



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, November 11, 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 Davis
PLEDGE OF ALLEGIANCE**

1. APPROVAL OF MINUTES

October 28, 2013

2. APPOINTMENT TO THE PARKLAND DEDICATION COMMITTEE

Current Committee Member Places to Fill Includes:
David Dudziak
Larry Knox

**3. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA**

4. REGULAR AGENDA ITEMS

- 4a** Consideration of a waiver request to the sidewalk requirements on Lot 16, Block 3, of the Fairway Addition located at 6809 Curtis Road, Case GC13-020

5. PUBLIC HEARING AGENDA ITEMS

- 5a** Request for a Special Use Permit for a carport on Lot 14, Block 7, of the Oak Crest Hill Addition located at 313 Oak Crest Hill Drive, Case ZC13-016
- 5b** Request for a replat on 7.99 acres located on Lots 3 and 4, Block 1 and Lots 1-6, Block 2, of the Southgate Addition and 10.44 acres in the Allen Christian Survey and in the L.L. McLain Survey located between 3916 Wayne Drive and 3707 Bedford Court, Case PC13-017
- 5c** Consideration for a zoning change from AG-Agricultural to PUD-R-Planned Unit Development Residential on 4.4 acres located in the Jesse Doss Survey at the Northwest corner of Cheek-Sparger Road and Heritage Avenue; and approval of an amendment to the PUD-R-Planned Unit Development Residential zoning and development requirements on 108.5 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 ZC13-017

6. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards November 8, 2013 by 5:00 p.m.

Taci Wrisley
Planning and Zoning Assistant

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

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

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



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number	Agenda Date 11/11/2013	Number
Type Approval of Minutes		
Department Community Development		

Title

October 28, 2013

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - October 28, 2013



City of Colleyville Planning and Zoning Commission Minutes

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

Monday, October 28, 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 28, 2013 at 7:10 p.m.

Roll Call

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

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

1. APPROVAL OF MINUTES

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

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

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

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

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

3. SWEARING IN OF NEWLY APPOINTED MEMBER

Taci Wrisley swore in 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

Ron Ruthven presented the case and briefed the Commission.

Chairman Byerly questioned staff regarding whether there was enough room between the trees and the edge of the pavement to build a sidewalk and not harm any trees. Ron Ruthven replied the trunks of the trees would not be disturbed; however, their root systems would be jeopardized.

Commissioner Tornes questioned staff regarding the species of trees located in the proposed sidewalk location. Ron Ruthven replied he is not sure.

Nick Smith, the applicant and the builder, came forward and briefed the Commission.

Commissioner Davis made a motion to deny Case GC13-019 with the option to escrow. Commissioner Tornes seconded.

The motion to deny Case GC13-019 with the option to escrow carried by the following vote:

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

- 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

Ron Ruthven presented the case and briefed the Commission.

Commissioner Tornes questioned staff regarding whether there were any homes in the flood plain. Ron Ruthven replied no.

Clayton Redinger, the project engineer, came forward to address any questions or comments.

Commissioner Wheelwright made a motion to approve Case PC13-010. Commissioner Gotcher seconded.

The motion to approve Case PC13-010 carried by the following vote:

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

- 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

Ron Ruthven presented the case and briefed the Commission.

Commissioner Tornes questioned staff regarding the location of the proposed eight (8) foot trail. Ron Ruthven explained the proposed trail would run along the North side of Murphy Road and connect to Riverpath in the Whittier Height Subdivision or just North of Riverpath. Commissioner Tornes further questioned regarding whether any of the trail was constructed today. Ron Ruthven replied yes, however, it does stop just short of the proposed new phase.

Joe Papagolis, the developer, came forward and briefed the Commission.

Commissioner Knox made a motion to approve Case PC13-023. Commissioner Tornes seconded.

The motion to approve Case PC13-023 carried by the following vote:

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

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

Ron Ruthven presented the case and briefed the Commission.

Commissioner Phelps questioned staff regarding whether the existing parcels could be developed based on their current zoning of R-40-Single Family Residential. Ron Ruthven replied no because they would not be able to meet the setback requirements for this zoning.

Commissioner Tornes questioned staff regarding whether the properties to the North and the East were currently zoned R-20-Single Family Residential. Ron Ruthven replied correct.

The public hearing was opened at 7:35 p.m.

Peter Slover, the applicant and developer, and Bryan Holland, also a developer, came forward and briefed the Commission. Commissioner Wheelwright questioned Mr. Slover and Mr. Holland

regarding their knowledge of the drainage issues surrounding this property and how they would handle the issues. Mr. Holland replied they are aware of the drainage issues. Mr. Holland further explained that in conjunction with their other development to the East; they would address all drainage issues related to this property by constructing an underground drainage system.

Commissioner Tornes questioned Mr. Holland regarding whether they had met with city staff to review their drainage system proposal and is city staff okay with their proposal? Mr. Holland replied yes they met with city staff last week and because this only a zoning case they are only in the design phase of their plan. He further explained that city staff were on board with their plan.

Commissioner Phelps questioned Mr. Holland regarding whether they had considered developing the property as two (2) lots versus four (4) lots. Mr. Holland replied no. He further explained that he felt the development would look less appealing.

Commissioner Davis stated he did not believe that Commissioner Phelps was asking the question with the view of a homeowner, but as the City, overall. He further explained the proposed plan would not meet the Master Plan of the City because they were not proposing estate size lots or 'grand entrances'.

Discussion continued between the Commission and Mr. Holland regarding their proposal not meeting the Master Plan.

Commissioner Wheelwright questioned Mr. Holland regarding their previously heard case on Country Way and what was the outcome of that case? Mr. Holland replied after the Planning and Zoning Commission denied their case, they appealed to the City Council and were approved.

Commissioner Wheelwright questioned Mr. Holland regarding whether this development would be a continuation of their Country Way development. Mr. Holland replied no.

Commissioner Tornes questioned Mr. Holland regarding whether it was too soon to discuss their entry way. Mr. Holland replied they had anticipated doing some type of brick wall with the required five (5) sidewalks in front. He further explained they were not anticipating doing a water feature.

There being no one else wishing to speak, the public hearing was

closed at 7:47 p.m.

Commissioner Phelps stated he was in between on this case. He further explained this development matched the surrounding zoning but he understood why the development was being questioned.

Chairman Byerly stated the proposed development was not what the citizens of Colleyville are looking for – they want the rural look and feel.

Commissioner Tornes stated that because the surrounding zoning on the North side of L. D. Lockett Road was all R-20-Single Family Residential, R-40-Single Family Residential seemed out of place.

Commissioner Wheelwright echoed Chairman Byerly's thoughts and did not feel he could support the case.

Commissioner Wheelwright made a motion to deny Case ZC13-015. Commissioner Gotcher seconded.

The motion to deny Case ZC13-015 carried with the following vote:

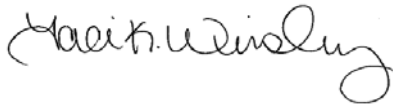
Aye: 6 – Knox, Wheelwright, Gotcher, Davis, Phelps, and Byerly

Nay: 1 - Tornes

6. ADJOURNMENT

The meeting adjourned at 7:52 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on November 11, 2013 by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4a	Agenda Date 11/11/2013	Number
Type Regular Agenda Items		
Department Community Development		

Title

Consideration of a waiver request to the sidewalk requirements on Lot 16, Block 3, of the Fairway Addition located at 6809 Curtis Road, Case GC13-020

Explanation

Mark Lee is requesting a waiver to the construction of a sidewalk for a new home located at 6809 Curtis Road.

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

According to the Supplemental Sidewalk System Map and new Land Development Code standards, approved by the City Council on November 18, 2008 and March 3, 2009, respectively, for lots located in the Fairway Addition - on which the subject property is located - construction of a four (4) foot wide sidewalk is recommended. 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.

In lieu of sidewalk construction, the Planning and Zoning Commission may require payment into escrow in an amount not to exceed \$1,744.00.

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 #6.

Recommendation. Staff recommends that construction of a four (4) foot wide sidewalk along Curtis Road be required as recommended by the Supplemental Sidewalk System Map.

Recommendation

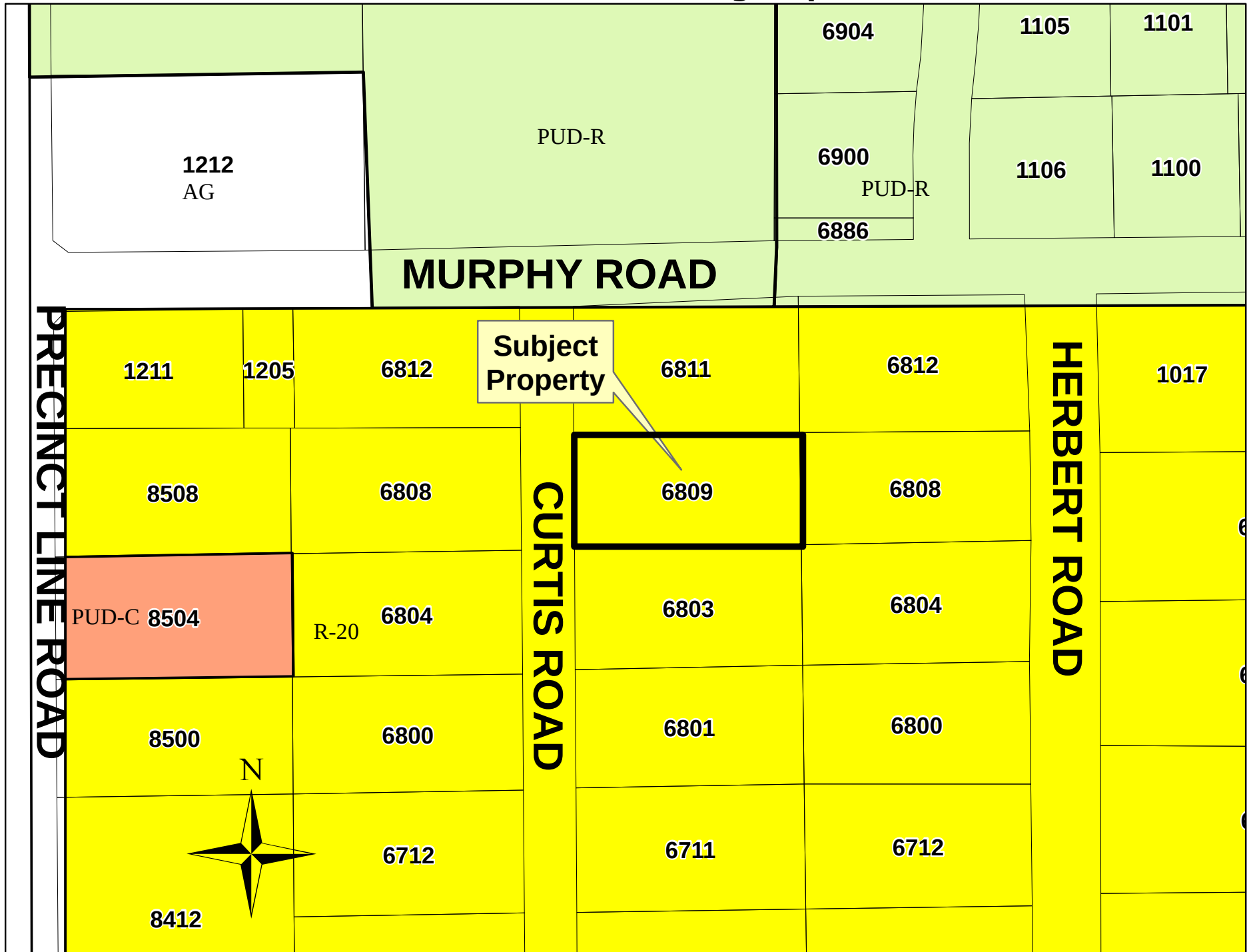
Denial

Attachments

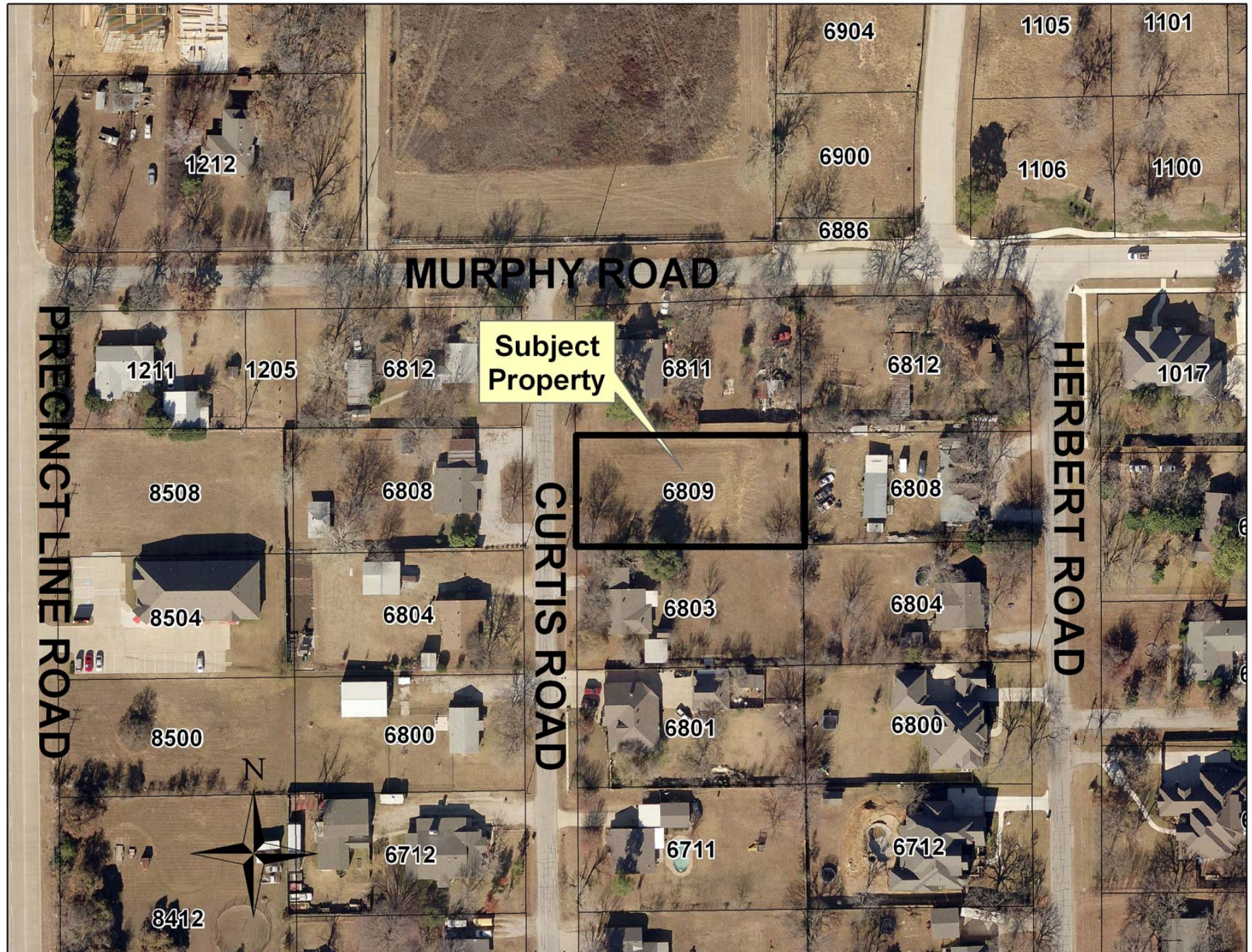
1. Location and Zoning Map

2. Aerial
3. Supplemental Sidewalk System Map
4. Application
5. Colleyville Sidewalk Escrow Neighborhood Map
6. Site Pictures

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

Project Name: Lee Residence
Project Address (Location): 6809 Curtis Rd.
Legal Description: lot 16 - Bl 3
Proposed Number of Lots: 1 Gross Acres: _____ 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: Our Country Homes Company: Sam Austin
Address: 700W. Harwood H Tel: _____ Fax: _____
City: Hurst State: Tx ZIP: 76054 Email: sam.austin@yahoo.com
Applicant's Status: (check one) ☐ Owner ☒ Representative ☐ Tenant ☐ Prospective Buyer

Property Owner: Mark Lee Residence Company: _____
Address: 6809 Curtis Rd. Tel: _____ Fax: _____
City: _____ State: _____ ZIP: _____ Email: marklee2@yahoo.com
Ownership Status: (check one) ☐ Individual ☐ Trust ☐ Partnership ☐ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: Sam Austin 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 #: G013-020

Total Fee(s): \$125.00

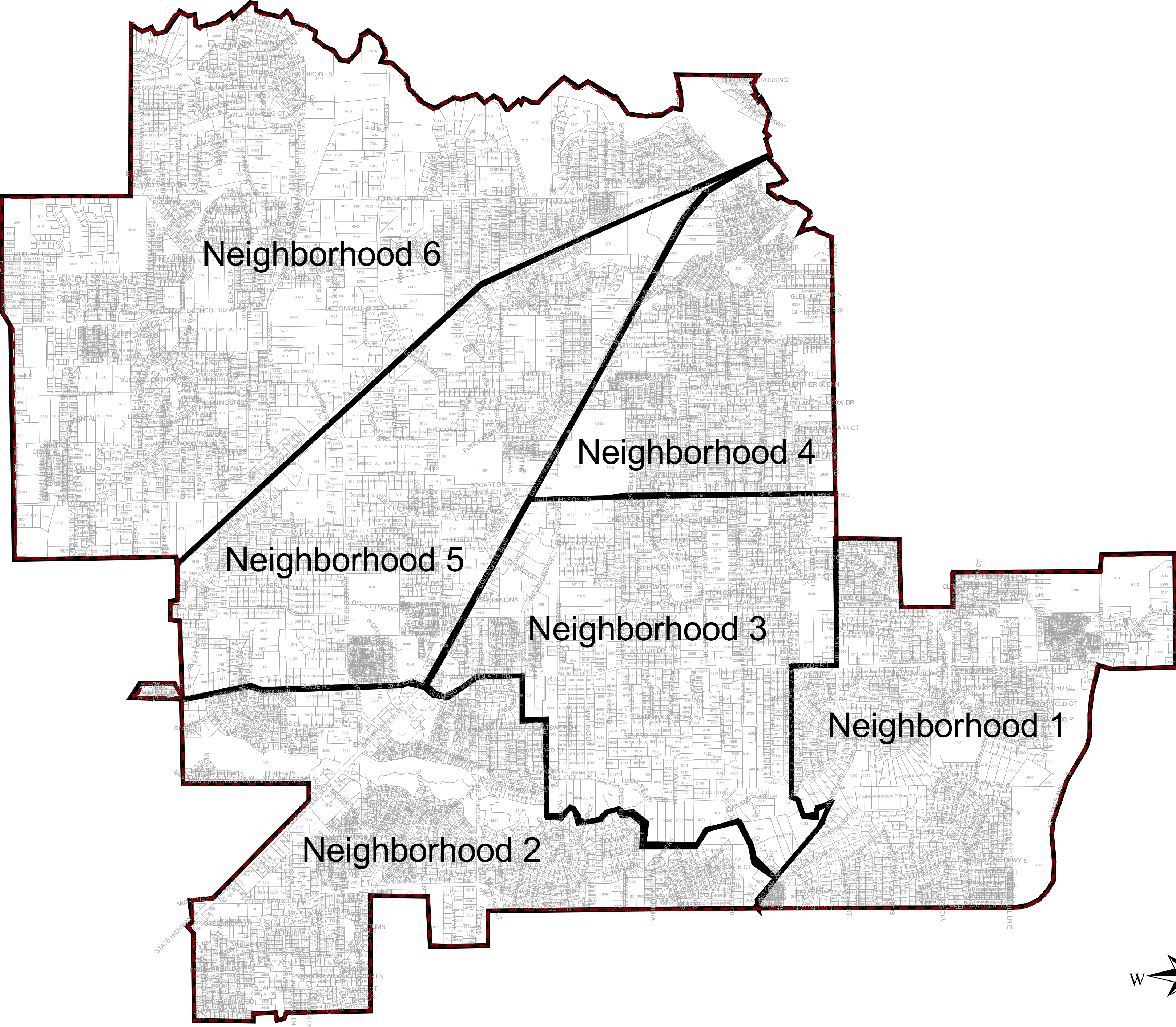
Receipt #: B15104

Date Submitted: 10/11/13

Accepted By: lgmiller

Public Hearing Date: _____

Colleyville Sidewalk Escrow District Neighborhoods - 2009



Site Pictures





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 11/11/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a Special Use Permit for a carport on Lot 14, Block 7, of the Oak Crest Hill Addition located at 313 Oak Crest Hill Drive, Case ZC13-016

Explanation

Leslie Norman, applicant and property owner, submitted a request for a Special Use Permit (SUP) for a carport on Lot 14, Block 7, of the Oak Crest Hill Addition located at 313 Oak Crest Hill Drive, Case ZC13-016.

Carport Dimensions. The applicant is proposing an attached, 400 square foot, wooden structure with a shingle roof with a minimum roof pitch of 2:12. The dimensions of the proposed carport will be 20 feet by 20 feet.

Waiver Request. Section 3.27 of the Land Development Code sets development standards for carports. The existing carport does not comply with the following standard: *"The construction of the posts shall be brick, stone or decorative metal between 12 inches and 48 inches in width."* The proposed carport does not comply with the regulation since the posts are to be constructed of wood.

Existing Conditions. The property is zoned R20-Single Family Residential and is currently developed for single family use. The applicant states that the carport is necessary to protect daily drive vehicles from hail, sun and oak tree debris. Since the proposed carport will be attached, it will need to comply with the setback for the R20 Single Family Residential district as follows:

Side Yard Setback: 10 feet

Rear Yard Setback: 25 feet

Adjacent Zoning and Development. All surrounding properties are zoned R-20 Single Family Residential and are currently developed for single family residential uses.

Public Notification. Staff notified 16 property owners within 200 feet as well as all Homeowners Associations within 500 feet of the subject property regarding this request. Notice was published in the *Fort Worth Star Telegram* as required by state law and the Land Development Code. Staff has received no written correspondence regarding this request.

Summary. The Land Development Code requires that carports be considered on a case by case basis, and must be approved by a Special Use Permit. Given the fact that the proposed carport will not be visible from the street, and that staff has not received any written correspondence from the public notification, staff recommends approval of the request.

Recommendation

Approval with the following conditions:

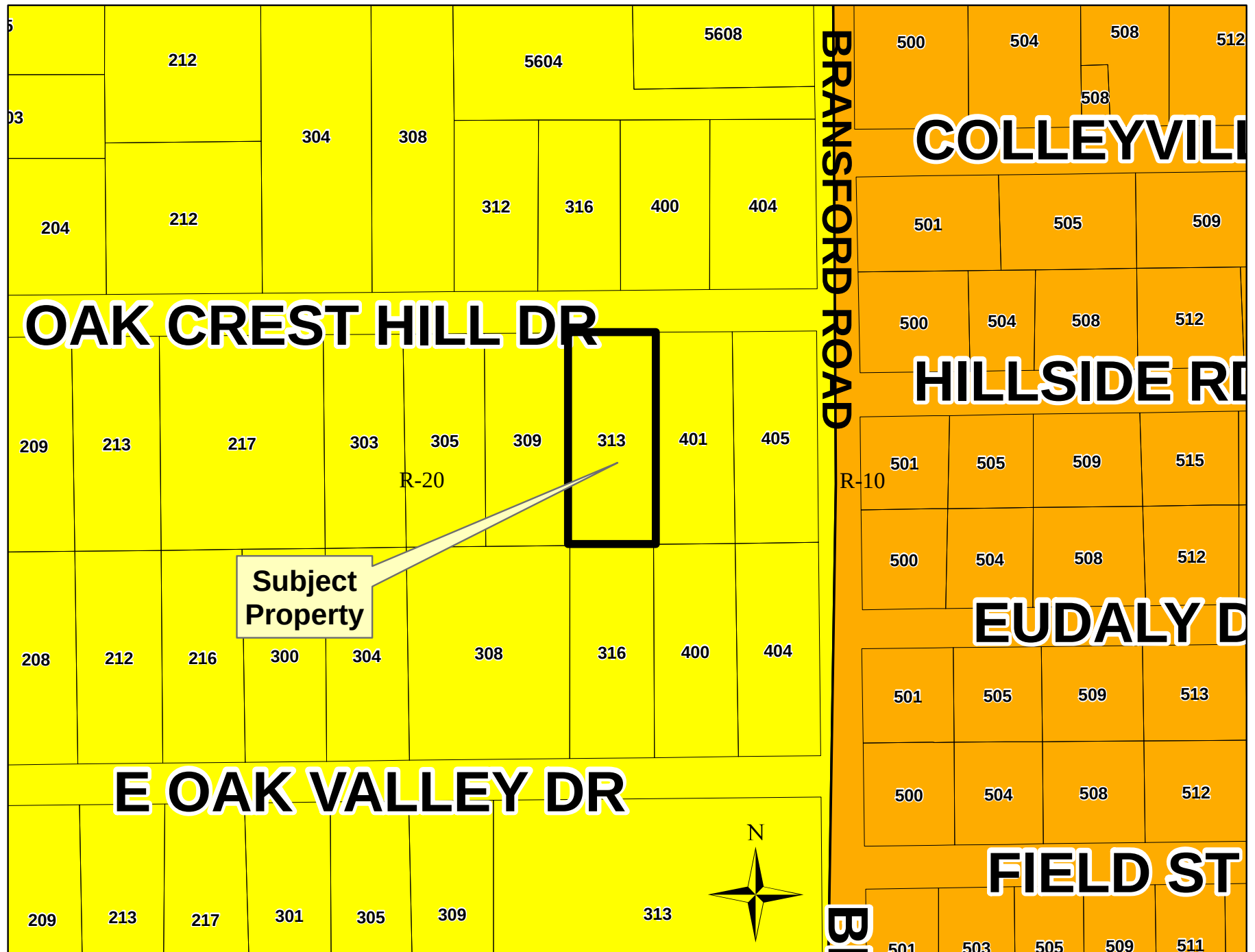
1. General

- a. No more than one carport shall be permitted and the carport shall remain as shown on Exhibit "B."
- b. The carport shall have dimensions of 20 feet by 20 feet (400 square feet).
- c. The carport shall not exceed 11 feet in height, and will have a pitched roof of at least 2:12.
- d. The masonry column requirement is hereby waived and the support posts shall be treated wooden posts.
- e. The roofing material will be shingles to match the color scheme of the primary structure.
- f. In the event that the carport permitted under this ordinance is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, this Special Use Permit shall become null and void.
- g. The carport shall meet all regulations of the Land Development Code, except where amended herein.

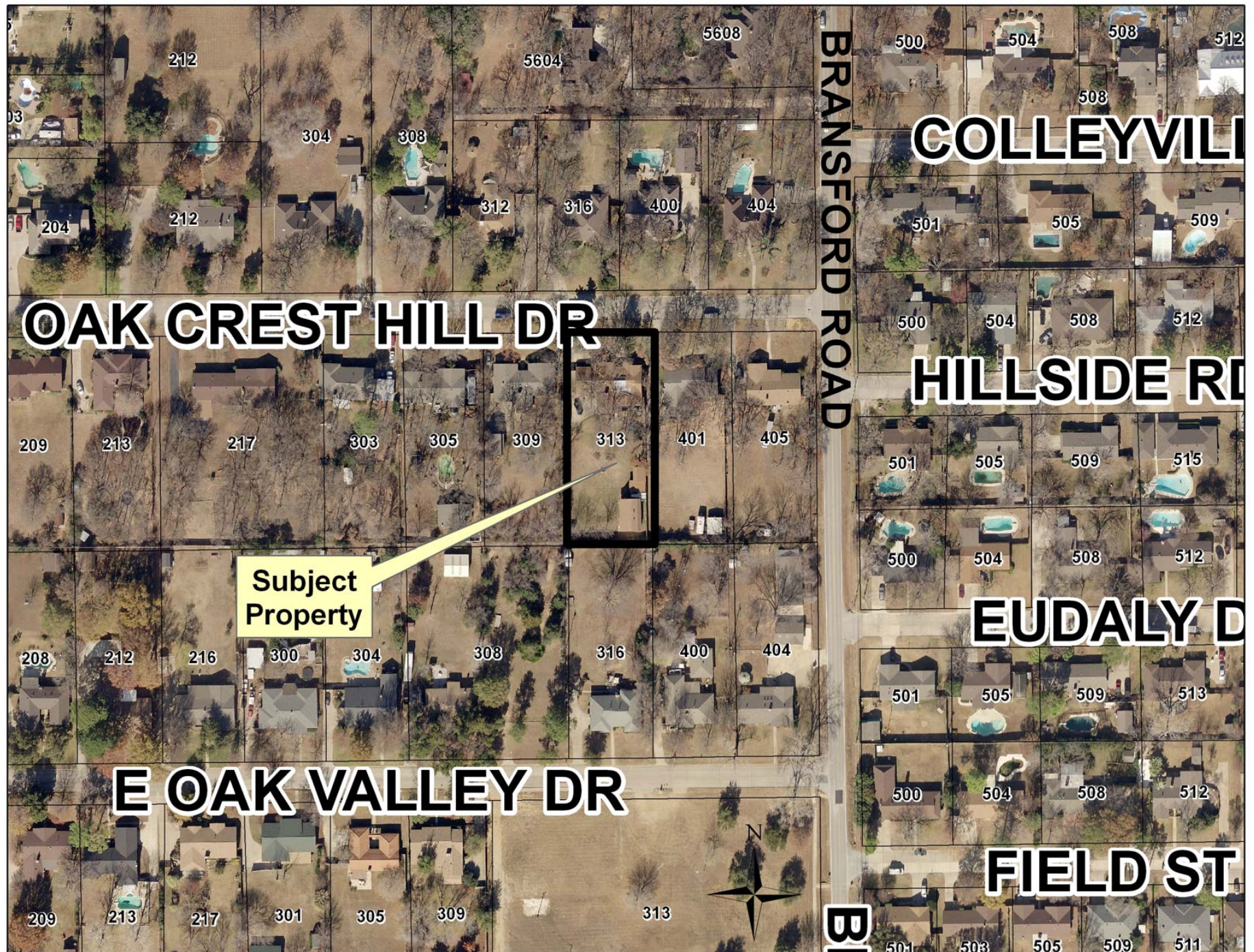
Attachments

- 1. Location and Zoning Map
- 2. Aerial
- 3. Notification List
- 4. Buffer Map
- 5. Land Development Code Carport Standards
- 6. Statement of Planning Objectives
- 7. Carport Dimensions
- 8. Proposed Carport Pictures
- 9. 313 Oak Crest Hill Drive
- 10. Proposed Ordinance

Location and Zoning Map



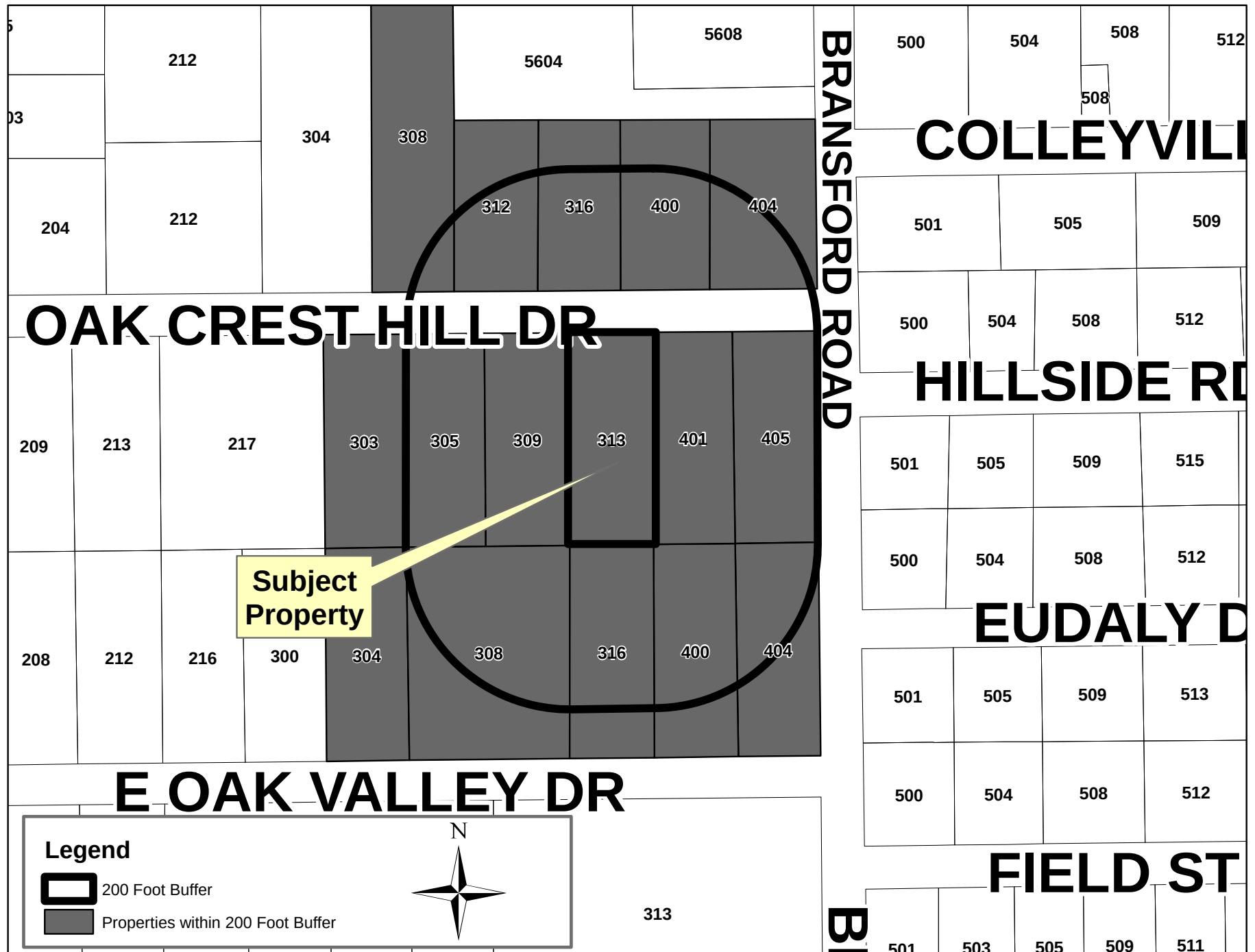
Aerial



Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Francis, Cheryl Ann	308 Oak Crest Hill Dr	Colleyville	Texas	76034	308 Oak Crest Hill Dr
Woodland Investment Trust 3	4400 State Highway 360	Grapevine	Texas	76051	303 Oak Crest Hill Dr
Valle, Sergio	404 Oak Crest Hill Dr	Colleyville	Texas	76034	404 Oak Crest Hill Dr
Barnes, William D Etux Debra	400 Oak Crest Hill Dr	Colleyville	Texas	76034	400 Oak Crest Hill Dr
Burtin, Violet Marie	312 Oak Crest Hill Dr	Colleyville	Texas	76034	312 Oak Crest Hill Dr
Wright, Trenton & Sarah	316 Oak Crest Hill Dr	Colleyville	Texas	76034	316 Oak Crest Hill Dr
Grace, Michael P Etux Donna	305 Oak Crest Hill Dr	Colleyville	Texas	76034	305 Oak Crest Hill Dr
Presnall, Roger	405 Oak Crest Hill Dr	Colleyville	Texas	76034	405 Oak Crest Hill Dr
Gauer, James G Etux Frances	309 Oak Crest Hill Dr	Colleyville	Texas	76034	309 Oak Crest Hill Dr
Escarsega, Estevan & Anna M	304 Oak Valley Dr	Colleyville	Texas	76034	304 Oak Valley Dr
Mooney, Antionetta T	404 Oak Valley Dr	Colleyville	Texas	76034	404 Oak Valley Dr
Rushing, Gregory Dan	400 Oak Valley Dr	Colleyville	Texas	76034	400 Oak Valley Dr
Westerman, Thomas E Etux Berth	308 Oak Valley Dr	Colleyville	Texas	76034	308 Oak Valley Dr
Martin, Jerry Wayne	316 Oak Valley Dr	Colleyville	Texas	76034	316 Oak Valley Dr
Thompson, Donna V	401 Oak Crest Hill Dr	Colleyville	Texas	76034	401 Oak Crest Hill Dr
Keller ISD	350 Keller Parkway	Keller	Texas	76248	Courtesy Notice
Hurst Euless Bedford ISD	1501 Central Drive	Bedford	Texas	76022	Courtesy Notice
City of Grapevine	P. O. Box 95140	Grapevine	Texas	76099	Courtesy Notice
Lr Norman Limited Liability Co, Applicant	313 Oak Crest Hill Dr	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
by Taci Wrisley Friday, November 1, 2013

Buffer Map



Land Development Code Carport Regulations

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

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
 - b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
 - c. *Setbacks:*
 - i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
 - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
 - d. *Maximum Number Per Lot:* one
 - e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.
 - f. *Design Criteria:*
 - i. *Roof* - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
 - ii. *Posts* - Posts shall be constructed of brick, stone or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than twelve inches (12") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Wooden posts shall be prohibited.
 - g. *Adequacy of Plans and Specifications:*

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

Statement of Planning Objectives

I would like to build a structure to protect my daily drive vehicles from hail, sun, and the debris my oak tree creates. My driveway runs along side my house and around the back of my home next to my back door. I come and go thru my back door , do not park in front but behind my privacy fence. The structure I propose would not be seen from the street or by my neighbors. It would not be higher than my existing roof. Thank you for considering my request.

BUILDER'S COPY

NOTES

30' B.L.

proposed carport

PLAT OF

Proposed Carport Pictures



Single Slant 2 CAR "CARPORT"
NOT SEEN FROM STREET
20' wide X 20' Long

9'

313 Oak Crest Hill Drive



ORDINANCE O-13-XXXX

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 14, BLOCK 7, OF THE OAK CREST HILL ADDITION LOCATED AT 313 OAK CREST HILL DRIVE, BY AUTHORIZING A SPECIAL USE PERMIT FOR A CARPORT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case No. ZC13-016; 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 authorizing a Special Use Permit for the carport on Lot 14, Block 7, of the Oak Crest Hill Addition, as depicted on the Location and Zoning Map, attached as Exhibit "A" and as shown on Exhibit "B".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. General

- a. No more than one carport shall be permitted and the carport shall remain as shown on Exhibit "B."
- b. The carport shall have dimensions of 20 feet by 20 feet (400 square feet).
- c. The carport shall not exceed 11 feet in height, and will have a pitched roof of at least 2:12.
- d. The masonry column requirement is hereby waived and the support posts shall be treated wooden posts.

- e. The roofing material will be shingles to match the color scheme of the primary structure.
- f. In the event that the carport permitted under this ordinance is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, this Special Use Permit shall become null and void.
- g. The carport shall meet all regulations of the Land Development Code, except where amended herein.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

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

AND IT IS SO ORDERED.

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

The second reading and public hearing being conducted on the 17th 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

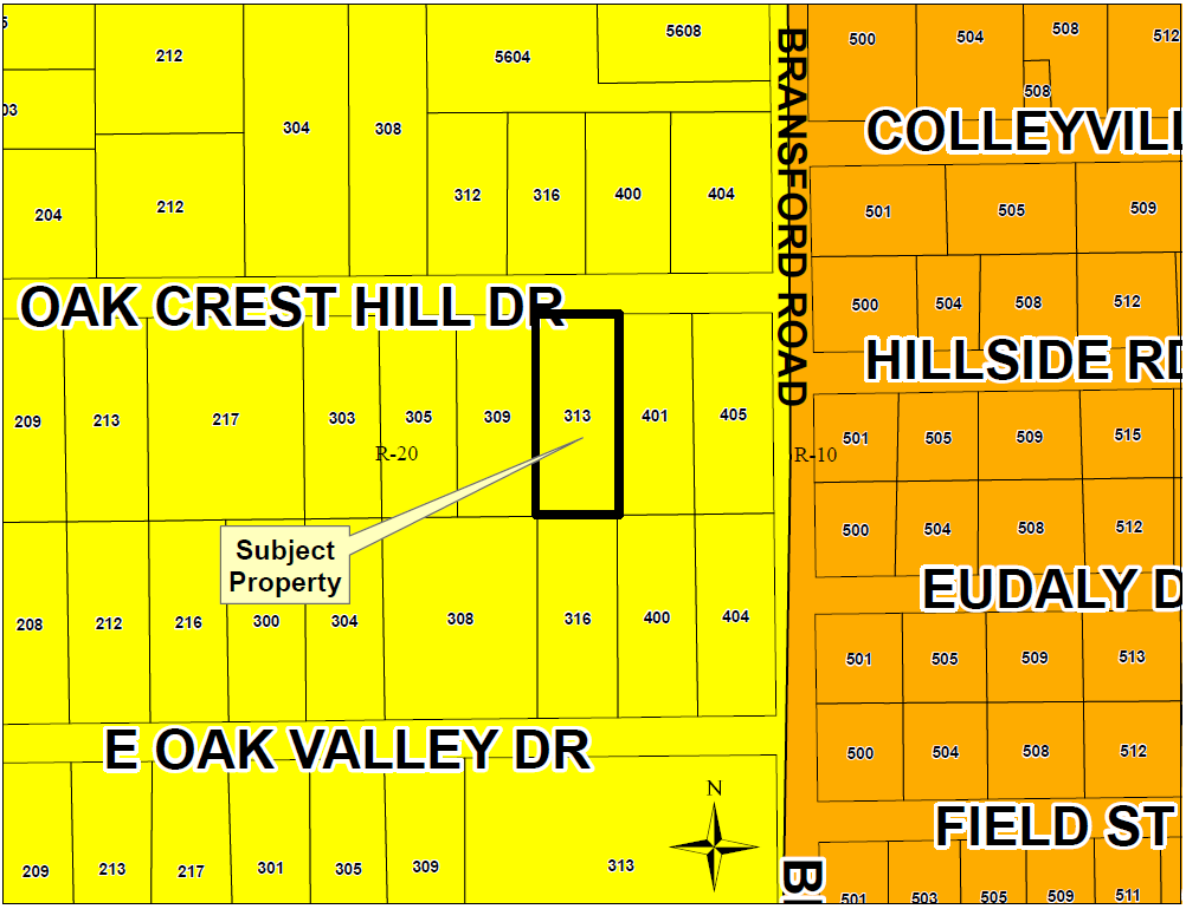


Exhibit "B" - Carport Dimensions

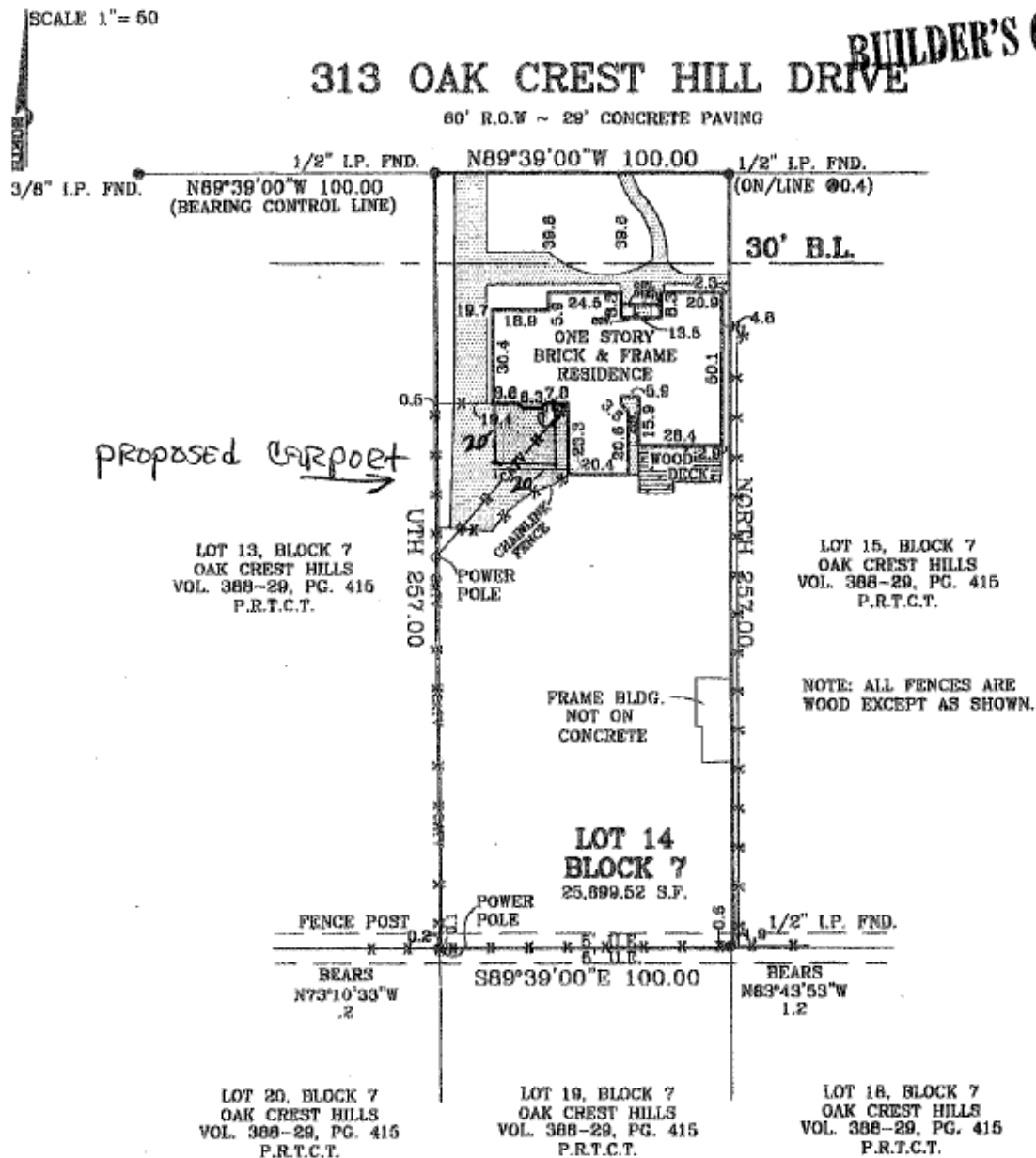
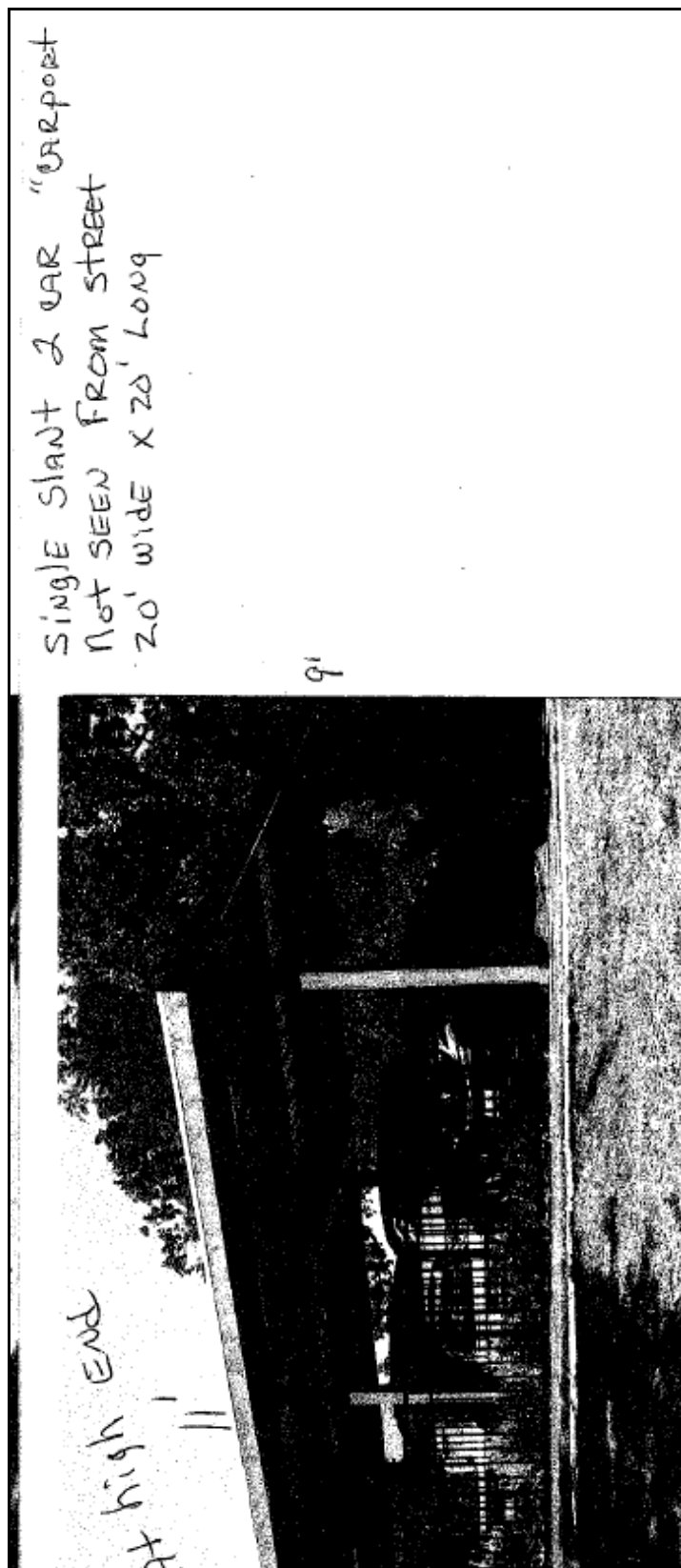


EXHIBIT "B" (CONTINUED)





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 5b	Agenda Date 11/11/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a replat on 7.99 acres located on Lots 3 and 4, Block 1 and Lots 1-6, Block 2, of the Southgate Addition and 10.44 acres in the Allen Christian Survey and in the L.L. McLain Survey located between 3916 Wayne Drive and 3707 Bedford Court, Case PC13-017

Explanation

The applicant is requesting to replat 18.7 acres of land located south of Cheek-Sparger Road between Wayne Drive and Bedford Court. The applicant is requesting the replat in order to develop the property for a mixed-use senior housing development.

Zoning. The subject properties are zoned PUD-C under Ordinance O-12-1832 (attached). Ordinance O-12-1832 requires that the subject properties must be replatted prior to any development activity.

Ordinance O-12-1832 allows office uses and senior housing uses with a combination of independent living, assisted living and memory care. The individual phases of the development are approved as follows:

The Homestead at Heritage Farms - This facility will include up to 15,000 square feet and will provide general and medical office or retail purposes to those residents living on the property, as well as those within the Colleyville area. This facility will be located on the corner of Wayne Drive and Cheek-Sparger Road with access from either street.

The Inn at Heritage Farms - This facility will be approximately 106,500 square feet and will provide a combination of 74 assisted living units, on two levels, and a maximum of 45 memory care beds, on one level. This facility will be located south of the Homestead along Wayne Drive and will have common areas for the assisted living space, such as reception, kitchen, dining, and a salon. The memory care beds will be arranged around internal common activity areas and a central private courtyard. The private courtyard will be secure and monitored to prevent users from leaving memory care, as required by the Texas Department for Aging and Disabilities. This facility will be designated with a Type B license from the Texas Department of Aging and Disability Services.

The Residences at Heritage Farms - This facility will be approximately 200,000 square feet and will provide 162 age-qualified independent living homes for residents age 55

years and older in a single building. This facility will be located south of the assisted living and memory care building, along Wayne Drive. This facility will generally be a two-story building with a three-story component in the center of the complex and will operate on a 24/7 basis.

Replat. The replat includes three lots. Lots one and two will contain the development phases mentioned above. Lot three will contain the existing cellular tower located on the subject property.

Roundabout Construction. A City/Developer agreement (attached) was approved by the City Council on January 15, 2013 allowing the developer to construct a roundabout at the intersection of Bedford Road and Cheek-Sparger Road in lieu of payment of required development fees. The CDA requires completion of the roundabout prior to the issuance of any certificate of occupancy on the subject property. Construction is tentatively scheduled to begin in early 2014.

Open Space. Ordinance O-12-1832 requires a minimum of 54 percent of open space for this development. As is standard for commercial and institutional developments, open space areas will not be shown on the plat and, instead, will be enforced upon submittal of the building permit.

Sidewalks. According to the Colleyville Pathways Plan, a four (4) foot wide sidewalk is required along Wayne Drive and Bedford Court and a five (5) foot wide sidewalk is required to be constructed along Cheek-Sparger Road. The sidewalks must be installed when any new structures are built on the property.

Summary. The proposed replat meets the minimum requirements of the Land Development Code and Ordinance O-12-1832. This plat only requires approval by the Planning and Zoning Commission.

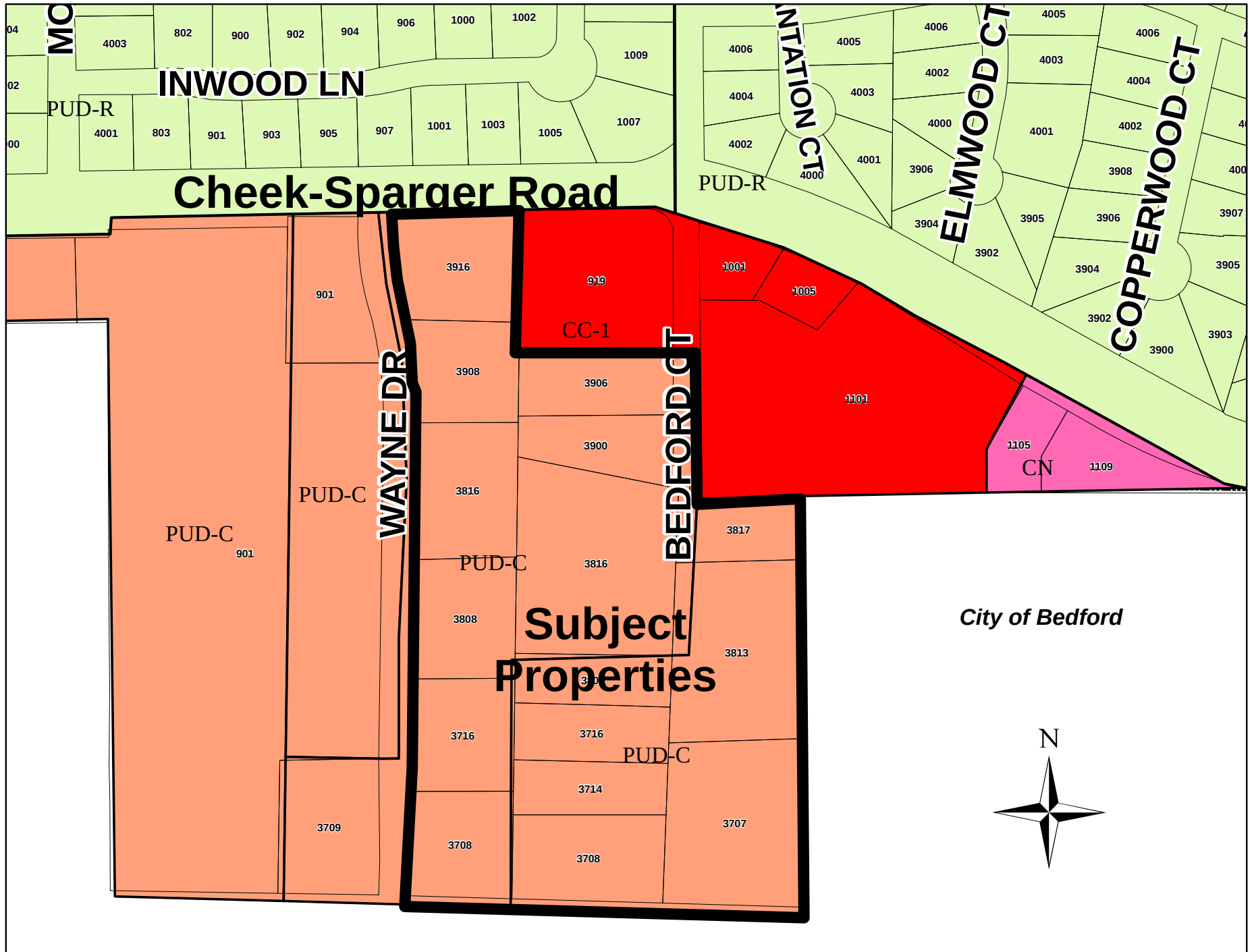
Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Replat Exhibit
4. Ordinance O-12-1832
5. Heritage Farms City/Developer Agreement

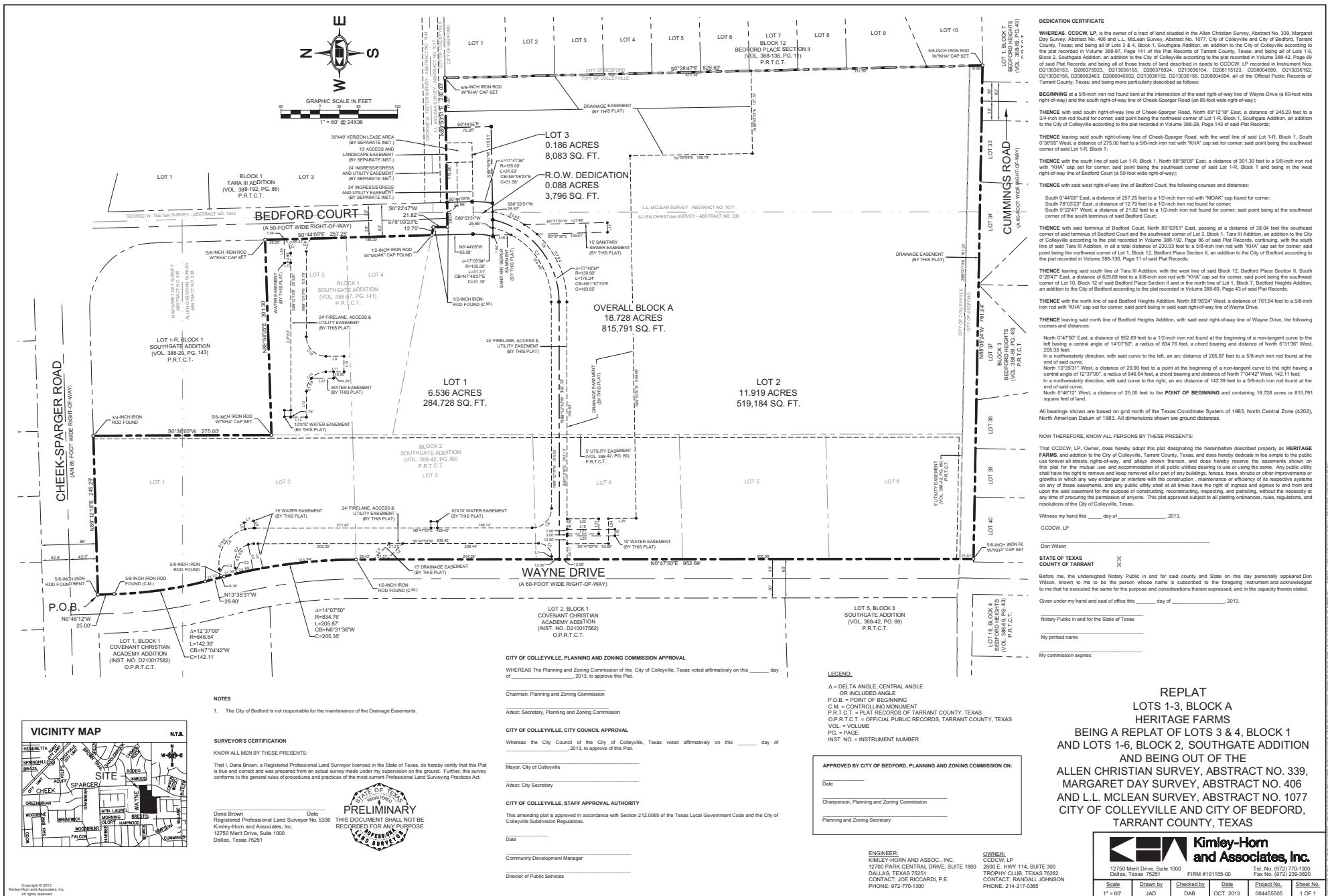
Location and Zoning Map



AETIdI



Replat Exhibit



ORDINANCE O-12-1832

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 7.99 ACRES ON LOTS 3 AND 4, BLOCK 1 AND LOTS 1-6, BLOCK 2 OF THE SOUTHGATE ADDITION AND 11.8 ACRES ON TRACTS 5A, 5A1, 5A1A, 5A1B, 5A2A, 5A02B, 5A2C, 5A02D, 5A02E OF ABSTRACT 339 OF THE ALLEN CHRISTIAN SURVEY AND TRACTS 1, 1A AND 1B OF ABSTRACT 1077 OF THE L.L. McLAIN SURVEY FROM THE AG-AGRICULTURAL AND R40-SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning request under Case No. ZC12-007; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

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

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

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the

districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 7.99 acres on Lots 3 and 4, block 1 and Lots 1-6, Block 2, of the Southgate Addition and 11.8 ACRES on Tracts 5A, 5A1, 5A1A, 5A1B, 5A2A, 5A02B, 5A2C, 5A02D, 5A02E of Abstract 339 of the Allen Christian Survey and Tracts 1, 1A and 1B of Abstract 1077 of the L.L. McLain survey from the AG-Agricultural and R40-Single Family Residential Zoning District to the PUD-C-Planned Unit Development Commercial zoning district, as depicted on Exhibit "A" and described on Exhibit "B" and Exhibit "C".
- Sec. 3. THAT the above described tract of land shown on Exhibit "A" shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-C is for a mixed use development consisting of retail and medical office uses on 1.2 acres on the northeast corner of Cheek-Sparger Road and Wayne Drive and a senior housing development on the remaining 17.2 acres with a combination of independent living, assisted living, and memory care.
- b. This facility shall be licensed as a Type A and/or Type B Assisted Living Center by the Texas Department of Aging and Disability Services as required by the Assisted Living Facility Licensing Act. Proof of such licensing shall be required prior to the issuance of a Certificate of Occupancy for this property.
- c. This property is subject to all the regulations contained in the Land Development Code, except where amended by this Ordinance.

2. LAND USE

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

3. HOURS OF OPERATION

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

4. CONCEPTUAL PLAN AND PLATTING

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

5. BUILDINGS

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

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

The Inn (assisted living): 50 percent masonry minimum

The Residences (independent living): 50 percent masonry minimum

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

6. OPEN SPACE

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

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

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

7. SIDEWALKS

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

8. PARKING AND ACCESS

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

9. LIGHTING

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

10. FENCING

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

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

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

11. SIGNAGE

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

12. DUMPSTER ENCLOSURE

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

13. PUBLIC IMPROVEMENTS

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

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

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

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the

City shall have the right to seek injunctive relief for any and all violations of this ordinance.

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

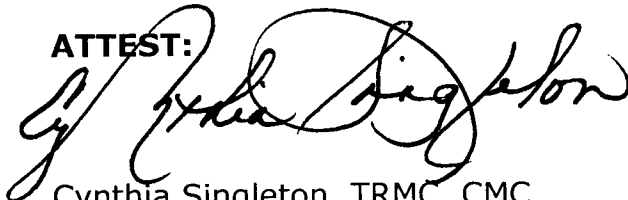
AND IT IS SO ORDERED.

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

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

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

ATTEST:



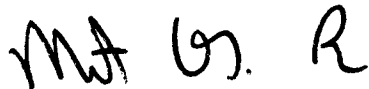
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

EXHIBIT "A" – Location and Zoning Map

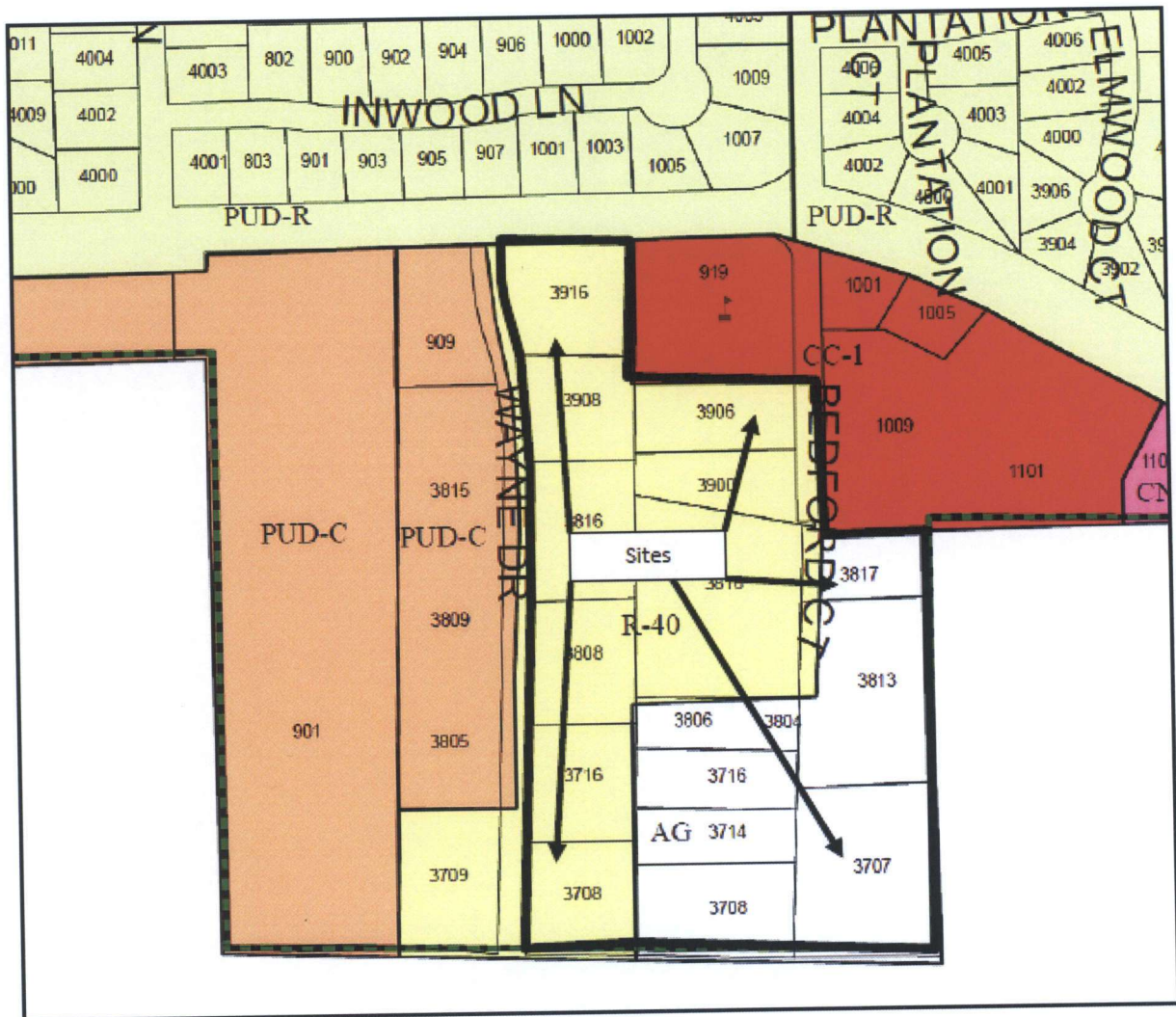


EXHIBIT "B" – Property Description

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

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

19.682 ACRE TRACT
(Continued)

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

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

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

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

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

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

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

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

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

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

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

19.682 ACRE TRACT
(Continued)

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

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

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

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

EXHIBIT "C" – Statement of Planning Objectives

Heritage Farms

Introduction

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

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

Design Concept

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III - The Residences at Heritage Farms

(162 Independent Living Residences)

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

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

Development Schedule

PHASE 1

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

PHASE 2

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

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

Pedestrian Connections

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

Open Space Amenities

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

Support for Retail in Colleyville

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

Jobs for the Community

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

Utility Provisions

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

Traffic Impact

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

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

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

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

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

Economic Development

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

AD VALOREM TAX REVENUE

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

SALES TAX REVENUE

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

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

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

Summary of Architectural Guidelines

Development Program

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

Building Setbacks

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

Building Height

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

Building Elevations

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

Parking

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

Fences and Walls

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

Building Signage

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

Dumpster Enclosures

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

AUGUST 3, 2012

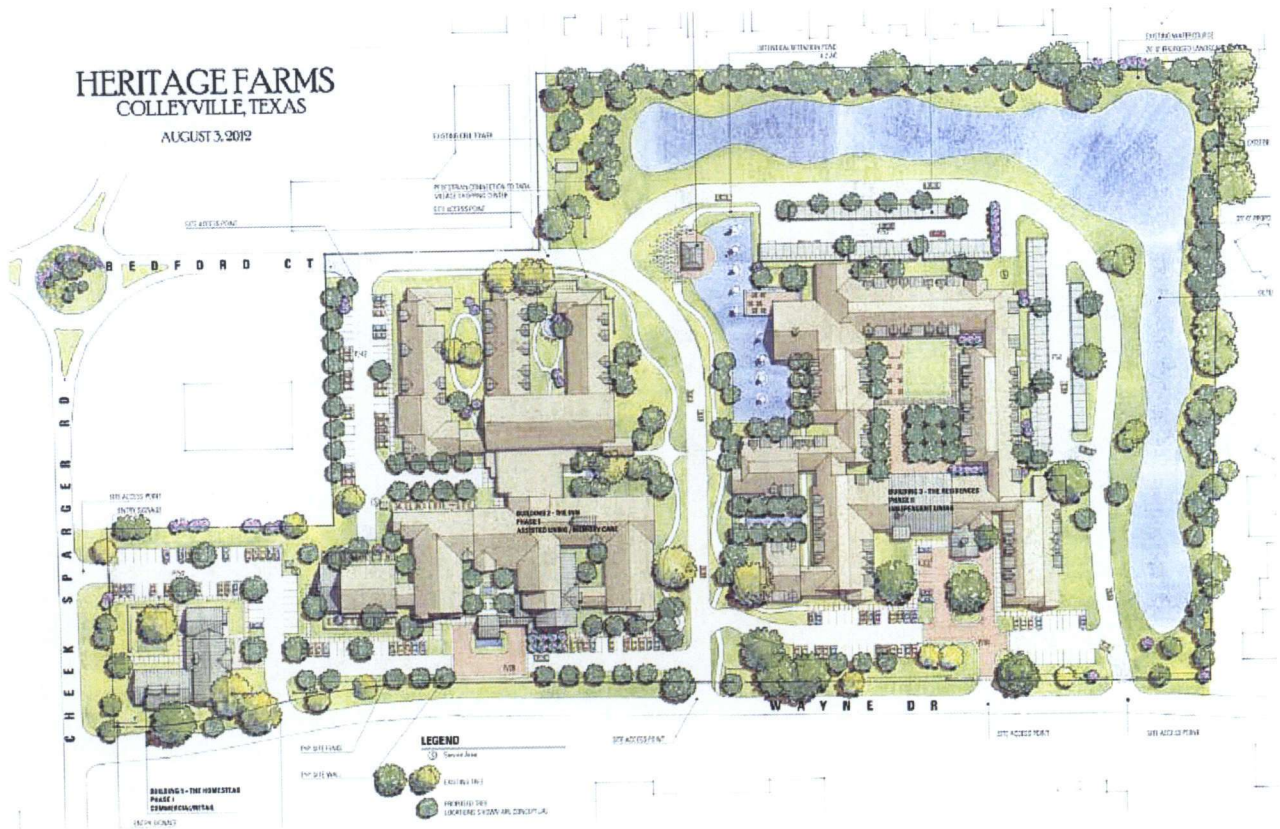


Exhibit "E" – Building Elevations



scale: 1 : 16

THE HOMESTEAD at
HERITAGE FARMS

Conceptual Wayne Drive Elevation

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



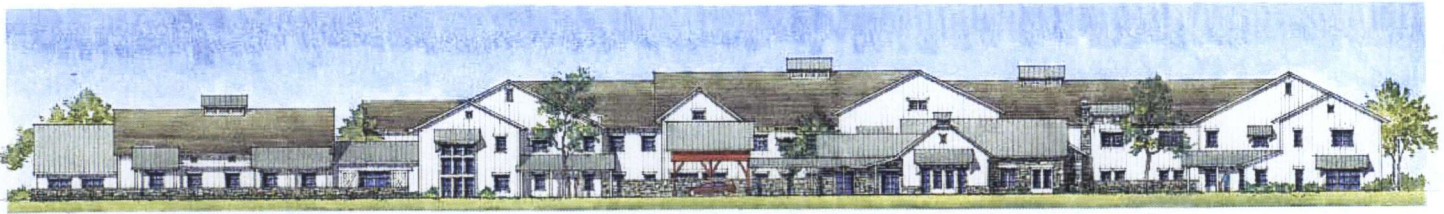
scale: 1 : 16

THE HOMESTEAD at
HERITAGE FARMS

Conceptual Cheek-Sparger Elevation

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

Exhibit "E" – Building Elevations Continued



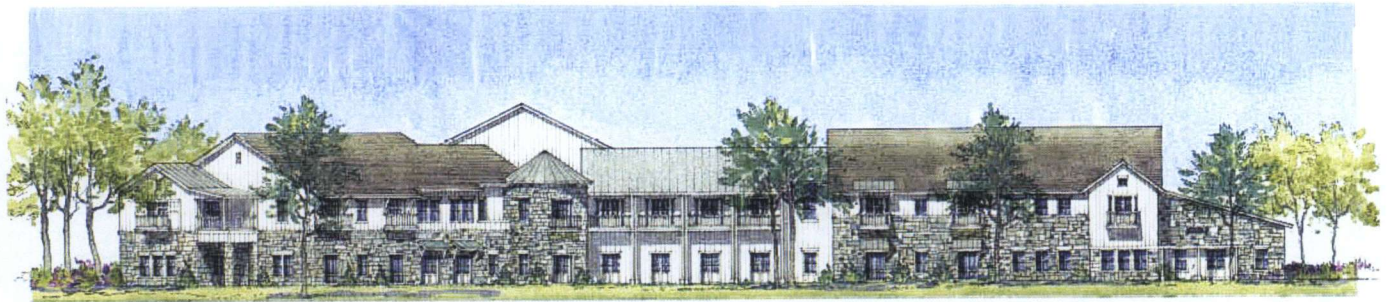
scale: 1 : 25

THE INN at HERITAGE FARMS

Assisted Living and Memory Care

Conceptual Wayne Drive Elevation

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



scale: 1 : 20

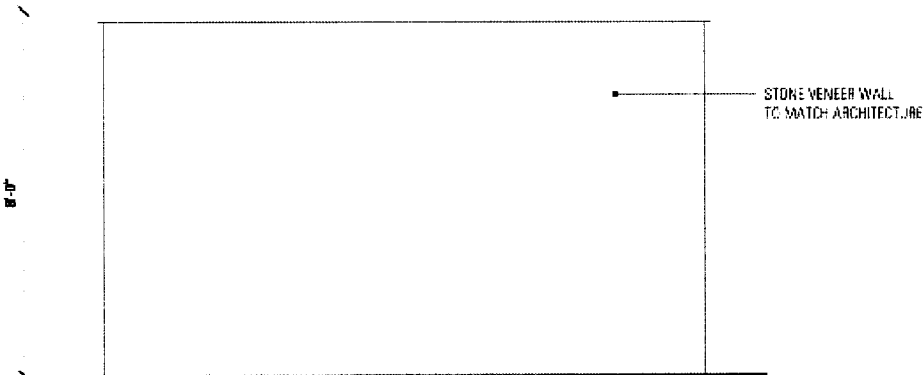
THE RESIDENCES at HERITAGE FARMS

Independent Living Residences

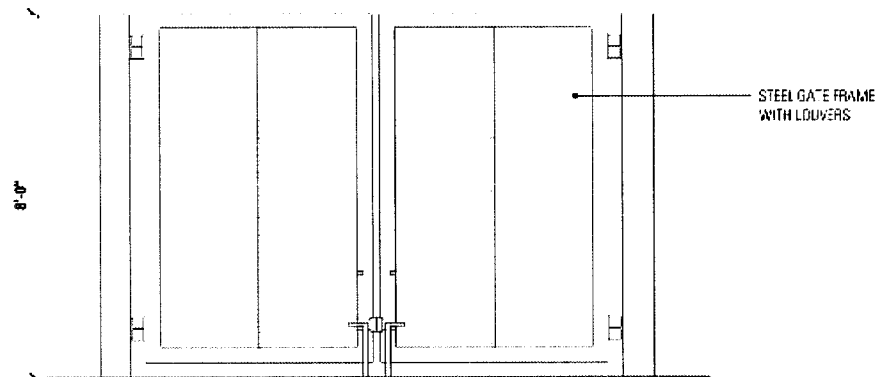
Conceptual Wayne Drive Elevation

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

Exhibit "F" – Dumpster Enclosure Elevations



SIDE ELEVATION



FRONT ELEVATION

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

Heritage Farms City/Developer Agreement

Exhibit "A"

City of Colleyville City/Developer Agreement for Heritage Farms Development

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

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

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

Heritage Farms City/Developer Agreement

Exhibit "A"

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

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

Avere Colleyville, SL, LLC

By: Don Wilson


Name: Don Wilson, President Date: 7.22.13

CITY OF COLLEYVILLE


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

Heritage Farms City/Developer Agreement

Exhibit "A"

CDA – Exhibit "A"

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

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

Heritage Farms City/Developer Agreement

Exhibit "A"

CDA – Exhibit "A"

REIMBURSEMENT AND CREDIT TO DEVELOPER TOTALS

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

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



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 5c	Agenda Date 11/11/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration for a zoning change from AG-Agricultural to PUD-R-Planned Unit Development Residential on 4.4 acres located in the Jesse Doss Survey at the Northwest corner of Cheek-Sparger Road and Heritage Avenue; and approval of an amendment to the PUD-R-Planned Unit Development Residential zoning and development requirements on 108.5 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 ZC13-017

Explanation

Paul Spain has submitted a request to amend PUD-R Ordinance O-07-1645 and Ordinance O-13-1866, which amended Ordinance O-07-1645 (both ordinances are attached). The PUD-R-Planned Unit Development Residential zoning authorized by the above mentioned ordinances includes 108.5 acres located on the west side of Heritage Avenue between Glade Road and Cheek-Sparger Road, and is known as Creekside at Colleyville.

Zoning History and Requirements. Ordinance O-07-1645 was approved by the City Council on November 27, 2007. The ordinance allows for commercial development of the southwest corner of Glade Road and Heritage Avenue and 269 single family detached units on the remaining portion of the subject property.

Section 4(2)a of Ordinance O-07-1645 requires the submission of a detailed site plan prior to platting. On March 5, 2013, the City Council approved Ordinance O-13-1866, which included a detailed site plan for phase one of the development satisfying the Section 4(2)a requirement. Ordinance O-13-1866 also included several amendments to Ordinance O-07-1645. Amendments authorized under Ordinance O-13-1866 include:

- Reducing the maximum building height from 40 feet to 35 feet
- Requiring Trail 24 on the Colleyville Pathway's Plan to be constructed along Heritage Avenue.
- Allowing the streets in the development to be private
- Addition of a requirement that the developer improve Heritage Avenue where it is

adjacent to the development.

- Requirement that phase two of the development must submit a detailed site for final approval similar to phase one

Phase one will include 41 single family residential lots. The final plat for phase one is currently under review.

Applicant's Request. The purpose of the request by the applicant is to approve the detailed development plan for phase two and to incorporate the property that was recently included in a boundary adjustment from the City of Euless into the PUD-R development.

The phase two development plan includes over 96 acres of land encompassing 221 residential lots, one commercial lot and 18 open space lots. The commercial lot includes 3.72 acres at the northwest corner of Cheek Sparger Road and Heritage Avenue.

Much of the proposed commercial lot is currently zoned AG-Agricultural. The portion of the property zoned AG was incorporated into the City of Colleyville via a boundary adjustment with the City of Euless, approved by the City of Colleyville on March 20, 2012 under Ordinance O-12-1828 (attached). The Land Development Code requires that any property newly incorporated or annexed into the City shall automatically be zoned AG-Agricultural. Therefore, the applicant is formally requesting that this property be incorporated into the PUD as part of their request.

Section 4(3)b of Ordinance O-07-1645 states that 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.

Existing Conditions. The entire PUD boundary remains undeveloped. Tree protection for phase one has been installed. However, the final plat for phase one remains under review.

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

Lot Dimensions and Setbacks. The development conditions listed in the Statement of Planning Objectives mirror the development conditions found in Ordinance O-07-1645. These conditions are as follows:

Planning Area "A"

- Minimum Lot Size: 9,000 Square Feet
- Minimum Lot Width: 70 feet
- Minimum Lot Depth: 120 feet
- Front Building Line: 20 feet; or 15 feet with a swing garage
- Side Building Line: 5 feet
- Rear Building Line: 30 feet
- Maximum Height: 35 feet
- Maximum Lot Coverage: 65 percent

Planning Area "B"

- Minimum Lot Size: 5,000 Square Feet
- Minimum Lot Width: 50 feet
- Minimum Lot Depth: 105 feet
- Front Building Line: 20 feet; or 15 feet for a front swing garage
- Side Building Line: 0, 1, or 9 feet with a 10 foot minimum between buildings
- Rear Building Line: 10 feet
- Maximum Height: 35 feet
- Maximum Lot Coverage: 65 percent

The applicant lists a maximum building height of 40 feet in the Statement of Planning Objectives, which mirrors the original requirements of Ordinance O-07-1645. However, this requirement was amended under Ordinance O-13-1866 to reduce the maximum building height to 35 feet, consistent with the standard requirement found in the Land Development Code. For the sake of consistency, staff has modified this requirement on the standards shown above.

The applicant proposes no modifications to the original development requirements of Ordinance O-07-1645.

Open Space. The PUD-R regulations require a minimum 20 percent of the development be reserved for open space for use by the residents of the development. There are no specific open space minimums listed in Ordinances O-07-1645 and O-13-1366. Therefore, the minimum of 20% is required per the provisions of the Land Development Code.

Sidewalks and Trails. Internal sidewalks, a minimum of four feet in width, will be built in front of all residential lots within the development. Ordinance O-13-1866 requires that Trail 24 be located along the west side Heritage Avenue adjacent to the development. According to the Supplemental Sidewalk Map, a minimum five foot sidewalk will be required along Cheek-Sparger Road and Glade Road adjacent to the development. According to the Supplemental Sidewalk System Map and the Colleyville Pathways Plan, additional trails are required to connect to the required trail along Heritage Avenue from the west. These trails are noted as Trails 25 and 26 on the Colleyville Pathways Plan and must be constructed by the developer prior to the final acceptance of public improvements.

Screening and Fencing. Per the existing requirements in Ordinance O-07-1645, an eight (8) foot masonry wall shall be built between any commercial and residential lots. 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. Perimeter fencing along Heritage Avenue shall only be required immediately adjacent to lots, and not required along where floodplain, or open space is adjacent to Heritage Avenue. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal and/or masonry. All lots backing to the common open space shall be open style fencing of decorative metal and/or masonry. Where lots back to existing residential lots, the existing fence shall be kept, maintained or improved in coordination with each owner. Where open space lots border adjacent properties, either the existing fence will be maintained, or improved, or a decorative metal fence will be installed, all in cooperation with the adjacent property owner.

Traffic Generation and Access. The developer is required to provide a Traffic Impact Analysis (TIA), since the development is projected to generate in excess of 1,000 vehicle trips per day. The Institute of Transportation Engineers publication Trip Generation provides estimates of expected traffic generation based on land use. Data has been collected in the United States and Canada since the 1960's, primarily in suburban locations. Single-family residences are expected to generate 9.57 trips per day, on average. Based on this average, a 269 lot development would add approximately 2,574 vehicle trips per day to the surrounding roadways.

Two traffic impact analyses (TIAs) were submitted as part of the original submittal for this development in 2007. The first TIA was commissioned by the applicant and performed by Carter-Burgess. The second was commissioned by the City and performed by Freese and Nichols. The proposed development conforms to the

recommendations of both studies, which are attached.

The entry road on Heritage Avenue in Phase One will be developed as an emergency access easement.

Improvements to Heritage Avenue. Heritage Avenue is shown as a Major Collector (Four Lane) on the Master Thoroughfare Plan. Section 5(2)e of Ordinance O-13-1866 states: "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."

Given the total cost of all infrastructure, including the cost of a new bridge over Little Bear Creek, staff proposes to repeal this section and replace it with the following language:

"The developer shall enter into a City/Developer Agreement with the City of Colleyville for required improvements to Heritage Avenue, as well as any other pertinent public infrastructure improvements, in conjunction with this development. Said agreement shall be approved and executed prior to the filing of the final plat for phase two of the development."

This language will provide the City and the developer more flexibility in providing perimeter roadway improvements that are above and beyond the roughly proportional costs that the developer is required to pay. The above language is included in the proposed ordinance.

Tree Preservation. As required by Chapter 5-Tree Preservation of the Land Development Code, approval of a tree survey and mitigation plan will be required upon approval of the final plat for the property.

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.

Drainage and Storm Runoff. The developer has submitted a preliminary drainage analysis of the site, which is to be reviewed by the Engineering Division of the Public Works Department. Conditions associated with drainage and storm water runoff shall be set and enforced at time of platting.

Development Schedule. As stated above, the final plat for phase one is under review. Phase two will be developed upon the successful completion of the zoning and platting process and the subsequent approval of the final plat and engineering plans. Phase two may be broken into smaller individual phases. Construction of homes is

anticipated to start immediately, upon completion of the subdivision's infrastructure.

Future Land Use Plan. The Future Land Use Plan designates the northern and southern end caps of the property as commercial use. The remainder of the subject tract is proposed single family residential. The proposed commercial acreage of the rezoning request is smaller in area than what is depicted on the Future Land Use Plan. However, the Future Land Use plan does not set a specific acreage, and therefore the proposed development plan is suitable to the intent of the Future Land Use plan.

Residential Density. The Master Plan suggests a maximum residential density of 1.8 dwelling units per acre, in most situations. The 2004 Colleyville Master Plan states that densities higher than 1.8 units per acre would be acceptable in those areas deemed consistent with sound land use planning principles. The proposed development would be situated between an existing residential and commercial uses. The proposed development of 269 residential units on the 108.5 acre property will produce a residential density of 2.4 dwelling units per acre based upon the density calculation method prescribed by the Master Plan, and will produce a residential density of 6.0 dwelling units per acre based upon the density calculation method prescribed by the Land Development Code. The proposed residential density is comparable to other approved small lot PUD-R developments within the City of Colleyville. The Small Lot Development Comparison, attached to this briefing, provides a comprehensive listing of approved developments since 1996 with residential densities that exceed 1.8 dwelling units per acre.

Public Notification. Staff mailed notices to 88 adjacent property owners within 200 feet, as well as all Homeowners Associations within 500 feet of the subject property regarding this request. Notice was published in the Fort Worth Star-Telegram as required by state law and the Land Development Code. Staff has received no correspondence regarding this request.

Surrounding Development Trends. Properties to the west are zoned PUD-R-Planned Unit Development Residential, R-20, R-30-Single Family Residential, RE-Single Family Estate Residential and RD-Two Family Residential district and developed as single family homes. Properties to the north are zoned PUD-R-Planned Unit Development Residential and CC1-Village Retail zoning district. Properties to south are located in the City of Bedford and used for retail and residential purposes. To the east, within the City of Euless, is the existing Heritage Town Crossing commercial development and the Glade Parks mixed-use development, where a multifamily development was recently constructed.

Summary. The phase two development plan is consistent with the requirements of Ordinances O-07-1645 and O-13-1866 and the Land Development Code. This request will also incorporate the land recently acquired from the City of Euless through a boundary adjustment into the development.

Recommendation

Approval with the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

a. Exhibit "C" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a and Ordinance O-13-1866 Section 5(1)b. 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 two final plat shall be consistent with Exhibit "C".

2. GENERAL AMENDMENTS

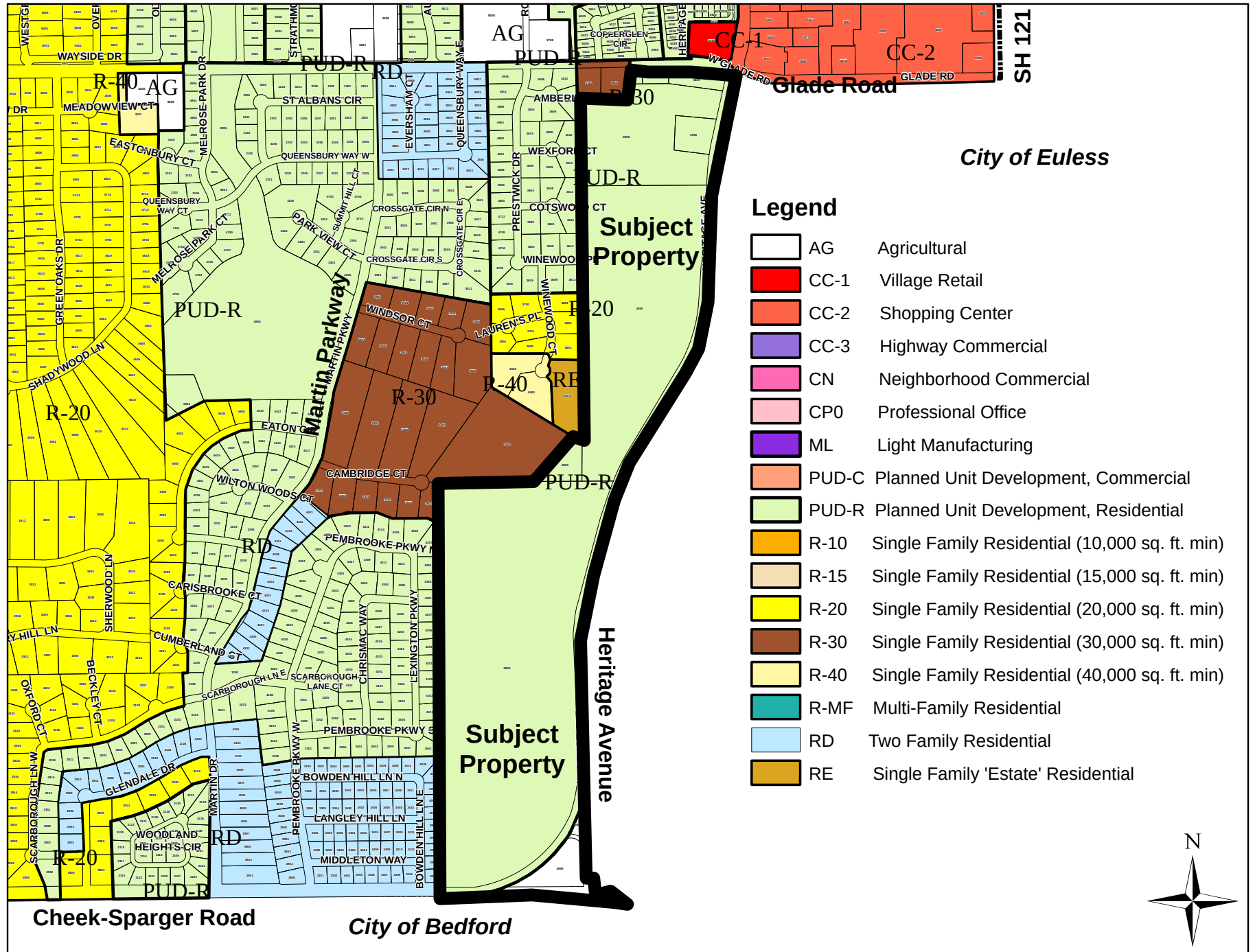
a. Section 5(2)e of Ordinance O-13-1866 is hereby deleted.

b. The developer shall enter into a City/Developer Agreement with the City of Colleyville for required improvements to Heritage Avenue, as well as any other pertinent public infrastructure improvements, in conjunction with this development. Said agreement shall be approved and executed prior to the filing of the final plat for phase two of the development.

Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Statement of Planning Objectives
6. Phase Two - Detailed Development Plan
7. Approved Phase One Development Plan
8. Original 2007 Conceptual Site Plan
9. Ordinance O-07-1645
10. Ordinance O-13-1866
11. Boundary Adjustment Ordinance O-12-1828
12. Small Lot Development Comparison Chart - 1996 to 2013
13. Preliminary Traffic Impact Analysis - Carter & Burgess
14. Traffic Impact Analysis - Freese and Nichols
15. Proposed Ordinance

Location and Zoning Map



Aerial



Notification List

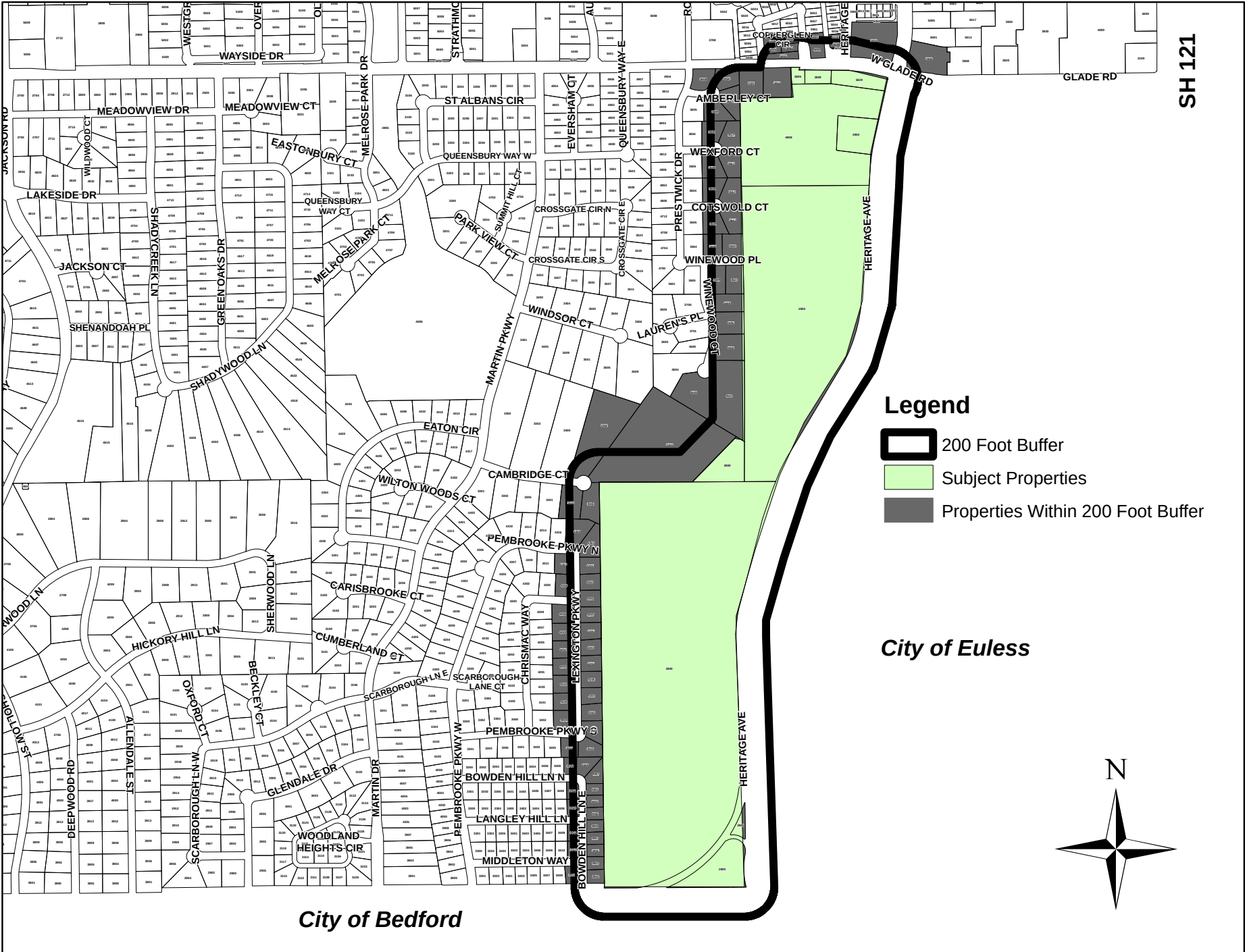
Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
3798 Glade Investment Ltd	PO Box 1901	Colleyville	Texas	76034	5064 Copperglen Cir
Akers, Thomas R & Diane Akers	4003 Bowden Hill Ln E	Colleyville	Texas	76034	4003 Bowden Hill Ln E
Alexander, Scott Etux Becky	3411 Langley Hill Ln	Colleyville	Texas	76034	3411 Langley Hill Ln
Amerson, Albert E III Etux Sta	4206 Lexington Pkwy	Colleyville	Texas	76034	4206 Lexington Pkwy
Andrews, Lance Etux Mary	4001 Bowden Hill Ln E	Colleyville	Texas	76034	4001 Bowden Hill Ln E
Arms, John W	3609 Amberley Ct	Colleyville	Texas	76034	3609 Amberley Ct
Barnard, William H Etux Colene	3613 Wexford Ct	Colleyville	Texas	76034	3613 Wexford Ct
Barngrover, Carl A Etux	4205 Lexington Pkwy	Colleyville	Texas	76034	4205 Lexington Pkwy
Baron, Doug Etux Sharon K	3402 Cambridge Ct	Colleyville	Texas	76034	3402 Cambridge Ct
Barr, Terry Etux Theresa	3612 Cotswold Ct	Colleyville	Texas	76034	3612 Cotswold Ct
Bostick, James D Etux Kristina	3909 Bowden Hill Ln E	Colleyville	Texas	76034	3909 Bowden Hill Ln E
Bradford, Richard H & Lavonne	3209 Walker Pl	Colleyville	Texas	76051	5005 Copperglen Cir
Carlisle, Vinece Etvir Thomas	4306 Chrismac Way	Colleyville	Texas	76034	4306 Chrismac Way
Chiles, Stephen Etux L Gregory	4202 Lexington Pkwy	Colleyville	Texas	76034	4202 Lexington Pkwy
Clegg, Francis L Etux Doris M	3403 Cambridge Ct	Colleyville	Texas	76034	3403 Cambridge Ct
Cohen, Andrew R Etux Miriam A	3503 Pembroke Pkwy S	Colleyville	Texas	76034	3503 Pembroke Pkwy S
Colleyville Assoc Heritage Oak	545 E John Carpenter Fwy #1500	Irving	Texas	75062	5030 Heritage Oaks Dr
Copperglen Hoa Inc	PO Box 1901	Colleyville	Texas	76034	5001 Copperglen Cir
Crump, Edward J Etux Kay M	3404 Pembroke Pkwy S	Colleyville	Texas	76034	3404 Pembroke Pkwy S
Dana, Farid	3501 Pembroke Pkwy S	Colleyville	Texas	76034	3501 Pembroke Pkwy S
Danner, Delyle Je Etux Rebecca	4005 Bowden Hill Ln E	Colleyville	Texas	76034	4005 Bowden Hill Ln E
Ducic, Kimberly A	5065 Copperglen Cir	Colleyville	Texas	76034	5065 Copperglen Cir
Eldridge, Dean	4102 Lexington Pkwy	Colleyville	Texas	76034	4102 Lexington Pkwy
Frost, Howard M Etux Rena	5009 Copperglen Cir	Colleyville	Texas	76034	5009 Copperglen Cir
Gauntt, Janice A	4105 Lexington Pkwy	Colleyville	Texas	76034	4105 Lexington Pkwy
Gavalak, K A Etux Gladys M	4203 Lexington Pkwy	Colleyville	Texas	76034	4203 Lexington Pkwy
Godbey, Neil A	9249 Dickson Rd	Fort Worth	Texas	76179	3612 Wexford Ct
Greenway Glade Partners Lp	2808 Fairmount St Ste 100	Dallas	Texas	75201	3900 Glade Rd
Harrington, R G & D Smith Exec	4000 Heritage Ave	Colleyville	Texas	76034	2800 Heritage Ave
Hartnett, Stephen P Est	1301 Municipal Way Ste 250	Grapevine	Texas	76051	4500 Winewood Ct
Head, Rodney Etux Gina M	3613 Winewood Pl	Colleyville	Texas	76034	3613 Winewood Pl
Hohertz, Michael Etux Marie	3411 Bowden Hill Ln N	Colleyville	Texas	76034	3411 Bowden Hill Ln N
Huber, Emery C Etux Anastasia	3501 Cambridge Ct	Colleyville	Texas	76034	3501 Cambridge Ct
Jackson, Paul K Etux Kristine	4204 Lexington Pkwy	Colleyville	Texas	76034	4204 Lexington Pkwy
Judkins, Stephen Etux Marie R	4305 Lexington Pkwy	Colleyville	Texas	76034	4305 Lexington Pkwy
Kenzie, Natalie A Etvir John W	4207 Lexington Pkwy	Colleyville	Texas	76034	4207 Lexington Pkwy
Lappo, Cynthia L	3903 Bowden Hill Ln E	Colleyville	Texas	76034	3903 Bowden Hill Ln E
Lenamon, Pamela Ann	4318 Pembroke Pkwy N	Colleyville	Texas	76034	4318 Pembroke Pkwy N
Li, Haochuan Etux Mei Han	4313 Pembroke Pkwy N	Colleyville	Texas	76034	4313 Pembroke Pkwy N
Lincoln, Kathleen K	4101 Lexington Pkwy	Colleyville	Texas	76034	4101 Lexington Pkwy
Malone, Susan Fran	4605 Winewood Ct	Colleyville	Texas	76034	4609 Winewood Ct
Malone, Susan Gentry	4605 Winewood Ct	Colleyville	Texas	76034	4605 Winewood Ct
McCluney, C & Amos McCluney	4200 Lexington Pkwy	Colleyville	Texas	76034	4200 Lexington Pkwy
McKinney, James E Etux Deanna	4303 Lexington Pkwy	Colleyville	Texas	76034	4303 Lexington Pkwy
Miller, Debra	5028 Heritage Oaks Dr	Colleyville	Texas	76034	5028 Heritage Oaks Dr
Miller, Michael B Etux Shannon	3609 Wexford Ct	Colleyville	Texas	76034	3609 Wexford Ct
Otto, Clement W Etux Mary P	3412 Middleton Way	Colleyville	Texas	76034	3412 Middleton Way
Pitts, Wallace J Etux Shari G	3612 Amberley Ct	Colleyville	Texas	76034	3612 Amberley Ct
Raley Railroad Llc	3500 Cambridge Ct	Colleyville	Texas	76034	3500 Cambridge Ct
Ramsey, Robert Ray	4100 Lexington Pkwy	Colleyville	Texas	76034	4100 Lexington Pkwy
Rkpkem Llc	2030 Glade Rd Ste 204	Grapevine	Texas	76051	3809 Glade Rd
Routen, Rodney C Etux Patricia	3609 Cotswold Ct	Colleyville	Texas	76034	3609 Cotswold Ct
Saint Mary's Romanian Orth Ch	3801 Glade Rd	Colleyville	Texas	76034	3801 Glade Rd
Scheu, Dennis J Etux Cathy	3608 Winewood Pl	Colleyville	Texas	76034	3608 Winewood Pl
Schide, James Etux Sharon	PO Box 697	Colleyville	Texas	76034	4201 Lexington Pkwy
Scott, Larry P & Laurie A Llc	1915 Yorkshire Ct	Lincoln	Nebraska	68506	3830 Glade Rd
Shuttle Consulting Limited	3612 Winewood Pl	Colleyville	Texas	76034	3612 Winewood Pl
Silverman, Donald Etux Joy	PO Box 610735	Dallas	Texas	75261	3411 Middleton Way
Sohn, Taesik Etux Kyu Nam Sohn	3608 Amberley Ct	Colleyville	Texas	76034	3608 Amberley Ct
Stovall, Scott Etux Christi P	3905 Bowden Hill Ln E	Colleyville	Texas	76034	3905 Bowden Hill Ln E
Stumpf, John Etux Denise	3609 Winewood Pl	Colleyville	Texas	76034	3609 Winewood Pl
Sublett, Chas L Etux Delores C	3608 Wexford Ct	Colleyville	Texas	76034	3608 Wexford Ct
Taylor, Jana Akers	3608 Cotswold Ct	Colleyville	Texas	76034	3608 Cotswold Ct
Taylor, Mary Etvir Kenneth Ray	4307 Lexington Pkwy	Colleyville	Texas	76034	4307 Lexington Pkwy

Notification List

Terra Manna Creekside Llc	395 State Hwy 114 Ste 300	Southlake	Texas	76092	3805 GLADE RD
Theiss, Edward Etux Patricia	4103 Lexington Pkwy	Colleyville	Texas	76034	4103 Lexington Pkwy
Torbatian, Ebrahim Etux J	1305 Chesapeake Dr	Plano	Texas	75093	4301 Lexington Pkwy
Tran, Tam Thi	3613 Amberley Ct	Colleyville	Texas	76034	3613 Amberley Ct
Vaughan, Robert & Jane R	315 Oak Shadow Cir	Bedford	Texas	76021	4007 Bowden Hill Ln E
Von Storch, Kenneth Etux Debra	5005 Overhill Dr	Colleyville	Texas	76034	4009 Bowden Hill Ln E
Votaw, Robert B & Inkyung Song	5032 Heritage Oaks Dr	Colleyville	Texas	76034	5032 Heritage Oaks Dr
Watson, Richard A & Stephanie	3410 Bowden Hill Ln N	Colleyville	Texas	76034	3410 Bowden Hill Ln N
Witt, Robert A Etux Laurie E	4601 Winewood Ct	Colleyville	Texas	76034	4601 Winewood Ct
Woehrle, Sandra	3907 Bowden Hill Ln E	Colleyville	Texas	76034	3907 Bowden Hill Ln E
Wood, Jerry W Est & Maurine	5520 Davis Blvd	North Richland Hills	Texas	76180	3613 Cotswold Ct
Wright, David R Etux Selda	3407 Pembroke Pkwy S	Colleyville	Texas	76034	3407 Pembroke Pkwy S
Yu, Chiao-Chin Mark Etux Yuen	3901 Bowden Hill Ln E	Colleyville	Texas	76034	3901 Bowden Hill Ln E
Ziegler, David C Etux Blanche	3410 Langley Hill Ln	Colleyville	Texas	76034	3410 Langley Hill Ln
WOODLAND HILLS HOA	4100 OXFORD COURT	COLLEYVILLE	Texas	76034	Courtesy Notice
CITY OF BEDFORD	2000 FOREST RIDGE	BEDFORD	Texas	76021	Courtesy Notice
CITY OF EULESS	201 N. ECTOR DRIVE	EULESS	Texas	76039	Courtesy Notice
Keller ISD	350 Keller Parkway	Keller	Texas	76248	Courtesy Notice
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
City of Grapevine	P. O. Box 95140	Grapevine	Texas	76099	Courtesy Notice
Hurst Euless Bedford ISD	1501 Central Drive	Bedford	Texas	76022	Courtesy Notice
PRESTWICK PARK HOA	4912 PRESTWICK DRIVE	COLLEYVILLE	Texas	76034	Courtesy Notice
Terra-Manna, LLC	395 W. State Hwy. 114	Southlake	Texas	76092	Applicant

Public hearing notices were mailed
Fri. Nov. 1, 2013 by Taci Wrisley

Buffer Map



Statement of Planning Objectives

Proposed PUD-R Amendment to a portion (Phase 2) of

Creekside at Colleyville

Colleyville, Texas – ZC13-017 Amend PUDR

November 4, 2013

Statement of Planning Objectives

This zoning amendment request concerns the remaining 96.36 acre portion (Phase 2) of the existing *Creekside at Colleyville* PUD-R, a proposed development along the west side of Heritage Avenue, from Glade Rd. south to Cheek-Sparger Rd. in Colleyville. This request is entirely consistent with the requirements contained within the existing PUD-R, and is intended to act as the “Detailed Site Plan” submission, as required by that ordinance. No additional lots are being requested, nor are any changes to the Residential Lot Requirements, Setbacks and/or the other Development Standards contained within.

This phase will be developed by Terra/ Manna, LLC under the Planned Unit Development (PUD) regulations for residential development in the City of Colleyville. The property is currently occupied by open space and agricultural areas.

Except within Phase 1 (development of which is forthcoming), the surrounding area within Colleyville is fully developed. To the west is the existing Prestwick Park and Woodland Hills neighborhoods. To the east, in the City of Euless, is the existing “Heritage Town Crossing,” in the form of a Target store, additional future commercial development and the ongoing development of multi-family and single-family residential. To the south, in the City of Bedford, are fully developed single-family residential neighborhoods.

The subject tract is shown on the Future Land Use Plan as “Single Family Residential,” with “Retail” at the corner of Cheek-Sparger and Heritage. The Site Plan submitted with this request is consistent with the Commercial/Single Family mix shown on the existing zoning concept plan.

Naturally, the property is divided by tributaries to and the main channel of Little Bear Creek, which runs generally from the west to the east through the center of the site. The entire site generally drains towards Little Bear Creek. We believe the drainage outfall is sufficient to accommodate all drainage from this development without any negative effect on downstream properties. A full drainage study will be prepared prior to construction.

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

The residences planned for this portion of *Creekside at Colleyville* will be very upscale, with selling prices estimated to range between \$450,000 to over \$700,000. The development will have as its focal point, and feature, a central drainage and open space corridor through the center of the site. As in most of our projects, the focus on the open spaces, the carefully thought-out classic and timeless improvements, and quality features included in their development convey a sense of quality and exclusivity and help to make

Statement of Planning Objectives

the neighborhood a desired place to live, and will add to the image of Colleyville as a high quality community and environment. The main project entries, from Heritage Avenue, will lead the visitor directly toward this open space feature. The southern entry, from Cheek-Sparger Road, is positioned to be directly across from Silverwood Lane, an entry to a residential neighborhood on the south side of Cheek-Sparger Road, in Bedford.

The entry roads are all planned to be gated, with enough room to accommodate visitors as well as residents. We propose to build the normal Colleyville street section of 31' (back of curb to back of curb), in a 40' wide Private Street Lot with 5' utility and sidewalk easements on the adjacent lots. The Commercial site at the corner of Heritage Avenue and Cheek-Sparger Road will gain access from those streets.

Phase 1 of this development included a 10' concrete trail along the Heritage Road frontage. Phase 2 will connect to and continue that trail south along the Heritage Avenue frontage, and make a connection to the west, along the north side of the Little Bear Creek open space corridor, in compliance with the *Supplemental Sidewalk Map and Colleyville Pathways Plan*. Internal sidewalks shall be built in front of all Residential Lots within the development, as well as other supplemental sidewalks as shown on the Phase 2 Development Plan.

There will be a requirement of street trees for every residential lot to be installed by the home builders (one in each 50' Lot, two in each 70' Lot), adjacent to the street rights of way, as well as trees in each rear yard (one in each 50' Lot, two in each 70' Lot). To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, as well as other open space trails and sidewalks shown on the Development Plan. All facilities with the Open Space areas will be owned and maintained by either the *Creekside at Colleyville* Homeowners Association (for the residential portion) or the *Creekside at Colleyville* Property Owners Association (for the Commercial Owners).

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

Development Schedule

This portion of *Creekside at Colleyville* may be developed in multiple phases, with initial development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Statement of Planning Objectives

Economic Development Information

This phase of *Creekside at Colleyville* will have a total of two hundred twenty eight (228) homes, each with an average estimated value upon completion of approximately \$450,000 to over \$700,000, resulting in an overall tax base of \$125,400,000, based on a \$550,000 estimated average. At the current tax rate of 2.694677%, the total taxes generated from the residential in this development are projected to be \$3,279,000, with \$467,000 generated directly for the City. In addition, the 1.82 acre Commercial parcel should add to that total, and perhaps also contribute sales taxes.

Development Standards

Permitted Land Uses: 1) Commercial: 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 CC-1-Village Retail zoning district and the CC2- Shopping Center zoning district.

2) Single Family Residences, Detached

Residential Lot Requirements and Setbacks:

Residential lot requirements and setbacks shall comply with the following provisions. Planning Area "A" refers to lots adjacent to the far 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	5 feet, or 0/10 or 1/9 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%

Statement of Planning Objectives

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 yards of lots within Planning Area "A" that adjoin that property line. Such landscape buffer 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 environments including a fireplace, fountains, lights and a dock and pier. These amenities shall be owned and maintained by the Homeowners Association.

Fencing:

Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry. Where lots back to existing residential lots, the existing fence shall be kept, maintained or improved in coordination with each owner. Where open space lots border adjacent properties, either the existing fence will be maintained or improved, or a decorative metal fence will be installed, all in cooperation with the adjacent property owner. There shall be an 8' Masonry Wall installed along the rear lot lines of all residential lots backing to Heritage Avenue and Cheek-Sparger Road, and where lots back to the Commercial sites. All other fencing shall be as shown on the Phase 2 Development Plan.

Streetscape Standards:

Minimum of two (2) three to four-inch (3-4") caliper trees per front and rear yards of the 70' lots and one (1) three to four inch (3-4") caliper tree per front and rear yards of the 50' lots. Fully landscaped and sprinklered front and rear yard within sixty days of completing a house.

Front Yard Maintenance:

The Front Yards of all residential lots shall be maintained by the *Creekside at Colleyville* Homeowners Association in a consistent, high quality manner. Dues shall be collected from all Homeowners to pay for this maintenance.

Statement of Planning Objectives

Street Design Standards:

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

Open Space Standards:

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

Signage:

Monument and/or wall signs identifying the subdivision shall be built at each entry.

Phase Two - Detailed Development Plan



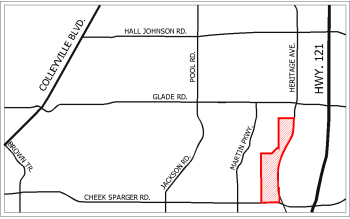
FOR LEGAL DESCRIPTION OF PROPERTY, SEE ATTACHED FILE

Site Data Summary Chart	
Single Family Residential Lots	221
Commercial Lots	1
Common Areas	18
COMMERCIAL	
Commercial Sites	3.72 ac.
RESIDENTIAL	
Residential Lots	42.06 ac.
Open Space	30.56 ac.
R.O.W.	12.78 ac.
R.O.W. Dedication (on Heritage)	7.24 ac.
Total Residential	92.64 ac.
GROSS AREA	96.36 AC

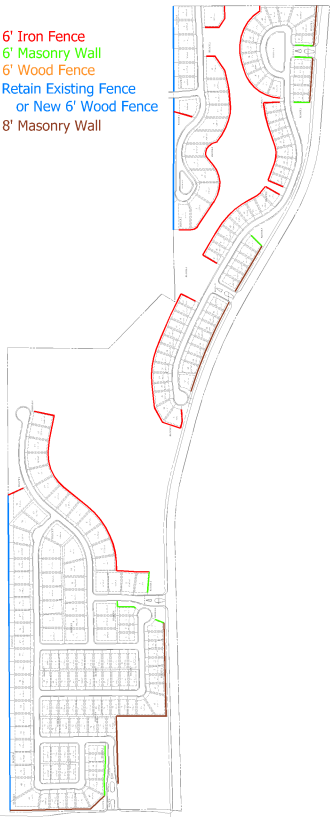
Residential Lot Summary	
Residential Lots	221
Minimum Building Lot Area	5,000 s.f.
Average Building Lot Area	8,290 s.f.
Common Areas	18

L.U.D. / Zoning	
Existing Zoning:	PUD-R
Proposed Zoning:	PUD-R

- Notes:
- Planning Area A is defined as those lots adjacent to western boundary
 - Planning Area A - Front Setbacks are 20', or 15' with a swing garage
 - Planning Area A - Rear Setbacks are 30' Typical
 - Planning Area A - Side Setbacks are 5'
 - Planning Area B - Front Setbacks are 20', or 15' with a swing garage
 - Planning Area B - Rear Setbacks are 10' Typical
 - Planning Area B - Side Setbacks can be a center-load 5' sideyard, 9'/1' or 10'/0'. (10' total, minimum between structures)
 - There will be no outside storage onsite
 - Open space lots & landscape easements will be maintained by the Homeowners Association (HOA).



Fence/Wall Type Locations



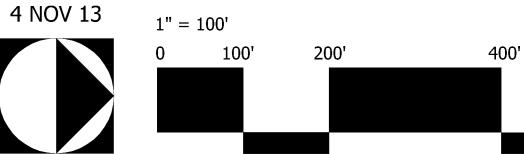
Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC13-017

Zoning Case #ZC13-017

Owner:
Harrington Family
7000 Cherry Bark Lane
North Richland Hills, TX 76182

Applicant:
Terra / Manna, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

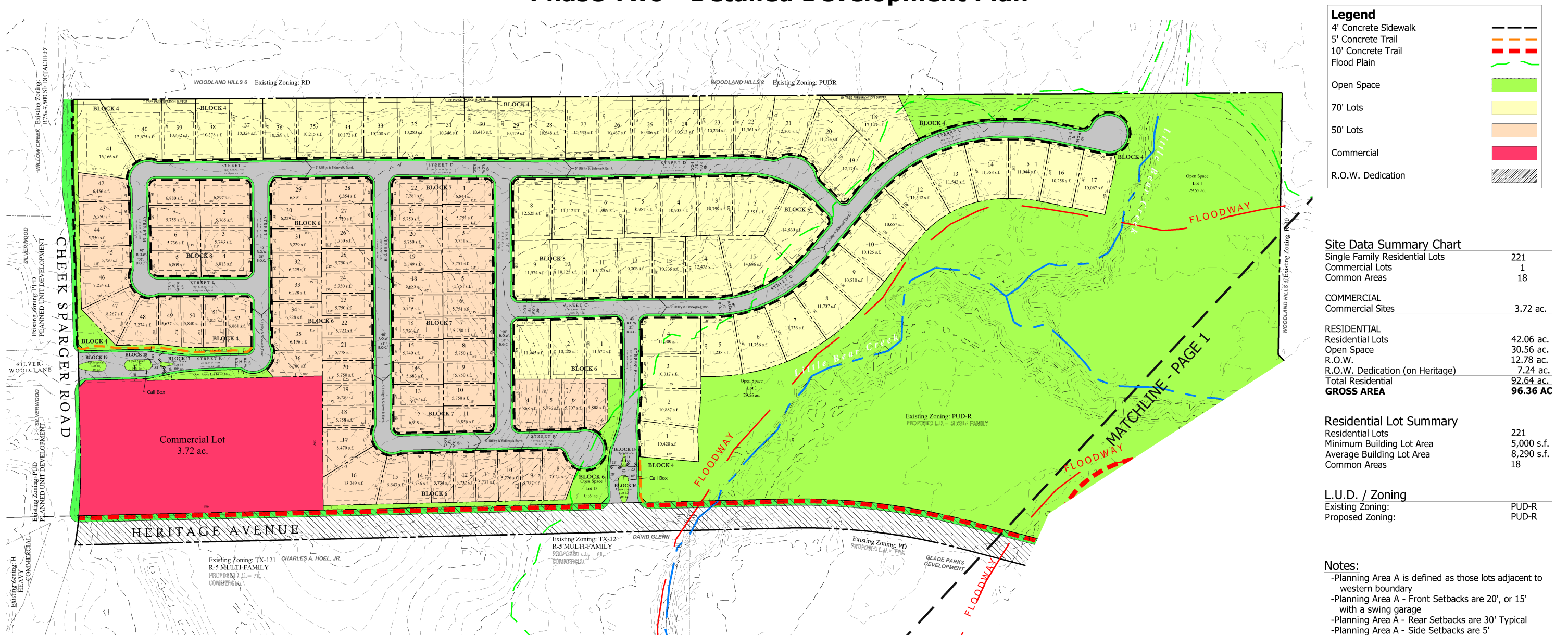
Planner:
SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
TEL. 817-424-2626



Phase 2 Development Plan

Creekside at Colleyville

Phase Two - Detailed Development Plan



Applicant:

Terra / Manna, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner:



SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture

1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
TEL. 817-424-2626

4 NOV 13

$$1'' = 100'$$

0 100' 200' 400'

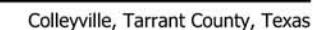
Phase 2 Development Plan

Creekside at Colleyville

Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC13-017

Zoning Case #ZC13-017

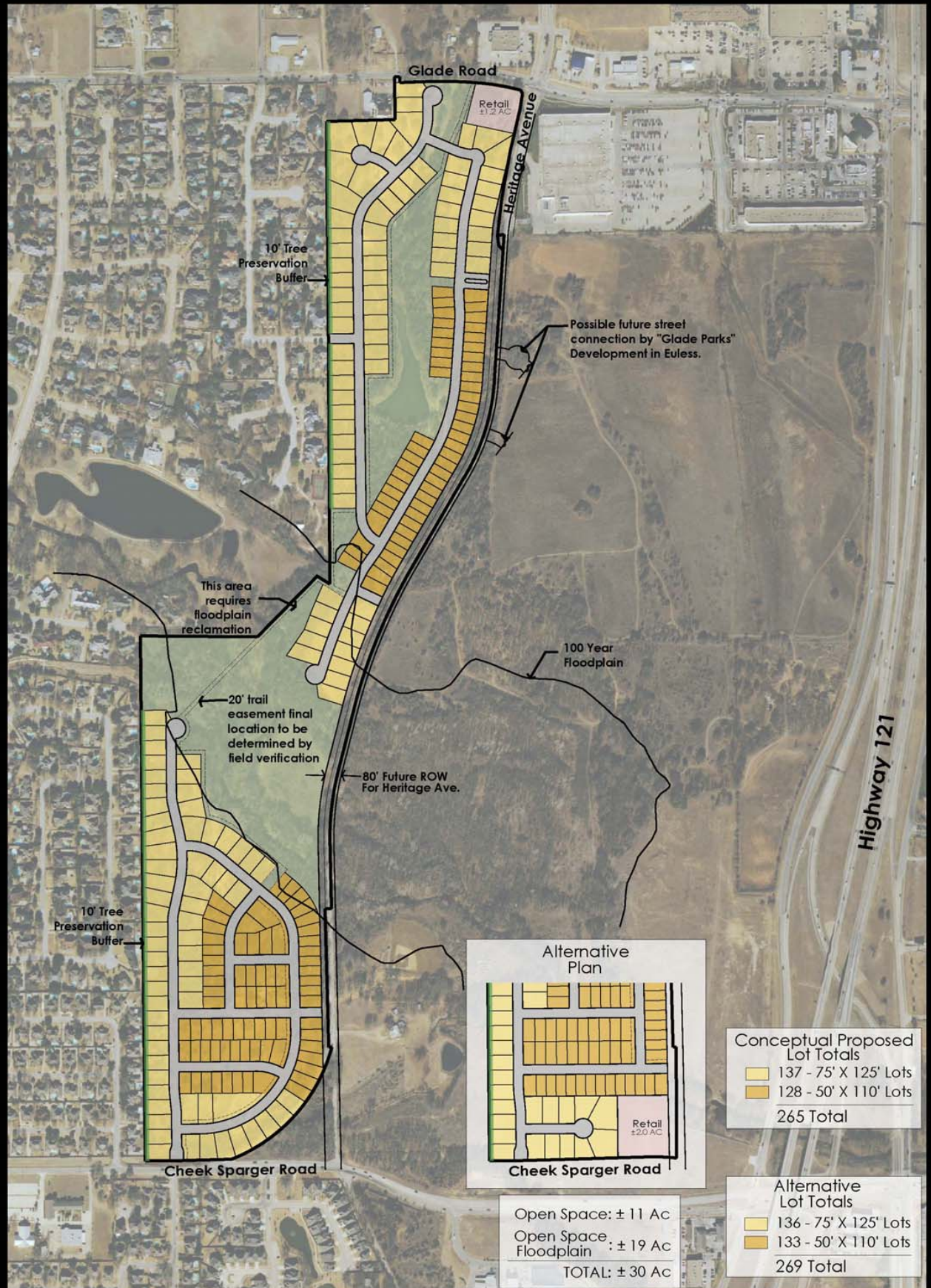
Creekside at Colleyville



John H. Haven Survey, Abstract No. 685, & the Elizabeth Cox Survey Abstract No. 352 - see Political Boundary Description, this page.

Colleyville, Tarrant County, Texas

Original 2007 Conceptual Site Plan



Color Exhibit

Creekside at Colleyville

Colleyville, Texas

November 09, 2007

Drawing name: D:\P\AD\Colleyville\Glade\Bldg\11_07_07\11_07_07_Alternative_3_revised.dwg

Plot scale: 1" = 500'



NOTE: this plan is diagrammatic only and is intended to show potential configurations. The plan is only conceptual and is not based upon a detailed survey of existing site conditions such as property lines, subsurface conditions, limits of trees, topography, utilities, easements, etc. January 15, 2007

Carter Burgess

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 Eules.
- 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.

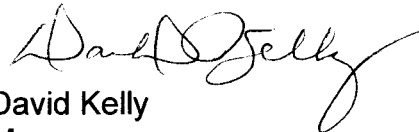
The second reading and public hearing being conducted on the 6th day of November 2007.

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

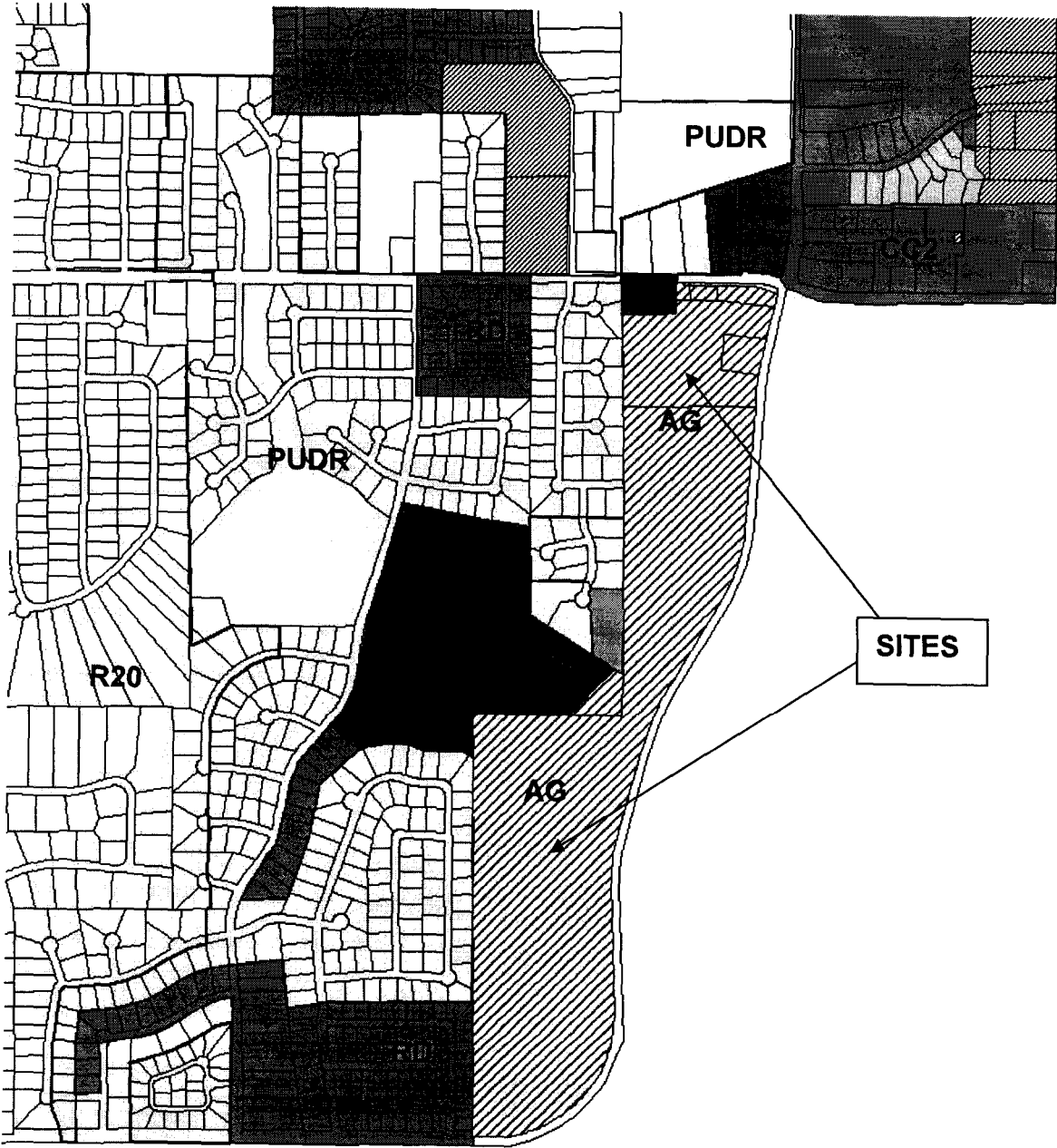


Exhibit "B" Legal Description

**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.

I:\SLO\02421300\ORA\Craigslist\Collegiate\ColCol02.doc, 11/9/2007 10:10 AM, Maritz, John



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.

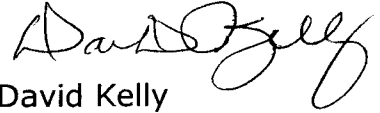
PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 5th day of March 2013.

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

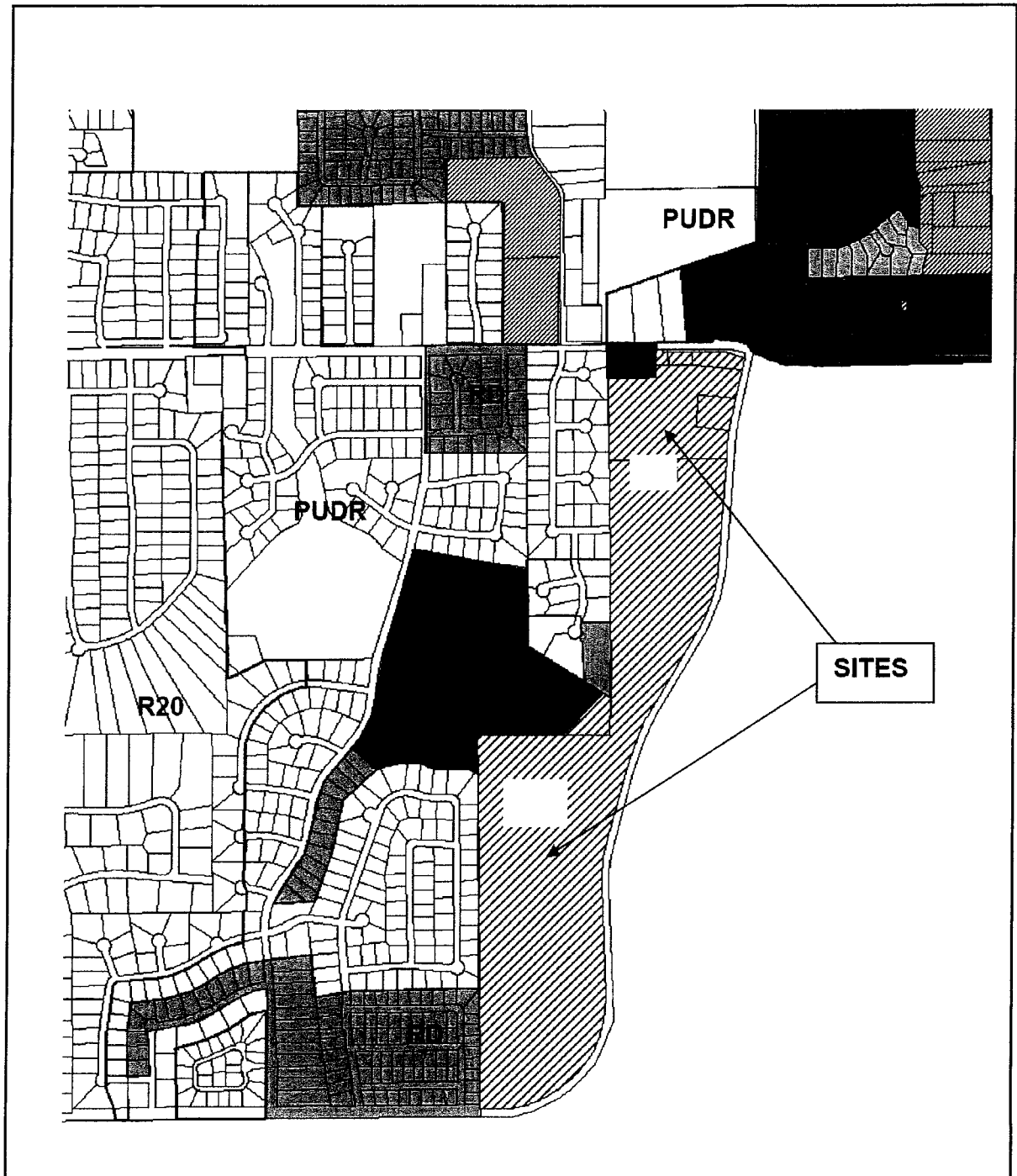
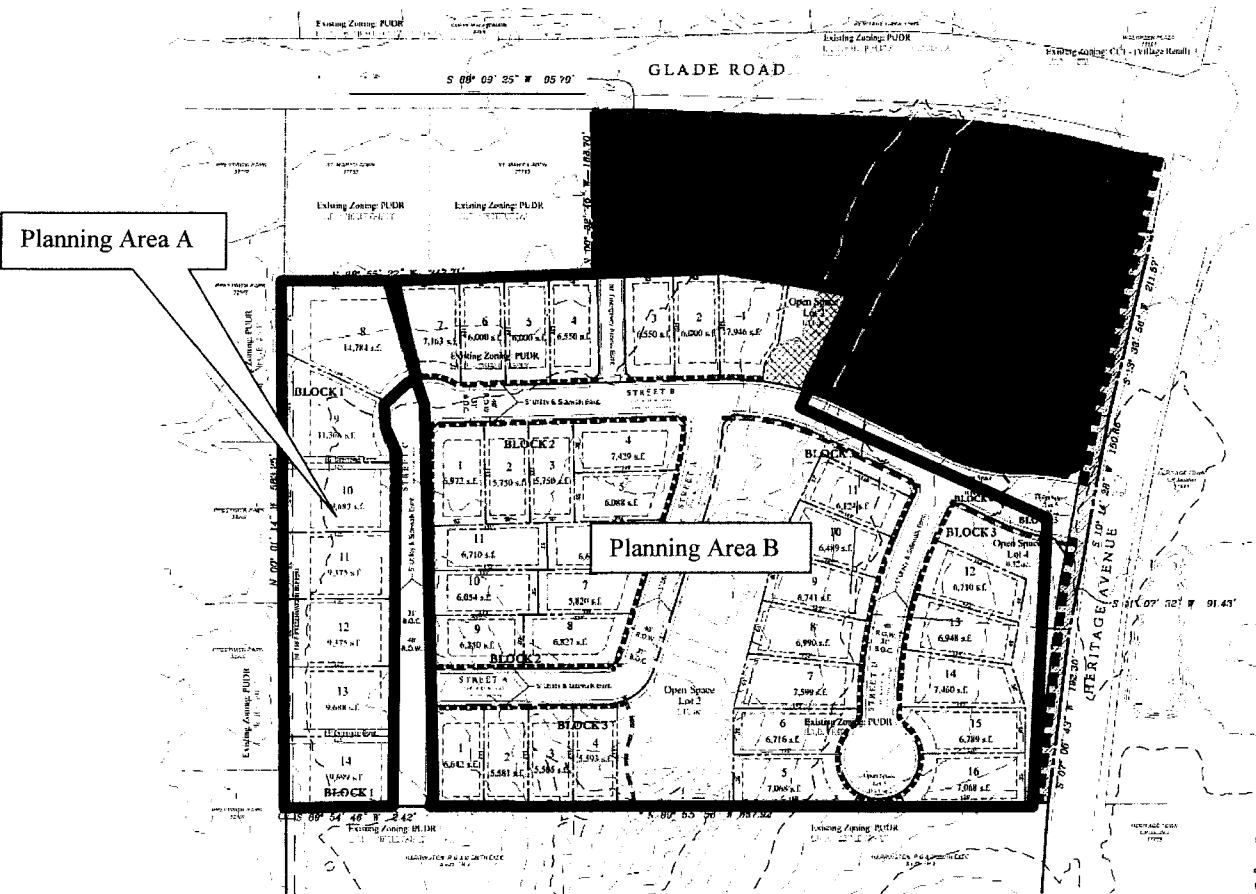


Exhibit "B" Detailed Site Plan



CITY OF COLLEYVILLE ORDINANCE NO. 0-12-1828
CITY OF EULESS ORDINANCE NO. 1945
JOINT ORDINANCE AND BOUNDARY ADJUSTMENT AGREEMENT

STATE OF TEXAS §
§
COUNTY OF TARRANT §

WHEREAS, the City of Colleyville, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, the City of Euless, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, pursuant to the authority granted in Section 43.031 of the Texas Local Government Code, as amended, adjacent municipalities may make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

WHEREAS, Colleyville and Euless are adjacent; and

WHEREAS, "Tract A", as described and depicted in **Exhibit A**, which is attached hereto and incorporated herein by reference, is uninhabited and is less than 1,000 feet in width; and

WHEREAS, Colleyville and Euless desire to identify mutually agreeable corporate boundaries between the two communities; and

WHEREAS, Colleyville and Euless, in the true spirit of governmental cooperation, intend this Joint Ordinance and Boundary Adjustment Agreement to reflect sound growth management principles and interregional planning.

NOW THEREFORE, BE IT ORDAINED AND MUTUALLY AGREED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE AND THE CITY COUNCIL OF THE CITY OF EULESS:

SECTION 1.

The findings set forth above are incorporated into the body of this ordinance and agreement as if fully set forth herein.

SECTION 2.

Pursuant to Section 43.031 of the Texas Local Government Code, Tract A, as described and depicted in **Exhibit A**, shall be released from the corporate boundaries of Euless and simultaneously incorporated into the corporate boundaries of Colleyville.

SECTION 3.

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this ordinance and agreement. The parties agree that exclusive venue shall lie in Tarrant County, Texas for any dispute arising out of this ordinance and agreement. Before a suit is filed by either party based on or pertaining to this ordinance and agreement, the parties agree that they will submit the dispute for mediation, pursuant to the procedure described in Section 154.023 of the Texas Civil Practice and Remedies Code, as amended.

SECTION 4.

The effective date of this ordinance and agreement shall be the last day this ordinance and agreement is approved by a party hereto as indicated on the signature blocks below.

SECTION 5.

Either party may file a certified copy of this ordinance and agreement in the real property records of Tarrant County, Texas.

SECTION 6.

It is expressly understood and agreed that, in the execution of this ordinance and agreement, no party waives, nor shall be deemed hereby to have waived, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By approving this ordinance and agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this ordinance and agreement shall not create any rights in parties not signatories hereto.

SECTION 7.

This ordinance shall be cumulative of all provisions of ordinances of the cities of Colleyville, Texas, and Euless, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 8.

It is hereby declared to be the intention of the City Council of the City of Colleyville and the City Council of the City of Euless that the phrases, clauses, sentences, paragraphs and sections of this ordinance and agreement are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance and agreement shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance and agreement, since the same would have been enacted by the City Council of the City of Colleyville and the City Council of the City of Euless without the incorporation in this ordinance and agreement of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 9.

Should this ordinance and agreement for any reason be ineffective as to any part of the area hereby incorporated into the City of Colleyville, such ineffectiveness of this ordinance and agreement as to any such part or parts of any such area shall not affect the effectiveness of this ordinance and agreement as to the remainder of such area. The Colleyville City Council hereby declares it to be its purpose to include as part of the City of Colleyville every part of the area described in Exhibit A of this ordinance and agreement, regardless of whether any part of such described area is hereby not effectively annexed into the City. Provided, further, that if there is included within the general description of territory set out in Exhibit A of this ordinance and agreement to be hereby annexed into the City of Colleyville any lands or area which are presently part of and included within the limits of the City of Colleyville, or which are presently part of and included within the limits of any other city other than the City of Euless, or which are not within the City of Colleyville's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 10.

The City of Euless and the City of Colleyville do hereby covenant and agree to protect, preserve and defend the herein described boundary adjustments.

SECTION 11.

This Joint Ordinance and Boundary Adjustment Agreement, upon adoption by both cities, shall be executed in duplicate originals by the Mayor of each City.

APPROVED by the City Council of The City of Colleyville, Texas, at its meeting held on the 20th day of March 2012.

CITY OF COLLEYVILLE, TEXAS

By: David Kelly
David Kelly, Mayor

ATTEST:

By:

Cynthia Singleton, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Matthew C.G. Boyle
Matthew C.G. Boyle, City Attorney

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the 28 day of February 2012, by a vote of 5 ayes, 0 nays and 0 abstentions.

CITY OF EULESS

By: Mary Lib Saleh
Mary Lib Saleh, Mayor

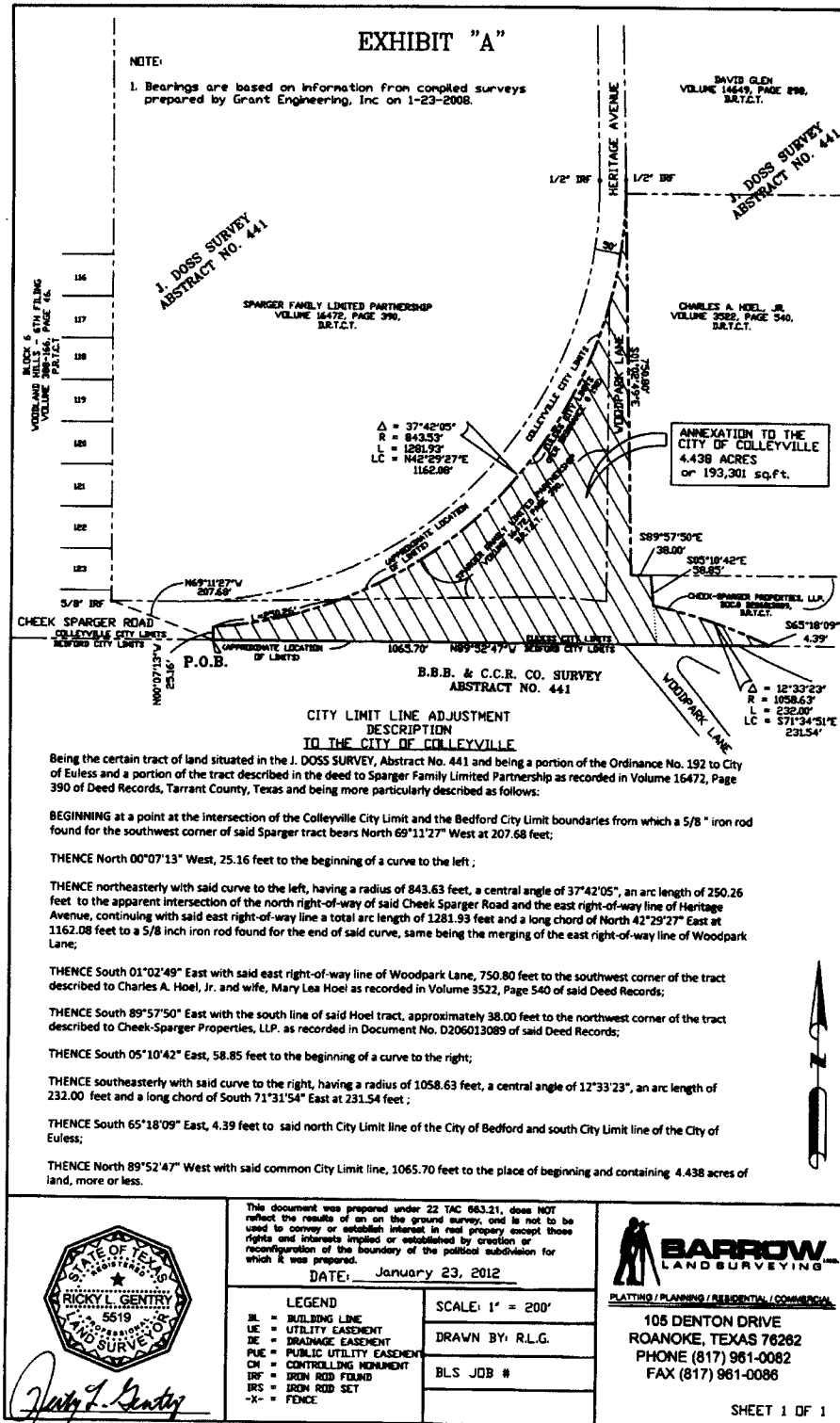
ATTEST:

By: Kim Sutter
Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

By: Wayne K. Olson
Wayne K. Olson, City Attorney

EXHIBIT A "TRACT A"



Small Lot Development Comparison Chart - 1996 to 2013

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

Average	59	56	106	6,207	6,866	57%	3.8	7.0	17.6	20.8%		
----------------	-----------	-----------	------------	--------------	--------------	------------	------------	------------	-------------	--------------	--	--

Creeside at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645
--------------------------------	------------	-----------	------------	--------------	--------------	------------	------------	------------	--------------	--------------	-----------------	------------------

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

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



Preliminary Traffic Impact Analysis - Carter & Burgess



TECHNICAL MEMO

DATE: January 22, 2007

TO: Mr. Chris Fuller
Development Coordinator with the City of Colleyville

FROM: Jason Knesek, P.E.

SUBJECT: Preliminary Traffic Impact Analysis - Creekside at Colleyville

Mr. Fuller:

Carter & Burgess, Inc. was hired by the Landstat, L.P. to perform a preliminary traffic impact analysis for the proposed Creekside at Colleyville in Colleyville, Texas as part of the requirements for a zoning change submittal. The analysis will estimate the projected traffic that will be generated by the development on the roadways adjacent to the development. This technical memorandum summarizes the findings of the analysis.

Development

The proposed Creekside at Colleyville is located on the west side of the existing Heritage Avenue between Glade Road and Cheek Sparger Road in the City of Colleyville, Texas. Heritage Avenue acts as the boundary between the City of Colleyville on the west and the City of Euless on the east. The proposed Creekside at Colleyville is divided into a northern section and southern section by the 100 year floodplain.

The primary access point for the northern section of the proposed Creekside at Colleyville is Glade Road with a secondary point of access through the adjacent residential development to the west. The northern section of the development is proposed to consist of 115 single family housing units, 31 townhouse units, and 1.2 acres of retail development. The southern portion of the proposed Creekside at Colleyville is accessed via two points on Cheek Sparger Road. The southern section of the development is proposed to consist of 115 single family housing units, 50 townhouse units, and 1.6 acres of retail development.

RECEIVED

FEB 06 2007

Per

Preliminary Traffic Impact Analysis - Carter & Burgess

Traffic Analysis

Trip generation rates for the 24-hour weekday, Weekday AM Peak, Weekday PM Peak, Saturday Peak hour, and Sunday Peak hour were obtained from the *ITE Trip Generation (7th edition)* manual for the types proposed in the Creekside at Colleyville. Based on engineering judgment, it is projected that 75% of the traffic generated by the proposed development will originate in or be destined for areas to the east of the proposed development while 25% of the traffic will originate in or be destined for areas to the west of the proposed development. Based on the size of the proposed development, the trip generation rates, and the projected trip distribution, **Table 1** summarizes the projected traffic that will be generated by the proposed Creekside at Colleyville on the roadways adjacent to the development. **Figure 1** depicts the projected traffic movements generated by the development at the Glade Road and Cheek Sparger Road access points.

Table 1. *Traffic Generated by the Proposed Creekside at Colleyville.*

Location	Time Period				
	Weekday 24-Hour	Weekday AM Peak	Weekday PM Peak	Saturday Peak	Sunday Peak
EB Glade - West of Development	244	8	28	27	21
WB Glade - West of Development	244	21	20	23	20
EB Cheek Sparger - West of Development	286	10	32	31	24
WB Cheek Sparger - West of Development	286	23	23	28	23

Preliminary Traffic Impact Analysis - Carter & Burgess

Conclusions

The traffic analysis indicates the following:

- The proposed Creekside at Colleyville is projected to generate less than 500 bi-directional vehicles during a typical weekday on the portions of Glade Road located west of the development.
- The proposed Creekside at Colleyville is projected to generate less than 50 bi-directional vehicles during the peak hours of operation on the portions of Glade Road located west of the development.
- The traffic generated by Creekside at Colleyville is not projected to warrant a traffic signal installation, a right-turn acceleration lane, nor a right-turn deceleration lane at the Glade Road access point.
- Dependent on the existing traffic volume on Glade Road, a left-turn deceleration lane may be warranted at the Glade Road access point.
- The proposed Creekside at Colleyville is projected to generate less than 600 bi-directional vehicles during a typical weekday on the portions of Cheek Sparger Road located west of the development. The proposed Creekside at Colleyville is projected to generate less than 60 bi-directional vehicles during the peak hours of operation on the portions of Cheek Sparger Road located west of the development.
- The traffic generated by Creekside at Colleyville is not projected to warrant a right-turn acceleration lane at the Cheek Sparger Road access point.
- Dependent on the existing traffic volume on Cheek Sparger Road, a traffic signal installation or a left-turn deceleration lane may be warranted at the Cheek Sparger Road access point.
- Based on the minimum requirements for auxiliary lanes established by TxDOT, the traffic projected by Creekside at Colleyville appears to warrant a right-turn deceleration lane at the Cheek Sparger access point.

Preliminary Traffic Impact Analysis - Carter & Burgess

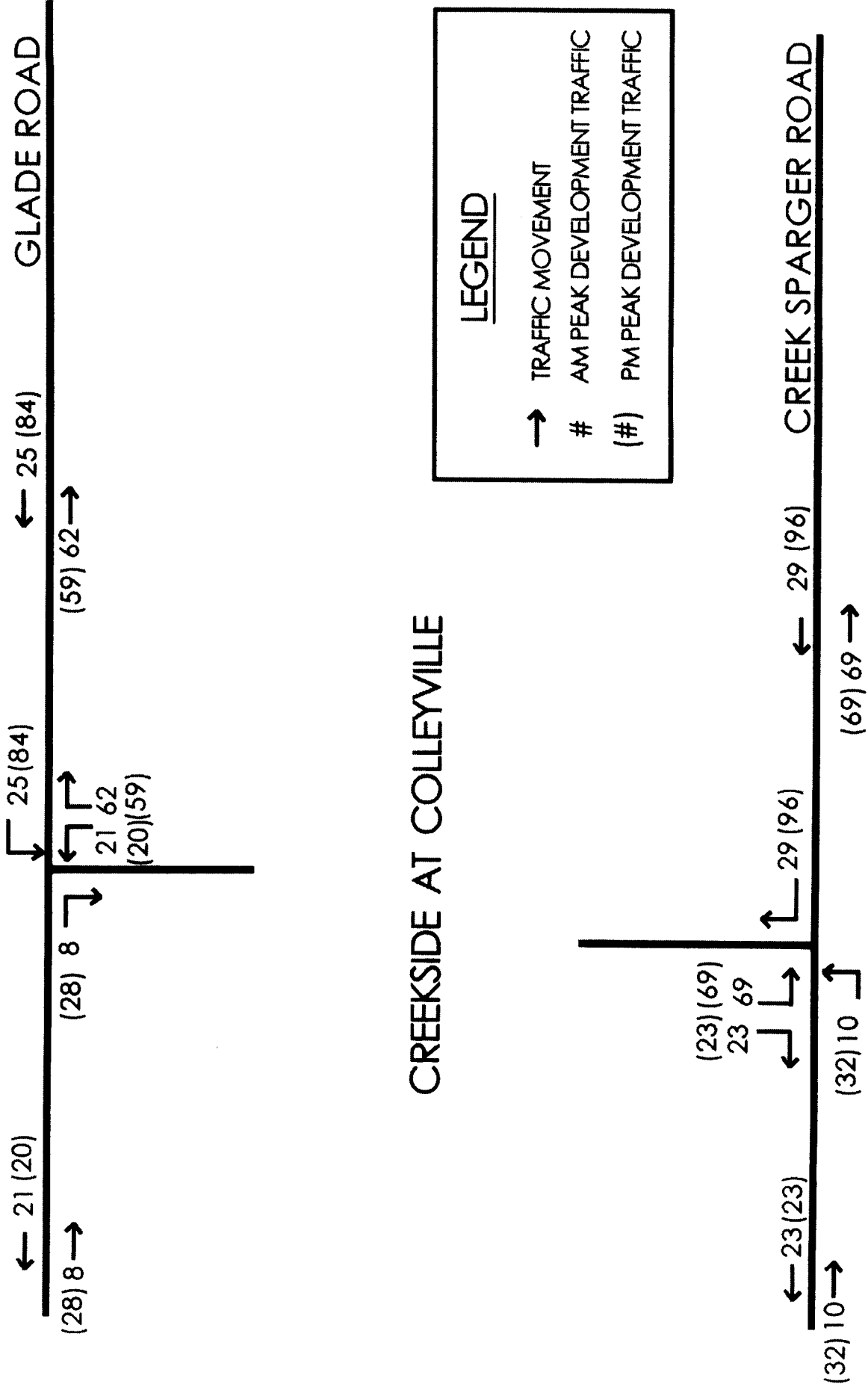
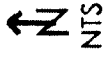


FIGURE 1
PROJECTED TRAFFIC MOVEMENTS
GENERATED BY CREEKSIDE AT COLLEYVILLE

Traffic Impact Analysis - Freese and Nichols



MEMORANDUM

TO: Steven Chutchian, P.E.
FROM: Chris Bosco, P.E.
SUBJECT: LOS Analysis – Heritage Avenue Intersections
DATE: October 25, 2007



The purpose of this memorandum is to document the additional intersection analysis for the intersections of Glade Road at Heritage Avenue and Cheek Sparger Road at Heritage Avenue. The following analysis is included in this memorandum.

- Level of Service (LOS) analysis of the intersection of Glade Road and Heritage Avenue.
- Level of Service (LOS) analysis of the intersection of Cheek Sparger Road and Heritage Avenue.
- Evaluation of the proposed Creekside north driveway location on Glade Road.

The background traffic used in this analysis was collected on May 2, 2007 for the Heritage Avenue traffic impact analysis dated June 5, 2007.

Intersection of Glade Road and Heritage Avenue

The existing intersection of Glade Road and Heritage Avenue is currently signalized. The intersection is also under construction; however the analysis of the Glade Road intersection is based on the completed intersection geometry and does not consider the current lane configuration during the construction of Glade Road. Refer to **Figure 1** for the proposed intersection lane configuration.

Traffic Impact Analysis - Freese and Nichols

Page 3 of 5

Table 2: Intersection of Glade Road and Heritage (Peak AM)
Background Traffic + Development Traffic

Intersection Analysis per Movement										
	EBL	EBT/R	WBL	WBT	WBR	NBL	NBT/R	SBL	SBT	SBR
Traffic Volume (vph)	315	467	84	250	426	48	271	205	10	84
Delay (s)	14.5	19.2	11.5	20.9	2.6	10	6.2	10.6	10.1	4.8
LOS	B	B	B	C	A	A	A	B	B	A
Intersection Measures of Effectiveness										
Ave. Delay (s)	11.9									
LOS	B									

Table 3: Intersection of Glade Road and Heritage (Peak PM)
Background Traffic Only (Existing Traffic)

Intersection Analysis per Movement										
	EBL	EBT/R	WBL	WBT	WBR	NBL	NBT/R	SBL	SBT	SBR
Traffic Volume (vph)	71	448	2	856	251	4	13	115	0	94
Delay (s)	9.8	14.2	9.5	22.5	2.6	10.5	13.7	10.5	10.5	4.1
LOS	A	B	A	C	A	B	B	B	B	A
Intersection Measures of Effectiveness										
Ave. Delay (s)	15.6									
LOS	B									

Table 4: Intersection of Glade Road and Heritage (Peak PM)
Background Traffic + Development Traffic

Intersection Analysis per Movement										
	EBL	EBT/R	WBL	WBT	WBR	NBL	NBT/R	SBL	SBT	SBR
Traffic Volume (vph)	73	467	254	856	251	41	154	115	15	97
Delay (s)	10.6	20.3	17.7	21.5	2.6	10.7	5.6	10.8	10.7	4.5
LOS	B	C	B	C	A	B	A	B	B	A
Intersection Measures of Effectiveness										
Ave. Delay (s)	15.9									
LOS	B									

Traffic Impact Analysis - Freese and Nichols

Page 4 of 5

Intersection of Heritage Avenue and Cheek Sparger Road

The intersection of Heritage Avenue and Cheek Sparger Road is currently a two way stop controlled intersection. The analysis of the post development condition was based on a two way stop controlled intersection with left turn lanes as recommended in the Heritage traffic impact analysis report. Based on the analysis of the intersection with the proposed development traffic the intersection will not operate at an acceptable level of service as a two way stop controlled intersection. The developer should conduct a traffic signal warrant study and contribute to the cost of a new traffic signal at the intersection of Heritage Avenue and Cheek Sparger Road. Refer to **Table 5** for the results of the analysis.

Table 5: Intersection of Heritage Avenue and Cheek Sparger Road
Stop Sign LOS Analysis

Stop Control Intersection Analysis				
	EB	WB	NB	SB
Peak AM Background Traffic				
Delay (s)	---	---	20.9	8.5
LOS	---	---	C	A
Peak AM Background Traffic + Development Traffic				
Delay (s)	---	---	34.3	234.4
LOS	---	---	D	F
Peak PM Background Traffic				
Delay (s)	---	---	10.9	19.7
LOS	---	---	B	C
Peak PM Background Traffic + Development Traffic				
Delay (s)	---	---	57.4	433.6
LOS	---	---	F	F

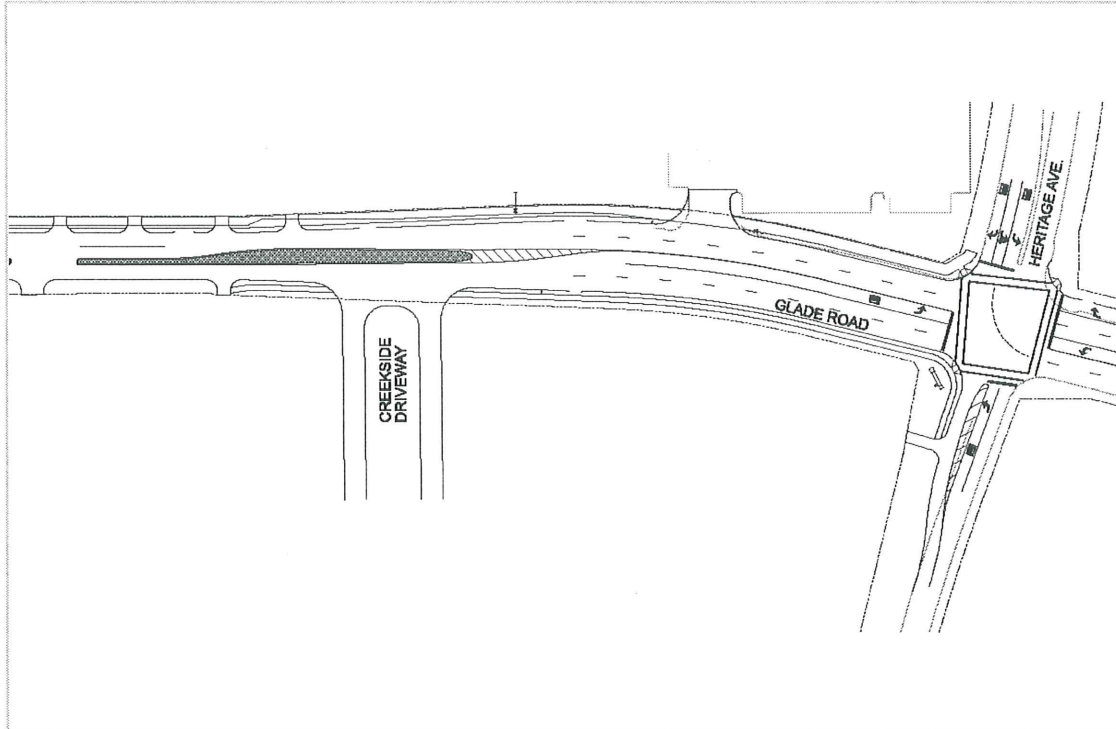
Glade Road Access Management

The proposed driveway location on Glade Road for the Creekside north development is located approximately 450 feet west of the Heritage intersection with Glade Road. This access point is located within the proposed median location for Glade Road. Left turn access should not be permitted at this location because of the proximity to the median opening to the west and the left turn storage lane to the east. Access to Glade Road should be limited to a right-in / right-out configuration and shall include a raised island to prevent left turn movements. Refer to **Figure 2** for the proposed Creekside north driveway location on Glade Road.

Traffic Impact Analysis - Freese and Nichols

Page 5 of 5

Figure 2: Proposed Creekside driveway location



Conclusions

Based on the analysis presented in this memorandum the following conclusions were identified:

- The intersection of Glade Road and Heritage Avenue operates at an acceptable level of service with the additional traffic generated by the Creekside development.
- The intersection of Cheek Sparger Road and Heritage Avenue will not operate at an acceptable level of service as a two way stop controlled intersection. The developer should conduct a traffic signal warrant study and contribute to the cost of a new traffic signal at the intersection of Heritage Avenue and Cheek Sparger Road.
- Left turn access should not be permitted at Glade Road. Access to Glade Road should be limited to a right-in / right-out configuration and shall include a raised island to prevent left turn movements.

ORDINANCE O-13-xxxx

AN ORDINANCE AMENDING ORDINANCE O-07-1645 AND ORDINANCE O-13-1866 CONDITIONS AND AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 4.4 ACRES LOCATED IN THE JESSE DOSS SURVEY AT THE NORTHWEST CORNER OF CHEEK-SPARGER ROAD AND HERITAGE AVENUE FROM THE AG-AGRICULTURAL DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; 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 Z-07-008; and

WHEREAS, the City Council approved Ordinance O-13-1866 on March 5, 2013, amending Ordinance O-07-1645 conditions and approving a detailed site plan for phase one of the development under case ZC12-031; and

WHEREAS, the applicant has requested an amendment to Ordinance O-07-1645 and Ordinance O-13-1866 and requests to rezone 4.4 acres located in the Jesse Doss Survey at the Northwest corner of Cheek-Sparger Road and Heritage Avenue, acquired from the City of Euless in a boundary adjustment approved under Ordinance O-12-1828, so as to incorporate the property into the PUD authorized by Ordinance O-07-1645 under Case Z-07-008 and approve a detailed site plan for phase two of the development; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

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

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

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-07-1645 and Ordinance O-13-1866.
- Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning of 4.4 acres located in the Jesse Doss Survey at the Northwest corner of Cheek-Sparger Road and

Heritage Avenue from the AG-Agricultural District to the PUD-R-Planned Unit Development Residential District, as depicted in the attached Exhibit "A" and described in Exhibit "B".

- Sec. 4. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 5. THAT the above described tract of land shall be subject to the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

- a. Exhibit "C" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a and Ordinance O-13-1866 Section 5(1)b. 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 two final plat shall be consistent with Exhibit "C".

2. GENERAL AMENDMENTS

- a. Section 5(2)e of Ordinance O-13-1866 is hereby deleted.
- b. The developer shall enter into a City/Developer Agreement with the City of Colleyville for required improvements to Heritage Avenue, as well as any other pertinent public infrastructure improvements, in conjunction with this development. Said agreement shall be approved and executed prior to the filing of the final plat for phase two of the development.
- Sec. 6. 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. 7. 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. 8. 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. 9. 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. 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.
- Sec. 11. THAT Ordinance O-07-1645 and Ordinance O-13-1866 shall remain in full force and effect, except where amended by this ordinance.

AND IT IS SO ORDERED.

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

The second reading and public hearing being conducted on the 17th 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

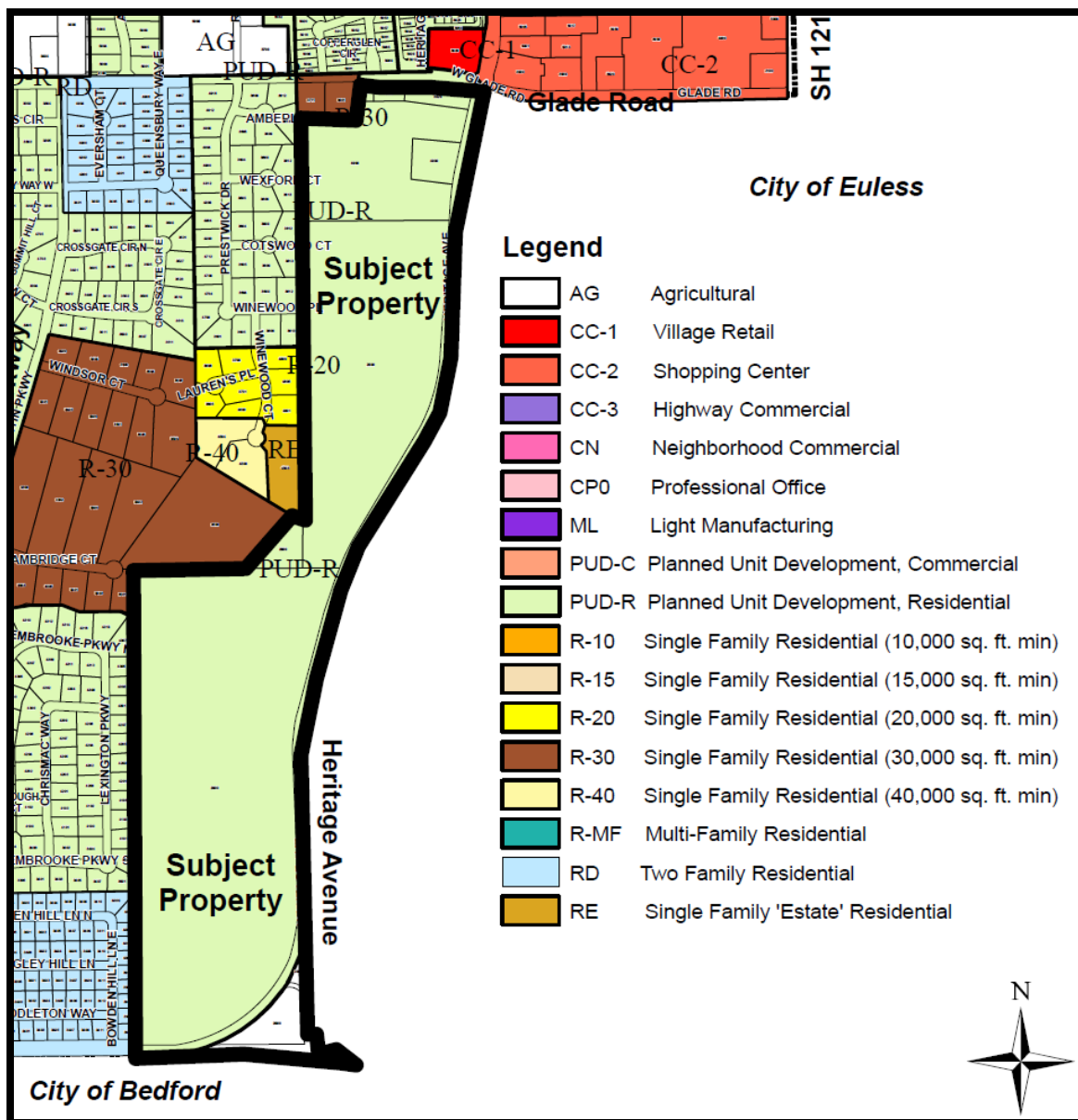


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

Being the certain tract of land situated in the J. DOSS SURVEY, Abstract No. 441 and being a portion of the Ordinance No. 192 to City of Euless and a portion of the tract described in the deed to Sparger Family limited Partnership as recorded in Volume 16472, Page 390 of Deed Records, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at a point at the intersection of the Colleyville City Limit and the Bedford City Limit boundaries from which a 5/8" iron rod found for the southwest corner of said Sparger tract bears North 69°11'27" West at 207.68 feet;

THENCE North 00°07'13" West, 25.16 feet to the beginning of a curve to the left;

THENCE northeasterly with said curve to the left, having a radius of 843.63 feet, a central angle of 37°42'05", an arc length of 250.26 feet to the apparent intersection of the north right-of-way of said Cheek Sparger Road and the east right-of-way line of Heritage Avenue, continuing with said east right-of-way line a total arc length of 1281.93 feet and a long chord of North 42°29'27" East at 1162.08 feet to a 5/8 inch iron rod found for the end of said curve, same being the merging of the east right-of-way line of Woodpark Lane;

THENCE South 01°02'49" East with said east right-of-way line of Woodpark Lane, 750.80 feet to the southwest corner of the tract described to Charles A. Hoel, Jr. and wife, Mary lea Hoel as recorded in Volume 3522, Page 540 of said Deed Records;

THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

THENCE South 05°10'42" East, 58.85 feet to the beginning of a curve to the right;

THENCE southeasterly with said curve to the right, having a radius of 1058.63 feet, a central angle of 12°33'23", an arc length of 232.00 feet and a long chord of South 71°31'54" East at 231.54 feet;

THENCE South 65°18'09" East, 4.39 feet to said north City limit line of the City of Bedford and south City Limit line of the City of Colleyville;

THENCE North 89°52'47" West with said common City Limit line, 1065.70 feet to the place of beginning and containing 4.438 acres of land, more or less.

Exhibit "C" Detailed Site Plan – Page 1

