



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, October 28, 2013

City Council Chambers

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

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

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

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

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

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

- 1. APPROVAL OF MINUTES**
October 14, 2013
- 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA AS A PUBLIC HEARING ITEM**
- 3. SWEARING IN OF NEWLY APPOINTED MEMBER**
Don Davis, Place 6

4. REGULAR AGENDA ITEMS

- 4a** Consideration of a waiver request to the sidewalk requirements on Lot 7, Block 1, of the Redus Addition located at 4509 Bowman Drive, Case GC13-019
- 4b** Approval of a final plat for 13.63 acres out of the Elizabeth Cox Survey, John H. Havens Survey and the Jesse Doss Survey located in the 4900 block of Heritage Avenue, Case PC13-010
- 4c** Approval of a final plat for 11.875 acres on Abstract 65 of the H.L. Allen Survey and Abstract 798 of the J. Harrell Survey, located at 6816 Murphy Road, Case PC13-023

5. PUBLIC HEARING AGENDA ITEMS

- 5a** Request for a zoning change from R-40 Single Family Residential to R-20 Single Family Residential on 2.547 acres of Lot B1A, A1B, B3 and B2 Block 4, of the W. C. Newton Subdivision, located at 708 W. L. D. Lockett Road, Case ZC13-015

6. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards October 25, 2013 by 5:00 p.m.

Taci Wrisley
Planning and Zoning Assistant

A quorum of the Colleyville City Council may be in attendance at this meeting.

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

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



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
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Agenda Number	Agenda Date 10/28/2013	Number
Type Approval of Minutes		
Department Community Development		

Title

October 14, 2013

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - October 14, 2013



City of Colleyville Planning and Zoning Commission Minutes

City Hall
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Monday, October 14, 2013

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on October 14, 2013 at 7:05 p.m.

Roll Call

Present: Commissioners Larry Knox, David Wheelwright, Jim Gotcher and Jeff Byerly

Absent: Commissioners Don Davis and David Phelps

Staff Present: Ron Ruthven, Taci Wrisley, Dale Crown, Rob McKeown, Marty Wieder, and Matt Butler (City Attorney)

1. APPROVAL OF MINUTES

Commissioner Wheelwright made a motion to approve the minutes as amended. Commissioner Gotcher seconded.

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

Aye: 4 – Knox, Wheelwright, Gotcher, and Byerly

2. SWEARING IN OF NEWLY APPOINTED MEMBERS

Taci Wrisley swore in newly appointed members Carel Tornes, Place 5 and Larry Knox, Place 7.

3. ELECTION OF OFFICERS

Commissioner Gotcher made a motion to elect Chairman Byerly as Chairman, Commissioner Knox as Vice-Chairman, and Taci Wrisley as Recording Secretary. Commissioner Wheelwright seconded.

The motion to elect Chairman Byerly as Chairman, Commissioner Knox as Vice-Chairman, and Taci Wrisley as Recording Secretary carried with the following vote:

Aye: 5 - Knox, Tornes, Wheelwright, Gotcher, and Byerly

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

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

5. REGULAR AGENDA ITEMS

- 5a** Approval of a preliminary plat for 53.2 acres on Tract 1G, Abstract 1038 of the Hall Medlin Survey and Tracts 1A02 & 1C, Abstract 295 of the William E Crooks Survey located at 7612 & 7624 Pleasant Run Road, Case PC13-020

Ron Ruthven presented the case and briefed the Commission.

Commissioner Knox questioned staff regarding whether the developer was requesting any waivers with this plat. Ron Ruthven replied no.

Craig Mallard, on behalf of the developer, came forward and briefed the Commission.

Commissioner Wheelwright questioned Mr. Mallard regarding the open space that was offered to the City. Mr. Mallard replied he did not believe that the City accepted their offer of the open space. Mr. Mallard further explained that part of their trail on the North end of the property would be public access; however, the remainder of the open space would be private.

Commissioner Tornos questioned Mr. Mallard regarding Lot 1 and Lot 2 being in the 100 Year Flood Plain. Mr. Mallard replied the lots would be built up during construction to remove them from the flood plain.

Commissioner Knox made a motion to approve Case PC13-020. Commissioner Wheelwright seconded.

The motion to approve Case PC13-020 carried with the following vote:

Aye: 5 - Knox, Tornos, Wheelwright, Gotcher, and Byerly

- 5b** Approval of a minor plat for 3.02 acres on Tract 2B, of Abstract 328 of the Simon Cotrail Survey, located at 5016 Montclair Drive, Case PC13-022

Ron Ruthven presented the case and briefed the Commission.

Nelson Mitchell, the property owner, came forward to answer any

questions.

Commissioner Gotcher made a motion to approve Case PC13-022. Commissioner Tornes seconded.

The motion to approve Case PC13-022 carried with the following vote:

Aye: 5 - Knox, Tornes, Wheelwright, Gotcher, and Byerly

6. PUBLIC HEARING AGENDA ITEMS

- 6a** Request for a zoning change from R-40 Single Family Residential to PUD-R-Residential on 15.4 acres of Lot 1, Block 1 of the Breezy Lake Estates, Lots 1A and 1B, Block 1 of the Meadowlake Addition and Tract 2B, McNary Acres Addition located at 1117, 1121 and 1217 W. L. D. Lockett Road and a portion of Lot 1, Block 1 of the Bear Valley Community Church Addition located at 7900 Precinct Line Road, Case ZC13-014

Commissioner Wheelwright recused himself from this item.

Ron Ruthven presented the case and briefed the Commission.

Commissioner Tornes questioned staff regarding what is just to the South of this property? Ron Ruthven replied there is a retention pond that belongs to the neighboring subdivision as open space.

The public hearing was opened at 7:28 p.m.

Curtis Young, on behalf of the Sage Group, came forward and introduced the developer.

Kosse Maykus, on behalf of Hat Creek Development, came forward and briefed the Commission.

Commissioner Tornes questioned Mr. Maykus regarding the gated secondary entrance to the development. Mr. Maykus replied the secondary gated entrance is to allow a second point of ingress and egress for emergency personnel and a second point of egress for residents only. He further explained the residents would not be able to enter the development from this gated access point.

Commissioner Byerly questioned Mr. Maykus regarding the discrepancy on the documents provided to the Commission and the presentation regarding lot width sizes. Mr. Maykus clarified that the lot width sizes would be 60 foot and 74 foot.

Commissioner Tornes questioned Mr. Maykus regarding where the property lines for Heron Pond and Reatta Place would be. Mr. Maykus replied the property lines for Heron Pond would back up to the existing property lines of Reatta Place.

Robert Nelson, 5522 Texas Trail, came forward and spoke in opposition.

Jarrold Upton, 5604 Texas Trail, came forward and spoke in opposition.

Bruce Mills, 5509 Texas Trail, came forward and spoke in opposition.

Kelly Smith, 5704 Texas Trail, came forward and spoke in opposition.

Craig Walter, 5910 Crescent Way, came forward and spoke in support.

Krystle Joyner located at 5514 Texas Trail, Karen Belford located at 5700 Texas Trail, and Christopher Belford located at 5700 Texas Trail all wished to record their opposition but did not wish to speak.

There being no one else wishing to speak, the public hearing was closed at 8:05 p.m.

Mr. Maykus came forward and addressed comments and concerns.

Commissioner Tornes questioned Mr. Maykus regarding tree preservation along W. L. D. Lockett Road. Mr. Maykus replied they would go to the site with their surveyor and flag where the sidewalk will be constructed in order to save as many trees as possible. He further explained their processes for tree preservation.

Commissioner Tornes questioned Mr. Maykus regarding drainage on the Southeast side of the property. Mr. Maykus replied there is no way drainage from their development would affect Reatta Place. He further explained he was confident there would be no drainage issues from this development.

Chairman Byerly questioned Mr. Maykus regarding whether any open space was lost with the discrepancy that was discussed previously. Mr. Maykus replied no.

Discussion occurred between Chairman Byerly, Ron Ruthven, Mr. Young, and Mr. Maykus to clarify lot width sizes.

Commissioner Tornes questioned Mr. Maykus regarding the number of floor plans that were proposed for this development. Mr. Maykus

replied they have some ideas but have not developed the floor plans yet.

Commissioner Tornes questioned Mr. Maykus regarding his willingness to limit the number of windows on second story homes. Mr. Maykus replied that while he did not see many second story homes going into this development, he would compromise and limit the number of windows allowed on the lots on the Eastern side of the development, if any second story homes were built there.

Commissioner Tornes questioned staff regarding the ability to work with the Texas Department of Transportation to configure the light that will be installed at W. L. D. Lockett Road and Precinct Line Road. Ron Ruthven replied yes.

Chairman Byerly stated this was a very good transitional development and would be happier with a development like the proposed development versus commercial.

Commissioner Gotcher echoed Chairman Byerly.

Commissioner Tornes stated as long as the windows were limited on the second story homes, the traffic light was addressed, the drainage was addressed properly, and trees were preserved he felt the development would reflect the country feel the residents love.

Commissioner Knox echoed Commissioner Tornes.

Chairman Byerly made a motion to approve Case ZC13-014 with the following conditions: (1) The minimum lots widths shall apply: Planning Area A - 74 feet, Planning Area B - 60 feet (2) Homes in Planning Area A shall contain no more than three 2nd story windows on the rear of the home (3) A minimum of two, three (3) inch caliper trees shall be planted in the front yard of every home in the development (4) For Planning Area A, the following setbacks shall apply in addition to the other setback requirements: Side yard - 7 feet, Rear yard - 30 feet. Commissioner Gotcher seconded.

Commissioner Gotcher questioned Mr. Maykus regarding the developer's agreement to not interfere with the Bear Valley Church's baseball field. Mr. Maykus replied the development will not be interfering with the baseball fields because their open space lot is adjacent to the baseball fields and there will be no amenities in this space and is not fenced in.

The motion to approve Case ZC13-014 with the following conditions: (1) The minimum lots widths shall apply: Planning

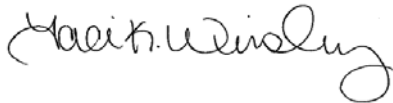
Area A - 74 feet, Planning Area B - 60 feet (2) Homes in Planning Area A shall contain no more than three 2nd story windows on the rear of the home (3) A minimum of two, three (3) inch caliper trees shall be planted in the front yard of every home in the development (4) For Planning Area A, the following setbacks shall apply in addition to the other setback requirements: Side yard - 7 feet, Rear yard - 30 feet carried with the following vote:

Aye: 4 - Knox, Tornes, Gotcher, and Byerly

7. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on October 28, 2013 by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
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Agenda Number 3a	Agenda Date 10/28/2013	Number
Type Presentation and Discussion		
Department Community Development		

Title

Don Davis, Place 6

Explanation

Recommendation

Attachments



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
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Agenda Number 4a	Agenda Date 10/28/2013	Number
Type Regular Agenda Items		
Department Community Development		

Title

Consideration of a waiver request to the sidewalk requirements on Lot 7, Block 1, of the Redus Addition located at 4509 Bowman Drive, Case GC13-019

Explanation

Nick Smith is requesting a waiver to the construction of a sidewalk for a new home located at 4509 Bowman Drive.

Summary. The newly constructed single family home triggered the sidewalk requirements.

According to the Supplemental Sidewalk System Map and the Land Development Code standards, for lots located along the north side of Bowman Drive - on which the subject property is located - construction of a five (5) foot wide sidewalk is required. The Land Development Code gives the Planning and Zoning Commission authority to review and consider all requests for waivers to the new Supplemental Sidewalk System Map and Land Development Code regulations.

According to the attached application, the applicant is requesting the variance due to the location of two large oak trees in front of the home along Bowman Drive as well as the fact that there are no other sidewalks in the neighborhood.

The applicant is requesting to pay into escrow in lieu of construction of the sidewalk.

The Planning and Zoning Commission options in this case are as follows:

- (1) Approve the waiver - This action would waive sidewalk and trail construction, which is required by the Supplemental Sidewalk System Map.
- (2) Deny the waiver - The applicant would be required to build a sidewalk and trail on the property. This option adheres to the Supplemental Sidewalk System Map recommendations.
- (3) Require Escrow - The Planning and Zoning Commission may require payment into escrow.

District Neighborhood. If the Planning and Zoning Commission gives the applicant the option for paying into escrow versus constructing the sidewalk, the monies

received will be available for any future sidewalks and/or trails located within District Neighborhood #3.

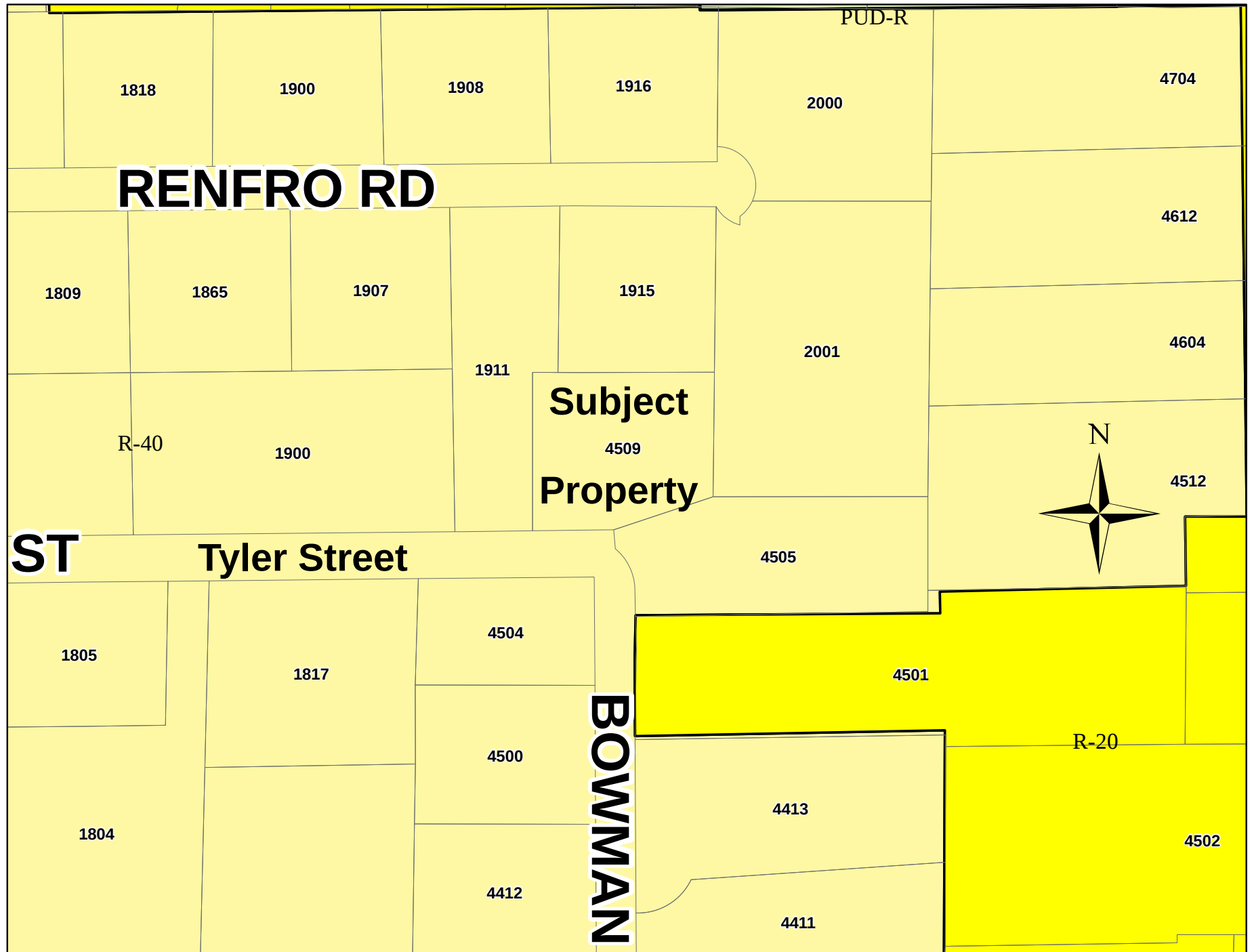
Recommendation

Denial

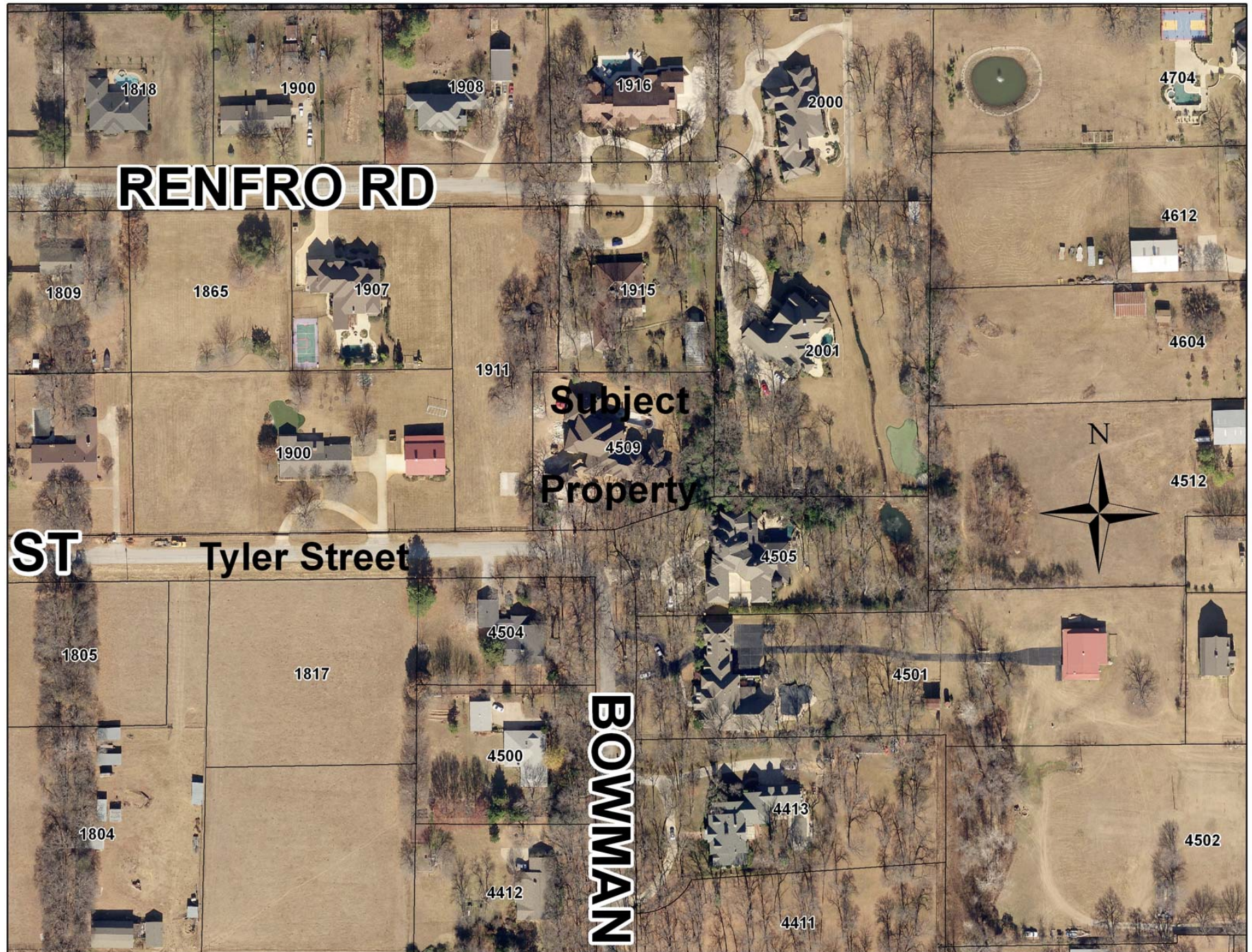
Attachments

1. Location and Zoning Map
2. Aerial
3. Supplemental Sidewalk System Map
4. Application
5. Colleyville Sidewalk Escrow Neighborhood Map

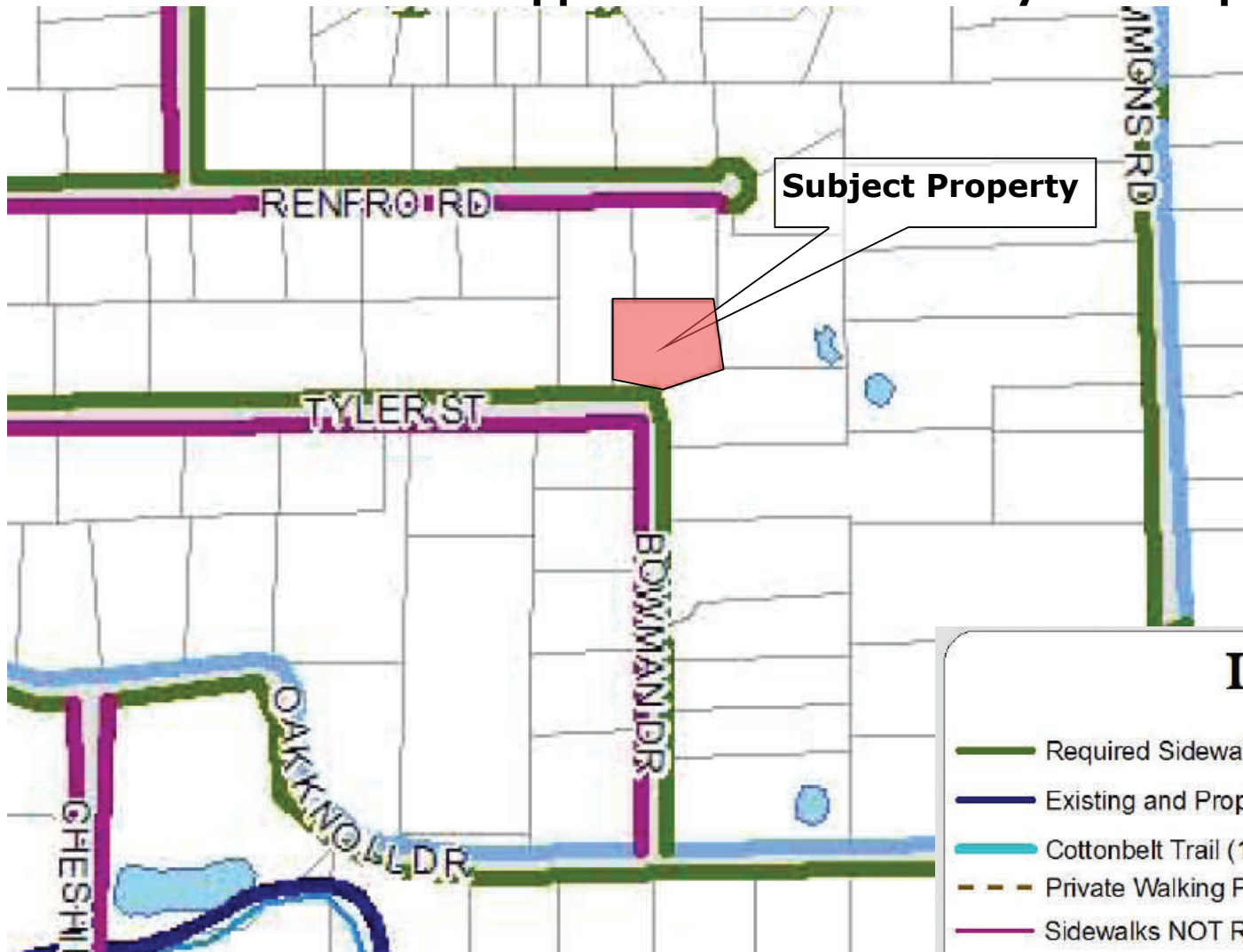
Location and Zoning Map



Aerial



Supplemental Sidewalk System Map



Legend

- Required Sidewalks (Between 4' & 6' in Width)
- Existing and Proposed Trails (Between 8' & 12' in Width)
- Cottonbelt Trail (10' Walk connect Grapevine and Hurst)
- Private Walking Paths (May be any size)
- Sidewalks NOT Required
- Escrow Option for Sidewalk
- ★ Municipal Locations
- 🌳 Parks
- 🎓 Schools
- 💧 Water Features
- City Limit
- +— Railroad

**Community Development Services
Application**

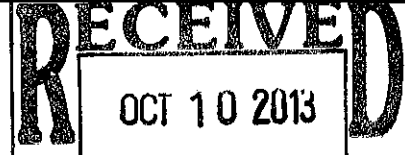
City of Colleyville
100 Main Street
Colleyville TX 76034
817.503.1050

APPLICATION TYPE

PLEASE CHECK THE APPROPRIATE BOX BELOW.

☒ Sidewalk Waiver

☐ General Waiver



PROPERTY INFORMATION

BY BUILDING DEPARTMENT

Project Name: _____

Project Address (Location): 4509 BOWMAN DRIVE

Legal Description: LOT 7 BLOCK REDUS ADDN.

Proposed Number of Lots: 1 Gross Acres: 1 Neighborhood District: _____

Existing Zoning: _____ Proposed Zoning: _____

Existing Use: _____ Proposed Use: _____

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal. See appropriate checklist and fee schedule for minimum requirements. Incomplete applications will not be processed.

APPLICANT - OWNER INFORMATION

Applicant: NICK SMITH Company: KENSINGTON

Address: 1805 MILLSTREAM CT Tel: 2149237575 Fax: 8177427422

City: WESTLAKE State: TX ZIP: 76262 Email: NICKSMITH

Applicant's Status: (check one) ☐ Owner ☒ Representative ☐ Tenant ☐ Prospective Buyer

SWATI and

Property Owner: SHRINIVAS DIGSIKAR Company: _____

Address: 6711 CARRIAGE LANE Tel: _____ Fax: _____

City: COLLEYVILLE State: TX ZIP: 76034 Email: diggikar@hotmail.

Ownership Status: (check one) ☒ Individual ☐ Trust ☐ Partnership ☐ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: [Signature] Date: 10/10/13

SIGNATURE OF PROPERTY OWNER (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

The property owner must sign the application or submit a notarized letter of authorization.

Rev: 5/10

For Departmental Use Only

Case #: GCI3-019

Total Fee(s): \$ 125.00

Receipt #: R 15098

Date Submitted: 10/10/13

Accepted By: Kgminor

Public Hearing Date: _____

SUBMITTAL REQUIREMENTS

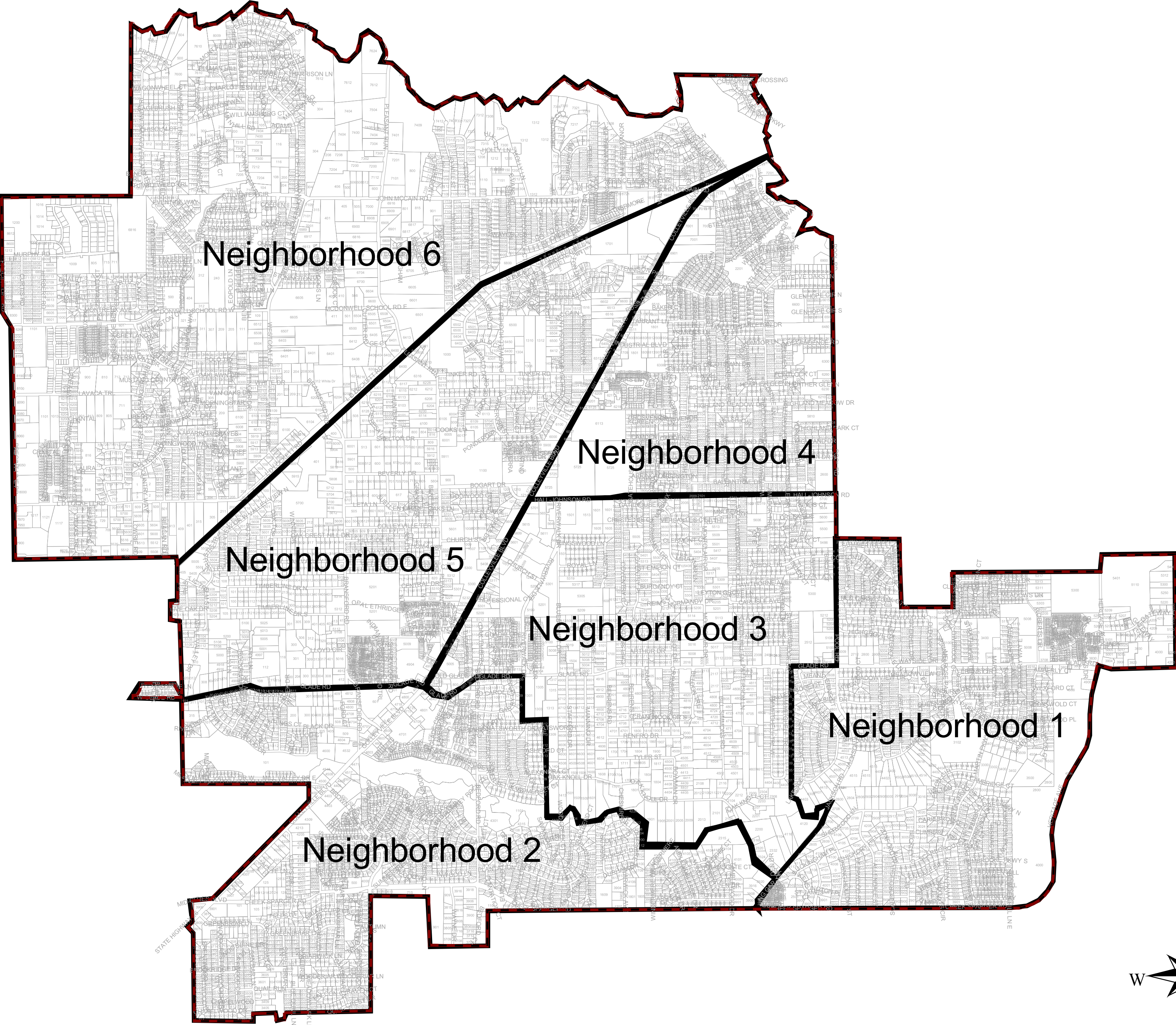
The following items must be submitted with this application, the following checklist, and the exhibit drawings:

- ☐ Two (2) Exhibit(s) for waiver request (i.e. site plan, drawings, etc.)
- ☐ ONE (1) STATEMENT OF PLANNING OBJECTIVE
- ☒ \$125 application fee

Need waiver because there are two huge oak trees that would need removing and there are no other sidewalks on this street.



Colleyville Sidewalk Escrow District Neighborhoods - 2009





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4b	Agenda Date 10/28/2013	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a final plat for 13.63 acres out of the Elizabeth Cox Survey, John H. Havens Survey and the Jesse Doss Survey located in the 4900 block of Heritage Avenue, Case PC13-010

Explanation

Paul Spain has submitted a request to approve the final plat for phase one of Creekside at Colleyville, which includes 41 single family residential lots.

The phase one detailed site plan approved at City Council on March 5, 2013 under Ordinance O-13-1866 (attached) shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a (attached). A full size copy of the site plan will be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan will be kept in the plat file for this development. The phase one final plat shall be consistent with the attached phase one detailed site plan.

The remainder of the subject property with this PUD, designated for commercial uses, is not included in the final plat and will require a separate final plat prior to any development.

The following is an analysis of the issues associated with the final plat.

Zoning. A re-zoning request for PUD-R-Planned Unit Development Residential Zoning district was originally approved by Ordinance O-07-1645.

Ordinance O-07-1645 was amended by Ordinance O-13-1866 on March 5, 2013.

The zoning requirements stated in Ordinance O-07-1645 include single-family detached residential as the primary use with a maximum density of 2.4 dwelling units per acre. The minimum lot sizes are 5,500 and 9,000 square feet, dependent on lot widths. The minimum lot widths are 70 and 50 feet.

The requirements also include commercial use. All commercial properties shall allow only uses permitted in the following zoning districts that are either; (1) State of Texas sales tax generating businesses, or (2) professional offices: CN-Neighborhood Commercial zoning district, the CC1-Village Retail zoning district, and the CC2-

Shopping Center zoning district.

Private Streets/Access. The development has primary access from Heritage Avenue. A 30 foot emergency access easement accesses Glade Road from the development. All streets serving the development must contain a minimum of 40 feet of right-of-way, measured from curb-back to curb-back, with five (5) foot easements on both sides. All streets within the subdivision will be private and maintained by the homeowners association. This development will be developed as a gated community with private streets in accordance with Chapter 10-Private Streets and Gate Entrances.

Sidewalks and Trails. Four (4) foot sidewalks will be installed in front of each residential lot within dedicated easements. The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map will be constructed by the developer along the west side of Heritage Avenue, prior to the acceptance of public improvements. Trail 24 must connect to all other trails noted on the 2005 Colleyville Pathways Plan.

Development Fees. Parkland dedication fees are required, in the amount of \$1,802 per residential lot and \$800 per acre for commercial lots. 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.

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 \$202,581 for this development. However, given the improvements to Heritage Avenue mentioned below, these fees may be eligible for offsets per the provisions of Chapter 13-Impact Fees in the Land Development Code.

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, since the developer will be responsible for improving their half of Heritage Avenue where it is adjacent to the development. These improvements will comply with the current standards of the Land Development Code and the Master Thoroughfare Plan at the time of development of the adjacent property. The Master Thoroughfare Plan designates Heritage Avenue as a Major Collector (four lane), which requires the following: 80 feet of right-of-way, 12 feet of lane width, and 48 feet of total pavement width with curbs and gutters.

Screening. An eight (8) foot masonry wall shall be built between any commercial and residential lots. An eight (8) foot masonry wall will also be built along the perimeter of the subdivision along Heritage Avenue, Glade Road, and Cheek-Sparger Road. Perimeter fencing along Heritage Avenue will only be required immediately adjacent to lots, and not be required where floodplain or open space is adjacent to Heritage

Avenue. Perimeter fencing that currently exists along the west side of the proposed development will remain.

Landscaping and Tree Preservation. Trees not located within the right-of-way or within the pad site must be preserved during construction. Before construction begins on the site, protective fencing must be installed around the drip line of all preserved trees located outside the right-of-way. Approval of a tree survey and mitigation plan shall be required prior to the issuance of a Notice to Proceed letter from the Engineering Division of the Public Works Department. Preliminary Plat Approval. The City Council approved the preliminary plat for this development on April 16, 2013.

Summary. The proposed development satisfies the requirements of PUD-R ordinances O-07-1645 and O-13-1866 and the Land Development Code. Since the plat contains more than four (4) lots, the final plat requires approval by City Council.

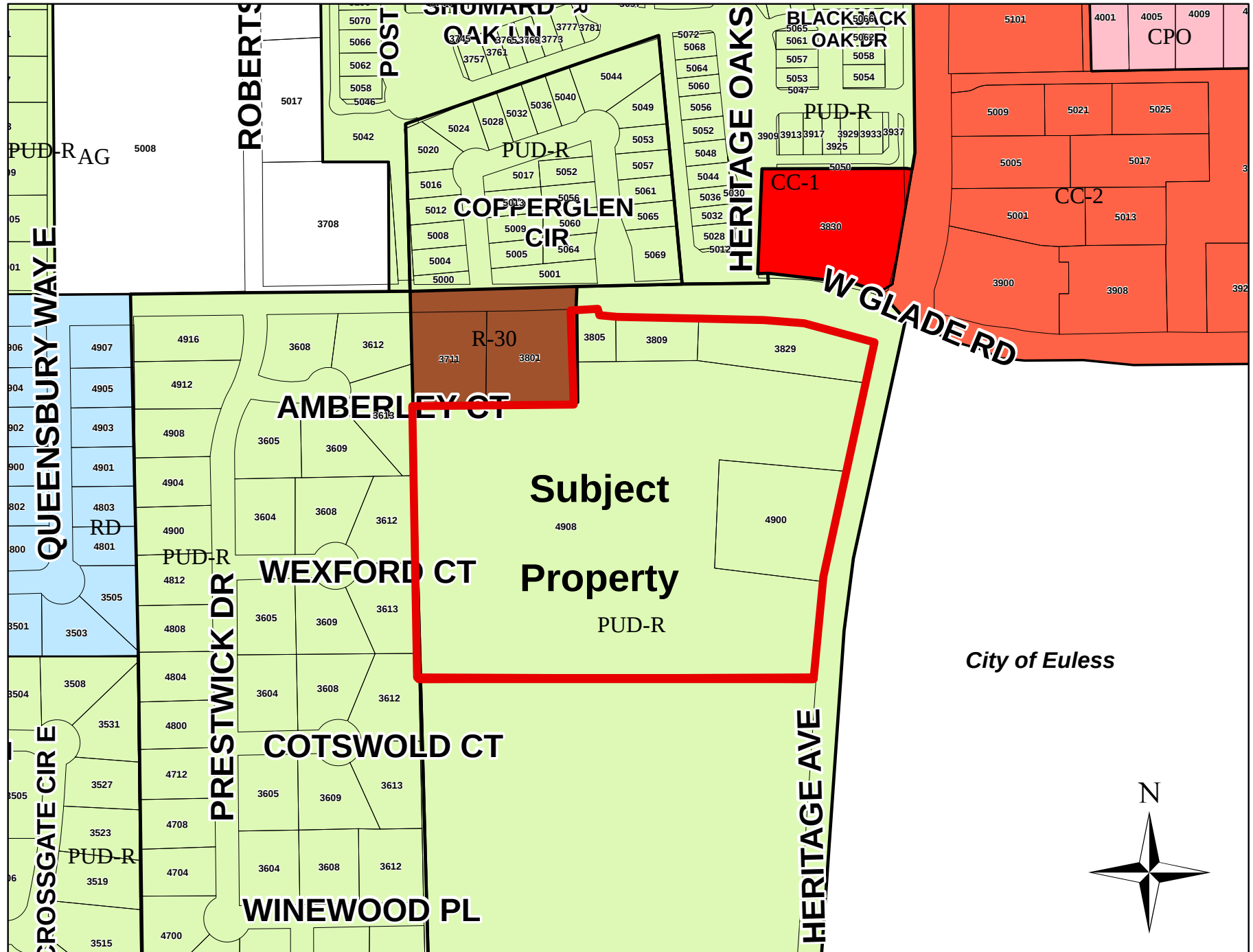
Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Final Plat Exhibit
4. Phase One Development Plan
5. Ordinance O-07-1645
6. Ordinance O-13-1866

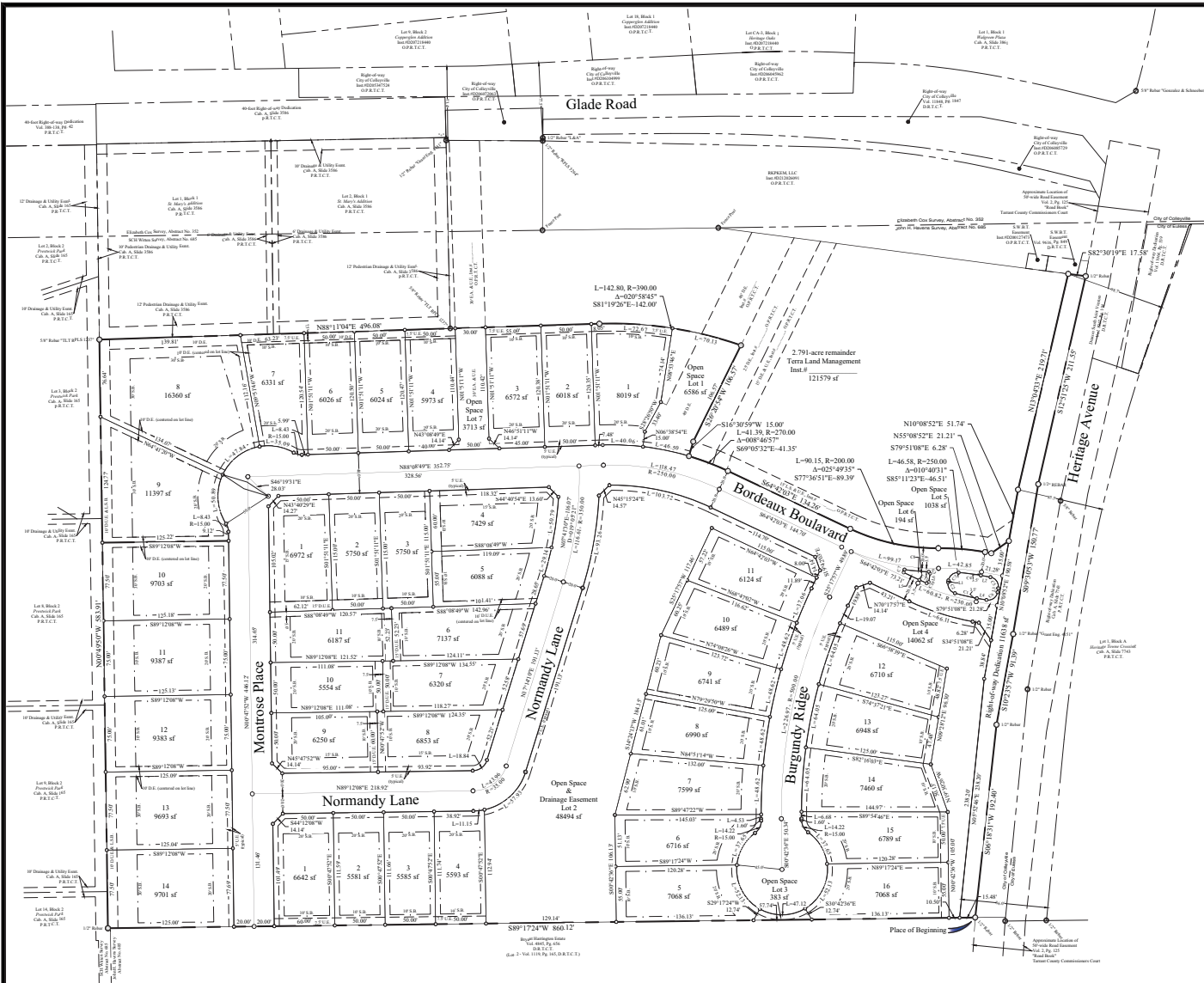
Location and Zoning Map



This is an aerial map of a residential neighborhood in Euless, Texas. A large, irregularly shaped area in the center is outlined in red and labeled "Subject Property". The surrounding area is divided into numerous residential lots, many of which are numbered. Several streets are labeled in white text: "QUEENSBURY WAY E" (vertical on the left), "CROSSGATE CIR E" (vertical on the left), "PRESTWICK DR" (vertical on the left), "COTSWOLD CT" (horizontal), "WINEWOOD PL" (horizontal), "AMBERLEY CT" (horizontal), "WEXFORD CT" (horizontal), "COPPER GLEN CIR" (horizontal), "HERITAGE OAKS" (vertical on the right), "HERITAGE AVE" (vertical on the right), and "W GLADE RD" (diagonal on the right). A large commercial building and a parking lot are visible on the right side, labeled "City of Euless". A north arrow is located in the bottom right corner of the map.



Final Plat Exhibit



JPH Land Surveying, Inc.
807 Bluebonnet Drive, Suite C
Keller, Texas 76248
Tel: (817) 431-4971 www.jphls.com
TDS-S Form #100105-00

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JPH Job No. 2013.019.001

Scale: 1" = 50'

Curve Data Table						Line Data Table	
Curve #	Asc.	Radius	Delta	Chord Bearing	Chord	Line #	Bearing
C1	22.30'	226.00'	88.21°	S77°19'19"W	22.29'	C1	1.00°
C2	13.09'	9.30'	88.21°	S77°19'19"W	22.76'	C2	1.00°
C3	13.09'	9.30'	88.21°	S77°19'19"W	22.76'	C3	1.00°
C4	22.30'	226.00'	88.21°	S77°19'19"W	22.29'	C4	1.00°
C5	13.09'	9.30'	88.21°	S77°19'19"W	22.76'	C5	1.00°
C6	13.09'	9.30'	88.21°	S77°19'19"W	22.76'	C6	1.00°
C7	4.26'	1.50'	162°51'18"	S16°43'30"W	2.97'	C7	1.00°
C8	24.14'	221.50'	88.21°	S77°19'19"W	24.13'	C8	1.00°
C9	2.57'	1.50'	68°11'00"	S38°56'38"W	2.27'	C9	1.00°
C10	2.57'	1.50'	68°11'00"	S38°56'38"W	2.27'	C10	1.00°
C11	7.75'	226.50'	88.21°	S77°19'19"W	7.75'	C11	1.00°

Legend

- CRS - 12" capped rebar stamped "JPH Land Surveying" set
- MNS - M&M Sub with a small number stamped "JPH Land Surveying" set
- D.R.T.C.T. - Deed Records, Tarrant County, Texas
- P.R.T.C.T. - Plat Records, Tarrant County, Texas
- O.P.R.T.C.T. - Official Public Records, Tarrant County, Texas
- L.S. - Landscape Easement
- L.A. - Emergency Access Easement
- U.E. - Utility Easement
- D.E. - Drainage Easement
- S.B. - Building Footprint
- D.L.E. - Drainage & Utility Easement
- L.S.E. - Landscape Buffer

Plat Notes

- According to the Flood Insurance Rate Map (FIRM) for Tarrant County, Texas and Incorporated Areas, Panel 115 of 491, Map Number 48401011E, dated September 25, 2009 as published by the Federal Emergency Management Agency (FEMA), the subject tract lies within Zone X (unshaded), which means the 1-2 percent annual chance floodplain.
- Monuments are found, unless marked CRS as MNS.
- Elevations, if shown, are based on the North American Vertical Datum of 1988 (NAVD83).
- Any easement or building line shown without reference to a recorded document, with its addition, is hereby declared by this plat.
- Side-Selfish lines are 5 feet, unless otherwise noted.

WHEREAS, **Terra Land Management** is the owner of that certain tract situated in the John H. Havens Survey, Abstract No. 685, City of Colleyville, Tarrant County, Texas according to the deed recorded under Instrument Number _____ of the Official Public Records of Tarrant County, Texas, the subject tract being a portion of the said Terra Land Management tract is more particularly described by metes & bounds as follows:

Beginning at a 1/2 inch rebar found at the southeast corner of the tract described in the deed to Samuel Mason Harrington recorded in Volume 770, Page 169 of the Deed Records of Tarrant County, Texas;

THENCE South 89 Degrees 17 Minutes 24 Seconds West, with the south line of the said Samuel Mason Harrington tract, called to be a common line with the tract described in the deed to the Bryan Harrington Estate in Volume 4845, Page 656 of the of the said Deed Records, passing at a distance of 857.79 feet a salient corner of Lot 14, Block 2 of **Prestwick Park** recorded in Cabinet A, Slide 165 of the Plat Records of Tarrant County, Texas from which a found 1/2 inch capped rebar stamped "Grant Eng. 4151" bears west 0.79 feet, and continuing on said course, a total distance of 860.12 feet to a 1/2 inch rebar found at a reentrant corner of Lot 14;

THENCE North 00 Degrees 49 Minutes 50 Seconds West, with the east line of said **Prestwick Park**, a distance of 583.91 feet to a 5/8 inch capped rebar stamped "T.L.T. RPLS 1237" found at the southeast corner of St. Mary's Addition, and continuing on said course, now through the interior of the tract described in the deed to Terra Land Management recorded under Instrument Number XXX of the Official Public Records of Tarrant County, Texas, in all, a total distance of 496.08 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set at the beginning of a tangent curve concave to the south having a radius of 390 feet;

THENCE North 88 Degrees 11 Minutes 04 Seconds East, with the south line of said St. Mary's Addition, passing at a distance of 348.07 feet to a 5/8 inch capped rebar stamped "T.L.T. RPLS 1237" found at the southeast corner of St. Mary's Addition, and continuing on said course, now through the interior of the tract described in the deed to Terra Land Management recorded under Instrument Number XXX of the Official Public Records of Tarrant County, Texas, in all, a total distance of 496.08 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set at the beginning of a tangent curve concave to the south having a radius of 390 feet;

THENCE continuing through the interior of the Terra Land Management tract to 1/2 inch capped rebar stamped "JPH Land Surveying" set, the following calls:

- In a southeasterly direction, with the arc of said tangent curve, through a central angle of 20 degrees 58 minutes 45 seconds, an arc length of 142.80 feet to the end of the tangent curve;
- SOUTH 26 degrees 20 minutes 54 seconds WEST, a distance of 106.57 feet;
- SOUTH 16 degrees 30 minutes 59 seconds WEST, a distance of 15.00 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 270.00 feet;
- In a southeasterly direction, with the arc of the said non-tangent curve, an arc length of 41.39 feet (a chord bearing of SOUTH 69 degrees 05 minutes 32 seconds EAST, a chord distance of 41.35 feet to the end of the said non-tangent curve;
- SOUTH 64 degrees 42 minutes 03 seconds EAST, a distance of 134.26 feet to the beginning of a tangent curve concave to the north having a radius of 200.00 feet;
- In a southeasterly direction, with the arc of the said tangent curve, through a central angle of 25 degrees 49 minutes 35 seconds, an arc length of 90.15 feet to the beginning of a reverse curve concave to the south having a radius of 250.00 feet;
- In a southeast direction, with the arc of the said reverse curve, through a central angle of 10 degrees 40 minutes 31 seconds, an arc length of 46.58 feet to the end of the reverse curve;
- SOUTH 76 degrees 51 minutes 08 seconds EAST, a distance of 6.26 feet;
- NORTH 55 degrees 08 minutes 52 seconds EAST, a distance of 21.21 feet;
- NORTH 13 degrees 04 minutes 33 seconds EAST, a distance of 219.71 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set in the south tract described in the deed to RKPKEM, LLC recorded under Instrument No. D212026091 of the Official Public Records of Tarrant County, Texas;

THENCE SOUTH 82 degrees 30 minutes 19 seconds EAST, with the said south line of the RKPKEM, LLC tract, a distance of 17.58 feet to a 1/2 inch rebar found at the most easterly northeast corner of the said Samuel Mason Harrington tract;

THENCE South 12 Degrees 51 Minutes 25 Seconds West, with the east line of the Samuel Mason Harrington tract, a distance of 211.55 feet to a 1/2 inch rebar found at the northeast corner of the tract described in the deed to Randy G. Petty & wife, Cand S. Petty recorded in Volume 11040, Page 575 of the said Deed Records;

THENCE South 09 Degrees 30 Minutes 53 Seconds West, with the east line of the said Petty tract, a distance of 150.77 feet to a 1/2 inch rebar found at a corner of the Petty tract;

THENCE South 10 Degrees 23 Minutes 57 Seconds West, continuing with the east line of the Petty tract, a distance of 91.39 feet to a 1/2 inch rebar found at a salient corner of the Samuel Mason Harrington tract;

THENCE South 06 Degrees 18 Minutes 31 Seconds West, with the east line of the Samuel Mason Harrington tract, a distance of 192.40 feet returning to the Place of Beginning and enclosing at total of 10,849 acres (472,568 + square feet).

Basis of Bearings: Grid Bearing of the Texas Coordinate System of 1983, North Central Zone 4202 (south line).

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS: That **Terra Land Management**, through the undersigned, its duly authorized representative, does hereby adopt this plat designating the hereinbefore described property as **Creekside**, and address in the City of Colleyville, Tarrant County, Texas, and does hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all planning ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness our hands this ____ day of ____, 2013.

Owner's Representative _____

STATE OF TEXAS §
COUNTY OF TARRANT §

Before me, the undersigned Notary Public in and for said county and State on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this ____ day of ____, 2013.

Notary Public in and for the State of Texas _____ My commission expires _____

Surveyor's Certificate
I, Jewel Chadd, a Registered Professional Land Surveyor of the State of Texas hereby state, to the best of my knowledge and belief, this plat was prepared from an on-the-ground survey of the land and the corner monuments are found or set as indicated.

Preliminary, this document is not to be recorded for any purpose.

Jewel Chadd
Registered Professional
Land Surveyor, No. 5754
Date: _____

Planning and Zoning Commission Approval
WHEREAS the Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this ____ day of ____, 2013, to approve this plat.

Chairman, Planning and Zoning Commission _____

Attest: Secretary, Planning and Zoning Commission _____

City Council Approval
WHEREAS the City Council of the City of Colleyville, Texas voted affirmatively on this ____ day of ____, 2013, to approve this plat.

Mayor, City of Colleyville _____

Attest: City Secretary _____

VICINITY MAP
NOT TO SCALE



John H. Havens Survey, Abstract No. 685
City of Colleyville
Tarrant County, Texas
41 Residential Lots / 7 Open Space Lots

This plat recorded under Instrument No. D ____ O.P.R.T.C.T.

ORDINANCE O-07-1645

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 108.5 ACRES OUT OF THE ELIZABETH COX SURVEY, ABSTRACT 352, THE JOHN H. HAVENS SURVEY, ABSTRACT 685, THE JESSE DOSS SURVEY, ABSTRACT 441, AND THE S.C.H. WITTEN SURVEY, ABSTRACT 1734, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO PUDR-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. Z-07-008; 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 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 by reference 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 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 from the AG-Agricultural zoning district to PUDR-Planned Unit Development Residential zoning district, as depicted on Exhibit "A" labeled Location and Zoning Map and as described on Exhibit "B" labeled Legal Description.
- 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 PUDR is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 2.4 dwelling units per acre. There shall be no more than 269 single-family residential lots.
- b. Commercial lots shall be permitted along the frontage of Heritage Avenue.
- c. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where specifically amended by this Ordinance.

2. CONCEPTUAL PLAN, SITE PLAN, AND PLATTING

- a. The development shall be generally consistent with this Ordinance and the Conceptual Site Plan, labeled as Exhibit "C", which shall not be

considered a plat. The developer shall submit and receive approval from the City for any amendment to the Site Plan in accordance with the phasing of the development of any portion of this PUDR. A detailed Site Plan submission shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with this Ordinance, and may also be required to show additional conditions provided in Section 3.23 M.b. of the Land Development Code. Further, such detailed site plan(s) shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

- 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. All commercial properties shall allow only uses permitted in the following zoning districts that are; (1) either State of Texas sales tax generating businesses, or (2) professional offices: CN-Neighborhood Commercial zoning district, the CC1-Village Retail zoning district and the CC2-Shopping Center zoning district.

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Residential lot requirements and setbacks shall comply with the following provisions. Planning Area "A" refers to lots adjacent to western property line.

Planning Area "A"

- | | |
|----------------------------|--|
| a. Minimum Lot Size | 9,000 square feet |
| b. Minimum Lot Width | 70 feet |
| c. Minimum Lot Depth | 120 feet |
| d. Front Building Line | 20 feet; or 15 feet for a front swing garage |
| e. Side Building Line | 5 feet |
| f. Rear Building Line | 30 feet |
| g. Maximum Building Height | 40 feet |
| h. Maximum Lot Coverage | 65% |

Planning Area "B"

a. Average Lot Size	5,500 square feet
b. Minimum Lot Size	5,000 square feet
c. Minimum Lot Width	50 feet
d. Minimum Lot Depth	105 feet
e. Front Building Line	20 feet; or 15 feet for a front swing garage
f. Side Building Line	0, 1 or 9 feet with a 10 foot minimum between buildings
g. Rear Building Line	10 feet
h. Maximum Building Height	40 feet
i. Maximum Lot Coverage	65%

5. OPEN SPACE AND LANDSCAPE BUFFER

- a. A 10 foot wide landscape buffer shall be designated along the entire western property line. No structures may be constructed within the landscape buffer. The landscape buffer shall be incorporated in the rear lots of Planning Area "A". Such landscape buffer shall is not an open space lot. Chapter 5 of the Land Development Code applies to this landscape buffer in particular and the development as a whole. In addition, the Section 5.9 Tree Replacement Requirements shall apply to any replacement tree greater than three (3) inches in diameter which is substantially damaged or which dies within two (2) years of final inspection.
- b. Open space lots shall be maintained by the Homeowners Association.
- c. The following amenities are permitted in the open space lots: picnic tables, benches, playground equipment, concrete and crushed granite walking paths, a gazebo, an arbor, other garden type built elements including a fireplace, fountains, lights and a dock and pier. These amenities shall be owned and maintained by a homeowners association.

6. PRIVATE SIDEWALKS AND STREETS

- a. A ten (10) foot wide concrete trail approximately 1.2 miles long shall be constructed on-site along with all other public improvements as part of this development between Glade Road and Cheek Sparger Road and prior to the time of Final Plat. The City Manager or his designee may approve a reduced trail width of eight (8) feet if necessary based upon topographic, landscape, or other issues. Such trail shall be included as part of any Site Plan submittal, and shall be consistent with the City's then existing Master Trail Plan.

7. SCREENING

- a. An eight (8) foot masonry wall shall be built between any commercial and residential lots.
- b. An eight (8) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road and Cheek Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. The standards and detail for such wall shall be included as part of the detailed Site Plan.
- c. Perimeter fencing along Heritage Avenue shall only be required immediately adjacent to lots, and not be required along where floodplain or open space is adjacent to Heritage Avenue.

8. OTHER

- a. Ingress and Egress from Winewood Place shall be restricted to access by emergency vehicles only.
- b. The number of lots allowed with frontage on a cul-de-sac street shall adhere to the requirements of the Land Development Code.
- c. The portion of the development located south of Little Bear Creek shall have a minimum of two (2) points of public vehicular ingress and egress from Cheek Sparger Road and/or Heritage Avenue.
- d. There shall be no direct access onto Glade Road from this development.
- e. There shall be no single family uses allowed adjacent to Heritage Avenue where there are, as of the passage of this ordinance, existing commercial uses directly across Heritage Avenue within the City of Euless.
- f. Retaining walls that are adjacent to residential lots shall be constructed with a stone facade.

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 specifically 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 16th day of October 2007.

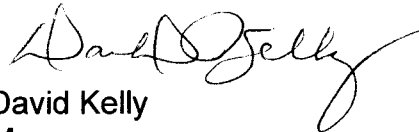
The second reading and public hearing being conducted on the 6th day of November 2007.

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

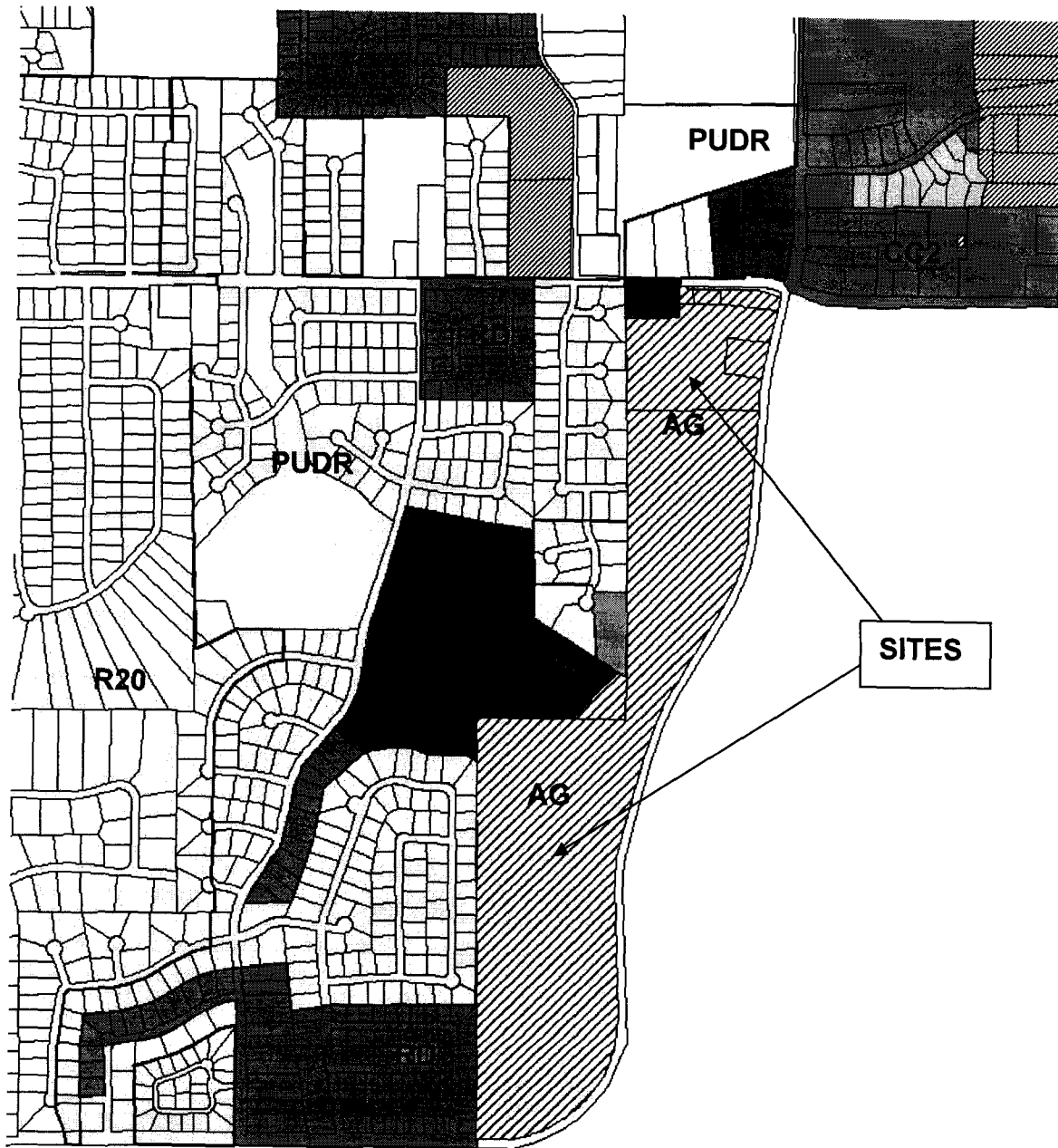


Exhibit "B" Legal Description

**CREEKSIDE AT COLLEYVILLE (PUD-R)
108.5 ACRE ZONING TRACT**

BEING A 108.5 ACRE TRACT OF LAND SITUATED IN THE ELIZABETH COX SURVEY, ABSTRACT NO. 352, THE JOHN H. HAVENS SURVEY, ABSTRACT NO. 685, THE JESSE DOSS SURVEY, ABSTRACT NO. 441 AND THE S.C.H. WITTEN SURVEY, ABSTRACT NO. 1734, CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS. SAID 108.5 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT NEAR THE INTERSECTION OF THE CENTERLINE OF GLADE ROAD AND THE INTERSECTION OF;

THENCE S 09°46'23" W, OVER AND ACROSS SAID GLADE ROAD AND HERITAGE AVENUE, A DISTANCE OF 99.73 FEET TO A POINT FOR CORNER IN THE EAST RIGHT-OF-WAY (R.O.W.) LINE OF SAID HERITAGE AVENUE;

THENCE ALONG THE EAST LINE OF SAID HERITAGE AVENUE THE FOLLOWING COURSES AND DISTANCES;

S 12°21'40" W, A DISTANCE OF 447.71 FEET TO A POINT FOR CORNER;

S 05°25'11" W, A DISTANCE OF 195.30 FEET TO A POINT FOR CORNER;

S 04°21'00" W, A DISTANCE OF 720.00 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 27°31'41", A RADIUS OF 1121.05 FEET, AN ARC LENGTH OF 538.62 FEET, A CHORD BEARING OF S 17°31'00" W, AND A CHORD LENGTH OF 533.45 FEET TO A POINT FOR CORNER;

S 30°41'03" W, A DISTANCE OF 515.89 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 15°51'46", A RADIUS OF 2840.34 FEET, AN ARC LENGTH OF 786.37 FEET, A CHORD BEARING OF S 22°45'00" W, AND A CHORD LENGTH OF 783.86 FEET TO A POINT FOR CORNER;

S 14°48'57" W, A DISTANCE OF 308.22 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 16°05'15", A RADIUS OF 1407.20 FEET, AN ARC LENGTH OF 395.12 FEET, A CHORD BEARING OF S 06°46'30" W, AND A CHORD LENGTH OF 393.82 FEET TO A POINT FOR CORNER;

S 00°46'00" E, A DISTANCE OF 772.57 FEET TO A POINT FOR CORNER;

RECEIVED

FEB 06 2007

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 70°04'32", A RADIUS OF 843.50 FEET, AN ARC LENGTH OF 1031.64 FEET, A CHORD BEARING OF S 33°59'27" W, AND A CHORD LENGTH OF 968.53 FEET TO A POINT FOR CORNER AT THE INTERSECTION OF THE NORTH R.O.W. LINE OF CHEEK SPARGER ROAD;

THENCE S 89°18'56" W, ALONG THE NORTH R.O.W. LINE OF SAID CHEEK SPARGER ROAD, A DISTANCE OF 437.70 FEET TO A POINT FOR THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED AS PACEL 1 IN DEED TO SPARGER FAMILY LIMITED PARTNERSHIP RECORDED IN VOLUME 16472, PAGE 390 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS (D.R.T.C.T.);

THENCE N 00°01'23" W, ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 2658.46 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID PARCEL 1;

THENCE S 89°02'53" E, ALONG THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 549.10 FEET TO A POINT FOR CORNER;

THENCE LEAVING THE NORTH LINE OF SAID PARCEL 1 THE FOLLOWING COURSES AND DISTANCES;

N 44°32'16" E, A DISTANCE OF 504.74 FEET TO A POINT FOR CORNER;

S 58°08'37" E, A DISTANCE OF 82.37 FEET TO A POINT FOR CORNER IN THE WEST LINE OF A CALLED 136.34 ACRE TRACT OF LAND DESCRIBED IN DEED TO SPARGER FAMILY LIMITED PARTNERSHIP PARTNERSHIP RECORDED IN VOLUME 16472, PAGE 390 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS (D.R.T.C.T.);

THENCE N 00°39'20" E, ALONG SAID WEST LINE, A DISTANCE OF 541.65 FEET TO A POINT FOR CORNER;

THENCE N 00°15'08" E, A DISTANCE OF 443.19 FEET TO A POINT FOR CORNER;

THENCE N 00°28'33" W, A DISTANCE OF 1306.92 FEET TO A POINT FOR CORNER;

THENCE S 89°50'41" E, A DISTANCE OF 344.46 FEET TO A POINT FOR CORNER;

THENCE N 00°09'51" W, A DISTANCE OF 225.22 FEET TO A POINT FOR CORNER;

THENCE N 88°42'20" E, A DISTANCE OF 22.07 FEET TO A POINT FOR CORNER;

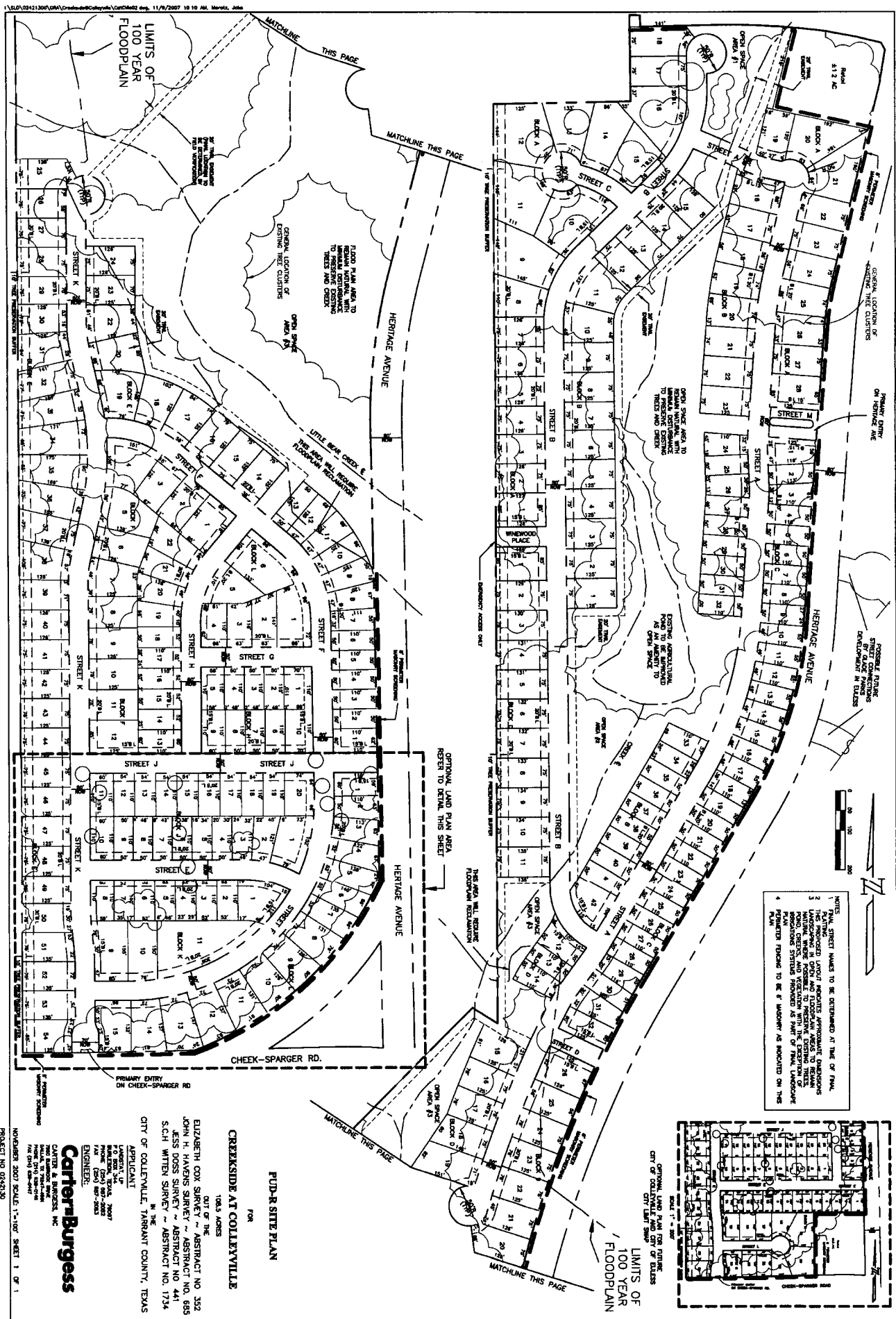
THENCE S 00°27'31" E, A DISTANCE OF 28.94 FEET TO A POINT FOR CORNER;

THENCE N 89°23'34" E, A DISTANCE OF 195.12 FEET TO A POINT FOR CORNER;

THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 13°35'47", A RADIUS OF 1587.18 FEET, AN ARC LENGTH OF 376.64 FEET, A CHORD BEARING OF S 84°20'11" E, AND A CHORD LENGTH OF 375.76 FEET TO A POINT FOR CORNER;

THENCE S 76°13'22" E, A DISTANCE OF 105.52 FEET TO THE POINT OF BEGINNING, AND CONTAINING 108.5 ACRES OF LAND, MORE OR LESS.

Exhibit "C" - Conceptual Site Plan



CREEKSIDE AT COLLEYVILLE

ORDINANCE O-13-1866

AN ORDINANCE AMENDING ORDINANCE O-07-1645 CONDITIONS; 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 Council approved Ordinance O-07-1645 on November 27, 2007, to establish the zoning of 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, The John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 under case Z07-0008; and

WHEREAS, the applicant has requested an amendment to Ordinance O-07-1645 to further amend the commercial zoning requirements at the southwest corner of Glade Road and Heritage Avenue; to amend the trail location requirements within the development; and to submit a detailed site plan for 14.75 acres of the development per the requirements of Section 4(2)a under Ordinance O-07-1645, under Case ZC12-031; 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 Ordinance O-07-1645 conditions.
- Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending the zoning and development requirements on 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 as depicted on the attached Exhibit "A".
- Sec. 4. 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. 5. THAT the above described tract of land shall be subject to the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

- a. Exhibit "B" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a. A full size copy of the site plan shall be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan shall be kept in the plat file for this development. The phase one final plat shall be consistent with Exhibit "B".
- b. The remainder of the subject property within this PUD shall be required to submit a detailed site plan per Section 4(2)a of Ordinance O-07-1645 prior to the submission of a final plat.

2. GENERAL AMENDMENTS

- a. Sections 4(8) "d" and "e" of Ordinance O-07-1645 are hereby deleted.
- b. The maximum building height in this development shall not exceed 35 feet.
- c. The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map shall be constructed by the developer along the west side of Heritage Avenue prior to the acceptance of public improvements. Trail 24 must connect to all other trails noted on the 2005 Colleyville Pathways Plan.
- d. This development may be developed as a gated community with private streets in accordance with Chapter 10-Private Streets and Gate Entrances of the Land Development Code.
- e. The developer shall improve Heritage Avenue where it is adjacent to the development to the current standards of the Land Development Code and the Master Thoroughfare Plan at the time of development of the adjacent property. There shall be no option to escrow said construction costs as a perimeter street fee for future roadway improvements.

- 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 all provisions of Ordinance O-07-1645 and the Land Development Code shall remain in full force and effect, except where amended herein.
- Sec. 10. 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 19th day of February 2013.

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

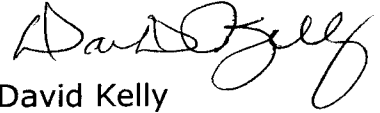
PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 5th day of March 2013.

ATTEST:



Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" -Location and Zoning Map

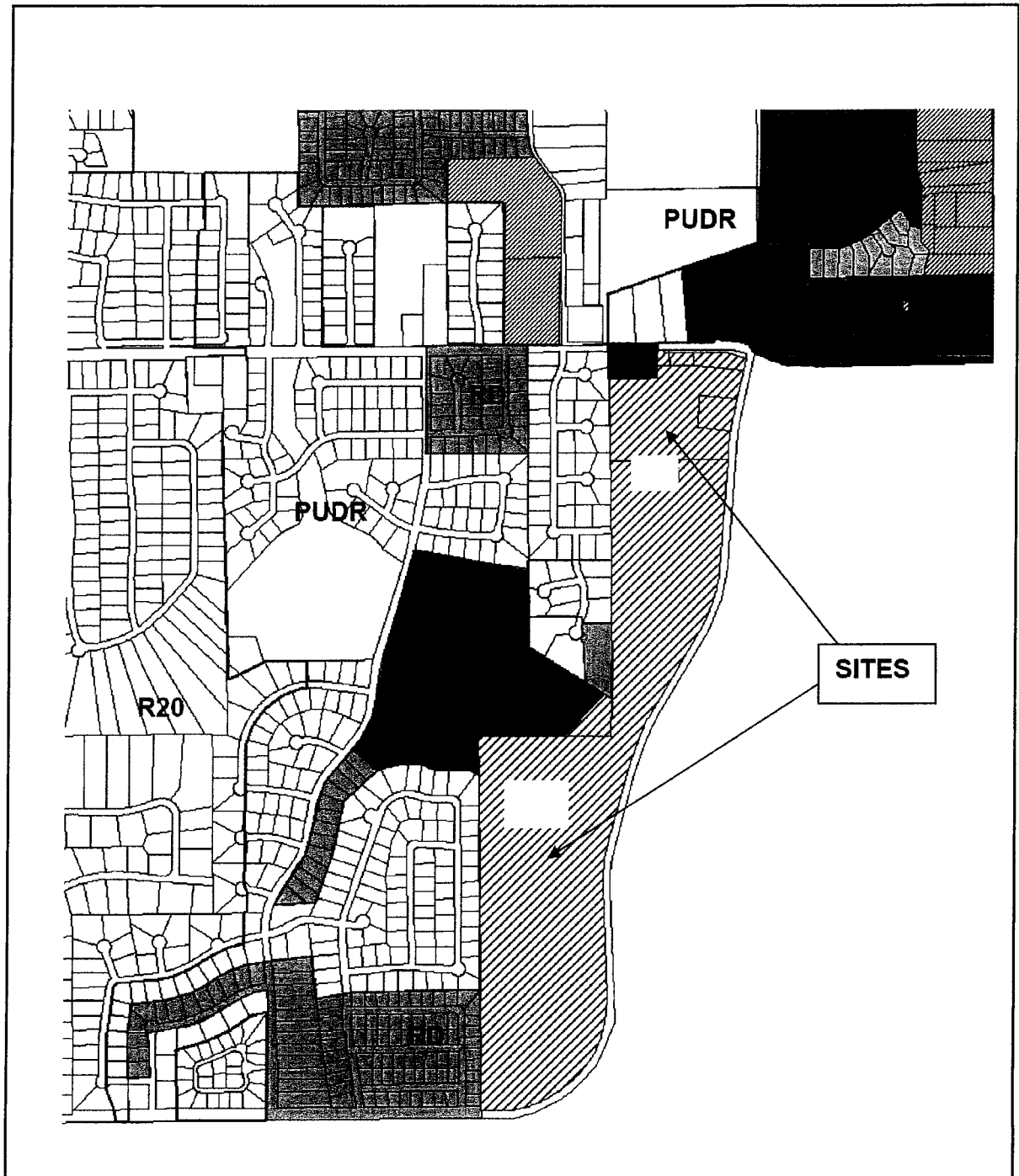
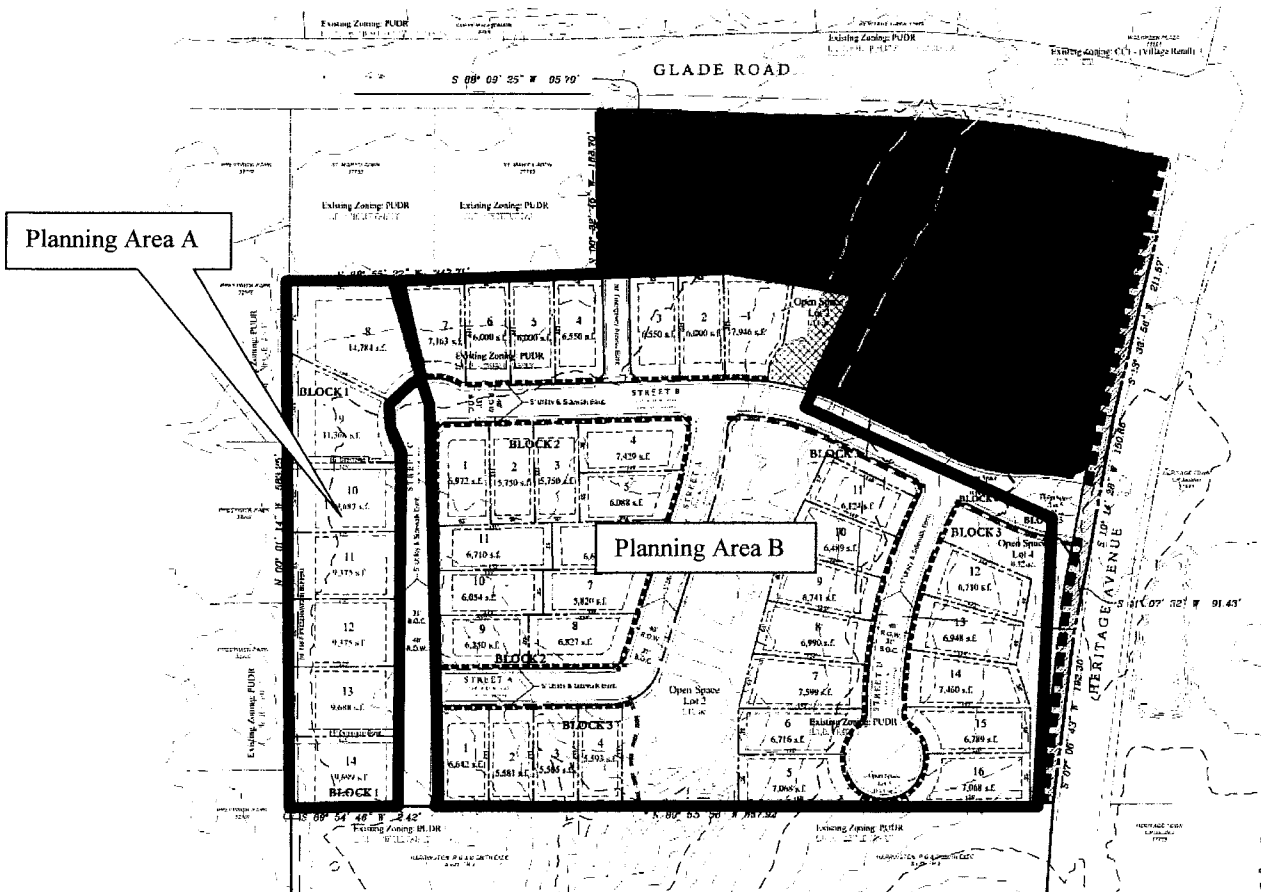


Exhibit "B" Detailed Site Plan





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4c	Agenda Date 10/28/2013	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a final plat for 11.875 acres on Abstract 65 of the H.L. Allen Survey and Abstract 798 of the J. Harrell Survey, located at 6816 Murphy Road, Case PC13-023

Explanation

Toll Brothers, Inc. has submitted a request to approve the final plat for phase 2A-1 of The Reserve at Colleyville, which includes 23 single family residential lots and one open space lot.

The preliminary plat (attached) and final plat for phase one (attached) of The Reserve was approved by the City Council on December 18, 2007.

Zoning. The Reserve at Colleyville is zoned PUDR under Ordinance O-99-1153 (attached). This ordinance also includes the Whittier Heights and Old Grove developments. The following development conditoinis apply to The Reserve:

- Minimum lot size: 13,000 square feet
- Average lot size: 16,000 square feet.
- Front setback: 30 feet; On lots with an area of less than 16,000 square feet, front yard setbacks may be 25 feet
- Rear setback: 25 feet; or 10 feet on lots that are less than 16,000 square feet in size.
- Side yard setback: One side yard of any lot may be as narrow as six (6) feet, provided the total width of any two adjacent side yards shall not be less than twenty (20) feet.

The plat meets the zoning requirements of Ordinance O-99-1153 and the Land Development Code.

Riverpath Access to Whitter Heights. On October 1, 2012 the City Council approved a City/Developer agreement that allows the developer to install an emergency access gate at the boundary of The Reserve and the Whittier Heights developments across Riverpath. The gate will be constructed upon completion of the extension of Riverpath. A replat of Whittier Heights was also approved on October 1,

2012 dedicating an emergency access easement that allows Riverpath to connect to both developments.

The Land Development Code requires the roadway within the emergency access easement to be constructed of concrete and be a minimum of 24 feet in width.

Development Fees. Parkland dedication fees are required, in the amount of \$1,802 per residential lot. 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.

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 \$113,643 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.

Sidewalks and Trails. All new streets require a minimum four foot sidewalk to be installed by the homebuilder prior to the final inspection. Trail 29 on the Colleyville Pathways Plan is required to be constructed along the north side of Murphy Road and then north along Shubert on the west side of the street. The trail must be a minimum of eight feet in width and constructed by the homebuilder of the adjacent lot prior to the final inspection.

Summary. The proposed development satisfies the requirements of PUD-R ordinance O-99-1153 and the Land Development Code. Since the plat contains more than four (4) lots, the final plat requires approval by City Council.

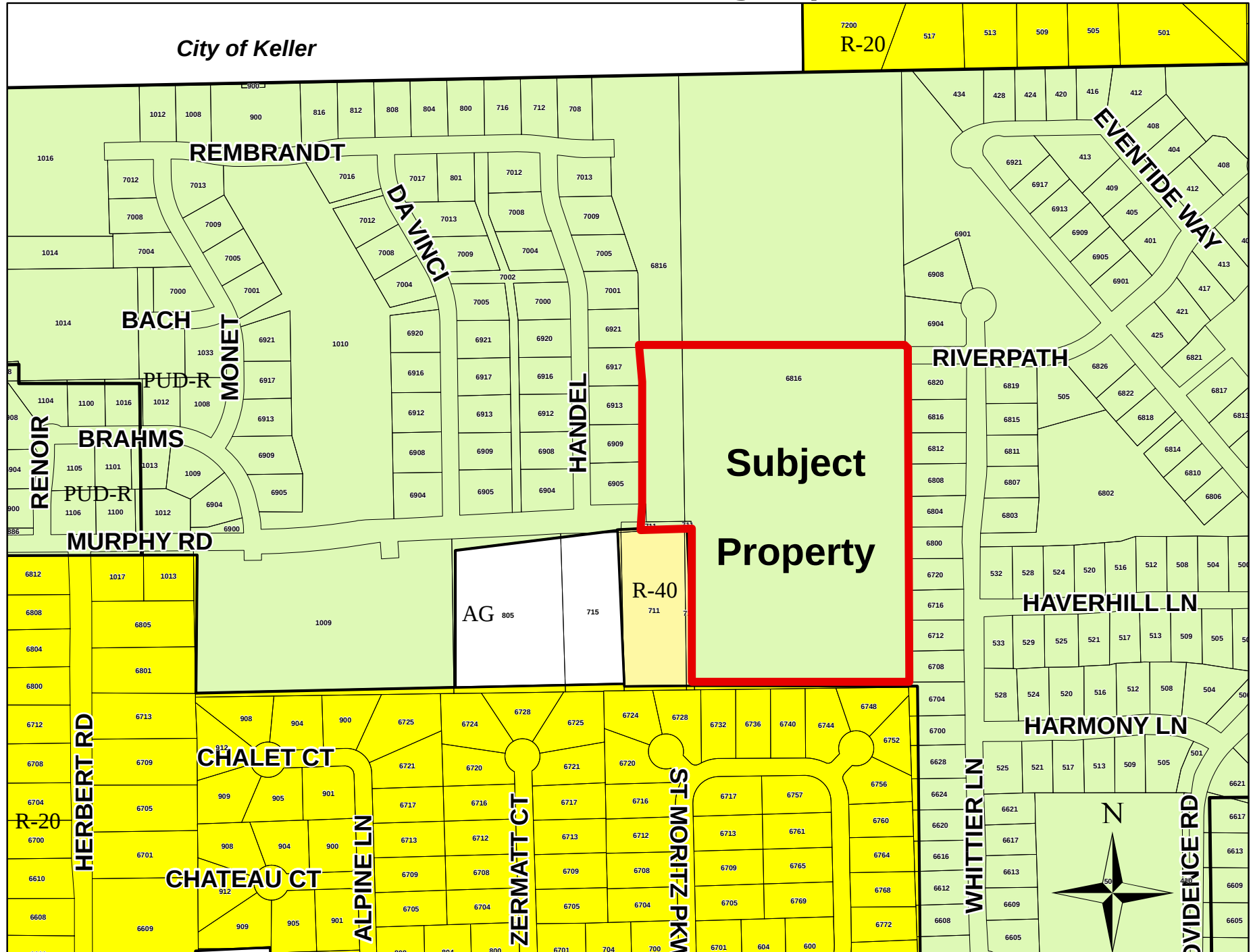
Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Final Plat Exhibit
4. Preliminary Plat
5. The Reserve Final Plat - Phase One
6. Ordinance O-99-1153

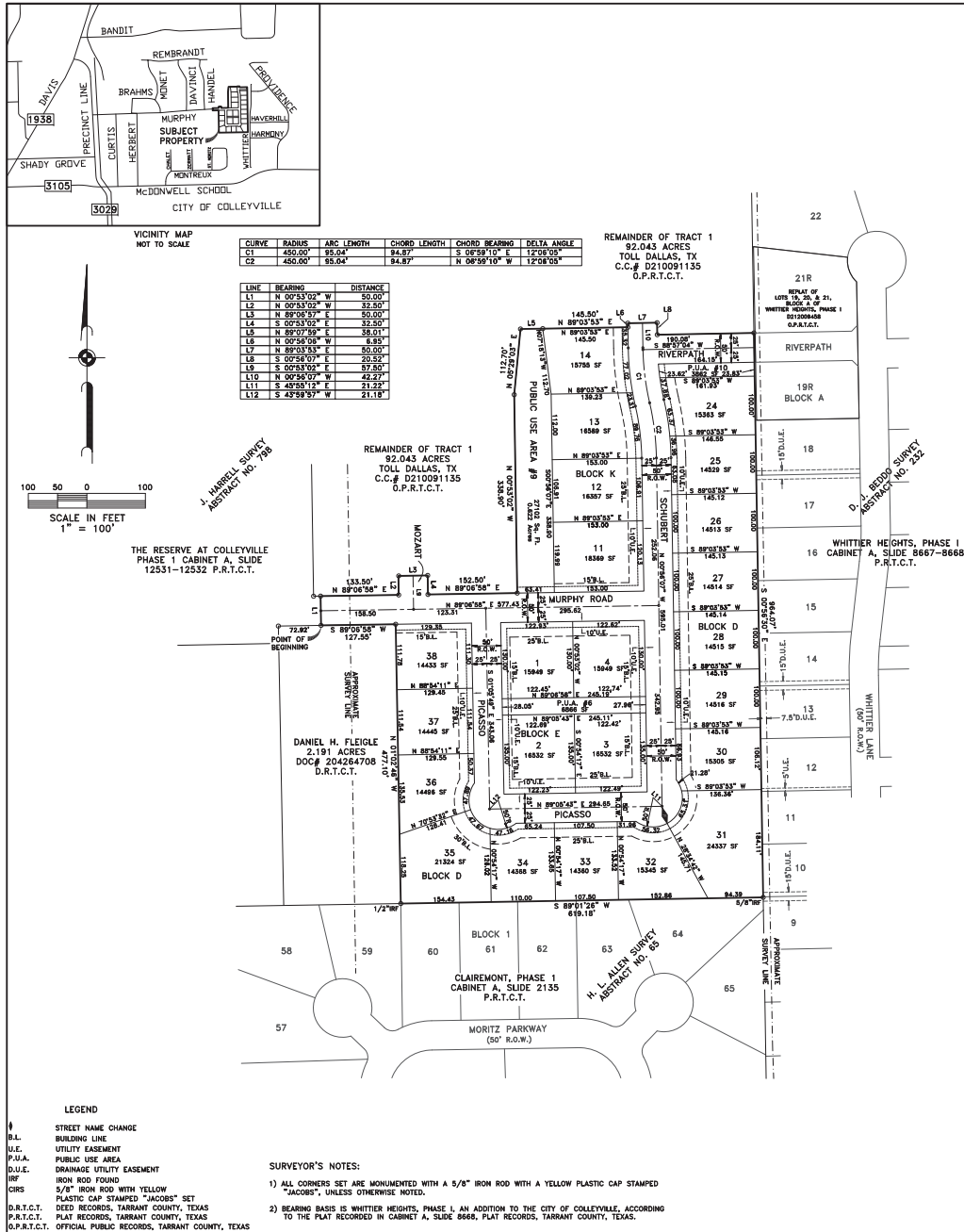
Location and Zoning Map



Aerial



Final Plat Exhibit



OWNER'S CERTIFICATE

STATE OF TEXAS X
COUNTY OF TARRANT X

WHEREAS TOLL DALLAS TX, LLC IS THE OWNER OF AN 11.875 ACRE TRACT OF LAND SITUATED IN THE H.L. ALLEN SURVEY, ABSTRACT NO. 65, AND THE J. HARRELL SURVEY, ABSTRACT NO. 798, IN THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, AND BEING A PORTION OF A 92.043 ACRE TRACT OF LAND CONVEYED TO AFORESAID TOLL DALLAS TEXAS, LLC BY COULDS TEXAS, LLC BY COULDS TEXAS, LLC D210091135, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AT A SOUTHEAST CORNER OF THE RESERVE AT COLLEYVILLE, PHASE I, AS RECORDED IN DOCUMENT NO. 12531-12532, PLAT RECORDS, TARRANT COUNTY, TEXAS, SAID POINT BEING IN THE NORTH LINE OF A 2.191 ACRE TRACT OF LAND CONVEYED TO DANIEL H. FLEIGLE, AS RECORDED IN DOCUMENT NO. 204264708, DEED RECORDS, TARRANT COUNTY, TEXAS, SAID POINT BEING NORTH 89 DEGREES 08 MINUTES 58 SECONDS EAST, A DISTANCE OF 72.92 FEET FROM A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET AT THE NORTHWEST CORNER OF SAID FLEIGLE TRACT;

THENCE, NORTH 00 DEGREES 53 MINUTES 02 SECONDS WEST, DEPARTING THE NORTH LINE OF SAID FLEIGLE TRACT, AND ALONG THE COMMON LINE OF SAID RESERVE AT COLLEYVILLE AND SAID 92.043 ACRE TRACT, A DISTANCE OF 80.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

THENCE, DEPARTING THE EAST LINE OF SAID RESERVE AT COLLEYVILLE, OVER AND ACROSS SAID 92.043 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 08 MINUTES 58 SECONDS EAST, A DISTANCE OF 133.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 00 DEGREES 53 MINUTES 02 SECONDS WEST, A DISTANCE OF 32.50 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 89 DEGREES 08 MINUTES 57 SECONDS EAST, A DISTANCE OF 80.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 00 DEGREES 53 MINUTES 02 SECONDS EAST, A DISTANCE OF 32.50 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 89 DEGREES 08 MINUTES 58 SECONDS EAST, A DISTANCE OF 152.50 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 00 DEGREES 53 MINUTES 02 SECONDS WEST, A DISTANCE OF 338.90 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 00 DEGREES 29 MINUTES 03 SECONDS EAST, A DISTANCE OF 112.70 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 89 DEGREES 07 MINUTES 59 SECONDS EAST, A DISTANCE OF 38.01 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 89 DEGREES 03 MINUTES 53 SECONDS EAST, A DISTANCE OF 145.50 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 00 DEGREES 58 MINUTES 08 SECONDS WEST, A DISTANCE OF 6.95 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 89 DEGREES 03 MINUTES 53 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 00 DEGREES 58 MINUTES 07 SECONDS EAST, A DISTANCE OF 20.52 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 89 DEGREES 57 MINUTES 04 SECONDS EAST, A DISTANCE OF 148.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER IN THE EAST LINE OF SAID 92.043 ACRE TRACT, AND THE COMMON WEST LINE OF WHITTIER HEIGHTS, PHASE I, AS RECORDED IN CABINET A, SLIDE 8667-8668, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE, SOUTH 00 DEGREES 58 MINUTES 30 SECONDS EAST, ALONG SAID COMMON LINE, A DISTANCE OF 84.07 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET AT THE SOUTHEAST CORNER OF SAID 92.043 ACRE TRACT, AND THE COMMON NORTHWEST CORNER OF CLAREMONT, PHASE I, AS RECORDED IN CABINET A, SLIDE 2135, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE, SOUTH 89 DEGREES 01 MINUTES 26 SECONDS WEST, DEPARTING THE WEST LINE OF SAID WHITTIER HEIGHTS, ALONG THE SOUTH LINE OF SAID 92.043 ACRE TRACT AND THE NORTH LINE OF SAID CLAREMONT, A DISTANCE OF 477.10 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AT THE SOUTHWEST CORNER OF AFORESAID FLEIGLE TRACT;

THENCE, SOUTH 89 DEGREES 04 MINUTES 58 SECONDS WEST, A DISTANCE OF 127.55 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.875 ACRES OF LAND, MORE OR LESS.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

THAT WE, TOLL DALLAS TX, LLC, OWNERS, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINBEFORE DESCRIBED PROPERTY AS, WHITTIER HEIGHTS, PHASE 2A-1, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, AND DO HEREBY DEDICATE THE SAME TO THE PUBLIC USE FOR ALL STREETS, RIGHTS-OF-WAY, AND ALLEYS SHOWN THEREON, AND DO HEREBY RESERVE THE EASEMENTS SHOWN ON THIS PLAT FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME, ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS IN WHICH ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THESE EASEMENTS, AND ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON THE SAID EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING AND PATROLLING, WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE, THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF COLLEYVILLE, TEXAS.

WITNESS MY HAND THIS ____ DAY OF ____, 2013.

TOLL DALLAS TX LLC

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED

KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THE ____ DAY OF ____, 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY PRINTED NAME: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

I, MICHAEL J. BATUP, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY DECLARE THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY ON THE LAND, UNDER MY DIRECTION AND SUPERVISION, AND UPON COMPLETION OF CONSTRUCTION, 5/8" IRON RODS WITH YELLOW PLASTIC CAP STAMPED "JACOBS" WILL BE SET AT ALL SUBDIVISION BOUNDARY CORNERS AND "X" CUTS PLACED AT RIGHT-OF-WAY CENTERLINE INTERSECTIONS AND POINTS OF CURVATURE UNLESS OTHERWISE NOTED. THE MONUMENTS OR MARKS SET, OR FOUND, ARE SUFFICIENT TO ENABLE RETRACEMENT.

MICHAEL J. BATUP
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4574



PLANNING AND ZONING COMMISSION APPROVAL

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLLEYVILLE, TEXAS VOTED AFFIRMATIVELY ON THIS ____ DAY OF ____, 2013, TO APPROVE THIS PLAT.

CHAIRMAN, PLANNING AND ZONING COMMISSION

ATTEST: SECRETARY, PLANNING AND ZONING COMMISSION

CITY COUNCIL APPROVAL

WHEREAS, THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS VOTED AFFIRMATIVELY ON THIS ____ DAY OF ____, 2013, TO APPROVE THIS PLAT.

MAYOR, CITY OF COLLEYVILLE

ATTEST: CITY SECRETARY

A FINAL PLAT OF

THE RESERVE AT COLLEYVILLE PHASE 2A-1

IN THE
H.L. ALLEN SURVEY, ABSTRACT NO. 65 AND THE
J. HARRELL SURVEY, ABSTRACT NO. 798
IN THE
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

11.875 ACRES
23 RESIDENTIAL LOTS / 3 PUBLIC USE AREAS

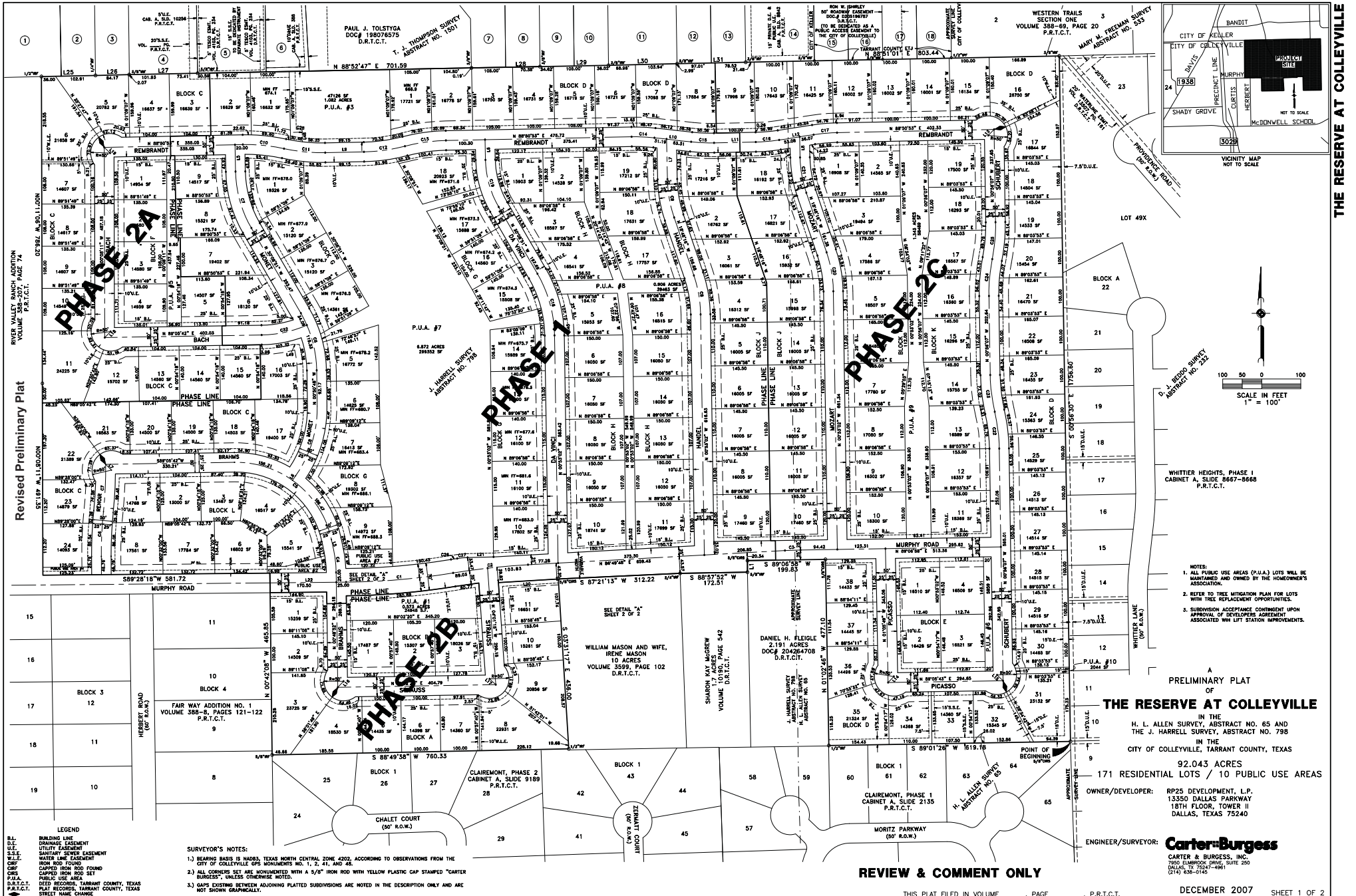
OWNER/DEVELOPER: TOLL DALLAS TX LLC
2557 GRAPEVINE PARKWAY
Suite 100, GRAPEVINE, TX 76051
Phone: 817-329-8770
Fax: 817-488-2496

ENGINEER/SURVEYOR: **JACOBS**

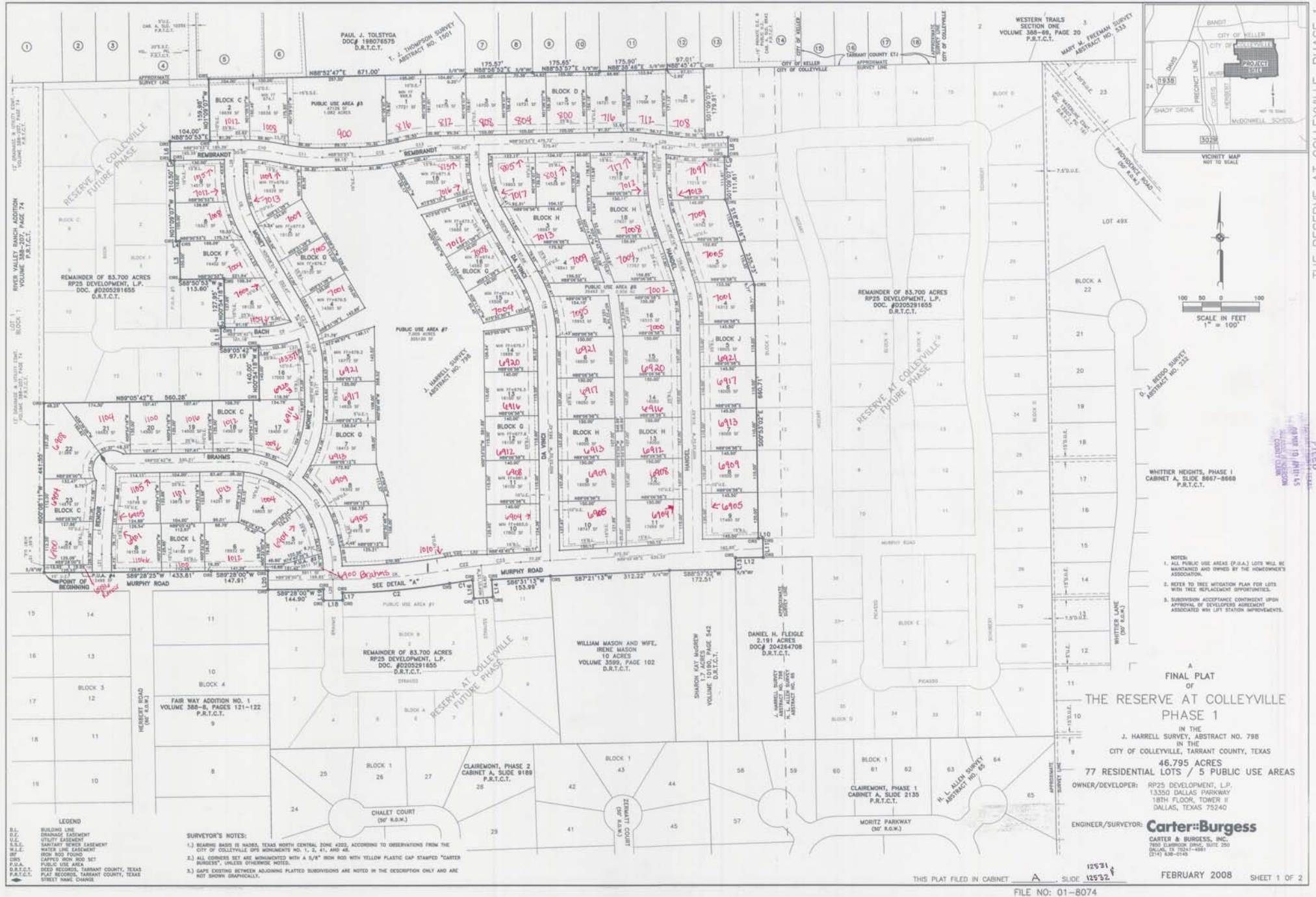
1999 BRIAN STREET, SUITE 100
DALLAS, TEXAS 75201-3136
PHONE 214-441-2100 FAX 214-441-0447

THIS PLAT FILED IN CABINET _____, SLIDE _____ SEPTEMBER 2013 SHEET 1 OF 1

Preliminary Plat - The Reserve at Colleyville



Final Plat - Phase One, Reserve at Colleyville



THE RESERVE AT COLLEYVILLE, PHASE 1

FILED

APPROVED FOR FILING
COUNTY CLERK

ORDINANCE O-99-1153

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 187 ACRES OUT OF THE S. HARRELL SURVEY, A-798, TRACTS 1J, 1J1, 1J1A, 1J3, 1J4, AND 1J2; THE H.L. ALLEN SURVEY, A-65, TRACTS 1, 1C, 1B, AND 1A; THE D.J. BEDDO SURVEY, A-232, TRACTS 1C, 2A, 2B, 1A, AND 1B; AND LOT 1, BLOCK 1, PURCELL ADDITION; THE MARY M. FREEMAN SURVEY, A-533, TRACT 2A7A, AND THE WILLIAM C. COOK SURVEY, A-295, TRACT 4D1 FROM THE AG (AGRICULTURE) AND THE R40 (SINGLE FAMILY RESIDENTIAL) TO THE PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS AND AUTHORIZING PUBLICATION:

WHEREAS, an application for a zoning change was filed by David Bagwell, The David Bagwell Company, on November 12, 1998, under Case No. Z-98-031; 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 and the Master Plan on the property herein described were held before the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation; and,

WHEREAS, the City Council is of the opinion that the zoning 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 the Master Plan, the Zoning Ordinance of the City of Colleyville, Texas, and the accompanying Zoning Map (Exhibit A) are hereby amended insofar as they relate to certain land located in Colleyville, Texas, described by metes and bounds (Exhibit B), by changing the zoning of said property from the AG and R40 districts to the PUD-R district, together with all site plans which are only conceptual in nature, supporting documents, and other conditions and restrictions imposed and approved by the Council which are incorporated herein by reference including, but not limited to the conceptual site plan (Exhibit C); and subject to the following conditions:

1. PERMITTED USES

The PUD-R shall have three (3) land uses as indicated on Exhibit C and the primary land use for each area shall be as follows:

- a. Areas 1A & 1B shall consist of single family dwelling units.
- b. Area 2 shall consist of a church.
- c. Area 3 shall be open space.

2. PLATTING & PHASING

- a. Prior to the issuance of any development permits on the subject property and as a condition to the development of the property the developer shall obtain approval of a preliminary plat and final plat of the property, which may be in phases. In approving the preliminary and final plat the approving body shall exercise complete discretion over roadway design, lot size, lot shape, building lines, set-back lines, open space, and all other aspects of the plat; provided, the approving body shall not approve anything inconsistent with the other conditions of this ordinance.
- b. The general limits of all phases of development shall be shown on the preliminary plan. Each phase shall be numbered to represent the sequential development phases anticipated. Any deviation from the approved development sequence shall require approval from the City Council.
- c. This development shall be subject to all impact fees in accordance with the Colleyville Subdivision Regulations.

3. DENSITY

The average residential density is permitted to be 1.8 dwelling units per acre over the combined acreage of Areas 1A & B, 2 & 3.

4. STREETS AND SIDEWALKS

- a. No street intersection shall be allowed on McDonwell School Road which aligns with the McDonwell School Road/Remington Parkway intersection. Street intersections along McDonwell School Road shall maintain a minimum of 300 feet separation between centerlines.
- b. Sidewalks shall be required for all lots within this development, except no sidewalks shall be required in rights-of-way adjacent to open space areas where a sidewalk is proposed on the opposite side of the same right-of-way. Sidewalks in rights-of-way adjacent to each lot frontage or side-yard shall be constructed by the lot owner no later than the date of occupancy of the home on the lot.
- c. Street rights-of-way shall be a minimum width of 50 feet, except for single loaded streets which may have a 40 foot right-of-way width with a 5 foot utility easement abutting the unloaded side of the street.
- d. All streets in this PUD shall be thirty-one feet (31') wide and be constructed of five inch (5"), 3,000 p.s.i. concrete.
- e. The City's street design standards (tangency between curves, radius requirements, etc.) shall be waived, except that a minimum radius shall not be less than twenty-five feet (25').

5. DRAINAGE

- a. All drainage facilities shall be designed and constructed in accordance with the Colleyville Subdivision Regulations.
- b. It shall not be the responsibility of the developer to improve any off-site drainage structures or any other public facilities.
- c. At developer's election, pursuant to a grading plan acceptable to the City Engineer, only one side-yard swale between and behind lots may be utilized for lot drainage; retaining wall construction, lot benching and drainage swale construction shall not be the responsibility of the developer but shall be the responsibility of builders on individual lots and shall not be

required of the developer for City acceptance of public improvements.

- d. Lot-to-lot drainage shall be allowed in a grading plan acceptable to the City Engineer across two lots contiguous with one another and adjacent to the lot(s) where drainage begins, i.e. drainage shall be allowed from the drainage source lot(s) across two other lots which are adjacent on to the other.
- e. In order to preserve trees, no pilot channels shall be required.
- f. There shall be no prohibition against regrading, expanding, and/or eliminating existing ponds and against adding additional ponds on the property in order to accomplish developer's storm drainage plan, as long as it otherwise meets City standards and is acceptable to the City Engineer.
- g. As approved by the City Engineer, City park land adjacent to the development may be utilized for storm water retention and/or detention purposes.

6. LOT REQUIREMENTS AND SETBACKS

- a. All lot dimensions and building setback lines shall be in accordance with the Colleyville Zoning Regulations and Subdivision Regulations, except where amended by this ordinance.
- b. The minimum lot size in Areas 1A & 1B shall be 13,000 square feet and the average size of all residential lots in Areas 1A & 1B shall not be less than 16,000 square feet.
- c. One side yard of any lot may be as narrow as six (6) feet, provided the total width of any two adjacent side yards shall not be less than twenty (20) feet. On lots with an area of less than 16,000 square feet, front yard setbacks may be twenty-five feet (25'), and rear yard setbacks may be ten feet (10'). On any lot with an area greater than 16,000 s.f. that backs to open space, the rear yard setback may be ten feet (10').
- d. The minimum lot width for any lot in Areas 1A & 1B under 16,000 s.f. may be eighty (80) feet if approved by the City Council.

7. PARKS

- a. The provisions of the Colleyville Pathways plan shall be incorporated in the project. Pathways shall be designated on the preliminary plan and final plat in a dedicated public right-of-way. Pathways shall be constructed by the developer for each phase of development. Within each phase of development, pathways shall be completed prior to the issuance of any building permit for residential development in that phase.
- b. Each phase of development is subject to the parkland dedication requirements contained in the Colleyville Subdivision Regulations.
- c. The development shall contain open space which totals twenty percent (20%) of the total area contained in this development as shown on Exhibit C. The City shall not accept the dedication of any open space until all environmental issues are addressed to the City's satisfaction. The developer shall submit to the City an environmental study, audit or assessment demonstrating that the property is in a condition which would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally related problems.
- d. Tree mitigation is waived for Area 3.
- e. A 72.5-foot greenbelt setback shall be provided along the north side of McDonwell School Road. Said greenbelt shall be consistent with the greenbelt setback in the Westmont Addition.

8. SIGNAGE

- a. Developer is permitted to erect at locations approved by the City Engineer entry structures with or without permanent signage (which signage must comply with the City sign ordinance and be properly permitted) in the rights-of-way of perimeter roads at their intersection with internal streets not to exceed twenty-five feet (25') in height, i.e. in the sight triangle areas of such intersections, provided that said structures do not obstruct the view of traffic as determined by the City Engineer.

Sec. 2. THAT notwithstanding any other provisions of the Code, including Section 1-7 of the Code, it is the intention of the City Council in approving this ordinance that no provision or section is severable from any other provision or section. It is further the intent of the City Council that in the event any portion of this ordinance is declared invalid by any court of competent jurisdiction, then the entire ordinance shall be invalid.

Sec. 3. THAT any person, firm or corporation violating any of the provisions of this ordinance as read together with the Zoning Ordinance of the City of Colleyville shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

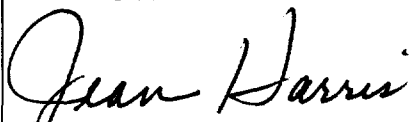
Sec 4. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 23rd day of March, 1999.

The second reading and public hearing being conducted on the 6th day of April, 1999. Tabled at second reading, approved April 20, 1999.

ATTEST:


Jean Harris, CMC
City Secretary

CITY OF COLLEYVILLE:

Richard Newton
Mayor

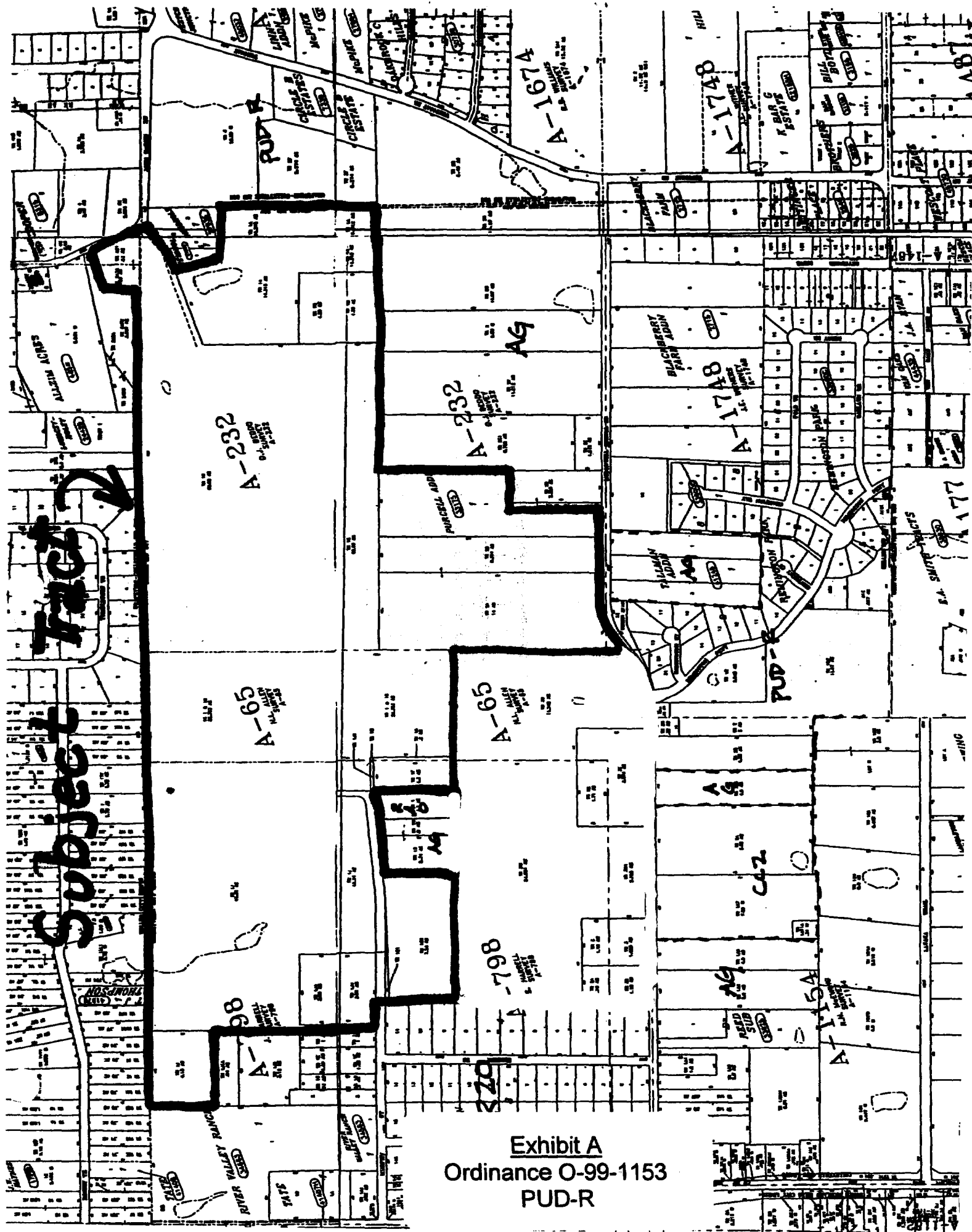
APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

If the Mayor shall neglect to approve or object to any such proceedings for a longer period than seven (7) days after the ordinance or resolution is placed in the office of the City Secretary as aforesaid, the same shall become effective immediately upon publication as required by law.

City of Colleyville Charter
Section 3.14

Exhibit A
Ordinance O-99-1153
PUD-R



TRACT I:

Lot, tract or parcel of land, lying and being situated in Tarrant County, Texas, being out of the Joseph Harrell Survey, Abst. #798, and the H.L. Allen Survey, Abst. #65, in said Tarrant County, and being described by metes and bounds as follows:

BEGINNING 686 ft. North 89 1/2 degrees East from the Northwest corner of the Joseph Harrell Survey Abst. #798, an iron pin the Northeast corner of a 20 acre tract of land as shown in Volume 756, Page 498 Deed of Trust Records of Tarrant County, Texas;

THENCE North 89 1/2 degrees East with fence line at 1954 ft. the Northeast corner of said Harrell Survey and the Northwest corner of the North "ELL" of the H.L. Allen Survey, in all 2605 ft. an iron pin the Northeast corner of said Allen Survey, the Northeast corner of a tract of land deeded to W.E. Roussey et ux as shown in Volume 1478, Page 285 Deed Records of Tarrant County, Texas.

THENCE South 1/4 degrees East with fence line and the East line of said Allen Survey, 1760 ft. an iron pin the Southeast corner of said Roussey tract;

THENCE West with fence line and the South line of said Roussey tract, 618.3 ft. an iron pin;

THENCE North 477.2 ft. an iron pin;

THENCE West 1414.3 ft. an iron pin;

THENCE South 84 1/4 degrees West 149 ft. an iron pin the Southeast corner of a tract of land as shown in Volume 2528, Page 354 Deed Records of Tarrant County, Texas;

THENCE North 434 ft., an iron pin, its Northeast corner;

THENCE West 340 ft. an iron pin in the East line of a tract of land shown in Volume 2379, Page 539, Deed Records of Tarrant County, Texas;

THENCE North 50 ft. its Northeast corner an iron pin;

THENCE West 90 ft. an iron pin, its Northwest corner in the East line of said 20 acre tract;

THENCE North with the East line and fence line 786 ft. to the place of beginning; being 52.5 acres of land out of the Joseph Harrell Survey and 26 acres of land out of the H.L. Allen Survey, in all 78.5 acres of land more or less.

TRACT II:

7.24 acres out of the above 10 acre tract and BEGINNING at a point which stands 1727.55 feet South and 1264.22 feet East of the Northwest corner of the Joseph Harrell Survey, said Northwest corner also being the Northwest corner of a 20 acre tract recorded in Volume 756, Page 498, Deed Records of Tarrant County, Texas, and said beginning point being the Southwest corner of the 10 acre tract;

THENCE North 413.46 feet along fence line and West line of said 10 acre tract;

THENCE North 89 degrees 29 minutes East 733.94 feet to iron pin for corner;

THENCE South 1 degree 49 minutes East 430 feet to iron pin set in South line of said 10 acre tract;

THENCE North 88 degrees 48 minutes West along the South line of said 10 acre tract 750 feet to POINT OF BEGINNING.

Tract III

Lot 1, Block 1, of PURCELL ADDITION, an Addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-130, Page 93, of the Plat Records of Tarrant County, Texas.

Tract IV

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas and being a portion of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 4779, Page 614 of the Deed Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found for the northwest corner of the Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-123, Page 64 of the Plat Records of Tarrant County, Texas:

THENCE S 15°47'28"E, with the west line of said Weidholt Addition, a distance of 247.86 feet to an iron rod found for corner;
THENCE S 89°49'30"E, with the south line of Lot 1 of said Weidholt Addition, a distance of 76.78 feet to an iron rod found for corner;
THENCE N 89°19'57"E, with the south line of Lots 2 and 3 of said Weidholt Addition, a distance of 222.57 feet to an iron rod found for corner;
THENCE S 00°31'09"E, a distance of 911.11 feet to an iron rod found for corner;
THENCE N 89°43'33"W, a distance of 418.94 feet to an iron rod found for corner;
THENCE N 00°25'17"W, a distance of 461.82 feet to an iron rod set for corner;
THENCE S 89°34'42"W, a distance of 407.45 feet to an iron rod found for corner;
THENCE N 00°40'45"W, a distance of 517.00 feet to an iron rod found for corner;
THENCE N 62°06'48"E, a distance of 55.55 feet to an iron rod found for corner;
THENCE N 68°25'23"E, a distance of 236.10 feet to an iron rod found for corner;
THENCE N 73°18'29"E, a distance of 200.19 feet to the POINT OF BEGINNING and containing 14.798 acres or 644,618 square feet of land, more or less.

Tract V

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas, said tract of land being all or intended to be all of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 3881, Page 434 of the Deed Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found for corner being South, a distance of 1342.0 feet and West, a distance of 420.42 feet from the northeast corner of the D. J. Heddo Survey, Abstract No. 232 as per said deed recorded in Volume 3881, Page 65 of the Deed Records of Tarrant County, Texas:

THENCE N 89°58'18"W, a distance of 405.39 feet to an iron rod set for corner;
THENCE N 00°40'45"W, a distance of 458.64 feet to an iron rod found for corner;
THENCE N 89°34'42"E, a distance of 407.45 feet to an iron rod set for corner;
THENCE S 00°25'17"E, a distance of 461.82 feet to the POINT OF BEGINNING and containing 4.294 acres or 187,041 square feet of land, more or less.

Tract VI

DESCRIPTION OF PROPERTY

Being a tract of land situated in the B.J. BEDDO SURVEY, Abstract No. 232, City of Colleyville, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for the northwest corner of Lot 1, Block 1, Purcell Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-120, Page 33 of the Plat Records of Tarrant County, Texas;

THENCE S 00°00'53" W, with the west line of said Purcell Addition, a distance of 1277.63 feet to an iron rod set in the north line of McDonnell School Road;

THENCE S 86°39'51" W, a distance of 677.28 feet to an iron rod found for corner;

THENCE N 00°48'08" W, a distance of 822.12 feet to an iron rod found for the northeast corner of a 58.42 acre tract of land donated to K. Yazhair as recorded in Volume 7886, Page 177 of the Deed Records of Tarrant County, Texas, said iron rod also being the southeast corner of a 78.5 acre tract of land donated to W.R. Cole as recorded in Volume 2591, Page 128 of the Deed Records of Tarrant County, Texas;

THENCE N 00°02'42" W, with the east line of said W.R. Cole tract, a distance of 419.05 feet to an iron rod found at a fence corner;

THENCE N 00°31'50" W, continuing with the east line of said W.R. Cole tract, a distance of 1340.99 feet to an iron rod found for the northeast corner of said W.R. Cole tract;

THENCE N 89°07'39"E, a distance of 1223.36 feet to an iron pipe found for the southwest corner of Lukasey-Holley Subdivision, an addition to the City of Colleyville, Tarrant County, Texas, as recorded Volume 388-117, Page 58 of the Plat Records of Tarrant County, Texas;

THENCE N 89°08'58" E, with the south line of said Lukasey-Holley Subdivision, a distance of 330.76 feet to an iron rod found for the southeast corner of said Lukasey-Holley Subdivision, said iron rod also being the southwest corner of a 4.0 acre tract of land donated to T. Benton as recorded in Volume 8238, Page 425 of the Deed Records of Tarrant County, Texas;

THENCE N 89°13'12" E, with the south line of said T. Benton tract, a distance of 78.46 feet to an iron rod found for corner;

THENCE N89°25'25" E, a distance of 661.55 feet to an iron rod found for the southeast corner of said T. Benton tract, said iron rod also being the southwest corner of a 1.31 acre tract of land donated to D. Skelton as recorded in Volume 8395, Page 218 of the Deed Records of Tarrant County, Texas;

THENCE N 89°24'46"E, with the south line of said D. Skelton tract, a distance of 133.44 feet to an iron rod found for corner;

THENCE S 86°52'22" E, a distance of 199.28 feet to an iron rod found for the southeast corner of said D. Skelton tract;

THENCE S 46°36'59" E, a distance of 26.23 feet to an iron rod found for the most northerly northwest corner of Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-123, Page 64 of the Plat Records of Tarrant County, Texas;

THENCE S 50°48'51" W, with the northwesterly line of said Weidholt Addition, a distance of 182.25 feet to an iron rod found for corner;

THENCE S 68°20'45" W, a distance of 131.84 feet to an iron rod found for the most westerly corner of said Weidholt Addition, said iron rod also being the most northerly corner of a tract of land donated to J. Weidholt as recorded in Volume 4777, Page 615 of the Deed Records of Tarrant County, Texas;

THENCE S 73°18'29" W, with the most northerly line of said J. Weidholt tract, a distance of 280.19 feet to an iron rod found for corner;

THENCE S 48°25'23" W, a distance of 236.10 feet to an iron rod found for corner;

THENCE S 63°06'48" W, a distance of 55.35 feet to an iron rod found for the northwest corner of said J. Weidholt tract;

THENCE S 00°48'45" E, passing an iron rod found for the southwest corner of said J. Weidholt tract at a distance of 517.00 feet, in all a distance of 975.64 feet to an iron rod set for corner;

THENCE S 89°52'28" W, a distance of 518.61 feet to an iron rod set at a fence corner;

THENCE S 88°46'10" W, a distance of 225.29 feet to an iron rod found for the northeast corner of said of Lot 1, Block 1, Purcell Addition;

THENCE N 89°04'31" W, with the north line of said Purcell Addition, a distance of 395.84 feet to the POINT OF BEGINNING and containing 80.374 acres or 3,503,891 square feet of land, more or less.

Tract VII

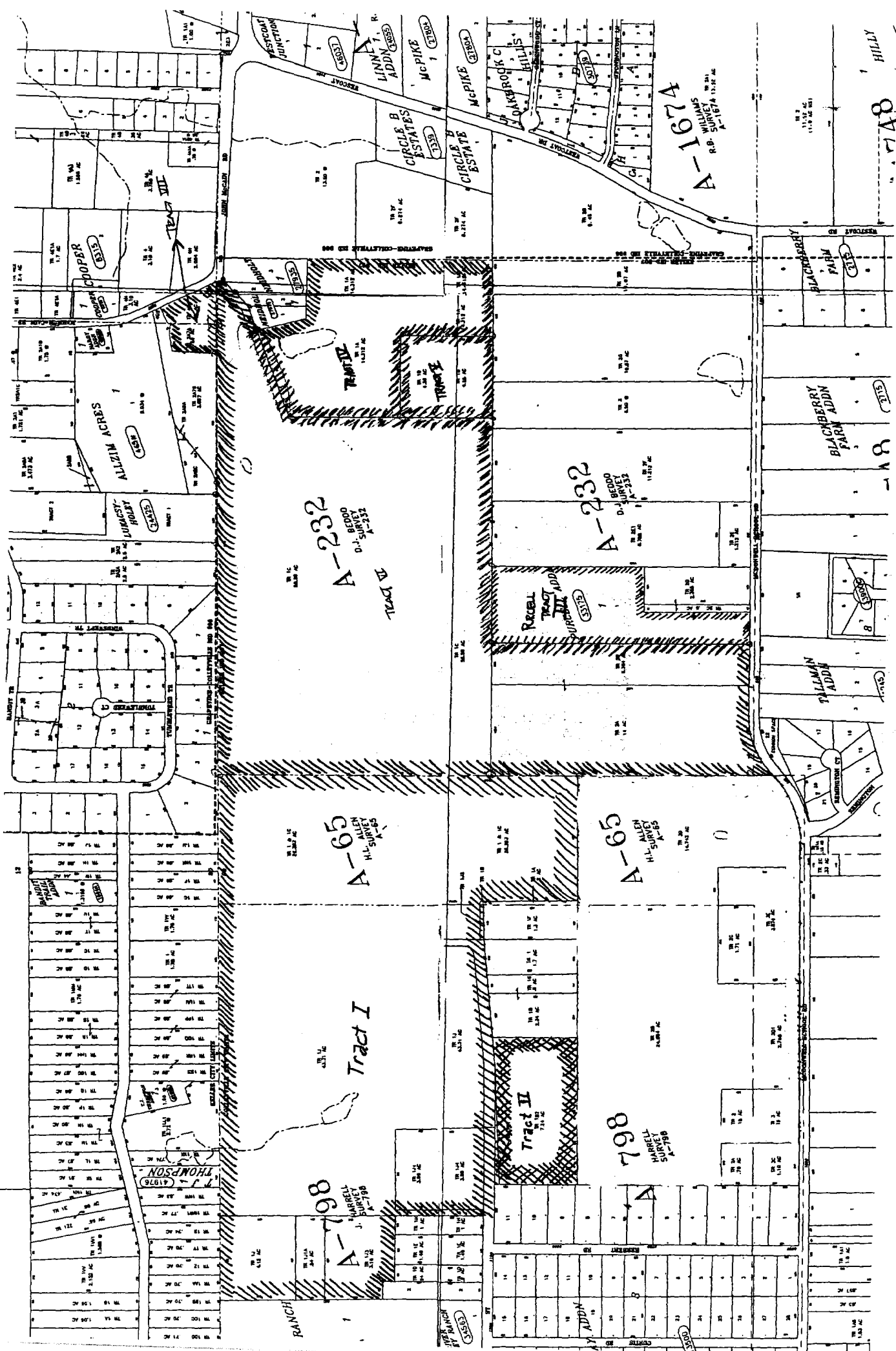
FIELD NOTES

FOR A TRACT OF LAND IN THE M. M. FREEMAN SURVEY, ABSTRACT NO. 533 AND THE W. E. CROOK SURVEY, ABSTRACT NO. 293, SITUATED IN TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- BEGINNING at an iron pin in the West line of John McCain Road, said point being, by deed calls, S. 89° - 51' - 40" E. 552.74 feet, S. 1° - 39' E. 150.0 feet, S. 5° - 08' E. 92.2 feet and S. 26° - 04' - 05" E. 194.52 feet from the Southwest corner of a called 7.018 acre tract as described in a deed of record in Volume 3560, Page 281, Deed Records, Tarrant County, Texas;
- THENCE S. 26° - 04' - 03" E. 314.32 feet continuing along the West line of said John McCain Road to an iron pin set in same for corner;
- THENCE N. 87° - 05' - 22" W. 199.27 feet to an iron pin found at the occupied Southeast corner of said Freeman Survey and the Southwest corner of said Crook Survey;
- THENCE S. 89° - 12' - 30" W. 133.53 feet to a bolt found for corner;
- THENCE N. 4° - 05' - 44" W. 203.87 feet along a fence line to a 3" metal fence corner post for corner;
- THENCE N. 69° - 42' - 40" E. 58.01 feet to an iron pin found for corner;
- THENCE N. 86° - 25' - 55" E. 79.53 feet to an iron pin found for corner;
- THENCE N. 58° - 43' - 46" E. 87.96 feet to the POINT OF BEGINNING and containing 1.511 acres.



Walter W. Viard
4-6-89



Map showing tract numbers
for Exhibit "B"



THE DAVID BAGWELL COMPANY

6222 DOUGLAS AVENUE, SUITE 770
DALLAS, TEXAS 75225

GLENWOOD

CONCEPTUAL LAND USE PLAN
COLLEYVILLE, TEXAS

APRIL 1999

MESA
DESIGN GROUP





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 5a	Agenda Date 10/28/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a zoning change from R-40 Single Family Residential to R-20 Single Family Residential on 2.547 acres of Lot B1A, A1B, B3 and B2 Block 4, of the W. C. Newton Subdivision, located at 708 W. L. D. Lockett Road, Case ZC13-015

Explanation

Peter Slover has submitted a request to change the zoning on 2.5 acres, located at 708 West L.D. Lockett Road. The applicant is requesting to rezone the property from the R40-Single Family Residential to the R20-Single Family Residential zoning district. The applicant is seeking a zoning change in order to develop the property for four new residential lots.

Existing Conditions. The subject property currently consists of a single family home. The property is currently platted as four lots, three of which do not currently meet the minimum lot dimension requirements in the Land Development Code.

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

Platting. Upon approval of the zoning request, the applicant will be required to submit a minor plat, which only requires approval by the Planning and Zoning Commission.

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.

Lot Dimensions and Setbacks. The R20 zoning 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, in the Land Development Code, 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 Building Height: 25 feet

Maximum Lot Coverage: 30 Percent

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

Tree Preservation. As required by Chapter 5 - Tree Preservation, of the Land Development Code, approval of a tree survey and mitigation plan shall be required prior to the issuance of a Notice to Proceed letter from the Engineering Division of the Public Works Department. To date, the applicant has not submitted this plan.

Trees not located under a pad site must be preserved during construction. Before construction begins on the site, protective fencing must be installed around all preserved trees located outside the right-of-way. The fencing must be located at the drip line of the preserved trees. The protective fencing may be comprised of orange vinyl construction fencing, chain link fence, erosion control fencing, or other similar fencing. The fencing must remain in place during the entire construction period.

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

Development Fees. Parkland dedication fees are required, in the amount of \$1,802.00 per residential lot, for the four lots where new homes are proposed. Parkland dedication fees are due at the time of platting and must be paid before the minor plat is recorded with the County Clerk's office.

Roadway impact fees are due in the amount of \$4,941 per residential lot at the time of the building permit application.

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

Perimeter street improvement fees are due at the time of approval of the final plat for L.D. Lockett Road. Perimeter street improvements are required for the newly created lots since L.D. Lockett Road is considered unimproved adjacent to the subject property. The developer's portion of the costs for infrastructure improvements may not exceed the amount that is roughly proportionate to the projected impact of the proposed

development, as determined by a professional engineer, licensed in the State of Texas, and who is retained by the City of Colleyville. In making the rough proportionality determination, consideration shall be given to the availability of adequate and minimum levels of public facilities and accessibility to the site for the delivery of emergency services.

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.

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

Surrounding Development Trends. Properties to the west, north and east are zoned R20-Single Family Residential and developed as single family homes. Properties to the south are zoned R40-Single Family Residential and developed as single family homes.

Public Notification. Staff mailed notices to 12 adjacent property owners within 200 feet as well as all Homeowners Associations within 500 feet of the subject property regarding this request. All school districts within the City were notified as required by State law. Notice was published in the Fort Worth Star-Telegram as required by state law and the Land Development Code. To date, staff has received no correspondence regarding this request.

Summary. The proposed zoning change is consistent with the Future Land Use Plan, which designates the subject property as single family residential uses. Given the proposed use compliments surrounding developments, is compliant with the requirements of the Land Development Code, and is consistent with the Future Land Use Plan, staff recommends approval of the rezoning request.

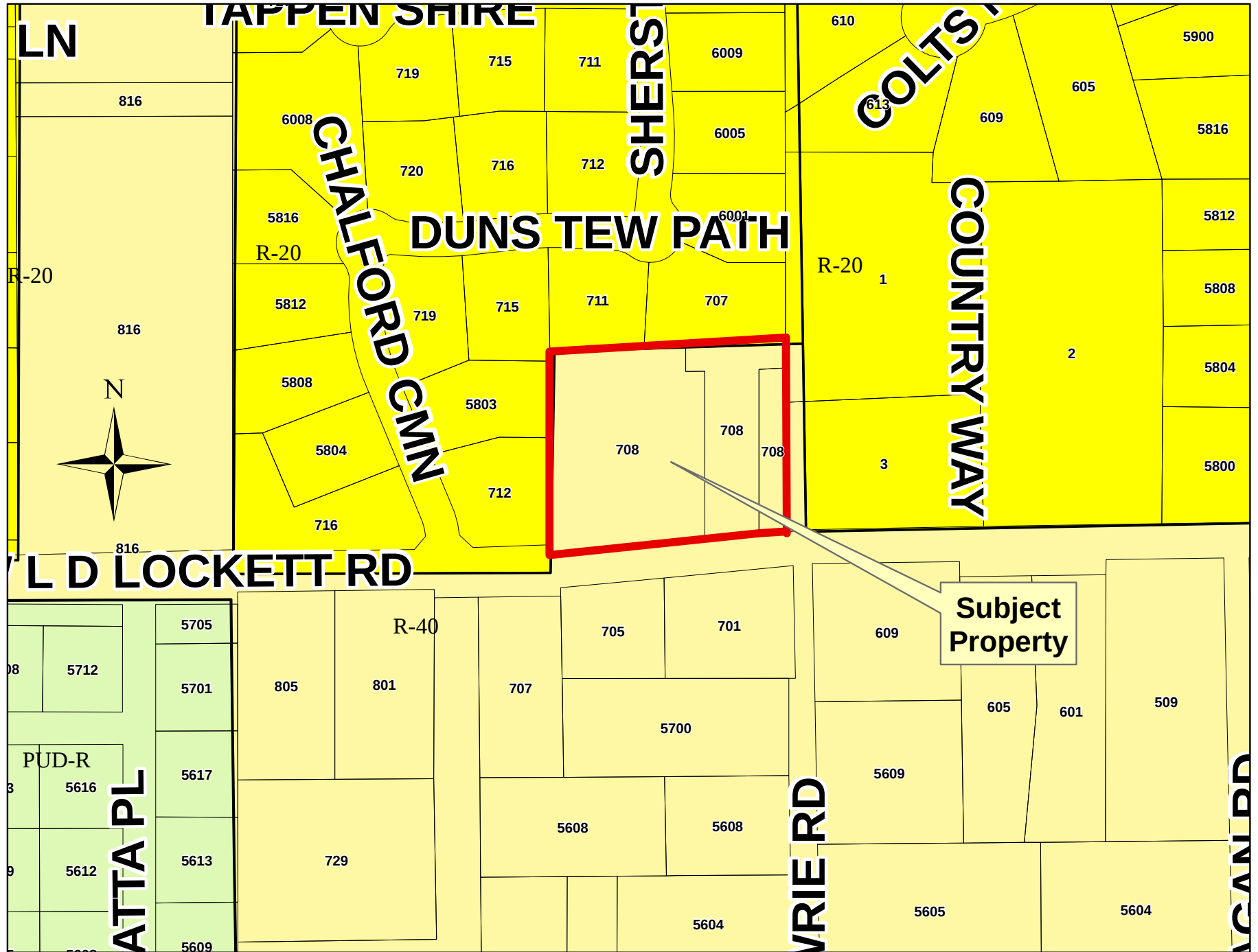
Recommendation

Approve

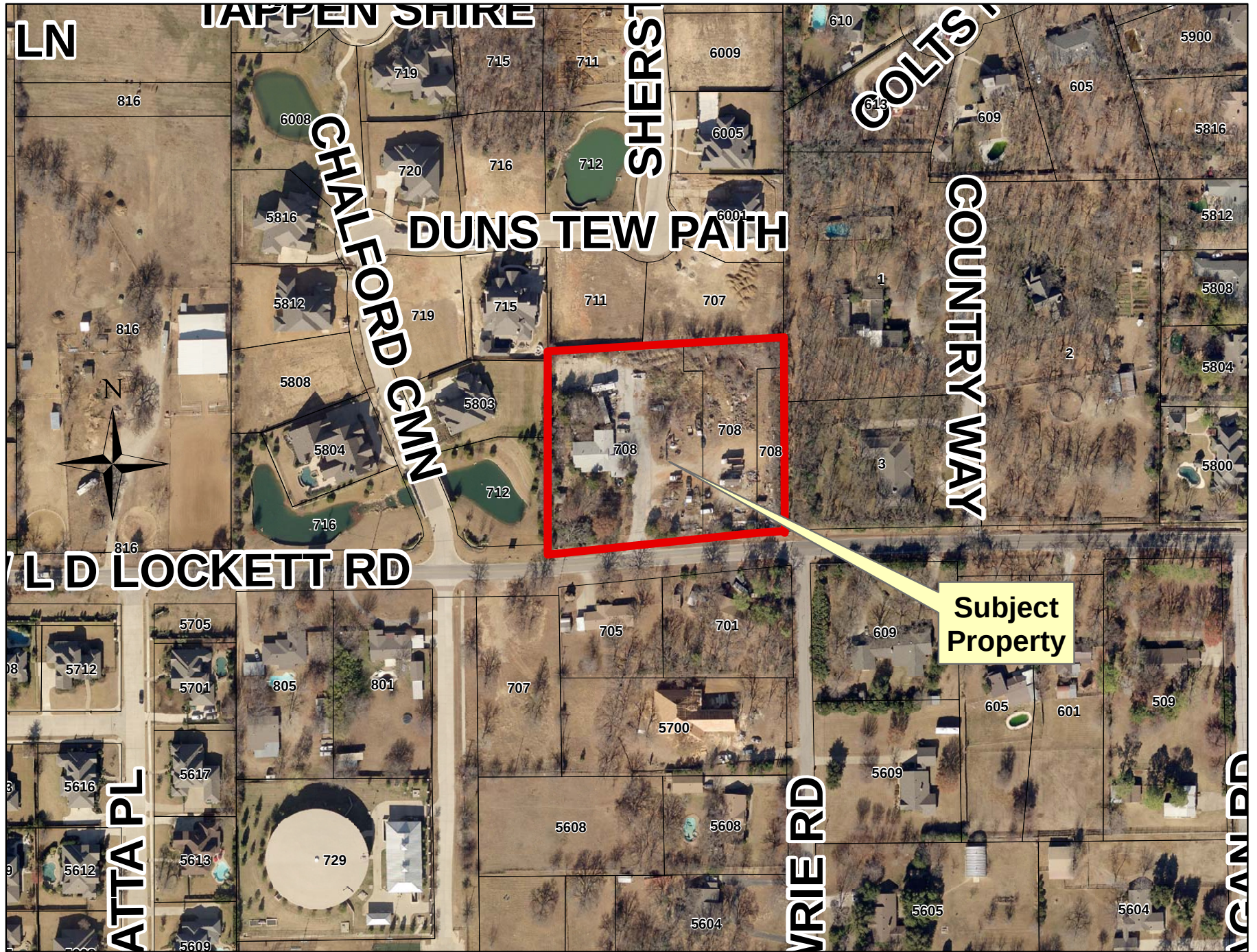
Attachments

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

Location and Zoning Map



Aerial

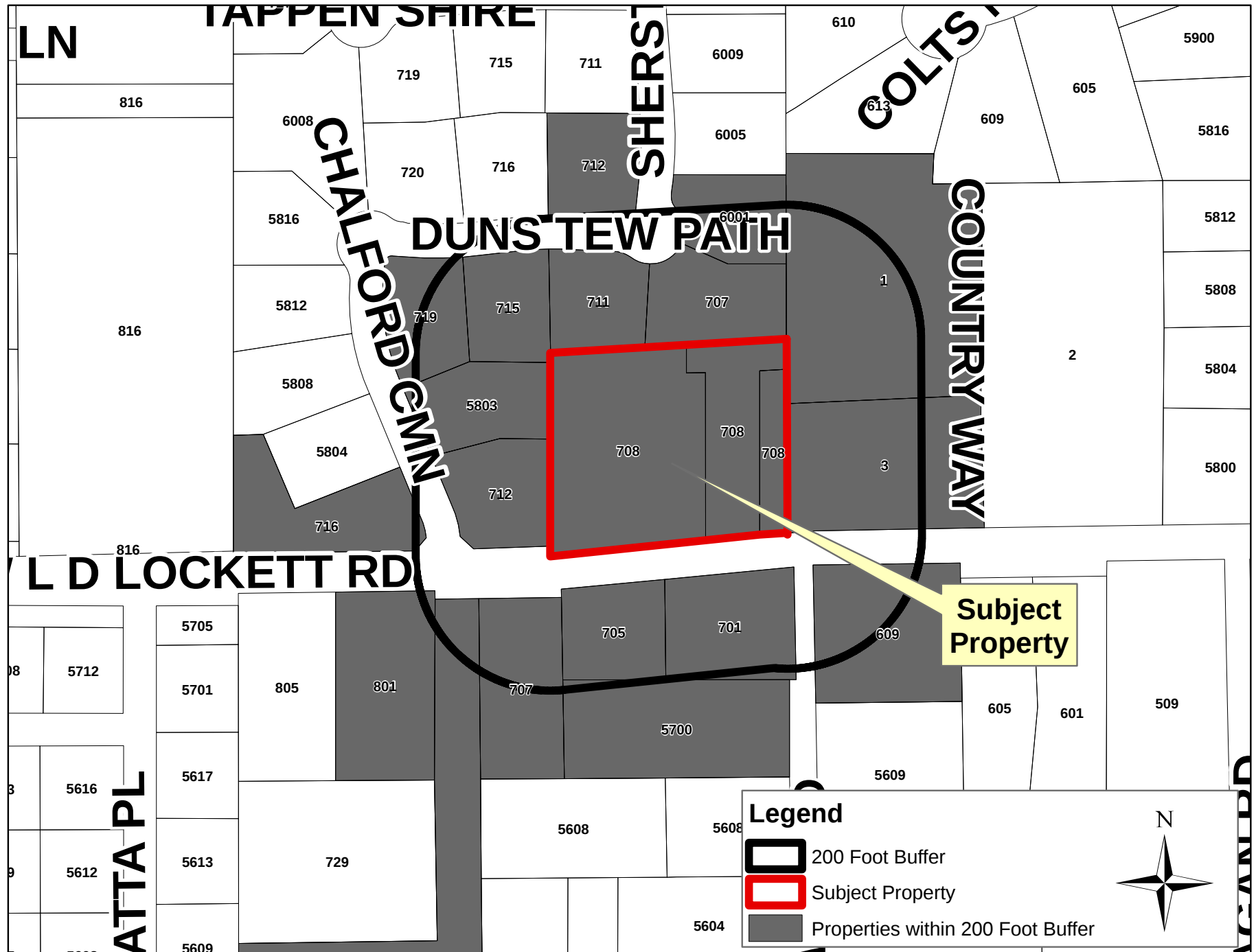


Notification List

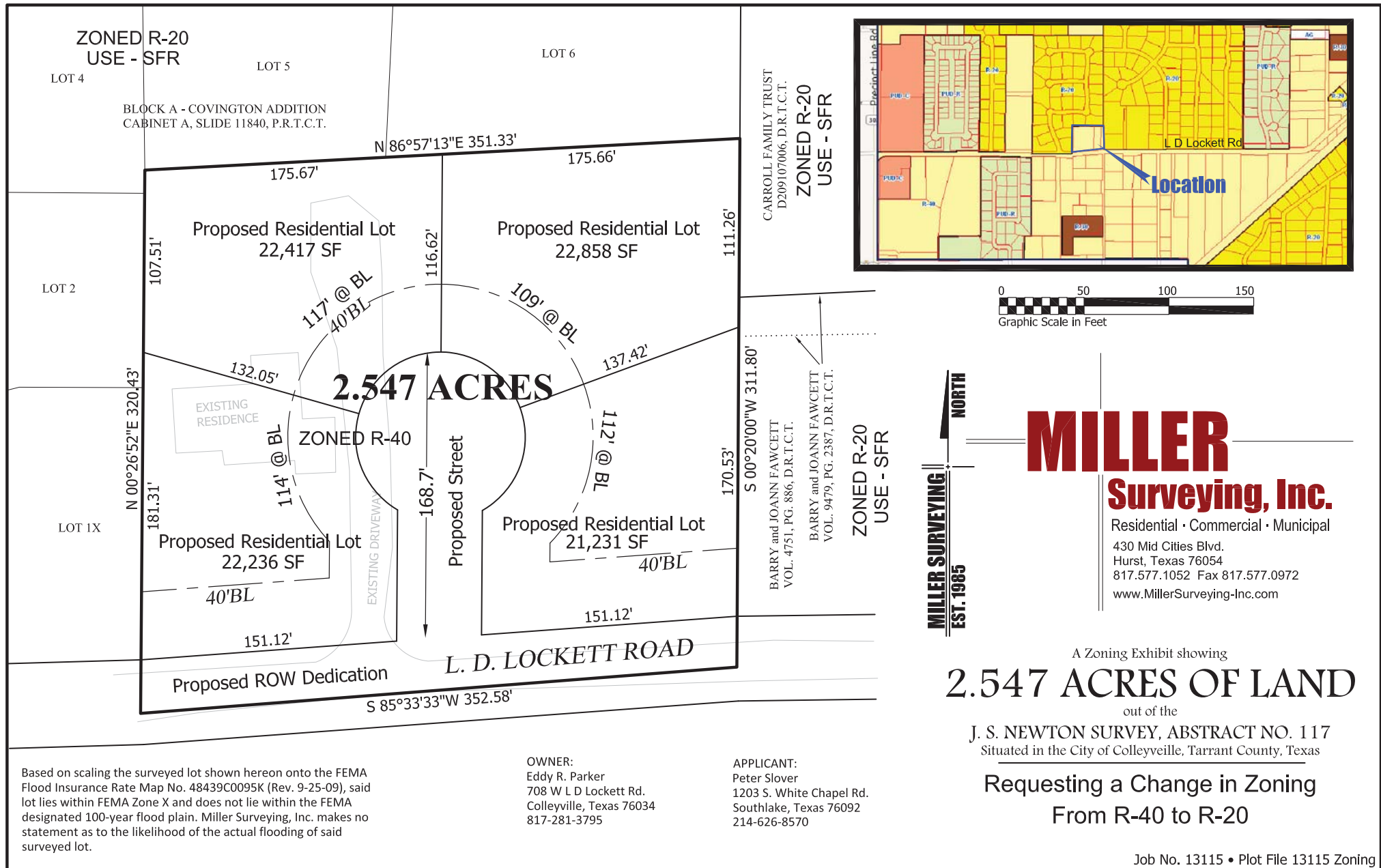
Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Hohmanm, Kendall Etvir William	715 Duns Tew Path	Colleyville	Texas	76034	715 Duns Tew Path
Heredia, Cesar Etux Sonia	5803 Chalford Cmn	Colleyville	Texas	76034	5803 Chalford Common
Carroll, Ronald D Etux Mary K	1 Country Way	Colleyville	Texas	76034	1 Country Way
Holmes, Jeane S	6001 Sherston Gln	Colleyville	Texas	76034	6001 Sherston Glen
Parker, Eddy R Sr & Juanita F	708 W Ld Lockett Rd	Colleyville	Texas	76034	702 W L D LOCKETT RD
Fawcett, Barry Dr Etux Jo Ann	3 Country Way	Colleyville	Texas	76034	3 Country Way
Kuhlmann, Peter Etux Linda	4423 Chapel Rd	Graham	Texas	76450	801 W L D Lockett Rd
Alecu Family Tr	6308 Remington Pkwy	Colleyville	Texas	76034	707 W Ld Lockett Rd
Fleischer, Lawrence Etux Laura	609 W Ld Lockett Rd	Colleyville	Texas	76034	609 W L D Lockett Rd
Catholic Diocese Of Ft Worth	800 W Loop 820 S	Fort Worth	Texas	76108	5700 Lowrie Rd
Spivey, James A Etux Minnie L	705 W Ld Lockett Rd	Colleyville	Texas	76034	705 W L D Lockett Rd
Rhudy, G Ann	701 W Ld Lockett Rd	Colleyville	Texas	76034	701 W L D Lockett Rd
Ashton Dallas Residential Llc	1221 N Interstate 35E # 170	Carrollton	Texas	75006	716 W L D Lockett Rd
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
Keller ISD	350 Keller Parkway	Keller	Texas	76248	Courtesy Notice
Hurst Euless Bedford ISD	1501 Central Drive	Bedford	Texas	76022	Courtesy Notice
Peter Slover, Applicant	1203 S. White Chapel Blvd	Southlake	Texas	76092	Applicant

Public hearing notices were mailed
Friday, October 18, 2013 by Taci Wrisley

Buffer Map



Zoning Exhibit



Statement of Planning Objectives

Proposed Parker Addition

Planning objectives:

Bayley Yandell Ltd has contracted to purchase the land from Mr. Eddy Parker and assist in gaining a rezoning from R 40 to R 20 (all adjacent properties are zoned R 20) Current property consists of aged single family house with adjacent lot that is currently being used to store old trucks, vans, (abandoned autos) metal equipment, bricks, rocks, wood, etc. Bayley Yandell intends to turn current site into a small cul-de-sac neighborhood of four custom homes that will each sit on approx half acre lots. These homes will be similar in style and character of new homes currently being built in the immediate vicinity.

Proposed Ownership:

Bayley Yandell Ltd with approved rezoning, will develop the land into 4 half acre lots and work with Graham HartHome Builder in constructing custom homes that will average around \$ 700K each.

Development Schedule:

Upon the successful rezoning of the property from R40 to R20, Bayley Yandell will immediately proceed with the engineering and platting of the property. Once the city has approved the final plat and construction drawings for the project, it is Bayley Yandell's intent to move directly into the construction of the infrastructure followed by new home construction. In all, the successful development of the infrastructure and new homes should be accomplished by the end of 2014.

APPLICANT:

Peter Slover
1203 S. White Chapel Rd.
Southlake, Texas 76092
214-626-8570

OWNER:

Eddy R. Parker
708 W L D Lockett Rd.
Colleyville, Texas 76034
817-281-3795

ORDINANCE O-13-xxxx

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 2.5 ACRES ON LOT B1A, A1B, B3 AND B2 BLOCK 4, OF THE W. C. NEWTON SUBDIVISION, FROM THE R40-SINGLE FAMILY RESIDENTIAL TO THE R20-SINGLE FAMILY RESIDENTIAL 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 ZC13-015; 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 of 2.5 acres on Lot B1A, A1B, B3 and B2 Block 4, of the W. C. Newton Subdivision, from the R40-Single Family Residential zoning district to the R20-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 19th day of November 2013.

The second reading and public hearing being conducted on the 3rd day of December 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

