



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, November 25, 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 Phelps
PLEDGE OF ALLEGIANCE**

- 1. APPROVAL OF MINUTES**
November 11, 2013
- 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA**
- 3. PUBLIC HEARING AGENDA ITEMS**

- 3a** Request for an amendment to the Special Use Permit for a Package Store development requirements for Lot 2, Block 1, of the Glade Points Addition located at 4200 Glade Road, Case ZC13-018

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards November 22, 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 11/25/2013	Number
Type Approval of Minutes		
Department Community Development		

Title

November 11, 2013

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - November 11, 2013



City of Colleyville Planning and Zoning Commission Minutes

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

Monday, November 11, 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 November 11, 2013 at 7:00 p.m.

Roll Call

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

Absent: Commissioner Jim Gotcher

Staff Present: Ron Ruthven, Mary Elliott, Marty Wieder, Dan Hartman, Rob McKeown, and Matt Butler (City Attorney)

1. APPROVAL OF MINUTES

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

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

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

2. APPOINTMENT TO THE PARKLAND DEDICATION COMMITTEE

Chairman Byerly made a motion to appoint Commissioner Tornes and Commissioner Wheelwright to the Parkland Dedication Committee. Commissioner Davis seconded.

The motion to appoint Commissioner Tornes and Commissioner Wheelwright carried by the following vote:

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

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

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

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

Mary Elliott presented the case and briefed the Commission.

The applicant was not present for questions from the Commission.

Commissioner Tornos questioned staff regarding whether there have been any waivers granted for other new homes on Curtis Road. Ron Ruthven replied there have been no other sidewalk waiver requests on Curtis Road.

Chairman Byerly questioned staff regarding how many new homes were proposed in the new subdivisions to the North of Curtis Road. Ron Ruthven replied 177 new lots in the Reserve at Colleyville and 60 new lots in Somerset Manor. Commissioner Byerly added that children from these new homes would most likely attend Liberty Elementary to the South of Curtis Road. Ron Ruthven replied correct.

Chairman Byerly made a motion to deny Case GC13-020.

Commissioner Davis asked Commissioner Byerly if he would allow for a friendly amendment to allow the applicant to escrow the sidewalk. Commissioner Byerly replied no, he would rather the sidewalk be built.

Commissioner Wheelwright questioned staff regarding where the proposed trail along Murphy Road would end. Ron Ruthven replied he believed the trail would extend from where it ends now, on the North side of Murphy Road between Herbert Road and Curtis Road, and extend to the property line of the proposed Somerset Manor subdivision. He further added in the future the trail could possibly extend to Precinct Line Road.

Commissioner Knox seconded the motion to deny Case GC13-020.

Commissioner Phelps stated he supported the motion. He further added the option to escrow is usually given when there are environmental hardships and he did not feel that this was the case regarding this property.

The motion to deny Case GC13-020 carried by the following vote:

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

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

Mary Elliott presented the case and briefed the Commission.

Commissioner Wheelwright questioned staff regarding whether the proposed carport met all of the requirements, minus the decorative brick, stone, or metal columns. Ron Ruthven replied correct.

Commissioner Tornes questioned staff regarding whether there is a fenced gate in the front; and would the proposed structure be visible from the street? Mary Elliott replied there is a privacy fence and you would probably not be able to see the proposed carport from the street.

The public hearing was opened at 7:12 p.m.

Leslie Norman, the property owner and applicant, came forward and briefed the Commission.

There being no one else wishing to speak, the public hearing was closed at 7:13 p.m.

Commissioner Wheelwright made a motion to approve Case ZC13-016 with the condition that the recommended conditions and the masonry column requirements be waived. Commissioner Tornes seconded.

The motion to approve Case ZC13-016 with the condition that the recommended conditions and the masonry column requirements be waived carried by the following vote:

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

- 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

Ron Ruthven presented the case and briefed the Commission.

Commissioner Phelps questioned staff regarding whether the construction of the round-about at Cheek-Sparger Road and Bedford Court was being coordinated with this development. Ron Ruthven replied a traffic impact analysis was approved along with the zoning case and was subsequently amended to address concerns brought up during the rezoning of the property.

Commissioner Tornes questioned staff regarding whether the primary entrance for the facility was off of Bedford Court. Ron Ruthven replied correct. He further added there will be a second point of entry off of Wayne Drive as well.

The public hearing was opened at 7:18 p.m.

Randy Johnson, the applicant, came forward and briefed the Commission.

Commissioner Tornes questioned Mr. Johnson regarding when he anticipated the round-about at Cheek-Sparger Road and Bedford Court to be completed. Mr. Johnson replied within the first half of 2014.

There being no one else wishing to speak, the public hearing was closed at 7:21 p.m.

Commissioner Phelps made a motion to approve Case PC13-017. Commissioner Davis seconded.

The motion to approve Case PC13-017 carried by the following vote:

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

- 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

Ron Ruthven presented the case and briefed the Commission.

Commissioner Phelps questioned staff regarding the location of the language that stated to remove the requirement of construction for two lanes on Heritage Avenue and proceed through a separate instrument. Ron Ruthven replied the language is under Section 5.2b of the proposed ordinance.

Chairman Byerly questioned staff regarding whether the property that was acquired from the City of Euless the commercial area of the PUD-R. Ron Ruthven replied correct.

Commissioner Tornes questioned staff regarding the difference in the exhibits presented to the Commission. Ron Ruthven explained the difference was due to the acquisition of land to square off the northwest corner of Heritage Avenue and Cheek-Sparger Road. He further explained one (1) of the exhibits was from 2007 and is slightly different.

Discussion continued between Commissioner Tornes and Ron Ruthven regarding the Southeast corner of the property.

The public hearing was opened at 7:30 p.m.

Curtis Young, on behalf of the applicant, came forward and briefed the Commission.

Bret Pedigo, the applicant, came forward and briefed the Commission.

Commissioner Tornes questioned Mr. Pedigo regarding whether he was requesting for there to be no sidewalks required along the open space titled Lot 7, Block 2. Mr. Pedigo replied yes.

Commissioner Wheelwright questioned Mr. Pedigo regarding the building materials that would be used for the adjacent property and the open space titled Lot 7, Block 2. Mr. Pedigo replied there is an existing barbed wire fence that would remain in place.

Discussion continued between Commissioner Wheelwright, Mr. Pedigo, and Mr. Young regarding potential fence materials.

Commissioner Phelps questioned Mr. Young regarding where the entrance for the commercial lot would be located. Mr. Young replied the commercial lot would gain access from the subdivision entrance and there would be a recessed gate for the residents to access the subdivision. Mr. Young further added they could also have access from Heritage Avenue but the building would still front on Cheek-

Sparger Road.

Commissioner Phelps questioned Mr. Young regarding the types of commercial uses they were anticipating. Mr. Young replied inline, offices and/or services.

Discussion continued between Commissioner Phelps and Mr. Young regarding uses and parking.

Commissioner Wheelwright questioned Mr. Young regarding the sidewalk along the open space Lot 7, Block 2 and he did not think the conceptual plan indicated a sidewalk in that specific location. Mr. Young replied correct, they just wanted to ask that a sidewalk not be required in that location to allow privacy for the neighbors to the West.

Blanche Ziegler, 3410 Langley Hill Lane, came forward with her questions and concerns.

Gary Malone, 4605 & 4609 Winewood Court, came forward to speak in support of this development.

There being no one else wishing to speak, the public hearing was closed at 7:55 p.m.

Mr. Pedigo came forward to address comments and concerns.

Commissioner Wheelwright questioned staff regarding whether a fast food restaurant would be able to locate on the property zoned for commercial as it is today. Ron Ruthven replied the original zoning case states that any sales tax generating business or professional offices are allowed. He further stated any uses allowed in CC-1 Village Retail, CC-2 Shopping Center, or CN - Neighborhood Commercial were also allowed.

Commissioner Wheelwright questioned Marty Wieder, the economic development director regarding his knowledge of any commercial businesses interested in this location. Marty Wieder replied he anticipates inline retail/service type businesses. He further stated that he has not been approached by anyone looking to locate any type of quick serve food.

Commissioner Tornos questioned staff regarding whether a convenience store would be allowed in this location. Ron Ruthven replied a standalone convenience store would be allowed in this

location. He further explained that gasoline sales or any type of alcoholic beverage sales would be required to be approved through a Special Use Permit by the Planning and Zoning Commission and the City Council.

Commissioner Phelps questioned staff regarding the allowance of uses from three (3) different zoning classifications. Ron Ruthven replied past zoning cases were mainly directed at the commercial property on the northern end of the property; and the intent was to allow for a wide range of uses provided they are sales tax generating. He further explained because the newly acquired land was not part of the original zoning case there has not been much discussion on this section of the property.

Commissioner Phelps questioned staff regarding whether it was possible to include language to require a Special Use Permit for any of the uses allowed by the ordinance. Ron Ruthven replied he did not recommend requiring a Special Use Permit for a use that is already codified in the Land Development Code. He further explained he would suggest that in lieu of this scenario, the Planning and Zoning Commission recommend to the City Council that a detailed site plan be required prior to any type of development on the commercial site.

Chairman Byerly questioned staff regarding the whether the increase in the commercial area was addressed in the ordinance or does it need to be changed? Ron Ruthven replied he recommends making the changes as part of a motion.

Chairman Byerly questioned staff regarding whether there was a requirement for a sidewalk along the open space titled Lot 7, Block 2; Does a waiver need to be granted to address the applicant's request? Ron Ruthven replied there would be a sidewalk required along both sides of the street and he prefers language be added to the ordinance to grant the waiver.

Chairman Byerly questioned Mr. Pedigo and Mr. Young regarding whether they were asking for the commercial area to be 1.8 acres or 3.72 acres. Mr. Young replied the size they were requesting for the commercial area is actually 1.91 acres.

Chairman Byerly questioned Mr. Pedigo regarding the depth of the commercial lot on the original versus the depth of the proposed commercial lot. Mr. Pedigo replied the original is about 500 feet and approximately double from what they are proposing.

Discussion continued between the Commission, Mr. Young, and Mr. Pedigo regarding the commercial lot and which street the businesses should front.

Chairman Byerly questioned staff regarding whether staff was okay with what the applicant was proposing with regards to the commercial lot size. Ron Ruthven replied staff is recommending the larger lot size for the commercial lot.

Discussion continued between staff and the Commission regarding staff's preference on the commercial lot size.

Commissioner Tornes stated from his prospective the applicant's submittal with the commercial lot fronting Cheek-Sparger Road was more marketable. Marty Wieder agreed with Commissioner Tornes' statement but from staff's perspective they would have like to see more room for development along Cheek-Sparger Road.

Chairman Byerly questioned staff regarding the entrance of this development lining up with the entrance to the development to the South, in Bedford. Ron Ruthven replied from a transportation planning point of view the furthest you can get from an intersection is most preferred.

Discussion continued between staff, the Commission, and the applicants regarding the possibilities for the entrance location.

Commissioner Davis questioned Mr. Young regarding whether they had considered moving their main entrance to Heritage Avenue versus having it on Cheek-Sparger Road. Mr. Young replied they feel it is important to have an entrance on Cheek-Sparger Road.

Commissioner Phelps stated he would be concerned with moving the entrance further west due to the roadway being on a hill and there being blind spots.

Discussion continued between the Commission and the applicants regarding lining up intersections.

Commissioner Byerly questioned Marty Wieder regarding whether staff felt the lot depth was deluxe. Marty Wieder replied yes, and they had mentioned this to the applicants.

Commissioner Knox made a motion to approve Case ZC13-017 with the following conditions: 1) approve with the conditions

in the proposed ordinance 2) a sidewalk waiver be granted on Lot 7, Block 2 shown as open space and 3) reduce the commercial lot on the Southeast side of the property to 1.91 acres. Commissioner Davis seconded.

Commissioner Phelps stated he would like to add a condition to require a detailed site plan prior to any commercial development.

Commissioner Knox and Commissioner Davis accepted the amendment.

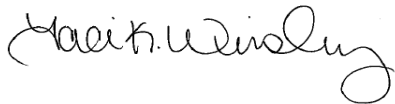
The motion to approve Case ZC13-017 with the following conditions: 1) approve with the conditions in the proposed ordinance 2) a sidewalk waiver be granted on Lot 7, Block 2 shown as open space 3) reduce the commercial lot on the Southeast side of the property to 1.91 acres and 4) prior to any development on the commercial lot, a detailed site plan must be approved carried with the following vote:

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

6. ADJOURNMENT

The meeting was adjourned at 8:23 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on November 25, 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 3a	Agenda Date 11/25/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for an amendment to the Special Use Permit for a Package Store development requirements for Lot 2, Block 1, of the Glade Points Addition located at 4200 Glade Road, Case ZC13-018

Explanation

Charlie Hall, has submitted a request to amend the Special Use Permit (SUP) ordinance approving the package store located at 4200 Glade Road named Hall's Wine and Spirits.

The applicant is requesting the amendment in order to place a sign advertising the package store on the existing freeway pole sign located on the subject property. Section 4(1)i(2) of SUP Ordinance O-10-1762, which approved the package store, states: "there shall be no package store advertising allowed on the existing freeway pole sign". The applicant requests to delete this provision.

Existing Zoning and Development Conditions. The subject property is zoned CC2-Highway Commercial district. Ordinance O-10-1762 (attached) was approved by the City Council on August 17, 2010.

Applicant's Request. Per the attached exhibit, the applicant proposes to place a three foot by nine foot sign titled "Hall's Wine and Spirits" on the existing freeway pole sign. A building permit was issued for electronic gas price signs shown on the existing pole sign exhibit on September 27, 2013. The applicant also intended to add the package store sign to the pole sign at the same time this permit was issued. However, staff informed the applicant that Ordinance O-10-1762 restricted any package store advertising on the pole sign and the applicant, instead, placed a sign titled "Hall's" on the sign pending the outcome of the current request. The pole sign is currently in compliance with the Land Development Code.

The original restriction prohibiting any package store advertising on the pole sign was recommended by staff and placed in the original draft SUP ordinance approved by the Planning and Zoning Commission and the City Council. Staff originally recommended this restriction in order to maintain consistency with other package store signs as the package store on the subject property is the only package store of the approved six stores in the City that has a pole sign on the property. All of the other stores contain

monument signs.

Staff recommends that the advertising space for the package store on the pole sign not be allowed to exceed 27 square feet on each side. This provision is included in the draft ordinance.

Public Notification. Staff notified four property owners 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 not received any correspondence regarding this request.

Summary. The applicant is requesting to remove the pole sign advertising restriction for the existing package store. As stated above, staff originally recommended this restriction in order to maintain consistency with other package store signs as the package store on the subject property is the only package store of the approved six stores in the City that has a pole sign on the property. Given that there is no monument sign on the subject property, staff concurs with the applicant's request to advertise the package store on the existing pole sign provided the advertising space does not exceed 27 square feet on each side.

Recommendation

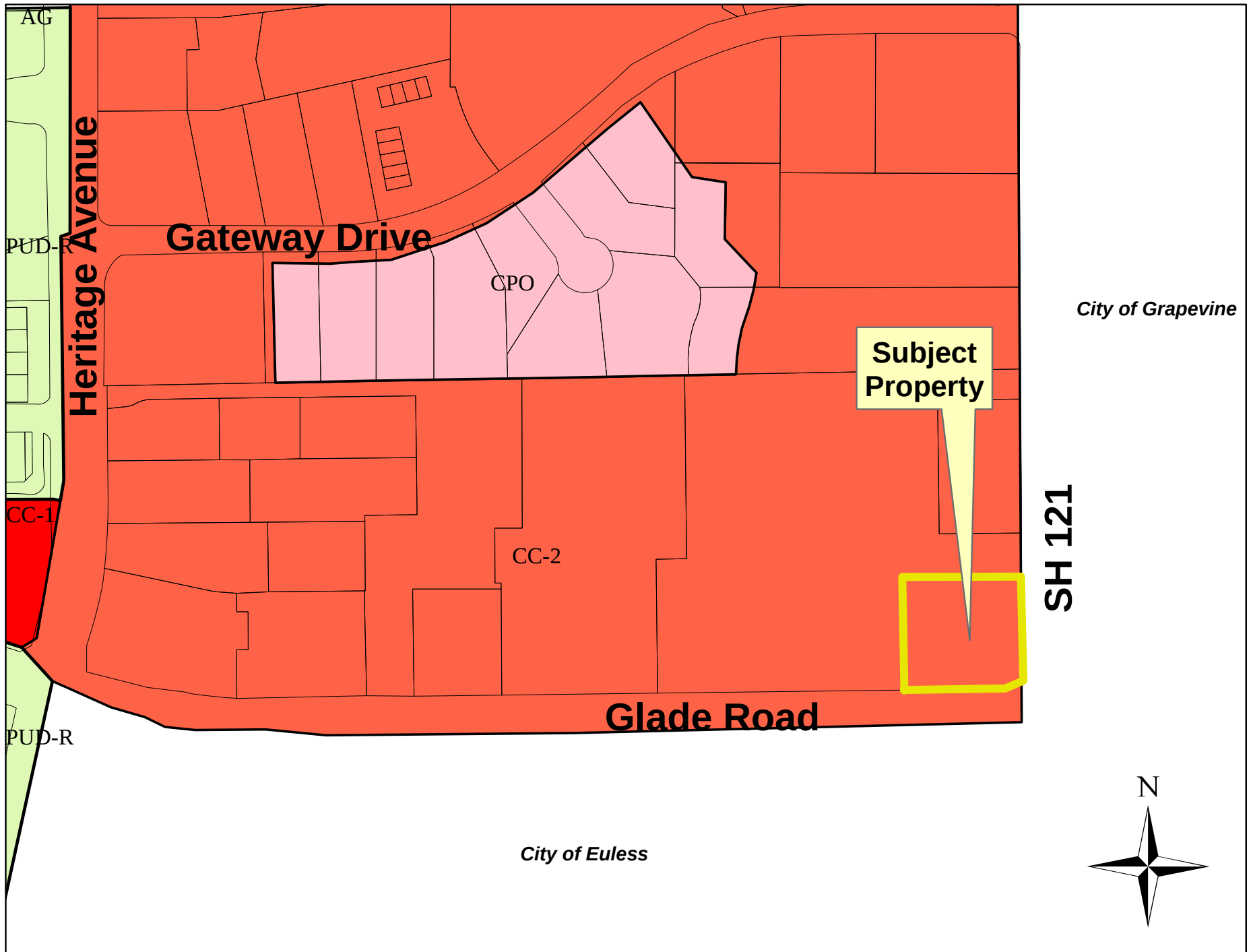
Approval with the following conditions:

(1) Section 4(1)i(2) is hereby amended to read as follows: the package store authorized by Ordinance O-10-1762 may advertise on the existing freeway pole sign on the subject property provided the total sign area advertising the package store shall not exceed 27 square feet on each side of the sign.

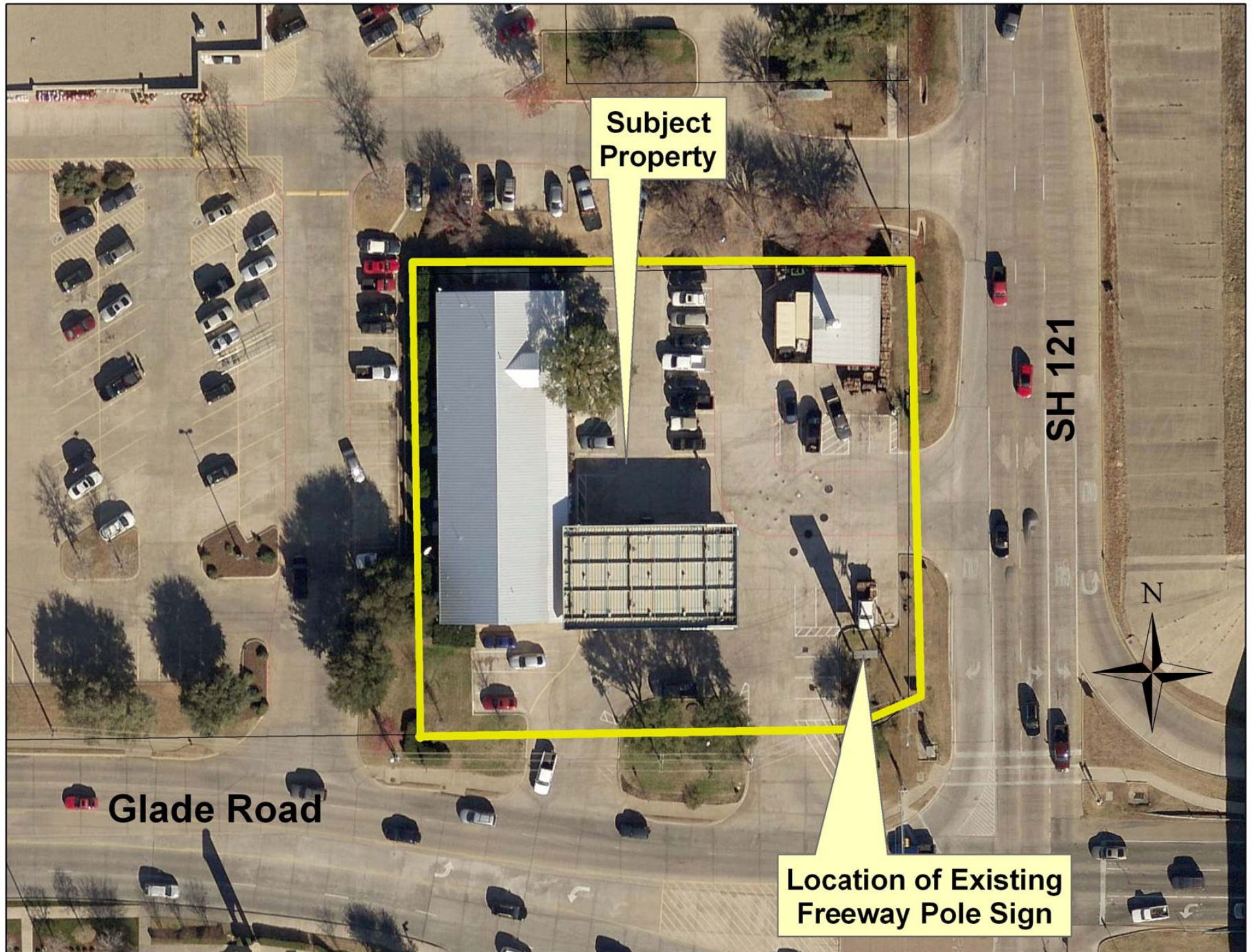
Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Sign Exhibits
6. Ordinance O-10-1762
7. Ordinance O-13-1901

Location and Zoning Map



Aerial

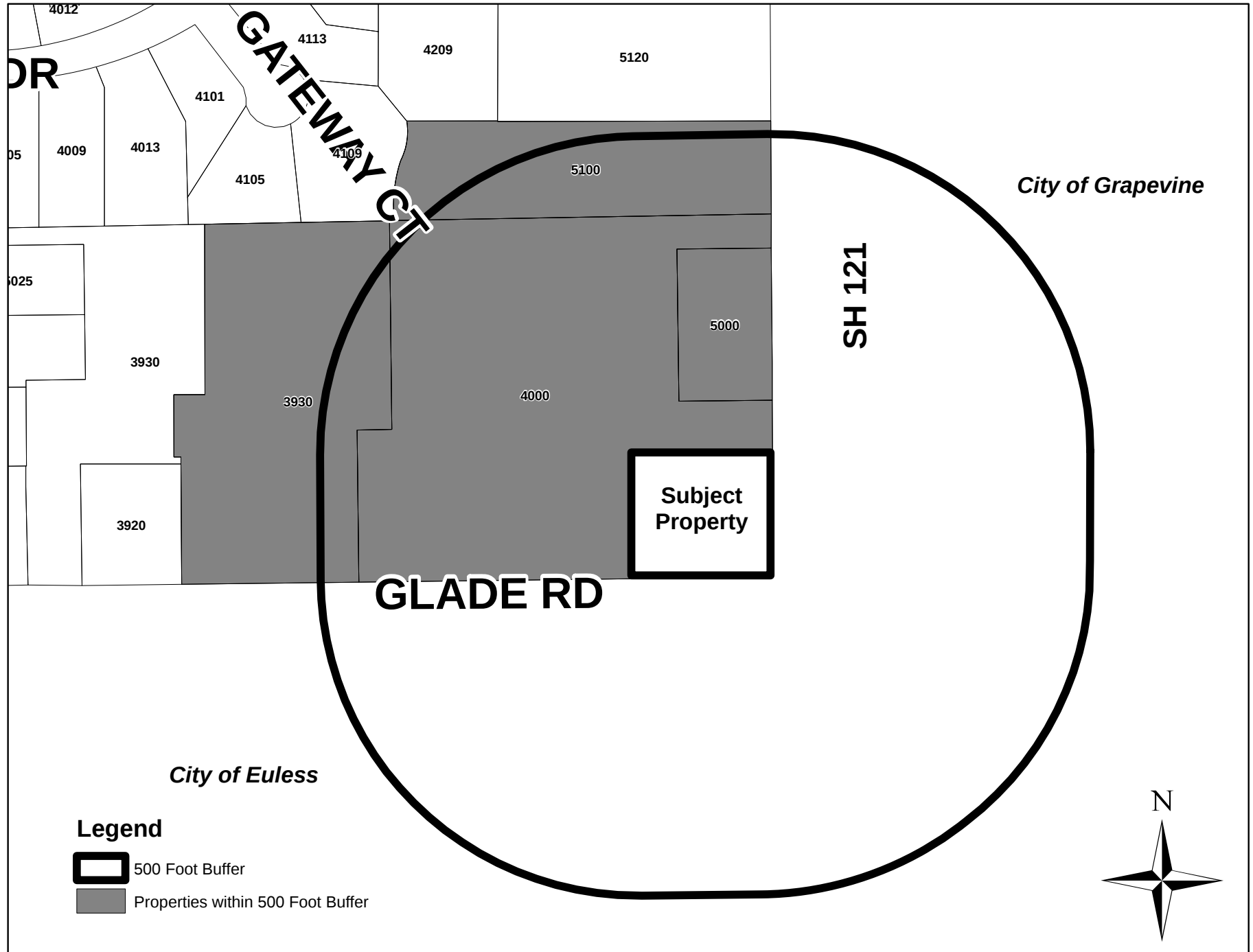


Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Abs Tx Investor Lp	250 E Parkcenter Blvd	Boise	Idaho	83726	4000 Glade Rd
G Points Sc Ltd,	101 1St St Ste 476	Los Altos	California	94022	3930 Glade Rd
Scc Colleyville Partners Ltd	301 Congress Ave Ste 1550	Austin	Texas	78701	5000 State Hwy 121
Bradford Commercial Properties	3209 Walker Pl	Grapevine	Texas	76051	5100 State Hwy 121
Keller ISD	350 Keller Parkway	Keller	Texas	76248	Courtesy Notice
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
Hurst Euless Bedford ISD	1501 Central Drive	Bedford	Texas	76022	Courtesy Notice
Hall, Charlie W Etux Helen F	4200 Glade Rd	Colleyville Tx	Texas	76034	Applicant

Public hearing notices were mailed
Fri., Nov. 15, 2013 by Taci Wrisley

Buffer Map



Existing Sign Exhibit



Proposed Sign Exhibit



ORDINANCE O-10-1762

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 2, BLOCK 1, OF THE GLADE POINTS ADDITION LOCATED AT 4200 GLADE ROAD BY AUTHORIZING A SPECIAL USE PERMIT FOR A PACKAGE STORE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case No. ZC10-011; and

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending the official zoning map by authorizing a Special Use Permit for a package store on Lot 2, Block 1, of the Glade Points Addition located at 4200 Glade Road, as depicted on Exhibit "A".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. This Special Use Permit shall only apply to the use of a package store as described in Exhibit "B" and depicted in Exhibit "C".
- b. The package store authorized by this Special Use Permit shall not exceed 7,240 square feet in size and shall be located completely within the existing building.
- c. All required parking including the number, location and dimensions of parking shall meet the minimum requirements of the Land Development Code.
- d. It is recommend that the applicant provide a shared parking agreement with the adjacent property owner to the north and west, and as part of any shared parking agreement, there be a 24 foot wide driveway connection paved from the subject property to the parking and fire lane on the adjacent property to the north in order to provide an additional means of access to and from off-site parking during peak sales periods.
- e. A minimum six (6) foot high wrought iron fence shall be installed around the existing propane tank enclosure prior to the issuance of the certificate of occupancy.

- f. Firewood sales shall be confined to an area on the northern portion of the property as shown on Exhibit "C". The sales area shall not exceed 360 square feet and shall not extend any further than 10 feet south of the north property line.
- g. Prior to the issuance of the certificate of occupancy, all dumpsters shall be located behind the front building line as depicted in Exhibit "C" and shall be screened with a minimum six foot wood or masonry fence as required by the Land Development Code.
- h. Prior to the issuance of the certificate of occupancy, landscaping shall be installed and maintained meeting the minimum requirements of Chapter 4-Landscaping and Buffering in the Land Development Code.
- i. All signs advertising the package store shall meet the following conditions: (1) all signage, at a minimum, shall meet the minimum requirements of Chapter 7-Sign Regulations in the Land Development Code; (2) there shall be no package store advertising allowed on the existing freeway pole sign; (3) Section 108.52 of the Texas Alcoholic Beverage Code is hereby adopted by reference of which all requirements pertaining to signage shall apply to this Special Use Permit; (4) Upon abandonment of the business authorized by this Special Use Permit, all signage advertising the package store shall be removed in its entirety at the expense of the business and/or property owner within thirty (30) days of abandonment, (5) the business name shown on the sign(s) shall read "Hall's Wine & Spirits".
- j. The package store authorized by this Special Use Permit shall be required to comply with all provisions of the attached Exhibit "D".
- k. This Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the certificate of occupancy.
- l. All requirements of the Land Development Code shall be met, except where amended herein.

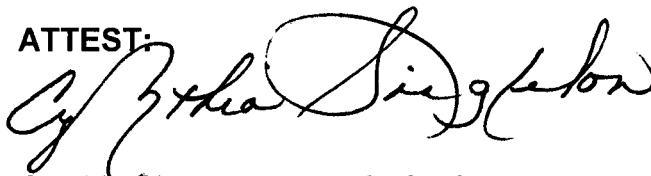
Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two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

- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

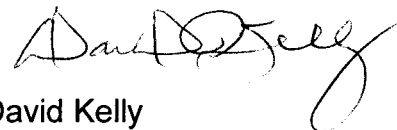
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of August 2010.

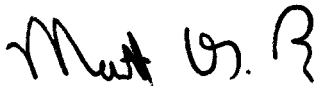
The second reading and public hearing being conducted on the 17th day of August 2010.

ATTEST:

Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" - Location and Zoning Map

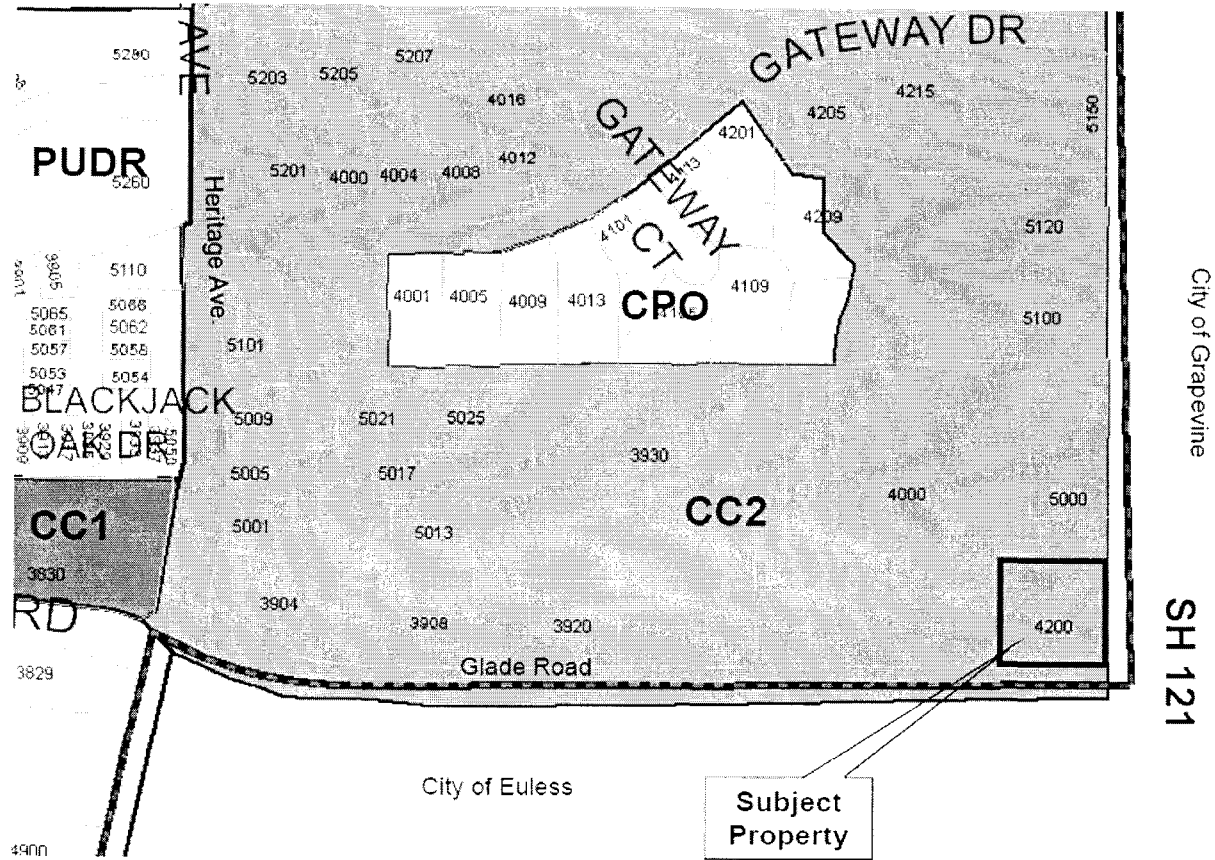


Exhibit "B" – Statement of Planning Objectives

Proposal from Halls Grocery

**Hours of operation 10:00am to 9:00pm M-S
Closed on Sunday also on major holidays
Credit card gasoline 9:00pm-10:00am**

**Doing Business as:
Halls Grocery
4200 Glade Road
Colleyville Texas
Presently selling gas,beer,wine produce,deli
and propane**

**Proposing doing business as:
Selling gas,beer,wine,liquor,deli and
propane**

**Halls is also proposing obtaining a Liquor
license**

**Economic impact projection
Our proposed economic impact is 4.1
million per year
Our current parking is 33 spaces**

**RECEIVED
MAY 14 2007
Per**

Site Plan

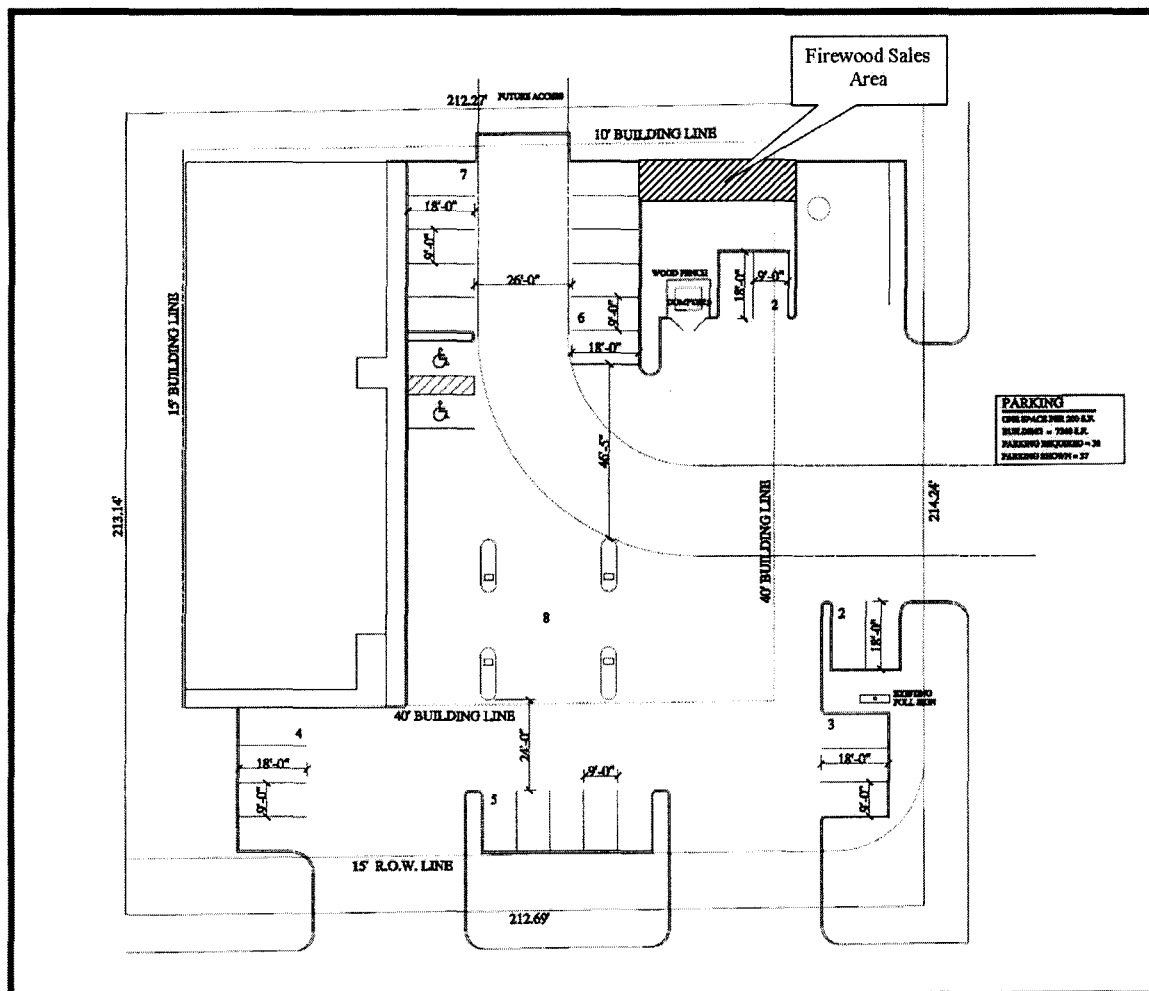


Exhibit "D"

CRIME PREVENTION RECOMMENDATIONS FOR CONVENIENCE STORES AND PACKAGE STORES

Purpose

The purpose of these recommendations are to protect the health, safety, and welfare of the citizens of the City of Colleyville by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that may occur in a convenience store or package store in the City. To this end, these recommendations address best practices in crime prevention through environmental design including height markers, visibility into and around the business, alarm systems, physical security, drop safes, surveillance camera systems, and minimum staffing requirements.

Definitions

Unless otherwise expressly stated, the following terms shall, for the purposes of these recommendations, have the meanings indicated in this section:

"Convenience Store" means an establishment designed, intended, adapted or used primarily to provide for consumer shopping of a brief duration, characterized by a limited product mix (generally emphasizing prepared and snack foods, beverages, tobacco products or gasoline/motor vehicle fuel), close-in parking, and limited retail space.

"Drop Safe" means a cash management device in which money can be deposited without the depositor having access to the contents.

"Employee" means any person listed on the payroll of a convenience store or package store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the store.

"Height Marker" means a measuring strip that is attached on or near the door frame of doors used for ingress and egress to the store to aid in identifying the height of a person suspected of committing a crime.

"Package Store" means a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.

“Manager” means the person designated as the supervisor or person in charge of the operations of the store.

“Owner” means the person or persons who hold title to, leases or has a possessory interest in property for the purpose of operating a convenience/package store.

Height markers

A convenience/package store shall have height markers posted at all public exits to aid in obtaining a physical description on any suspicious person or suspect in a criminal offense.

Visibility

- A) A convenience/package store shall maintain an unobstructed line of sight allowing a clear view of and from the cash register and sales transaction area through all windows and public access doors. Such windows and doors must be clear of all items that would obstruct a clear view including, but not limited to, tinting, signage, advertisements, shelving, and merchandise. Such unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground.
- B) Landscaping shall be maintained in a manner that allows an unobstructed view of all windows and doors in an attempt to prevent blind spots or places of concealment.

Alarm system

- A) A convenience/package store shall have a silent panic or holdup alarm system for which a permit has been issued by the City. This system shall, at a minimum, include a panic button located within reach of the cash register and out of view of the customer. Such panic button will generate an alarm signal indicating a holdup or other life-threatening emergency requiring a police department response.
- B) A convenience/package store shall have posted at all public exits and entrances signs or decals indicating that a security alarm system is in use.

Entrances and Exits

- A) All doorways shall be secured with a deadbolt lock. Deadbolt locks within 40 inches of a breakable surface must be a double cylinder lock.

- B) Service or delivery entrances shall be equipped with an exterior, high resolution digital video camera or a “peep hole”, which enables employees to visually observe the area immediately outside the door.

Drop safe

- A) A convenience/package store shall have a drop safe on the premises to keep the amount of cash available to employees to a minimum. A drop safe must be bolted to the floor and may have a time-delay mechanism to allow small amounts of change to be removed.
- B) A convenience/package store shall have a written cash accountability policy mandating the maximum amounts of cash that can be kept in cash registers.
- C) A convenience/package store shall have posted, at or near the point(s) of sale, decals or signs indicating that employees cannot open the safe and that employees have minimum cash on hand.

Surveillance camera system

- A) A convenience/package store shall have a minimum of two, color digital high-resolution surveillance cameras. One camera must have an overall view of the counter/register area and the other camera a view of the main entrance/exit area and both shall display the correct date and time of the recording.
- B) The entrance/exit area camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face.
- C) The cameras shall be operated at all times including hours when the store is not open for business.
- D) The owner or manager shall provide the police department, upon request, digital color images in connection with any criminal investigation.
- E) The owner or manager shall maintain a library of the recorded digital images for not less than 30 days.
- F) A convenience/package store shall have posted, at or near the point(s) of sale, signs or decals indicating that surveillance cameras are in use.

Minimum Staffing

- A) A convenience/package store will maintain a minimum staffing of at least two (2) employees on-site at all times when the business is open.

ORDINANCE O-13-1901

AN ORDINANCE AMENDING ORDINANCE O-10-1762 CONDITIONS; 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-10-1762 on August 17, 2010, authorizing a package store on Lot 2, Block 1 of the Glade Points Addition under zoning case ZC10-011; and

WHEREAS, the applicant has requested an amendment to Ordinance O-10-1762; 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-10-1762.
- 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 following amendments to Ordinance O-10-1762 are hereby authorized:
 - (1) Section 4(1)i(2) is hereby amended to read as follows: the package store authorized by Ordinance O-10-1762 may advertise on the existing freeway pole sign on the subject property provided the total sign area advertising the package store shall not exceed 27 square feet on each side of the sign.

- Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.
- Sec. 10. THAT Ordinance O-10-1762 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