during such contract quarter (the "Rebate"). The term "Aggregate Monthly Average" as used in this Contract shall mean the aggregate monthly average of recyclable materials collected by the Contractor from each Residential Premise located in the City during the three (3) month period of any contract quarter. The Rebate payment shall be calculated in accordance with the formula below and then submitted to the City by the Contractor within thirty (30) days of the close of the contract quarter for which such rebate was determined. The City shall not be entitled to any Rebate payment for any contract quarter in which the Aggregate Monthly Average of recyclable materials collected by the Contractor was equal to or less than sixty-five (65) pounds per Residential Premise within the City. For the purpose of this contract the beginning dates for the contract quarters shall be November 1, February 1, May 1 and August 1.

Rebate =

$$\frac{(\text{Aggregate Monthly Average per Residential Premise} - \text{Recyclable Base Average}) \times 3 \text{ (months in a quarter)} \times (\# \text{ of Residential Premises}) \times \$25.00}{2,000 \text{ (pounds in a ton)}}$$

Example:

Assume that the Service Provider collected an average of 69 pounds of recyclable materials in February, 70 pounds of recyclable materials in March and 71 pounds of recyclable materials in April from each Residential Premise in the City, for an Aggregate Monthly Average of 70 pounds of recyclable materials collected per Residential Premise in the City for the contract quarter beginning on February 1 and ending on April 30. Assuming that there are 8,000 Residential Premises located within the City. The Rebate due to the City by May 30 would be calculated as follows:

$$\frac{(70-65) \times 3 \times 8,000 \times \$25.00}{2,000}$$

Total Rebate payment due to the City by May 30, for the contract quarter beginning February 1 and ending April 30 = \$1,500.00"

5. Review of Performance. Section X(C) of the Contract is hereby deleted in its entirety and replaced as follows:

"The term of this Contract shall be for a period of six (6) years, commencing on November 1, 2011 and concluding on October 31, 2017. At the expiration of this Contract, the Contract shall extend for a period of five (5) years; provided, that neither party provides the other party with written notice of its intent to terminate this Contract at least 180 days prior the expiration date of this Contract. If either party provides such notice, this Contract will cease to be renewed and will terminate at the end of this six (6) year Contract."

Exhibit "B"

6. Rate Sheet. The Rate Sheet marked as Exhibit "A" and attached to the Contract is hereby deleted in its entirety and replaced with the Rate Sheet marked Exhibit "C" and attached hereto.
7. Reaffirmation. The parties hereby reaffirm their agreement with all the terms and provisions of the Contract, as amended by this Amendment.
8. Entire Agreement. The Contract together with this Amendment represents the entire agreement among the parties with respect to the matters that are the subject hereof.
9. Counterparts: Facsimile Signatures. The Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall collectively constitute one and the same instrument representing this Amendment between the parties hereto, and it shall not be necessary for the proof of this Amendment that any party produce or account for more than one such counterpart. Facsimile signatures shall be given the same force and effect as original signatures and shall be treated for all purposes and intents as original signatures.

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the date first written above.

CITY OF COLLEYVILLE, TEXAS
100 Main Street
Colleyville, TX 76034

By: 
Name: David Kelly
Title: Mayor

Colleyville City Council

SEP 06 2011

Approved

IESI TX CORPORATION
4001 Old Denton Road
Haltom City, TX 76117

By: 
John Gustafson, Vice President



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4d

Agenda Date 10/02/2013

Number Resolution R-13-3677

Type Resolution

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

Reading and Public Hearing

John Dickerson has submitted a request for a final plat for 10.07 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 0.51 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 not due 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 \$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.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of the final plat at the September 9, 2013 meeting by a vote of 5-0.

Summary. The proposed final plat satisfies the requirements of Ordinance O-13-1880

and the Land Development Code.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

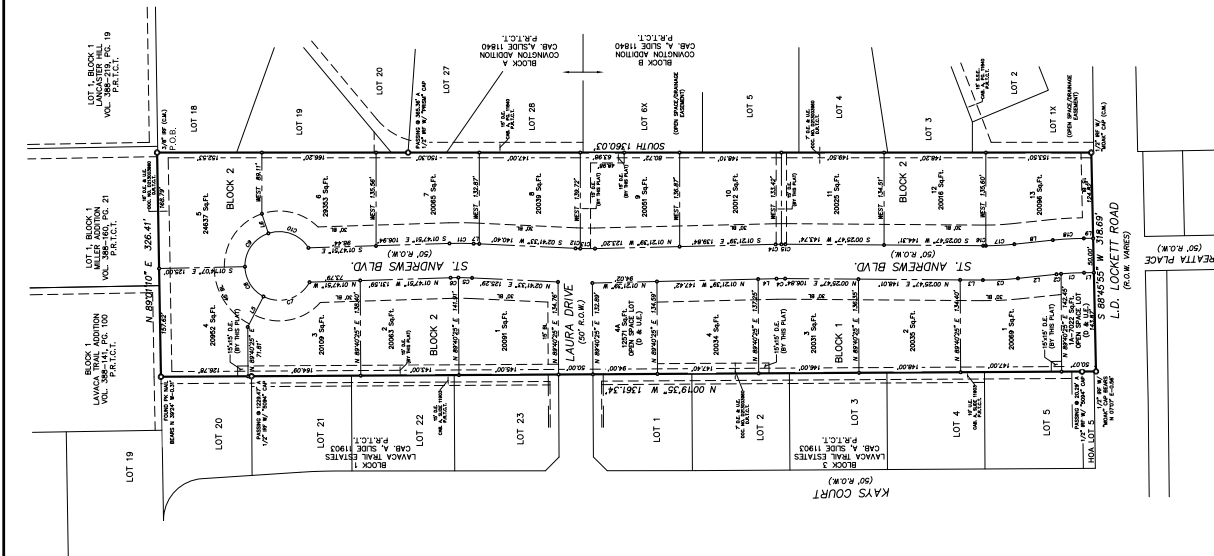
1. Location and Zoning Map
2. Aerial Looking North
3. Final Plat Exhibit

[illegible]

Aerial Looking North



S:\JobFolders\034-Hamilton Duff\034-082-20 LD Lockett 10 acre\spry-Lockett-Plat.dwg

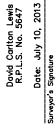


LINE	BEARING	DISTANCE
L1	N 00°19'35" W	14.39'
L2	N 08°04'37" W	56.38'
L3	N 00°25'47" E	33.20'
L4	N 01°21'39" W	26.67'
L5	S 62°40'40" E	50.00'
L6	S 71°33'08" W	30.00'
L7	S 02°41'33" W	8.17'
L8	S 08°04'37" E	56.38'
L9	S 00°19'35" E	13.50'

ABBREVIATIONS

D.R.I.C.T.	DEED RECORDS OF TARRANT COUNTY, TEXAS
P.R.I.C.T.	PLAT RECORDS OF TARRANT COUNTY, TEXAS
VOL.	VOLUME
P.G.	PAGE
DOC. NO.	DOCUMENT NUMBER
U.E.	UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT

any purpose. This drawing shall be used for
REVIEW PURPOSES ONLY



WHEREAS, Martin & Lot 1, Block 1, Street in the Deed Record and more particular based on the east

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

Witness our hands this _____ day of _____

Signature	Title

NOTARY CERTIFICATE

STATE OF

STATE OF _____
COUNTY OF _____
CITY OF _____

COUNTY OF _____

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

Attent: Secretari Planning and Zoning Commission

PURPOSE OF PIAT

The purpose of this plat is to develop Lot 1, Block 1, Stajduhar Addition described in the plat recorded in Document Number 20123003960 in the Deed Records of Tarrant County, Texas, as a residential community.

A FINAL PLAT OF
LOTS 1-4, BLOCK 1, & LOTS 1-13, BLOCK 2

ST ANDREWS ESTATES

AN ADDITION TO THE CITY OF COLLEVILLE, BEING A REPLAT OF
LOTS 1, BLOCK 1, STADJOHAR ADDITION,
RECORDED IN DOCUMENT NUMBER D213003960, IN THE DEED RECORDS OF
TARRANT COUNTY, TEXAS, WHICH IS 10.70 ACRES
IN THE W.C. NEWTON SURVEY, A - 1182
CITY OF COLLEVILLE, TARRANT COUNTY, TEXAS

OWNER: Martin & Ilen Solderer
ENGINEER: Hamilton Duffy, P.C.

Hamilton Duffy, P.C.
SURVEYOR: Spry Surveyors
8241 Mid-Cities Blvd., Ste. 100
North Richland Hills, TX 76182
Phone: 817-896-6150

SPRY PROJECT NO. 034-082-30
DATE: MAY 2017

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

Graphic Scale in Feet

80° 160° 240°



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4e

Agenda Date 10/02/2013

Number Resolution R-13-3677

Type Resolution

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

Reading and Public Hearing

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: 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 windows 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" specification.

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. The developer has submitted paperwork dedicating the required 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. Staff is currently reviewing the easement, which will be filed by separate instrument, but in conjunction with the final plat. 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.

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 not due for this development.

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.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of the final plat at the September 9, 2013 meeting by a vote of 5-0.

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

Financial Impact

There is no financial impact to the City.

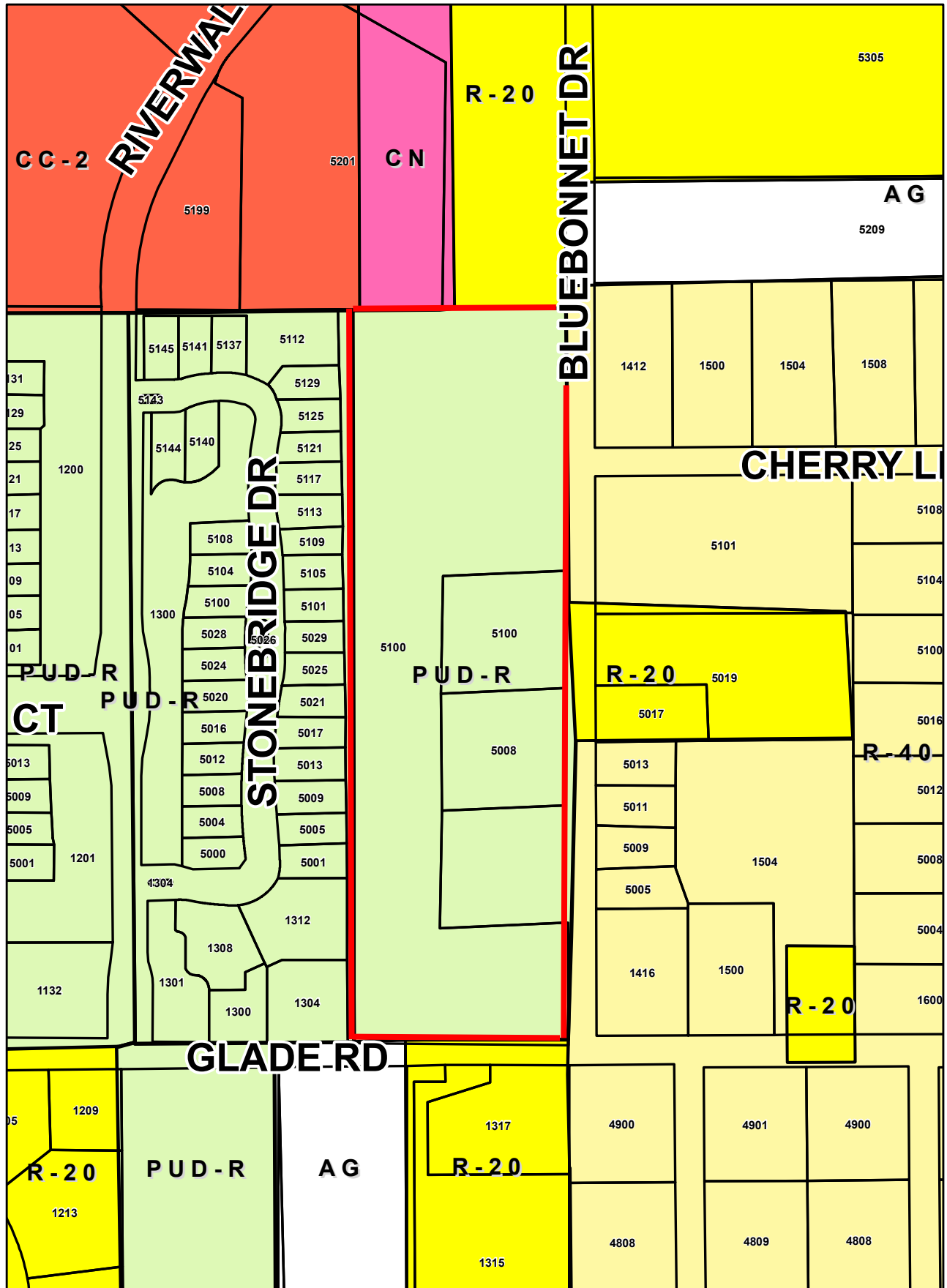
Recommendation

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.

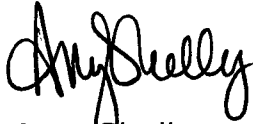
AND IT IS SO ORDERED.

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.

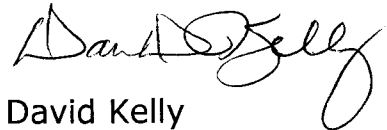
PASSED AND APPROVED by the City Council of the City of Colleyville, Texas,
on this the 7th day of May 2013.

ATTEST:



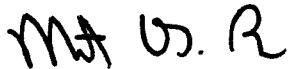
Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

[illegible]

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)

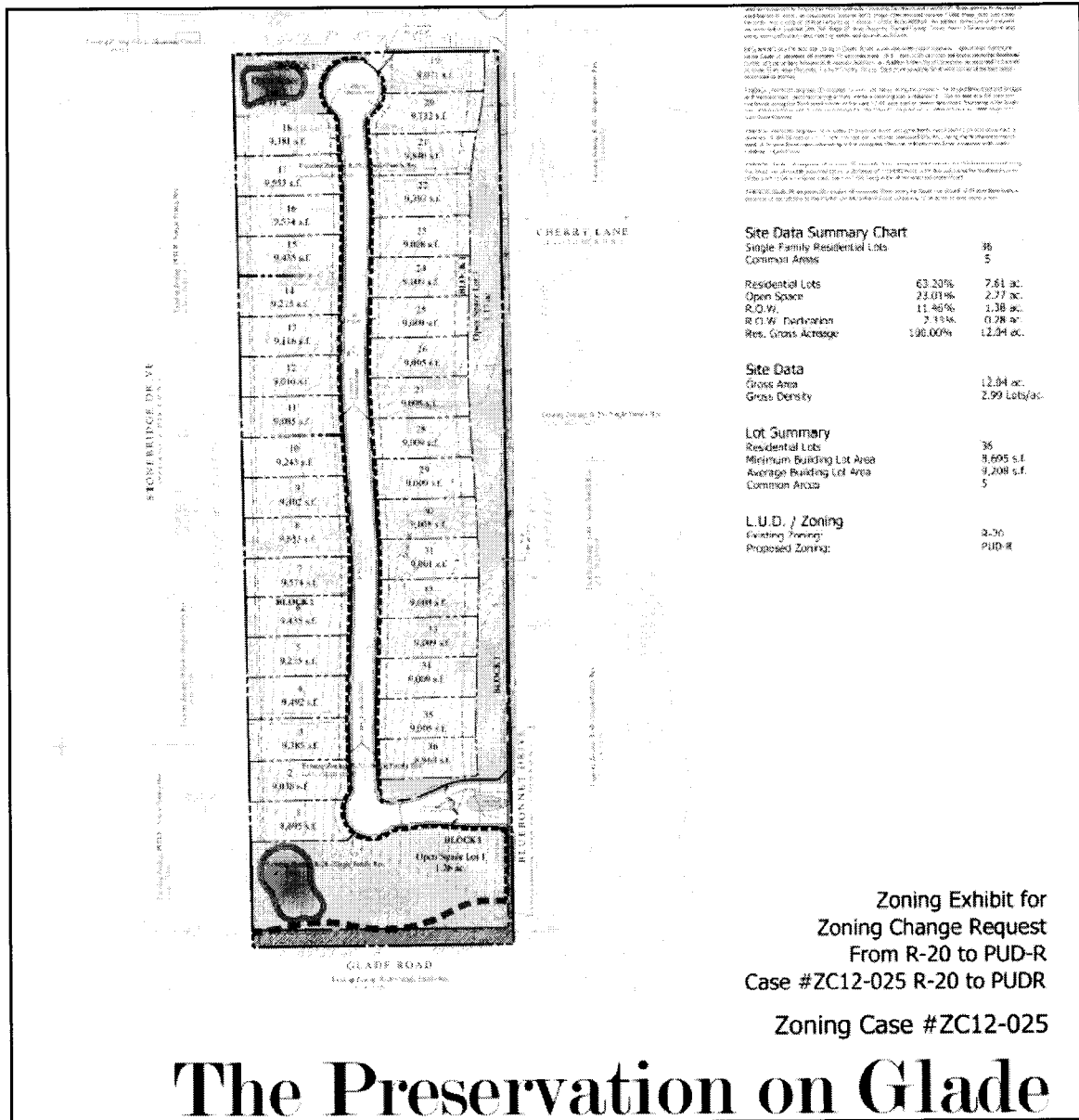
Development Standards

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)

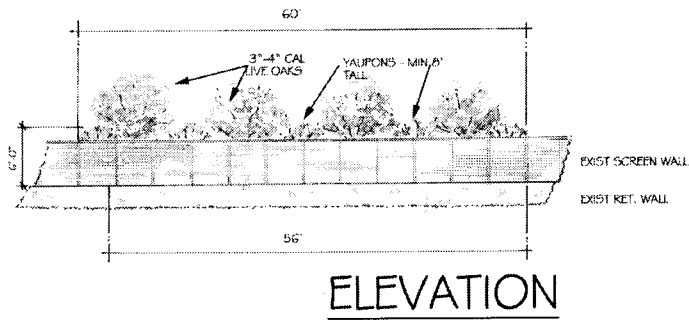
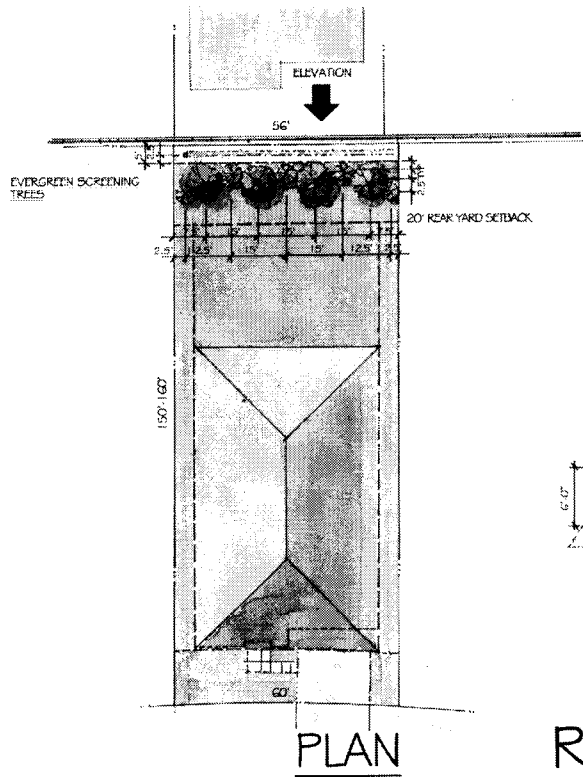
Street Design Standards:	
Right of Way:	Forty feet (40')
Travel Lane Width:	Thirty-one foot (31'), back of curb to back of curb
Turning Radii:	Twenty feet (20')
Open Space Standards:	The Common Open Space shall be either left natural (where disturbance and irrigation may harm existing trees) or fully 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

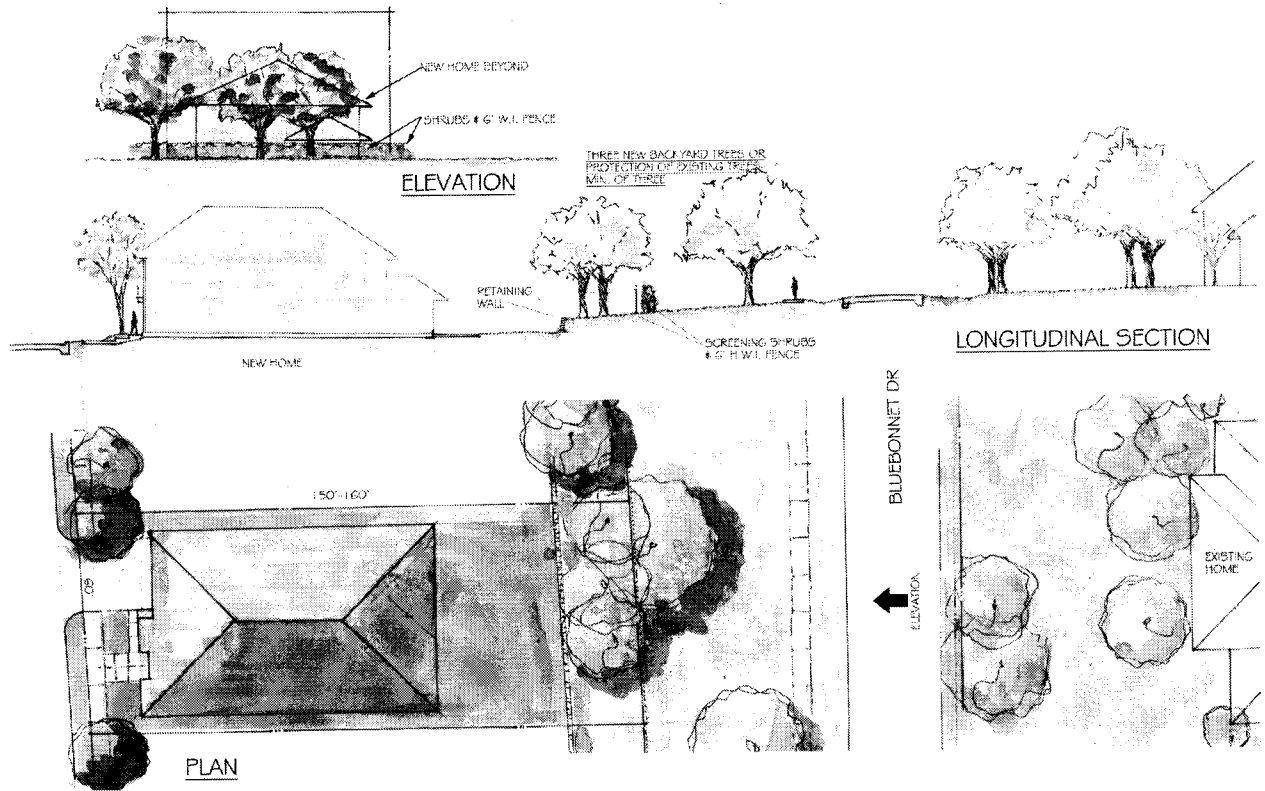
Exhibit E – West Side Landscaping Example



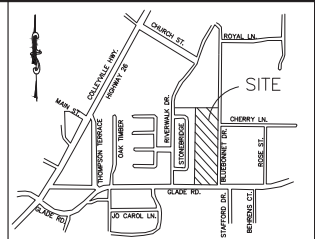
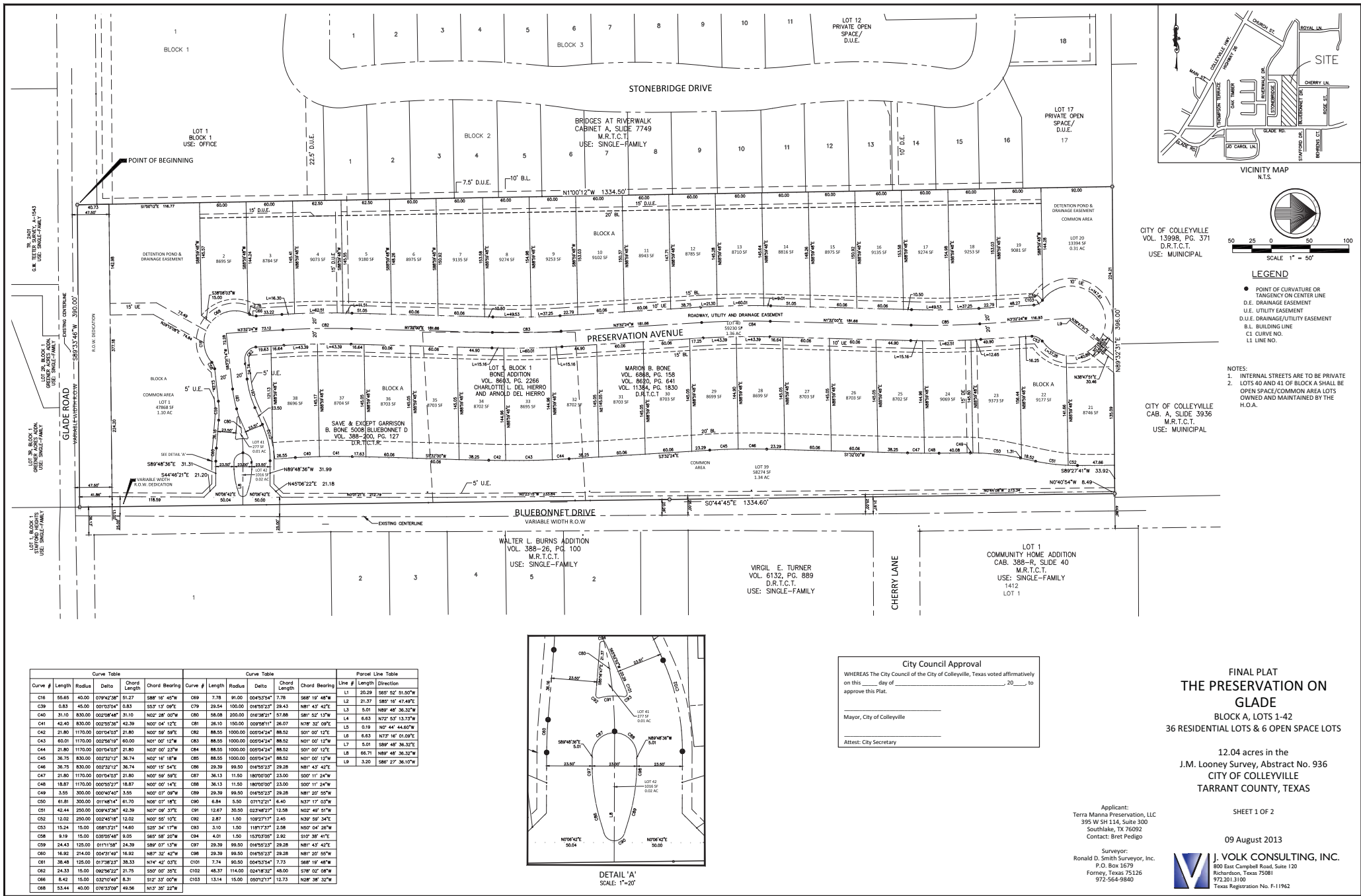
REAR YARD SCREENING

12 APRIL 2013

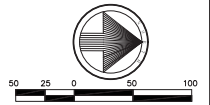
Exhibit F – East Side Landscaping Plan



Final Plat Exhibit



CITY OF COLLEYVILLE
VOL. 13998, PG. 371
D.R.T.C.T.
USE: MUNICIPAL



- LEGEND**
- POINT OF CURVATURE OR TANGENCY ON CENTER LINE
 - D.E. DRAINAGE EASEMENT
 - U.E. UTILITY EASEMENT
 - D.U.E. DRAINAGE/UTILITY EASEMENT
 - B.L. BUILDING LINE
 - C.I. CURVE NO.
 - L.I. LINE NO.

- NOTES:**
- INTERNAL STREETS ARE TO BE PRIVATE
 - LOTS 40 AND 41 OF BLOCK A SHALL BE OPEN SPACE/Common Area Lots OWNED AND MAINTAINED BY THE H.O.A.

CITY OF COLLEYVILLE
CAB. A, SLIDE 3936
M.R.T.C.T.
USE: MUNICIPAL

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

Applicant:
Terra Manna Preservation, LLC
395 W. 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

09 August 2013

SHEET 1 OF 2

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 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 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 walks 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
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972-564-9840



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Texas Registration No. F-11962



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4f

Agenda Date 10/02/2013

Number Resolution R-13-3677

Type Resolution

Department Police

Title

Approval to purchase four Chevrolet Tahoe patrol vehicles, and all equipment, from Caldwell Country Chevrolet, in an amount not to exceed \$201,676. Approval to purchase one Ford Fusion administrative vehicle, from Philpott Ford, in an amount not to exceed \$18,523.75; both approved state vendors, bid through the Cooperative Purchasing Program with the State of Texas

Explanation

Reading and Public Hearing

The Colleyville Police Department will be replacing four marked police vehicles, and one administrative vehicle and equipment in Fiscal Year 2014 (FY 2014). Under the new fleet management plan enacted this year, police patrol vehicles will normally be replaced every third year, due to the extensive use and high mileage they accrue. These five vehicles represent approximately one-third of the police patrol fleet.

Per the attached quote, the cost of each Chevrolet Tahoe is \$27,319; the cost to outfit each patrol vehicle, including labor and equipment, will be \$23,000, a single \$400 Buy Board fee has been distributed at a cost of \$100 per vehicle for a total cost of \$50,419 per vehicle. The equipment will include police radio and computer installation, new prisoner restraint cages, emergency warning equipment, graphics, and other law enforcement and safety related items.

Per the attached quote, the cost of the Ford Fusion is \$18,523.75 which includes a single \$400 Buy Board fee.

Staff recommends the purchase of these Chevrolet Tahoe police vehicles from Caldwell Country Chevrolet, an approved state vendor, bid through the Cooperative Purchasing Program with the State of Texas that meets the specifications for the 2013 Chevrolet Tahoe patrol vehicle.

Staff also recommends the purchase of the Ford Fusion administrative vehicle from Philpott Ford, an approved state vendor, bid through the Cooperative Purchasing Program with the State of Texas that meets the specifications of the 2013 Ford Fusion.

Financial Impact

Funds in the amount of \$206,600 for the four police patrol vehicles and associated equipment, and funds in the amount of \$24,000 for an administrative vehicle, are

allocated in the Fiscal Year 2014 Colleyville Crime Control and Prevention District budget.

Recommendation

Approve

Attachments

1. Caldwell Country Quote
2. Philpott Ford Quote

QUOTE# **00A**

CONTRACT PRICING WORKSHEET

[illegible]

Subtotal C		
D Other Price Adjustments (Installation, Delivery, Etc...)		
Subtotal D		INCL
E Unit Cost Before Fee & Non-Equipment Charges(A+B+C+D)		\$27,319
Quantity Ordered		4
X		
Subtotal E		\$109,276
F Non-Equipment Charges (Trade-In, Warranty, Etc...)		
BUY BOARD		\$400
G. Color of Vehicle: BLACK		
H. Total Purchase Price (E+F)		\$109,676
Estimated Delivery Date:		30 DAY DELIVERY =UNIT IN STOCK=

PRODUCT PRICING SUMMARY BASED ON CONTRACT**BUYBOARD #358-10****Vehicles and Heavy Duty Trucks****End User:** CITY OF COLLEYVILLE P.D.**Philpott Rep:** KEN DURBIN / MO # 409 284 1009**Contact:** CHUCK TINSMAN O-817-503-1223**Phone/email:** KEN.DURBIN@PHILPOTTMOTOR**Phone/email:** TINSMANC@CI.COLLEYVILLE.TX.US**Date:** Friday, March 29, 2013**Product Description:** 2013 FORD FUSION 4DR.**A. Bid Series:** 80**A. Base Price:** **\$ 15,272.00****B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
997	2.5 4CYL GAS 2013 MODEL	\$ 1,640.00			
44W	6-SPEED AUTO TRANSMISSION	\$ -		COLOR ?	
903	POWER GROUP / WINDOWS & LOCK	\$ -			
				TRADE-IN-WELCOME	
Total of B. Published Options:					\$ 1,640.00

C. Unpublished Options [Itemize each below, not to exceed 25%]**\$= 0.5 %**

Options	Bid Price	Options	Bid Price
RADIO SUPPRESSION PKG.	\$ 90.00		
Total of C. Unpublished Options:			\$ 90.00

D. Pre-delivery Inspection:**\$ 80.00****E. Texas State Inspection:****\$ 21.75****F. Manufacturer Destination/Delivery:****\$ 795.00****G. Floor Plan Interest (for in-stock and/or equipped vehicles):****H. Lot Insurance (for in-stock and/or equipped vehicles):****I. Contract Price Adjustment:****J. Additional Delivery Charge:** 150 miles**\$ 225.00****K. Subtotal:****\$ 18,123.75****L. Quantity Ordered** 1 **x K =****\$ 18,123.75****M. Trade in:****N. BUYBOARD Administrative Fee (\$400 per purchase order)****\$ 400.00****O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE****\$ 18,523.75**



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4g

Agenda Date 10/02/2013

Number Resolution R-13-3677

Type Resolution

Department Public Works

Title

Approval and adoption of the City of Colleyville Landscape Branding manual

Explanation

Reading and Public Hearing

At the September 17, 2013 Pre Council meeting, the proposed Landscape Branding manual was presented to City Council. During the discussion of the Landscape Branding manual, City Council concurred with adopting this manual by resolution. This item seeks formal approval and adoption of the City's Landscape Branding manual.

The City is responsible for the landscaping of several public buildings, medians, roundabouts and other open spaces throughout the City. La Terra Studios, the landscape architect, with the assistance of City staff, has prepared the proposed document that shall be used on all landscaping decisions that are made for publicly maintained areas. This Landscape Branding manual will provide guidance for landscape material selection to insure that a consistent landscape brand is used throughout Colleyville.

Financial Impact

While the actual branding manual has no fiscal impact, the implementation of it possibly will due to the enhanced landscaping.

Recommendation

Approve

Attachments

1. Landscape Branding Manual



Landscape Branding

City of Colleyville



la terra studio

2109 Commerce Street Dallas, Texas, 75201

COLLEYVILLE LANDSCAPE BRANDING

City of Colleyville

This document assists the City of Colleyville with developing a brand of landscaping enhancements that defines a theme for future improvements in public rights-of-way and City-owned properties.

Contact:

La terra Studio
2109 Commerce Street
Dallas, Texas, 75201
P 214.749.0333
moreinfo@laterrastudio.com

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Introduction.....	p.7
Entryway Markers.....	p.9
Medians.....	p.13
Roundabouts.....	p.17
Public Buildings, Parks, and Open-space.....	p.21
Rights-of-Way.....	p.23
Brand Elements.....	p.27-32

In early 2013 several meetings were held to discuss the City's long term goals with heavy emphasis on city image. It was determined that along with many other initiatives, a city wide landscape brand should be developed.

The landscape brand should enhance the quality of existing and future identity elements while creating a unifying experience in public areas throughout Colleyville.

A primary theme was developed and is encouraged to be adhered to throughout the city as public spaces are developed and enhanced. Minor variations to this main theme, such as scale and number of design elements utilized, are encouraged to create unique design responses to each specific site.

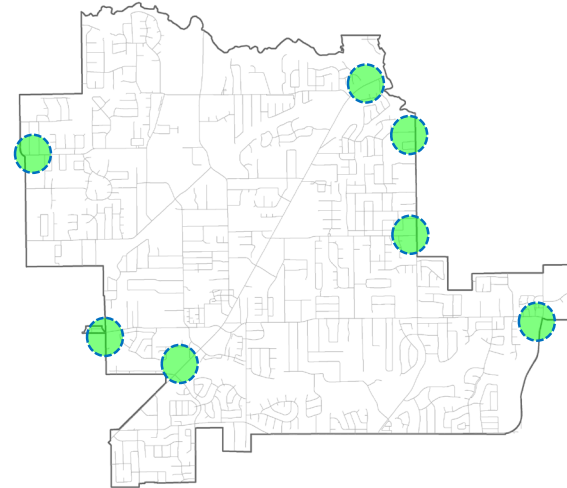
The following report presents the concepts developed for several types of municipal property that will contribute to enhancing the city image.

Colleyville.

the gold standard...



Entryway Markers



Entryway markers and the surrounding landscape provide an opportunity to express the identity and image of the city. These spaces are often the first recognizable feature as one travels into or out of a place.

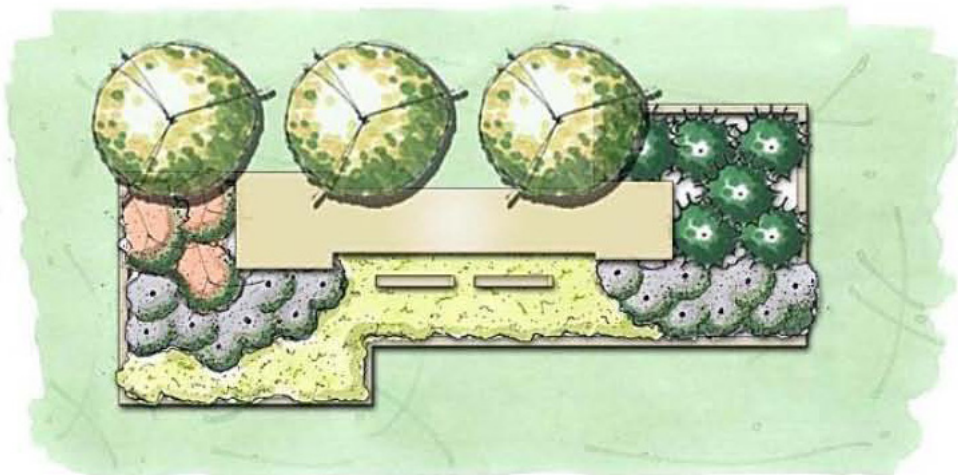
The City of Colleyville began implementing iconic entry signs in 2008. These signs differ in size and scale depending on the type of intersections where they are installed. The signs range from 10 to 25 feet wide and 8 to 10 feet tall. Constructed of high quality materials of lime stone, cast concrete, and mounted City name, these signs make a statement on their own.

Over the years, different landscape installations have been tested at these signs, with few having lasting success. Most of the planting installed was very small and was implemented into poor existing soil conditions.

In order to create a consistent look throughout the community, management of these areas should be executed by the City.

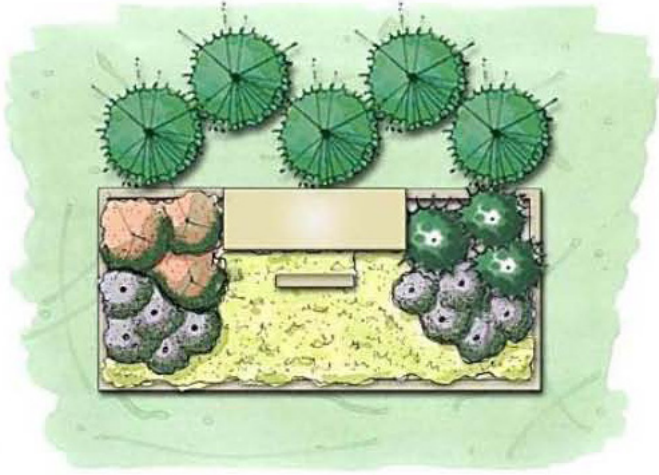
The location and size of landscape materials must be carefully controlled, as most entry points are situated at street intersections. Maintaining safe sight distance visibility for motorists and pedestrians must remain a priority.

Entryway Markers



Portal 1 - Plan

not to scale



Portal 2 - Plan

not to scale



Portal 1 - Elevation

not to scale



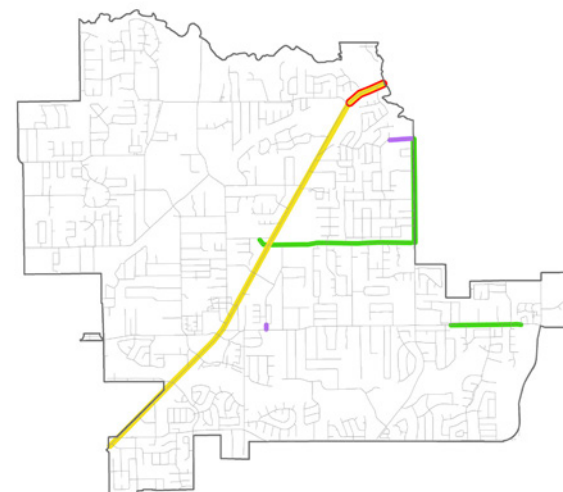
Portal 2 - Elevation

not to scale

Recommendations:

- Create a lasting permanent landscape around all entry signs.
- Install large, healthy plant material for enhanced impact and increased survivability.
- Create background scale and framing with large evergreen or ornamental trees behind signs. Plant material should be 3' to 5' higher than top of sign at installation.
- Separation from landscape areas and turf should be clearly defined by 6" wide concrete mow strip.
- Light fixtures should provide subtle lighting for signs and should be hidden from view as much as possible.

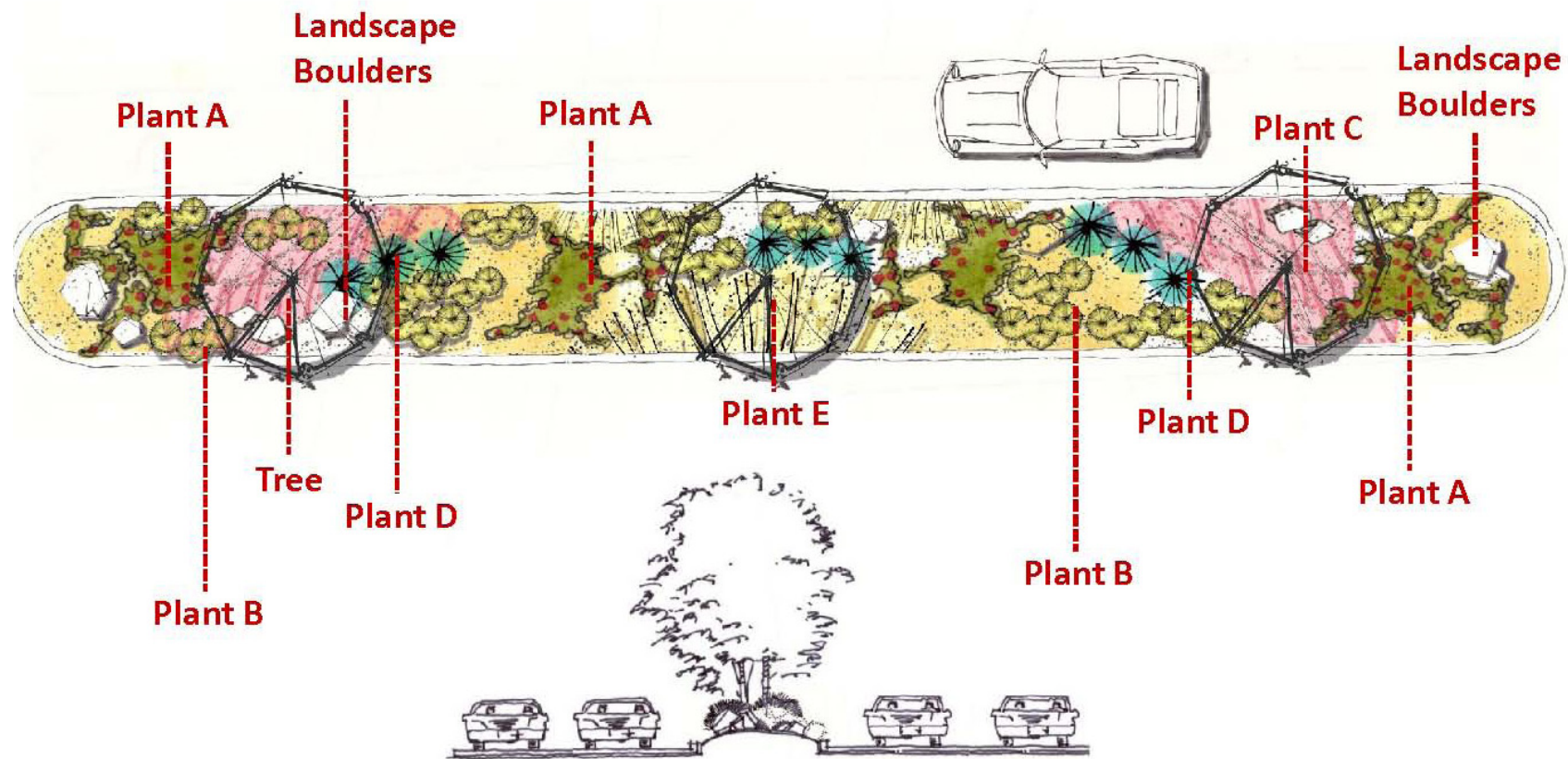




Medians offer several benefits such as safety and stormwater management, as well as improving aesthetics throughout Colleyville.

For planting, it is important to carefully choose plants and trees for medians that are well-adapted to the urban environment. Through evaluation of many existing medians throughout the city, it has been determined that the aesthetics of the medians along Glade Road set an example for future improvements within medians in the city. The design is symmetrical, yet casual in its appearance and variations are recommended.

Many different road classifications exist within Colleyville including state highways controlled by the Texas Department of Transportation. It is recommended to work with all entities to ensure a consistent landscape brand, while still complying with all jurisdictional requirements.

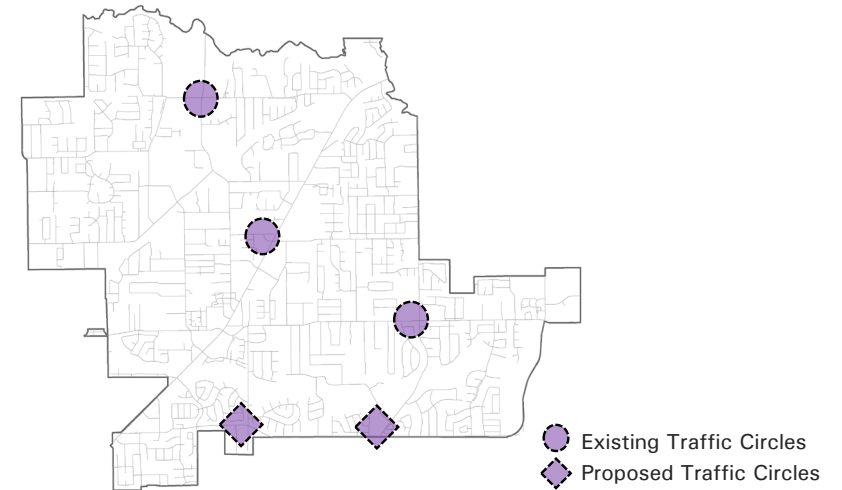


Recommendations:

- Implement a casually formal design similar to existing Glade Road medians. Design intent is to create a symmetrical design similar to the design on page 14. Plant materials may be interchanged and unique, however branded design is encouraged for different corridors throughout the city.
- Install large, healthy plant material for enhanced impact and increased survivability.
- Raise center of median to create mounding effect and promote the landscaping as well as screen oncoming traffic views.
- Separation from landscape areas and turf should be clearly defined by 6" wide concrete mow strip.
- Jurisdictional regulations for TxDOT roadways must be taken into consideration along SH26.



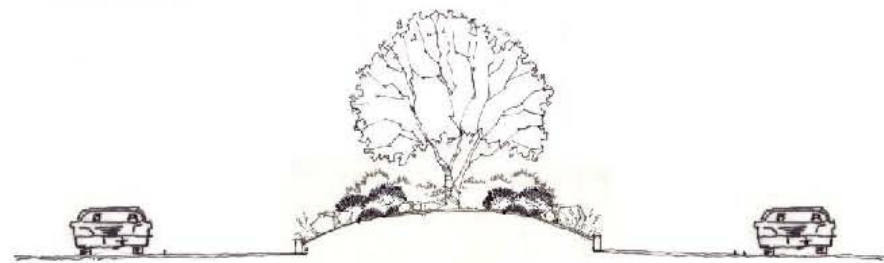
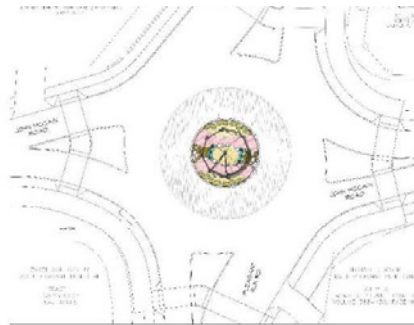
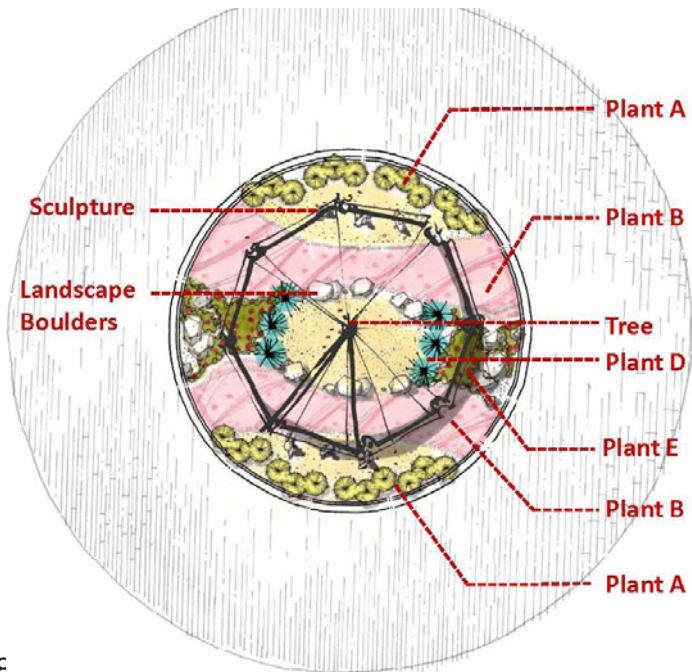
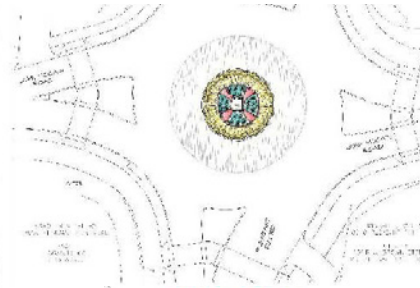
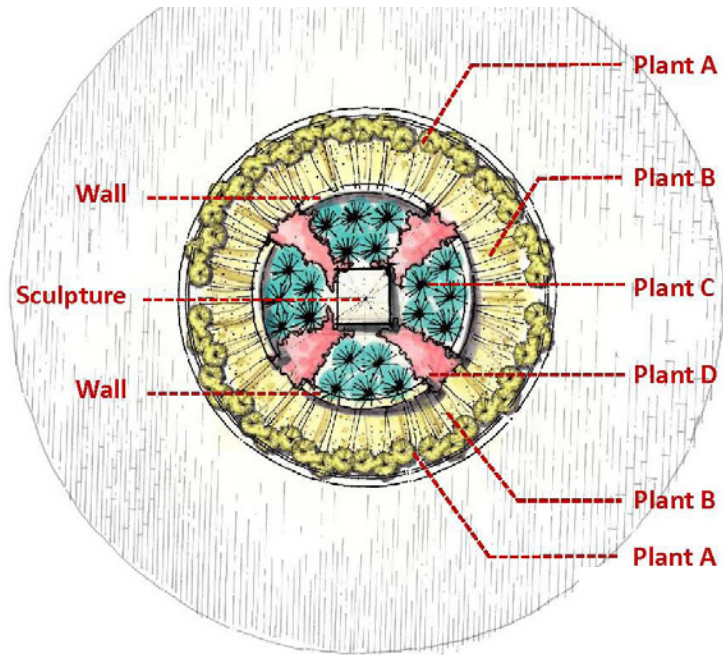
Roundabouts



Landscaping is one of the distinguishing features that gives roundabouts an aesthetic advantage over traditional intersections. Landscaping in the central island, in splitter islands (where appropriate), and along the approaches can benefit both public safety and community enhancement.

The central island landscaping can enhance the safety of the intersection by making the intersection a focal point and by lowering speeds. Plant material should be selected so that sight distance is maintained, including consideration of future maintenance requirements to ensure adequate sight distance for the life of the project.

Pedestrians are not encouraged to cross the circulatory roadway. Street furniture that may attract pedestrian traffic to the central island, such as benches or monuments with small text, must be avoided. If fountains or monuments are being considered for the central island, they must be designed in a way that will enable proper viewing from the perimeter of the roundabout. In addition, they must be located and designed to minimize the possibility of impact from an errant vehicle.

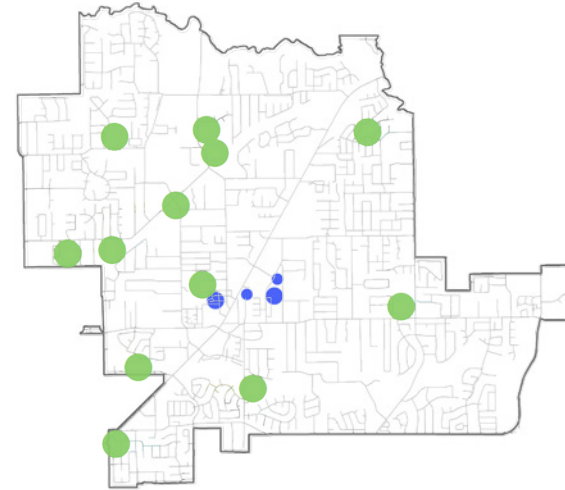


Recommendations:

- Implement design concepts defined in this branding manual. Design intent is to create a symmetrical design similar to the concepts shown here. Plant materials may be interchanged and unique, however branded design is encouraged to tie all city roundabouts together.
- Raise center of roundabout to create mounding effect and promote the landscaping as well as screen oncoming traffic views.
- Install large, healthy plant material for enhanced impact and increased survivability
- Reduce prominence of directional signage while still providing a safe roundabout that meets recommendations by the city, state, national transportation boards.



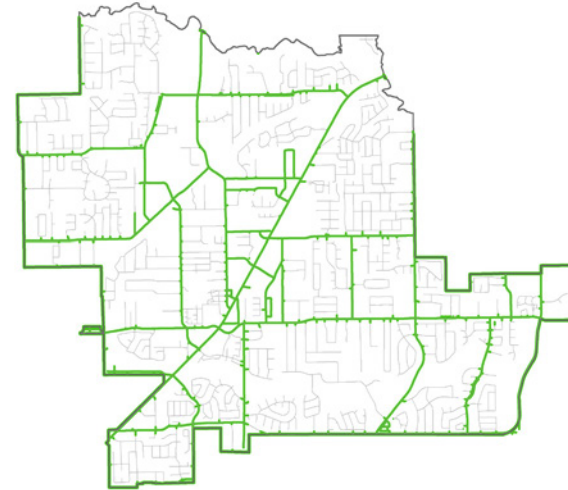
Public Buildings, Parks, and Open Space



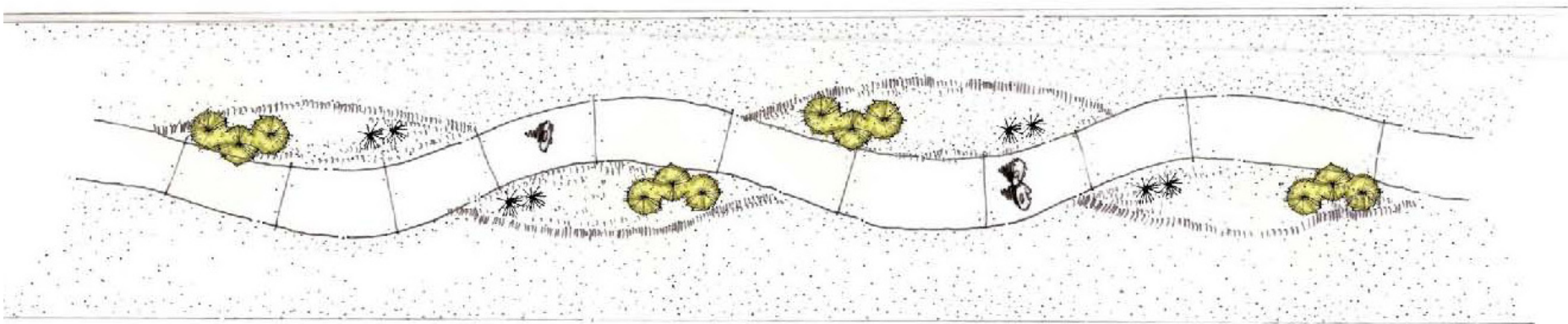
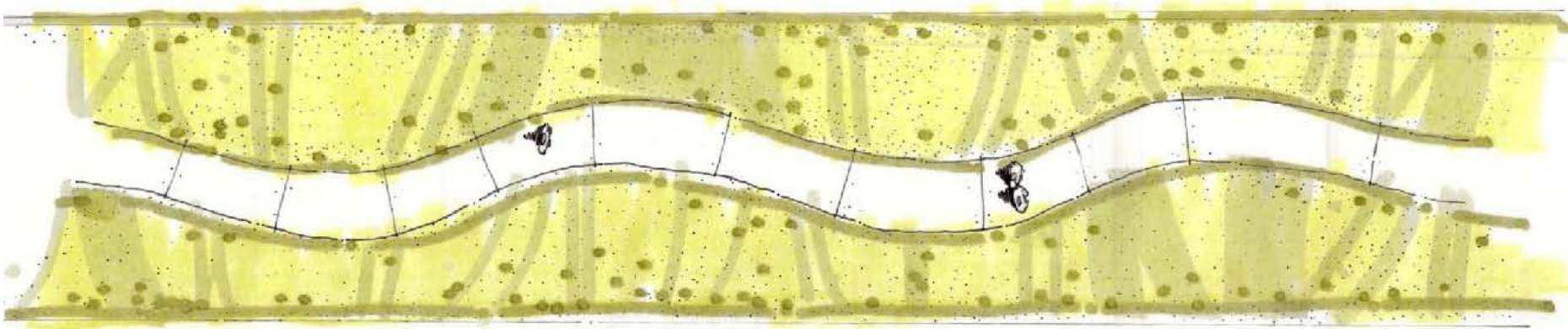
Civic institutions, such as parks, libraries, city halls, and cultural facilities, are the foundations of a civil society and the cornerstones of democracy. At their best, they nurture and define a community's identity by instilling a greater sense of pride, foster frequent and meaningful contact between citizens, provide comfort in their public spaces, and encourage an increasingly diverse population to use them. When public facilities are kept to a high standard of appearance, it tends to trickle out into the community and take place in private developments, neighborhoods, and employment centers as well.

These spaces can be unified by many design elements, with landscaping being one of the most noticeable and dynamic. The Colleyville landscape branding manual recommends implementing the common brand at all new and renovated public facilities to begin to reiterate the brand of Colleyville as the gold standard. This can be achieved with the attention and dedication to good design. Unique site specific design response with similar plant material is encouraged.





Maintaining a safe and aesthetically-pleasing landscape in the right-of-way is an important part of continuing the landscape brand throughout the city. Areas such as linear parks, trail heads, and corridors, and private subdivision entry features also provide the opportunity to expand on the Colleyville landscape brand. The appropriate landscaping improves the appearance and safety of the rights-of-way, as well as the appearance of adjacent properties.



Recommendations:

- Enhance areas along trails as they approach intersections.
- Create areas of landscaping adjacent to seating areas along trails to provide shade.
- Work with private developers during design review of proposed entry features. Encourage consistency and quality design responses in every submittal.



Many elements make up the recommended landscape brand for the City of Colleyville. Plant material, hardscape elements, and specific construction techniques and standards all work together to create the brand.

The plant materials on the following pages have been chosen for their natural or adaptable qualities, their function in the landscape, and their availability in the commercial nursery trade. A variety of plant materials will be utilized to provide the landscape brand for Colleyville. New enhancements are not limited to these suggested species, however, several should be used to enhance a consistent community theme. Several of the plants recommended contain yellow blooms, fall color, or foliage, creating the common unique theme of the gold standard.

Hardscape elements may include stone walls, public art, enhanced paving, pathways, and site furniture. Common use of materials within the public realm will help strengthen the landscape brand. Examples of the recommended elements are shown in this section.

Just as important as high quality materials, construction techniques and specifications ensure the investments are implemented correctly and will stand the test of time. Specific recommendations for soil conditioning, concrete applications, and plant installation are all integral parts of the landscape brand.

Plant Material

Shade Trees



pistacia chinensis
Chinese Pistache



quercus virginiana
Live Oak 'highrise'



quercus shumardii
Red Oak

Ornamental Trees



vitex agnus castus
Vitex



chilopsis linearis
Desert Willow



ilex vomitoria
Yaupon Holly

Shrubs



ilex cornuta 'Carissa'
Carissa Holly



Rosa 'Coral Drift'
Coral Drift Rose



Rosa 'popcorn'
Popcorn Drift Rose



hesperaloe parviflora 'yellow'
Yellow Yucca



Rosa 'Radrazz'
Knock Out Rose 'Yellow'
(or 'red')



scutellaria suffrutescens
Purple Skullcap

Ornamental Grasses



pennisetum alopecuroides
'Hamelin'
Hamelin Fountain Grass



stipa tenioides
Mexican Feather Grass



Eragrostis curvula
Weeping Love Grass

Ground Cover



hemerocallis 'stella d'or'
Daylily



pachysandra terminalis
Japanese Spurge



lantana x hybrida 'new gold'
New Gold Lantana

Hardscape Elements

Stone



Rough cut lueders limestone
w/ cast stone



Smooth cut lueders limestone
w/ cast stone



lueders block stone

Site Furniture

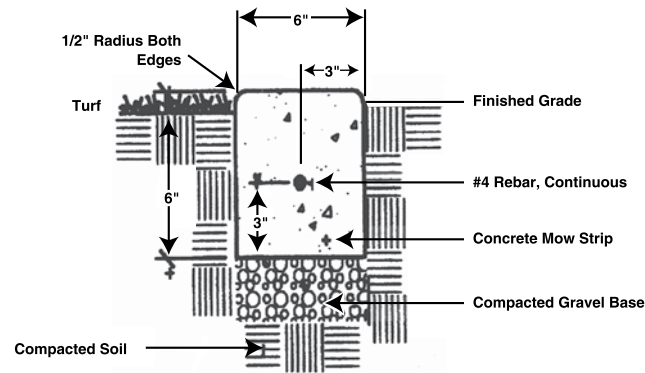


Black metal bench



Black metal trash receptacle

Construction Specification Examples



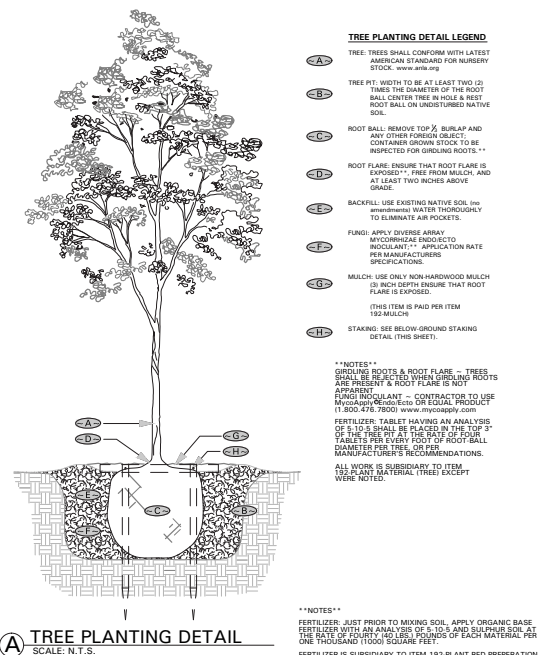
Notes: Expansion Joints 20' O.C.
All Mow Strips Shall be Formed and Hand-poured.

Concrete Mow Strip

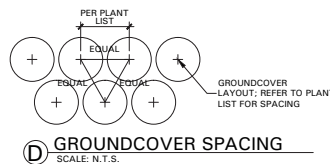
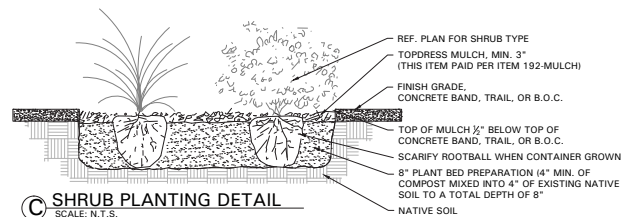
The following is a recommendation for planting soil amendments and should be revised for specific site applications by a registered landscape architect on all new installations.

- Remove first 6" of existing topsoil
- Install approved planting medium
- Till in existing topsoil to a depth of 12"
- Contractor to submit a producer's specification and a one (1) quart sample of each soil amendment proposed to be used for approval prior to installation.

Planting medium specifications



Planting Details



Any variance from the plant selection or methodology presented in this document requires written authorization from the City of Colleyville Parks and Recreation Department.

Colleyville.

the gold standard...



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4h

Agenda Date 10/02/2013

Number Resolution R-13-3677

Type Resolution

Department Public Works

Title

Approval of the renewal of an Interlocal Agreement with Tarrant County for the Cheek-Sparger Road and Jackson Road Intersection Improvements, and authorize the city manager to execute the agreement

Explanation

Reading and Public Hearing

In early 2006, Tarrant County Commissioners Court established a bond election date of May 13, 2006 for consideration of a transportation bond program and four propositions related to improvements to County facilities. The Court allocated transportation bond program dollars to the following categories:

Local Arterial Projects: \$100 Million

On-System TxDOT Projects: \$40 Million

Transit-Related Road Improvements: \$20 Million

Commissioner Discretionary Projects: \$40 Million

Voters approved the Tarrant County transportation bond program, which resulted in 44 local arterial projects and 17 on-system projects being funded for design and construction. Four intersection improvements and one street widening within the City of Colleyville were included in the list of approved local arterial projects. In each case, the City is obligated to participate in at least 50 percent of the total cost of the project. The Cheek-Sparger Road and Jackson Road Intersection Improvement Project was included in the Tarrant County bond program that was subsequently approved by voters.

This project is currently in the bidding phase and is scheduled to be completed in early 2014. However, it is the requirement of the Tarrant County Commissioners Court for all projects that include County cost participation to be subject to a renewal of the original Interlocal Agreement each calendar year that the project has not been completed. In order for the City of Colleyville to maintain eligibility to receive the County's share of funding for the Cheek-Sparger Road and Jackson Road Intersection Improvement Project, it is necessary for City Council to approve a renewal of the original Interlocal Agreement with Tarrant County. This agreement is expected to go

before the County Commissioners Court on October 22, 2013.

The attached agreement renewal provides for the County to reimburse the City of Colleyville for a portion of the total project cost. The County will provide a reimbursement amount of \$535,415 in incremental payments of \$267,707 and \$267,708 respectively. Each payment is scheduled to be paid to the City on a quarterly basis, and shall begin in the first quarter of 2014.

Financial Impact

The City shall receive a total reimbursement amount of \$535,415 upon the completion of the construction.

Recommendation

Approve

Attachments

1. Proposed Renewal of Interlocal Agreement

BACKGROUND

1. Tarrant County ("COUNTY") and the City of Colleyville ("CITY") entered into an Agreement approved by Tarrant County Commissioners Court Order No. 113974, for the cooperative funding of improvements to the intersection of Jackson Road at Cheek-Sparger Road ("Project") as described in the 2006 Tarrant County Bond Program.
2. The Project is not complete and the COUNTY and the CITY desire to renew the Agreement for the 2014 Fiscal Year.

Therefore, the COUNTY and CITY agree to the following

1. The COUNTY and the CITY renew the Agreement for the COUNTY's 2014 Fiscal Year with the Agreement to expire September 30, 2014 or the completion of the Project as determined by the COUNTY, whichever occurs sooner.
2. The COUNTY and CITY agree to the revised payment schedules.
3. All terms and conditions of the original Agreement as amended remain in effect except to the extent modified by this Renewal.

APPROVED on this day the _____ day of _____, 20____, by
Tarrant County.

Commissioners Court Order No. _____.

TARRANT COUNTY
STATE OF TEXAS

CITY

County Judge

Signature

APPROVED AS TO FORM:

***APPROVED AS TO FORM AND
CONTENT:***

District Attorney's Office*

City Attorney

*By law, the District Attorney's Office may only approve contracts for its clients. We reviewed this document from our client's legal perspective. Other parties may not rely on this approval. Instead, those parties should seek contract review from independent counsel.

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF
\$_____:

Certification of Funds Available as follows:

Fiscal year ending September 30, 2007	\$
Fiscal year ending September 30, 2008	\$
Fiscal year ending September 30, 2009	\$
Fiscal year ending September 30, 2010	\$
Fiscal year ending September 30, 2011	\$
Fiscal year ending September 30, 2012	\$
Fiscal year ending September 30, 2013	\$
Fiscal year ending September 30, 2014	\$535,415

**All future years funding is contingent on future debt issuance
and renewal of this contract**

Fiscal year ending September 30, 2015	\$
Fiscal year ending September 30, 2016	\$

	\$535,415

Auditor's Office

ATTACHMENT A

Project Information

City: City of Colleyville
Project Name: Jackson at Cheek-Sparger Intersection Improvements

Proposed Project Schedule

	Start Date	Duration (mo)	End Date *
Design:	-	-	-
ROW Acquisition:	-	-	-
Utility Relocation:	-	-	-
Construction:	Nov-2013	6	May-2014

- * COUNTY payments by completed phase are contingent upon the COUNTY'S reasonable determination that the work regarding the project phase for which payment is expected is successfully completed, as determined by the COUNTY. COUNTY plans to issue debt for all phases of this project, therefore payment remains contingent on debt issuance in accordance with applicable law.

Once Construction commences, COUNTY payment shall be made by fiscal quarter prorated over the life of the construction but contingent upon reasonable progress in construction as may be determined by the COUNTY.

Proposed County Payment by Phase

Design:	\$
ROW Acquisition:	\$
Utility Relocation:	\$
Construction:	\$535,415
County Funding	
Total:	\$535,415

Proposed County Payment by Calendar Quarter (SUBJECT TO CHANGE)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
2007		\$	\$	\$
2008	\$	\$	\$	\$
2009	\$	\$	\$	\$
2010	\$	\$	\$	\$
2011	\$	\$	\$	\$
2012	\$	\$	\$	\$
2013	\$	\$	\$	\$
2014	\$267,707	\$267,708	\$	\$
2015	\$	\$	\$	\$
2016	\$	\$	\$	\$



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4i

Agenda Date 10/02/2013

Number Resolution R-13-3677

Type Resolution

Department Public Works

Title

Approval of an Interlocal Agreement with Tarrant County for the rehabilitation of Lavaca Trail, and authorize the city manager to execute the agreement

Explanation

Reading and Public Hearing

The City of Colleyville proposes to partner with Tarrant County in Fiscal Year 2014 (FY 2014) to perform the rehabilitation of Lavaca Trail from Precinct Line Road to the concrete pavement west of Mustang Drive.

The section of Lavaca Trail that will be constructed as part of the agreement is approximately 2,608 linear feet. This section of roadway is in need of complete rehabilitation, and has numerous base failures and surface distresses that prevent any type of basic maintenance from being a viable option. The project is estimated to take approximately seven weeks to complete and is estimated to start in early spring of 2014, depending on weather conditions.

The City has previously worked with Tarrant County on similar roadway rehabilitation projects, and each project was completed at a considerable cost savings to the City. The following chart shows a summary of the past four projects that have been completed in conjunction with Tarrant County.

Fiscal Year	Street Name	Project Value	City Cost	Savings %
FY10	Cheek-Sparger Road	\$353,000	\$185,000	48%
FY11	Brown Trail	\$387,000	\$264,000	32%
FY12	Jackson Road	\$220,000	\$125,000	43%
FY13	Heritage Avenue	\$290,000	\$125,000	57%

The County will provide the labor and equipment necessary to reconstruct the roadway, and the City is responsible for the cost associated with the following items: materials, construction materials testing, traffic control (including barricades to redirect traffic flow to alternate lanes during the construction), and dump fees at an offsite landfill facility for waste materials generated during the project. The street improvements will include reclamation of the existing roadbed materials, stabilization of the road base with slurry cement, regrade, and the placement of a 4-inch asphalt base with a 2-inch asphalt surface for a total of 6-inches of asphalt. The City will follow the standard process of providing traffic control during the reconstruction and is

recommending the street be closed to through traffic for the duration of construction.

The overall value of the proposed street improvements is approximately \$325,000 with the City's share of the cost for materials, milling, testing, and traffic control estimated to be approximately \$190,000. By utilizing the Tarrant County Interlocal Agreement to perform this work, the City is saving approximately 42 percent, versus the same work being performed by a contractor hired directly by the City.

This agreement is consistent with the City's annual street rehabilitation and maintenance program. The attached Interlocal Agreement with Tarrant County allows for the reconstruction of a City street without incurring the full cost of the project. If approved by the City Council, the Interlocal Agreement will be forwarded to the Tarrant County Commissioners Court for approval at the next available meeting.

Financial Impact

Funding is available from the Fiscal Year 2014 Street Maintenance Budget.

Recommendation

Approve

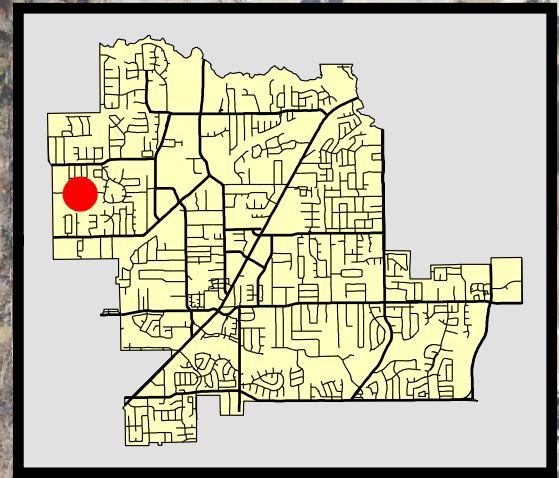
Attachments

1. Lavaca Trail Rehabilitation 2014 Map
2. Interlocal Agreement

PRECINCT LINE ROAD

LAVACA TRAIL

MUSTANG TRAIL



Lavaca Trail Rehabilitation 2014



THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

BACKGROUND

This Interlocal Agreement is between County of Tarrant ("COUNTY"), and the City of Colleyville ("CITY");

Sections 791.001 – 791.029 of the Texas Government Code provide legal authority for this Agreement;

During the performance of the governmental functions and the payment for the performance of those governmental functions the parties will make the performance and payment from current revenues legally available to that party; and

The Commissioners Court of the COUNTY and the City Council of the CITY each find:

- a. This Agreement serves the common interest of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and COUNTY have authorized their representative to sign this Agreement.

The Parties therefore agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

COUNTY will furnish the labor and equipment for the following project:

Lavaca Trail from Precinct Line Road to the concrete pavement west of Mustang Drive: COUNTY will cut back the grass, reclaim and recycle existing roadbed materials, remove excess material, incorporate a stabilization agent of the CITY'S choice, re-grade and place a four-inch HMAC BRAP binder layer and a two-inch HMAC surface (approximately 2,608 linear feet).

2. CITY RESPONSIBILITY

- 2.1 CITY will furnish all materials for the project and pay trucking charges.

- 2.2 CITY will furnish a site for dumping waste materials generated during this project.
- 2.3 CITY will furnish all rights of way, plan specifications and engineering drawings.
- 2.4 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the project.
- 2.5 CITY will provide temporary driving lane markings.
- 2.6 CITY will coordinate and be responsible for the replacement of all signal related devices if necessary.
- 2.7 CITY will provide the COUNTY with a hydrant meter and all the water necessary for the project at no cost to the COUNTY.
- 2.8 CITY will adjust all utilities, manholes and valve boxes.
- 2.9 CITY will assist with the removal and cleanup of the trees and brush.
- 2.9.1 CITY agrees the road can be closed during working hours.
- 2.9.2 CITY will pay for one-half of the fuel used on this project.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this project.

If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY within 30 days of project completion. Upon expiration of 30 days after project completion, the CITY becomes responsible for maintenance of the project.

4. NO WAIVER OF IMMUNITY

This agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

- 5.1 If requested by CITY, the COUNTY may apply permanent striping;
- 5.2 If necessary, COUNTY may furnish flag persons;
- 5.3 If required, the CITY will pay for engineering services, storm water run-off plans, and continuation of services and plan;

6. TIME PERIOD FOR COMPLETION

CITY will give the COUNTY notice to proceed at the appropriate time. However, COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY

The parties do not enter into this contract to protect any specific third party. The intent of this contract excludes the idea of a suit by a third party beneficiary. The parties to this agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

8. JOINT VENTURE & AGENCY

The relationship between the parties to this contract does not create a partnership or joint venture between the parties. This agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed.

CITY OF COLLEYVILLE

COUNTY OF TARRANT

B. Glen Whitley, County Judge

Date: _____

Date: _____

Gary Fickes, Commissioner Pct 3

Date: _____

Attest:

Attest:

APPROVED AS TO FORM

APPROVED AS TO FORM

City Attorney

Assistant District Attorney

By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 10/02/2013

Number Ordinance O-13-1887

Type Ordinance

Department Community Development

Title

Consideration for a zoning change from PUD-C-Planned Unit Development Commercial to PUD-R-Planned Unit Development Residential, on 1.82 acres on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek-Sparger Road, Case ZC13-008

Explanation

First Reading and Public Hearing

Mark Howe, applicant, has submitted a request to change the zoning on 1.82 acres of land located at 105 Cheek-Sparger Road. The applicant is requesting to rezone the property from PUD-C-Planned Unit Development Commercial to PUD-R-Planned Unit Development Residential zoning district. The applicant is seeking a zoning change in order to develop the property for eight new residential lots and three open space lots.

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

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

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

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

the applicant proposes the following development standards:

Minimum lot width: 55 feet

Minimum Lot Depth: 120 feet (Except for lots fronting on the cul-de-sac)

Lot area is proposed as follows:

The minimum lot size proposed is 5,807 square feet

Setbacks are proposed as follows:

Front Yard Setbacks:

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

Rear Yard Setback: 10 feet

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

Maximum Lot coverage: 65 percent

Maximum Height: 35 feet

Residential Design Requirements. Homes will be both single and two story construction. For two-story homes, there will be no balconies or verandas allowed on the second floor of Lots 3-8.

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

Open Space. PUD-R regulations require a minimum 20 percent of the development be reserved for open space for use by the residents of the development. The Statement of Planning Objectives states the development shall provide 16.2 percent open space, which is not in compliance with code. All open space shall be landscaped and maintained by the Homeowners Association.

Preliminary Drainage Analysis. The developer has submitted a Preliminary Drainage Analysis of the site, which is to be reviewed by the Engineering Division of the Public Works Department. Conditions associated with drainage and stormwater

runoff shall be set and enforced at the time of platting.

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

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

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

Traffic Generation and Access. The developer is not required to provide a Traffic Impact Analysis, since the development is not projected to generate in excess of 1,000 vehicle trips per day. The Institute of Transportation Engineers publication Trip Generation provides estimates of expected traffic generation based on land use. Data has been collected in the United States and Canada since the 1960's, primarily in suburban locations. Single family residences are expected to generate 9.57 trips per day, on average. Based on this average, an eight lot development would add approximately 76 vehicle trips per day to the surrounding roadways.

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

Residential Density. The Colleyville Master Plan suggests a maximum residential density of 1.8 dwelling units per acre, in most situations. The 2004 Colleyville Master Plan states densities higher than 1.8 units per acre would be acceptable in those areas deemed consistent with sound land use planning principles. The proposed development of eight residential units on the 1.82 acre property will produce a residential density of 4.4 dwelling units per acre based upon the density calculation method prescribed by the Colleyville Master Plan. The proposed residential density is greater than other approved small lot PUD-R developments within the City. The Small Lot Development Comparison, attached to this briefing, provides a comprehensive listing of approved developments since 1996 with residential densities which exceed 1.8 dwelling units per acre.

Surrounding Development Trends. Properties to the north and east are zoned R20-

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

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

Public Notification. Staff mailed notices to 18 adjacent property owners as well as all Homeowners Associations within 500 feet of the subject property regarding this request. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. To date, staff has received 11 letters of opposition, and two letters of support, which are attached to this briefing.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of the rezoning request at the August 26, 2013 meeting by a vote of 5-2.

Supermajority Vote Requirement. More than 20 percent of the property owners within the 200 foot buffer around the subject property is opposed to the request. Given this condition, a super-majority vote by the City Council is required in order to approve this request. The total percent of opposition within the 200 foot buffer stands at 33 percent, as of the date of this briefing.

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

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. GENERAL

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

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

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

2. DEVELOPMENT PLAN AND PLATTING

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

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

3. PERMITTED USES

a. Single-family residences, detached

b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

1. All lots shall be a minimum of 55 feet in width as measured at the building setback line.

2. The minimum lot size shall be 5,807 square feet.

3. The minimum lot depth shall be 120 feet, except for lots which front the cul-de-sac.

4. Front Yard Setbacks:

a. For lots with a J-Swing garage: 10 feet

b. For lots with a front entry garage: 20 feet

5. Minimum Rear Yard Setback: 10 feet

6. Minimum Side Yard Setbacks: 10 feet between structures; One (1) foot and nine (9) feet, or five (5) feet each side property line.

7. Maximum Lot coverage: 65 percent

5. RESIDENTIAL DESIGN REQUIREMENTS

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

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

6. OPEN SPACE

- a. This development shall provide a minimum of 16.2 percent common open space, which shall be configured as shown on Exhibit "C". All open space areas shall be landscaped and maintained by the HOA.
- b. No more than 25 percent of the open space area may be utilized for detention.

7. SCREENING AND TREES

- a. A wood screening fence, not to exceed six (6) feet in height, shall be constructed at the property lines adjacent to other residential properties to the east and south. At a minimum, the pole side of the screen fence will face into the new development along the south and east property lines. A six foot wrought iron fence may be constructed adjacent to the open space Lot 2A.
- b. A variable height screening fence, constructed of a combination of brick, stone, and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek-Sparger Road and San Bar Lane. The screening shall be continuous along the boundary with the exception of entry road right-of-way.

Attachments

- 1. Location and Zoning Map
- 2. Aerial
- 3. Buffer Map
- 4. Notification List
- 5. Letters of Opposition
- 6. Letters of Support
- 7. Statement of Planning Objectives
- 8. Conceptual Site Plan
- 9. Small Lot Development Comparison Chart - 1996 to 2013
- 10. Ordinance O-85-600
- 11. Ordinance O-13-1887

City of Hurst

GRAPEVINE HWY

CC-3

PUD-C

ACUFF LN

FELPS DR

PUD-C

CN

PUD-R

Subject Property

Cheek-Sparger Road

PUD-C

PUD-C

R-20

FELPS CT

W GREENBRIAR LN

PUD-R

WOODCREST DR

GREENBRIAR LN

WOODBINE DR

R-15

SAN BAR

GREENBRIAR CT

SWEETBRIAR LN

ROSEBRIAR LN

BRIARWICK

R-20

R-40

Aerial



This is a detailed plat map of a residential subdivision. The map shows numerous lots, many of which are outlined in red. A large, irregular area in the center is shaded light gray and also outlined in red. The map is labeled with lot numbers (e.g., 100, 104, 105, 108, 112, 116, 120, 124, 128, 129, 133, 125, 127, 123, 121, 119, 118, 114, 110, 115, 111, 119, 108, 112, 116, 200, 203, 204, 208, 212, 206, 202, 3901, 3919, 4001, 4003, 4007, 4105, 3725, 3721, 3717, 3713, 3709, 3705, 3720, 3716, 3712, 3708, 3704, 3717, 3713, 3709, 3716, 3712, 3708) and street names (ACUFF, FELPS, GREENBRIAR LN, WOODBINE DR, GREENB, IAR LN).

Notification List

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

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

Letters of Opposition

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

19july2013

Notice of Protest

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

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

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

thank you; D.keith harris
19july2013

Letters of Opposition

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

July 21st 2013

RE: zoning case ZC13-008

Dear sir and madam,

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

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

Greg Howell

Letters of Opposition

July 23, 2013

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

To Whom it May Concern:

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

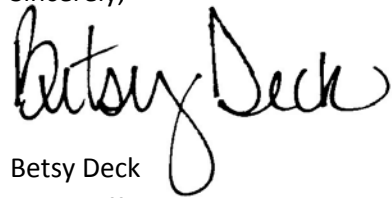
I have some concerns about the proposed development on the corner of San Bar and Cheek-Sparger Road. The conceptual site plan paints a picture of a high-density development in a low-density neighborhood. Nine homes on nearly two acres with a potential height of 35 feet will be a visual eye sore at the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

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

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

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

Sincerely,

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

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

Letter of Opposition

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

August 12, 2013
City of Colleyville
Planning and Zoning Commission

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

Dear Commissioner:

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

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

Letter of Opposition

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

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

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

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

Letter of Opposition

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

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

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

Sincerely,

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

Letter of Opposition

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

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

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

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

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

Current Land Use Table

LAND USE TABLE

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

NOTES:

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

Original Land Use Table

LAND USE TABLE

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

NOTES:

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

Letter of Opposition

QUESTIONS FOR DEVELOPER

DRAINAGE AND RIGHT OF WAY

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

DEVELOPER RESPONSE

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

- Prefer sidewalk install as opposed to escrow

DEVELOPER RESPONSE

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

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

DEVELOPER RESPONSE

That land will belong to the city.

DEVELOPMENT ON THE EASTERN PROPERTY LINE

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

DEVELOPER RESPONSE

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

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

DEVELOPER RESPONSE

Yes, metal poles and a mow strip.

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

DEVELOPER RESPONSE

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

Letter of Opposition

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

DEVELOPER RESPONSE

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

MISCELLANEOUS

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

DEVELOPER RESPONSE

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

- Location of utility poles and location of street lights?

DEVELOPER RESPONSE

Utility locations have not been determined

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

DEVELOPER RESPONSE

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

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

THIS HAS NOT BEEN ADDRESSED

DEVELOPER COMMENTS

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

Letter of Opposition

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

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

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

Regards,
Claudia Bevill

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

Dear Mr. Lowry,

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

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

Letter of Opposition

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

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

Kindest Regards,
Claudia Bevill
817-849-1360



Letter of Opposition



Letters of Opposition

Date: 7-22-13

SPEAKER CARD

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

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

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

Agenda Item Number: 7C13-008

Name: Greg Howell

Address: 104 Cheek Stanger

City: Colleyville State: TX Zip Code: 76034

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

I understand I am limited to speaking for five minutes.

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

Signed: Greg Howell

This information is a Public Record.

Date: 7/22/2013

SPEAKER CARD

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

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

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

Agenda Item Number: 4b

Name: Cynthia Wallace

Address: 104 Greenbriar Lane

City: Colleyville State: TX Zip Code: 76034

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

I understand I am limited to speaking for five minutes.

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

Signed: Cynthia Wallace

This information is a Public Record.

Letters of Opposition

Date: _____

SPEAKER CARD

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

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

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

Agenda Item Number: _____

Name: GARY GUTHRIE

Address: 505 WOODBRIDGE LN

City: COLLEYVILLE State: TX Zip Code: 76034

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

I understand I am limited to speaking for five minutes.

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

Signed: [Signature]

This information is a Public Record.

Date: 7/22/13

SPEAKER CARD

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

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

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

Agenda Item Number: 4b

Name: Mike Davila

Address: 100 Greenbriar Ln

City: Colleyville State: TX Zip Code: 76034

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

I understand I am limited to speaking for five minutes.

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

Signed: [Signature]

This information is a Public Record.

Letters of Opposition

Date: 7-22-2013

SPEAKER CARD

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

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

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

Agenda Item Number: 46

Name: Elizabeth Guest

Address: 106 Greenbriar Lane

City: Colleyville

State: TX

Zip Code: 76034

Telephone Number: 817-503-8750

Representing: Self

(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: Elizabeth Guest

This information is a Public Record.

Letters of Opposition

Date: 8/12/13

SPEAKER CARD

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

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

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

Agenda Item Number: 3

Name: Betsy Deck

Address: 3601 Cliffwood Dr.

City: Colleyville

State: TX

Zip Code: 76034

Telephone Number: _____

Representing: self

(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: Betsy Deck

This information is a Public Record.

Letters of Opposition

Date: _____

SPEAKER CARD

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

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

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

Agenda Item Number: _____

Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Telephone Number: _____

Representing: _____

(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: _____

This information is a Public Record.

Date: 8-12-2013

SPEAKER CARD

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

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

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

Agenda Item Number: 3a

Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Telephone Number: _____

Representing: _____

(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: _____

This information is a Public Record.

Letters of Opposition

Date: 8/12/13

SPEAKER CARD

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

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

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

Agenda Item Number: 3a

Name: David Wallace

Address: 104 Greenbriar Ln

City: Colleyville

State: TX Zip Code: 76034

Telephone Number: 817 821 6234

Representing: Self
(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: David Wallace

This information is a Public Record.

Date: 8-12-13

SPEAKER CARD

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

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

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

Agenda Item Number: 3a

Name: Cyndi Wallace

Address: 104 Greenbriar Lane

City: Colleyville

State: TX Zip Code: 76034

Telephone Number: 214-707-4903

Representing: self
(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: Cyndi Wallace

This information is a Public Record.

Letters of Opposition

Date: 8/12/13

SPEAKER CARD

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

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

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

Agenda Item Number: 3a

Name: Mike Davila

Address: 100 Greenbriar Ln

City: Colleyville

State: TX

Zip Code: 76034

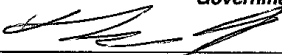
Telephone Number: 214 563 2211

Representing: self

(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: 

This information is a Public Record.

Letters of Support

Date: _____

SPEAKER CARD

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

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

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

Agenda Item Number: 4b

Name: Claudia Bevil

Address: 119 Cheek Sparger Rd

City: Colleyville

State: TX

Zip Code: 76034

Telephone Number: 817-849-1360

Representing: self

(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: Claudia Bevil

This information is a Public Record.

Date: 2-22-13

SPEAKER CARD

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

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

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

Agenda Item Number: 4B

Name: JAMES BEVILL

Address: 119 CHEEK SPARGER

City: COLLEYVILLE

State: TX

Zip Code: 76034

Telephone Number: 817-849-1360

Representing: _____

(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: James Bevil

This information is a Public Record.

Letters of Support

Date:

7/22/13

SPEAKER CARD

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

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

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

Agenda Item Number:

46

Name:

Daniel Morrison

Address:

223 Felps Ct.

City:

Colleyville

State:

TX

Zip Code:

76034

Telephone Number:

852-651-5326

Representing:

(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed:

Daniel Morrison

This information is a Public Record.

Statement of Planning Objectives

August 21, 2013

Briar Grove

Located at the SEC of Cheek-Sparger and San Bar

Zoning change from PUD-C to PUD-R

Revised Statement of Planning Objectives

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

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

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

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

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

Development Schedule:

Zoning approval: September 2013

Preliminary and Final Plat: October 2013

Construction Commencing: November 2013

Construction Completing: May 2014

Economic Development Information:

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

Statement of Planning Objectives

PUD Single Family - 8 lots

1. GENERAL

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

2. CONCEPTUAL PLAN AND PLATTING

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

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

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

5. OPEN SPACE

- a. This development shall provide not less than 16.2% common open space, which will generally be configured as shown on the Conceptual Site Plan. All open space areas shall be landscaped and maintained by the Homeowners Association.
- b. No more than 25 percent of the open space area shall be utilized for storm water detention or retention.

Statement of Planning Objectives

6. SCREENING

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

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

7. SIDEWALKS

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

8. OTHER

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

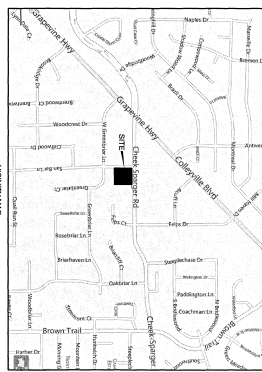
b. For two story homes there will be no balconies or verandas on the second floor of lots 3-8.

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

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

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

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



1. HOME OWNER'S ASSOCIATION (HOA) TO MAINTAIN DETENTION POND, OPEN SPACE, TREES, PRIMER LAKE AND LANDSCAPING. CITY WILL REVERSE COPY OF RECORDED HOA DOCUMENTS AT TIME OF BROAD OAK COURT SHALL BE A PUBLIC STREET CONNECTED TO CITY STAMBOURG (31° 7' 40" N/81° 10" W).
2. LOT 5 TO HAVE A SIDE WALK ON EACH SIDE OF BUILDING PAD OR CAN BE USED FOR A SIDE DRIVE AND A DRIVE FROM LOT 5 TO LOT 6 OR 7 (31° 10" N / 81° 10" W).
3. FRONT BUILDING LOT SHALL BE 20' FROM FRONT ENTRANCE CADAVERS AND 20' FROM JAMMING CADAVERS.
4. LOT 6 TO HAVE A DRIVE FROM LOT 6 TO LOT 7 (31° 10" N / 81° 10" W).
5. LOT 7 TO HAVE A DRIVE FROM LOT 7 TO LOT 1 (31° 10" N / 81° 10" W).
6. OPEN SPACE LOT 8 TO BE PLANTED PER LANDSCAPE PLAN. HOA TO MAINTAIN ALL OPEN SPACE AREAS.

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

BRIAR GROVE COURT

1.82 AC

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

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

DATE OF PREPARATION 6-7-1

OWNER: RONNIE R. LUENHAWER
P.O. BOX 1405
COLLETTVILLE, TX 76034-1705

DEVELOPER: SUEBELL
6617 PRECINCT LINE ROAD
NRI, TEXAS 76182
SITE #200

ENGINEER: HAM, TON DUFFY, PC
824 WIND CITIES BLVD.
NRI, TEXAS 76182
(817) 288-0408
FAX (817) 284-8408

ENGINEER:
HAMILTON DUFFY, PC
824 MID CITIES BLVD.
NRH, TEXAS 76182
(817) 268-0408
FAX (817) 284-8408

Small Lot Development Comparison Chart - 1996 to 2013

Subdivision Name	Total Lots	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Size (square feet)	Average Lot Size (square feet)	Maximum Lot Coverage	Master Plan Density - Dwelling Units Per Acre *	Land Development Code Density - Dwelling Units Per Acre **	Total Acres	Open Space	Approval Date	Ordinance
Spring Garden	45	36	70	2,520	2,700	90%	8	16.1	5.4	31.3%	12.17.96	O-96-1052
Villas of Caldwell Creek	43	59	115	6,594	7,408	50%	3.7	5.9	11.6	18.3%	4.1.97	O-97-1062
Bridges at Riverwalk	32	56	106	6,001	6,479	50%	3	6.7	10.0	24.0%	12.21.99	O-99-1192
Riverwalk at Colleyville	53	60	115	6,331	7,666	50%	3.2	5.7	20.0	20.0%	4.4.00	O-00-1210
Rosewood Villas	53	59	110	6,482	6,899	60%	3.6	6.3	14.8	21.4%	8.8.01	O-01-1286
Emerald Park	72	60	120	7,200	7,508	50%	3.5	5.8	20.2	19.6%	10.1.02	O-02-1366
Tiffany Park	25	60	100	7,200	7,580	50%	3.5	5.7	7.2	20.0%	10.21.03	O-04-1487
Tuscany	35	60	110	6,600	7,878	50%	3.9	5.5	8.8	6.6%	2.17.04	O-04-1442
Cambridge Place	38	50	58	4,500	5,300	60%	4.2	8.2	9.0	22.0%	7.6.04	O-04-1467
Heritage Oaks	103	30/40	90	2,700/3,600	3,600	90% and 75%	4.6	12.1	22.9	25.0%	03.21.06	O-09-1715
Villas at Oak Pointe	74	30/56	90/95/115	2,700/6,440	5,000	90% and 58%	3.7	8.7	13.6	22.0%	08.02.06	O-06-1584
Copperglen	22	55	105	5,924	6,650	65%	3.9	6.6	5.6	20.0%	10.17.06	O-06-1595
Villas of Colleyville	67	59	115	6,655	8,936	60%	3.4	4.9	19.8	21.0%	08.21.07	O-07-1627
Enclave at Arbor Estates	16	65	120	8,700	9,350	50%	2.9	4.7	5.6	19.3%	09.18.07	O-07-1634
Creekside at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645
Somerset Manor	77	50/60	100/110	5,000/6,600	6,000	50%	4	7.3	18.2	20.3%	05.05.08	O-08-1672
Ivy Glen	10	55	110	5,890	8,200	65%	3.4	5.3	3.0	20.0%	03.05.13	O-13-1864
The Preservation	36	60	140	8,500	9,170	50%	3	4.7	12.0	23.0%	05.14.13	O-13-1867
Average	59	56	106	6,207	6,866	57%	3.8	7.0	17.6	20.8%		
Zoning Case ZC13-008	8	55	120	5,807	6,874	65%	4.4	6.6	1.8	16.2%		

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

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



Posted
12-13-85
4:30 P.M.
by

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

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

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

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

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

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

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

NOW, THEREFORE,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 AND IT IS SO ORDERED.
23
24
25
26

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

ATTEST:

CITY OF COLLEYVILLE

Lavada Johnson
Lavada Johnson
City Secretary

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

Approved as to Form and Legality:

Ross T. Foster
Ross T. Foster, City Attorney

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

ORDINANCE O-13-1887

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 1.82 ACRES ON LOT 1, BLOCK 1, OF THE SAN BAR SQUARE ADDITION, LOCATED AT 105 CHEEK-SPARGER ROAD FROM THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 1.82 acres on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek-Sparger Road from the PUD-C-Planned Unit Development Commercial zoning district to the PUD-R-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A" and "C", and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

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

2. DEVELOPMENT PLAN AND PLATTING

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

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

6. Minimum Side Yard Setbacks:

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

7. Maximum Lot coverage: 65 percent

5. RESIDENTIAL DESIGN REQUIREMENTS

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

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

6. OPEN SPACE

- a. This development shall provide a minimum of 16.2 percent common open space, which shall be configured as shown on Exhibit "C". All open space areas shall be landscaped and maintained by the HOA.
- b. No more than 25 percent of the open space area may be utilized for detention.

7. SCREENING AND TREES

- a. A wood screening fence, not to exceed six (6) feet in height, shall be constructed at the property lines adjacent to other residential properties to the east and south. A six foot wrought iron fence may be constructed adjacent to the open space Lot 2A.
- b. A variable height screening fence, constructed of a combination of brick, stone, and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek-Sparger Road and San Bar Lane. The screening shall be continuous along the boundary with the exception of entry road right-of-way.

- Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 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

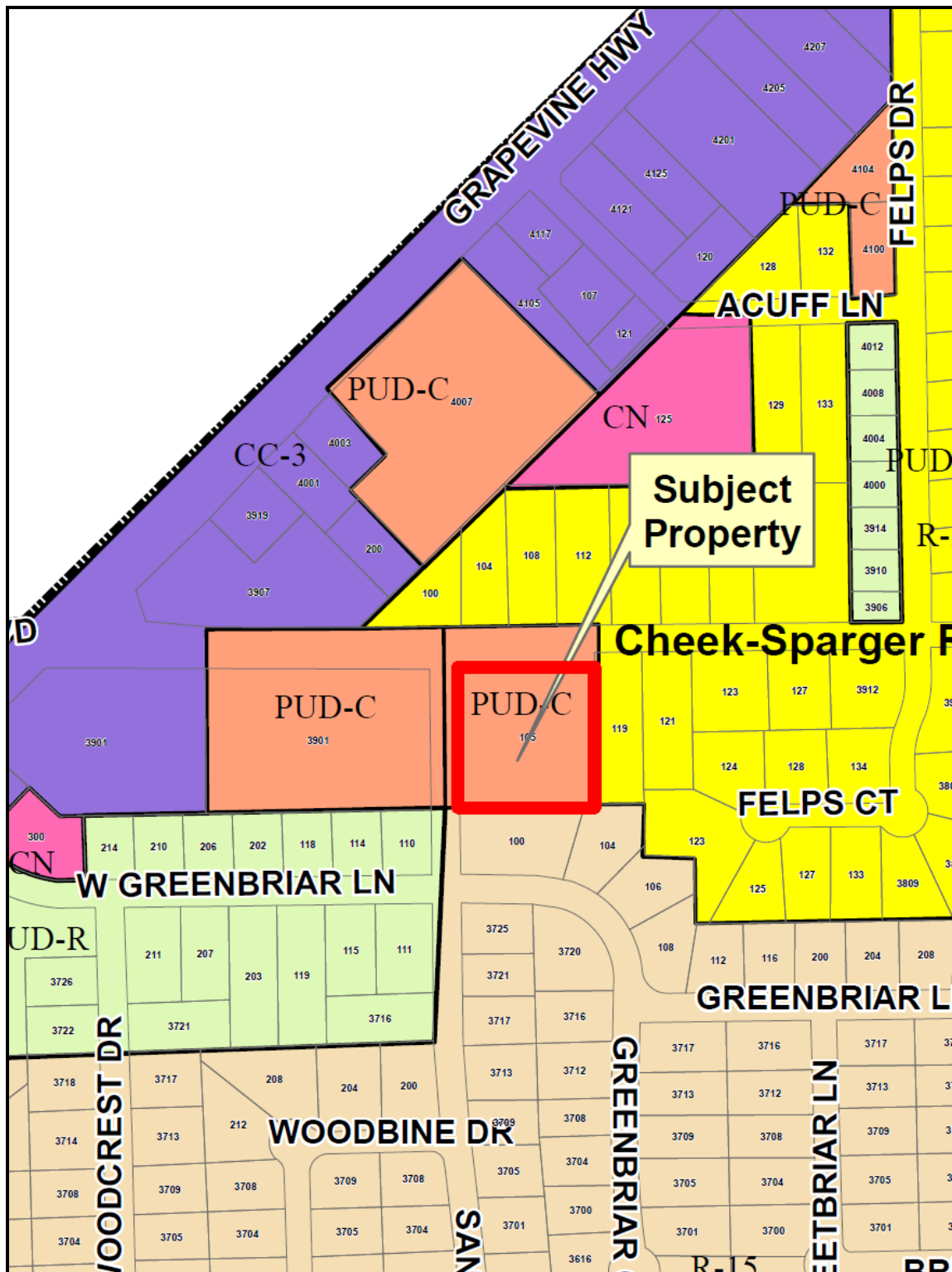


Exhibit B – Statement of Planning Objectives

August 21, 2013

Briar Grove

Located at the SEC of Cheek-Sparger and San Bar

Zoning change from PUD-C to PUD-R

Revised Statement of Planning Objectives

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

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

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

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

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

Development Schedule:

Zoning approval: September 2013

Preliminary and Final Plat: October 2013

Construction Commencing: November 2013

Construction Completing: May 2014

Economic Development Information:

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

Exhibit B – Statement of Planning Objectives (Cont.)

PUD Single Family - 8 lots

1. GENERAL

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

2. CONCEPTUAL PLAN AND PLATTING

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

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

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

5. OPEN SPACE

- a. This development shall provide not less than 16.2% common open space, which will generally be configured as shown on the Conceptual Site Plan. All open space areas shall be landscaped and maintained by the Homeowners Association.
- b. No more than 25 percent of the open space area shall be utilized for storm water detention or retention.

Exhibit B – Statement of Planning Objectives (Cont.)

6. SCREENING

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

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

7. SIDEWALKS

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

8. OTHER

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

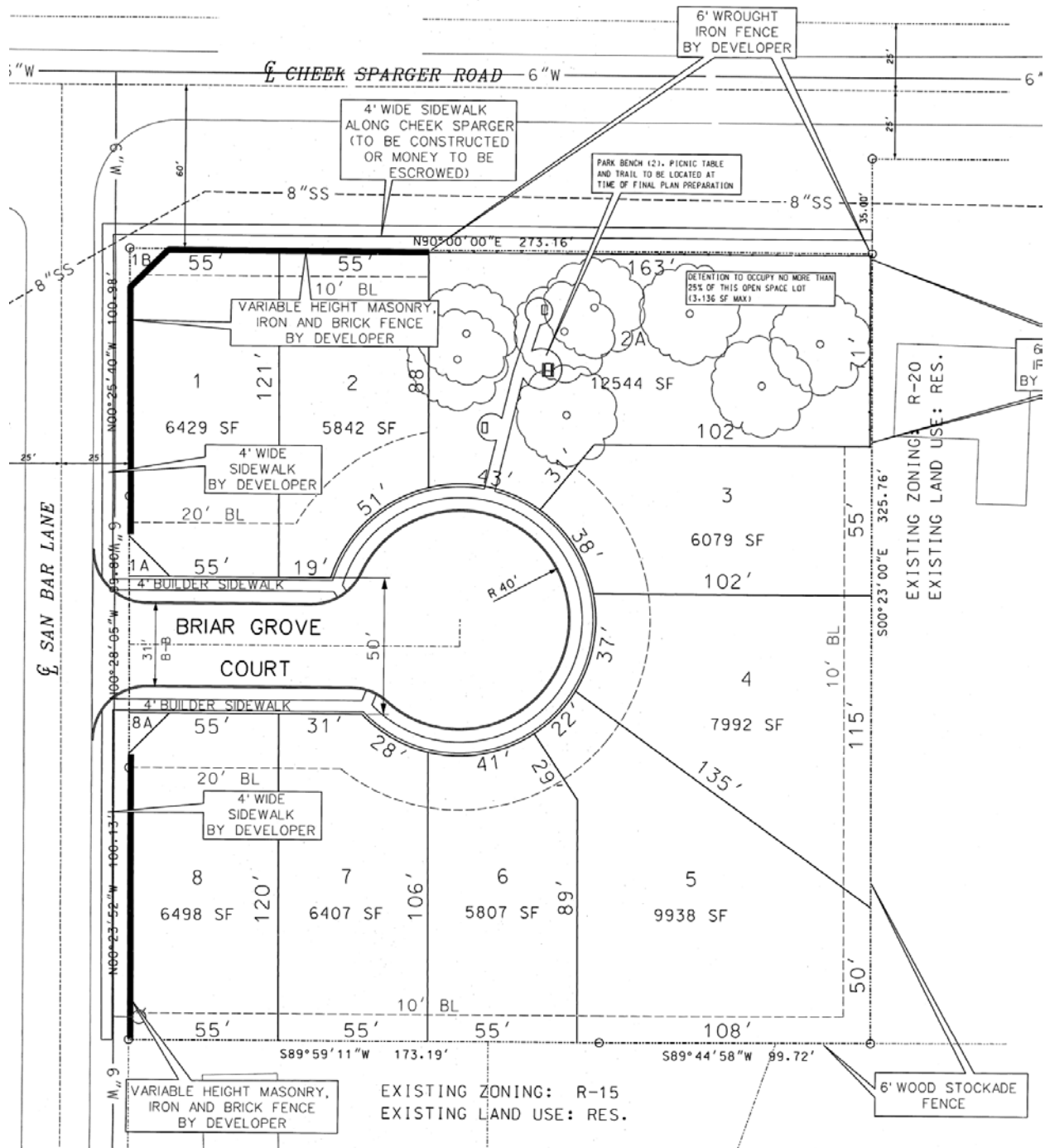
b. For two story homes there will be no balconies or verandas on the second floor of lots 3-8.

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

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

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

Exhibit C – Conceptual Site Plan





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 10/02/2013

Number Ordinance O-13-1888

Type Ordinance

Department Community Development

Title

Consideration of a 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

First Reading and Public Hearing

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.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the September 9, 2013 meeting by a vote of 5-0.

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.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

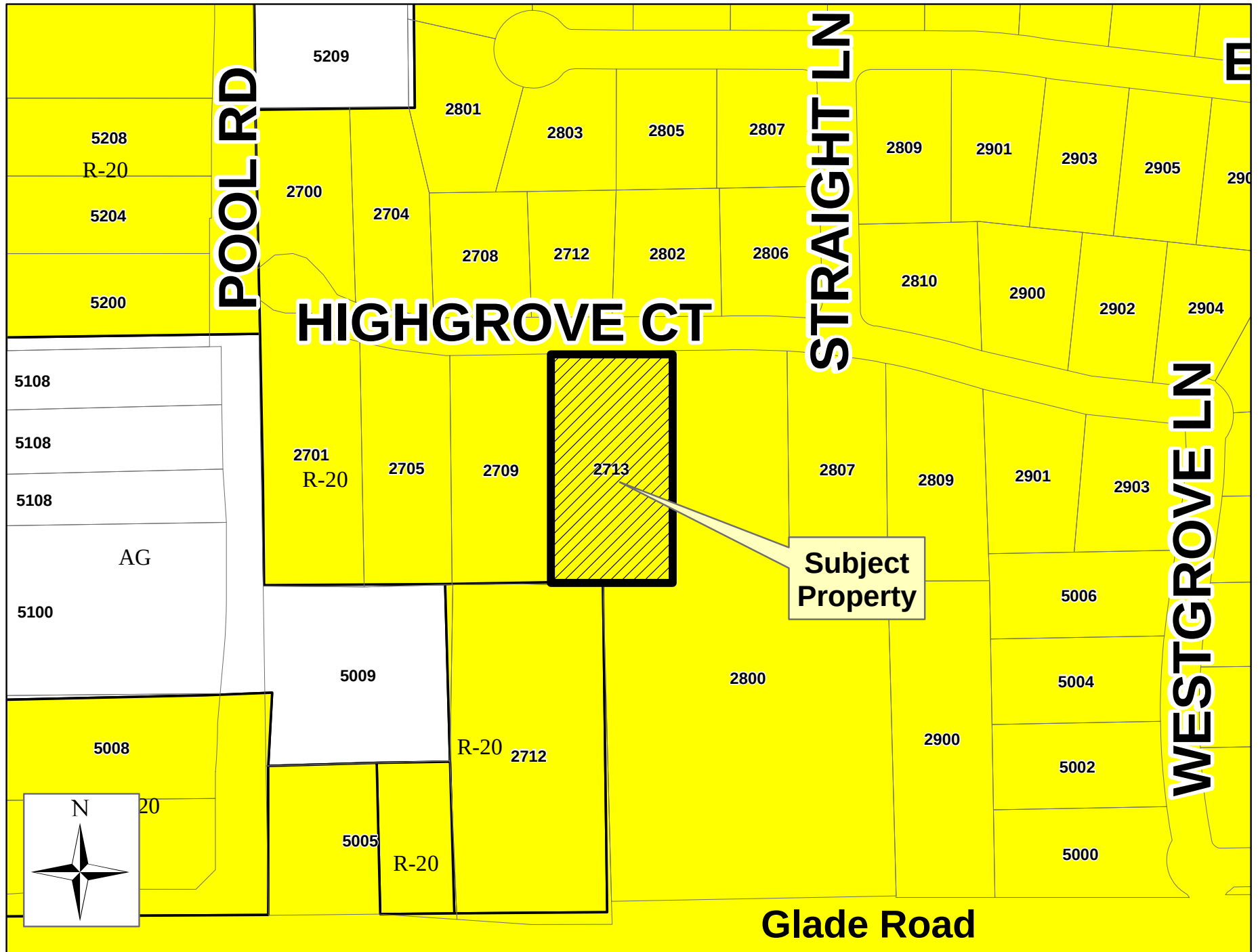
1. GENERAL
 - a. The Special Use Permit shall apply to the construction of an accessory building.
 - b. The accessory building shall not exceed 2,462 square feet in size, including all covered patio areas.
 - c. The accessory building design and exterior materials shall be generally consistent with Exhibit "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. Ordinance O-13-1888

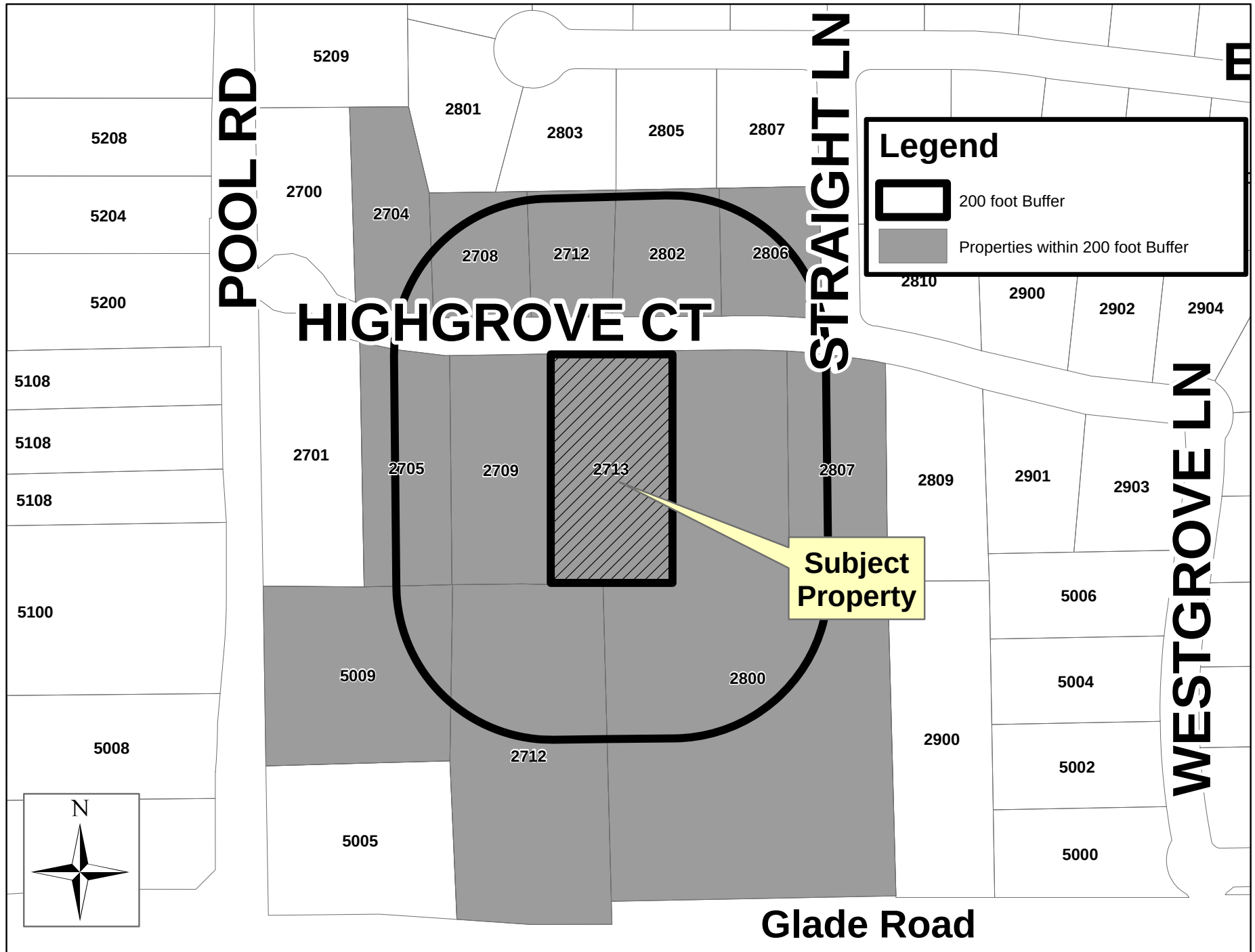
Location and Zoning Map



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



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

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

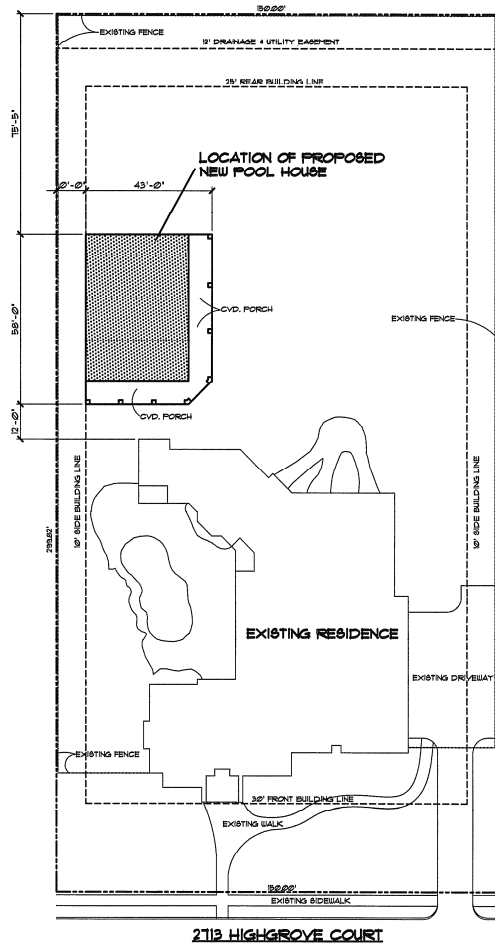


CHART DATA	
EXISTING RESIDENCE A/C, GARAGE, PORCH, & PATIO	12
PROPOSED POOL HOUSE	118
PROPOSED POOL HOUSE PORCH	7
TOTAL BLDG COVERAGE	6.96
TOTAL PAVING	8.32
LOT SIZE	44,968 SQFT.
TOTAL LOT IMPERVIOUS COVERAGE	34%
TOTAL LOT COVERAGE	22%

SITE PLAN
SCALE: 1"=100'
LOT 10 BLOCK 4
ASHMORE #5
COLLEYVILLE, TEXAS

Date 2/5/13
 Drawn By MJW
 Checked By MJW
Revisions

[illegible]

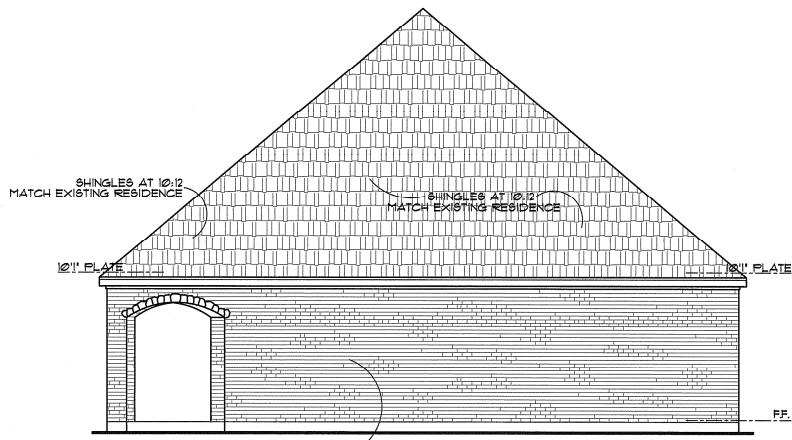
"JOHNSON RESIDENCE"
2713 HIGGSROVE COURT
NORTH TEXAS CUSTOM BUILDERS



J. WRIGHT & ASSOCIATES, INC.
8233 MIDCITIES BOULEVARD STE. A, NRI TX 76162
OFFICE: 817/2684553 info@jwright.com
817/2684558 www.jwright.com
FAX:

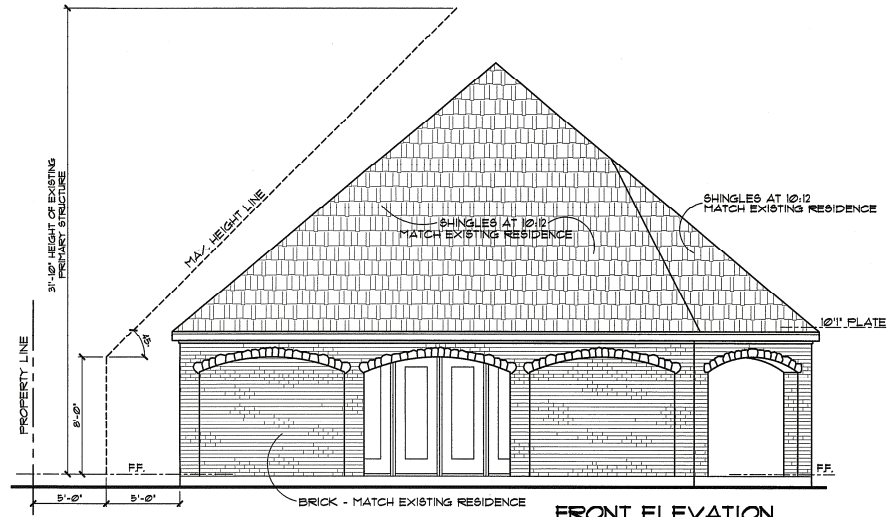
Sheet No.
SITE
Project No.
13089NTX

Elevations



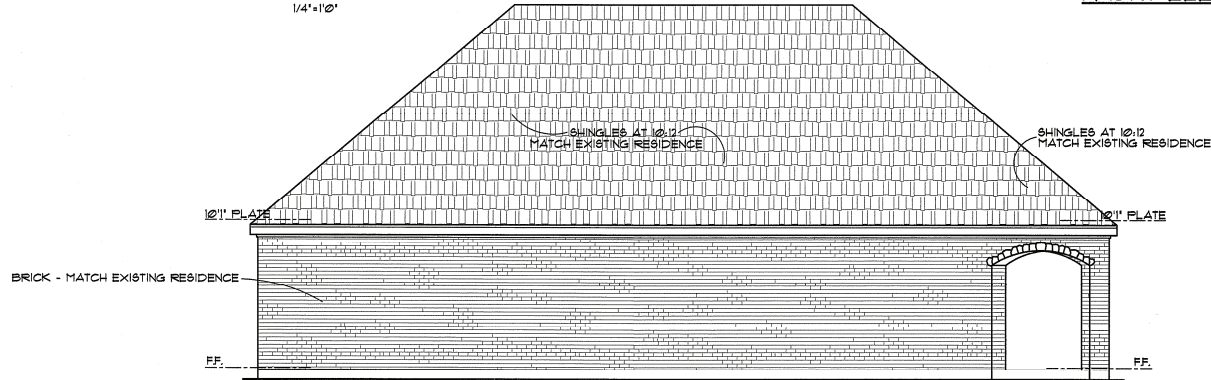
REAR ELEVATION

1/4" = 1'0"



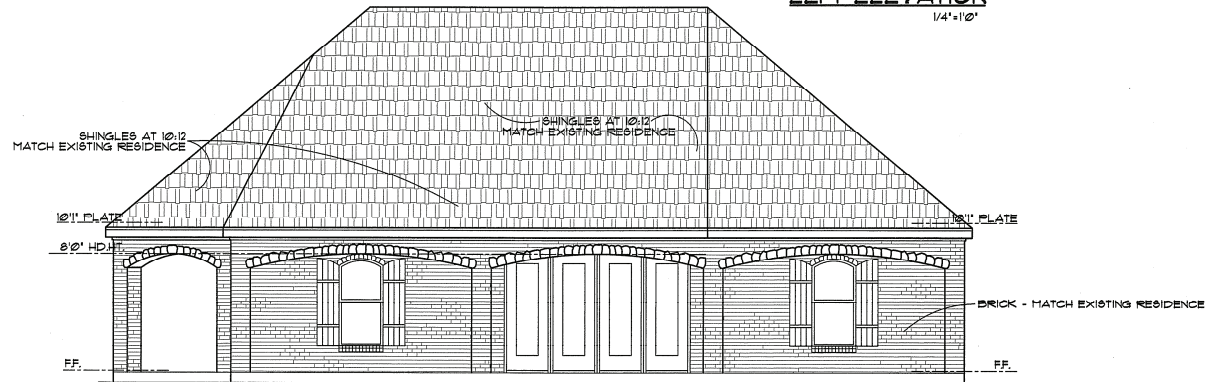
FRONT ELEVATION

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:

THIS ELECTRONIC DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND TO VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT AGREES TO HOLD THE ARCHITECT HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS DRAWING. THE CLIENT'S USE OF THIS DRAWING IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE IS PROHIBITED.

'JOHNNY RESIDENCE'
2715 HIGHGROVE COURT
NORTH TEXAS CUSTOM BUILDERS

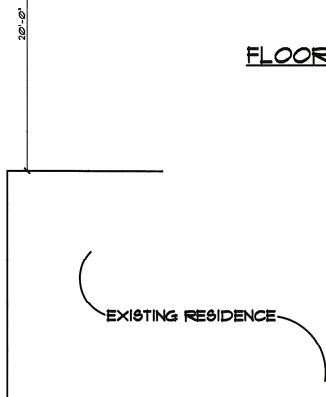


M. J. WRIGHT & ASSOCIATES, INC.
8023 MIDCITIES BOULEVARD STE. A, NORTH TEXAS
IRVING, TEXAS 75039-4400
TEL: 972.488.8888 FAX: 972.488.8888
WWW.MJWRIGHT.COM

© copyright 2013 FOR REVIEW ONLY NOT FOR BIDDING, PERMIT, OR CONSTRUCTION MICHAEL J. WRIGHT, ARCHITECT TEXAS REG.# 11180

Sheet No.
2
Project No.
13089NTX

The site plan shows a rectangular lot with a north arrow pointing towards the top-left. A horizontal line represents the street frontage. A small circle is located on the lot, with a line pointing to it from the text "EXISTING RESIDENCE". A larger, irregular shape is located on the lot, with a line pointing to it from the text "FLOOR".



Sheet No.
1
Project No.
13089NTX

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-13-1888

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 an 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

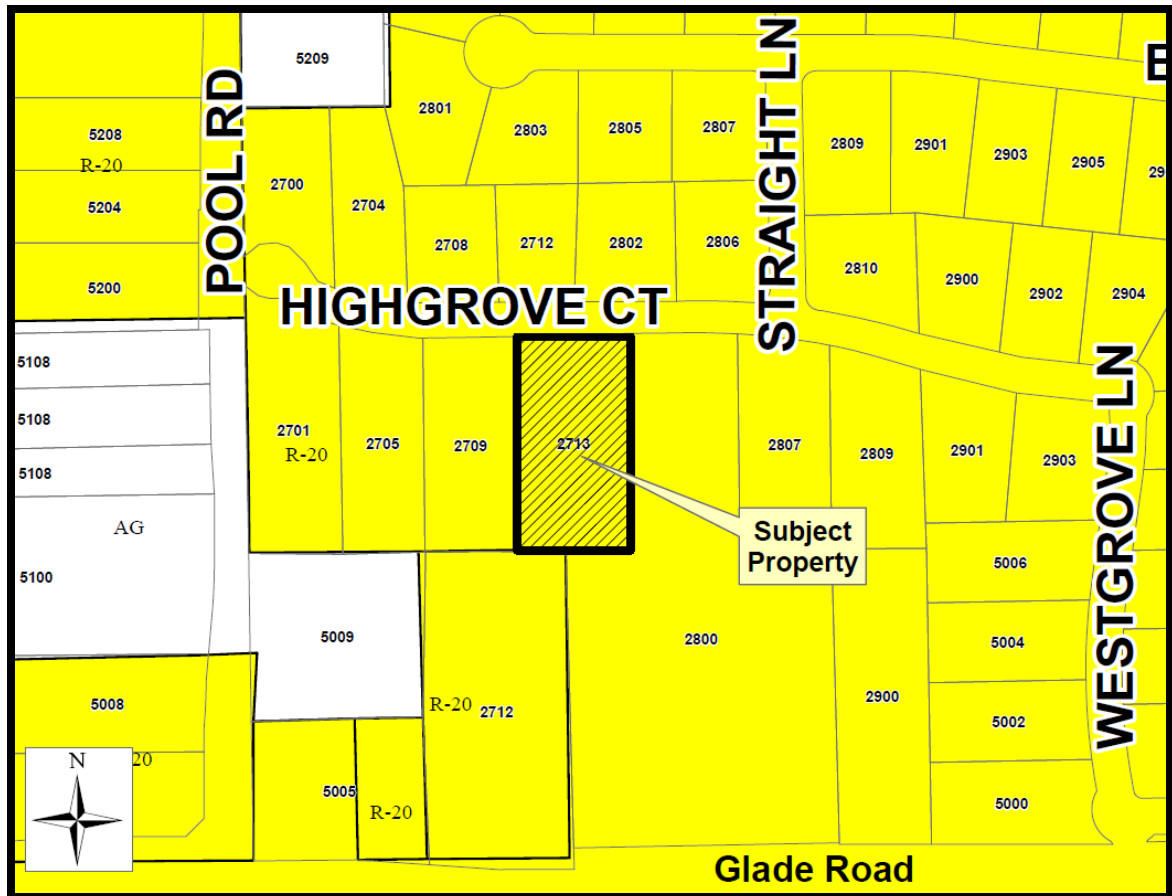


Exhibit "B" – Site Plan

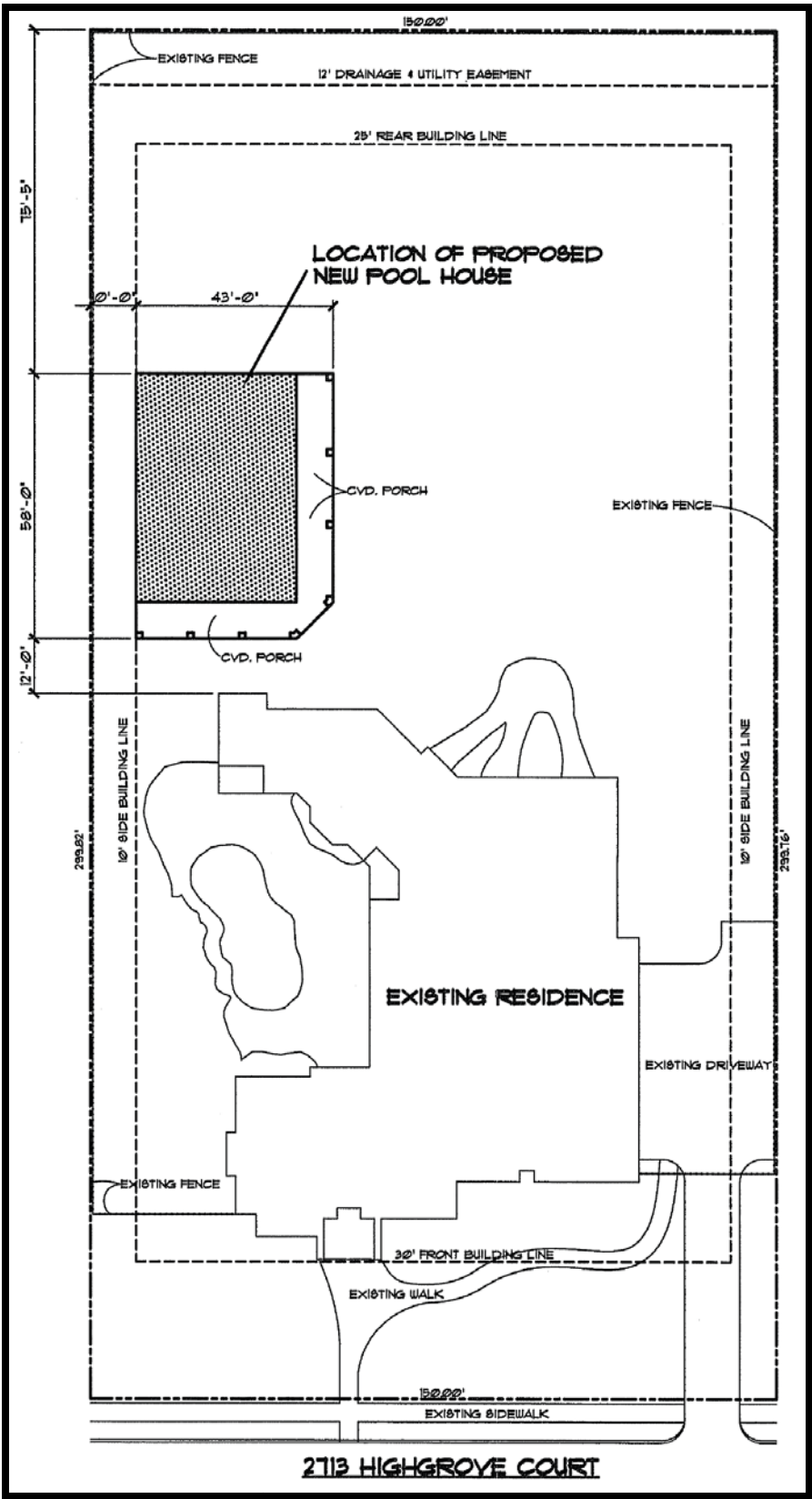
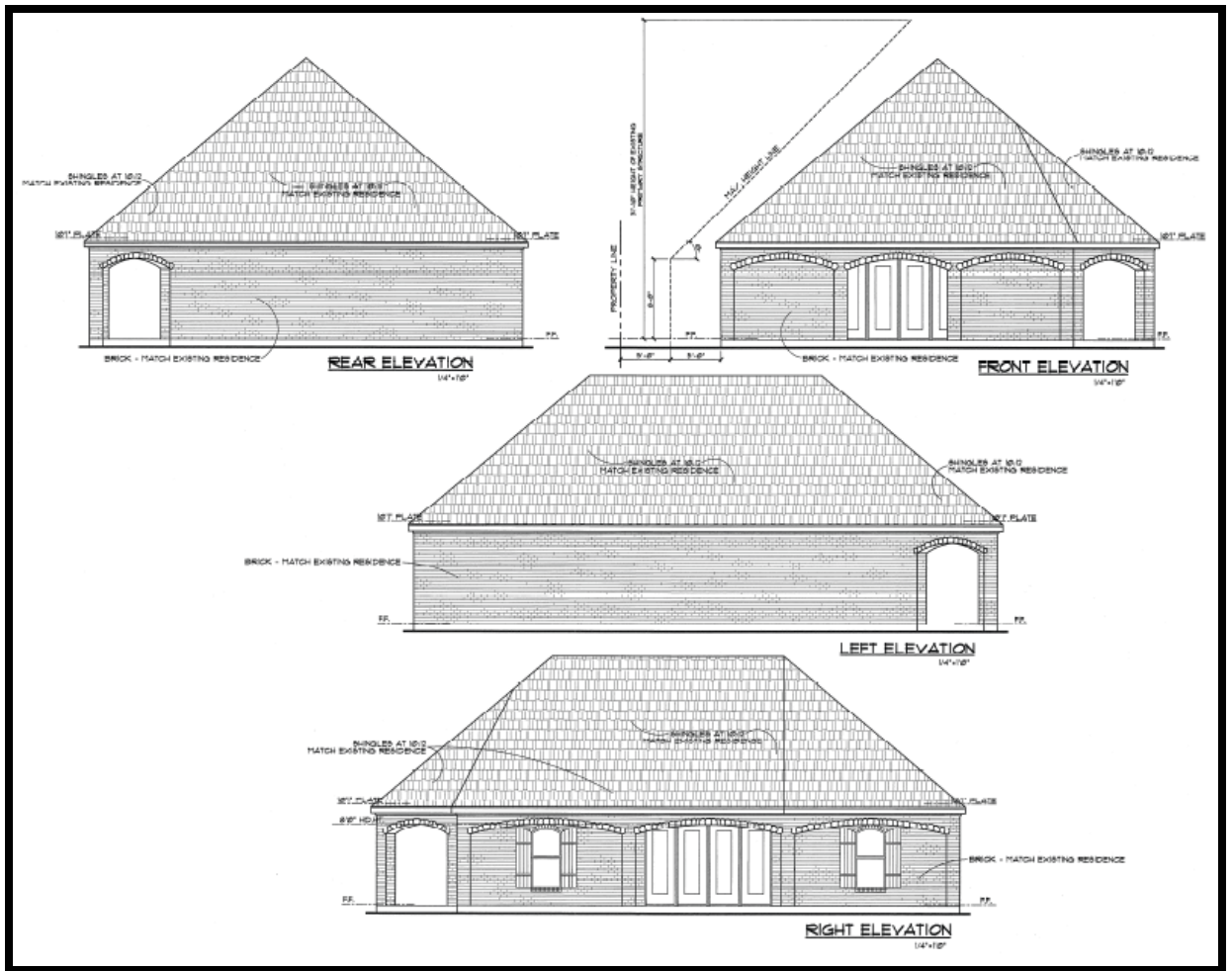


Exhibit "C" – Building Elevations





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5c	Agenda Date 10/02/2013	Number Ordinance O-13-1889
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a request for a zoning change from AG-Agricultural to R40-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

First Reading and Public Hearing

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 R-40-Single Family Residential zoning district. The applicant is seeking a zoning change in order to build a new single family home in place of the existing home. The AG-Agricultural zoning district allows single family detached uses. However, the AG zoning 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 of any approval by the City Council.

Lot Dimensions and Setbacks. The R-40 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 R-40 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.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the September 9, 2013 meeting by a vote of 5-0.

Summary. The proposed zoning change is consistent with the Future Land Use Plan, which designates the subject property as single family residential uses.

Financial Impact

There is no financial impact to the City.

Recommendation

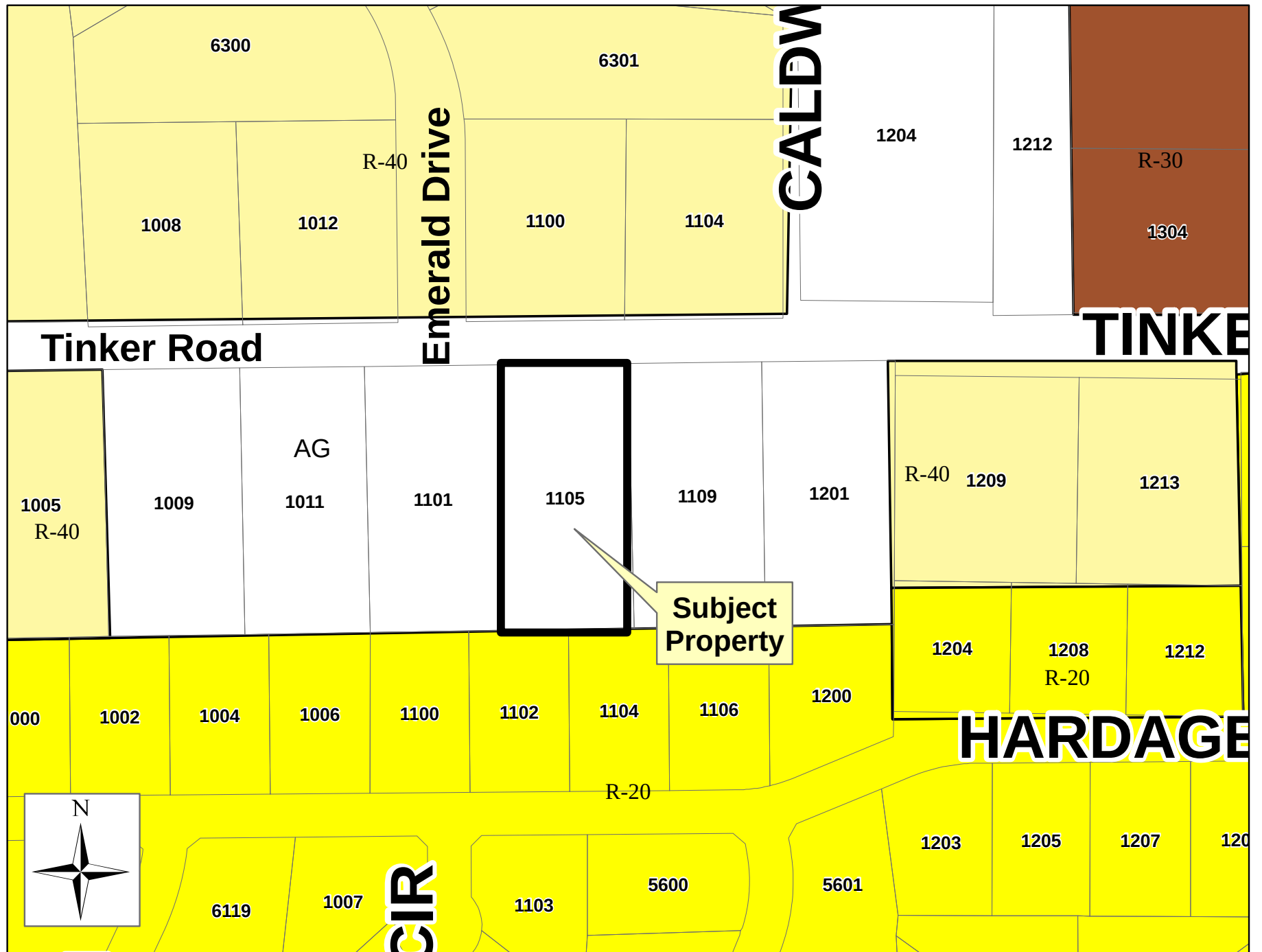
Approve

Attachments

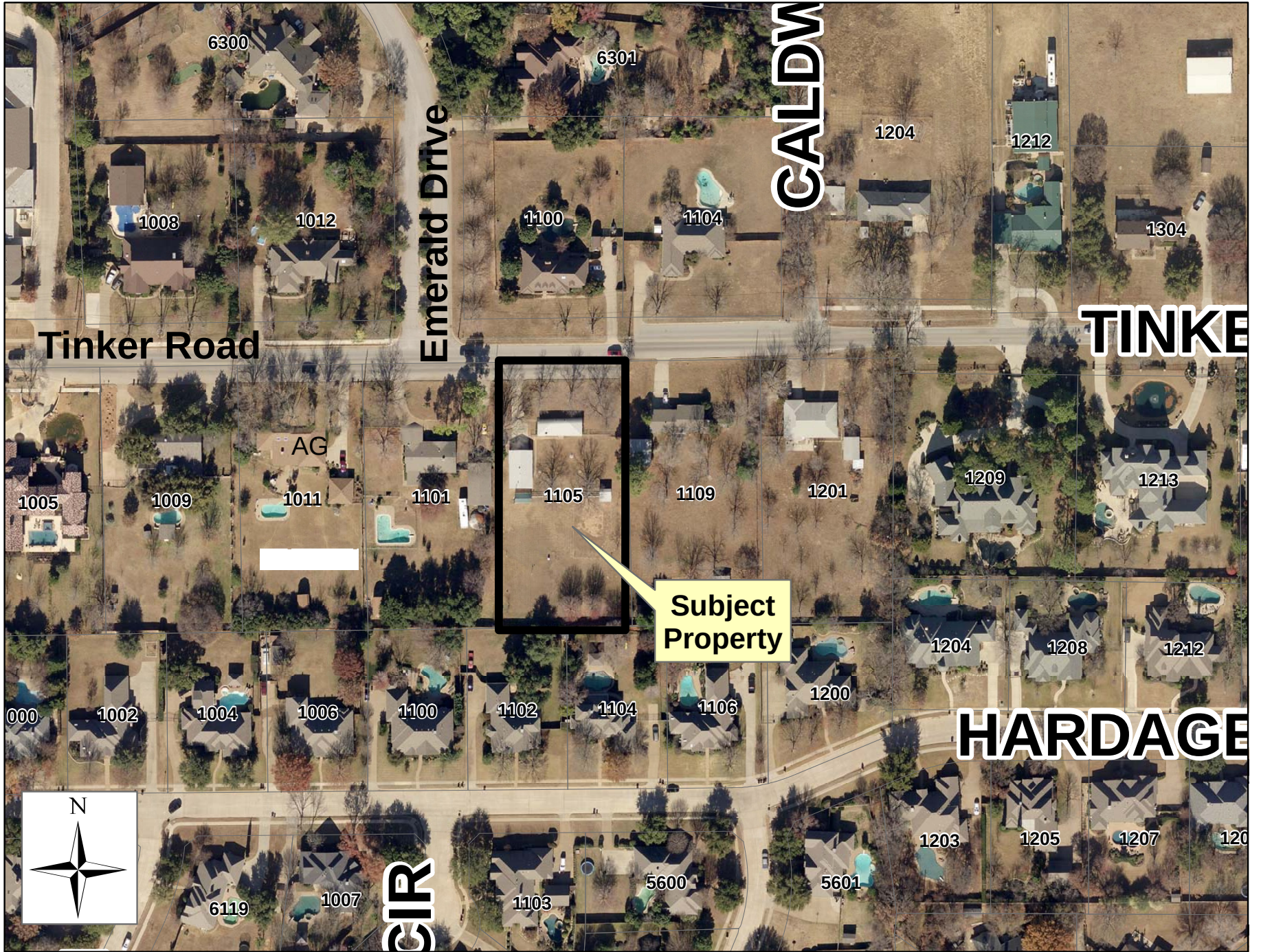
1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List

5. Statement of Planning Objectives
6. Zoning Exhibit
7. Ordinance O-13-1889

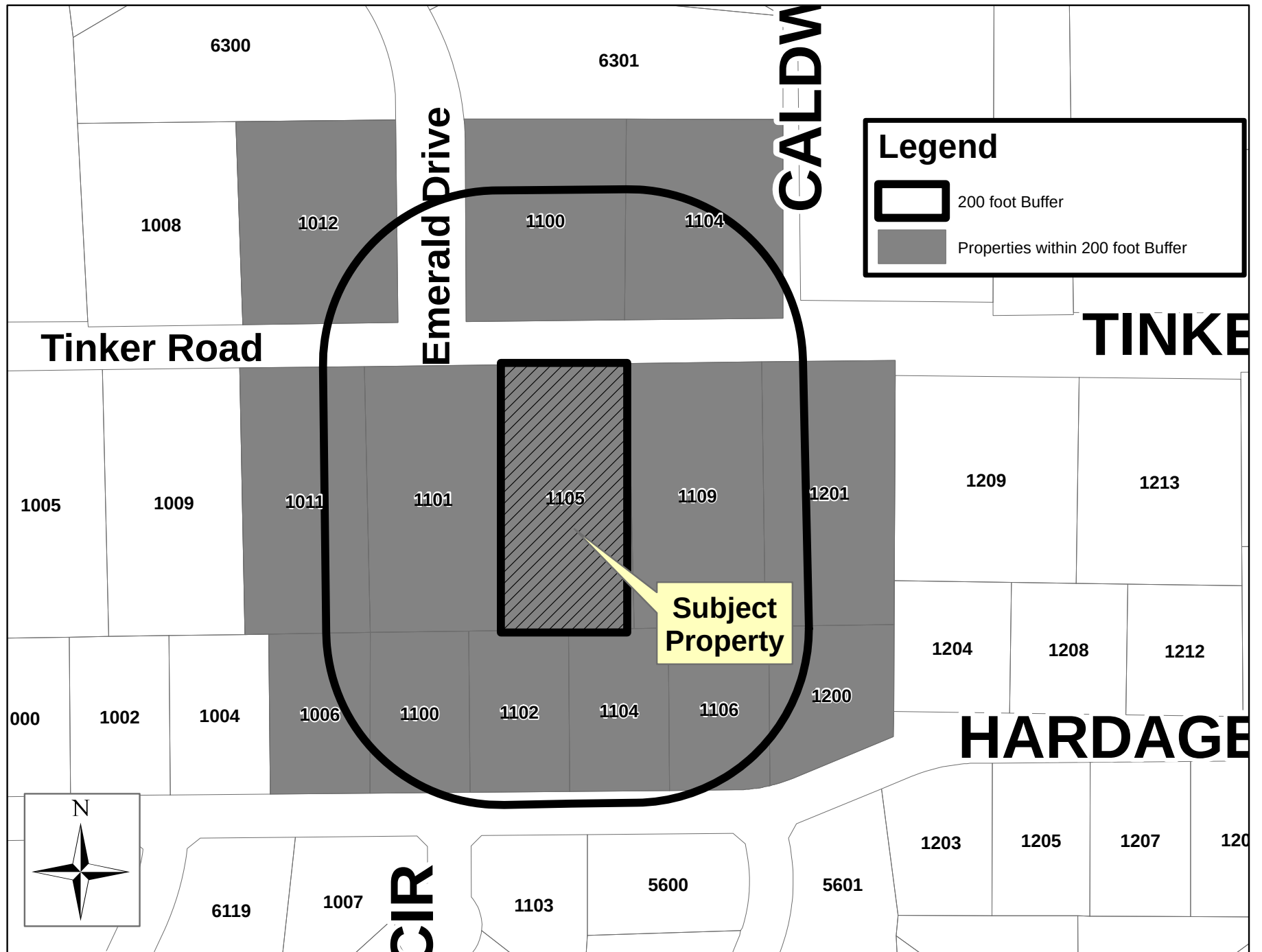
Location and Zoning Map



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

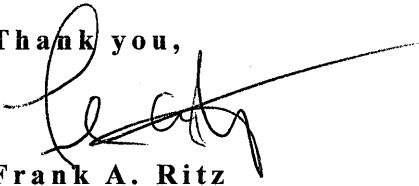
August 8, 2013

**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,

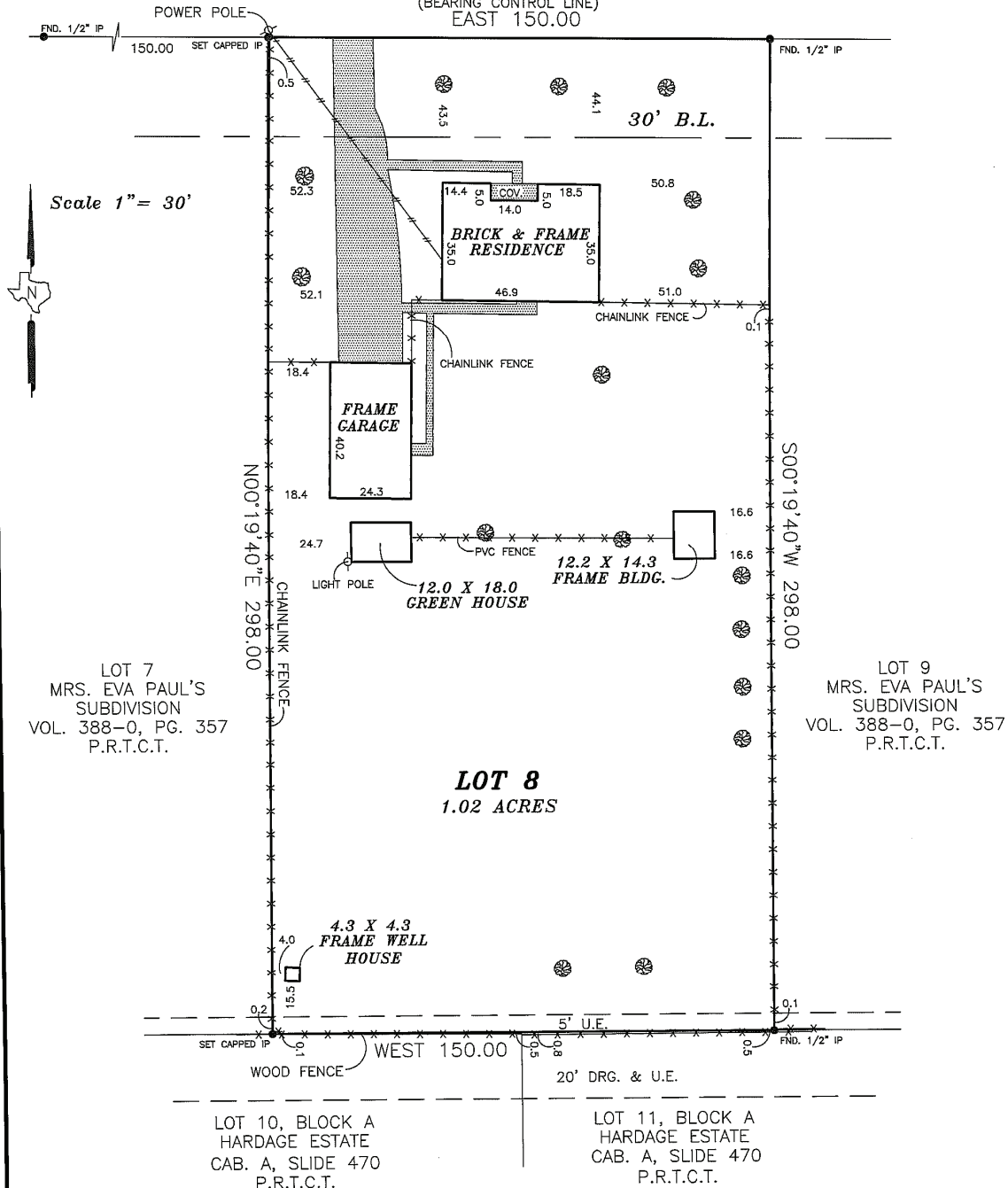
A handwritten signature in black ink, appearing to read 'Frank A. Ritz', with a long horizontal stroke extending to the right.

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
- CATV- 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-13-1889

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

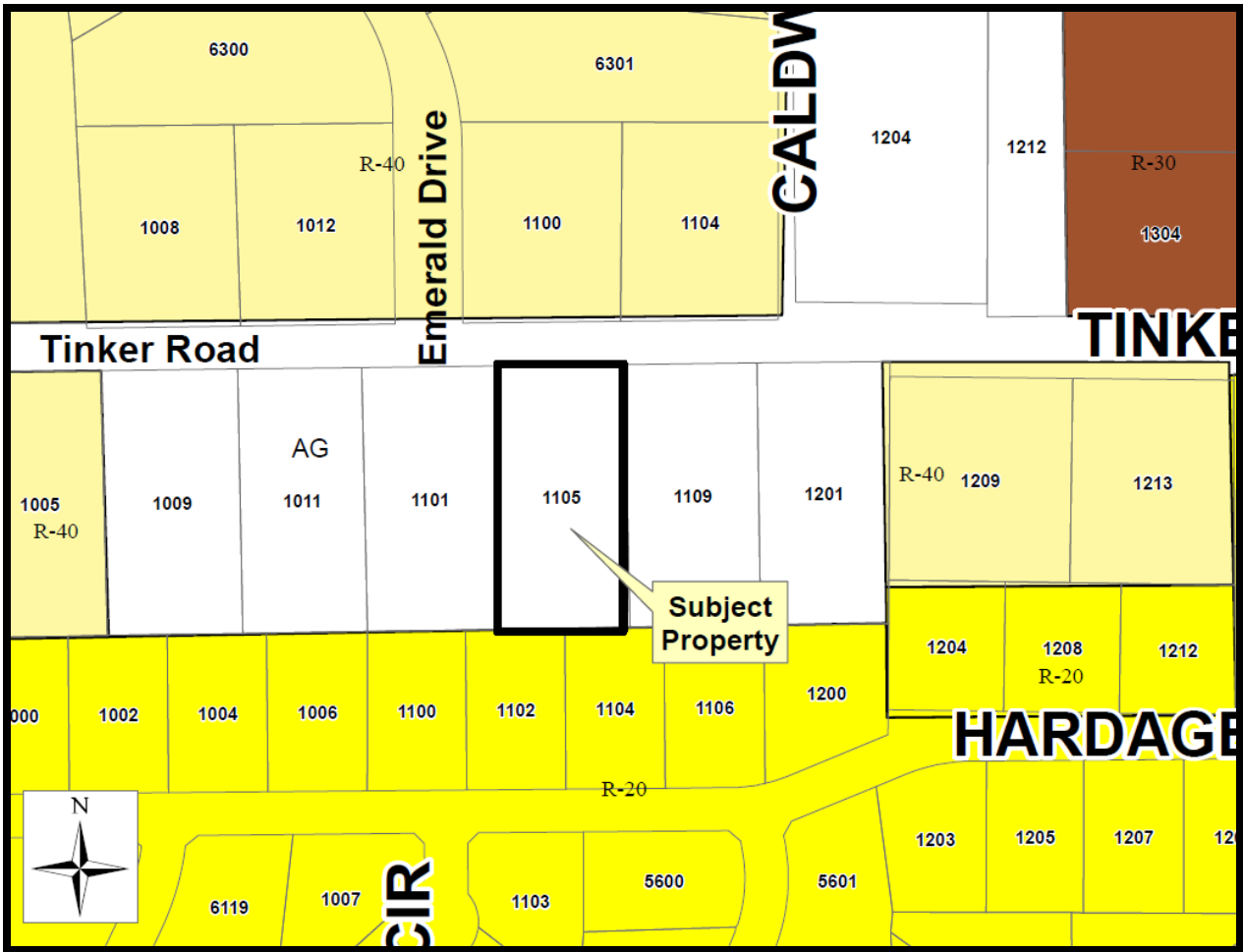
Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A"- Location and Zoning Map





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5d

Agenda Date 10/02/2013

Number Ordinance O-13-1890

Type Ordinance

Department Community Development

Title

Consideration of a 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

First Reading and Public Hearing

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 should queue on the subject property and utilize existing parking spaces where possible. This requirement is not reflected in the proposed ordinance given the Planning and Zoning Commission recommendation stated below.

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.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the September 9, 2013 meeting with the condition of removing Section 4(1)(d) and (e) of proposed Ordinance O-13-1890, which state:

"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."

These sections have been removed from proposed Ordinance O-13-1890.

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.

Financial Impact

There is no financial impact to the City.

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. 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. Site Plan
7. Letters of Opposition
8. Ordinance O-13-1890

REGINA CT

CENTRAL DR

Pleasant Run Road

CASA LN

VERANDA LN

MISSOURI BLVD

Subject Property

5310

5300

5301

5309

5312

5313

5232

5217

5201

5226

5408

824

820

816

812

808

804

800

828

PUD-R

825

821

817

813

809

805

801

713

R-10

12

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AG

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CC-1

CC-1

CC-1

CC-1

5232

5217

5201

PUD-C

PUD-C

PUD-C

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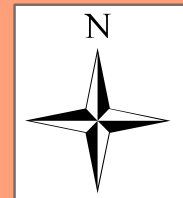
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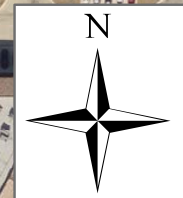
16

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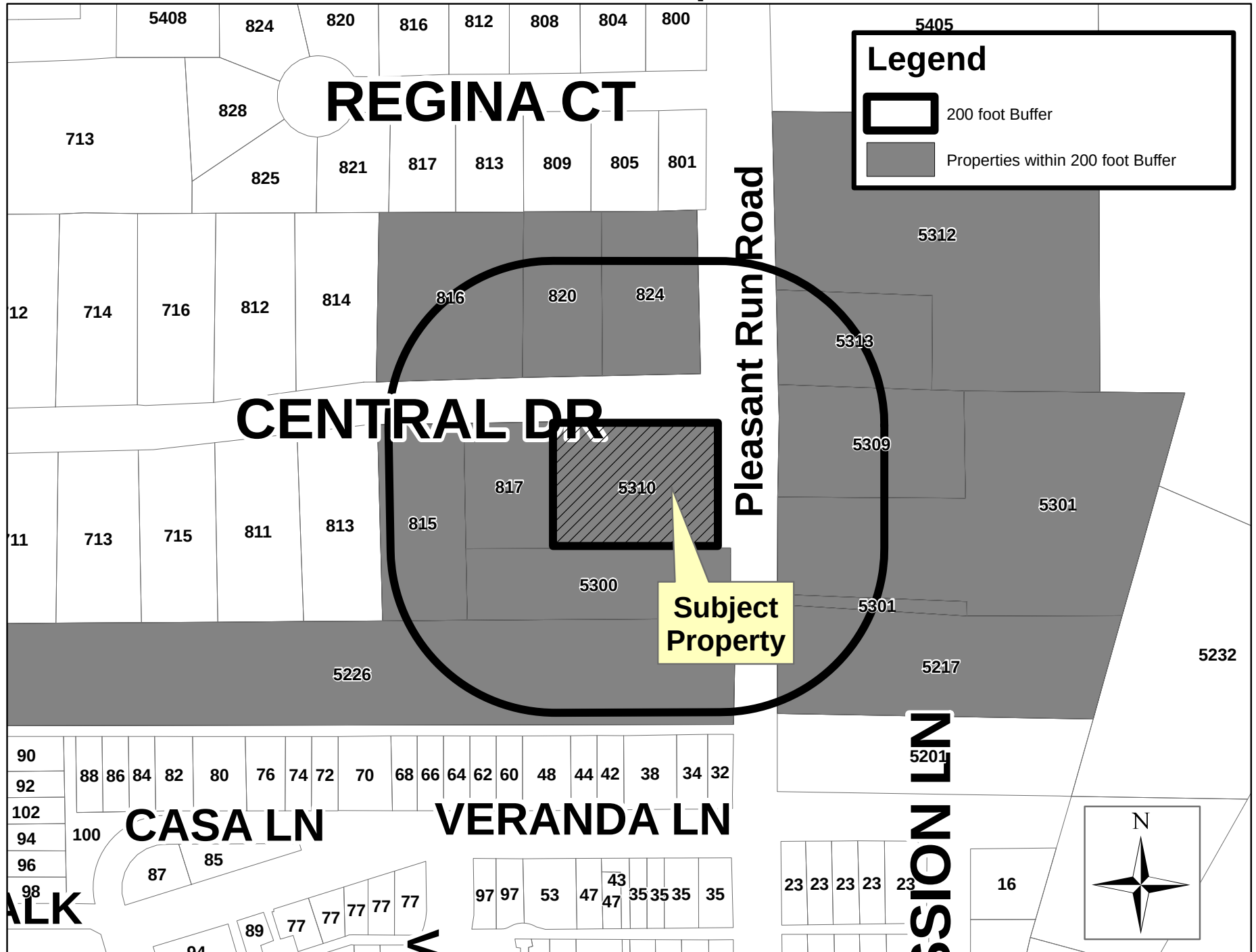
MISSOURI BLVD

N



[illegible]

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.

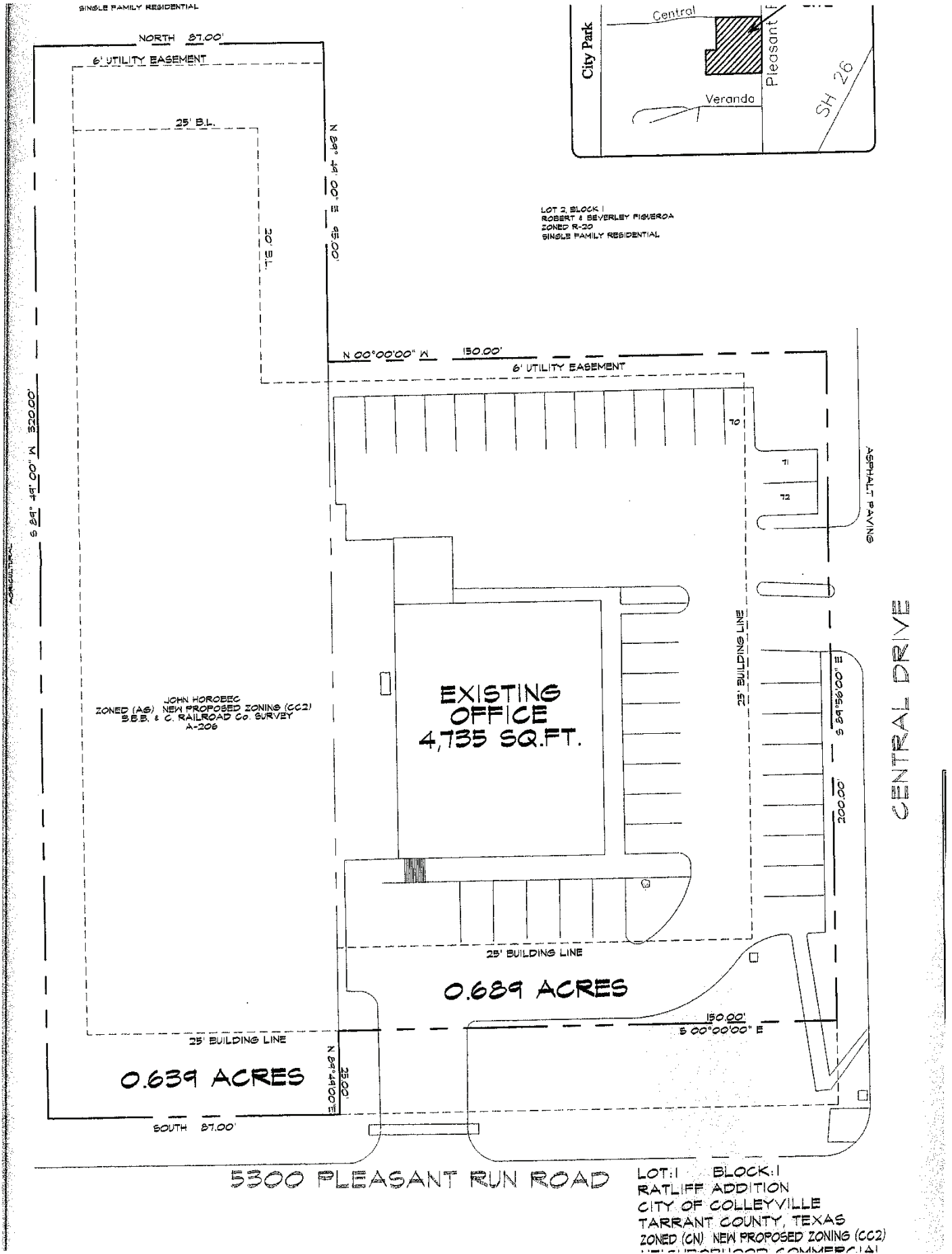
The largest number of students taking classes at the same time in 3 studios should not exceed 45, but for the time been would be much closer to 25. There is plenty of parking available to easily accommodate all drop-offs and pick-ups, even if most parents decide to wait in the studio, which in reality 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

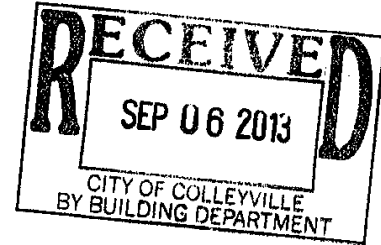


LOT:1 BLOCK:1
 RATLIFF ADDITION
 CITY OF COLLEYVILLE
 TARRANT COUNTY, TEXAS
 ZONED (CN) NEW PROPOSED ZONING (CC2)
 COMMERCIAL

Letters of Opposition

September 4, 2013

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



Planning and Zoning Case # ZC13-013

I want to express my concerns regarding this zoning request for a dance studio. There is limited parking at this location and if the dance class participants are more than just a few there will be cars parking on our street. We already have to deal with numerous delivery trucks and lawn care providers parking in front of our property during the day for the business across the street at 820 Central Dr. Now if there is a dance studio we will have the potential of parking issues day and night.

There is also the potential for loud music if the windows or doors are opened during class or if speakers are used. This will be disturbing, particularly late at night, to residents on our small street.

Thanks for your consideration of these issues.

Marlene Lala
816 Central Dr.
Colleyville, Tx 76034

Letters of Opposition

SPEAKER CARD	
Date: <u>9-9-13</u>	
☒ I will speak In Support of this item.	
☒ I will speak In Opposition to this item.	
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition	
Agenda Item Number: <u>4C</u>	
Name: <u>Robert Figueroa</u>	
Address: <u>817 CENTRAL DRIVE</u>	
City: <u>Collegeville</u> State: <u>TX</u> Zip Code: <u>76034</u>	
Telephone Number: <u>817-788-4602</u> Representing: <u>SELF</u> (organization/self)	
I understand I am limited to speaking for five minutes.	
For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.	
Signed: <u>Robert Figueroa</u>	<u>Robert a. Sa</u>
This information is a Public Record.	

ORDINANCE O-13-1890

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. 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

The map displays a residential area with several streets and lots. The streets shown are REGINA CT, CENTRAL DR, CASA LN, VERANDA LN, and PLEASANT RUN ROAD. The lots are color-coded and labeled with their respective zoning designations and lot numbers. A yellow callout box points to a specific lot labeled 'Subject Property'.

Streets: REGINA CT, CENTRAL DR, CASA LN, VERANDA LN, PLEASANT RUN ROAD.

Zoning Designations: R-10, PUD-R, R-20, CC-1, AG, PUD-C, CN.

Lot Numbers: 5408, 824, 820, 816, 812, 808, 804, 800, 828, 825, 821, 817, 813, 809, 805, 801, 713, 714, 716, 812, 814, 816, 820, 824, 5312, 5313, 5309, 5301, 5301, 5217, 5232, 5201, 16, 23, 23, 23, 23, 43, 47, 35, 35, 35, 35, 97, 97, 53, 47, 35, 35, 35, 35, 89, 77, 77, 77, 77, 85, 87, 100, 98, 96, 94, 102, 92, 90.

Subject Property: A lot located on CENTRAL DR, adjacent to PLEASANT RUN ROAD, with a pink hatched pattern.

Exhibit “B” – 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.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5e

Agenda Date 10/02/2013

Number Ordinance O-13-1891

Type Ordinance

Department City Manager

Title

Approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division, regarding the Company's 2013 Annual Rate Review Mechanism filing and adopting tariffs that reflect rate adjustments consistent with the negotiated settlement

Explanation

First Reading and Public Hearing

The City of Colleyville, along with approximately 164 other cities served by Atmos Energy Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). On June 18, 2013, the City of Colleyville approved a renewed Rate Review Mechanism ("RRM") tariff as a continuation and refinement of the previous RRM rate review process. On July 15, 2013, Atmos Mid-Tex filed with the City, an application to increase natural gas rates; this is the first annual RRM filing under the renewed RRM tariff.

The RRM tariff and the process implementing that tariff were created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized Gas Reliability Infrastructure Program (GRIP) surcharge process. ACSC has opposed GRIP because it constitutes piecemeal ratemaking, does not allow any review of the reasonableness of Atmos' expenditures, and does not allow participation by cities or recovery of cities' rate case expenses. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings.

RRM Filing and Negotiation

The Atmos Mid-Tex RRM filing on July 15, 2013, sought a \$22.7 million rate increase system-wide based on an alleged test-year cost of service revenue deficiency of \$25.7 million. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. The attached ordinance and attached rate tariffs are the result of negotiations between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of Atmos Mid-Tex's RRM filing.

Consultants working on behalf of ACSC cities have investigated the support for the Company's requested rate increase. While the evidence does not support the \$22.7

million increase requested by the Company, ACSC's consultants agree that the Company can justify an increase in revenues of some lesser amount. The agreement on \$16.6 million is a compromise between the positions of the parties. For purposes of comparison, this negotiated result is about \$11 million less than what ACSC's consultants calculated that Atmos would have been entitled to if Atmos had filed a case under the GRIP rather than an RRM case.

The settlement is expected to increase the average residential customer's bill by approximately \$0.74 per month. For the first annual filing under the revised RRM tariff, the Company agreed to forego any change to the residential customer charge. Therefore, for the 2013 RRM, the result of the filing will not increase the residential customer charge, and the entirety of the increase to the residential class will be applied to the commodity (natural gas consumption) component of rates.

Purpose of the Ordinance

Rates cannot change without the adoption of rate ordinances by cities. No related matter is pending at the Railroad Commission. The purpose of the ordinance is to approve rates (shown on "Attachment A" to the ordinance) that reflect the negotiated rate changes pursuant to the RRM process and to ratify the recommendation of the ACSC Executive Committee.

The ACSC Executive Committee recommends that ACSC members take action to approve the ordinance authorizing new rate tariffs. Approval of the Ordinance will result in the implementation of new rates that increase Atmos Mid-Tex's revenues effective November 1, 2013.

Financial Impact

The settlement and proposed ordinance approving the negotiated rate changes is expected to increase the average residential customer's bill by approximately \$0.74 per month.

Recommendation

Approve

Attachments

1. Ordinance O-13-1891

ORDINANCE O-13-1891

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL

WHEREAS, the City of Colleyville, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC cities as a substitute to the current Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM tariff; and

WHEREAS, in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years; and

WHEREAS, the City passed an ordinance renewing the RRM tariff process for the City for an additional five years; and

WHEREAS, the RRM renewal tariff contemplates reimbursement of ACSC cities' reasonable expenses associated with RRM applications; and

WHEREAS, on or about July 15, 2013, the Company filed with the City its first annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$22.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex's RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to resolve issues identified by ACSC in the Company's RRM filing; and

WHEREAS, the ACSC Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC cities approve the attached rate tariffs ("Attachment A" to this ordinance), which will increase the Company's revenues by \$16.6 million; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by ACSC cities and are just, reasonable, and in the public interest.

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

Sec. 1. THAT the findings set forth in this ordinance are hereby in all things approved.

Sec. 2. THAT the City Council finds the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs, which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

- Sec. 3. THAT Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC cities in processing the Company's RRM application.
- Sec. 4. THAT to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this ordinance, it is hereby repealed.
- Sec. 5. THAT the meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- Sec. 6. THAT if any one or more sections or clauses of this ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance and the remaining provisions of the ordinance shall be interpreted as if the offending section or clause never existed.
- Sec. 7. THAT if ACSC determines any rates, revenues, terms, and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in Atmos' 2013 RRM filing would be more beneficial to the ACSC cities than the terms of the attached tariffs, then the more favorable rates, revenues, terms, and conditions, or benefits shall additionally and automatically accrue to the ACSC cities, including the City, without the need for City to take any further action. If this automatic adjustment occurs, Atmos Mid-Tex shall promptly thereafter file with the City an amended tariff documenting the adjustment to rates.
- Sec. 8. THAT this ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after November 1, 2013.
- Sec. 9. THAT a copy of this ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Manager of Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

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:

Matthey C. G. Boyle
City Attorney

Attachment A

Atmos Mid-Tex Tariffs
Effective November 1, 2013

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 17.70 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 17.72 per month
Commodity Charge – All <u>Ccf</u>	\$0.05831 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2013.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 35.75 per month
Rider CEE Surcharge	\$ 0.10 per month ¹
Total Customer Charge	\$ 35.85 per month
Commodity Charge – All Ccf	\$ 0.06893 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2013.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 620.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2565 per MMBtu
Next 3,500 MMBtu	\$ 0.1879 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0403 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 620.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2565 per MMBtu
Next 3,500 MMBtu	\$ 0.1879 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0403 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use	Heat use	Base use	Heat use
	<u>Ccf</u>	<u>Ccf/HDD</u>	<u>Ccf</u>	<u>Ccf/HDD</u>
Abilene	9.97	0.1318	96.50	0.5659
Austin	11.05	0.1262	189.59	0.7195
Dallas	13.13	0.1832	171.84	0.8797
Waco	9.78	0.1262	117.60	0.5774
Wichita Falls	10.99	0.1297	107.70	0.5041

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5f

Agenda Date 10/02/2013

Number Ordinance O-13-1892

Type Ordinance

Department Police

Title

Approval of amendments to the Code of Ordinances Chapter 70, Article II, Section 70-28, Relating to Home Solicitation, Distribution, and Miscellaneous Sales

Explanation

First Reading and Public Hearing

In March 2011, the City Council updated Section 70 Peddlers and Solicitors, of the Code of Ordinances, which promotes good order and safety and protects citizens and non-citizens, while at the same time maintaining a person's First Amendment right to communicate through that medium. The ordinance (attached Ordinance O-11-1792) was constructed to be fair and balanced, while effectively addressing the concerns and expectations of the citizens of Colleyville regarding solicitors, itinerant vendors, and miscellaneous sales. The ordinance is wholly content neutral and only regulates the time, place, and manner of public speech. The attached proposed ordinance endeavors to continue the City Council's prerogative of protecting the sanctity of the homestead, given the ample opportunities for communication in today's modern world.

Attached is Ordinance O-93-898, which was the ordinance that was updated by Ordinance O-11-1792. Ordinance O-93-898 was subsequently updated by attached Ordinance O-93-931 and attached Ordinance O-95-1014. It was recently discovered that essential sections of Ordinance O-93-931 and Ordinance O-95-1014 were unintentionally left out of the updated version. This proposed action is to update the current ordinance to include sections which are incorporated in the proposed ordinance:

- X. Miscellaneous occasional sales of nonfood items in residential zones
- XI. Sales on public right-of-way prohibited
- XII. Tents and temporary structures
- XIII. Outdoor display and sales of homegrown produce in residential districts

The regulations provided by this ordinance are necessary to promote the City's legitimate and compelling interests and are provided without reference to the content of any message; and are an integral component of the City's safety plan. Additionally, crime prevention and code enforcement efforts would be less effective without the provisions of this ordinance.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Ordinance O-93-898
2. Ordinance O-93-931
3. Ordinance O-95-1014
4. Ordinance O-11-1792
5. Ordinance O-13-1892

ORDINANCE NO. 0-93-898

AN ORDINANCE AMENDING CHAPTER 4 OF THE COLLEYVILLE CODE BY MODIFYING AND ADDING THERETO PROVISIONS CONCERNING SOLICITATION; PROVIDING FOR A NOTICE PROHIBITING SOLICITORS; ESTABLISHING DEFINITIONS, REQUIREMENTS OF PERMIT, BOND, APPLICATION FEE, PROCEDURES AND REGULATIONS FOR ITINERANT MERCHANTS, ESTABLISHING DEFINITION, REQUIREMENTS OF PERMITS, APPLICATION FEE, PROCEDURES AND REGULATIONS FOR CHARITABLE SOLICITATIONS, ESTABLISHING DEFINITIONS, REGISTRATION PROCEDURES AND REGULATIONS FOR RELIGIOUS SOLICITATIONS, ESTABLISHING DEFINITIONS, REGISTRATIONS, PROCEDURES AND REGULATIONS FOR PUBLICATION SOLICITATIONS, PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.

WHEREAS, the City Council deems it is in the best interest of the City to adopt the following regulations concerning solicitors,

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

Sec. 1: That Chapter 4 of the Colleyville Code be amended by amending the provisions of Section 4, and adding thereto new Sections 5 through 8, providing as follows:

"SECTION 4: SOLICITORS - GENERAL

A. Notice Prohibiting Solicitors

(1) A person, desiring that no person engage in a solicitation at his residence or place of business, shall exhibit in a conspicuous place upon or near the main entrance to the premises, a notice containing the words, "NO SOLICITORS." The letters shall be not less than two-thirds of an inch in height.

1
2
3 (2) Every person upon going onto any premises
4 for the purpose of any type of solicitation shall first
5 examine the premises to determine if any notice
6 prohibiting soliciting is exhibited upon or near the
7 main entrance. If notice prohibiting soliciting is
8 exhibited, the person shall immediately depart from
9 the premises, without disturbing the occupant(s),
10 unless the person's presence is at the request of the
11 occupant(s).

12 (3) No person shall go upon any premises and
13 ring the doorbell, or rap or knock upon the door or
14 create any sound in a manner calculated to attract the
15 attention of the occupant(s), for the purpose of
16 securing an audience with the occupant(s) or engaging
17 in or attempting to engage in solicitation, if a notice as
18 described in subsection (1) above is exhibit in a
19 conspicuous place upon or near the main entrance,
20 unless the person's presence is at the request of the
21 occupant(s).

22 (4) Any person who has gained entrance to a
23 premises, or audience with the occupant(s), for the
24 purpose of solicitation, whether invited or not, shall
25 immediately depart from the premises when requested
26 to leave by the occupant.

27 B. Hours of Solicitation

28 No solicitor or salesman shall go from house-to-
29 house or from place-to-place in this city soliciting,
30 selling or peddling between the hours of 4:30 p.m. and
31 9:00 a.m.

32 SECTION 5: ITINERANT MERCHANT

33 A. Definition

34 An itinerant merchant is any person who sells
35 or solicits sales from house-to-house or from place-to-
36 place in the city, and said sale or solicitation is not a
37 charitable solicitation, religious solicitation or
38 publication solicitation.

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3 **B. Permit/Exceptions**

4 (1) Every itinerant merchant shall be required
5 to obtain a permit prior to the engaging in the
6 business of an itinerant merchant within the City.

7 (2) The requirement of a permit shall not
8 apply to sales made to dealers by commercial travelers
9 or sales agents in the usual course of business, nor to
10 sales made upon authority and by order of law.

11 (3) The requirements of a permit shall not
12 apply to persons under the age of 18 years engaged in
13 the sales of items for extra curricular activities
14 sanctioned by a school district, nor for agricultural
15 products in their natural state sold by the grower.

16 **C. Application For Permit**

17 (1) An applicant for a permit to do business as
18 an itinerant merchant shall file an application in
19 writing with the Police Department not less than ten
20 (10) days before the first month in which he proposes
21 to engage in business as an itinerant merchant.

22 (2) The application shall contain the following
23 information:

24 (a) The full name, address and
25 telephone number of the person or organization
26 applying for the permit;

(b) If the itinerant merchant is selling
on behalf of an organization, the name and address of
the organization;

(c) The license plate number of any and
all vehicles to be used by the permittee;

(d) The Texas drivers' license number of
all persons who will operate a motor vehicle for the
permittee;

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3 (e) Proof of any liability insurance
required by state law;

4 (f) The addresses of the itinerant
5 merchant during the previous five (5) years with the
name of at least one reference in each community;

6 (g) The name, address, date of birth and
7 fingerprints of each agent selling within the city;

8 (h) A copy of a limited sales tax permit
issued by the State of Texas, or proof that the goods
9 sold are not subject to such sales tax;

10 (i) A statement of the type of goods or
wares to be sold;

11 (j) A copy of a current health certificate
12 if edible merchandise is to be sold; provided, however,
this shall not apply to the sale of candy, nuts or other
13 edibles prepared and packaged by a nationally
recognized manufacturer or a Texas manufacturer
14 meeting standards imposed by state and local health
codes, if such packages are sealed and unbroken.

15 (k) A statement of the period of time
16 such applicant wishes to sell or solicit in said city,
17 providing that no permit shall be issued granting such
authority in excess of one calendar year from date of
issue.

18 (l) Documents sufficient to establish the
19 identity of the permittee and each agent.

20 (m) Any other information requested by
the Police Chief.

21 **D. Bond**

22 The application shall be accompanied by a bond
23 in the sum of ten thousand dollars (\$10,000.00), signed
by the applicant, and signed, as surety, by a surety
24 company authorized to do business in the State of
Texas, satisfactory to the Police Chief, conditioned for
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3 the final delivery of goods, wares, merchandise or
4 services, and conditioned for the correction or remedy
5 of any and all defects in material or workmanship that
6 may exist in the article sold by the principal of said
7 bond, at the time of delivery, and that may be
8 discovered by such purchaser or customer within thirty
9 (30) days after delivery, and which bond shall be for
10 the use and benefit of all persons, firms or
11 corporations that may make any purchase or give any
12 order to the principal on said bond, or to an agent or
13 employee of the principal. Provided that in case
14 applicant is a person, firm, company, partnership,
15 corporation or association engaging in the business of
16 an itinerant merchant through one or more agents or
17 employees, such persons, firm, company, partnership,
18 corporation or association shall be required to enter
19 into only one bond per five agents or employees, in
20 the sum of ten thousand dollars (\$10,000.00) as above
21 required, which bond shall be made to cover the
22 activities of its agents or employees.

23 **E. Application Fee**

24 A non-refundable application fee for an
25 itinerant merchant permit in the amount of one
26 hundred dollars (\$100.00); shall be paid upon
application provided, however, when any person, firm,
company, partnership, corporation or association acts
through one or more agents or employees such person,
firm, company, partnership, corporation or association
shall, in addition to said one hundred dollars
(\$100.00), pay an application fee of fifty dollars
(\$50.00) for each agent or employee so engaged

27 **F. Investigation: Issuance and Denial of Permits**

28 (1) Upon receipt of an application the Police
29 Chief shall make or cause to be made an investigation
30 to determine the qualifications of the applicant for a
31 permit.

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3 (2) If the Police Chief finds that the applicant
4 does not meet the requirements for an itinerant
5 merchant permit, or that there is a need to question
6 the applicant to clarify the application, the Police
7 Chief shall so notify the applicant at least 10 days in
8 advance of a hearing at which the applicant shall
9 appear.

10 (3) The Police Chief shall refuse the issuance
11 of a permit if, upon investigation and hearing, it is
12 determined that the applicant has not complied with
13 all the requirements for the issuance of a permit, or
14 that:

15 (a) One or more of the statements
16 made in the application or at a hearing on the
17 application are false.

18 (b) The applicant or any person the
19 applicant proposes to act as an itinerant merchant
20 within the City has been convicted of fraud, theft,
21 conversion, embezzlement, swindling, robbery,
22 burglary, or any other crime involving moral turpitude.

23 (c) That the applicant had received an
24 itinerant merchant permit in the previous year and
25 failed to comply with the conditions of the permit or
26 this Chapter.

(4) If the Police Chief finds that all of the
conditions precedent to the issuance of an itinerant
merchant permit have been met and the applicant is
qualified to receive an itinerant merchant permit, the
Police Chief shall issue the permit. Permits will be
issued for a period of 30 days. Upon a showing by the
applicant of necessity, the Police Chief may approve
an issuance of a permit for a period not to exceed one
year.

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3 **G. Edible Merchandise; Sanitation**

4 Every person who is licensed as an itinerant
5 merchant to peddle edible merchandise, shall keep all
6 articles for sale to the public in a clean and sanitary
7 condition, as well as the vehicles or other conveyances
8 used in the transportation of such merchandise.

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10 **H. Quality and Accurate Measures**

11 No itinerant merchant shall sell or offer to sell
12 any unsound or unwholesome merchandise or give
13 false weight or measure to such article sold or offered
14 for sale.

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16 **I. Revocation of License**

17 An itinerant merchant permit issued hereunder
18 shall be revoked upon violation of any provision of the
19 portions of this chapter applicable to itinerant
20 merchants or upon determination that any false
21 statement as to any material matter was made in the
22 application or the hearing thereon. The Police Chief
23 shall send written notice of the revocation to the
24 permittee by certified mail/return receipt requested,
25 setting forth the reasons for the revocation. The
26 permittee, by written request served upon the Police
Chief not more than 10 days from the date the Police
Chief places the notice of revocation in the mail,
postage pre-paid, may request a hearing on the matter.
The Police Chief shall conduct a hearing upon the
matter within 5 days of the request for a hearing. The
Police Chief shall either continue the revocation or
reinstate the permit based on his determination at the
hearing.

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28 **J. Visible Identification**

29 Any itinerant merchant, vendor or peddler in
30 the City shall at all times while working in such
31 capacity wear and prominently display a badge or

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3 placard clearly identifying the person by name and
4 clearly identifying the organization he is representing.
5 The letters of said badge or placard must be at least
6 one eighth inch in height, and shall contain the
7 statement "MERCHANT."

8 9 10 **SECTION 6: CHARITABLE SOLICITATIONS**

11 **A. Definitions**

12 (1) Charitable solicitation means conduct
13 whereby a person, organization, society, corporation or
14 its agent, member or representative, on the plea or
15 representation, whether express or implied, that the
16 proceeds from the solicitation, sale or entertainment
17 are for a charitable purpose:

18 (a) Solicits property, financial aid, gifts
19 in money or any article of monetary value;

20 (b) Sells or offers to sell a product,
21 article, tag, service publication, ticket, advertisement,
22 subscription; or

23 (c) Holds, promotes or participates in
24 entertainment, sports event, benefit dance, fair, bazaar
25 or other type of organized social entertainment.

26 (2) Charitable purpose means the use of
money or property for the benefit of:

(a) Charity or philanthropy, or poor,
impoverished, destitute, underprivileged, needy,
refugee, injured, crippled, disabled, or handicapped
persons, or persons in need of rehabilitation;

(b) Patriotism, that is, for the teaching
of patriotism or the relief or assistance of veterans or
veteran's organizations; or

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3 (c) Existing educational institutions or
4 for the establishment or endowment of educational
5 institutions or in aid of the education of any person or
6 group of person.

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10 **B. Permit/Exceptions**

11 (1) No person or organization may conduct a
12 charitable solicitation by handbills, advertisements,
13 house-to-house canvass, or by any other method in the
14 city without the person, organization, society or
15 corporation responsible for conducting the solicitation
16 first obtaining a charitable solicitation permit.

17 (2) If a person or organization conducts or
18 manages a charitable solicitation in the name of or on
19 behalf of another person or organization, each entity
20 shall obtain a charitable solicitation permit.

21 (3) A charitable solicitation permit is not
22 required for:

23 (a) An organization soliciting funds or
24 goods only from its own membership;

25 (b) A person or organization soliciting
26 funds only by use of a public broadcasting media;

(c) A person or organization soliciting
funds only from foundations;

(4) A charitable solicitation permit is not
required for persons under eighteen (18) years of age
if engaged in fund raising activities for a nonprofit
organization using all profits for young people's
activities or donating all profits to charities, other than
a sponsoring organization.

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3 **C. Application For Permit**

4 (1) An applicant for a permit to conduct a
5 charitable solicitation in the city shall file an
6 application in writing with the Police Department not
7 less than ten (10) days before the first month in which
8 the proposed charitable solicitation activities are
9 planned.

10 (2) The application shall contain the following
11 information:

12 (a) The full name, address and
13 telephone number of the person or organization
14 applying for a permit and the address of the
15 headquarters in the city.

16 (b) The names and addresses of all
17 officers and directors or trustees of the organization
18 and the name and city of residence of all officers,
19 directors or trustees of the parent organization, if any.

20 (c) The name of the person or persons
21 by whom the receipts of the solicitation will be
22 disbursed; if the receipts are transmitted to a parent
23 organization for further disbursement, a detailed
24 description of the disbursement of all funds and a
25 financial statement of the parent organization for the
26 last preceding fiscal year.

(d) The name, address and telephone
number of the local person or persons who will be in
charge of conducting the charitable solicitation.

(e) A description of the method or
methods to be used in conducting the charitable
solicitations.

(f) The period within which the
charitable solicitation will be conducted, including the
proposed dates for the beginning and ending of the
solicitation.

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3 (g) A full statement of the character
4 and extent of the charitable work done by the
5 applicant within the city during the preceding year and
6 a statement of the specific purpose for which funds are
7 to be solicited, together with a detailed account of
8 their intended use.

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10 (h) If the applicant is a corporation, a
11 copy of its charter or articles of incorporation from its
12 state of incorporation if the applicant is a foreign
13 corporation, a copy of its certificate to do business in
14 this state.

15 (i) If the applicant is a charitable
16 corporation or other non-profit organization, proof of
17 the applicant's current status as a charitable association
18 or other organization to which contributions are tax
19 deductible for federal income tax purposes.

20 (j) A statement of whether contributions
21 to the person or organization are tax deductible and
22 what percentage of the contributions are not tax
23 deductible.

24 (k) Any other information requested by
25 the Police Chief.

26 D. Bond

An applicant for a charitable solicitation permit shall, at time of application, submit a surety bond in the sum of ten thousand dollars (\$10,000.00), executed by a surety company authorized to do business in the State of Texas, satisfactory to the Police Chief; conditioned for the final delivery of foods, wares, merchandise or services, in accordance with the terms of any order obtained prior to delivery, and also conditioned to correct or remedy any and all defects in material or workmanship that may exist in the article sold by the principal of said bond, at the time of delivery, and that may be discovered by such purchaser or customer, within thirty (30) days after delivery, and which bond shall be for the use and benefit of all

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3 persons, firms or corporations that may make any
4 purchase or give any order to the principal on said
5 bond, or to an agent or employee of the principal.
6 Provided that in case applicant is a person, firm,
7 company, partnership, corporation or association
8 through one or more agents or employees, such
9 persons, firm, company, partnership, corporation or
10 association shall be required to enter into only one
11 bond, in the sum of ten thousand dollars (\$10,000.00)
12 as above required, which bond shall be made to cover
13 the activities of all its agents or employees.

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17 **E. Application Fee**

18 An application fee for a charitable solicitation
19 permit in the amount of \$100.00 shall be paid upon
20 application; provided, however, when the charitable
21 solicitation is conducted through one or more agents
22 or employees, the aforesaid permit fee shall be
23 increased by the amount of \$50.00 for each agent or
24 employee engaged in the charitable solicitation. If,
25 after an investigation it is determined that a charitable
26 solicitation permit will not be issued, said application
fee shall be retained as the cost of investigation. If a
charitable solicitation permit is issued, the application
fee shall be refunded to the applicant.

17 **F. Investigation; Issuance and Denial of Permits**

18 (1) Upon receipt of an application, the Police
19 Chief shall make or cause to be made, an investigation
20 to determine the qualifications of the applicant for a
21 permit.

22 (2) If the Police Chief finds that the applicant
23 does not meet the requirements for a charitable
24 solicitation permit or that there is need to question the
25 applicant to clarify the application, the Police Chief
26 shall so notify the applicant at least ten (10) days in
advance of a hearing at which the applicant shall
appear.

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3 (3) The Police Chief shall refuse issuance of a
4 permit if, upon investigation and hearing, it is
5 determined that the applicant has not complied with
6 all the requirements for the issuance of a permit, or
7 that:

8 (a) One or more of the statements
9 made in the application or at a hearing on the
10 application are false.

11 (b) The applicant or person in charge of
12 the charitable solicitation has been convicted of fraud,
13 theft, conversion, embezzlement, swindling, robbery, or
14 burglary or other crime of moral turpitude, or that the
15 applicant or person in charge has made or caused to
16 be made false statements or misrepresentations to a
17 member of the public with regard to the charitable
18 solicitation campaign or other activities described in
19 the permit, or has in any way publicly represented that
20 the charitable solicitation permit is an endorsement or
21 recommendation of the cause for which the charitable
22 solicitation is being conducted or has otherwise
23 violated any of the terms of a charitable solicitation
24 permit or this chapter.

25 (c) The applicant received a charitable
26 solicitation permit in the previous year and failed to
comply with conditions of the permit.

(4) If the Police Chief determines that the
applicant has met all conditions precedent to the
issuance of a charitable solicitation permit and the
applicant is qualified to receive a charitable solicitation
permit, the Police Chief shall issue a charitable
solicitation permit. Permits will be issued for a period
of 30 days. Upon a showing by the applicant of
necessity, the Police Chief may approve the issuance of
a permit for a period not to exceed one year.

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3 **G. Procedures and Requirements**

4 (1) When contributions to a person or
5 organization are not wholly tax deductible, the person
6 or organization shall prominently state, in all materials
7 used in the solicitation and in all verbal solicitations,
8 the percentage which is not tax deductible.

9 (2) Any charitable solicitor in the City shall at
10 all times while working in such capacity wear and
11 prominently display a badge or placard clearly
12 identifying the person by name and clearly identifying
13 the organization he is representing. The letters of said
14 badge or placard must be at least one eighth inch in
15 height and contain the statement "CHARITABLE
16 SOLICITATION."

17 (3) No person shall use or disburse funds
18 collected pursuant to a charitable solicitation permit
19 for a purpose other than the charitable purpose
20 described in the application and the actual and
21 necessary expenses incident to the solicitation,
22 collection and disbursement of the funds.

23 (4) No person may solicit or obtain gifts in
24 money or merchandise, directly or indirectly, by the
25 misrepresentation of names, occupation, affiliation,
26 physical disability, financial condition, social condition
or residence.

18 **H. Investigation**

19 (1) If the Police Chief has reason to believe
20 that a person or organization is soliciting for a
21 charitable purpose without a permit or the funds of a
22 person or organization operating under a charitable
23 solicitation permit have been or are being diverted
24 from the purposes for which they are collected, or
25 have been secured by misrepresentation, or the person
26 has violated a provision of this Chapter, the person or
organization involved shall be investigated by the
Police Chief, and the Police Chief may require the

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3 person or organization to file an immediate account of
its receipts and expenditures.

4 (2) The Police Chief may execute in writing
5 and cause to be served upon a person who is believed
6 to have information, documentary material, or physical
7 evidence relevant to an alleged or suspected violation
8 of this section, an investigative demand requiring the
9 person to furnish, under oath or otherwise, a report in
10 writing setting forth the relevant facts of circumstances
of which he has knowledge, or to appear and testify or
to produce relevant documentary material or physical
evidence for examination, at a reasonable time and
place as may be stated in the investigative demand,
concerning charitable solicitation that is the subject
matter of an investigation.

11 (3) Failure or refusal to comply with an
12 investigative demand shall constitute a violation of this
chapter.

13 I. Revocation of Permit

14 (1) The Police Chief shall revoke a charitable
15 solicitation permit if he determines one or more of the
16 following has occurred:

17 (a) The making of a false statement as
to a material matter in an application or hearing
18 concerning an application;

19 (b) The making of a false statement or
misrepresentation to a member of the public with
20 regard to the solicitation activity;

21 (c) Violation of any of the terms or
conditions of the charitable solicitation permit;

22 (d) Violation of any provision of this
23 chapter;

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3 (e) The representation by a permittee
4 that the charitable solicitation permit is an
5 endorsement or recommendation of the cause for
6 which the solicitation is being conducted.

7 (2) The Police Chief shall send written notice
8 of the revocation to the permittee by certified mail,
9 return receipt requested, setting forth the reasons for
10 the revocation. The permittee, by written request
11 served upon the Police Chief not more than 10 days
12 from the date the Police Chief places the notice of
13 revocation in the mail, postage pre-paid, may request a
14 hearing on the matter. The Police Chief shall conduct
15 a hearing upon the matter within 5 days of the request
16 for a hearing. The Police Chief shall either continue
17 the revocation or reinstate the permit based on his
18 determination at the hearing.

12 J. Prohibited Conduct

13 A person engaged in charitable solicitation
14 either door-to-door or in a public place shall not:

15 (1) Obstruct or impede the passage of a
16 pedestrian or vehicle;

17 (2) Make physical contact with the
18 person being solicited unless that person's permission
19 is obtained;

20 (3) Misrepresent the charitable purpose
21 of the solicitation; or

22 (4) Misrepresent the charitable
23 affiliation of those engaged in the solicitation.
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3 **SECTION 7: RELIGIOUS SOLICITATION**

4 **A. Definitions**

5 (1) Religious solicitation means conduct
6 whereby a person, organization, society, corporation,
7 or its agent, member or representative on the plea of
8 or representation, whether express or implied, that the
9 proceeds from the solicitation or sale are for the
10 religious purpose:

11 (a) Solicits property, financial aid, gifts
12 in money, or any article of monetary value; or,

13 (b) Sells or offers to sell a product,
14 article, tag, service or printed material.

15 (2) Religious purpose means the use of money
16 or property for the support of a church, religious
17 society, or other religious sect, group or order.

18 (3) Public place means any property open or
19 devoted to public use.

20 (4) Door-to-door means private residence and
21 business of persons who are both unknown to the
22 person soliciting and not members of the church,
23 religious society or other religious sect, group or order
24 on whose behalf the solicitation is performed.

25 **B. Registration; Identification Badge**

26 (1) A person who engages in religious
solicitation door-to-door or in a public place shall first
register with the Police Chief, giving the following
information:

(a) Name of registrant;

(b) Name of organization;

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3 (c) Duration and locations of proposed
solicitations; and

4 (d) Number of participants.

5 (2) Registration expires after one year and
6 must be renewed annually. If a change occurs in any
7 of the information submitted with the registration, the
person or organization shall notify the Police Chief of
the change.

8 (3) A person shall wear and prominently
9 display an easily identification badge while engaged in
religious solicitation. The identification badge shall:

10 (a) Be in letters of at least one eighth
11 inch in height;

12 (b) Identify the name of the person and
the name of the organization as registered with the
13 Police Chief; and

14 (c) Contain the statement
"RELIGIOUS SOLICITATION."

15 (4) If a person, organization, society or
16 corporation conducting a religious solicitation obtains
a charitable solicitation permit, that person,
17 organization, society or corporation is not required to
comply with the requirements of this section.

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19 **C. Prohibited Conduct; Suspension, Cancellation of
Registration**

20 (1) A person engaged in religious solicitation
21 door-to-door or in a public place shall not:

22 (a) Obstruct or impede the passage of
pedestrian or vehicle;

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3 (b) Make physical contact with the
4 person being solicited unless that person's permission
is obtained;

5 (c) Misrepresent the religious purpose
6 of the solicitation; or

7 (d) Misrepresent the religious affiliation
8 of those engaged in the solicitation.

9 (2) Should a violation of this section come to
10 the attention of the Police Chief, he shall immediately
11 suspend the registration of the person alleged to have
12 committed the violation and notify the person of the
13 availability of a hearing before the Police Chief or a
14 designee. Unless a request for a hearing is received
15 within ten (10) business days of the date notice is
16 mailed by the Police Chief, such suspension shall
17 become final and such registration shall be canceled.
18 If a request for a hearing is received, a hearing shall
19 be afforded before the Police Chief or his designated
20 examiner within five (5) business days of the request.
21 After the hearing the person holding the hearing shall
22 immediately either lift the suspension or, if it is
23 concluded that and such conclusion is supported by
24 substantial evidence that a violation has occurred,
25 cancel the registration. No new registration shall be
26 issued such person for a period of six (6) months
following such cancellation.

SECTION 8: PUBLICATION SOLICITATION

A. Definition

For the purposes of this article, publication solicitation means conduct whereby a person sells or takes orders for sales of newspapers, magazines, or other publications (including audio and visual recordings). Publication solicitation is exempt from all provisions of Section 5, 6 and 7 of this Chapter.

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3 **B. Registration; Identification Badge**

4 (1) A person who engages in publication
5 solicitation and who goes personally from house to
6 house shall first register with the Police Chief giving
7 the following information:

8 (a) Name of registrant and residence
9 address;

10 (b) Name and address of organization
11 (if any) employing registrant;

12 (c) Names or description of publications
13 to be sold or for which solicitation is to be made; and

14 (d) Date solicitations or sales are to
15 commence and cease.

16 (2) Registration expires at 12:00 midnight
17 December 31 each year and must be renewed annually.
18 If a change occurs in any of the information submitted
19 with the registration, the person or organization shall
20 notify the Police Chief of the change.

21 (3) Any publication solicitor shall at all times
22 when working in such capacity wear and prominently
23 display an identification badge containing:

24 (a) The name of the person to whom it
25 is issued.

26 (b) The name of the organization (if
any) which employs or pays the commission of the
person doing the solicitation.

(c) The words "Publication Solicitation."

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3 **C. Prohibited Conduct; Suspension, Cancellation of**
4 **Registration**

5 (1) A person engaged in publication
6 solicitation shall not:

7 (a) Go from house to house without
8 first registering as herein required.

9 (b) Refuse to display the registration
10 badge provided to him.

11 (c) Misrepresent to the Police Chief, or
12 any person solicited for a sale or order, the purpose of
13 the solicitation, the identity of the organization doing
14 the solicitation, the identity of the person doing the
15 solicitation, the price of a publication, its source, or
16 the beneficiary of profits derived from solicitation.

17 (d) Obstruct or impede the passage of a
18 pedestrian or vehicle.

19 (e) Make physical contact with the
20 person being solicited without the permission of such
21 person.

22 (2) Should a violation of this section come to
23 the attention of the Police Chief, he shall immediately
24 suspend the registration of the person alleged to have
25 committed the violation and notify the person of the
26 availability of a hearing before the Police Chief or a
designee. Unless a request for a hearing is received
within ten (10) business days of the date notice is
mailed by the Police Chief, such suspension shall
become final and such registration shall be canceled.
If a request for a hearing is received, a hearing shall
be afforded before the Police Chief or his designated
examiner within five (5) business days of the request.
After the hearing the person holding the hearing shall
immediately either lift the suspension or, if it is
concluded that and such conclusion is supported by
substantial evidence that a violation has occurred,
cancel the registration. No new registration shall be

issued such person for a period of six (6) months following such cancellation.

Sec. 2: THAT the Sections of Chapter 4 of the Colleyville Code, beginning with 5 through 17, be renumbered successively, beginning with renumbering Section 5 as Section 9. No modification or amendment of Sections 5 through 17 of Chapter 4 of the Colleyville Code as they appeared in the Code prior to the adoption of this Ordinance is intended.

Sec. 3: THAT any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day any such violation continues or is allowed to exist shall constitute a separate violation and be punishable hereunder.

Sec. 4: THAT the City Secretary is hereby authorized to cause publication of the descriptive caption and penalty clauses of this ordinance as an alternative method provided by law.

AND IT IS SO ORDERED

The first reading and public hearing being conducted on the 16th day of April, 1993.

The second reading and public hearing being conducted on the 20th day of April, 1993.

The third reading and public hearing being conducted on the 4th day of May, 1993.

ATTEST:

CITY OF COLLEYVILLE

Jean Harris
Jean Harris
City Secretary

Richard Newton
Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Ross T. Foster
Ross T. Foster
City Attorney

ORDINANCE O-93-931

AN ORDINANCE AMENDING CHAPTER 4, SECTION 4 OF THE CITY CODE, ORDINANCE O-73-122, REGULATING TEMPORARY BUSINESSES, ROADSIDE SALES, FOOD AND MERCHANDISE VENDORS, SEASONAL AND SPECIAL SALES, THE USE OF TENTS AND OTHER TEMPORARY STRUCTURES, AND THE OUTDOOR DISPLAY AND SALES IN COMMERCIAL AND NON-COMMERCIAL DISTRICTS OF FRUITS, VEGETABLES, AGRICULTURAL PRODUCTS, AND REGULATING THE DISPLAY AND SALES OF NON-FOOD PRODUCTS IN RESIDENTIALLY ZONED DISTRICTS.

WHEREAS, the City Council of the City of Colleyville finds that it is in the interest of the City to protect the public health and safety and to promote fair and open competition between temporary businesses and the local business community; and

WHEREAS, the City Council of the City of Colleyville finds that it is necessary to regulate temporary businesses, road side sales, Christmas tree and seasonal sales, and the display and sale of food products and other merchandise in commercial and residential zoned districts;

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

- Sec. 1: THAT Section 22.2, item 10 of the Zoning Ordinance, SCHEDULE OF PERMITTED PRINCIPAL USES, Roadside Fruit, Vegetable, and Produce Stands, be amended by inserting under all zoning districts except for CN and CC, the footnote "h".
- Sec 2: THAT Section 22.11 of the Zoning Ordinance, QUALIFICATION NOTES, be amended by adding item h. to read as follows:
- "h. An SUP required in every zoning district except CN and CC, for sales activity over 9 months per year."
- Sec.3: THAT Chapter 4, Section 4, of the Colleyville Code, ITINERANT MERCHANTS OR VENDORS, be amended by deleting subsection E. INVESTIGATION AND ISSUANCE and marking subsection E. as "Reserved".
- Sec.4: THAT Chapter 4, Section 4, of the Colleyville Code, ITINERANT MERCHANTS OR VENDORS, be amended by designating subsection H. OFFENSES as subsection N. OFFENSES.

Sec.5:

THAT Chapter 4, Section 4, of the Colleyville Code, ITINERANT MERCHANTS AND VENDORS, be amended by adding new subsections H. through M. to read as follows:

H. TEMPORARY OUTDOOR SALES ON PROPERTY ZONED FOR COMMERCIAL PURPOSES

The temporary outdoor display and sales of food products, manufactured items, or other goods, services, or merchandise, on property zoned for commercial purposes, may be conducted under the following restrictions:

- (1) Except as permitted in Subsection I, below, temporary merchants utilizing the outdoor display of products, or other items for sale, shall provide customer parking upon paved parking surfaces only. The parking surface shall be concrete, HMAC, brick, or paving stone, approved by the City Building Official.
- (2) A temporary business permit shall be obtained for any seasonal, special, or outdoor display and sale of food products or other merchandise, provided that a signed letter of permission from the property owner for use of their parking area for such outdoor display is submitted to the Building Official.
- (3) The fee for a temporary business permit obtained from the Building Inspection Department shall be \$50 per month for every month or fraction thereof in which outdoor display and sales are to be conducted, for a maximum of three (3) months annually.
- (4) A State Sales Tax Certificate designating "Colleyville" as the place of business, shall be submitted prior to the issuance of any temporary permit.
- (5) Signage for a temporary business under this provision, shall be limited to one sign with a maximum gross surface area of 32 square feet, setback from the front property line a minimum of 8 feet. A seasonal/special sale sign permit shall be obtained under the terms of the Sign Code (Ordinance O-91-812).

- (6) The following type signs shall not be allowed for a temporary business: Balloons, flags, pennants, and other floating devices; portable signs mounted on skids, a trailer, or similar mobile structure; A-frame signs; or any sign not allowed by the Sign Code (Ordinance O-91-812).
- (7) It shall be the property owner's responsibility to have all trash, refuse, rubbish, and remnants of any outdoor sale removed and disposed of in a sanitary manner, within ten (10) days following the final day of the sale.

I. SEASONAL/HOLIDAY PRODUCT SALES IN COMMERCIAL AREAS

- (1) The temporary outdoor sale of Christmas trees, Halloween pumpkin sales, and firewood sales, shall be permitted only on commercially zoned properties. The sale of
 - (a) Christmas trees shall not begin prior to November 15 and shall cease on December 25 annually.
 - (b) pumpkins as a primary use on a commercial property may begin as early as harvest permits and shall cease on October 31 annually.
 - (c) firewood as a primary use on a commercial property shall not begin prior to September 1 and shall cease on April 1 annually.
- (2) A letter from the owner of the property authorizing the use of the property for holiday or seasonal sales, shall be submitted to the Building Official prior to the issuance of a Temporary Business Permit.
- (3) An electrical permit shall be required for any electrical work performed and shall comply with the Electrical Code.
- (4) A plumbing permit shall be required for any plumbing work performed and shall comply with the Plumbing Code.
- (5) A sign permit shall be required for each sign installed and all signs shall comply with the Sign Code.
- (6) Off street parking shall be provided and may be permitted on an unpaved surface. However, all drive approaches shall be

indicated. Fire lanes or emergency access lanes shall not be blocked or obstructed at any time.

- (7) All unsold products, stands, tents, equipment, trash, signs, lighting, shelters, or remnants associated with the sale of holiday or seasonal items shall be removed by the permit holder or the property owner, within ten (10) days after completion of the sale.

J. TENTS AND TEMPORARY STRUCTURES

The erection of a tent or other temporary structure as a shelter for the outdoor display and sales of food products, manufactured goods, and all other merchandise including holiday or seasonal sales, shall meet the following requirements:

- (1) No tent or other temporary structure shall be erected within twenty (20) feet of any property line, building, or other tent.
- (2) No tent or other temporary structure shall be erected in any fire lane, dedicated access road, right-of-way, or dedicated easement.
- (3) All tents and their appurtenances shall be securely roped, braced, and anchored to withstand the elements of weather against collapse.
- (4) All sections or parts of all tents shall be of flame retardant material. This shall include all floor coverings, bunting, decorations, side wall coverings, and other effects.
- (5) Smoking shall not be permitted, and "NO SMOKING" signs shall be posted at all entrance doors, and where deemed necessary by the Fire Marshal.
- (6) No fireworks, open flame, or any device emitting flame or fire or creating a glow shall be permitted or used.
- (7) Balloons or other similar devices that are filled with toxic, explosive, or flammable gases shall not be permitted in or adjacent to any tent or other temporary structure.
- (8) All exits shall be in accordance with Section 32.111 of the 1988 Uniform Fire Code.

- (9) All exit signs shall be in accordance with Section 32.114 of the 1988 Uniform Fire Code.
- (10) Exit illumination shall be in accordance with Section 32.113 of the 1988 Uniform Fire Code.
- (11) All weeds, grass, vegetation, or other flammable materials shall be removed and not located within thirty (30) feet of any tent, temporary structure, or their appurtenances.
- (12) Fire extinguishers shall be installed in accordance with Section 32.109 of the 1988 Uniform Fire Code.

K. OUTDOOR DISPLAY AND SALES IN RESIDENTIAL DISTRICTS

The display and sale to the general public of fruits, vegetables, and other home grown produce from private residences in non-commercial zoned districts, may be conducted during the normal growing and harvesting season under the following restrictions:

- (1) A temporary sign advertising the products sold may be erected on the premises, in accordance with the Sign Code, (Ordinance # O-91-812).
- (2) Home grown or produced food products may consist of, but are not limited to, peaches, pears, apples, nuts, berries, eggs, tomatoes, beans, peas, grapes, or products processed on the premises from food items such as jams, jellies, preserves, candies, pies, juices, or any other edible food product.
- (3) Where fruits, vegetables, and other food items are to be displayed and sold for more than nine (9) months per year, a Special Use Permit shall be required in every zoning district except for CN or CC districts.

L. DISPLAY AND SALE OF AGRICULTURAL PRODUCTS

The display and sales of agricultural products, other than edible food stuffs for human consumption, such as hay or other animal feed, or firewood, shall be conducted in AG, CC, or CN zoned districts only. A sign permit shall be obtained prior to the erection of any sign, under the provisions of the Sign Code (Ordinance O-91-812).

M. DISPLAY AND SALES OF OTHER NON-FOOD ITEMS IN RESIDENTIAL ZONES

Occasional sales, whether classified as "garage sales", "yard sales", or any other display for sale of any other item not classified herein in a non commercial zoned district, such as personal items; trucks, automobiles, or tractors registered to a person residing on the premises; used household items or furniture; or any other item not grown, harvested, manufactured, processed, created, gathered, or otherwise produced on the premises, shall be permitted for not more than ten days per year per premises. No signs shall be erected on property other than the location where the products are sold or services are conducted.

AND IT IS SO ORDERED

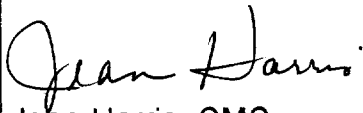
The first reading and public hearing being conducted on the 4th day of January, 1994.

The second reading and public hearing being conducted on the 18th day of January, 1994.

The third reading and public hearing being conducted on the 1st day of February, 1994.

ATTEST:

CITY OF COLLEYVILLE



Jean Harris, CMC
City Secretary



Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster
City Attorney

ORDINANCE O-95-1014

AN ORDINANCE AMENDING SECTIONS 70-31 THROUGH 70-36 OF THE COLLEYVILLE CODE OF ORDINANCES, REGULATING TEMPORARY OUTDOOR SALES OF FOOD AND OTHER PRODUCTS, REGULATING SEASONAL AND SPECIAL SALE SIGNS, ESTABLISHING A PENALTY, AND AUTHORIZING PUBLICATION.

WHEREAS, The City Council of the City of Colleyville finds that it is in the best interest of the City to protect the public health and safety and general welfare; and

WHEREAS, The City Council of the City of Colleyville finds that it is necessary to regulate the temporary sale of food and other products;

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

Sec. 1. That all of Section 70-31, Temporary outdoor sales on property zoned for commercial purposes, shall be deleted from the Code.

Sec. 2. That Section 70-36, Miscellaneous occasional sales of non-food items in residential zones, be renumbered for insertion in the code as a new Section 70-31.

Sec. 3. That Section 70-32, Seasonal/holiday product sales in commercial areas, be deleted and a new Section 70-32 shall be inserted in the code to read as follows:

" Sec 70-32. Sales on public right-of-way prohibited.

No person may display products for sale or conduct the sale of products anywhere within the public right-of-way. "

Sec. 4. That Section 70-33, Tents and temporary structures, (preamble) be amended to read as follows:

" The erection of a tent or other temporary structure as a shelter for outdoor display and sales of food products, shall meet the following requirements: "

Sec. 5. That Section 70-34, Outdoor display and sales of homegrown produce in residential districts, be amended by deleting from subsection 70-34(3) the words " except for CN and CC districts."

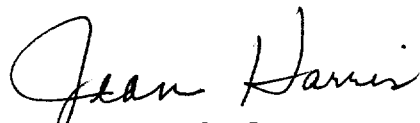
- Sec. 6.** That all of Section 70-35, Display and sale of agricultural products, shall be deleted from the code.
- Sec. 7.** That violations of this ordinance shall be subject to the general penalty provisions of Section 1-6 of the Colleyville Code of Ordinances.
- Sec. 8.** The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 19th day of December, 1995.

The second reading and public hearing being conducted on the 2nd day of January, 1996.

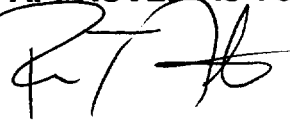
ATTEST:


Jean Harris, CMC
City Secretary

CITY OF COLLEYVILLE:


Ed Baker
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

ORDINANCE O-11-1792

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 70, PEDDLERS AND SOLICITORS, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEYVILLE, TEXAS; PROVIDING FOR A PENALTY OF FINE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, all statutory and legal prerequisites for the passage of this ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council of the City of Colleyville, Texas has determined that it is in the best interest of the health, safety, and welfare of the citizens of Colleyville, Texas to adopt this ordinance.

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

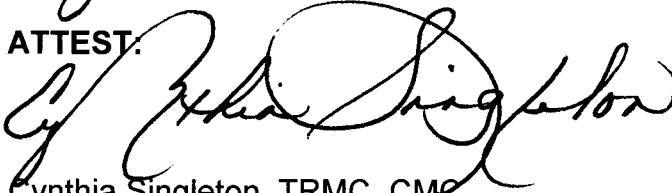
- Sec. 1. THAT the above findings are hereby found to be true and correct and are incorporated herein by reference as if copied in their entirety.
- Sec. 2. THAT Chapter 70 of the Code of Ordinances is hereby amended in its entirety and replaced with the attached Exhibit "A".
- Sec. 3. THAT All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.
- Sec. 4. THAT if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.
- Sec. 5. THAT the effective date of this ordinance shall be immediate upon its passage.

AND IT IS SO ORDERED.

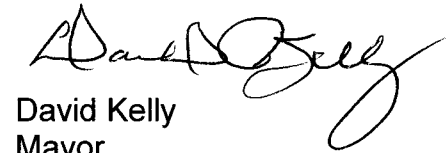
The first reading and public hearing being conducted on the 1st day of March 2011.

The second reading and public hearing being conducted on the 22nd day of March 2011.

ATTEST:


Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

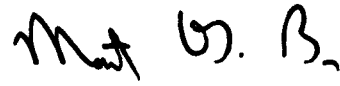

Matthew C. G. Boyle
City Attorney

Exhibit "A"

PEDDLERS AND SOLICITORS

I. SOLICITATION GENERALLY

The purpose of this ordinance is to secure the general health, safety and welfare for the residents of the City of Colleyville by:

Prohibiting door-to-door solicitation at residences during the times when such activity is most intrusive and disruptive to citizens' privacy;

Regulating the locations in which solicitation activity may occur to promote safety and minimize congestion;

Regulating the manner in which any solicitation activity may occur to promote good order, protect citizens from aggressive and intimidating practices; and

Requiring solicitors to obtain permits from the City to aid in crime detection and deter deceptive practices and fraud.

II. DEFINITIONS

A. The following words and phrases, when used in this ordinance, shall have the meanings ascribed to them by this section:

1. *Charitable purpose* shall mean philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any educational institution. "Charitable purpose" shall not be construed to include any direct benefit to the individual making the commercial home solicitation, to include the benefit of any political group or political organization which is subject to financial disclosure under state or federal law.
2. *Commercial home solicitation or soliciting* means the solicitation at a residence through the attempt or act of asking, bartering, or communicating in any manner for the purpose of selling or offering to sell goods, services, or realty for a for-profit purpose which includes promoting, advertising, receiving or obtaining money, gifts or items of value for said individual or group of individuals, or for-profit organization, club, company, corporation.
3. *Commercial home distribution or distribute* means the door-to-door distribution of advertisements or handbills (other than through the United States mail).
4. *Dusk* means thirty (30) minutes after sunset.
5. *Handbill* means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature.

6. *Handbill distributor* means and includes any person engaging or engaged in the business for hire or gain of distributing handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.
7. *Handbill sponsor* means and includes any person, firm or corporation who utilizes handbills as a medium of advertising or spreading a message.
8. *Itinerant operations* shall mean and refer to the conduct of business operations at one or more locations or properties throughout the day, provided that the mobile food vendor does not remain or linger at any particular property or location for longer than thirty (30) minutes.
9. *Itinerant vendor* shall mean any person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the City, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods or services.
10. *Mobile frozen dairy food vendors* shall mean any person who operates a vehicle on the streets of the City for the purposes of soliciting sales of frozen dairy food, either made or produced at the time of the sale, or prepackaged and wrapped in a covering.
11. *Mobile ice cream truck* is a mobile food unit that operates from a motor vehicle and sells only prepackaged, single-portion, ice cream or frozen confections.
12. *Peddler* shall mean any person traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering or exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells, or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Colleyville. A peddler also includes any street vendor, itinerant vendor or transient vendor.
13. *Public right-of-way* for the purposes of this ordinance, shall mean a legally established area or strip of land, either public or private, on which an irrevocable rite of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use. Right-of-way also includes the travel portion of the roadway and all traffic medians.
14. *Residential street* means a thoroughfare or public driveway, other than an alley, not on the City's Master Thoroughfare Plan, which has been dedicated or deeded to the public for general use and affords a principal means of vehicular or other access to property abutting thereon.
15. *Temporary business* means one that continues for forty-five (45) days or less; and, exists whether solicitation is from a stand, vehicle, or

freestanding. Any business that exists more than forty-five (45) days shall be deemed to be a permanent occupancy and is required to obtain a certificate of occupancy from the Building Inspection Department.

16. *Transient vendor* shall mean vendors who sell items for a limited time and have no permanent place of business at that location. Examples of places where transient vendor sales may take place are at fairs, bazaars, flea markets, art or craft shows, or concerts.

III. COMMERCIAL HOME SOLICITATION AND COMMERCIAL HOME DISTRIBUTION

A. COMMERCIAL HOME SOLICITATION AND COMMERCIAL HOME DISTRIBUTION ON PRIVATE PROPERTY

1. It shall be unlawful for any person to conduct commercial home solicitation or commercial home distribution upon residential property within the City without first obtaining a written permit as prescribed by this ordinance.
2. It shall be unlawful to approach any part of a residence other than the front door.
3. It shall be unlawful to solicit, peddle, or distribute on residential property prior to 9:00 a.m. or after 4:30 p.m. of any day Monday through Saturday, or any time on Sunday or any other federally designated holiday, or;
 - a. On any day where the Department of Homeland Security has issued a formal alert regarding a specific or credible terrorist threat resulting in an imminent or elevated threat level, the chief of police may suspend any commercial home solicitation or commercial home distribution activities until such time that the threat level is rescinded;
 - b. This section shall not apply to a visit to the premises as a result of a request or invitation made by the occupant, invitation of the owner of the property or a person residing on the premises.
4. It shall be unlawful for any person, handbill distributors, or commercial home solicitors to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill upon any residential property except:
 - a. By handing or transmitting such handbill directly to the owner or occupant then present in or upon such private premises, or;
 - b. By placing or depositing the same in a manner to secure and prevent such handbill from being blown or drifting about such premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.
5. It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered or cast any handbill upon any residential property or to go upon any residential premises for the purpose

of commercial home solicitation or commercial home distribution and ring the doorbell, knock upon the door or create any sound for the purpose of attracting the attention of the occupants of the residence if:

- a. Requested by anyone thereon not to do so, or;
 - b. If there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof sign, not less than three (3) inches by four (4) inches in size bearing the words "no trespassing," "no peddlers," "no advertisements," "no solicitation," "no handbills," or any similar notice indicating in any manner that the occupants of such premises do not desire to have any such handbills left upon their premises. The letters on such signs shall be not less than two-thirds (2/3) of an inch in height.
6. It shall be unlawful for any person to employ, use or otherwise put into service a child who is fifteen (15) years of age or less to engage in a commercial home solicitation or commercial home distribution unless the child is soliciting or distributing within 1,000 feet of the child's home or the child is actively supervised by an adult at least eighteen (18) years of age who is within one hundred (100) feet of the child or who has written consent from a parent or legal guardian for a charitable purpose.
 7. No person shall leave any unsolicited pamphlet, unsolicited brochure, unsolicited flyer, unsolicited package or unsolicited printed advertisement at a residence at a place further than five (5) feet from the front door of the residence.

B. DISPLAY OF IDENTIFICATION

1. The person(s) in charge of conducting commercial home solicitation or commercial home distribution shall ensure that all commercial home solicitors or commercial home distributors involved possess on their person photo identification, such as a valid driver license or other valid governmental identification that correctly identifies whom the solicitor/distributor is and for whom the solicitor/distributor is working.
2. It shall be unlawful for any commercial home solicitors or commercial home distributors to fail or refuse to show or display such identification upon the request of any person.
3. It shall be unlawful for any commercial home solicitors or commercial home distributors to engage in commercial home solicitation or commercial home distribution without having a copy of the permit in their possession, except that where the person who will be peddling or soliciting is fifteen (15) years of age or less.
 - a. Such person shall be supervised by a person who is over the age of eighteen (18) years of age and who shall obtain a license on behalf of the person to be supervised.

4. The permit holder must ensure that the permit is properly displayed while conducting peddling, commercial home solicitation or commercial home distribution activities.
 - a. Properly displayed shall mean attached or hung so that the permit is clearly visible to the public and law enforcement officials.
5. It shall be unlawful for any person to conduct themselves as a commercial home distributor without wearing an orange traffic safety vest.

C. SOLICITATION IN SELECTED PUBLIC RIGHT-OF-WAY

1. It shall be unlawful for any person to solicit or to distribute handbills on, in, upon, or around any City rights-of-way, with or without a permit.
2. Employees of the City of Colleyville are hereby exempt from the provisions of sub-section 1 above provided approval is first obtained from the city manager or their designee.

D. SOLICITATION FOR PURPOSES NOT SET OUT IN THE APPLICATION

1. It shall be unlawful for any commercial home solicitor to solicit for a purpose other than that set out in the application upon which the permit was issued.

IV. ITINERANT VENDORS

A. REQUIREMENTS

1. It shall be unlawful to operate a mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor vehicle in the City, and no person who owns or controls an ice cream truck or itinerant street vendor vehicle shall permit it to be so operated at any time, unless the driver of said vehicle shall have first obtained and shall then have in force an itinerant street vendor permit issued under the provisions of this ordinance.
2. All permits shall be for specific time periods, dates and locations.
3. Mobile frozen dairy vendors, mobile ice cream trucks, or other itinerant vendor vehicles are permitted to vend in an area for a short period of time and move to multiple other locations providing they do not remain at a location for more than thirty (30) minutes without specific approval as contained in the permit.
4. Sound equipment must be limited to music or human speech and can only be used between 11:00 a.m. and dusk each day.
5. Sound may not be broadcast within one hundred (100) yards of schools, hospitals, churches, courthouses, funeral homes, or cemeteries and shall meet all noise nuisance provisions contained in the Colleyville Code of Ordinances. Music must be played at a reasonably low volume while the unit is stopped for vending. If the unit is stopped for vending for more than ten (10) minutes, then music shall be turned off.

6. A sign or decal that is visible at all times with the business address and telephone number of the business permit holder printed on the side of the vehicle in letters of not less than two (2) inches in height.
7. Vehicles must be in good condition and have a current safety inspection sticker from the Texas Department of Motor Vehicles.
8. All itinerant vendors shall comply with all provisions of the Colleyville Land Development Code. Any itinerant vendor seeking to locate at a stationary point for more than thirty (30) minutes must also obtain a temporary use permit from the City of Colleyville Community Development Department.

B. SAFETY EQUIPMENT FOR ICE CREAM TRUCKS OR OTHER VEHICLES VENDING FOOD PRODUCTS TO CHILDREN

1. Signs stating "WATCH FOR CHILDREN" or "SLOW CHILDREN CROSSING" must be posted on the front, back and both sides of the vehicle in at least four (4) inch letters of contrasting colors in distinctive lettering which is visible at three hundred (300) feet to the front and rear in normal sunlight upon a straight, level roadway or highway. Swing arms stating "Stop for Children" may be used as an option on the side of the vehicle in lieu of the signage with four (4) inch lettering.
2. A serving window capable of being closed when not in use must be provided and located on the curbside only.
3. The vehicle must be provided with left and right outside rear view mirrors, as well as two (2) additional outside wide-angle mirrors on the front and back of the vehicle to enable the driver in his normal seated position to see around the entire vehicle and see the area in front of the vehicle obscured by the hood. Rear mirrors shall not be required if the vehicle is equipped with a no ride bumper.
4. All vehicles must have operable four-way, yellow flashing hazard lights to warn approaching drivers of children.
5. A rear bumper cover or a no ride bumper must be installed to prevent children from standing or jumping on the rear of the vehicle.
6. A trash receptacle to dispose of all litter that is generated from products sold from the mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor vehicle.

V. APPLICATION FOR PERMIT

A. COMMERCIAL HOME SOLICITATION

1. A person or organization seeking a permit for the purpose of conducting home solicitation shall file an application with the Colleyville Police Department. The application shall contain the following information:

- a. The full and legally recognized names and any associated aliases, logos, nicknames, and abbreviated names of the entity or person applying for a permit to solicit;
- b. Whether the person applying is an individual, partnership, corporation or association, and:
 - i. The business or residence address and telephone number of the applicant;
 - ii. If a partnership, the names of all partners and the principal business address and telephone number of each partner;
 - iii. If a corporation, the person applying shall state whether it is organized under the laws of this state, another state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of such corporation, and, if a foreign corporation, the place of incorporation;
 - iv. If an association, the application shall show the association's principal business address and telephone number, if any, and shall show names and principal business or residence addresses and telephone numbers of all members of the association unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the name and principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association;
 - v. If the association is a part of a multistate organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.
- c. The names, mailing address and telephone number of all individuals who will be in direct charge or control of the solicitation;
- d. The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion and the specific location(s);
- e. A description of the methods and means by which the solicitation is to be accomplished;
- f. The type of merchandise to be sold or offered for sale or the nature of the services to be furnished;
- g. Whether such applicant, upon any such order so obtained, will demand, accept or receive payment or deposit of money in advance of final delivery;

- h. A permit will not be issued if there is an affirmative statement as to whether the applicant has ever been:
 - i. Convicted of or pleaded nolo contendere to a misdemeanor involving fraud, theft, embezzlement, burglary, fraudulent conversion, or misappropriation of property within the preceding ten (10) years, or convicted of or pleaded nolo contendere to any felony;
 - ii. Found liable in a civil or administrative action in which the complaint or petition alleged fraud, theft, embezzlement, fraudulent conversion, misappropriation of property, or the use of untrue or misleading representations in an attempt to sell or dispose of property or to obtain money or a thing of value from another;
 - iii. Found liable under any law regarding the use of unfair, unlawful, or deceptive business practices; or
 - iv. Subject to an injunction or restrictive court order relating to business activity as the result of an action brought by a federal, state, or local public agency, including an action affecting a vocational license;
 - i. The names of any cities where the applicant has worked in the previous three hundred and sixty-five (365) days;
 - j. Two full-face photographs of each applicant, two (2) inches square;
 - k. A copy of a valid state tax sales certificate, if applicable;
 - l. An authorization to conduct a criminal background check on the applicant;
 - m. Any other information which the City deems necessary for the administration of this ordinance.
- 2. The application must be signed by the applicant and accompanied by a non-refundable application fee of \$15.00 and a permit fee of \$50.00, if approved. Such application shall also show satisfactory written proof of the individual's authority to represent the company.
 - 3. Information provided by applicant will be subject to verification by the Police Department.
 - 4. Failure to provide a complete and thorough application or falsification of any part of the application shall be grounds for the denial or revocation of a permit.
 - 5. After review of the permit application and within ten (10) business days of the receipt of the application, the chief of police or his designee shall either issue a permit, as provided in this ordinance, or notify the person applying

that the application does not comply with the requirements of this ordinance, specifying why the application is incomplete or otherwise does not comply.

6. If the applicant is fifteen (15) years of age or less, a copy of the parental consent form required by Section 51.0145 of the Texas Labor Code and the name, address and telephone number of all persons who will be responsible for supervising the activities of the applicant must be provided.
7. A permit granted under this article shall be valid only until the termination of the solicitation period specified in the permit or for one hundred eighty (180) days, whichever is less, but may be renewed once for one hundred eighty (180) days, if made within the initial one hundred eighty (180) day period of the original permit. Each application for renewal must verify permit information as correct and provide copies of sales tax returns for the prior permit period.
 - a. A permit renewal application shall be \$25.00 if submitted within one hundred eighty (180) days of the original application.

B. COMMERCIAL HOME DISTRIBUTION

1. No person shall engage in a commercial home distribution without having a valid, current permit issued under the provisions of this ordinance by the chief of police. The application shall contain the following:
 - a. The name, date of birth and mailing address of the person(s) applying;
 - b. The name, mailing address and phone number of the handbill sponsor and company organizing the distribution of same;
 - c. The time period and locations within which commercial home distributions will be made, including the proposed beginning date and the projected date of conclusion, and an estimate of how often the applicant will distribute during the permit period;
 - d. A description of the methods and means by which the commercial home distributions will be accomplished;
 - e. A description of the goods or services to be sold or offered through the distribution;
 - f. If the applicant is fifteen (15) years of age or less, a copy of the parental consent form required by Section 51.0145 of the Texas Labor Code and the name, address, and telephone number of all persons who will be responsible for supervising the activities of the applicant must be provided;
 - g. A permit will not be issued if there is an affirmative statement as to whether the applicant has ever been:

- i. Convicted of or pleaded nolo contendere to a misdemeanor involving fraud, theft, embezzlement, burglary, fraudulent conversion, or misappropriation of property within the preceding ten (10) years, or convicted of or pleaded nolo contendere to any felony;
 - ii. Found liable in a civil or administrative action in which the complaint or petition alleged fraud, theft, embezzlement, fraudulent conversion, misappropriation of property, or the use of untrue or misleading representations in an attempt to sell or dispose of property or to obtain money or a thing of value from another;
 - iii. Found liable under any law regarding the use of unfair, unlawful, or deceptive business practices; or
 - iv. Subject to an injunction or restrictive court order relating to business activity as the result of an action brought by a federal, state, or local public agency, including an action affecting a vocational license;
2. It shall be unlawful for any person to file an application for a commercial home distribution permit that contains any false statement of fact.
3. The names of any cities where the applicant has worked in the previous three hundred and sixty-five (365) days.
4. The application for the permit must be signed by the applicant and accompanied by a non-refundable application fee of \$15.00 and a permit fee of \$50.00, if approved. Such application shall also show satisfactory written proof of the individual's authority to represent the company.
5. It shall be unlawful for any person to engage in a commercial home distribution without carrying the permit required by this ordinance on his or her person while so engaged or to display a permit issued in the name of another person.
6. After review of the permit application and within ten (10) business days of the receipt of the application, the chief of police or his designee shall either issue a permit, as provided in this ordinance, or notify the person applying that the application does not comply with the requirements of this ordinance, specifying why the application is incomplete or otherwise does not comply.
7. A permit granted under this article shall be valid only until the termination of the solicitation period specified in the permit or for one hundred eighty (180) days, whichever is less, but may be renewed once for one hundred eighty (180) days, if made within the initial one hundred eighty (180) day period of the original permit. Each application for renewal must verify permit information as correct and provide copies of sales tax returns for the prior permit period.

- a. A permit renewal application shall be \$25.00 if submitted within one hundred eighty (180) days of the original application.

C. GROUP REGISTRATION (applies to Commercial Home Distribution permits only)

1. A person may apply for a group registration applicable to two (2) or more persons who desire to engage in commercial home distributions.
2. The registration application shall contain all of the information required above for each person who will be engaging in commercial home distributions under the group registration.
3. The application must be signed by a person responsible for the group application and shall be accompanied by a non-refundable application fee of \$15.00 and an additional permit fee of \$15.00 for each person to be included under the group application.
4. Provided that, if the applicant registers ten (10) or more persons under a group application, the additional permit fee shall be \$10.00 per person. The applicant for group registration shall provide each person distributing under the applicant's registration an identification badge to be worn and displayed while the person is engaging in a commercial home distribution.

D. ITINERANT VENDORS

1. Every driver or person desiring a permit to conduct sales activity in the City as a mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor shall make a written application therefore to the chief of police. The application shall be made on a form approved by the chief of police, accompanied by a non-refundable \$15.00 application fee and a \$50.00 permit fee if approved, and state the following:
 - a. Name and business address and phone number of applicant;
 - b. Name, address and phone number of the person, firm or corporation the applicant is representing; the agent or service of process of a corporation and/or name and address of any owner of a business not incorporated and the assumed name of said business filed in the index in the county of its home office, for any business;
 - c. Attached to the application shall be a certified original copy of the sales tax permit issued by the comptroller of the state;
 - d. Statement of the kind, type and character of solicitation and/or the goods that applicant will offer for sale, and state whether the purchaser of such wares or goods shall be required to make any deposit or advance payment of purchase price before delivery and a complete and full statement of the delivery date;

- e. The period of time the applicant requests to sell or solicit in the City;
 - f. Location or area of the City where sales activity will be conducted;
 - g. List of all convictions of all felonies and misdemeanors and violations of this article of applicant and representatives, stating the offense, city and state, the court of conviction and the punishment imposed;
 - h. Name and phone number of three (3) character witnesses for applicant who can be contacted within forty-eight (48) hours;
 - i. If sales are to be conducted from one (1) or more stationary locations the applicant shall submit written consent of the property owner or its authorized agent consenting to applicant's use of such private property for sales activity indicated in the permit application;
 - j. Names of each employee, agent, or representative for whom the applicant will sell, offer, exhibit or solicit orders for the sale of goods, wares or merchandise for or on behalf of the applicant;
 - k. The name of all cities in which the applicant has conducted sales activity in the last three hundred sixty-five (365) days.
2. No itinerant street vendor permit of any kind shall be granted unless:
- a. The applicant is at least eighteen (18) years of age, has a valid state issued driver license;
 - b. The applicant has no active suspension on his or her driving privileges in any state;
 - c. No permit shall be issued if the applicant has been convicted of or pleaded nolo contendere to any felony.
3. Before a permit is issued by the chief of police, the applicant will be required to furnish a policy of liability insurance, in the amount of \$250,000 per incident. This policy must include a provision that the City will be notified within thirty (30) days if this policy of insurance is to be cancelled for any reason.
- a. Cancellation of an insurance policy for a mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor shall be an automatic revocation of the permit issued to that mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor.
 - b. Cancellation of an insurance policy for any company that operates any mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor shall be an automatic revocation of all City permits issued to all mobile ice cream trucks, mobile frozen dairy

vendors, or other itinerant street vendors operated by that company.

4. Vehicles must be in good condition and have a current safety inspection sticker from the Texas Department of Motor Vehicles.
5. Any itinerant vendor handling or selling non-prepackaged food must also possess a current Tarrant County Public Health Department Food Handler Card. Proof of an annual health department inspection shall be provided at the time of permit application. The inspection shall be performed by a registered sanitarian licensed in the State of Texas and employed with a county or city health department in the State of Texas.
6. When the application is approved, the mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor's permit shall be issued in card form. The photograph of the driver shall be attached to the card.
 - a. Each driver will be given a mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor permit number, which will be on such permit. This card shall be posted in a prominent place in the mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor vehicle and shall be shown to any customer, police officer, or code enforcement officer upon request.
 - b. A copy of the permit shall be posted in the mobile ice cream truck, mobile frozen dairy vendor, or other itinerant street vendor vehicle at all times.
7. A permit granted under this article shall be valid for one year – from between January 1 and December 31 regardless of the date of application. Each application for renewal must verify permit information as correct and provide copies of sales tax returns for the prior permit period.

VI. EXEMPTION FROM PERMIT FEES

- A. The permit fees shall not be required of: charitable solicitations, ordinary commercial travelers who sell or exhibit for sale goods, wares, or merchandise to persons selling and dealing in the same within the City, or individuals who file a statement with the police department indicating their indigent status.

VII. INVESTIGATION OF THE APPLICANT

- A. In addition to all permit fees, each applicant for any type of permit in this ordinance shall pay a non-refundable fee of \$15.00 to cover the cost of conducting a criminal background check on the applicant(s).
- B. It shall be the duty of the chief of police or his designee to investigate each applicant for a permit under this ordinance before issuance of such a permit based on a review of the applicant's background.

VIII. ISSUANCE, DENIAL, REVOCATION

- A. The chief of police or his designee shall issue the applicant a commercial home solicitation, commercial home distribution, or itinerant vendor permit if the chief determines that the application has been fully and accurately completed, the permit application fee has been paid, and that the applicant has satisfied each requirement of this ordinance. If not, the chief may deny the permit.
- B. A commercial home solicitation, commercial home distribution, or itinerant vendor permit may be revoked if the chief of police so determines that reasonable cause exists to believe that:
 - 1. A statement of fact contained in the application was false or materially misleading;
 - 2. The permit holder has failed to comply with any of the provisions of this ordinance;
 - 3. Any of the conditions of this ordinance is, or has become applicable to the permit holder; or
 - 4. The permit holder has engaged in a commercial home solicitation or commercial home distribution that involves the use of false, misleading, fraudulent, or deceptive acts.
- C. The chief of police or his designee shall provide notice of the revocation by certified mail, personal service, or courier-receipted commercial delivery sent to the address provided on the permit holder's application.
- D. The permit holder may appeal the denial or revocation of a permit to the chief of police by filing a written notice of appeal with the chief of police within ten (10) business days of delivery of notice of the denial or revocation. The chief of police shall render a decision on the appeal within five (5) business days of the date of the receipt of the appeal. The decision of the chief of police shall be final. A revocation shall remain in effect for a period of one (1) year, during which time the permit holder may not be issued another commercial home solicitation, commercial home distribution, or itinerant vendor permit.

IX. EXEMPTIONS TO PERMITTING REQUIREMENTS

- A. The following shall be exempt from the permitting requirements of this ordinance:
 - 1. Religious organizations exclusively for the distribution of literature and other items for the purpose of proselytizing, provided that no fees are charged and no donations are solicited;
 - 2. Anonymous political speech;
 - 3. Charitable purpose;
 - 4. The provisions of this ordinance shall not apply to sales made under authority and by order of law, nor to persons, or their authorized representatives, who have previously established with the owners or occupants of such private residences or property a regular business, trade, service or other contractual relationship;

5. Any operation, which is exempted by state or federal statute from this ordinance, is exempt only to the extent of such applicable exemption;
6. Any person claiming to be legally exempt from the provisions of this ordinance, including the payment of the permit or investigation fee shall make such a claim in writing to the chief of police citing the applicable statute or authority, and providing proof of its applicability.

X. PENALTIES

- A. Any person violating any provision of this ordinance or failing to observe any provisions of this ordinance shall have their permit revoked immediately and will not be entitled to reapply for a period of one (1) year from the date of the revocation. In the event of such forfeiture of permit, no part of such permit fee as may have been so paid shall be refunded to such person, and;
- B. Any person, firm or corporation violating any of the terms or provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not to exceed \$500 for each offense, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.
 1. In case of any willful violation of any of the terms and provisions of this ordinance, the City, in addition to imposing the penalties above provided, may institute any appropriate action or proceeding in any court having proper jurisdiction, to restrain, correct or abate such violations; and the definition of any violation of the terms of this ordinance as a misdemeanor, shall not preclude the City from invoking the civil remedies given it by the laws of the state, but same shall be cumulative and subject to prosecution as hereinabove prescribed for such violations.

ORDINANCE O-13-1892

AN ORDINANCE OF THE CITY OF COLLEYVILLE AMENDING THE CODE OF ORDINANCES CHAPTER 70, ARTICLE II, SECTION 70-28, RELATING TO HOME SOLICITATION, DISTRIBUTION, AND MISCELLANEOUS SALES; PROVIDING FOR A PENALTY BY FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500); PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Colleyville, Texas, is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Colleyville currently regulates commercial home solicitation and commercial home distribution on private property in a manner to promote good order and protect citizens and non-citizens, while at the same time maintaining a person's First Amendment right to communicate through that medium; and

WHEREAS, the City Council finds that the regulations provided by this ordinance are necessary to promote the City's legitimate and compelling interests and are provided without reference to the content of any message; and

WHEREAS, the City Council finds that the City has a legitimate and compelling interest in protecting the privacy of its residents in a most important place, the homestead; and

WHEREAS, the City Council determines that preserving the sanctity of the home, including the right to be free from unwanted and unwelcome intrusion, is a compelling governmental interest; and

WHEREAS, the City Council finds that the City has a legitimate and compelling interest in preventing undue annoyance of its residents; and

WHEREAS, the City Council finds that the City has a legitimate and compelling interest in protecting its residents from crime; and

WHEREAS, the City Council finds door-to-door activities pose an inherent risk of crime; and

WHEREAS, the City Council finds that curfew regulations limiting the hours and days when a person may solicit, peddle, or distribute on private property are necessary to prevent undue annoyance of its residents and to protect the sanctity of citizens' homes; and

WHEREAS, the City Council finds that posting "no-solicitation" or similar signs alone is inadequate to protect its citizen's from undue annoyance; and

WHEREAS, the City Council finds that curfew regulations limiting the hours and days when a person may solicit, peddle, or distribute on private property are necessary to prevent crime to property and persons and to protect the health and safety of persons engaged in solicitation or distribution; and

WHEREAS, the City Council finds the regulations of this ordinance do not prevent door-to-door activity and that ample alternative channels of communication exist beyond the curfew requirements, including, but not limited to door-to-door solicitation between the hours of 9:00 a.m. and 4:30 p.m. on non-holidays Monday through Saturday, solicitation via telephone and other electronic communication, public solicitation outside of the privacy of citizens' doorsteps, and solicitation via direct mail, television, radio, and internet; and

WHEREAS, the City Council finds that the time after 4:30 p.m. and before 9:00 a.m. is when calls for crime-related assistance are consistently higher and the curfew provisions are necessary to assist with crime prevention by enabling the City's police officers to respond to other crime-related calls in the evening and night; and

WHEREAS, the City Council finds that an unanticipated visit by a stranger on citizens' doorsteps is capable of causing fear and suspicion, resulting in a call for service, and that these calls for service can be better handled by the Police Department during the hours between 9:00 a.m. and 4:30 p.m.; and

WHEREAS, the City Council finds the regulations provided in this ordinance allow the Police Department to focus its operations on crime-related activity, as opposed to calls for service in response to

door-to-door solicitation, during the evening, night, and early morning hours when calls for service naturally increase; and

WHEREAS, the City Council finds the regulations provided in this ordinance are an integral component of the City's safety plan and that crime prevention efforts would be less effective without the provisions of this ordinance; and

WHEREAS, the City Council finds that regulations requiring persons who engage in door-to-door contact with its citizens to obtain a permit are necessary to prevent crime to property and persons; and

WHEREAS, the City Council is authorized to adopt ordinances to protect the health, safety, and welfare of its citizens; and

WHEREAS, the City Council has determined that it is a necessity to regulate activities as provided for herein to safeguard the public; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act; and

WHEREAS, the purposes of this Ordinance are to promote the public health, safety, and general welfare of the citizens of the City of Colleyville.

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

- Sec. 1. THAT all of the above premises are found to be true and correct and are hereby incorporated into the body of this ordinance as if copied in their entirety herein.
- Sec. 2. THAT Chapter 70 of the Code of Ordinances is hereby amended in its entirety and replaced with the attached Exhibit "A".
- Sec. 3. THAT any person, firm, or corporation violating any provision of

this ordinance shall be deemed guilty of a misdemeanor and shall upon final conviction thereof be fined in the amount not to exceed five hundred dollars (\$500.00). Each and every day any such violation shall continue shall constitute a separate violation hereunder.

Sec. 4. THAT if any section, sentence, clause, or phrase of this ordinance be declared unconstitutional for any reason, it shall not affect the constitutionality and the validity of any other section, sentence, clause, or phrase, and the City Council declares that it would have passed all other sections, sentences, clauses, or phrases of this ordinance notwithstanding the unconstitutionality or invalidity of any paragraph, section, sentence, clause or phrase hereof.

Sec. 5. THAT all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Colleyville, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding of not guilty or nolo contendere, or dismissal.

Sec. 6. THAT the effective date of this ordinance shall be immediate upon its passage.

AND IT IS SO ORDERED.

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

The first reading and public hearing being conducted on the 15th day of October 2013.

ATTEST:

APPROVED:

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C.G. Boyle
City Attorney

Exhibit "A"

PEDDLERS, SOLICITORS, AND MISCELLANEOUS SALES

I. SOLICITATION GENERALLY

The purpose of this ordinance is to secure the general health, safety, and welfare for the residents of the City of Colleyville by:

Prohibiting door-to-door solicitation at residences during the times when such activity is most intrusive and disruptive to citizens' privacy;

Regulating the locations in which solicitation activity may occur to promote safety and minimize congestion;

Regulating the manner in which any solicitation activity may occur to promote good order, and protect citizens from aggressive and intimidating practices; and

Requiring solicitors to obtain permits from the City to aid in crime detection and deter deceptive practices and fraud.

II. DEFINITIONS

A. The following words and phrases, when used in this ordinance, shall have the meanings ascribed to them by this section:

1. *Charitable purpose* shall mean philanthropic, religious, or other nonprofit objectives, including the benefit of poor, needy, sick, refugee, or handicapped persons; the benefit of any church or religious society, sect, group, or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social, or civic organization, or the benefit of any educational institution. "Charitable purpose" shall not be construed to include any direct benefit to the individual making the home solicitation, to include the benefit of any political group, or political organization, which is subject to financial disclosure under state or federal law.
2. *Commercial home solicitation or soliciting* means the solicitation at a residence through the attempt or act of asking, bartering, or communicating in any manner for the purpose of selling or offering to sell goods, services, or

realty for a for-profit purpose, which includes promoting, advertising, receiving or obtaining money, gifts or items of value for said individual or group of individuals, or for-profit organization, club, company, corporation.

3. *Commercial home distribution or distribute* means the door-to-door distribution of advertisements or handbills (other than through the United States mail).
4. *Dusk* means thirty (30) minutes after sunset.
5. *Handbill* means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original, or copies of any matter or literature.
6. *Handbill distributor* means and includes any person engaging or engaged in the business for hire or gain of distributing handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.
7. *Handbill sponsor* means and includes any person, firm, or corporation who utilizes handbills as a medium of advertising or spreading a message.
8. *Itinerant operations* shall mean and refer to the conduct of business operations at one or more locations or properties throughout the day, provided that the mobile vendor does not remain or linger at any particular property or location for longer than thirty (30) minutes.
9. *Itinerant vendor* shall mean any person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the City, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods or services.

10. *Mobile frozen dairy food vendors* shall mean any person who operates a vehicle on the streets of the City for the purposes of soliciting sales of frozen dairy food, either made or produced at the time of the sale, or prepackaged and wrapped in a covering.
11. *Mobile ice cream truck* is a mobile food unit that operates from a motor vehicle and sells only prepackaged, single-portion, ice cream or frozen confections.
12. *Peddler* shall mean any person traveling by foot, wagon, vehicle, or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares, or merchandise and offering or exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells, or offers for sale, such products from a wagon, handcart, pushcart, motor vehicle, conveyance, or from his person, while on the public right-of-way of the City of Colleyville. A peddler also includes any street vendor, itinerant vendor, or transient vendor.
13. *Public right-of-way* for the purposes of this ordinance shall mean a legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied, or intended to be occupied, by a street, utility service, water main, sanitary or storm sewer main, or other similar use. Right-of-way also includes the travel portion of the roadway and all traffic medians.
14. *Residential street* means a thoroughfare or public driveway, other than an alley, not on the City's Master Thoroughfare Plan, which has been dedicated or deeded to the public for general use and affords a principal means of vehicular or other access to property abutting thereon.
15. *Temporary business* means one that continues for forty-five (45) days or less; and, exists whether solicitation is from a stand, vehicle, or freestanding. Any business that exists more than forty-five (45) days shall be deemed to be a permanent occupancy and is required to obtain a

certificate of occupancy from the Community Development Department.

16. *Transient vendor* shall mean vendors who sell items for a limited time and have no permanent place of business at that location. Examples of places where transient vendor sales may take place are at fairs, bazaars, flea markets, art or craft shows, or concerts.

III. COMMERCIAL HOME SOLICITATION AND COMMERCIAL HOME DISTRIBUTION

A. COMMERCIAL HOME SOLICITATION AND COMMERCIAL HOME DISTRIBUTION ON PRIVATE PROPERTY

1. It shall be unlawful for any person to conduct commercial home solicitation or commercial home distribution upon residential property within the City without first obtaining a written permit as prescribed by this ordinance.
2. It shall be unlawful to approach any part of a residence other than the front door.
3. It shall be unlawful to solicit, peddle, or distribute on residential property prior to 9:00 a.m. or after 4:30 p.m. of any day Monday through Saturday, or any time on Sunday, or any other federally designated holiday; or
 - a. On any day where the Department of Homeland Security has issued a formal alert regarding a specific or credible terrorist threat, resulting in an imminent or elevated threat level, the chief of police may suspend any commercial home solicitation or commercial home distribution activities until such time that the threat level is rescinded; or
 - b. This section shall not apply to a visit to the premises as a result of a request or invitation made by the occupant, invitation of the owner of the property, or a person residing on the premises.

4. It shall be unlawful for any person(s), handbill distributors, or commercial home solicitors to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast, any handbill upon any residential property except:
 - a. By handing or transmitting such handbill directly to the owner or occupant then present in or upon such private premises; or
 - b. By placing or depositing the same in a manner to secure and prevent such handbill from being blown or drifting about such premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.
5. It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill upon any residential property or to go upon any residential premises for the purpose of commercial home solicitation; or commercial home distribution; and ring the doorbell, knock upon the door or create any sound for the purpose of attracting the attention of the occupants of the residence if:
 - a. Requested by anyone thereon not to do so; or
 - b. If there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof sign, not less than three (3) inches by four (4) inches in size bearing the words "no trespassing," "no peddlers," "no advertisements," "no solicitation," "no handbills," or any similar notice indicating in any manner that the occupants of such premises do not desire to have any such handbills left upon their premises. The letters on such signs shall be not less than two-thirds (2/3) of an inch in height.
6. It shall be unlawful for any person to employ, use, or otherwise put into service, a child who is fifteen (15) years of age or less to engage in a commercial home solicitation or commercial home distribution, unless the child is soliciting or distributing within 1,000 feet of the child's home, or the child is actively supervised by an adult at least

eighteen (18) years of age who is within one hundred (100) feet of the child, or who has written consent from a parent or legal guardian for a charitable purpose.

7. No person shall leave any unsolicited pamphlet, unsolicited brochure, unsolicited flyer, unsolicited package, or unsolicited printed advertisement at a residence at a place further than five (5) feet from the front door of the residence.

B. DISPLAY OF IDENTIFICATION

1. The person(s) in charge of conducting commercial home solicitation or commercial home distribution shall ensure that all commercial home solicitors, or commercial home distributors involved, possess on their person photo identification, such as a valid driver license, or other valid governmental identification that correctly identifies whom the solicitor/distributor is and for whom the solicitor/distributor is working.
2. It shall be unlawful for any commercial home solicitor(s) or commercial home distributor(s) to fail or refuse to show or display such identification upon the request of any person.
3. It shall be unlawful for any commercial home solicitors or commercial home distributors to engage in commercial home solicitation or commercial home distribution without having a copy of the permit in their possession, except that where the person who will be peddling or soliciting is fifteen (15) years of age or less.
 - a. Such person shall be supervised by a person who is over the age of eighteen (18) years of age and who shall obtain a license on behalf of the person to be supervised.
4. The permit holder must ensure that the permit is properly displayed while conducting peddling, commercial home solicitation, or commercial home distribution activities.
 - a. Properly displayed shall mean attached or hung so that the permit is clearly visible to the public and law enforcement officials.

5. It shall be unlawful for any person to conduct themselves as a commercial home distributor without wearing an orange traffic safety vest.

C. SOLICITATION IN SELECTED PUBLIC RIGHT-OF-WAY

1. It shall be unlawful for any person to solicit or to distribute handbills on, in, upon, or around any public right-of-way, with or without a permit.
2. Employees of the City of Colleyville are hereby exempt from the provisions of subsection 1 above, provided approval is first obtained from the city manager or their designee.

D. SOLICITATION FOR PURPOSES NOT SET OUT IN THE APPLICATION

1. It shall be unlawful for any commercial home solicitor to solicit for a purpose other than that set out in the application upon which the permit was issued.

IV. ITINERANT VENDORS

A. REQUIREMENTS

1. It shall be unlawful to operate a mobile ice cream truck, or any other itinerant street vendor vehicle in the City, and no person who owns or controls a mobile ice cream truck or itinerant street vendor vehicle shall permit it to be so operated at any time, unless the driver of said vehicle shall have first obtained, and shall then have in force, an itinerant street vendor permit, issued under the provisions of this ordinance.
2. All permits shall be for specific time periods, dates, and locations.
3. Mobile frozen dairy food vendors, mobile ice cream trucks, or other itinerant vendor vehicles are permitted to vend in an area for a short period of time and move to multiple other locations, providing they do not remain at a location

for more than thirty (30) minutes, without specific approval, as contained in the permit.

4. Sound equipment must be limited to music or human speech and can only be used between 11:00 a.m. and dusk each day.
5. Sound may not be broadcast within one hundred (100) yards of schools, hospitals, churches, courthouses, funeral homes, or cemeteries and shall meet all noise nuisance provisions contained in the Colleyville Code of Ordinances. Music must be played at a reasonably low volume while the unit is stopped for vending. If the unit is stopped for vending for more than ten (10) minutes, then music shall be turned off.
6. A sign or decal that is visible at all times with the business address and telephone number of the business permit holder printed on the side of the vehicle in letters of not less than two (2) inches in height.
7. Vehicles must be in good condition and have a current safety inspection sticker from the Texas Department of Motor Vehicles.
8. All itinerant vendors shall comply with all provisions of the Colleyville Code of Ordinances and Colleyville Land Development Code. Any itinerant vendor seeking to locate at a stationary point for more than thirty (30) minutes must also obtain a temporary use permit from the Community Development Department.

B. SAFETY EQUIPMENT FOR MOBILE ICE CREAM TRUCKS OR OTHER VEHICLES VENDING FOOD PRODUCTS TO CHILDREN

1. Signs stating "WATCH FOR CHILDREN" or "SLOW CHILDREN CROSSING" must be posted on the front, back, and both sides of the vehicle in at least four (4) inch letters of contrasting colors in distinctive lettering, which is visible at three hundred (300) feet to the front and rear in normal sunlight, upon a straight, level roadway, or highway. Swing arms stating "Stop for Children" may be

used as an option on the side of the vehicle in lieu of the signage with four (4) inch lettering.

2. A serving window capable of being closed when not in use must be provided and located on the curbside only.
3. The vehicle must be provided with left and right outside rear view mirrors, as well as two (2) additional outside wide-angle mirrors on the front and back of the vehicle to enable the driver, in his normal seated position, to see around the entire vehicle and see the area in front of the vehicle obscured by the hood. Rear mirrors shall not be required if the vehicle is equipped with a no ride bumper.
4. All vehicles must have operable four-way, yellow, flashing hazard lights to warn approaching drivers of children.
5. A rear bumper cover or a no ride bumper must be installed to prevent children from standing or jumping on the rear of the vehicle.
6. A trash receptacle to dispose of all litter that is generated from products sold from the mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor vehicle.

V. APPLICATION FOR PERMIT

A. COMMERCIAL HOME SOLICITATION

1. A person or organization seeking a permit for the purpose of conducting home solicitation shall file an application with the Police Department. The application shall contain the following information:
 - a. The full and legally recognized names and any associated aliases, logos, nicknames, and abbreviated names of the entity or person applying for a permit to solicit;
 - b. Whether the person applying is an individual, partnership, corporation, or association, and:

- i. The business or residence address and telephone number of the applicant;
 - ii. If a partnership, the names of all partners, the principal business address, and telephone number of each partner;
 - iii. If a corporation, the person applying shall state whether it is organized under the laws of this state, another state, or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of such corporation, and, if a foreign corporation, the place of incorporation;
 - iv. If an association, the application shall show the association's principal business address and telephone number, if any, and shall show names and principal business or residence addresses, and telephone numbers of all members of the association unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the name and principal business or residence addresses, and telephone numbers of the officers and directors, or trustees of the association;
 - v. If the association is a part of a multi-state organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.
- c. The names, mailing address, and telephone number of all individuals who will be in direct charge or control of the solicitation;
 - d. The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion, and the specific location(s);
 - e. A description of the methods and means by which the solicitation is to be accomplished;

- f. The type of merchandise to be sold or offered for sale or the nature of the services to be furnished;
- g. Whether such applicant, upon any such order so obtained, will demand, accept, or receive payment, or deposit of money in advance of final delivery;
- h. A permit will not be issued if there is an affirmative statement as to whether the applicant has ever been:
 - i. Convicted of, or pleaded nolo contendere, to a misdemeanor involving fraud, theft, embezzlement, burglary, fraudulent conversion, or misappropriation of property within the preceding ten (10) years, or convicted of, or pleaded nolo contendere, to any felony;
 - ii. Found liable in a civil or administrative action in which the complaint, or petition alleged fraud, theft, embezzlement, fraudulent conversion, misappropriation of property, or the use of untrue or misleading representations in an attempt to sell or dispose of property, or to obtain money or a thing of value from another;
 - iii. Found liable under any law regarding the use of unfair, unlawful, or deceptive business practices; or
 - iv. Subject to an injunction or restrictive court order relating to business activity as the result of an action brought by a federal, state, or local public agency, including an action affecting a vocational license.
- i. The names of any cities where the applicant has worked in the previous three hundred and sixty-five (365) days;
- j. Two full-face photographs of each applicant, two (2) inches square;

- k. A copy of a valid state tax sales certificate, if applicable;
 - l. An authorization to conduct a criminal background check on the applicant;
 - m. Any other information, which the City deems necessary for the administration of this ordinance.
- 2. The application must be signed by the applicant and accompanied by a non-refundable application fee of \$15.00 and a permit fee of \$50.00, if approved. Such application shall also show satisfactory written proof of the individual's authority to represent the company.
 - 3. Information provided by applicant will be subject to verification by the Police Department.
 - 4. Failure to provide a complete and thorough application or falsification of any part of the application shall be grounds for the denial or revocation of a permit.
 - 5. After review of the permit application and within ten (10) business days of the receipt of the application, the chief of police, or his designee, shall either issue a permit, as provided in this ordinance, or notify the person applying that the application does not comply with the requirements of this ordinance, specifying why the application is incomplete, or otherwise does not comply.
 - 6. If the applicant is fifteen (15) years of age or less, a copy of the parental consent form required by Section 51.0145 of the Texas Labor Code and the name, address, and telephone number of all persons who will be responsible for supervising the activities of the applicant must be provided.
 - 7. A permit granted under this article shall be valid only until the termination of the solicitation period specified in the permit or for one hundred eighty (180) days, whichever is less, but may be renewed once for one hundred eighty (180) days, if made within the initial one hundred eighty (180) day period of the original permit. Each application for renewal must verify permit information as correct, and

provide copies of sales tax returns for the prior permit period.

- a. A permit renewal application shall be \$25.00, if submitted within one hundred eighty (180) days of the original application.

B. COMMERCIAL HOME DISTRIBUTION

1. No person shall engage in a commercial home distribution without having a valid, current permit issued under the provisions of this ordinance by the chief of police. The application shall contain the following:
 - a. The name, date of birth and mailing address of the person(s) applying;
 - b. The name, mailing address and phone number of the handbill sponsor and company organizing the distribution of same;
 - c. The time period and locations within which commercial home distributions will be made, including the proposed beginning date, the projected date of conclusion, and an estimate of how often the applicant will distribute during the permit period;
 - d. A description of the methods and means by which the commercial home distributions will be accomplished;
 - e. A description of the goods or services to be sold or offered through the distribution;
 - f. If the applicant is fifteen (15) years of age or less, a copy of the parental consent form required by Section 51.0145 of the Texas Labor Code and the name, address, and telephone number of all persons who will be responsible for supervising the activities of the applicant must be provided;
 - g. A permit will not be issued if there is an affirmative statement as to whether the applicant has ever been:

- i. Convicted of, or pleaded nolo contendere, to a misdemeanor involving fraud, theft, embezzlement, burglary, fraudulent conversion, or misappropriation of property within the preceding ten (10) years, or convicted of, or pleaded nolo contendere, to any felony;
 - ii. Found liable in a civil or administrative action in which the complaint or petition alleged fraud, theft, embezzlement, fraudulent conversion, misappropriation of property, or the use of untrue or misleading representations in an attempt to sell or dispose of property, or to obtain money or a thing of value from another;
 - iii. Found liable under any law regarding the use of unfair, unlawful, or deceptive business practices; or
 - iv. Subject to an injunction or restrictive court order relating to business activity as the result of an action brought by a federal, state, or local public agency, including an action affecting a vocational license.
- 2. It shall be unlawful for any person to file an application for a commercial home distribution permit that contains any false statement of fact.
- 3. The names of any cities where the applicant has worked in the previous three hundred and sixty-five (365) days.
- 4. The application for the permit must be signed by the applicant and accompanied by a non-refundable application fee of \$15.00 and a permit fee of \$50.00, if approved. Such application shall also show satisfactory written proof of the individual's authority to represent the company.
- 5. It shall be unlawful for any person to engage in a commercial home distribution without carrying the permit required by this ordinance, on his or her person, while so

engaged, or to display a permit issued in the name of another person.

6. After review of the permit application and within ten (10) business days of the receipt of the application, the chief of police or his designee shall either issue a permit, as provided in this ordinance, or notify the person applying that the application does not comply with the requirements of this ordinance, specifying why the application is incomplete or otherwise does not comply.
7. A permit granted under this article shall be valid only until the termination of the solicitation period specified in the permit or for one hundred eighty (180) days, whichever is less, but may be renewed once for one hundred eighty (180) days, if made within the initial one hundred eighty (180) day period of the original permit. Each application for renewal must verify permit information as correct and provide copies of sales tax returns for the prior permit period.
 - a. A permit renewal application shall be \$25.00, if submitted within one hundred eighty (180) days of the original application.

C. GROUP REGISTRATION (applies to Commercial Home Distribution permits only)

1. A person may apply for a group registration applicable to two (2) or more persons who desire to engage in commercial home distributions.
2. The registration application shall contain all of the information required herein for each person who will be engaging in commercial home distributions under the group registration.
3. The application must be signed by a person responsible for the group application and shall be accompanied by a non-refundable application fee of \$15.00 and an additional permit fee of \$15.00 for each person to be included under the group application.

4. Provided that, if the applicant registers ten (10) or more persons under a group application, the additional permit fee shall be \$10.00 per person. The applicant for group registration shall provide each person distributing under the applicant's registration an identification badge to be worn and displayed while the person is engaging in a commercial home distribution.

D. ITINERANT VENDORS

1. Every driver or person desiring a permit to conduct sales activity in the City as a mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor shall make a written application therefore to the chief of police. The application shall be made on a form approved by the chief of police, accompanied by a non-refundable \$15.00 application fee and a \$50.00 permit fee if approved, and state the following:
 - a. Name, business address, and telephone number of applicant;
 - b. Name, address, and telephone number of the person, firm, or corporation the applicant is representing; the agent or service of process of a corporation, and/or name and address of any owner of a business not incorporated, and the assumed name of said business filed in the index in the county of its home office, for any business;
 - c. Attached to the application shall be a certified original copy of the sales tax permit issued by the comptroller of the state;
 - d. Statement of the kind, type, and character of solicitation and/or the goods that applicant will offer for sale, and state whether the purchaser of such wares or goods shall be required to make any deposit or advance payment of purchase price before delivery, and a complete and full statement of the delivery date;

- e. The period of time the applicant requests to sell or solicit in the City;
 - f. Location or area of the City where sales activity will be conducted;
 - g. List of all convictions of all felonies and misdemeanors and violations of this article of applicant and representatives, stating the offense, city and state, the court of conviction, and the punishment imposed;
 - h. Name and phone number of three (3) character witnesses for applicant who can be contacted within forty-eight (48) hours;
 - i. If sales are to be conducted from one (1) or more stationary locations, the applicant shall submit written consent of the property owner, or its authorized agent consenting to applicant's use of such private property for sales activity indicated in the permit application;
 - j. Names of each employee, agent, or representative for whom the applicant will sell, offer, exhibit, or solicit orders for the sale of goods, wares, or merchandise for, or on behalf of, the applicant;
 - k. The name of all cities in which the applicant has conducted sales activity in the last three hundred sixty-five (365) days.
2. No itinerant street vendor permit of any kind shall be granted unless:
- a. The applicant is at least eighteen (18) years of age, has a valid state issued driver license;
 - b. The applicant has no active suspension on his or her driving privileges in any state;
 - c. No permit shall be issued if the applicant has been convicted of, or pleaded nolo contendere to, any felony.
3. Before a permit is issued by the chief of police, or his designee, the applicant will be required to furnish a policy

of liability insurance, in the amount of \$250,000 per incident. This policy must include a provision that the City will be notified within thirty (30) days if this policy of insurance is to be cancelled for any reason.

- a. Cancellation of an insurance policy for a mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor shall be an automatic revocation of the permit issued to that mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor.
 - b. Cancellation of an insurance policy for any company that operates any mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor shall be an automatic revocation of all City permits issued to all mobile ice cream trucks, mobile frozen dairy food vendors, or other itinerant street vendors operated by that company.
4. Vehicles must be in good condition and have a current safety inspection sticker from the Texas Department of Motor Vehicles.
5. Any itinerant vendor handling or selling non-prepackaged food must also possess a current Tarrant County Public Health Department Food Handler Card. Proof of an annual health department inspection shall be provided at the time of permit application. The inspection shall be performed by a registered sanitarian licensed in the State of Texas and employed with a county or city health department in the State of Texas.
6. When the application is approved, the mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor's permit shall be issued in card form. The photograph of the driver shall be attached to the card.
 - a. Each driver will be given a mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor permit number, which will be on such permit. This card shall be posted in a prominent place in the mobile ice cream truck, mobile frozen dairy food

vendor, or other itinerant street vendor vehicle, and shall be shown to any customer, police officer, or code enforcement officer upon request.

b. A copy of the permit shall be posted in the mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor vehicle at all times.

7. A permit granted under this article shall be valid for one year – from between January 1 and December 31, regardless of the date of application. Each application for renewal must verify permit information as correct, and provide copies of sales tax returns for the prior permit period.

VI. EXEMPTION FROM PERMIT FEES

A. The permit fees shall not be required of charitable solicitations, ordinary commercial travelers who sell or exhibit for sale goods, wares, or merchandise to persons selling and dealing in the same within the City, or individuals who file a statement with the Police Department indicating their indigent status.

VII. INVESTIGATION OF THE APPLICANT

A. In addition to all permit fees, each applicant for any type of permit in this ordinance shall pay a non-refundable fee of \$15.00 to cover the cost of conducting a criminal background check on the applicant(s).

B. It shall be the duty of the chief of police, or his designee, to investigate each applicant for a permit under this ordinance, before issuance of such a permit based on a review of the applicant's background.

VIII. ISSUANCE, DENIAL, REVOCATION

A. The chief of police, or his designee, shall issue the applicant a commercial home solicitation, commercial home distribution, or itinerant vendor permit if the chief of police, or his designee determines that the application has been fully and accurately completed, the permit application fee has been paid, and that

the applicant has satisfied each requirement of this ordinance. If not, the chief of police, or his designee, may deny the permit.

- B. A commercial home solicitation, commercial home distribution, or itinerant vendor permit may be revoked if the chief of police so determines that reasonable cause exists to believe that:
 - 1. A statement of fact contained in the application was false or materially misleading;
 - 2. The permit holder has failed to comply with any of the provisions of this ordinance;
 - 3. Any of the conditions of this ordinance is, or has become applicable, to the permit holder; or
 - 4. The permit holder has engaged in a commercial home solicitation or commercial home distribution that involves the use of false, misleading, fraudulent, or deceptive acts.
- C. The chief of police, or his designee, shall provide notice of the revocation by certified mail, personal service, or courier-receipted commercial delivery sent to the address provided on the permit holder's application.
- D. The permit holder may appeal the denial or revocation of a permit to the chief of police by filing a written notice of appeal with the chief of police within ten (10) business days of delivery of notice of the denial or revocation. The chief of police shall render a decision on the appeal within five (5) business days of the date of the receipt of the appeal. The decision of the chief of police shall be final. A revocation shall remain in effect for a period of one (1) year, during which time the permit holder may not be issued another commercial home solicitation, commercial home distribution, or itinerant vendor permit.

IX. EXEMPTIONS TO PERMITTING REQUIREMENTS

- A. The following shall be exempt from the permitting requirements of this ordinance:
 - 1. Religious organizations exclusively for the distribution of literature and other items for the purpose of proselytizing,

provided that no fees are charged, and no donations are solicited;

2. Anonymous political speech;
3. Charitable purpose;
4. The provisions of this ordinance shall not apply to sales made under authority and by order of law, nor to persons, or their authorized representatives, who have previously established with the owners or occupants of such private residences or property a regular business, trade, service, or other contractual relationship;
5. Any operation, which is exempted by state or federal statute from this ordinance, is exempt only to the extent of such applicable exemption;
6. Any person claiming to be legally exempt from the provisions of this ordinance, including the payment of the permit, or investigation fee, shall make such a claim in writing to the chief of police, citing the applicable statute or authority, and providing proof of its applicability.

X. MISCELLANEOUS OCCASIONAL SALES OF NONFOOD ITEMS IN RESIDENTIAL ZONES

Occasional sales, whether classified as garage sales, yard sales, or any other display for sale of any other item not classified in this article in a noncommercial zoned district, such as personal items; trucks, automobiles, or tractors registered to a person residing on the premises; used household items or furniture; or any other item not grown, harvested, manufactured, processed, created, gathered, or otherwise produced on the premises, shall be permitted for not more than ten days per year, per premises. No signs shall be erected on property other than the location where the products are sold, or services are conducted.

XI. SALES ON PUBLIC RIGHT-OF-WAY PROHIBITED

No person may display products for sale or conduct the sale of products anywhere within the public right-of-way. (Ord. No. 0-95-1014, § 3, 1-2-96)

XII. TENTS AND TEMPORARY STRUCTURES

The erection of a tent or other temporary structure as a shelter for outdoor display and sales of food products shall meet the following requirements:

- (1) No tent or other temporary structure shall be erected within 20 feet of any property line, building, or other tent.
- (2) No tent or other temporary structure shall be erected in any fire lane, dedicated access road, right-of-way, or dedicated easement.
- (3) All tents and their appurtenances shall be securely roped, braced, and anchored to withstand the elements of weather against collapse.
- (4) All sections or parts of all tents shall be of flame-retardant material. This shall include all floor coverings, bunting, decorations, side wall coverings, and other effects.
- (5) Smoking shall not be permitted, and no smoking signs shall be posted at all entrance doors and where deemed necessary by the fire marshal.
- (6) No fireworks, open flame, nor any device emitting flame, or fire, or creating a glow, shall be permitted, or used.
- (7) Balloons or other similar devices that are filled with toxic, explosive, or flammable gases shall not be permitted in, or adjacent to, any tent or other temporary structure.
- (8) All exits shall be in accordance with, and comply with, the International Fire Code, as adopted by the City Council.
- (9) All exit signs shall be in accordance with, and comply with, the International Fire Code, as adopted by the City Council.
- (10) Exit illumination shall be in accordance with, and comply with, the International Fire Code, as adopted by the City Council.
- (11) All weeds, grass, vegetation, or other flammable materials shall be removed and not located within 30 feet of any tent, temporary structure, or their appurtenances.

- (12) Fire extinguishers shall be installed in accordance with, and comply with, the International Fire Code, as adopted by the City Council.

XIII. OUTDOOR DISPLAY AND SALES OF HOMEGROWN PRODUCE IN RESIDENTIAL DISTRICTS

The display and sale to the general public of fruits, vegetables, and other homegrown produce from private residences in noncommercial zoned districts may be conducted during the normal growing and harvesting season under the following restrictions:

- (1) A temporary sign advertising the products sold may be erected on the premises, in accordance with the sign code.
- (2) Homegrown or home-produced food products may consist of, but are not limited to, peaches, pears, apples, nuts, berries, eggs, tomatoes, beans, peas, grapes, or products processed on the premises from food items such as jams, jellies, preserves, candies, pies, juices, or any other edible food product.
- (3) Where fruits, vegetables, and other food items are to be displayed and sold for more than nine months per year, a special use permit shall be required in every zoning district.

XVI. PENALTIES

- A. Any person violating any provision of this ordinance or failing to observe any provisions of this ordinance shall have their permit revoked immediately and will not be entitled to reapply for a period of one (1) year from the date of the revocation. In the event of such forfeiture of permit, no part of such permit fee as may have been so paid shall be refunded to such person, and;
- B. Any person, firm, or corporation violating any of the terms or provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not to exceed \$500.00 for each offense, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.
 1. In case of any willful violation of any of the terms and provisions of this ordinance, the City, in addition to imposing the penalties above provided, may institute any

appropriate action or proceeding in any court having proper jurisdiction, to restrain, correct or abate such violations; and the definition of any violation of the terms of this ordinance as a misdemeanor, shall not preclude the City from invoking the civil remedies given it by the laws of the state, but same shall be cumulative and subject to prosecution as hereinabove prescribed for such violations.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 10/02/2013

Number Resolution R-13-3678

Type Resolution

Department City Manager

Title

A resolution nominating candidates to the Tarrant Appraisal District (TAD) Board of Directors

Explanation

Reading and Public Hearing

The Tarrant Appraisal District (TAD) is seeking nominations for candidates to serve on the Board of Directors. The terms of service for the five members of the current Board of Directors will expire on December 31, 2013. Nominations must be submitted to the Chief Appraiser as a resolution adopted by the City Council, by October 15, 2013.

The current TAD Board of Directors are:

Joe Potthoff, Chairman

David Averitt

John Fegan

John Molyneaux

Michael Glaspie

Ron Wright, (Tarrant County Tax Assessor-Collector)

In order to be eligible to serve as directors, nominees must have resided in the Tarrant Appraisal District for at least two years prior to January 1, 2014. A director may serve on the governing body of a taxing unit in the Tarrant Appraisal District, but a director may not be related to a person who is in the business of appraising property for property tax purposes or represents property owners in proceedings in the appraisal district or who is employed by the appraisal district.

Mr. John Fegan of Colleyville has served on the TAD Board of Directors since January 1, 2012, but has indicated that his business interests prevent him from continuing to serve in that capacity at this time. Mr. John Eubanks of Colleyville previously served on the TAD Board of Directors from January 1, 2006 to December 31, 2011, and has indicated an interest in returning to that role, should Colleyville want to nominate him to do so.

Based on the 2012 adjusted tax levy, Colleyville will have 23 votes to cast for the election, which will take place by December 15, 2013, according to the attached letter from TAD.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. TAD Board of Directors nomination process letter
2. Resolution R-13-3678



Jeff Law
Executive Director
Chief Appraiser

September 3, 2013

Mrs. Jennifer Fadden
City Manager
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Dear Mrs. Fadden:

The terms of service for our five members of the Board of Directors will expire on December 31, 2013 and it is time to begin the process of conducting an election.

Based on the amount of the 2012 adjusted tax levy imposed by each eligible taxing unit, we have calculated the number of votes for your entity. The enclosed list will provide you with that information.

The first step in the procedure is the nomination of candidates. Each voting unit may nominate one candidate for each of the five positions to be filled. You are not required to make any nomination or you may nominate any number up to five. The County Tax Assessor/Collector is a member of the Board of Directors by law.

In order to be eligible to serve as directors, the 2013 nominees must have resided in the Tarrant Appraisal District for at least two years prior to January 1, 2014. They may serve on the governing body of a taxing unit in the Tarrant Appraisal District and still be eligible to serve as a Director. However, an employee of a taxing unit is prohibited from serving as a Director unless that employee is also an elected official of the governing body. A Director may not be related to a person who is in the business of appraising property for property tax purposes or represents property owners in proceedings in the appraisal district or who is employed by the appraisal district. A person is ineligible to serve as a director if he, or a business in which he has a substantial interest, enters into a contract with the appraisal district or enters into a contract with a taxing unit in the district, if that contract relates to the performance of an activity governed by Title I of the Texas Property Tax Code (for example, appraising property for tax purposes or determining eligibility for exemptions). A substantial interest exists where the person and spouse have a combined ownership of at least 10% of the voting stock or shares of a business, or either of them is a partner, limited partner or an officer. If you have questions concerning the qualifications of nominees for a Board position, please call the undersigned.

Letter to Taxing Units
Election of Board of Directors
September 3, 2013
Page 2

The nominations for Directors, which must be made in an open meeting of your taxing unit, should be submitted by the presiding officer to the Chief Appraiser in the form of a resolution adopted by the governing body by October 15, 2013, giving the names and addresses of the nominees. A current resume or vita is also helpful.

The appointment calendar is as follows:

By October 15, 2013	Nominations by resolution
By October 30, 2013	Ballots listing nominees delivered to Presiding Officer
By December 15, 2013	Entity submits votes by resolution to Chief Appraiser
By December 31, 2013	Five (5) nominees receiving largest cumulative vote totals are elected
January 1, 2014	Board takes office for two year term

The duties of the Board are outlined in Chapter 6, Texas Property Tax Code. If you have any questions, do not hesitate to call the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Law", with a large, stylized loop at the beginning.

Jeff Law
Executive Director
Chief Appraiser

JL:mm
Encl.

TARRANT APPRAISAL DISTRICT
2013 Calculation of Taxing Entity Votes for Board of Direct
Per Section 6.03(d) of Texas Property Tax Code

	2012* TAXES IMPOSED	% OF TOTAL	2013 VOTES
School Districts:			
Aledo	2,017,790	0.06614%	3
Arlington	266,626,542	8.73929%	437
Azle	15,967,967	0.52339%	26
Birdville	104,011,313	3.40921%	170
Burleson	16,820,155	0.55132%	28
Carroll	81,701,125	2.67794%	134
Castleberry	6,655,872	0.21816%	11
Crowley	76,765,273	3.15111%	126
Eagle Mountain/Saginaw	96,137,107	3.15111%	158
Everman	15,003,937	0.49179%	25
Fort Worth	361,467,083	11.84790%	592
Godley	745,237	0.02443%	1
Grapevine/Colleyville	143,030,776	4.68816%	234
Hurst/Euless/Bedford	123,967,287	4.06331%	203
Keller	182,700,555	5.98843%	299
Kennedale	15,104,894	0.49510%	25
Lake Worth	11,690,161	0.38317%	19
Lewisville	1,283,103	0.04206%	2
Mansfield	139,970,730	4.58786%	229
Northwest	60,581,910	1.98571%	99
White Settlement	23,071,659	0.75623%	38
Total Schools	\$ 1,745,320,476	57.20684%	2860
Cities:			
Arlington	117,212,877	3.84192%	192
Azle	3,405,466	0.11162%	6
Bedford	14,739,731	0.48313%	24
Benbrook	10,403,251	0.34099%	17
Blue Mound	535,122	0.01754%	1
Burleson	3,624,519	0.11880%	6
Colleyville	13,781,337	0.45171%	23
Crowley	4,930,670	0.16161%	8
Dalworthington Gardens	850,666	0.02788%	1
Edgecliff Village	512,906	0.01681%	1
Euless	13,575,391	0.44496%	22
Everman	1,306,621	0.04283%	2
Flower Mound	404,605	0.01326%	1

Forest Hill	3,579,041	0.11731%	6
Fort Worth	370,168,924	12.13313%	607
Grand Prairie	34,772,554	1.13975%	57
Grapevine	21,757,054	0.71314%	36
Haltom City	10,766,371	0.35289%	18
Haslet	1,419,736	0.04654%	2
Hurst	13,674,703	0.44822%	22
Keller	18,719,818	0.61358%	31
Kennedale	3,964,513	0.12995%	6
Lakeside	386,083	0.01265%	1
Lake Worth	1,764,591	0.05784%	3
Mansfield	31,742,996	1.04045%	52
N. Richland Hills	23,306,412	0.76392%	38
Pantego	994,564	0.03260%	2
Pelican Bay	244,020	0.00800%	0
Reno	31,277	0.00103%	0
Richland Hills	3,006,038	0.09853%	5
River Oaks	1,877,053	0.06152%	3
Roanoke	308,786	0.01012%	1
Saginaw	6,009,228	0.19697%	10
Sansom Park	714,585	0.02342%	1
Southlake	26,710,933	0.87551%	44
Trophy Club	422,769	0.01386%	1
Watauga	5,721,268	0.18753%	9
Westlake	1,362,746	0.04467%	2
Westover Hills	1,837,960	0.06024%	3
Westworth Village	853,918	0.02799%	1
White Settlement	3,537,705	0.11596%	6
Total Cities	\$ 774,938,808	25.40038%	1270
Other:			
Tarrant County	339,460,313	11.12658%	556
Tarrant County College	191,174,915	6.26619%	313
Total Other	530,635,228.0	17.39278%	870
Total All	\$ 3,050,894,512	100%	5,000

*Levy calculation based on September 2013 certified values and 2012 tax rates.

RESOLUTION R-13-3678

**A RESOLUTION NOMINATING CANDIDATES FOR THE
TARRANT APPRAISAL DISTRICT BOARD OF DIRECTORS**

WHEREAS, the City of Colleyville contracts with the Tarrant Appraisal District (TAD) for setting property valuations; and

WHEREAS, the City of Colleyville is entitled to nominate one candidate for each of the five positions on the Tarrant Appraisal District Board of Directors; and

WHEREAS, the terms of the TAD Board of Directors expire December 31, 2013.

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

Sec. 1. THAT the City of Colleyville nominates the following individual(s) to serve on the Tarrant Appraisal District Board of Directors:

•

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____
ABSTENTIONS ON THIS THE 2ND DAY OF OCTOBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 10/02/2013

Number Ordinance O-13-1881

Type Ordinance

Department Community Development

Title

Request for approval of a Special Use Permit for alcoholic beverage sales for off-premises consumption on Lot 7A, Block 2, Village Park Addition, located at 4801 Colleyville Boulevard. 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 Boulevard, Case ZC13-009

Explanation

Update

The City Council voted to continue this item at the September 17, 2013 meeting to the October 2, 2013 meeting in order to allow the applicant additional time to perform amendments to proposed Ordinance O-13-1881. The applicant's attorney has submitted the proposed amendments, which are attached as mark-ups. The mark-ups were made to the most recent copy of the proposed ordinance distributed to the City Council prior to the beginning of the September 17th regular meeting. The mark-ups do not include the ordinance attachments, as no changes were proposed for the attachments. All of the changes reflected in the mark-ups are included in the attached proposed Ordinance O-13-1881. City staff, including the city attorney, have reviewed the changes. Staff is satisfied that proposed Ordinance O-13-1881 meets all of the staff recommendations and conditions in the agenda briefing below, the City Council's direction to tie the restaurant alcohol sales to the operation of a Whole Foods Market on the property, and the desire of the applicant to allow any restaurant on the subject property to continue selling alcohol, in the event that the Whole Foods Market closes, subject to certain conditions. Those conditions are: in the event that the Whole Foods Market closes, all existing restaurants with on-premises alcohol sales would be able to continue with alcohol sales until the business is abandoned, the use changes, or the certificate of occupancy expires and/or is terminated.

Second Reading and Public Hearing

There were no speakers regarding this request at the September 3, 2013 City Council meeting.

City Council recommended staff include language in the ordinance stating the Special Use Permit will expire upon any change in the certificate of occupancy for Whole Foods

Market. Staff has included this language in the proposed ordinance.

First Reading and Public Hearing

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

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

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

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

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

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

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

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

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

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

Applicant's Request. The applicant is requesting a "restaurant overlay district" for all of the subject properties whereby the sale of alcoholic beverages for on-premises

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

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

Hours of Operation for Alcohol Sales for On-Premises Consumption. The applicant requests that no restrictions be placed on hours of operation for the SUP for on-premises alcohol consumption. As such, the restrictions on the hours of operation for any restaurant that sells alcohol for on-premises consumption authorized by the proposed SUP would be subject to the restrictions for hours of operation listed in the Texas Alcoholic Beverage Code, which are as follows:

Monday through Saturday: 7:00 a.m. to 2:00 a.m. the following day

Sunday: 10:00 a.m. to 2:00 a.m. the following day

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

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

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

certificate of occupancy for any business selling alcoholic beverages per the provisions of the proposed ordinance.

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

Section 7-155(B) of the Sign Regulations in the Land Development Code states that landmark signs are only allowed with City Council approval. The purpose of a landmark sign is to identify a major shopping center and the name of a business, profession, service, product, or activity conducted, sold, or offered within a shopping center. A landmark sign is a free standing four-sided (unless approved otherwise) sign that provides an effective area for multi-tenant advertisement and is only allowed within major shopping centers containing more than 100,000 square feet.

The applicant is also allowed to place one monument sign per lot, per the provisions of Chapter 7-Sign Regulations in the Land Development Code. As such, the applicant would be allowed to place one monument sign along Centerpark Drive, four monument signs along Colleyville Boulevard (SH26), and one monument sign along Glade Road. Wall signs are also allowed above each individual tenant space.

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

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

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

As mentioned above, the applicant plans to install two electrical car charging stations on the subject property. The applicant states that the stations will allow for the charging of electrically powered automobiles. However, the applicant has not yet determined a final location for the stations and they "are simply asking for the

allowance of the land use in conjunction with this SUP request".

The parking waiver requested by the applicant and the use of two electrical car charging stations has been added to the proposed ordinance.

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

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

Surrounding Properties. Properties to the east are zoned CC2-Shopping Center District, and R-MF-Multifamily Residential district and are developed as offices, a private school, and single family detached residences. Properties to the south are zoned PUD-R-Planned Unit Development Residential district and developed as single family detached residences. Properties to the west and north are zoned CC1-Village Retail and CC2-Shopping Center district and developed as retail and office uses.

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

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

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this item by a vote of (7-0) at the August 26, 2013 meeting.

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

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. GENERAL

a. The Special Use Permit shall allow the sale of alcoholic beverages for on-premises consumption and off-premises consumption in accordance with the below conditions.

b. Any restaurant located on the Property may sell alcoholic beverages (including beer, wine and liquor) for on-premises consumption in compliance with the City's alcoholic beverage regulations.

c. All conditions contained herein that do not specifically address the issuance of certificates of occupancy for businesses engaging in the sale of alcoholic beverages for on and off-premises consumption shall remain valid and enforceable regardless of whether a grocery store doing business under the trade name "Whole Foods Market" (or such other trade name used by Whole Foods in a majority of its other stores in the Dallas/Fort Worth market, hereafter referred to as "Whole Foods") exists on the Property.

d. Whole Foods may sell alcoholic beverages for on-premises consumption as part of a restaurant use that is accessory or incidental to the grocery store use.

e. A certificate of occupancy for a restaurant including the sale of alcoholic beverages for on-premises consumption as allowed by section 1(b) above may only be approved if Whole Foods exists on the Property. Provided, however, any restaurant use involving the sale of alcoholic beverages for on-premises consumption that validly obtains a certificate of occupancy in accordance with this section may continue to sell alcoholic beverages for on-premises consumption after Whole Foods ceases to exist on the Property. However, said certificate of occupancy for a restaurant that sells alcohol for on-premises consumption that is allowed to continue per the provisions of this section, "e", shall automatically expire upon the abandonment of the business, change in the use, or upon the expiration or termination of the certificate of occupancy.

f. A variance to the 300 foot distance requirement from churches, public or private schools, or public hospitals is hereby granted by this ordinance in accordance with Section 6-3(d) of the Code of Ordinances.

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

2. LANDSCAPING AND SCREENING

- a. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages on the Property, all landscaping on the Property shall meet the requirements of Chapter 4 of the Land Development Code.
- b. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages on the Property, all dumpsters on the Property shall be enclosed and screened in accordance with Section 3.26 of the Land Development Code.

3. BUILDING DESIGN, SIGNAGE, AND PARKING

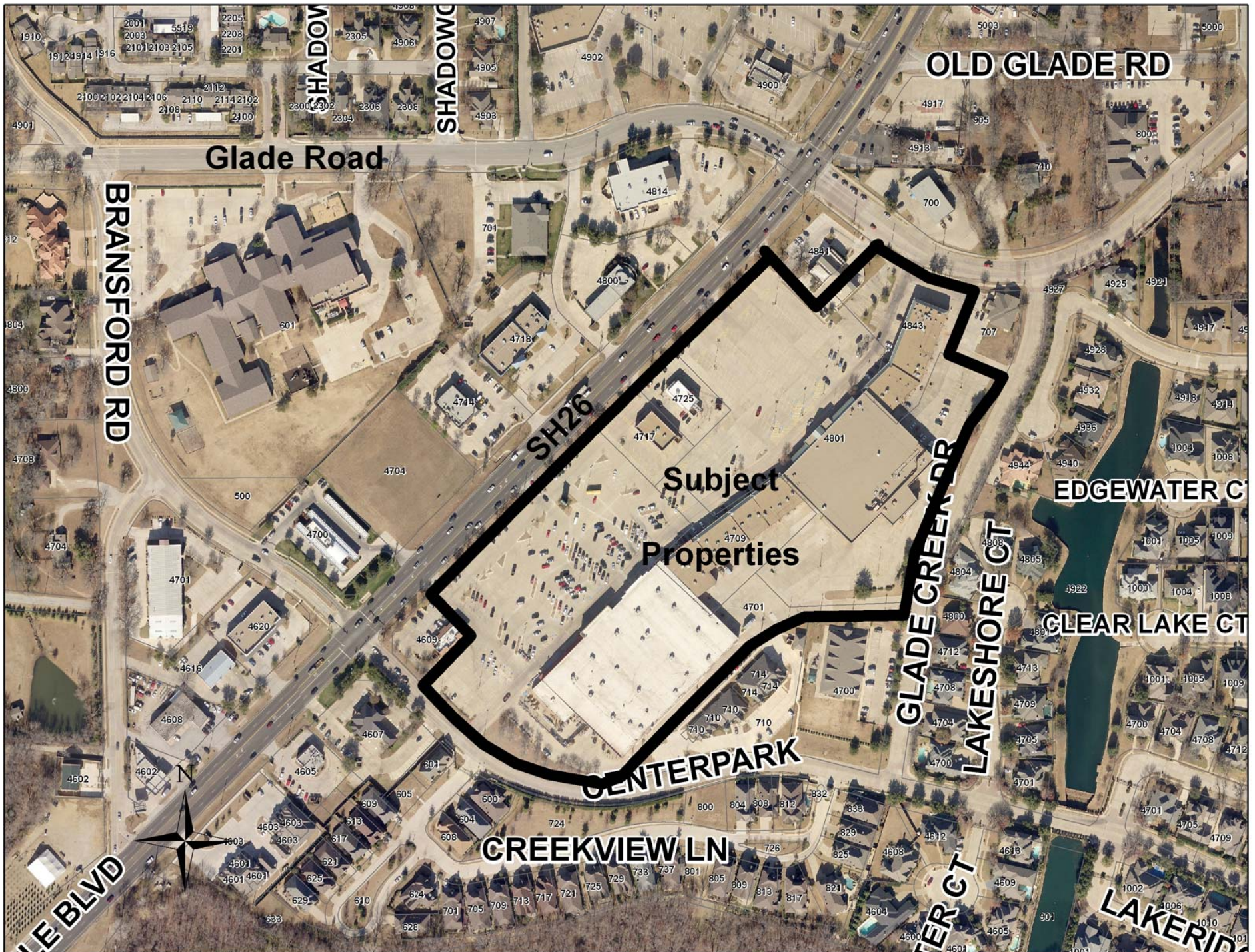
- a. The front façade of the main shopping center building shall meet the minimum requirements of Chapter 6 of the Land Development Code, except that the maximum allowance for non-masonry building accents for the front façade shall be 25%, as generally depicted on Exhibit "C".
- b. No more than two "landmark signs," as defined in Chapter 7 of the Land Development Code, shall be located on the Property. The landmark signs shall be generally consistent with the depictions in Exhibit "D".
- c. The minimum amount of parking required for all uses on the Property is 4.5 parking spaces per 1,000 feet of gross floor area.
- d. No more than two electrical charging stations shall be allowed on the Property in conjunction with this Special Use Permit.

Attachments

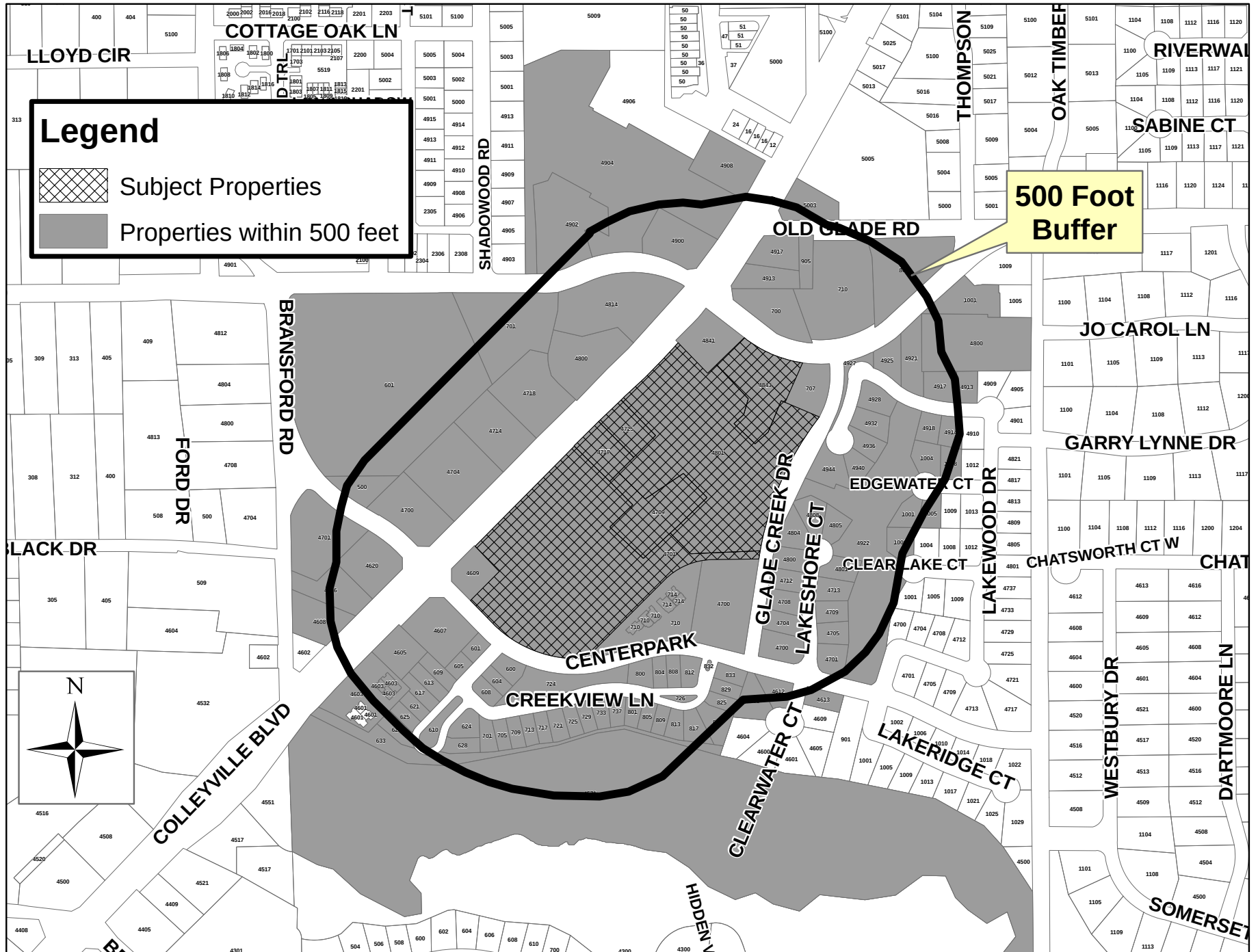
- 1. Location and Zoning Map
- 2. Aerial
- 3. Buffer Map
- 4. Notification List
- 5. Proposed Mark-ups to Ordinance O-13-1881 Received from Applicant
- 6. Statement of Planning Objectives
- 7. Proposed Alcohol Sales Site Exhibit
- 8. Proposed Front Elevations for Shopping Center
- 9. Landmark Sign Exhibits
- 10. Landmark Sign Location Exhibit
- 11. 300 Foot School Separation Map for Alcoholic Beverage Sales
- 12. Ordinance O-10-1780
- 13. Ordinance O-13-1881

The map displays a residential area with various zoning districts and property boundaries. The central area, outlined in black, is labeled "Subject Properties" and is primarily zoned CC-2. Surrounding areas include R-MF, CC-1, CC-2, SH26, PUD-R, R-20, and R-40. Major roads shown are Glade Road, Bransford Rd, Glade Creek Dr, Lakeshore Ct, and Centerpark. A north arrow is located in the bottom left corner. The map also shows numerous individual lots with their respective lot numbers.

Aerial



Buffer Map



Notification List

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

Notification List

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

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

Proposed Mark-ups to Ordinance O-13-1881 Received from Applicant

ORDINANCE O-13-1881

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

WHEREAS, the City of Colleyville has received an application [for a special use permit](#) for the sale of alcoholic beverages for on and off-premises consumption under Case No. ZC13-009; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance [in order to create a Special Use Permit for the sale of alcoholic beverages for on and off-premises consumption in accordance with the conditions of approval included in this Ordinance](#); and

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

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

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a

view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lots 1R1, 4, 5A, 6A, 7A, and 9R, Block 2, Village Park Addition located at 4701, 4709, 4717, 4725, 4801, and 4843 Colleyville Boulevard by authorizing a Special Use Permit for the sale of alcoholic beverages for on-premises consumption and off-premises consumption, as depicted on Exhibit "A" and described in Exhibit "B" ("Property").
- 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~~allow the sale of alcoholic beverages for on-premises consumption and off-premises consumption in accordance with the below

Proposed Mark-ups to Ordinance O-13-1881 Received from Applicant

Ordinance O-13-1881

Page 3 of 5

conditions.

- b. ~~The sale of~~Any restaurant located on the Property may sell alcoholic beverages (including beer, wine and liquor) for on-premises consumption ~~may apply to any restaurant located on the subject properties provided that the restaurant is~~ in compliance with the City's alcoholic beverage regulations.
- c. All conditions contained herein that do not specifically address the issuance of certificates of occupancy for businesses engaging in the sale of alcoholic beverages for on and off-premises consumption shall remain valid and enforceable regardless of whether a grocery store doing business under the trade name "Whole Foods Market" (or such other trade name used by Whole Foods in a majority of its other stores in the Dallas/Fort Worth market, hereafter referred to as "Whole Foods~~Market")~~ exists on the Property.
- d. Whole Foods may sell alcoholic beverages for on-premises consumption as part of a restaurant use that is accessory or incidental to the grocery store use.
- e. ~~d.~~A certificate of occupancy for a restaurant including the sale of alcoholic beverages for on-premises consumption as allowed by section 1(b) above may only be approved if ~~a grocery store doing business as "Whole Foods Market"~~ exists on the Property. Provided, however, any restaurant use involving the sale of alcoholic beverages for on-premises consumption that validly obtains a certificate of occupancy in accordance with this section may continue to sell alcoholic beverages for on-premises consumption ~~if a grocery store doing business as "after~~ Whole Foods~~Market"~~ ceases to exist on the Property. However, said certificate of occupancy for a restaurant that sells alcohol for on-premises consumption that is allowed to continue per the provisions of this section, "~~de~~",~~-only~~ shall automatically expire upon the abandonment of the business, change in the use, ~~a change in ownership,~~ or upon the expiration or termination of the certificate of occupancy.
- f. ~~e.~~A variance to the 300 foot distance requirement ~~to~~from churches, public or private schools, or public hospitals is

hereby granted by this ordinance in accordance with Section 6-3(d) of the Code of Ordinances.

- g. ~~f.~~ All requirements of the Land Development Code and the Code of Ordinances shall be met, except where amended herein.

2. LANDSCAPING AND SCREENING

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

3. BUILDING DESIGN, SIGNAGE, AND PARKING

- a. ~~Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, the~~The front façade of the main shopping center building shall meet the minimum requirements of Chapter 6 ~~Building Design in~~of the Land Development Code, except that the maximum allowance for non-masonry building accents for the front façade shall be 25%. ~~The front façade shall be, as~~ generally ~~consistent with~~depicted on Exhibit "C".
- b. ~~Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages per the provisions of this ordinance, not~~No more than two "landmark signs," as ~~described~~defined in Chapter 7 ~~Sign Regulations in~~of the Land Development Code, shall be ~~placed~~located on the ~~subject properties~~Property. The landmark signs shall be generally consistent with ~~Exhibit "D". The existing landmark sign located at 4701 Colleyville Boulevard and authorized by Ordinance O-10-1780 shall~~

Proposed Mark-ups to Ordinance O-13-1881 Received from Applicant

Ordinance O-13-1881

Page 5 of 5

~~meet the standards shown~~the depictions in Exhibit "D".

- c. ~~Required~~The minimum amount of parking ~~space-~~
~~calculations for the subject properties may be calculated~~
~~at~~required for all uses on the Property is 4.5 parking spaces
per 1,000 feet of gross floor area.
- d. No more than two electrical charging stations shall be
allowed on the ~~subject properties~~Property in conjunction
with this Special Use Permit.

Sec. 5. THAT any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

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

AND IT IS SO ORDERED.

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

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

Proposed Mark-ups to Ordinance O-13-1881 Received from Applicant

Ordinance O-13-1881

Page 6 of 5

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

Exhibit "B" – Statement of Planning Objectives Cont.

[DALLAS_1/6145932v.4](#)
[999993-1_09/24/2013](#)

Proposed Mark-ups to Ordinance O-13-1881 Received from Applicant

Proposed Mark-ups to Ordinance O-13-1881 Received from Applicant

Exhibit "C" – Front Façade Elevations

Exhibit "D" – Landmark Sign Exhibits

Exhibit "D" – Landmark Sign Exhibits Cont.

Statement of Planning Objectives

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

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

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

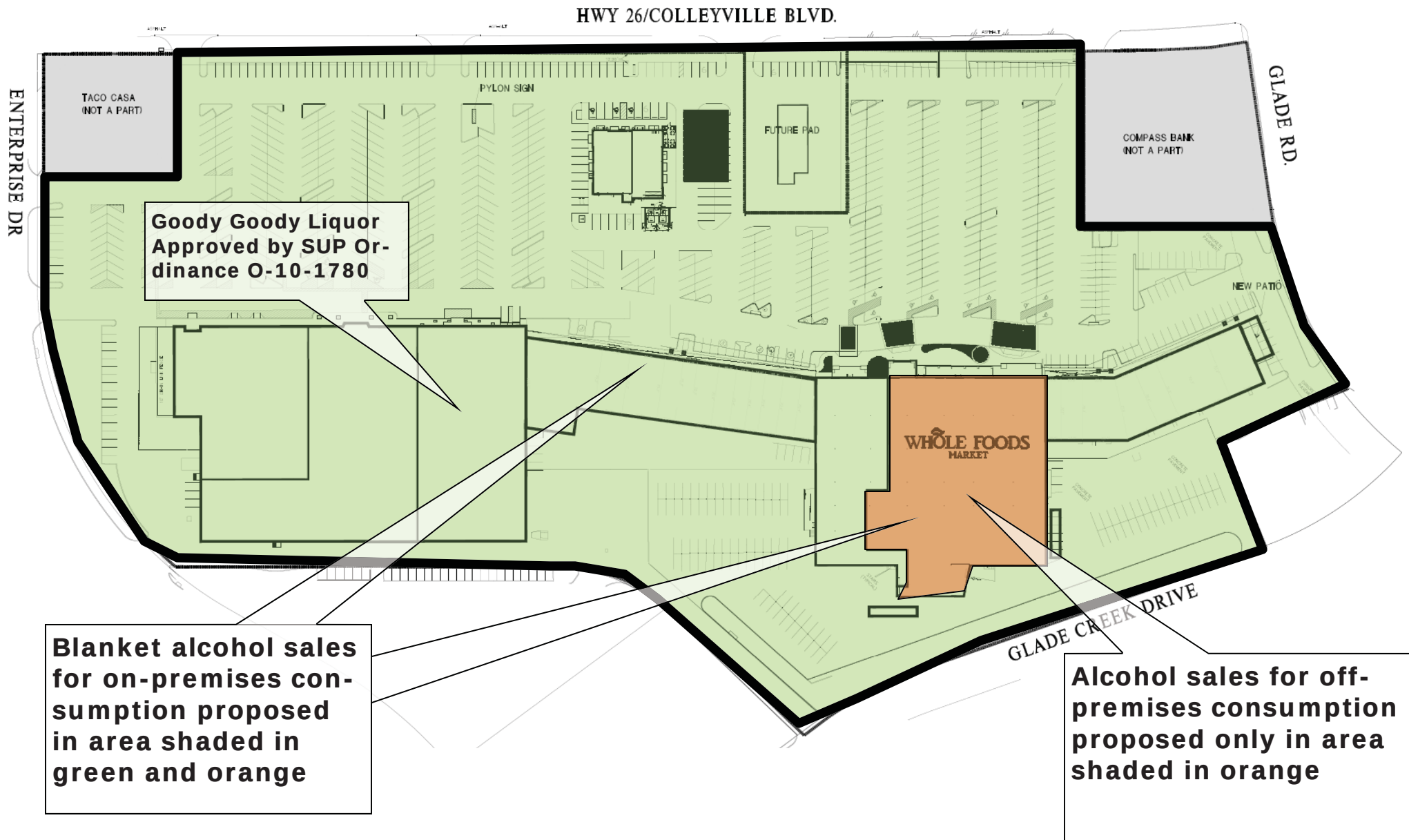
In furtherance of the Colleyville Downs redevelopment plan, we are writing to request that the City adopt a Special Use Permit that would provide for the following:

- **Restaurant Overlay District.** We are working with a number of restaurant operators whose businesses involve the sale of alcoholic beverages for on-premises consumption. In addition, Whole Foods is planning to introduce a restaurant concept within its store, and expects to sell alcoholic beverages for on-premises consumption. We would like to request a Restaurant Overlay District for Lots 1R1, 4, 5A, 6A, 7A and 9R.
- **Sale of Alcohol by Whole Foods.** Whole Foods is in the business of selling beer and wine for off-premises consumption. We would like to request permission for that activity on Lot 7A, Block 2 Village Park Addition – Colleyville.
- **Construction of New Landmark Sign.** Retailers that are interested in Colleyville Downs have demanding criteria for site selection, which include requirements of visibility, access and signage. Considering depth and slope of the parking field together with certain other issues, visibility in portions of the shopping center is limited. As a result, we will need to have the ability to offer additional signage to attract more retailers to the center. We would like to request permission to build a multi-tenant landmark sign at 4801 Colleyville Boulevard. The new landmark sign is designed to be consistent with the materials and design of the shopping center and resemble the existing landmark sign located at 4701 Colleyville Boulevard.

Statement of Planning Objectives

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

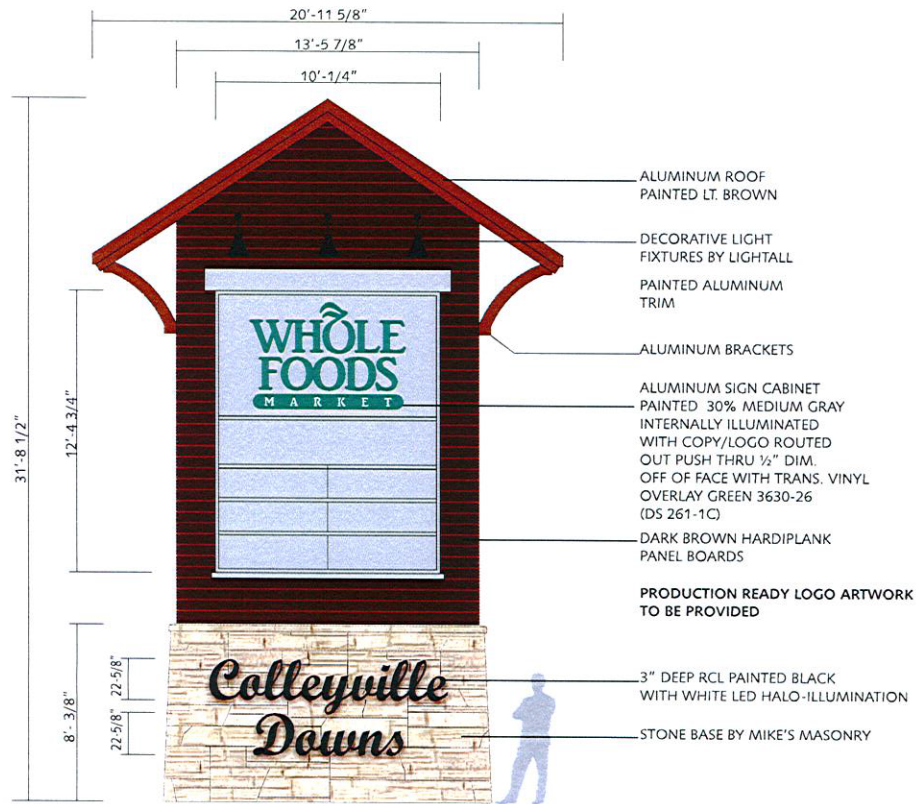
Proposed Alcohol Sales Site Exhibit



Proposed Front Elevations for Shopping Center

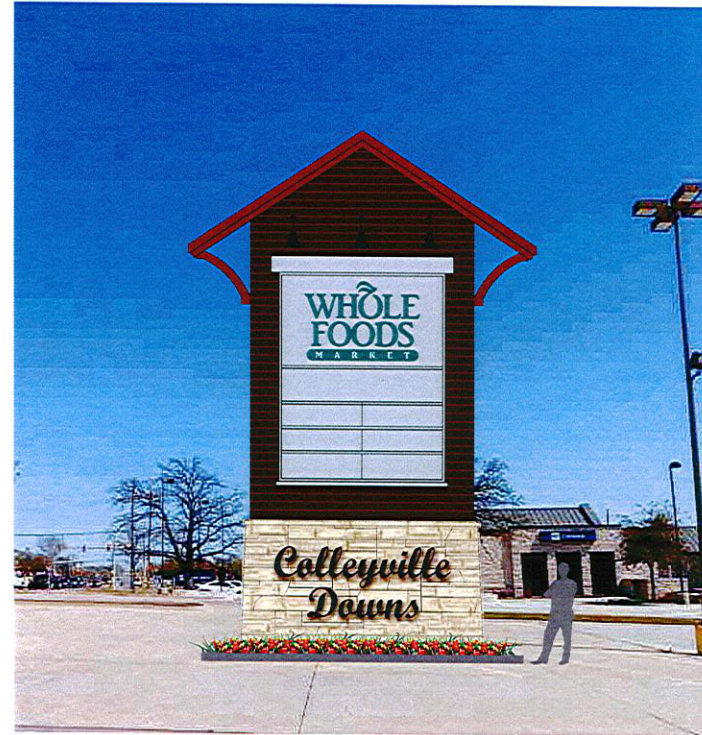


Landmark Sign Exhibits



D/F MONUMENT SIGN
(1) REQUIRED - MANUFACTURE & INSTALL

SCALE: 3/16"=1'-0"



COLLEYVILLE
DOWNS

Design #

13-0544R2

Sheet 1 of 4

Client:

COLLEYVILLE DOWNS

Address

4701 COLLEYVILLE BLVD
COLLEYVILLE, TX.

Account Rep. M. WILSON

Designer RFF

Date 03.18.13

Approval / Date

Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	

Revision / Date

R1 RFF 03.21.13 add logos

R2 RFF 04.03.13 add colors

Chandler Signs
Brand Image Begins Here

www.chandler-signs.com

3201 Manor Way, Dallas, TX 75235
214-902-2000 Fax 214-902-2044

2104 Valliant Sanderson, TX 79216
210-349-3804 Fax 210-349-8724

335 Park Center Drive, Unit C
Vista, CA 92083
760-967-7003 Fax 760-967-7033

963 Baxter Avenue, Suite 200
Louisville, KY 40204
502-479-2015 Fax 502-412-0003

2584 Sand Hill Peing Circle
Davenport, FL 33832
863-450-1000 Fax 863-424-1160

37 Waterfront Park Court
Dawsonville, GA 30534
800-651-7062 Fax 770-349-8724

P.O. Box 125, 204 Rural Drive
Portland, TX 78374
281-563-5599 Fax 281-643-6533

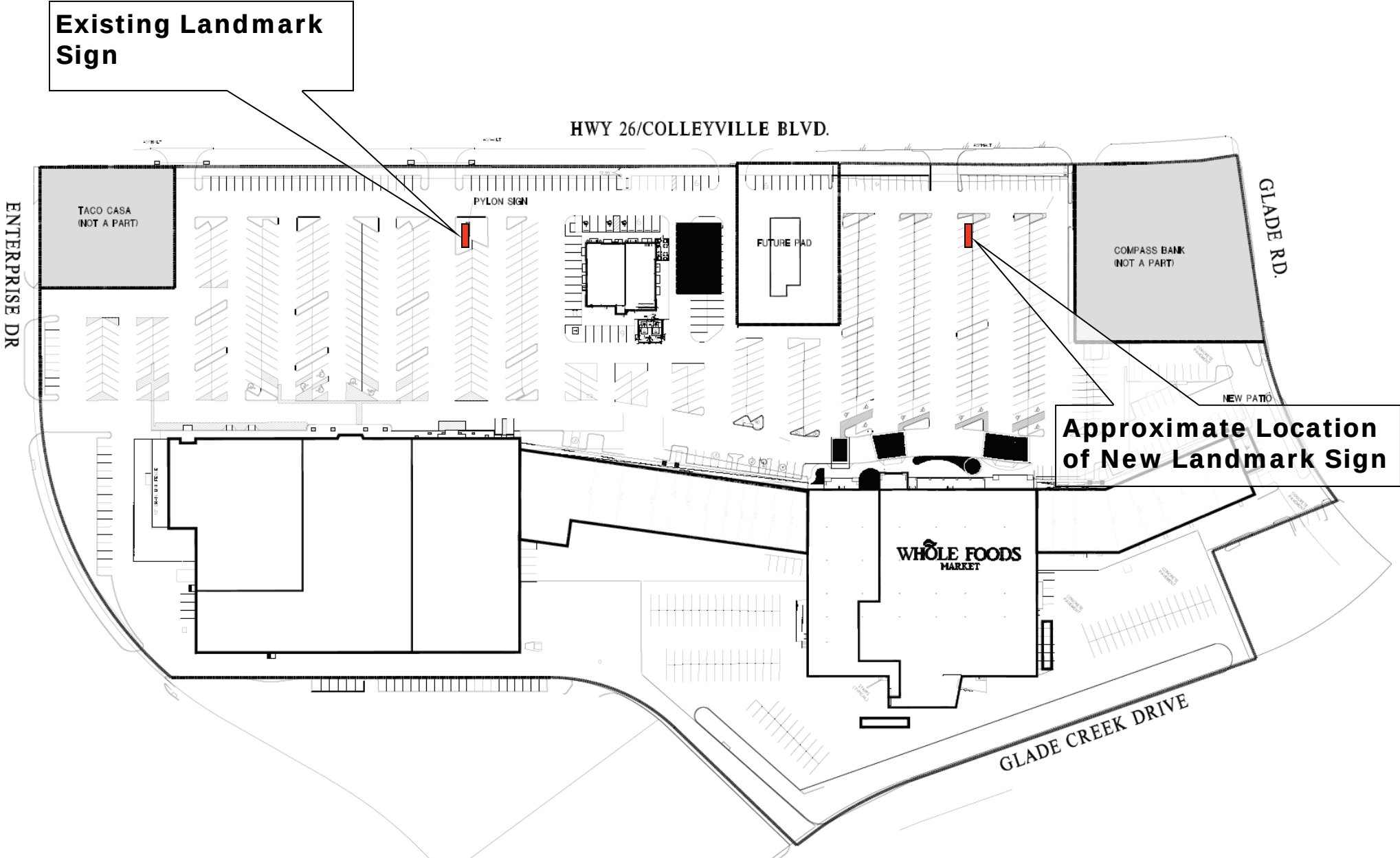
This drawing is the property of
Chandler Signs, L.P., L.P.

All rights in its use for reproduction are
reserved by Chandler Signs, L.P., L.P.

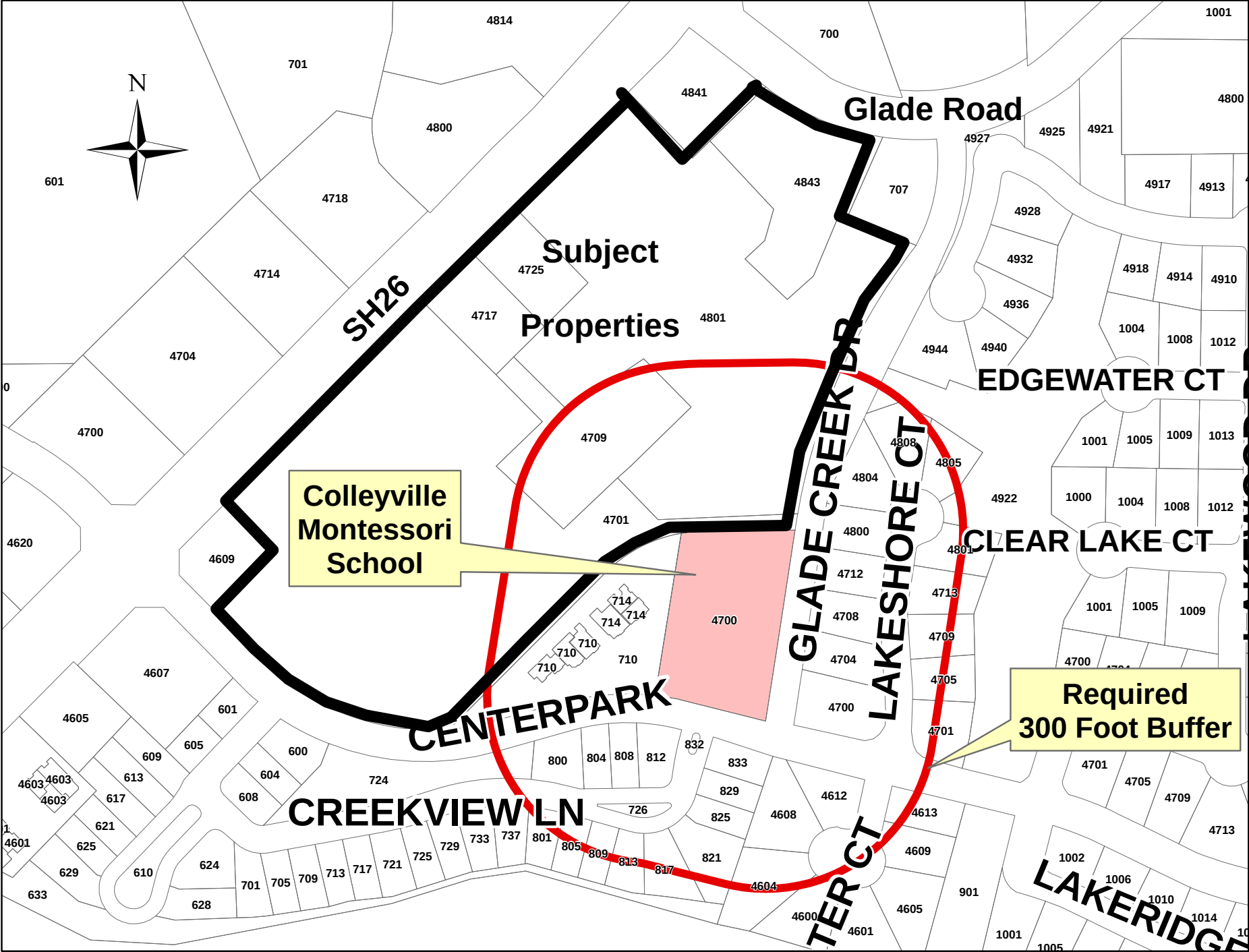
**FINAL ELECTRICAL
CONNECTION BY
CUSTOMER**

THIS SIGN IS INTENDED TO BE MANUFACTURED
IN ACCORDANCE WITH THE NATIONAL
ELECTRICAL CODE AND OTHER
APPLICABLE ELECTRICAL CODES. THE SIGN
SHALL BE INSTALLED IN ACCORDANCE WITH THE
NATIONAL ELECTRICAL CODE AND OTHER
APPLICABLE ELECTRICAL CODES.

Landmark Sign Location Exhibit



300 Foot School Separation Map for Alcoholic Beverage Sales



ORDINANCE O-10-1780

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 1R1, BLOCK 2, OF THE VILLAGE PARK ADDITION LOCATED AT 4701 COLLEYVILLE BOULEVARD BY AUTHORIZING A SPECIAL USE PERMIT FOR A PACKAGE STORE; 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 No. ZC10-024; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to 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 amending the official zoning map by authorizing a Special Use Permit for a package store on Lot 1R, Block 2, of the Village Park Addition located at 4701 Colleyville Boulevard, as depicted on 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 the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. This Special Use Permit shall only apply to the use of a package store as depicted on Exhibit "A" and described in Exhibit "B".
- b. The package store authorized by this Special Use Permit shall not exceed 28,560 square feet in size.
- c. The parking lot shall be landscaped per the requirements for parking lot landscaping in the Land Development Code except that no landscaping shall be required for the parking lot islands directly in front of the entrances for the proposed package store and Vineyard Antique Mall lease spaces. This exemption shall only apply to a maximum of three (3) parking lot islands on the subject property.
- d. All dumpsters shall, at a minimum, be screened per the requirements for dumpster screening in the Land Development Code.
- e. All buildings located on the subject property shall, at a minimum, meet a minimum design score of 25, per the requirements of Chapter 6-Building Design in the Land Development Code prior to the issuance of the certificate of occupancy for the package store. However, the front façade of the package store shall be generally consistent with Exhibit "E" and shall meet a minimum design score of 28.

- f. All signs advertising the package store shall meet the following conditions: (1) the existing multi-tenant pylon sign on the subject property shall be replaced with the landmark sign shown in Exhibit "D" prior to the issuance of the certificate of occupancy; (2) all signage, including existing signage, shall, at a minimum, meet the minimum requirements of Chapter 7-Sign Regulations in the Land Development Code; (3) Section 108.52 of the Texas Alcoholic Beverage Code is hereby adopted by reference of which all requirements pertaining to signage shall apply to this Special Use Permit; (4) Upon abandonment of the business authorized by this Special Use Permit, all signage advertising the package store shall be removed in its entirety at the expense of the business and/or property owner within thirty (30) days of abandonment.
 - g. The package store authorized by this Special Use Permit shall be required to comply with all provisions of the attached Exhibit "F".
 - h. This Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
 - i. 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 3rd day of November 2010.

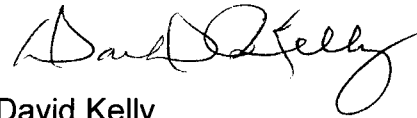
The second reading and public hearing being conducted on the 16th day of November 2010.

ATTEST:



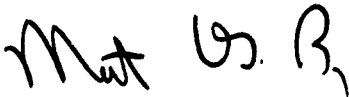
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" - Location and Zoning Map

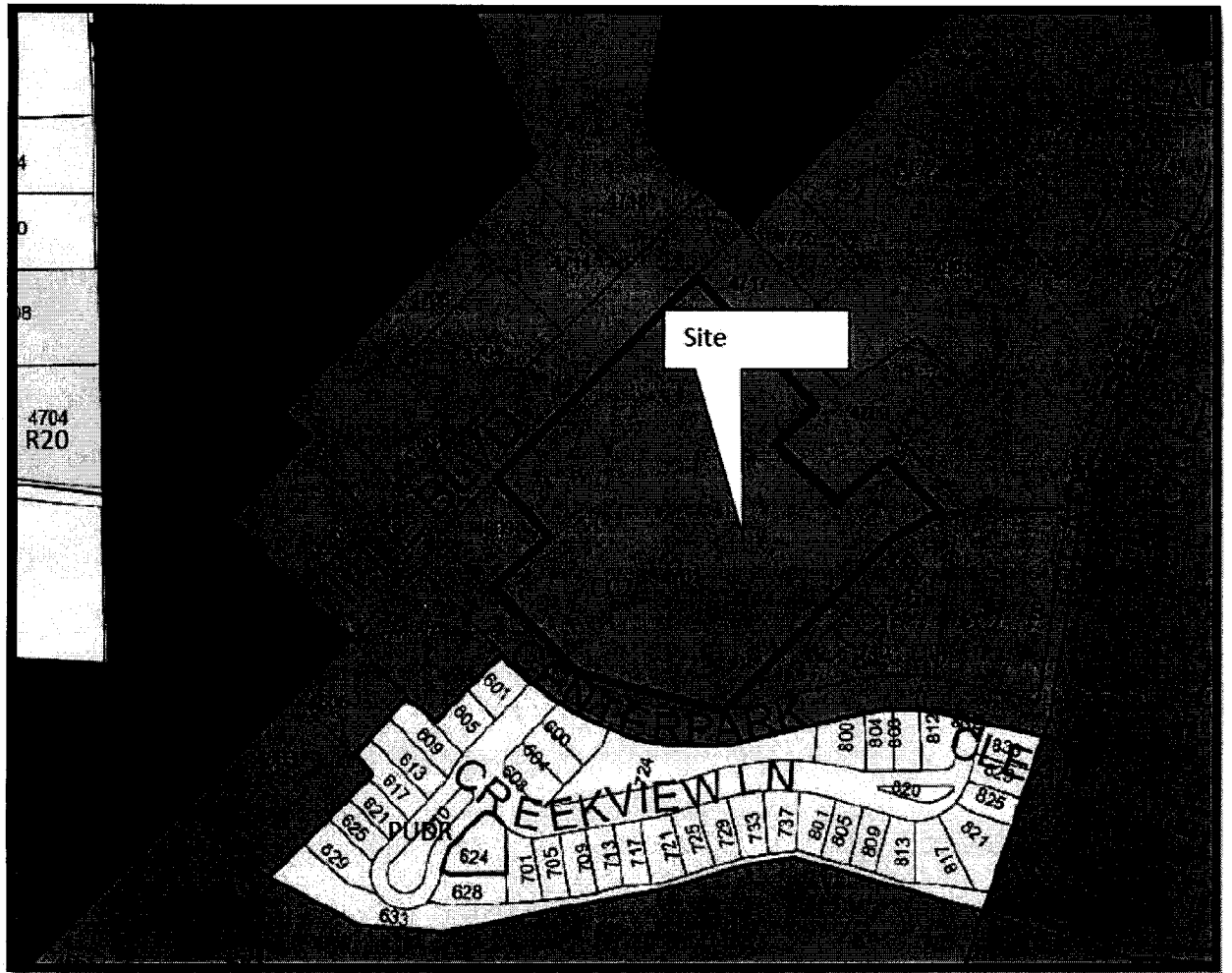


Exhibit "B" – Statement of Planning Objectives

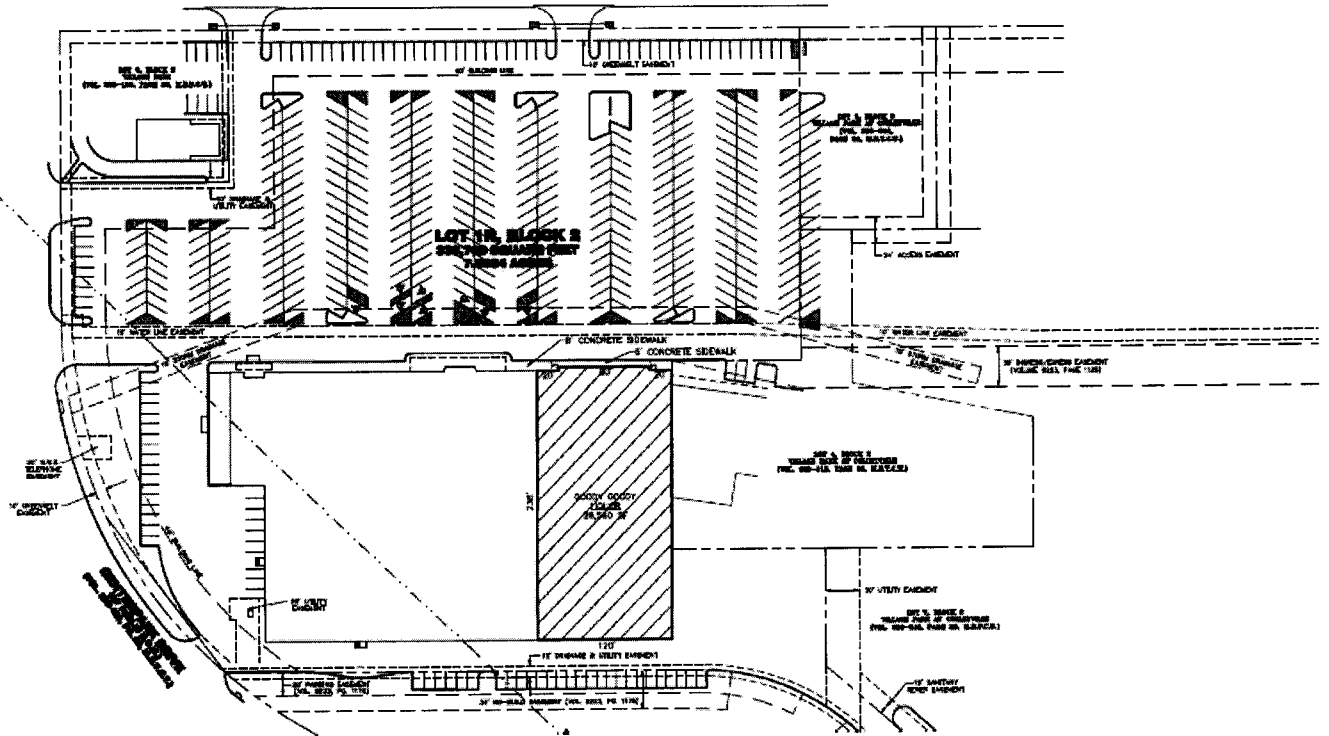
Goody Goody Liquor, inc. (The Company) has been a family owned and operated business since 1964 and is now the second largest package store chain in the state of Texas. The business model is large, clean stores with huge selections and the best pricing in the market. A store this size will carry 7,000 different products from around the world.

The proposed location is at 4701 Colleyville Blvd, which is currently being occupied by the Vineyard Antique Mall. The space will be split so that The Company will occupy 28,560 square feet. The finish out will be similar to the Companies' location on Camp Bowie Blvd. In Fort Worth, TX. Photos of that location are attached.

Application for TABC licenses will be made at the earliest possible date and will take no more than 90 days. The construction phase will take between four and five months after building permits are issued. Given this timetable, the earliest time the store could be opened would be late January or early February 2011.

The store will operate from 10 AM in the morning until 9 PM at night, 6days per week. The store will be closed on all Sundays, Thanksgiving, Christmas day, and New Years day. A store this size will start out employing fifteen people and will grow to twenty employees over the next eight years.

COLLEGEVILLE, N.Y.
FOR THE UNIVERSITY OF
THE STATE OF NEW YORK



[illegible]

[illegible]

2 FRONT ELEVATION
21'6" - 1'6"

ORDINANCE O-13-1881

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

WHEREAS, the City of Colleyville has received an application for a special use permit for the sale of alcoholic beverages for on and off-premises consumption under Case No. ZC13-009; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance in order to create a Special Use Permit for the sale of alcoholic beverages for on and off-premises consumption in accordance with the conditions of approval included in this ordinance; and

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

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

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a

view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lots 1R1, 4, 5A, 6A, 7A, and 9R, Block 2, Village Park Addition, located at 4701, 4709, 4717, 4725, 4801, and 4843 Colleyville Boulevard, by authorizing a Special Use Permit for the sale of alcoholic beverages for on-premises consumption and off-premises consumption, as depicted on Exhibit "A" and described in Exhibit "B" ("Property").
- 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 allow the sale of alcoholic beverages for on-premises consumption and off-premises consumption in accordance with the below conditions.

- b. Any restaurant located on the Property may sell alcoholic beverages (including beer, wine, and liquor) for on-premises consumption in compliance with the City's alcoholic beverage regulations.
- c. All conditions contained herein that do not specifically address the issuance of certificates of occupancy for businesses engaging in the sale of alcoholic beverages for on and off-premises consumption shall remain valid and enforceable regardless of whether a grocery store doing business under the trade name "Whole Foods Market" (or such other trade name used by Whole Foods in a majority of its other stores in the Dallas/Fort Worth market, hereafter referred to as "Whole Foods") exists on the Property.
- d. Whole Foods may sell alcoholic beverages for on-premises consumption as part of a restaurant use that is accessory or incidental to the grocery store use.
- e. A certificate of occupancy for a restaurant including the sale of alcoholic beverages for on-premises consumption as allowed by section 1(b) above may only be approved if Whole Foods exists on the Property. Provided, however, any restaurant use involving the sale of alcoholic beverages for on-premises consumption that validly obtains a certificate of occupancy in accordance with this section may continue to sell alcoholic beverages for on-premises consumption after Whole Foods ceases to exist on the Property. However, said certificate of occupancy for a restaurant that sells alcohol for on-premises consumption that is allowed to continue per the provisions of this section, "e", shall automatically expire upon the abandonment of the business, change in the use, or upon the expiration or termination of the certificate of occupancy.
- f. A variance to the 300 foot distance requirement from churches, public or private schools, or public hospitals is hereby granted by this ordinance in accordance with Section 6-3(d) of the Code of Ordinances.

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

2. LANDSCAPING AND SCREENING

- a. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages on the Property, all landscaping on the Property shall meet the requirements of Chapter 4 of the Land Development Code.
- b. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages on the Property, all dumpsters on the Property shall be enclosed and screened in accordance with Section 3.26 of the Land Development Code.

3. BUILDING DESIGN, SIGNAGE, AND PARKING

- a. The front façade of the main shopping center building shall meet the minimum requirements of Chapter 6 of the Land Development Code, except that the maximum allowance for non-masonry building accents for the front façade shall be 25 percent, as generally depicted on Exhibit “C”.
- b. No more than two “landmark signs,” as defined in Chapter 7 of the Land Development Code, shall be located on the Property. The landmark signs shall be generally consistent with the depictions in Exhibit “D”.
- c. The minimum amount of parking required for all uses on the Property is 4.5 parking spaces per 1,000 feet of gross floor area.
- d. No more than two electrical charging stations shall be allowed on the Property in conjunction with this Special Use Permit.

- Sec. 5. THAT any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

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

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

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

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

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

The map displays a residential area with the following features:

- Zoning Districts:**
 - CC-2:** Red areas, including the central 'Subject Properties' and surrounding lots.
 - CC-1:** Red areas in the upper right.
 - SH26:** Red area along the western side of the 'Subject Properties'.
 - PUD-R:** Light green areas, primarily along the southern and western edges.
 - R-MF:** Light blue areas along the eastern edge.
- Streets:**
 - Glade Road:** North boundary.
 - Creekview Ln:** South boundary.
 - Glade Creek Dr:** East boundary.
 - Lakeshore Ct:** Southeast boundary.
 - SHAD, SHADO:** West boundary.
 - Edgewater, Clear Lake:** Further east.
- Subject Properties:** A large area outlined in thick black, mostly zoned CC-2, containing several lots with numbers like 4701, 4704, 4714, 4717, 4718, 4725, 4800, 4819, 4841, 4843, 4801, 4709, 4701, 4714, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348,

Exhibit “B” – Statement of Planning Objectives

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

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

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

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

- **Restaurant Overlay District.** We are working with a number of restaurant operators whose businesses involve the sale of alcoholic beverages for on-premises consumption. In addition, Whole Foods is planning to introduce a restaurant concept within its store, and expects to sell alcoholic beverages for on-premises consumption. We would like to request a Restaurant Overlay District for Lots 1R1, 4, 5A, 6A, 7A and 9R.
- **Sale of Alcohol by Whole Foods.** Whole Foods is in the business of selling beer and wine for off-premises consumption. We would like to request permission for that activity on Lot 7A, Block 2 Village Park Addition – Colleyville.
- **Construction of New Landmark Sign.** Retailers that are interested in Colleyville Downs have demanding criteria for site selection, which include requirements of visibility, access and signage. Considering depth and slope of the parking field together with certain other issues, visibility in portions of the shopping center is limited. As a result, we will need to have the ability to offer additional signage to attract more retailers to the center. We would like to request permission to build a multi-tenant landmark sign at 4801 Colleyville Boulevard. The new landmark sign is designed to be consistent with the materials and design of the shopping center and resemble the existing landmark sign located at 4701 Colleyville Boulevard.

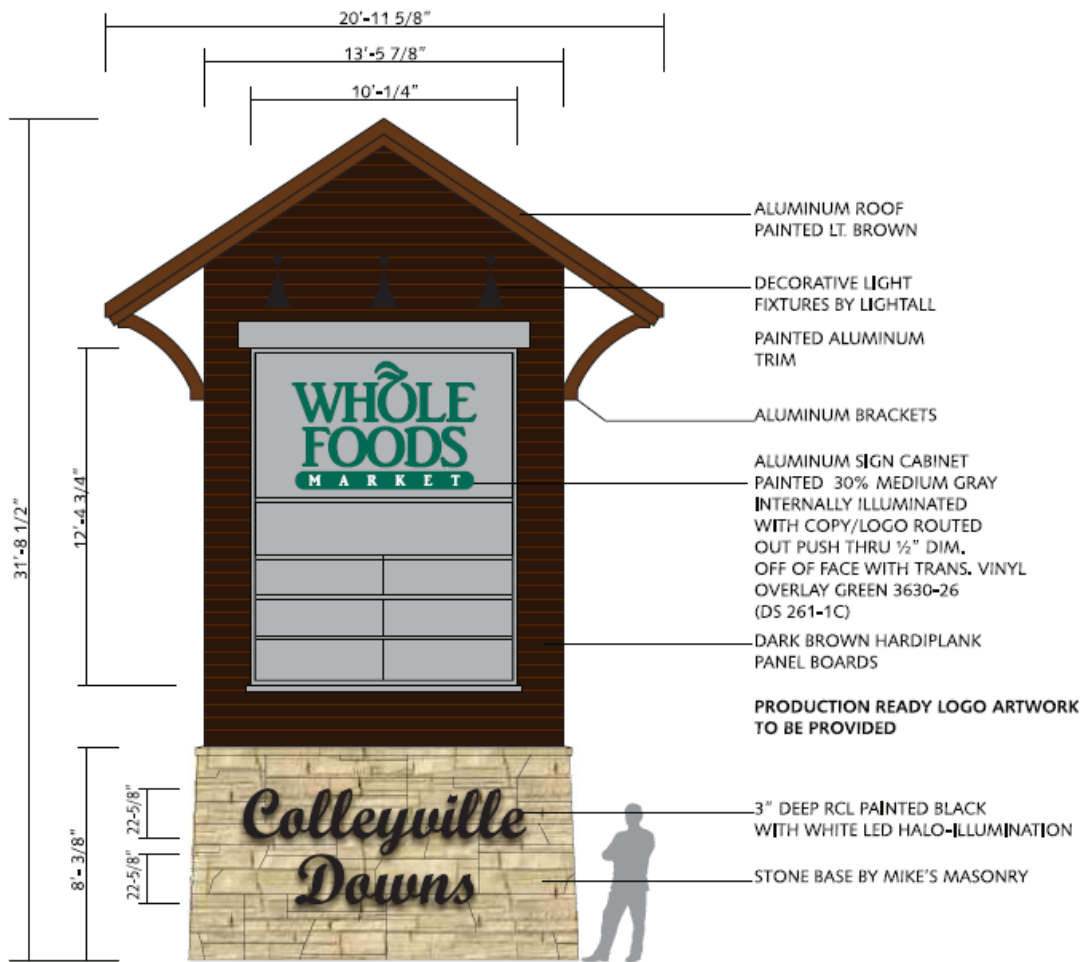
Exhibit “B” – Statement of Planning Objectives Cont.

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

Exhibit "C" – Front Façade Elevations

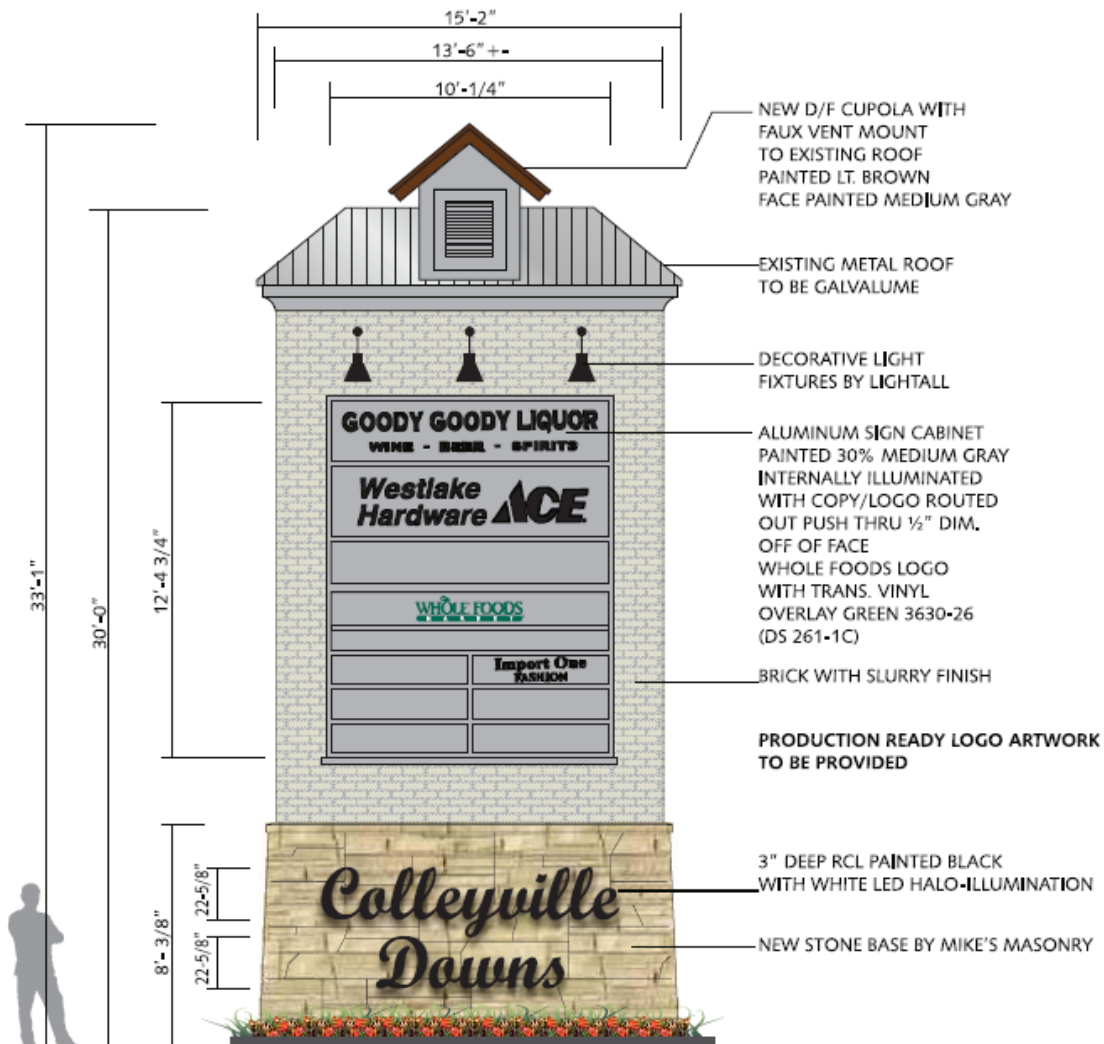


Exhibit “D” – Landmark Sign Exhibits



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

Exhibit "D" – Landmark Sign Exhibits Cont.



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

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



City of Colleyville City Council Agenda Briefing

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

Agenda Number 9

Agenda Date 10/02/2013

Type Report

Department City Secretary

Title

Historical Preservation Committee Minutes - June 13, 2013

Attachments

1. Historical Preservation Committee Minutes - June 13, 2013

HISTORICAL PRESERVATION COMMITTEE MINUTES
June 13, 2013

I. Call to order and roll call

Joe Deupree called the meeting to order at 6:31 p.m.

Present: Joe Deupree, Steve Burak, Marilyn Keith, Nancy Coplen, Walt Mills, Gigi Walker, Cynthia Phillips

Absent: Louis Miller

II. Approval of minutes from March 14, 2013 meeting

Nancy Coplen moved to approve the minutes, Gigi Walker seconded the motion. Motion passed.

III. Discussion of Bidault House briefing scheduled before City Council on June 18

Staff shared with the committee the contents of the brief being prepared for the City Council. The committee requested that we continue to use Gary Smith, who has prepared several reports on the house on behalf of the committee, to ensure that the work planned for the house reflects how it looked near the time it was built. The committee fully endorses the repairs and enhancements proposed for the Bidault House as submitted in the brief.

IV. Planning for future activities

a. *Colleyville Then & Now* promotion to realtors
No update at this time.

b. Webb House Open House (October/November)
The committee selected the date as Sunday, Nov. 3 for an open house and community picnic. Possible names included: Colleyville Homecoming, Colleyville Reunion, and Fall Back & Remember – 1912. In addition to promotion through the city newsletter, website, and e-news, the committee will also reach out to HOAs, boy/girl scout groups, and the senior community.

V. Discussion of summer schedule

Due to schedule conflicts and other activities, the committee's next meeting will be on Thursday, Sept. 12.

VI. Citizen Comments

None.

VII. Adjournment

Cynthia Phillips made a motion to adjourn; Steve Burak seconded the motion. Motion passed. Joe Deupree adjourned the meeting at 7:30 p.m.

These minutes were approved by the Historical Preservation Committee at the September 12, 2013 meeting.

RESOLUTION R-13-3679

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR
CITY COUNCIL MEETING OF
OCTOBER 2, 2013**

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

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

Sec. 1. THAT the agenda decisions approved by City Council action under Business this date and not otherwise adopted by Ordinance and/or separate Resolution as follows are hereby adopted:

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS ON THIS THE 2ND DAY OF OCTOBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor