



City of Colleyville City Council Agenda

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

Tuesday, December 3, 2013

City Council Chambers

HOLIDAY TREE LIGHTING - IN FRONT OF CITY HALL - 5:30 P.M.

PRE COUNCIL MEETING EXECUTIVE SESSION 6:00 P.M. EXECUTIVE CONFERENCE ROOM THIRD FLOOR

CALL TO ORDER

- PC-1** Discussion regarding the 2014 citizen survey final instrument
- PC-2** Discussion of City Council replacement laptops
- PC-3** Discussion of the distribution of agenda packets for public meetings
- PC-4** Discussion of the December 3, 2013, City Council regular agenda items

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

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

Section 551.071 - Legal - Consultation with attorney regarding pending litigation - Moxie Pest Services - Dallas, LLC v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding solicitor ordinance

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

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

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

INVOCATION: Pastor Ricky Texada, Colleyville Covenant Church

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

- 2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-13-3693**
- 3. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS**
 - Announcements of civic and charitable events**
 - Presentation of calendar events and updates**
 - Announcements of awards and recognition**
- 4. CONSENT: READING AND PUBLIC HEARING - Resolution R-13-3694**
 - 4a** Approval of the minutes of the regular City Council meeting of November 19, 2013
 - 4b** Approval of the minutes of the Joint City Council and Colleyville Economic Development Corporation Board worksession of November 12, 2013
 - 4c** Approval of the minutes of the Joint City Council and Colleyville Sidewalks Committee worksession of November 12, 2013
 - 4d** Approval of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the funding of the intersection improvement at Jackson Road and Cheek-Sparger Road, and authorize the city manager to execute the agreement
 - 4e** Approval of a Funding Agreement with the State of Texas, the City of Colleyville, and the North Central Texas Council of Governments, for the Pleasant Run Pathway Project that will be constructed in conjunction with the Pleasant Run Road Improvement Project, and authorize the city manager to execute the agreement
 - 4f** Approval of an amendment to the 2012 Sidewalk Construction Program
 - 4g** Approval of a Depository Pledge Agreement with Wells Fargo Bank, National Association and The Bank of New York Mellon Trust Company, National Association, and authorize the city manager to execute the agreement

- 4h** Approval to nominate Mayor David Kelly to serve on the North Central Texas Council of Governments (NCTCOG) Emergency Preparedness Planning Council (EPPC)

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

5a Ordinance O-13-1887

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

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

6a Ordinance O-13-1897

Consideration of a request for approval of a zoning change from R40-Single Family Residential to R20-Single Family Residential on 2.5 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

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

7a Ordinance O-13-1898

Consideration of a 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

7b Ordinance O-13-1899

Consideration of a request 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 a request for 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

7c Ordinance O-13-1900

Consideration of a 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

7d Ordinance O-13-1901

Approval of amendments to Chapter 13 - Impact Fees of the Land Development Code

7e Ordinance O-13-1902

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

8. RESOLUTION(S): READING AND PUBLIC HEARING**8a Resolution R-13-3695**

Authorizing the issuance of Colleyville Economic Development Corporation (CEDC) Refunding Sales Tax Subordinate Lien Revenue Bonds, Series 2013

9. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR DECEMBER 3, 2013 - Reading and Public Hearing - Resolution R-13-3696****11. ADJOURNMENT**

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

Amy Shelley, TRMC
City Secretary

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

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



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-1

Agenda Date 12/03/2013

Type Pre Council

Department City Manager

Title

Discussion regarding the 2014 citizen survey final instrument

Explanation

The purpose of this item is to provide an opportunity to discuss the 2014 citizen survey instrument. The biennial citizen survey is one of the most important mechanisms by which citizen feedback on priorities and satisfaction levels is gathered. The results of the citizen survey provide the foundation for the City's strategic plan, annual budget, and all other major efforts.

The 2014 citizen survey is scheduled to be available for completion during the month of January, in order for results to be used and considered in the development of the Fiscal Year 2015 budget. The attached 2014 citizen survey will be longer than previous surveys, as it will contain a number of additional questions related to the City's Comprehensive Plan that is currently being updated, to avoid having two concurrent surveys that may cause confusion or duplication of effort.

Per City Council direction given on October 15, 2013 regarding survey methodology, a hard copy of the 2014 citizen survey will be mailed to all households in Colleyville, with the option to complete the survey online as opposed to mailing a completed paper survey. At the City Council's request, survey kiosks will also be set up in City Hall and at the Colleyville Public Library for the purpose of completing the survey online at a City facility.

The attached document contains all questions that are proposed for inclusion in the 2014 citizen survey. The recommended questions were prepared through a combined effort of City staff, the survey consultant, and the team working on updating the Comprehensive Plan. The redesigned format of the survey maximizes the available space in the document that will be printed and mailed. While there is not available space to reasonably ask every question of interest, the proposed survey questions cover a wide variety of topics that provide key feedback necessary for future decision making.

Attachments

1. 2014 Citizen Survey



An important message for Colleyville citizens

This is the biennial citizen survey. Your opinions and perspectives shape the plans and actions of the City of Colleyville. The survey will help us gauge how we're doing, but more importantly, it plays a critical role in determining the programs and initiatives we pursue. Citizen responses on previous surveys have influenced our approach to funding roads and infrastructure, helped the city target retailers that citizens desire, led to stronger regulations for door-to-door solicitors, and brought about an increase in public meetings and opportunities for public input. This year's survey also includes questions related to the upcoming comprehensive plan that will guide Colleyville's future physical development.

Please take a few minutes to complete the survey. All surveys must be returned or completed online by Jan. 31, 2014. Your answers will be anonymous. Then simply fold and tape the survey so the return address to National Service Research is visible and mail it. As an alternative you may complete the survey online by visiting **Colleyville.com** and clicking on the **2014 Citizen Survey** feature.

Thank you for your invaluable participation.

Mayor David Kelly

*Mayor Pro Tem Mike Taylor
Councilmember Chuck Mogged
Councilmember Jody Short*

*Councilmember Carol Wollin
Councilmember Stan Hall
Councilmember Tom Hart*

Communication Preferences	1a. How do you currently get information about the City of Colleyville? <i>(Check all that apply)</i>
	☐ City e-news/e-communicator ☐ City website (colleyville.com) ☐ City's Facebook page ☐ City cable channel ☐ City Council and/or City Staff ☐ Community meetings
	☐ CodeRED (emergency#) ☐ Call on Colleyville ☐ Webcast of public meeting ☐ Utility bill newsletter (<i>Communicator</i>) ☐ YouTube ☐ Local newspaper, magazine, radio, TV
	☐ None ☐ Other: _____
	1b. Are there other ways you would like the City of Colleyville to communicate with you? <i>(Check all that apply)</i>
	☐ Twitter ☐ Mobile Apps ☐ Other: _____
	☐ LinkedIn ☐ Blogs
	☐ Instagram ☐ No need for other forms of communications from the City
	1c. How would you like to complete this biennial citizen survey in the future?
	☐ Hard copy by mail ☐ Online from the City's website
	☐ Other: _____

Use of City Services	2. How frequently do you or your household members do the following in Colleyville? <i>(Check one box for each)</i>	At least weekly	At least monthly	Few times a year	Rarely	Never
	Watch/attend a public meeting	☐	☐	☐	☐	☐
	Watch the City's cable channel	☐	☐	☐	☐	☐
	Contact the City with a question	☐	☐	☐	☐	☐
	Visit City's website (colleyville.com)	☐	☐	☐	☐	☐
	Visit the Colleyville library	☐	☐	☐	☐	☐
	Visit a city park	☐	☐	☐	☐	☐
	Walk or bike on a City trail	☐	☐	☐	☐	☐
	Use the Colleyville Center	☐	☐	☐	☐	☐
	Use the Colleyville Senior Center	☐	☐	☐	☐	☐

Satisfaction with City Performance	3. How satisfied are you with the City of Colleyville's performance for each of the following areas? <i>(Check one box for each)</i>	Very Satisfied	Satisfied	Dis-satisfied	Very Dissatisfied	No Opinion
	Encouraging economic growth	☐	☐	☐	☐	☐
	Effective zoning and land use regulations	☐	☐	☐	☐	☐
	Managing City funds	☐	☐	☐	☐	☐
	Welcoming citizen involvement	☐	☐	☐	☐	☐
	Listening to citizens	☐	☐	☐	☐	☐
	Planning for the future needs of residents	☐	☐	☐	☐	☐
	Developing a future vision for the city	☐	☐	☐	☐	☐
	Value of services for taxes paid	☐	☐	☐	☐	☐
	Maintaining quality of life	☐	☐	☐	☐	☐
	Transparency in decision making	☐	☐	☐	☐	☐

Transportation Issues	4. How important is it for the City of Colleyville to address the following transportation issues in the near future? <i>(Check one box for each)</i>	Very Important	Important	Not Very Important	Not at all Important	No Opinion
	Traffic on Glade Road	☐	☐	☐	☐	☐
	Traffic on Cheek-Sparger Road	☐	☐	☐	☐	☐
	Traffic in my neighborhood <i>(please indicate where):</i>	☐	☐	☐	☐	☐
	Better sidewalks/trails for bicycles or walking:					
	• On Colleyville Boulevard	☐	☐	☐	☐	☐
	• In my neighborhood	☐	☐	☐	☐	☐
	Eliminate bar ditches on city streets	☐	☐	☐	☐	☐
	Add wayfinding signs along major thoroughfares	☐	☐	☐	☐	☐

Appearance / Safety	5. How satisfied or dissatisfied are you with?					
	<i>(Check one box for each)</i>	Very Satisfied	Satisfied	Dis-satisfied	Very Dissatisfied	No Opinion
	Overall appearance of your neighborhood	☐	☐	☐	☐	☐
	Overall safety of your neighborhood	☐	☐	☐	☐	☐
	Overall appearance of Colleyville	☐	☐	☐	☐	☐
	Overall safety of Colleyville	☐	☐	☐	☐	☐

City Employee Contact	6. If you have had contact with a City of Colleyville employee within the past year, how satisfied were you with the following?					
	<i>(Check one box for each; skip to Q7 if no contact)</i>	Very Satisfied	Satisfied	Dis-satisfied	Very Dissatisfied	Does Not Apply
	General courtesy	☐	☐	☐	☐	☐
	Directing you to the appropriate department/person	☐	☐	☐	☐	☐
	Seemed concerned about my issue	☐	☐	☐	☐	☐
	Appropriate staff returned my call/email promptly	☐	☐	☐	☐	☐
	My issue was adequately addressed	☐	☐	☐	☐	☐
	Received timely follow-up from City to ensure my issue was addressed	☐	☐	☐	☐	☐
	Other comments regarding contact with City employees:					

Quality of Life in Colleyville	7a. How satisfied are you with Colleyville:					
	<i>(Check one box for each)</i>	Very Satisfied	Satisfied	Dis-satisfied	Very Dissatisfied	No Opinion
	As a place to live	☐	☐	☐	☐	☐
	As a place to raise a family	☐	☐	☐	☐	☐
	As a place to do business	☐	☐	☐	☐	☐
	As a place to work	☐	☐	☐	☐	☐
	As a place to retire	☐	☐	☐	☐	☐
	Overall image/reputation	☐	☐	☐	☐	☐
	Overall quality of life	☐	☐	☐	☐	☐
	Overall quality of City services	☐	☐	☐	☐	☐
	7b. During the time you have lived here, do you think that as a community Colleyville has (check one box):					
	☐ Changed for the better		☐ Remained the same			
	☐ Changed for the worse		☐ No opinion			
	7c. Name a city or place you have visited or lived that you wish Colleyville could be more like and WHY?					
7d. What ONE thing makes Colleyville a unique place to live?						

Satisfaction with City Services	8. How satisfied or dissatisfied are you with the following services provided by the City of Colleyville?					
	<i>(Check one box for each; check "No Opinion" if you have not used the service in the last 24 months)</i>	Very Satisfied	Satisfied	Dis-satisfied	Very Dissatisfied	No Opinion
	Fire protection	☐	☐	☐	☐	☐
	Emergency medical services	☐	☐	☐	☐	☐
	Police protection	☐	☐	☐	☐	☐
	Traffic enforcement	☐	☐	☐	☐	☐
	Addressing traffic congestion	☐	☐	☐	☐	☐
	Code enforcement	☐	☐	☐	☐	☐
	Animal control	☐	☐	☐	☐	☐
	Trash/recycle service	☐	☐	☐	☐	☐
	Street maintenance/repairs	☐	☐	☐	☐	☐
	Sidewalk maintenance/repairs	☐	☐	☐	☐	☐
	Water/sewer services	☐	☐	☐	☐	☐
	Storm drainage/flooding	☐	☐	☐	☐	☐
	Municipal Court	☐	☐	☐	☐	☐
	Community events/festivals	☐	☐	☐	☐	☐
	Library services and programs	☐	☐	☐	☐	☐
	Library hours	☐	☐	☐	☐	☐
	Library printed material collection	☐	☐	☐	☐	☐
	Library videos/audio books / downloadable materials	☐	☐	☐	☐	☐
	Parks in Colleyville	☐	☐	☐	☐	☐
	Trails in Colleyville	☐	☐	☐	☐	☐
	Senior Center programs	☐	☐	☐	☐	☐
	Senior Center hours	☐	☐	☐	☐	☐
	Adequate meeting space at Colleyville Center (for rental)	☐	☐	☐	☐	☐
	Keeping citizens informed about City business	☐	☐	☐	☐	☐
	Providing adequate forums for public input	☐	☐	☐	☐	☐
Retaining existing businesses	☐	☐	☐	☐	☐	
Attracting new businesses	☐	☐	☐	☐	☐	

Events / Programs	9. In which City of Colleyville special event(s) or program(s) have you or other household members participated within the past 12 months?	
	<i>(Check all that apply)</i>	
☐ Holly Colley Holiday	☐ Art class	
☐ Red, White and Sousa	☐ Senior class/program	
☐ Old Tyme Bar-B-Q	☐ Senior day trip	
☐ Spring Clean Sweep	☐ Library Summer Reading Program/Finale	
☐ Haunted Trail Fest	☐ Attended a meeting/event at Colleyville Center	
☐ Recreation class	☐ Book club	
☐ None	☐ Other _____	

Parks and Recreation Facilities	10a. How important is it for the City of Colleyville to address the following park and recreation issues in the near future?					
	<i>(Check one box for each)</i>	Very Important	Important	Not Very Important	Not at all Important	No Opinion
	Upgrade facilities in existing parks	☐	☐	☐	☐	☐
	Provide additional trails and sidewalks	☐	☐	☐	☐	☐
	Add shade covers to park amenities	☐	☐	☐	☐	☐
	Provide more pavilions for public use	☐	☐	☐	☐	☐
	Additional athletic fields	☐	☐	☐	☐	☐
	Add indoor space for recreation programs	☐	☐	☐	☐	☐
	Add or enhance space for community special events	☐	☐	☐	☐	☐
	10b. Which park do you visit most?					
	10c. What improvements, if any, are needed at that park?					

Retail Goods and Services	11a. How frequently do you or your household members do the following in Colleyville?					
	<i>(Check one box for each)</i>	At least weekly	Several times a month	At least monthly	Rarely	Never
	Dine out	☐	☐	☐	☐	☐
	Shop for groceries	☐	☐	☐	☐	☐
	Shop for apparel/shoes	☐	☐	☐	☐	☐
	Shop for hardware or gardening supplies	☐	☐	☐	☐	☐
	Shop at specialty stores (bakery, pet, framing, stationary, florist, etc.)	☐	☐	☐	☐	☐
	Go to the movies	☐	☐	☐	☐	☐
	Use a medical service	☐	☐	☐	☐	☐
	Use a specialty service (legal, beauty, etc.)	☐	☐	☐	☐	☐
	11b. Rate the following statement: I can generally find what I need in the way of restaurants and retailers in Colleyville?					
	☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree ☐ No opinion					
11c. What item(s) or service(s) have you attempted to purchase in Colleyville that you were unable to find in Colleyville?						

Needed Businesses in Colleyville	12. Which of the following types of businesses are needed in Colleyville?				
	<i>(Check one box for each)</i>	Definitely Needed	Somewhat Needed	Not Needed	No Opinion
	Small retail stores (boutiques)	☐	☐	☐	☐
	Medium-sized retail stores	☐	☐	☐	☐
	Large retail stores	☐	☐	☐	☐
	Professional services (medical, legal, health and beauty, etc.)	☐	☐	☐	☐
	Major supermarkets	☐	☐	☐	☐
	Fast food restaurants	☐	☐	☐	☐
	Sit-down restaurants	☐	☐	☐	☐
	Outdoor entertainment venues (sports, etc.)	☐	☐	☐	☐
	Indoor entertainment venues (movie, live theater, art, etc.)	☐	☐	☐	☐
	Mixed-use developments with retail, residential, office, hotel components	☐	☐	☐	☐
	General services (i.e. auto, home repair)	☐	☐	☐	☐
	Hotel	☐	☐	☐	☐
	Other:				

Neighborhood Issues Needing Attention	13a. What are the most important concerns to address in your neighborhood?				
	<i>(Check one box for each)</i>	Definitely Needs Attention	Needs Some Attention	No Attention Needed	No Opinion
	Houses in need of repair	☐	☐	☐	☐
	Stray animals	☐	☐	☐	☐
	Door-to-door solicitations	☐	☐	☐	☐
	Litter	☐	☐	☐	☐
	Fences in disrepair	☐	☐	☐	☐
	Availability of sidewalks	☐	☐	☐	☐
	Condition of sidewalks	☐	☐	☐	☐
	Condition of neighborhood streets	☐	☐	☐	☐
	Crime	☐	☐	☐	☐
	Traffic congestion/speeding	☐	☐	☐	☐
	Condition of major streets leading into your neighborhood	☐	☐	☐	☐
	13b. Are there any major streets leading into your neighborhood that need attention?				
	13c. If you could change/enhance anything in your neighborhood what would it be?				

Issues in Colleyville	14a. How important do you feel it is for the City of Colleyville to focus on each of these issues related to living in Colleyville over the next five to 10 years? (NOTE: Some of these may be outside the City's direct jurisdiction, but important enough for the City to influence.)					
	(Check one box for each)	Very Important	Important	Not Very Important	Not at all Important	No Opinion
	A. Address traffic congestion	☐	☐	☐	☐	☐
	B. Slow down traffic in neighborhoods	☐	☐	☐	☐	☐
	C. Improve infrastructure (roads, water, sewer, City buildings, parks)	☐	☐	☐	☐	☐
	D. Address drainage/flooding	☐	☐	☐	☐	☐
	E. Enhance code enforcement for homes and commercial property appearance	☐	☐	☐	☐	☐
	F. Improve existing sidewalks and trails	☐	☐	☐	☐	☐
	G. Construct additional sidewalks and trails	☐	☐	☐	☐	☐
	H. Create more trail connections throughout Colleyville	☐	☐	☐	☐	☐
	I. Expand recreation programs and activities	☐	☐	☐	☐	☐
	J. Invest more in open space	☐	☐	☐	☐	☐
	K. Improve existing parks	☐	☐	☐	☐	☐
	L. Invest in public art/provide cultural opportunities	☐	☐	☐	☐	☐
	M. Increase number of community events and festivals	☐	☐	☐	☐	☐
	N. Increase online library collection	☐	☐	☐	☐	☐
	O. Provide more access to information about the City	☐	☐	☐	☐	☐
	P. Enhance entrances/gateways into Colleyville	☐	☐	☐	☐	☐
	Q. Guide the design of new commercial buildings	☐	☐	☐	☐	☐
	R. Improve appearance of Colleyville Blvd. corridor	☐	☐	☐	☐	☐
S. Attract more retail and commercial services	☐	☐	☐	☐	☐	
T. Allow unique housing types (such as brownstones) in compatible locations	☐	☐	☐	☐	☐	

City Investment	14b. From the previous section (14a) write the letter (A, B, C, etc.) of your top three priorities: 1. _____ 2. _____ 3. _____
	From the previous section (14a) write the letter (A, B, C, etc.) of your lowest three priorities: 1. _____ 2. _____ 3. _____

Demographics	15a. Do you live within the Colleyville city limits? ☐ Yes ☐ No
	15b. Which of the following applies to the head of household members? (Check all that apply) ☐ Works in Colleyville ☐ Retired ☐ Other _____ ☐ Works outside Colleyville ☐ Student ☐ Does not work outside home ☐ Unemployed
	15c. If applicable, your WORK zip code: _____
	15d. How long have you lived in Colleyville? ☐ Less than 1 year ☐ 4 to 7 years ☐ 11 to 20 years ☐ 1 to 3 years ☐ 8 to 10 years ☐ More than 20 years
	15e. Do you own or rent your home? ☐ Own ☐ Rent
	15f. Do you have any children living in your household in any of the following age groups? (Check all that apply) ☐ Under age 6 ☐ 13 to 18 years old ☐ No children in household ☐ 6 to 12 years old ☐ 19 to 24 years old
	15g. Do you have an older parent or relative living with you? ☐ Yes ☐ No
	15h. Your age? ☐ Under 18 ☐ 25 to 34 ☐ 45 to 54 ☐ 65 to 74 ☐ 18 to 24 ☐ 35 to 44 ☐ 55 to 64 ☐ 75 or older
	15i. Are you: ☐ Male ☐ Female
	15j. Identifying your basic geographical location provides greater context when analyzing your responses. To help us do that, please select your Colleyville recycling day below: ☐ Monday ☐ Thursday ☐ Tuesday ☐ Friday ☐ I don't know



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-2

Agenda Date 12/03/2013

Type Pre Council

Department Information Services

Title

Discussion of City Council replacement laptops

Explanation

This item is provided to allow for discussion and to gain input from the City Council on the replacement of the mobile devices provided to current Councilmembers.

Originally, in 2003, all Councilmembers were provided a desktop computer with keyboard and mouse at the City Council Chamber dais for the purpose of digitally enhancing meetings conducted in the Council Chambers. In 2006, in an effort to reduce paper usage and encourage digital usage of documents, all City Councilmembers were provided a windows tablet/laptop with the ability to annotate.

Those laptops were replaced in 2009 with the current model being used and this discussion is to explore replacement models, as well as to gain insight on future device needs.

Attachments

1. Laptop Replacement Presentation

City Council laptop replacement discussion

Pre Council meeting
December 3, 2013

Laptop Replacement

City Councilmembers are provided laptops for the purposes of:

- Communications and Messaging
 - Web Portal
 - City Email
- Digital document access
 - City Council meeting packets
 - Laserfiche
 - Council share folder
- Reducing the use of paper
 - Digital document reading
 - Digital document editing

Laptop Replacement

2006 Laptop/Tablet

Toshiba Protégé Tablet

- Consumer Class Product
- Windows XP Tablet
- 12" Monitor
- Touch Screen
- Pen Stylus for Adobe Markup
- Tablet capabilities minimum

2009 Laptop

Dell latitude E6500

- Business Class Product
- Windows XP Laptop
- 14" Monitor
- No Touch Screen
- Adobe Pro Reader

Laptop Replacement

2014 replacement criteria

- Limiting options to two operating systems
 - Apple IOS
 - Windows 8.1 platform
- Three vendor selections
 - Network management capabilities
 - Vendor support
 - Internal product knowledge base

Laptop Replacement

2014 replacement options

- iPad Air WIFI capable w/Logitech FabricSkin Keyboard folio

- 16 GB - \$628
- 32 GB - \$728
- 64 GB - \$828
- 128 GB - \$928



- Dell Venue 11 Windows 8.1 PRO W/Tablet Keyboard & Stylus

- 64 GB - \$767
- 128 GB - \$1067



Laptop Replacement

2014 replacement options

- Surface Pro 2 Windows 8.1 PRO W/Backlit Keyboard & Stylus
 - 64 GB - \$1030
 - 128 GB - \$1130
- Bring Your Own Device (BYOD)
 - No City cost
 - No City management of devices



Questions



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-3

Agenda Date 12/03/2013

Type Pre Council

Department City Secretary

Title

Discussion of the distribution of agenda packets for public meetings

Explanation

At the request of Mayor Pro Tem Mike Taylor, this item is provided for discussion.

Currently, staff prepares and distributes City Council meeting agenda packets as PDF documents that are emailed to the City Council. Staff also prepares two black and white hard copies of each City Council packet, as well as an FTP link for the meeting agenda packets, which directs users directly to the document via a link.

The following is an example of a FTP link:

<ftp://publicdocs.colleyville.com/2013-10-02%20City%20Council%20Agenda%20Packet.pdf>

For Planning and Zoning Commission meetings, staff prepares and distributes color hard copies of the meeting agenda packets directly to Commissioners. A PDF version of the packet is also emailed to the Commissioners and City Council.

For the Zoning Board of Adjustment/Sign Board of Appeals, staff prepares and distributes the meeting agenda packets as PDF documents that are emailed to the Boards and City Council. At the request of Board members, black and white hard copies of the packet are provided at the meeting.

Staff seeks direction on the City Council's preference for agenda packet distribution.

Attachments



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-4

Agenda Date 12/03/2013

Type Pre Council

Department City Secretary

Title

Discussion of the December 3, 2013, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

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

Agenda Number 1

Agenda Date 12/03/2013

Type Executive Session

Department City Secretary

Title

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

Section 551.071 - Legal - Consultation with attorney regarding pending litigation - Moxie Pest Services - Dallas, LLC v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding solicitor ordinance

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

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

Attachments

RESOLUTION R-13-3693

**A RESOLUTION APPROVING CITY COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF DECEMBER 3, 2013**

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

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

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

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 3RD DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 3

Agenda Date 12/03/2013

Type Announcements, Proclamations, and Presentations

Department City Secretary

Title

ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

RESOLUTION R-13-3694

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF DECEMBER 3, 2013

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

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of November 19, 2013
 - b. Approval of the minutes of the Joint City Council and Colleyville Economic Development Corporation Board worksession of November 12, 2013
 - c. Approval of the minutes of the Joint City Council and Colleyville Sidewalks Committee worksession of November 12, 2013
 - d. Approval of an Advance Funding Agreement, with the Texas Department of Transportation (TxDOT), for the funding of the intersection improvement at Jackson Road and Cheek-Sparger Road, and authorize the city manager to execute the agreement
 - e. Approval of a Funding Agreement, with the State of Texas, the City of Colleyville, and the North Central Texas Council of Governments, for the Pleasant Run Pathway Project that will be constructed in conjunction with the Pleasant Run Road Improvement Project, and authorize the city manager to execute the agreement
 - f. Approval of an amendment to the 2012 Sidewalk Construction Program
 - g. Approval of a Depository Pledge Agreement with Wells Fargo Bank, National Association and The Bank of New York Mellon Trust Company, National Association, and authorize the city manager to execute the agreement

- h. Approval to nominate Mayor David Kelly to serve on the North Central Texas Council of Governments (NCTCOG) Emergency Preparedness Planning Council (EPPC)

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 3RD DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Minutes - Draft

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

Tuesday, November 19, 2013

City Council Chambers

Mayor Pro Tem Mike Taylor called the Pre Council meeting of the Colleyville City Council to order on November 19, 2013, at 5:31 p.m.

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

Mayor David Kelly was absent.

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Parks and Recreation and Library Director Mary Rodne, Human Resources Director Michelle Reyes, Colleyville Center Manager Leslie Hill, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Finance Manager Karen Hines, Community Development Director Ron Ruthven, Planning and Development Coordinator Mary Elliott, Parks Superintendent Tim Hightshoe, Information Systems Manager Chris Pena, Assistant City Attorney Matt Butler, and City Secretary Amy Shelley were present.

PC-1 Update and discussion of the Quiet Zone Project

Public Works Director Bob Lowry presented this item and briefed the City Council. Mr. Kurt Anderson, CTC Inc., presented this item and briefed the City Council. Scott Forbes and Mark Mathis with CTC Inc., were also present to answer questions.

Councilmember Mogged questioned staff regarding the trail to the north of the John McCain Road intersection. City Manager Jennifer Fadden stated it will be connected with the current road project.

Councilmember Hall questioned staff regarding if the trail will be south of the tracks. Director Lowry replied south of the tracks and then parallel with the trail in Grapevine. He added the trail will be completed with the construction of the Quiet Zone Project.

Councilmember Wollin questioned Mr. Anderson regarding if Colleyville's gates will look similar to the four-quadrant gate operation. Mr. Anderson replied yes.

Councilmember Wollin questioned Mr. Anderson regarding the timing between the flashing of the lights and the gates closing. Mr. Anderson replied the lights will

begin flashing three-five seconds before the gates begin to close and it typically takes seven-eight seconds for the gates to close.

Councilmember Mogged questioned Mr. Anderson regarding the swinging of the pedestrian gate. Mr. Anderson stated the pedestrian gate swings away from the track, and it is manually operated.

Councilmember Short questioned staff regarding the 30 day closure. Director Lowry stated they are not anticipating it taking 30 days; however, he wants to allow for extra time to complete the construction.

Councilmember Wollin questioned staff regarding the hours of construction. Director Lowry replied the hours of construction will be the standard hours, Monday through Saturday, 7 a.m. to 7 p.m.; however, the contract will be released as a Monday through Friday project. He added that the contractor may ask for Saturday, and staff would allow for such.

Councilmember Short questioned staff regarding if the project could be done over the summer. Director Lowry replied it is likely it will not be done before school starts.

Councilmember Hall stated the schools will need to be notified to allow for alternate bus routes. Director Lowry concurred.

Councilmember Short questioned staff regarding resident notification. Director Lowry replied the neighbors along Shelton will be notified.

Mayor Pro Tem Taylor questioned Mr. Anderson regarding the time of the project. Mr. Anderson stated the project has to be approved by the railroad; therefore it has to be approved in Austin.

Councilmember Hall questioned staff regarding the surface of the trail across the railroad. Director Lowry replied it will be smoother than its current state.

Councilmember Hart stated it will be good once the project is completed, however, getting through the construction process may be tedious.

PC-2 Presentation of the Performance Management Report

City Manager Jennifer Fadden presented this item and briefed the City Council.

Councilmember Hall questioned staff regarding the areas in red. City Manager Jennifer Fadden explained those measures, which did not meet the target, are related to workload, especially with the development type measures. She added the turnover measure will hopefully be more positive with the new compensation system.

Councilmember Wollin questioned staff regarding if the measurements will be modified. City Manager Jennifer Fadden replied yes, and those measures will continue to evolve and be modified to help track performance based on the needs of the community.

Councilmember Mogged stated the economic development measures are not truly reflective of the great success of the year, especially with the Colleyville Downs project.

Mayor Pro Tem Taylor questioned staff regarding if the measures or being tracked based on the news or the reality. Economic Development Director Marty Wieder explained the timing of such projects has fallen beyond those fiscal year measurements.

Councilmember Wollin stated the market decrease may be something to measure versus what is currently being measured; to look at the big picture.

Councilmember Short questioned staff regarding the police department measures, especially the warrants, and the clearance rate. City Manager Jennifer Fadden stated with the municipal court merge all of the warrants were behind. Captain Robert Hinton stated the clearance rate is dependent upon several factors, such as the type of crime. He stated a decision was made at the beginning of the performance year to fully staff the Crimes Investigation Division. City Manager Jennifer Fadden further explained the Part 1 crimes.

PC-3 Presentation of the Quarterly Investment Report for quarter ending September 30, 2013

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

Mayor Pro Tem Taylor questioned staff regarding the current restraints the City has with this money. Assistant City Manager and Chief Financial Officer Terry Leake replied the City is governed by the Public Funds Investment Act and it has three components; safety, liquidity, and yield. She further explained those components.

Mayor Pro Tem Taylor questioned staff regarding the average in which the City holds these funds. Assistant City Manager and Chief Financial Officer Terry Leake replied the average maturity is not quite a year.

Mayor Pro Tem Taylor questioned staff regarding if the City is rolling long term rates. Assistant City Manager and Chief Financial Officer Terry Leake explained the maturity rates.

Mayor Pro Tem Taylor questioned staff regarding if the City is maximizing the tax payers funds given the constraints. Assistant City Manager and Chief Financial Officer Terry Leake replied yes.

PC-4 Presentation of the Monthly Financial Report - October 2013

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

Councilmember Hall questioned staff regarding where most of the building permits are being issued. Community Development Director Ron Ruthven explained mostly in the western portion of the City; however, there are several permits being issued on the eastern side of the City.

Councilmember Mogged stated having a concern about the water usage since the water organizations do not cover the fixed costs; as a result they become weaker. City Manager Jennifer Fadden explained that staff is very aware of such, and want to ensure that moving forward, those costs are built into the rate structure.

PC-5 Discussion of the November 19, 2013, City Council regular agenda items

There was no discussion of this item.

City Manager Jennifer Fadden introduced City employee, Planning and Development Coordinator Mary Elliott.

Mayor Pro Tem Taylor adjourned the Pre Council meeting at 6:33 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Pro Tem Taylor at 7:31 p.m.

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

Mayor David Kelly was absent.

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Community Development Director Ron Ruthven, Planning and Development Coordinator Mary Elliott, Information Systems Manager Chris Pena, Assistant City Attorney Matt Butler, and City Secretary Amy Shelley were present.

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

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

Section 551.071 - Legal - Consultation with attorney regarding pending litigation - Moxie Pest Services - Dallas, LLC v. City of Colleyville

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

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

Mayor Pro Tem Taylor explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. The meeting was recessed at 6:42 p.m. and reconvened at 7:23 p.m.

INVOCATION: Pastor Rich Green, Compass Christian Church

PLEDGE OF ALLEGIANCE: Assistant City Attorney Matt Butler

2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-13-3686

This resolution was not needed.

3. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS

**Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition**

Mayor Pro Tem Taylor wished Councilmembers Wollin and Hall a happy birthday.

Councilmember Wollin stated this year marks the 10 year anniversary of the Colleyville Public Library.

Proclamation in recognition of the Colleyville Woman's Club 35 Year Anniversary - Carol Wollin, President, and Executive Board members, Colleyville Woman's Club

Mayor Pro Tem Taylor presented a proclamation in recognition of the Colleyville Woman's Club 35 Year Anniversary to President Carol Wollin, Vice President of Membership Deanne Brown, Vice President of Philanthropy Paula McCollough, Treasurer Ruth Ann Meek, Secretary Karen Deakin, and Parliamentarian Nancy Coplen.

President Carol Wollin thanked the Mayor Pro Tem Taylor and the City Council for their recognition by this proclamation. She further explained the works of the Colleyville Woman's Club. Vice President of Membership Deanne Brown explained the history of the membership of the Colleyville Woman's Club. Treasurer Ruth Ann Meek explained some of the upcoming fundraising events for the Colleyville Woman's Club and further invited everyone to come and enjoy the Holiday Home Tour event. Parliamentarian Nancy Coplen explained the Colleyville Youth Program.

In recognition of Colleyville's featured business - Walmart Neighborhood Market, 4904 Colleyville Boulevard, Steve Chapman, Store Manager - Mayor Pro Tem Mike Taylor and Economic Development Director Marty Wieder

Mayor Pro Tem Taylor and Economic Development Director Marty Wieder recognized Walmart Neighborhood Market as the featured business of the month and introduced Steve Chapman, Store Manager.

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-13-3687

- 4a** Approval of the minutes of the regular City Council meeting of November 5, 2013
- 4b** Approval of a contract with Stripe-A-Zone, Inc., in an amount not to exceed \$95,289.43, for replacement of worn out pavement markings at various locations throughout the City, and authorize the city manager to execute the contract
- 4c** Consideration of a request for 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
- 4d** Consideration of a request for 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

- 4e** Approval of a donation to Colleyville Center from the Colleyville Garden Club, in the amount of \$7,000, for the purchase of five Nellie R. Stevens' Holly trees and five decorative pots

Mayor Pro Tem Taylor read Resolution R-13-3687 in its entirety.

Mayor Pro Tem Taylor opened the public hearing at 7:50 p.m.

There was no one present wishing to speak and Mayor Pro Tem Taylor closed the public hearing at 7:50 p.m.

Councilmember Wollin moved to approve Resolution R-13-3687. Councilmember Hall seconded the motion.

The motion to approve carried by the following vote:

Aye: 6 - Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Absent: 1 – Mayor David Kelly

Councilmember Wollin thanked the Colleyville Garden Club for their donation of \$7,000, for the purchase of five Nellie R. Stevens' Holly trees and five decorative pots.

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

5a Ordinance O-13-1894

Consideration of a request for a zoning change from R40-Single Family Residential to PUD-R-Planned Unit Development Residential on 15.4 acres of Lot 1, Block 1, of the Breezy Lake Estates, Lots 1A and 1B, Block 1, of the Meadowlake Addition, and Tract 2B, of the McNary Acres Addition, located at 1117, 1121, and 1217 W. L.D. Lockett Road, and a portion of Lot 1, Block 1, of the Bear Valley Community Church Addition, located at 7900 Precinct Line Road, Case ZC13-014

Mayor Pro Tem Taylor read the caption of Ordinance O-13-1894.

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

Mayor Pro Tem Taylor opened the public hearing at 7:54 p.m.

Kosse Maykus, the applicant, presented the agenda item and briefed the City Council.

Jarrold Upton, 5604 Texas Trail, spoke in support of this request, and stated he looks forward to working with the developer.

Robert Nelson, 5522 Texas Trail, spoke in support of this request, and stated he also looks forward to working with the developer.

There were no others wishing to speak and Mayor Pro Tem Taylor closed the public hearing at 7:58 p.m.

Councilmember Hall questioned staff regarding the egress/ingress of the eastern most gate. Director Ruthven replied Chapter 10 of the Land Development Code outlines gated subdivisions, and it requires a means of ingress and egress for the residents of the community, as well as visitors.

Councilmember Hall questioned staff regarding if the code is actively enforced throughout the City. Director Ruthven stated the code was approved in 2008; therefore, any gate prior to 2008 may not meet those provisions.

Councilmember Hall questioned Mr. Maykus regarding the provisions of the gate. Mr. Maykus stated they will include a full access gate on the divided median and the eastern gate would be for emergency access only.

City Manager Jennifer Fadden stated the agreement made with the developer and the Reatta Place homeowners, regarding the connectivity with the trail to the Reatta Place open space pond area, may need to be included as an amendment to any motion considered for the proposed ordinance. Mr. Maykus concurred.

Councilmember Hall questioned Mr. Maykus regarding the pond area. Mr. Maykus explained the location of the proposed trail between the two developments.

Councilmember Hall questioned Mr. Nelson regarding the access to the pond area. Mr. Nelson replied the residents of Reatta Place have agreed to let the residents of the Heron Pond development have walking access to the pond area, however, the Reatta Place residents will only have access to fishing in the pond.

Councilmember Wollin questioned Mr. Maykus regarding if that particular agreement is in writing. Mr. Maykus replied there are several emails between the developments; however, nothing has been codified.

Councilmember Wollin commended the developer for working with the Reatta Place residents.

Councilmember Hall echoed Councilmember Wollin's statement.

Councilmember Short thanked the developer as well, and stated other developers should do the same before applying for such requests.

Councilmember Hart echoed Councilmember Short's statement.

Mayor Pro Tem Taylor questioned Mr. Nelson regarding if any of the opposition has changed to support, given the recent discussions with the developer. Mr. Nelson replied no, some are still opposed to this request, but the majority realizes the subject property will eventually develop, and that this developer is working with the residents to make the best of the situation.

Councilmember Mogged questioned staff regarding if the request will need to be amended to include the sidewalk. City Manager Jennifer Fadden replied if City Council desires to memorialize the trail within this development, then yes.

City Manager Jennifer Fadden questioned Mr. Maykus regarding if a trail will be constructed, or if there will be a public access easement dedicated to construct the trail within. Mr. Maykus replied they will be constructing the trail within the open space, however, as far as granting a public access easement, they did not believe they would be doing so, since it is on the homeowners' association property. He further explained the design of the trail within the area.

Councilmember Hall questioned Mr. Nelson regarding if the intent is to grant public access versus just the residents of the two developments. Mr. Nelson replied no, just the residents and visitors of the two developments.

Councilmember Hall stated the builder cannot obligate a future homeowners association (HOA), therefore, when the HOA governs the development, they need to fully understand the agreement between the two developments. Mr. Maykus stated there will be an agreement established.

Assistant City Attorney Matt Butler recommended the following amendment language for the proposed ordinance: "the sidewalk connecting the Heron Pond development and the Reatta Place development shall be constructed as agreed by the Heron Pond developer and the Reatta Place homeowners' association."

City Manager Jennifer Fadden questioned the developer, for clarification, regarding if he will agree to construct a five foot wide trail, or has the width been defined? Mr. Maykus replied they will construct a five foot wide trail to match the one to be constructed in Heron Pond.

City Manager Jennifer Fadden stated she would recommend that the width of the trail be defined in the proposed ordinance.

Assistant City Attorney Matt Butler restated the following for the proposed ordinance: "the minimum five foot sidewalk connecting the Heron Pond

development and the Reatta Place development shall be constructed as agreed between the Heron Pond developer and the Reatta Place homeowners' association."

City Manager Jennifer Fadden recommended the language should state "trail" not "sidewalk." Assistant City Attorney Matt Butler concurred.

Councilmember Mogged moved to approve Ordinance O-13-1894 with an amendment to include the trail language, as stated by the Assistant City Attorney. Councilmember Wollin seconded the motion.

The motion to approve carried by the following vote:

Aye: 6 - Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Absent: 1 – Mayor David Kelly

5b Ordinance O-13-1895

Request for approval of amendments to the Future Land Use Map of the Colleyville Master Plan for Lot 1, Block 1, of the Breezy Lake Estates, Lots 1A and 1B, Block 1, of the Meadowlake Addition, and Tract 2B, of the McNary Acres Addition, located at 1117, 1121, and 1217 W. L.D. Lockett Road, and a portion of Lot 1, Block 1, of the Bear Valley Community Church Addition, located at 7900 Precinct Line Road, from a Retail and Institutional Land Use Designation to a Single Family Land Use Designation

Mayor Pro Tem Taylor read the caption of Ordinance O-13-1895.

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

Mayor Pro Tem Taylor opened the public hearing at 8:24 p.m.

There was no one present wishing to speak and Mayor Pro Tem Taylor closed the public hearing at 8:24 p.m.

Councilmember Hall moved to approve Ordinance O-13-1895. Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 6 - Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Absent: 1 – Mayor David Kelly**5c Ordinance O-13-1896**

Approval of a request to amend the filing date of the financial disclosure forms requirement of Ordinance O-02-1322

Mayor Pro Tem Taylor read the caption of Ordinance O-13-1896.

City Secretary Amy Shelley presented the item and briefed the City Council.

Mayor Pro Tem Taylor opened the public hearing at 8:27 p.m.

There was no one present wishing to speak and Mayor Pro Tem Taylor closed the public hearing at 8:27 p.m.

Councilmember Wollin stated Section 7, of the original Ordinance O-02-1322, will need to be amended to include the change from three days to five days. Staff concurred.

Councilmember Wollin moved to approve Ordinance O-13-1896 with the amendment to Section 7 of the original ordinance. Councilmember Short seconded the motion.

The motion to approve carried by the following vote:

Aye: 6 - Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Absent: 1 – Mayor David Kelly

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

6a Ordinance O-13-1897

Consideration of a request for approval of a zoning change from R40-Single Family Residential to R20-Single Family Residential on 2.5 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

Mayor Pro Tem Taylor read the caption of Ordinance O-13-1897.

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

Mayor Pro Tem Taylor opened the public hearing at 8:32 p.m.

Peter Slover, the applicant, presented the item and briefed the City Council.

Eddie Ray Parker Jr., 411 Pebble Way #147, Arlington, Texas, read a letter of support, from his father, the subject property owner, as he was unable to attend the meeting.

Tracy Rector, 301 Oak Valley and 711 Duns Tew Path, spoke in support of this request.

There was no one else wishing to speak and Mayor Pro Tem Taylor closed the public hearing at 8:41 p.m.

Councilmember Hart stated this appears to be a straight forward request with 20,000 square foot lots. Director Ruthven concurred.

Councilmember Wollin questioned staff regarding if the zoning exhibit could be included in the ordinance. Director Ruthven replied state law dictates in that in a straight zoning case, an exhibit and/or conditions may not be attached to the ordinance.

Councilmember Wollin questioned staff regarding why the Planning and Zoning Commission recommended denial of this request. Director Ruthven replied the Planning and Zoning Commission recommended denial based on the specific goals and objectives of the Master Plan.

Councilmember Wollin stated she does not see any problems with this request.

Councilmember Hall questioned Mr. Slover regarding if he can provide, in good faith, that the development will look like the zoning exhibit. Mr. Slover replied yes.

Councilmember Short stated he feels this development will help with eliminating multiple driveways along L.D. Lockett Road.

Councilmember Short questioned staff regarding the 40 foot building line along L.D. Lockett Road, is that a required building line? Director Ruthven replied the R20 zoning district only requires a 30 foot building line, therefore, it is not shown correctly on the exhibit.

Mayor Pro Tem Taylor questioned Mr. Slover regarding his intent for the building line. Mr. Slover stated his intention is for a 30 foot building line with a nice brick entrance to be very similar to the developments along L.D. Lockett Road.

Councilmember Mogged questioned staff regarding if there is a need to review the Master Plan, since the Planning and Zoning Commission made a recommendation based on the rules set forth in the Master Plan. Director Ruthven stated the

Master Plan is currently under review, given the recent approval of the Comprehensive Plan update.

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-13-3688

Consideration of appointments to the Park Land Dedication Committee

Mayor Pro Tem Taylor read Resolution R-13-3688 in its entirety.

City Secretary Amy Shelley presented this item and briefed the City Council.

Mayor Pro Tem Taylor opened the public hearing at 8:51 p.m.

There was no one present wishing to speak and Mayor Pro Tem Taylor closed the public hearing at 8:51 p.m.

Councilmember Hall moved to approve Resolution R-13-3688. Councilmember Short seconded the motion.

The motion to approve carried by the following vote:

Aye: 6 - Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Absent: 1 – Mayor David Kelly

7b Resolution R-13-3689

A resolution casting votes for electing members to the Tarrant Appraisal District Board of Directors

Mayor Pro Tem Taylor read Resolution R-13-3689 in its entirety.

City Manager Jennifer Fadden presented this item and briefed the City Council.

Mayor Pro Tem Taylor opened the public hearing at 8:55 p.m.

There was no one present wishing to speak and Mayor Pro Tem Taylor closed the public hearing at 8:55 p.m.

Councilmember Wollin moved to approve Resolution R-13-3689 with all 23 ballots to be cast for Mr. John Eubanks. Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

Aye: 6 - Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Absent: 1 – Mayor David Kelly

7c Resolution R-13-3690

Approval to pass through a water and sewer rate increase received by the City of Colleyville from the Trinity River Authority

Mayor Pro Tem Taylor read Resolution R-13-3690 in its entirety.

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

Mayor Pro Tem Taylor opened the public hearing at 9:04 p.m.

There was no one present wishing to speak and Mayor Pro Tem Taylor closed the public hearing at 9:04 p.m.

Councilmember Hart moved to approve Resolution R-13-3690. Mayor Pro Tem Taylor seconded the motion.

The motion to approve carried by the following vote:

Aye: 6 - Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Absent: 1 – Mayor David Kelly

7d Resolution R-13-3691

Approval of changing the dates of the May 20, August 5, October 7, and November 4, 2014 regular City Council meetings

Mayor Pro Tem Taylor read Resolution R-13-3691 in its entirety.

City Secretary Amy Shelley presented this item and briefed the City Council.

Mayor Pro Tem Taylor opened the public hearing at 9:08 p.m.

There was no one present wishing to speak and Mayor Pro Tem Taylor closed the public hearing at 9:08 p.m.

Councilmember Short moved to approve Resolution R-13-3691. Councilmember Hall seconded the motion.

The motion to approve carried by the following vote:

Aye: 6 - Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Absent: 1 – Mayor David Kelly

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

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

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR NOVEMBER 19, 2013 - Reading and Public Hearing - Resolution R-13-3692

This resolution was not needed.

10. ADJOURNMENT

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

The motion carried with the following vote:

Aye: 6 - Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Absent: 1 – Mayor David Kelly

Mayor Pro Tem Taylor adjourned the City Council meeting at 9:09 p.m.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 3RD DAY OF DECEMBER 2013.

Minutes taken and prepared by:



*Amy Shelley, TRMC
City Secretary*



**City of Colleyville
Colleyville City Council
and Colleyville Economic
Development
Corporation Board Joint
Worksession
Minutes - Draft**

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

Tuesday, November 12, 2013
5:15 p.m.

Executive Conference Room
Third Floor – City Hall

Mayor David Kelly called the Colleyville City Council and Colleyville Economic Development Corporation Board Joint Worksession to order on November 12, 2013, at 5:23 p.m. and called the City Council roll.

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

Colleyville Economic Development Corporation President Carol Wollin called the Colleyville Economic Development Corporation Board roll.

ROLL CALL COLLEYVILLE ECONOMIC DEVELOPMENT CORPORATION: President Carol Wollin, Vice President Stan Hall, Directors Mark Davidson, Tom Hart, David Kelly, Bradley Shields, and Mark Slosson.

General Manager Jennifer Fadden, Finance Manager Terry Leake, Secretary Amy Shelley, and Assistant City Attorney Matt Butler were also present.

2. PRESENTATION AND DISCUSSION

2a Presentation and discussion of potential refunding of outstanding Colleyville Economic Development Corporation Series 2005 Refunding and Improvement Sales Tax Revenue Bonds

Finance Manager Terry Leake presented this item to the City Council and the Colleyville Economic Development Corporation (CEDC) Board.

Jim Sabonis, Managing Director of First Southwest, presented this item to City Council and the CEDC Board.

Director Kelly questioned Mr. Sabonis regarding a recommended standard. Mr. Sabonis replied four percent of present value.

Vice President Hall questioned Mr. Sabonis regarding who are the normal bidders. Mr. Sabonis replied the big national banks, such as Chase and Wells Fargo. He added each bank is unique.

Mayor Pro Tem Taylor questioned Mr. Sabonis regarding the placement. Mr. Sabonis replied they are asking for a private placement.

Councilmember Mogged questioned Mr. Sabonis regarding if the bank IRS status is based on a calendar or fiscal year. Mr. Sabonis replied it is based on the calendar year, January 1 to December 31.

Vice President Hall stated it sounds good to him. Mayor Pro Tem Taylor concurred.

Director Kelly questioned the Board members regarding if they want to put the minimum of the four percent within the present value within the transaction. All concurred.

Vice President Hall questioned Mr. Sabonis regarding if the potential bidders will have full disclosure. Mr. Sabonis replied full disclosure will be given.

Director Kelly explained the item will be discussed at the CEDC meeting on Tuesday, December 3, 2013.

3. ADJOURNMENT

There being no further business before the City Council and Colleyville Economic Development Corporation Board, Mayor Kelly adjourned the meeting at 5:42 p.m.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 3RD DAY OF DECEMBER 2013.

Minutes taken and prepared by:

*Amy Shelley, TRMC
City Secretary*



City of Colleyville

Colleyville City Council and Colleyville Sidewalks Committee Joint Worksession MINUTES - DRAFT

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

Tuesday, November 12, 2013
6:00 p.m.

Executive Conference Room
Third Floor, City Hall

Mayor David Kelly called the Colleyville City Council and Colleyville Sidewalks Committee Joint Worksession to order on November 12, 2013, at 6:08 p.m. and called the City Council roll.

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

Chair Jeffrey Ground called the Colleyville Sidewalks Committee roll.

ROLL CALL COLLEYVILLE SIDEWALKS COMMITTEE: Chair Jeffrey Ground, Vice Chair Joy Lee, member Luann Edwards. Members Kathryn Howlett and Ida Munson joined the meeting late.

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Management Analyst James Hubbard, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Assistant City Attorney Matt Butler, and City Secretary Amy Shelley were also present.

2. 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

There was no discussion on this item.

3. PRESENTATION AND DISCUSSION

3a Presentation and discussion of the Colleyville sidewalk policy

City Engineer Jeremy Hutt presented this item to the City Council and Colleyville Sidewalks Committee.

Engineer Hutt questioned City Council and the Colleyville Sidewalks Committee regarding what they feel the term a “walkable community” means. The group responded with: safely being able to get to and from school and to retail, safety, recreational opportunities, a way to be healthy, another mode of transportation, being able to get around the community, rather than driving, and attraction to the Colleyville community.

Committee member Edwards stated she would like to see areas to be able to walk within the business district.

Councilmember Hart stated the streets are for car traffic, and more and more cars are environmentally friendly, therefore, they are quiet and hard to hear when you are walking in the streets.

Mayor Pro Tem Taylor stated the generational shifts change the dynamics of mobility.

Discussion: New development in a new subdivision, with improved streets -

Councilmember Mogged stated new development, in a new subdivision, with improved streets is the way to go, since it is less of an impact.

Mayor Kelly stated it will depend on the need from the citizens for those particular neighborhoods, whether or not they want the sidewalks.

Chairman Ground questioned staff regarding why the sidewalks are not included in the acceptance of public improvements, such as a water or sewer line. Engineer Hutt replied there are times, in a smaller lot subdivision, when the driveway placement has an impact on the sidewalk placement and because the driveway is typically the last piece to be constructed. He added that if it were to be accepted like the public improvements, the sidewalk could become damaged during the construction phases.

Councilmember Short questioned staff regarding what happens when development slows down. Engineer Hutt replied gaps will occur with the sidewalks. Committee member Edwards added that in those instances, the Sidewalk Committee will ask for those sections to be completed.

Mayor Kelly questioned staff regarding how other cities put in the sidewalks. Director Lowry replied the builder will construct the sidewalk.

Councilmember Hart stated he is not going to go to another neighborhood to walk, it's their neighborhood. He stated he is not sure why the City would have to construct it for them.

Mayor Kelly stated there are always going to be those cases. Engineer Hutt stated there are instances when the owner will purchase the adjacent lot, and never construct the sidewalk on it.

Committee member Edwards stated the HOAs should address those issues in their covenants and restrictions.

Councilmember Mogged stated the resident may have to walk in the street to get around that gap in the sidewalk, in the interim.

Councilmember Short questioned staff regarding if the current requirement is that there must be sidewalks on all streets. Engineer Hutt replied the sidewalk map is followed, unless they request a waiver.

Mayor Kelly stated people find sidewalks inviting, in other words, they will pick Colleyville over another community.

Councilmember Short questioned staff regarding the width of a sidewalk required in a new development. Director Lowry stated the widths vary between four and six feet.

Councilmember Short stated a four foot sidewalk is tight when walking side-by-side.

Engineer Hutt stated in a new development, the sidewalks should be built at the time the subdivision is actually built.

Mayor Pro Tem Taylor stated there are issues with constructing the sidewalk at a later time, if not constructed at the time the neighborhood is constructed.

Mayor Kelly stated having concerns for double hitting the builders, in other words, he is paying for the lot and now he has to build a sidewalk that the developer should have built.

Councilmember Short stated there should be some sort of timeframe established, either built with the homes or prior to the homes being constructed.

Committee member Edwards stated it should be done prior to the HOA taking over the neighborhood.

Mayor Kelly stated staff will research this further. Staff concurred.

Mayor Pro Tem Taylor stated the policy needs to be discussed and decided.

Director Lowry replied the policy question is whether or not the City wants sidewalks everywhere or only in selected locations. He added he believes with new

developments, the City would like either the builder or the developer to build the sidewalk.

Councilmember Short stated a new subdivision, with only five lots, may not need a sidewalk.

Mayor Pro Tem Taylor stated both sides of the street, in that case, may not need sidewalks. He added he does believe that in new developments, both sides of the street will need sidewalks.

Committee member Howlett stated the policy needs to be kept uniform; otherwise it makes the policy difficult to manage.

Councilmember Hall stated the question was do we want sidewalks everywhere or not? He replied, yes, where it is feasible and practical.

Councilmember Mogged questioned staff if there are circumstances where the new subdivision topography would not allow for a sidewalk. Engineer Hutt replied if a roadway is constructed, then a sidewalk can be constructed.

Discussion: New development in an old subdivision, with unimproved streets -

Councilmember Mogged stated if the improvement of the street is not part of that, then the sidewalk is a waste; simply just a cost burden.

Mayor Kelly stated this is a redevelopment area, therefore is having a sidewalk a priority, maybe not putting it in all at one time, however, if funds are available, then the entire neighborhood could be constructed.

Councilmember Mogged stated this would be an active approach versus a passive approach. He stated the neighborhood wants the sidewalk for safety reasons. He stated this is a common situation the City faces with tear down and rebuilds.

Engineer Hutt questioned the group regarding if it would matter if there was a plan in place to update and/or improve the street. Councilmember Mogged replied yes.

Director Lowry stated all streets will have to be reconstructed, at some point in time.

Mayor Pro Tem Taylor stated the tear down and rebuilds are happening quite frequently.

Councilmember Hall stated he would think having a sidewalk for this scenario, as an example Curtis Road, would make it safer.

Councilmember Short stated he likes the following of the map, but that it needs to be revisited to be a little more selective.

Mayor Kelly stated the policy needs to be implemented so that we will know how to implement the map. He stated prior to 2008, sidewalks were required with the building of a home, with no thought about connectivity.

Committee member Edwards stated she would like to give those persons the option of whether they want to build the sidewalk, or they have the option to escrow.

Councilmember Hall stated we are currently in that situation now. He added the problem comes in with the tear down and rebuilds, and there are no sidewalks in the neighborhood.

Mayor Pro Tem Taylor stated the builders, in some of those cases, stated they did not know the sidewalk was required. Councilmember Hart stated staff has addressed this situation.

Committee member Howlett stated if the policy states the sidewalk is required, but they do not want to build the sidewalk, then the burden is on the City to decide whether or not the sidewalk is built. Councilmember Hall stated that is how it is now.

Mayor Kelly stated there are going to be periods of non-connectivity, but a policy needs to be in place to address those situations.

Director Lowry stated Colleyville is unique in that the escrow money can be spent within a neighborhood district.

Councilmember Mogged questioned staff regarding why the sidewalk is treated differently than the street, from an equity standpoint. Director Lowry explained the priority in which the streets are constructed or re-constructed.

Mayor Pro Tem Taylor stated he believed both sides of the street required a sidewalk.

Councilmember Short questioned staff regarding a sidewalk fee. Assistant City Attorney Matt Butler stated at that point it would seem like an impact fee.

Mayor Kelly questioned the group regarding if having a patchwork design of sidewalks is acceptable or do we want to do it all at once, like Colleyville Terrace.

Mayor Pro Tem Taylor stated there have been instances when the builder said he did not know a sidewalk was required.

Mayor Kelly stated the communication gap happened between the permit “puller” and the actual builder.

Councilmember Short stated the inequities come in when there is a sidewalk required for one side of the street versus the other and those homeowners are escrowing for a sidewalk or constructing a sidewalk, for the neighborhood, yet the person across the street did not have to do so. He stated a fee being assessed across the board for sidewalks may help this.

Councilmember Wollin stated it looks better if the sidewalks are all done at the same time.

Committee member Edwards questioned the group regarding if the policy is to not ask for them to build it, but to escrow for the sidewalk. Councilmember Short replied yes.

Director Lowry replied the escrow money is tracked for every property in the City.

Engineer Hutt stated equality seems to be the one thing that sticks with this discussion.

Discussion: Concerns for right-of-way -

Committee member Edwards stated it will take special effort to deal with these particular circumstances, and the policy should allow for those conditions.

Mayor Pro Tem Taylor stated that is what ZBA is there for, to take care of those special circumstances.

Committee member Howlett stated it could be called a policy/partnership to keep the community happy and solve these issues.

Engineer Hutt questioned the group regarding if these examples are something that can be decided at the staff level? The group concurred, as long as the policy is adhered to.

Engineer Hutt questioned the group regarding if the policy can be the guideline, or does the request need to go to City Council?

Councilmember Hart questioned if there is an option to appeal staff's decision. Engineer Hutt replied yes, but that there is no leeway outside of the map.

Mayor Pro Tem Taylor stated the accountability needs to be addressed.

Committee member Howlett stated the escrow can be non-refundable.

Engineer Hutt stated there could be an acknowledgment form signed.

Mayor Pro Tem Taylor stated he would like for it to be easier on staff to help them do their job.

Director Lowry stated if the policy is clear, then it will be much easier for staff to follow.

Councilmember Hart stated making it easier on staff would make more sense.

Committee member Edwards stated when Black Drive is improved, the roadway may shift.

City Manager Jennifer Fadden questioned the group regarding the preference of whether to escrow or to build the sidewalk. Mayor Kelly stated the sidewalk should be built first, or escrowed.

Mayor Pro Tem Taylor stated he wants to ensure that this is not retroactive; this is a forward moving process.

Committee member Howlett stated the connectivity should make more sense, rather than whether or not there is a sidewalk in that area. She stated the big picture should be considered rather than a particular neighborhood. She added, the City should be built around the vision and the policy should reflect connectivity.

Discussion: Developed neighborhoods, with improved streets, without sidewalks -

Councilmember Wollin stated this exact situation is happening in the Lakes of Somerset, the final lot is being built after 20 years of being vacant.

Councilmember Mogged stated we may not want to burden the new development to fund the connectivity.

Committee member Edwards questioned if older neighborhoods have asked for sidewalks. Engineer Hutt replied yes, Colleyville Terrace.

Mayor Kelly stated there are options available for an HOA who did not intend to have sidewalks.

Councilmember Hall stated there are situations in which homeowners do not participate in an HOA, and they want a sidewalk on one side or the other, do we want to ask the homeowners to contribute to a sidewalk. Engineer Hutt stated that would

be an active approach and there are also cost share mechanisms in place, if this is the way in which they want to go. Director Lowry stated this is a policy issue.

Councilmember Short stated there are potential issues with refunding the escrow.

Councilmember Hall stated equity should be considered with this policy.

Committee member Howlett questioned staff regarding if priorities can be established with each street. Director Lowry stated improved streets are those with curbs and gutters, and unimproved streets are without curbs and gutters.

Discussion: Unimproved streets with bar ditches -

Mayor Kelly stated the policy could state that staff could determine an escrow could be required rather than to construct the sidewalk.

Discussion occurred regarding why the bar ditch streets are included on the map and who is responsible for constructing a sidewalk and repair the drainage.

Committee member Edwards stated staff can handle this situation like the right-of-way is going to be handled.

Committee member Howlett stated the width should determine whether or not it is a sidewalk or a trail.

Councilmember Mogged questioned the Committee regarding the Five Year Capital Improvement Program (CIP). Chairman Ground stated the Committee has not seen the plan, however, Engineer Hutt has explained the plan to the Committee.

Meeting recap:

Councilmember Mogged questioned staff regarding the timeframe for initiating this policy. Director Lowry stated the concept behind the CIP is that it is a comprehensive document for all capital improvements and when the streets are reconstructed, the sidewalks will be constructed at that time. He stated the Sidewalk Committee is to focus on the missing links, rather than waiting on the street to be reconstructed.

Councilmember Mogged stated the Sidewalk Committee is to concentrate on the connectivity and where it makes sense.

Chairman Ground stated the funding was depleted on projects. He stated it makes sense that sidewalks are included in the capital improvement projects, which are established and prioritized by the City.

Mayor Kelly stated the criteria would need to be established with the funding available.

Councilmember Hall questioned staff if they have enough information to move forward? Engineer Hutt replied yes, and staff will draft a policy and/or procedure.

Mayor Pro Tem Taylor questioned staff regarding the equipment used to grind the concrete. Engineer Hutt and Director Lowry explained the methods used to grind the concrete.

Mayor Pro Tem Taylor questioned staff regarding sections in Cranbrook. Director Lowry replied without knowing the specifics, the contractor used a different method rather than grinding.

Councilmember Hart stated we may need to revisit this subject to find out the next steps.

Mayor Kelly questioned staff regarding the next steps. Director Lowry stated they will bring a document back for adoption, and the Sidewalks Committee will likely see it first.

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

There was no discussion on this item.

5. ADJOURNMENT

There being no further business before the City Council and Colleyville Sidewalks Committee, Mayor Kelly adjourned the meeting at 8:18 p.m.

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

Minutes taken and prepared by:

*Amy Shelley, TRMC
City Secretary*



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4d

Agenda Date 12/03/2013

Number Resolution R-13-3694

Type Resolution

Department Public Works

Title

Approval of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the funding of the intersection improvement at Jackson Road and Cheek-Sparger Road, and authorize the city manager to execute the agreement

Explanation

Reading and Public Hearing

On December 11, 2009, the City of Colleyville entered into an engineering services contract with Burgess and Niple to perform a preliminary engineering study to determine the appropriate type of roadway improvements needed to improve traffic flow at the intersection of Jackson Road and Cheek-Sparger Road. This study was completed and presented at the August 2, 2011 Pre Council meeting. The results of the study revealed that two options were viable for this intersection improvement project: a signalized intersection or a single lane roundabout, with one or more free right turn lanes. The consultant recommended a single lane roundabout with a dedicated northbound right turn lane. This option provides better long-term vehicle movement efficiency, and the ability to expand the roundabout, if future traffic demands require it.

A public informational meeting was held on September 15, 2011, to receive comments and concerns from citizens. The comments made at the meeting indicated strong support for the design and construction of a single lane roundabout. Staff presented the findings of the public meeting at the October 18, 2011 Pre Council meeting. The design firm of Freese and Nichols was selected to perform the engineering design for this intersection improvement project on March 6, 2012. Freese and Nichols performed the engineering design for this intersection as a single lane roundabout and all necessary right-of-way for this project has been acquired. Staff advertised this project in the *Fort Worth Star-Telegram* on September 8 and September 15, 2013 and received four bids on September 24, 2013. The low bid was submitted by North Texas Contracting, Inc., in the amount of \$1,932,126, which includes a \$150,000 contingency allowance that is controlled by the City of Colleyville to cover any cost overages that may occur during construction. The contract timeline is 150 calendar days from the date of the Notice to Proceed.

The Comprehensive Five Year Capital Improvement Program (CIP) that was adopted by City Council on September 17, 2013 by attached Resolution R-13-3666 includes this

project and the various funding sources that will be utilized to fund the project. The identified funding covers the estimated cost of:

Fees and Permits	\$ 1,000.00
Testing	\$ 50,288.00
Construction	\$ 2,011,500.00
Inspection	\$ 60,345.00
Landscaping	\$ 30,000.00

The funding sources include:

Local funds	\$ 951,791.00
County Bond Program funds	\$ 535,415.00
Perimeter Street Fee funds	\$ 93,943.00
Roadway Impact Fee funds	\$ 222,964.00
NCTCOG/TxDOT funds	\$ 349,320.00

The NCTCOG/TxDOT funds are considered Regional Toll Revenue (RTR) funds that have been paid from the North Texas Tollway Authority for the right to develop, finance, design, construct, operate, and maintain the SH 161 toll project. TxDOT, through the NCTCOG Regional Transportation Council, authorizes the use of surplus revenue from toll projects for transportation projects in the region. These funds were obligated as a part of the Fiscal Year 2013 appropriation and, according to TxDOT, are still available for commitment in Fiscal Year 2014. In order to utilize the NCTCOG/TxDOT funding, an Advance Funding Agreement must be approved that establishes the parameters of the agreement.

The proposed Advance Funding Agreement is attached and provided for City Council consideration and approval. If approved by the City Council, the agreement will be approved and executed by the state offices of TxDOT.

Financial Impact

This project is funded with various sources and this Advance Funding Agreement is a requirement in order to utilize the \$349,320 of funding through the North Central Texas Council of Governments. This agreement will allow for the local funding to be reduced by \$349,320.

Recommendation

Approve

Attachments

1. Draft Advance Funding Agreement
2. Resolution R-13-3666

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
FOR A PROJECT USING FUNDS HELD IN THE
STATE HIGHWAY 161 SUBACCOUNT—1
Intersection Improvements
(Off State System)**

THIS AGREEMENT (the Agreement) is between the State of Texas, acting by and through the Texas Department of Transportation (the State), and the City of Colleyville (Local Government), collectively, the “Parties.”

WITNESSETH

WHEREAS, the State has received money from the North Texas Tollway Authority for the right to develop, finance, design, construct, operate, and maintain the SH 161 toll project from IH 20 to SH 183 in Dallas County (“SH 161 payments”); and

WHEREAS, pursuant to Transportation Code, 228.006 the State shall authorize the use of surplus revenue of a toll project for a transportation project, highway project, or air quality project within the district of the Texas Department of Transportation in which any part of the toll project is located; pursuant to Transportation Code, §228.012 the State has created a separate subaccount in the state highway fund to hold such money (SH 161 Subaccount), and the State shall hold such money in trust for the benefit of the region in which a project is located, and may assign the responsibility for allocating money in the subaccount to a metropolitan planning organization (MPO); and

WHEREAS, in Minute Order 110727, dated October 26, 2006, the Texas Transportation Commission (the “Commission”) approved a memorandum of understanding (MOU) with the Regional Transportation Council (RTC), which is the transportation policy council of the North Central Texas Council of Governments (NCTCOG) and a federally designated MPO, concerning in part the administration, sharing, and use of surplus toll revenue in the region; under the MOU the RTC shall select projects to be financed using surplus revenue from a toll project, subject to Commission concurrence; and

WHEREAS, the Local Government has requested money from the SH 161 Subaccount for: Intersection improvements, roundabout with northbound right turn lane at Jackson Road on Cheeksparger (Project); the RTC has selected the Project to be funded from the SH 161 Subaccount; and the Commission concurred in the selection and authorized the expenditure of money with Minute Order No. 113343, dated October 25, 2012; and

WHEREAS, the Local Government is a political subdivision and governmental entity by statutory definition; and

WHEREAS, Government Code, Chapter 791, and Transportation Code, §201.209 authorize the State to contract with municipalities and political subdivisions to perform governmental functions and services; and

WHEREAS, NCTCOG and the RTC should have authority to assist the Local Government's implementation of financial reporting and environmental review related to a transportation project funded by the State using money from the SH 161 Subaccount.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

Article 1. Time Period Covered

This Agreement becomes effective when signed by the last party whose signing makes the agreement fully executed, and the State and the Local Government will consider it to be in full force and effect until the Project described herein has been completed and accepted by all parties or unless terminated, as hereinafter provided.

Article 2. Project Funding

The State will pay money to the Local Government from the SH 161 Subaccount in the amounts specified in Attachment A, Payment Provision and Work Responsibilities. Except as provided in the next succeeding sentence, the payments will begin no later than upon the later of the following: (1) fifteen days after the Legislative Budget Board and the Governor each approve the expenditure, in accordance with Rider 25 of the Texas Department of Transportation bill pattern in Senate Bill 1, 82th Legislature; and (2) thirty days after execution of this Agreement. If Attachment A shows that the RTC has allocated payments to the Local Government for a certain expenditure (e.g. construction) for the Project in a certain fiscal year, then the State will make the payment from the SH 161 Subaccount to the Local Government for such expenditure no later than 30 days after the beginning of the designated Fiscal Year. A Fiscal Year begins on September 1 (for example, the 2013 Fiscal Year began September 1, 2012).

Article 3. Separate Account; Interest

All funds paid to the Local Government shall be deposited into a separate account, and interest earned on the funds shall be kept in the account. Interest earned may be used only for the purposes specified in Attachment A, Payment Provision and Work Responsibilities, and only after obtaining the written approval of the RTC. The Local Government's use of interest earned will not count towards the 20 percent local match requirement set forth in this Agreement.

Article 4. Shortfalls in Funding

The Local Government shall apply all funds to the scope of work of the Project described in Attachment A, Payment Provisions and Work Responsibilities, and to none other. All cost overruns are the responsibility of the Local Government. However, should the funds

be insufficient to complete the work contemplated by the Project, the Local Government may make further request to the RTC and the State for additional funds from the SH 161 Subaccount. Funds may be increased only through an amendment of this Agreement. If the SH 161 Subaccount does not contain sufficient funds to cover the balance necessary to complete the Project, or if the RTC or the Commission decline the request for any other reason, then the Local Government shall be responsible for any shortfall.

Article 5. Return of Project Funding

The Local Government shall reimburse the State for any funds paid under this Agreement that are not expended in accordance with the requirements of this Agreement. Upon completion of the Project, the Local Government will issue a signed "Notification of Completion" document to the State acknowledging the Project's completion. If at project end, or upon termination of this Agreement, excess SH 161 Subaccount funds exist, including interest earned, such funds shall be returned to the State within 30 days. Except for funds the Local Government has already expended in accordance with the Agreement, the Local Government shall return to the State the funds paid under this Agreement together with any interest earned on the funds if the Project is not completed within 10 years of execution of the Agreement.

Article 6. Local Match

The Local Government shall be responsible for the required 20 percent local match as described in Attachment A, Payment Provisions and Work Responsibilities. The costs incurred by the Local Government prior to the execution of this Agreement will count towards the 20 percent local match requirement provided such costs are for RTC-approved phases as shown in Attachment A. At the end of each Fiscal Year the Local Government's cumulative expenditures of local match funds must be no less than 20 percent of the cumulative SH 161 Funds received by the Local Government up to that date under the Agreement, and must be for the uses approved for payments of SH 161 Funds up to that date as specified in Attachment A, Payment Provision and Work Responsibilities

Article 7. Procurement and Contracting Process

The State may review the Local Government's procurement of professional services for engineering, surveying, and right of way acquisition, letting of construction contracts, and conduct of construction management and inspection. The Local Government shall certify compliance with state law and regulations, and with local laws, regulations, rules, policies, and procedures. The Local Government shall maintain a copy of the certification in the project files.

Article 8. Design Standards and Construction Specifications

The Local Government shall implement the Project using the Local Government's established design standards, construction specifications, procurement processes, and construction management and inspection procedures.

Article 9. Right of Way

Except for right of way owned by the State or to be acquired by the State according to the

plans of the Project as approved by the State, the Local Government shall acquire all necessary right of way needed for the Project. Right of way acquisition is an eligible cost for reimbursement provided such cost is an RTC-approved phase as shown in Attachment A.

Article 10. Utilities

The Local Government shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with State laws and regulations and local laws, regulations, rules, policies, and procedures applicable to the Local Government. The Local Government must obtain advance approval for any variance from established procedures. The RTC-approved costs for utilities as shown in Attachment A, if any, shall be used to adjust, remove, or relocate utility facilities.

Article 11. Compliance with Laws, Environmental Review and Public Involvement

Each Party shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative bodies or tribunals affecting the performance of this Agreement as applicable to it. When required, the Local Government shall furnish the State with satisfactory proof of compliance. As provided in 43 TAC 2.3(b)(1)(A), the State's environmental review requirements do not apply to the Project because the State is funding the Project solely with money held in a project subaccount created under Transportation Code, Section 228.012. However, the Local Government shall ensure that the project complies with all environmental review and public involvement requirements applicable to the Local Government under State and federal law in connection with the Project. The Local Government shall obtain the opinion of legal counsel showing the Local Government's environmental review and public involvement for the Project complies with state law and regulations, and with local laws, regulations, rules, policies, and procedures applicable to the Local Government. The Local Government shall maintain a copy of the certification in the project files.

Article 12. Compliance with Texas Accessibility Standards and ADA

The Local Government shall ensure that the plans for and the construction of the Project is in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336).

Article 13. Work Outside the Project Site

The Local Government shall provide both the necessary right of way and any other property interests needed for the Project.

Article 14. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance

verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

Article 15. Audit

Within 120 days of completion of the Project, the Local Government shall perform an audit of the costs of the Project. Any funds due to the State will be promptly paid by the Local Government.

Article 16. Maintenance

The Local Government shall be responsible for maintenance of the Project.

Article 17. Responsibilities of the Parties

- a. The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.
- b. To the extent permitted by law, the Local Government agrees to indemnify and save harmless the State, its agents and employees from all suits, actions or claims and from all liability and damages resulting from any and all injuries or damages sustained by any person or property in consequence of any neglect, error, or omission in the performance of the design, construction, maintenance or operation of the Project by the Local Government, its contractor(s), subcontractor(s), agents and employees, and from any claims or amounts arising or recovered under the "Workers' Compensation laws"; the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as from time to time may be amended.
- c. The Parties expressly agree that the Project is not a joint venture or enterprise. However, if a court should find that the Parties are engaged in a joint venture or enterprise, then the Local Government, to the extent provided by law, agrees to pay any liability adjudicated against the State for acts and deeds of the Local Government, its employees or agents during the performance of the Project.
- d. To the extent provided by law, the Local Government shall also indemnify and save harmless the State from any and all expense, including, but not limited to, attorney's fees which may be incurred by the State in litigation or otherwise resisting said claim or liabilities which may be imposed on the State as a result of such activities by the Local Government, its agents, or employees.

Article 18. Notices

All notices to either party by the other required under this Agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

Local Government:	State:
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City Manager City of Colleyville 100 Main Street Colleyville, TX 76034	Texas Department of Transportation Attn: Director of Contract Services 125 East 11 th Street Austin, Texas 78701
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All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

Article 19. Right of Access

If the Local Government is the owner or otherwise controls access to any part of site of the Project, the Local Government shall permit the State or its authorized representative access to the site to perform any activities authorized in this Agreement.

Article 20. Project Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this Agreement by the Local Government shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 21. Inspection of Books and Records

The Local Government shall keep a complete and accurate record to document the performance of the work on the Project and to expedite any audit that might be conducted. The Local Government shall maintain records sufficient to document that funds provided under the Agreement were expended only for eligible costs that were incurred in accordance with all applicable state and local laws, rules, policies, and procedures, and in accordance with all applicable provisions of this Agreement. The Local Government shall maintain all books, documents, papers, accounting records and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State for review and inspection during the contract period and for four (4) years from the date of completion of work defined under this Agreement or until any pending litigation or claims are resolved, whichever is later. Additionally, the State shall have access to all governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

Article 22. NCTCOG

Acceptance of funds directly under the Agreement or indirectly through a subcontract under the Agreement acts as acceptance of the authority of NCTCOG and RTC to assist the Local Government's implementation of financial reporting and environmental review concerning the Project. The Local Government shall provide to NCTCOG on a monthly

basis a report of expenses, including the Local Government's expenditure of local match funds. The report shall list separately the expenditures by project phase as shown in Attachment A, including but not limited to engineering, environmental review, right of way acquisition, and construction. The report shall also describe interest earned on money from the SH 161 Subaccount, including the interest rate, interest earned during the month, and cumulative interest earned. The report shall further describe the status of developing the Project. Not less than 60 days before the environmental review document is submitted to the governing body of the Local Government for final approval, the Local Government shall submit the document to NCTCOG for review and comment. NCTCOG may provide the Local Government technical assistance on the environmental review of the Project as mutually agreed between NCTCOG and the Local Government.

Article 23. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the Agreement or indirectly through a subcontract under the Agreement. Acceptance of funds directly under the Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Article 24. Amendments

By mutual written consent of the Parties, this contract may be amended prior to its expiration.

Article 25. Termination

The Agreement may be terminated in the following manner:

- a. By mutual written agreement and consent of both parties;
- b. By either party upon the failure of the other party to fulfill the obligations set forth herein, after a 45 day period to cure after receiving written notice of non-compliance;
- c. By the State if the Local Government does not let the construction contract for the Project within one year after the State first provides 161 Funds for construction as shown in Attachment A, Payment Provision and Work Responsibilities;
- d. By the State if the Local Government does not complete the Project within ten years after the effective date of the Agreement.

Article 26. Work by Debarred Person

The Local Government shall not contract with any person that is suspended, debarred, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal agency or that is debarred or suspended by the State.

Article 27. Sole Agreement

The Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

Article 28. Successors and Assigns

The State and the Local Government each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement. The Local Government may assign its interests under the Agreement only with the written approval of the State.

Article 29. Remedies

The Agreement shall not be considered as specifying an exclusive remedy for a breach of the Agreement. All remedies existing at law or in equity are available to either Party and are cumulative.

Article 30. Legal Construction

If a provision of the Agreement shall be held invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other provision, and the Agreement shall be construed as if it did not contain the invalid, illegal or unenforceable provision.

Article 31. Signatory Warranty

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party they represent.

CSJ: 0902-48-866

**PROJECT: Intersection Improvements at
on Cheeksparger**

District: 02-Fort Worth

Code Chart: 09100

IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this Agreement.

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
Janice Mullenix
Director of Contract Services

THE LOCAL GOVERNMENT

City of Colleyville

By _____ Date _____
Jennifer Fadden
City Manager

CSJ: 0902-48-866

**PROJECT: Intersection Improvements at
on Cheeksparger**

District: 02-Fort Worth

Code Chart: 09100

ATTACHMENT A

Payment Provision and Work Responsibilities

For CSJ# 0902-48-866, the State will pay \$349,320.00 from the SH 161 Subaccount for Intersection improvements, roundabout with northbound right turn lane at Jackson Road on Cheeksparger.

In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work in the following Fiscal Years:

Fiscal Year	Expenditure						
	Preliminary Engineering		Right Way Acquisition	of	Utilities		Construction
2013							\$349,320.00

The Local Government shall contribute a required local match of \$87,330.00.

Upon completion of the Project, the Local Government will issue a signed "Notification of Completion" document to the State. The notice shall certify that the Project has been completed, all necessary inspections have been conducted, and the Project is open to traffic.

RESOLUTION R-13-3666

**A RESOLUTION ADOPTING A COMPREHENSIVE FIVE YEAR CAPITAL
IMPROVEMENT PROGRAM FOR FISCAL YEARS 2014-2018 FOR THE
CITY OF COLLEYVILLE, TEXAS**

WHEREAS, planning for capital expenditures is an essential function of local government; and

WHEREAS, a multi-year capital improvement program is an important communication tool for residents and businesses; and

WHEREAS, a multi-year capital improvement program is a valuable tool in addressing infrastructure renewal and replacement needs and an essential part of the City's financial planning.

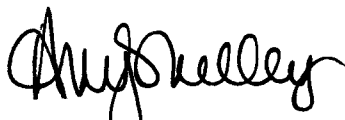
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF COLLEYVILLE, TEXAS:**

- Sec. 1. THAT the Fiscal Year 2014-2018 Capital Improvement Program attached as Exhibit "A", is hereby adopted.
- Sec. 2. THAT the Capital Improvement Program will be reviewed and updated on an annual basis, or as otherwise necessary.
- Sec. 3. THAT changes to the Capital Improvement Program will require approval of the City Council.

AND IT IS SO RESOLVED.

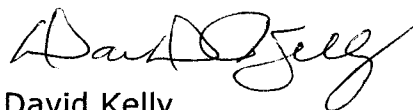
APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0
ABSTENTIONS ON THIS THE 17TH DAY OF SEPTEMBER 2013.

ATTEST:



Amy Shelley, TRMC
City Secretary

COLLEYVILLE CITY COUNCIL



David Kelly
Mayor



EXHIBIT "A"

City of Colleyville

Capital Improvement Program

FY 2014 to FY 2018

			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	
Project Title		Project Category	Project Costs					
1	ST14-001	Reconstruct Kingston Estates	Streets - Reconstruction	\$ 1,879,814	\$ -	\$ -	\$ -	\$ -
2	ST14-002	Rehabilitate Lavaca Trail - 2014 County Project	Streets - Rehabilitation	\$ 151,000	\$ -	\$ -	\$ -	\$ -
3	ST14-003	Rehabilitate Streets in Jewel Estates Subdivision	Streets - Rehabilitation	\$ 575,806	\$ -	\$ -	\$ -	\$ -
4	ST14-004	Construct Jackson Cheek-Sparger Roundabout	Streets - Intersection Improvements	\$ 2,153,433	\$ -	\$ -	\$ -	\$ -
5	ST14-005	Design of Frontier Court Reconstruction	Streets - Reconstruction	\$ 130,000	\$ -	\$ -	\$ -	\$ -
6	ST14-006	Reconstruct Pleasant Run: Veranda to Bogart	Streets - Reconstruction	\$ 1,054,865	\$ -	\$ -	\$ -	\$ -
7	ST14-007	Construction SH26 Phase I Enhancements	Streets - Reconstruction	\$ 333,250	\$ -	\$ -	\$ -	\$ -
8	ST14-008	Construct SH26, Phase II	Streets - Reconstruction	\$ 14,000,000	\$ -	\$ -	\$ -	\$ -
9	ST14-009	2014 Miscellaneous Concrete Repairs	Other	\$ 422,300	\$ -	\$ -	\$ -	\$ -
10	ST14-010	Final Design of Glade Road	Streets - Reconstruction	\$ 701,000	\$ -	\$ -	\$ -	\$ -
11	UT14-001	Upsize Utility Lines - Western Trails	Utilities - Waterline Renewals/Upsizing	\$ 886,979	\$ -	\$ -	\$ -	\$ -
12	RC14-001	Design of Senior Center Renovation	Facility-Rehabilitation	\$ 125,000	\$ -	\$ -	\$ -	\$ -
13	PK14-001	Construct Cottonbelt Trail - Phase 3	Parks	\$ 230,000	\$ -	\$ -	\$ -	\$ -
14	FA14-001	Clean and Seal Exterior Stone City Hall/Library	Facility-Rehabilitation	\$ 300,000	\$ -	\$ -	\$ -	\$ -
15	ST14-011	Pavement Markings	Streets - Rehabilitation	\$ 100,000	\$ -	\$ -	\$ -	\$ -
16	PK14-002	Improvements @ Trailhead	Parks	\$ 100,000	\$ -	\$ -	\$ -	\$ -
17	ST14-012	Glade Road ROW Acquisition	Streets - Reconstruction	\$ 3,000,000	\$ -	\$ -	\$ -	\$ -
18	ST14-013	Construct Roundabout at Bedford and Cheek-Sparger	Streets - Intersection Improvements	\$ 800,000	\$ -	\$ -	\$ -	\$ -
19	PK14-003	Landscape & Amenity Upgrades	Parks	\$ 175,000	\$ -	\$ -	\$ -	\$ -
				\$ 27,118,446	\$ -	\$ -	\$ -	\$ -
1	UT15-001	Upsize Utility Lines - Reagan Estates	Utilities - Waterline Renewals/Upsizing	\$ -	\$ 650,209	\$ -	\$ -	\$ -
2	OT15-001	Install Quiet Zones at Three RR Crossings	Other	\$ -	\$ 1,600,921	\$ -	\$ -	\$ -
3	OT15-002	Reconstruct Whites Chapel Road Bridge	Other	\$ -	\$ 150,000	\$ -	\$ -	\$ -
4	ST15-001	2015 Miscellaneous Concrete Repairs	Other	\$ -	\$ 422,300	\$ -	\$ -	\$ -
5	ST16-002	Reconstruct Streets in Western Trails	Streets - Reconstruction	\$ -	\$ 1,377,058	\$ -	\$ -	\$ -
6	ST15-003	Rehabilitate Jackson Road - 2015 County Project	Streets - Rehabilitation	\$ -	\$ 151,000	\$ -	\$ -	\$ -
7	ST15-004	Design Pleasant Run: Shelton to Tinker	Streets - Reconstruction	\$ -	\$ 91,000	\$ -	\$ -	\$ -
8	OT15-003	Reconstruct Bedford Road Retaining Wall	Other	\$ -	\$ 300,050	\$ -	\$ -	\$ -
9	ST15-005	Pavement Markings	Streets - Rehabilitation	\$ -	\$ 100,000	\$ -	\$ -	\$ -
10	PK15-001	Construct New Trail	Parks	\$ -	\$ 150,000	\$ -	\$ -	\$ -
11	ST15-006	Construct Glade Road	Streets - Reconstruction	\$ -	\$ 3,507,875	\$ -	\$ -	\$ -
12	PK15-002	Construct Cottonbelt Trail Spur	Parks	\$ -	\$ 165,000	\$ -	\$ -	\$ -
				\$ -	\$ 8,665,413	\$ -	\$ -	\$ -
1	ST16-001	Reconstruct Pleasant Run: Shelton to Tinker	Streets - Reconstruction	\$ -	\$ -	\$ 856,167	\$ -	\$ -
2	ST16-002	Rehabilitate Streets in Western Trails Subdivision	Streets - Rehabilitation	\$ -	\$ -	\$ 737,770	\$ -	\$ -
3	ST16-003	Design Pleasant Run: Tinker to John McCain	Streets - Rehabilitation	\$ -	\$ -	\$ 201,000	\$ -	\$ -
4	ST16-004	2016 Miscellaneous Concrete Repair	Other	\$ -	\$ -	\$ 422,300	\$ -	\$ -
5	ST16-005	Rehabilitate Bandit Trail - 2016 County Project	Streets - Rehabilitation	\$ -	\$ -	\$ 151,000	\$ -	\$ -
6	UT16-001	Upsize Utility Lines, Sunrise Terrace/Brighton Oaks	Utilities - Waterline Renewals/Upsizing	\$ -	\$ -	\$ 1,833,320	\$ -	\$ -
7	ST16-006	Design Pleasant Run: John McCain to North City Limits	Streets - Reconstruction	\$ -	\$ -	\$ 131,000	\$ -	\$ -
8	PK16-001	Construct New Trail	Parks	\$ -	\$ -	\$ 150,000	\$ -	\$ -
9	ST16-007	Pavement Markings	Streets - Rehabilitation	\$ -	\$ -	\$ 100,000	\$ -	\$ -
10	ST16-008	Construct Glade Road	Streets - Reconstruction	\$ -	\$ -	\$ 2,479,250	\$ -	\$ -
				\$ 7,061,807				
1	UT17-001	Upsize Utility Lines - Woodbriar/Quailcrest Estates	Utilities - Waterline Renewals/Upsizing	\$ -	\$ -	\$ -	\$ 1,697,035	\$ -
2	ST17-001	2017 Miscellaneous Concrete Repair	Other	\$ -	\$ -	\$ -	\$ 414,050	\$ -
3	ST17-002	Rehabilitate Street TBD - 2017 County Project	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ 151,000	\$ -
4	ST17-003	Rehabilitate Streets Pecan Park and Sand Oaks	Streets - Rehabilitation	\$ -	\$ -	\$ -	\$ 1,516,064	\$ -
5	ST17-004	Construct Glade Road	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ 1,503,375	\$ -
6	ST17-005	Design Reconstruction of Roberts Road	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ 100,000	\$ -
7	PK17-001	Construct New Trail	Parks	\$ -	\$ -	\$ -	\$ 150,000	\$ -
				\$ -	\$ -	\$ -	\$ 5,531,524	\$ -
1	ST18-001	Rehabilitate Streets in Woodbriar, Quail Crest Estates	Streets - Rehabilitation	\$ -	\$ -	\$ -	\$ -	\$ 1,443,269
2	ST18-002	2018 Miscellaneous Concrete Repair	Other	\$ -	\$ -	\$ -	\$ -	\$ 264,050
3	ST18-003	Rehabilitate Streets TBD - 2018 County Road Project	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ -	\$ 151,000
4	ST18-005	Reconstruct Pleasant Run: Tinker to John McCain	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ -	\$ 2,099,959
5	PK18-001	Construct Pleasant Run Trail	Parks	\$ -	\$ -	\$ -	\$ -	\$ 300,000
6	ST18-006	Construct Glade Road	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ -	\$ 1,002,250
				\$ 5,260,528				
Five Year Total:				\$ 27,118,446	\$ 8,665,413	\$ 7,061,807	\$ 5,531,524	\$ 5,260,528 \$ 53,637,719

CITY FUNDING

Proposed Funding						
Capital Project Transfer for Street Rehab <i>(PROJECTED AVAILABLE: \$1,667,000)</i>	\$ 1,652,656	\$ -	\$ -	\$ -	\$ -	\$ 1,652,656
CEDC (Parks, Trails & Libraries)	\$ 904,000	\$ 315,000	\$ 150,000	\$ 150,000	\$ 300,000	\$ 1,819,000
COG/TxDOT/County	\$ 175,000	\$ -	\$ -	\$ -	\$ -	\$ 175,000
County Bond Program	\$ 535,415	\$ -	\$ -	\$ -	\$ -	\$ 535,415
Crime Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Drainage Fund	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ 200,000
Perimeter Street Fees	\$ 676,587	\$ -	\$ 236,546	\$ 9,394	\$ -	\$ 922,527
General Fund <i>(PROJECTED AVAILABLE: \$2.4M/YEAR = \$12M)</i>	\$ 2,262,959	\$ 2,491,408	\$ 2,362,691	\$ 2,171,720	\$ 2,758,278	\$ 12,047,056
Grants/Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
NCTCOG	\$ 349,320	\$ -	\$ -	\$ -	\$ -	\$ 349,320
Parkland Dedication Fund and Voluntary Park Fund	\$ 230,000	\$ -	\$ -	\$ -	\$ -	\$ 230,000
Roadway Impact - West District	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Roadway Impact - East District	\$ 222,964	\$ -	\$ -	\$ -	\$ -	\$ 222,964
Tomorrow Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Utility Fund	\$ 962,131	\$ 597,593	\$ 1,833,320	\$ 1,697,035	\$ -	\$ 5,090,079
Wastewater Impact Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Water Impact Fees	\$ 62,458	\$ 52,616	\$ -	\$ -	\$ -	\$ 115,074
End of Year Transfer to GF	\$ 958,250	\$ 100,000	\$ -	\$ -	\$ 1,200,000	\$ 2,258,250
	\$ 9,191,740	\$ 3,556,617	\$ 4,582,557	\$ 4,028,149	\$ 4,258,278	\$ 25,617,341

NON-CITY FUNDING

FWHA/TxDOT/Other	\$ 14,800,000	\$ 1,280,737	\$ -	\$ -	\$ -	\$ 16,080,737
Other: FWTA	\$ -	\$ 320,184	\$ -	\$ -	\$ -	\$ 320,184
TIF	\$ 3,126,707	\$ 3,507,875	\$ 2,479,250	\$ 1,503,375	\$ 1,002,250	\$ 11,619,457
	\$ 17,926,707	\$ 5,108,796	\$ 2,479,250	\$ 1,503,375	\$ 1,002,250	\$ 28,020,378

TOTAL FUNDING

\$ 27,118,447	\$ 8,665,413	\$ 7,061,807	\$ 5,531,524	\$ 5,260,528	\$ 53,637,719
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City of Colleyville City Council Agenda Briefing

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

Agenda Number 4e

Agenda Date 12/03/2013

Number Resolution R-13-3694

Type Resolution

Department Public Works

Title

Approval of a Funding Agreement with the State of Texas, the City of Colleyville, and the North Central Texas Council of Governments, for the Pleasant Run Pathway Project that will be constructed in conjunction with the Pleasant Run Road Improvement Project, and authorize the city manager to execute the agreement

Explanation

Reading and Public Hearing

On February 19, 2013, City Council approved attached Resolution R-13-3597, authorizing the city manager to execute an amendment to the Professional Service Agreement with Schrickel, Rollins and Associates, Inc., in an amount not to exceed \$46,355, for the design of a portion of the Pleasant Run Trail between The Village and Bogart Drive, and to add the design improvements to the Pleasant Run Road/Pleasant Run Pathway Improvement Project. This project includes the portion of the Pleasant Run Road and Trail from Veranda Lane/Mission Lane in The Village to Bogart Drive. This agreement also includes the widening of Mission Road east of Veranda Lane from one lane to two lanes, in order to allow for two-way traffic on that section of roadway.

The Comprehensive Five Year Capital Improvement Program (CIP) that was adopted by City Council on September 17, 2013 by Resolution R-13-3666 (attached) includes this project and the various funding sources that will be utilized to fund the project. The funding sources include local funds (\$505,865) and Colleyville Economic Development Corporation (CEDC) funds (\$504,000). The CEDC funds may only be used to fund the trail construction and the associated right-of-way costs. In order to limit the amount of CEDC funding needed to complete this project, staff has submitted this project for funding through the North Central Texas Council of Government's Sustainable Development Program. The City of Colleyville has been awarded funding in the amount of \$174,800 for the construction of the Pleasant Run Pathway.

In order to utilize the Sustainable Development Program funds, a Funding Agreement must be agreed upon that establishes the parameters of the agreement. The proposed agreement is attached and recommended for approval.

Financial Impact

The agreement will allow for the Pleasant Run Road/Pleasant Run Pathway Improvement Project to be partially funded through non-local sources. This agreement will reduce the amount of local funding by \$174,800.

Recommendation

Approve

Attachments

1. Funding Agreement
2. Resolution R-13-3597
3. Resolution R-13-3666

CSJ: 0902-48-865
Project Name: Pleasant Run Pathway Connection Sustainable
Development Infrastructure Project
District 02- Fort Worth
Code Chart 64# 09100 and 61920
Funding Category: RTR (SH 161 Subaccount)

STATE OF TEXAS §
COUNTY OF TRAVIS §

**FUNDING AGREEMENT
FOR PROJECTS USING FUNDS HELD IN THE
STATE HIGHWAY 161 SUBACCOUNT-
SUSTAINABLE DEVELOPMENT INFRASTRUCTURE
Off-System Projects**

This Funding Agreement, hereinafter referred to as the "Agreement", is made and entered into by and between the State of Texas, hereinafter referred to as the "STATE", the City of Colleyville, hereinafter referred to as the "LOCAL GOVERNMENT", and the North Central Texas Council of Governments, hereinafter referred to as "NCTCOG". The STATE, LOCAL GOVERNMENT, and NCTCOG may each be referred to as a "Party", and may be collectively referred to as "Parties" to this Agreement.

WITNESSETH

WHEREAS, the STATE has received money from the North Texas Tollway Authority for the right to develop, finance, design, construct, operate, and maintain the SH 161 toll project from I-20 to SH 183 in Dallas County; and,

WHEREAS, pursuant to Transportation Code, 228.006 the STATE shall authorize the use of surplus revenue of a toll project for a transportation project, highway project, or air quality project within the district of the Texas Department of Transportation in which any part of the toll project is located; pursuant to Transportation Code §228.012 the STATE has created a separate subaccount in the state highway fund to hold such money (SH 161 Subaccount), and the STATE shall hold such money in trust for the benefit of the region in which a project is located, and may assign the responsibility for allocating money in the subaccount to a metropolitan planning organization; and,

WHEREAS, in Minute Order 110727, dated October 26, 2006, the Texas Department of Transportation Commission (the "Commission") approved a memorandum of understanding (MOU) with the Regional Transportation Council concerning in part the administration, sharing, and use of surplus toll revenue in the region; under the MOU the RTC shall select projects to be financed using surplus revenue from a toll project, subject to Commission concurrence; and,

WHEREAS, on June 3, 2010 the Regional Transportation Council (RTC) approved staff recommendations for selected projects for implementation of the Sustainable Development Program in the Dallas-Fort Worth Metropolitan Area for the implementation of transportation improvements related to sustainable development projects and local sustainable development planning programs; and,

CSJ: 0902-48-865
Project Name: Pleasant Run Pathway Connection Sustainable
Development Infrastructure Project
District 02- Fort Worth
Code Chart 64# 09100 and 61920
Funding Category: RTR (SH 161 Subaccount)

WHEREAS, in Minute Order 113102, dated April 26, 2012, the Commission concurred with RTC's selection of projects for the Sustainable Development Program; and,

WHEREAS, on April 12, 2012, through development of the 2013-2016 Transportation Improvement Program (TIP) the Pleasant Run Pathway Connection project was changed from Surface Transportation Program – Metro Mobility (STP-MM) funds to Regional Toll Revenue (RTR) funds; and,

WHEREAS, on April 12, 2012, the Regional Transportation Council (RTC) approved the 2013-2016 TIP Development; and,

WHEREAS, in Minute Order 113251, dated August 30, 2012, the Commission concurred with the RTC's approval of the 2013-2016; and,

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law and acts as RTC's fiduciary agent; and,

WHEREAS, the Government Code, Chapter 791, and Transportation Code §201.209 authorize the State to contract with municipalities and political subdivisions to perform governmental functions and services; and,

WHEREAS, the Local Government is a political subdivision and governmental entity by statutory definition; and,

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

Article 1.0 Purpose. The purpose of this Agreement is to set out the roles and responsibilities of the STATE, LOCAL GOVERNMENT, and NCTCOG to implement the Sustainable Development PROJECT.

- 1.1 The STATE agrees to provide funding for the PROJECT awarded by the RTC and concurred by the Commission; on the terms and conditions set forth herein.
- 1.2 The LOCAL GOVERNMENT agrees to implement the PROJECT and provide necessary local match, according to the terms and conditions set forth herein.
- 1.3 The NCTCOG agrees to coordinate with the STATE and LOCAL GOVERNMENT on the implementation of the PROJECT, including reviewing eligible costs and recommending to the STATE payment of such costs, if consistent with the terms and conditions set forth herein.

CSJ: 0902-48-865
Project Name: Pleasant Run Pathway Connection Sustainable
Development Infrastructure Project
District 02- Fort Worth
Code Chart 64# 09100 and 61920
Funding Category: RTR (SH 161 Subaccount)

Article 2.0 Definitions. For the purpose of this Agreement the following words and phrases shall be defined as follows:

CALL FOR PROJECTS: shall mean the request for Sustainable Development Project applications issued by the RTC on March 23, 2009.

OVERALL PROJECT: shall mean the entire project as applied for in the Call for Projects, including the funded portion of the PROJECT and any additional improvements funded by the City or a private sector through local sources. Evidence of significant progress toward completion of the OVERALL PROJECT shall be demonstrated by the LOCAL GOVERNMENT submitting a building permit for a mixed-use development.

PROJECT: shall mean the project as funded under this Agreement and as further defined by the map included as Attachment A and the scope of work included as Attachment B.

PROJECT BUDGET: shall mean the budget or cost identifying all costs associated with and for the implementation of the PROJECT included in Attachment B.

Article 3.0 Scope. The LOCAL GOVERNMENT shall implement the PROJECT as described in Attachment B and in the Supporting Documentation as provided for in Article 11.1. Failure to complete the PROJECT may require the LOCAL GOVERNMENT to return funds received from the STATE for any expenses previously reimbursed within thirty (30) days. Any cost overruns are the responsibility of the LOCAL GOVERNMENT. Any modifications to the scope of work must be agreed to in advance and in writing by NCTCOG.

Article 4.0 Project Award. The PROJECT award for this Agreement is **\$218,500**. The LOCAL GOVERNMENT agrees to return funds received under this Agreement for reimbursed activities where the LOCAL GOVERNMENT has failed to comply with the requirements set forth in this Agreement, including but not limited to: failure to complete the PROJECT as identified in Attachment B, failure to show significant progress toward completion of the OVERALL PROJECT, and/or failure to comply with reporting requirements prescribed in Article 11.

4.1 Match. The LOCAL GOVERNMENT shall be responsible for a local match of **\$43,700**. The LOCAL GOVERNMENT shall document local match contribution in its requests for reimbursement. The LOCAL GOVERNMENT's contribution must be considered eligible expenses under this Agreement in order to constitute local match.

Article 5.0 Notices. All notices to each party by the other required under this Agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

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STATE:

Texas Department of Transportation
Attention: Director of Contract Services
General Services Division
125 East 11th Street
Austin, Texas 78701
T: (214) 320-6100
F: (214) 320-4488

LOCAL GOVERNMENT:

City of Colleyville
Attention: Jennifer Fadden
City Manager
100 Main Street
Colleyville, Texas 76034
T: (817) 503-1116
F: (817) 503-1029

NCTCOG:

North Central Texas Council of Governments
Attention: Director of Transportation
616 Six Flags Drive
P.O. Box 5888
Arlington, Texas 76005
T: (817) 695-9240
F: (817) 640-3028

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Each party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

Article 6.0 Term.

6.1 Agreement Time. This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed.

6.2 Time of Performance. The LOCAL GOVERNMENT shall not commence performance of any portion of the PROJECT, nor incur any costs or obligations associated with those services, until the LOCAL GOVERNMENT has received written authorization from NCTCOG, in the form of a pre-award authorization or a notice to proceed.

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6.3 Pre-Award Authorization. The LOCAL GOVERNMENT may obtain a pre-award authorization for approved cost not to exceed the twenty (20) percent local match contribution for the PROJECT. The costs incurred by the LOCAL GOVERNMENT prior to the execution of this Agreement may count towards the twenty (20) percent local match contribution provided such costs are for eligible expenses. Documentation of such expenditures must be provided to NCTCOG.

Costs incurred prior to execution of an Agreement are at the risk of the LOCAL GOVERNMENT and is not the responsibility of NCTCOG or the STATE to reimburse in the event an Agreement is not executed and/or the PROJECT is not completed as defined in Article 3.0.

NCTCOG will provide a copy of all pre-award authorizations to the Fort Worth District Engineer.

6.4 Limited/Full Notice to Proceed. A limited or full Notice to Proceed will be issued upon completion of a design and/or project review meeting, final execution of the Agreement, and necessary Article 11.1 documentation. Any activities completed prior to the receipt of a Notice to Proceed will not be eligible for reimbursement, unless specifically approved in writing by the STATE or NCTCOG.

NCTCOG will provide a copy of all limited/full Notices to Proceed to the Fort Worth District Engineer.

6.5 Project Schedule. NCTCOG may in its sole discretion terminate this Agreement if it concludes that the LOCAL GOVERNMENT has failed to begin the PROJECT by August 2015 or has not made significant progress towards the OVERALL PROJECT within the timeline identified in the Article 11.1 supporting documentation or by December 31, 2017, whichever occurs sooner. All changes to the schedule must be agreed to in writing by all three parties.

6.6 Agreement Term. This Agreement shall terminate at the completion of the OVERALL PROJECT. The PROJECT shall be considered complete upon NCTCOG's receipt of a Closeout Report as identified in Article 11.3.

6.7 Continuing Obligations. Termination of this Agreement does not invalidate any continuing obligations imposed by this Agreement.

6.8 Funding Availability. Any or all of the terms of this Agreement may be suspended or terminated in the event the STATE terminates funding for any reason.

6.9 Events of Default. In the event of a default of any terms or conditions set forth in this Agreement, The LOCAL GOVERNMENT shall repay any funds received from the STATE for implementation of this PROJECT within thirty (30) days. The LOCAL GOVERNMENT will be considered to be in default including but not limited to the following reasons: any material representation or warranty provided in reports or as part

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of this Agreement shall prove to be false, funds identified in the PROJECT BUDGET are used for purposes other than those stated in Attachment B, the LOCAL GOVERNMENT assigns or transfers the obligations set forth in this Agreement to a third party without prior written consent of the STATE and NCTCOG; the LOCAL GOVERNMENT fails to complete the PROJECT as required in Attachment B, or the LOCAL GOVERNMENT fails to cure a defect as outlined in Article 6.9.

6.10 Termination. Each party reserves the right to terminate this Agreement in whole or in part. Notice of termination must be provided in writing, shall set forth the reasons for termination, and shall provide for a minimum of forty-five (45) days to cure the defect. Termination is effective only in the event the party fails to cure the defect within the period stated in the termination notice including any written extensions. The Parties may terminate this Agreement at any time by mutual written concurrence.

Article 7.0 Amendments.

7.1 Sole Agreement. The Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreements' subject matter.

The LOCAL GOVERNMENT shall include all appropriate provisions of this Agreement in any subcontractor or developer awards to implement the Scope of work, including but not limited to Articles 9, 10, 11, and 12.

7.2 Severability. In the event any one or more of the provisions contained in this Agreement shall be for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision(s) hereof, and this Agreement shall be revised so as to cure such invalid, illegal, or unenforceable provision(s) to carry out as near as possible the original intent of the Parties.

7.3 Changed Circumstances. If future federal, State, or local statute, ordinance, regulation, rule, or action render this Agreement, in whole or in part, illegal, invalid, unenforceable, or impractical, the Parties agree to delete and/or to modify such portions of the Agreement as are necessary to render it valid, enforceable, and/or practical. Each section, paragraph, or provision of this Agreement shall be considered severable, and if, for any reason, any section, paragraph, or provision herein is determined to be invalid under current or future law, regulation, or rule, such invalidity shall not impair the operation of or otherwise affect the valid portions of this Agreement.

7.4 Amendments to Agreement. Modifications to this Agreement must be agreed to in writing.

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Article 8.0 Rights.

8.1 Authority. The LOCAL GOVERNMENT shall have no authority to act for or on behalf of the STATE or NCTCOG. No other authority, power, use, or joint enterprise is granted or implied. The LOCAL GOVERNMENT may not incur any debts, obligations, expenses, or liabilities of any kind on behalf of the STATE or NCTCOG.

8.2 Assignment. Without the prior written consent of the STATE or NCTCOG, the LOCAL GOVERNMENT may not transfer or assign any rights or duties under or any interest in this Agreement.

8.3 Access. The LOCAL GOVERNMENT shall permit the STATE and/or NCTCOG, and their designee's access to the property at reasonable times during the time of performance. NCTCOG will notify the LOCAL GOVERNMENT of a desire to access the property and arrangements will be made as needed.

8.4 Right of Way. Except for right of way owned by the STATE or to be acquired by the STATE according to the plans of the project as approved by the STATE, the LOCAL GOVERNMENT shall acquire all necessary right of way needed for the PROJECT. Right of Way acquisition is an eligible cost for reimbursement provided such cost is approved as shown in Attachment B.

8.5 Maintenance. The LOCAL GOVERNMENT agrees to construct, own (or secure appropriate perpetual easement to protect the project from future activities of landowners), operate (as applicable), and maintain all facilities developed or improved pursuant to this Agreement. The STATE and NCTCOG shall in no way be responsible for the maintenance of the PROJECT.

Article 9.0 Audits or Evaluations.

9.1 The LOCAL GOVERNMENT shall provide to the STATE and NCTCOG, for its review, a copy of any audit received as a result of LOCAL GOVERNMENT policy or audits of federal and state governments relating to the expenditure of grant funds. Such audits shall include or be accompanied by any applicable audit management letter issued and applicable responses to the auditor's findings and recommendations. All audits shall be submitted to the STATE and NCTCOG within thirty (30) days of receipt of each issued report.

9.2 The STATE and NCTCOG reserves the right to conduct financial and program monitoring of all awards to the LOCAL GOVERNMENT and to perform an audit of all records, related to this Agreement including but not limited to: contractor, developer, and/or other consultant Agreements related to the PROJECT. An audit by NCTCOG may encompass an examination of all financial transactions, all accounts and reports, as well as an evaluation of compliance with the terms and conditions of this Agreement.

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9.3 STATE Audit. Within one hundred and twenty (120) days of completion of the PROJECT, the LOCAL GOVERNMENT shall perform an audit on PROJECT costs. Any funds due to STATE will be promptly paid by the LOCAL GOVERNMENT.

The state auditor may conduct an audit or investigation of any entity receiving funds from the STATE directly under the Agreement or indirectly through a subcontract under the Agreement. Acceptance of funds directly under the Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Article 10.0 Payments.

10.1 Conditions of Reimbursement. At regular milestones, but not more frequently than monthly, the STATE shall reimburse the LOCAL GOVERNMENT for eligible cost related to the PROJECT up to eighty (80) percent or **\$174,800** after review and recommendation from NCTCOG. The LOCAL GOVERNMENT shall provide reimbursement request to the NCTCOG for costs and expenses incurred in connection with the PROJECT. Each reimbursement request shall include:

- an invoice from the LOCAL GOVERNMENT detailing cost incurred
- progress reports
- copies of contractor and supplier invoices who support the PROJECT
- proof of payment to contractors and suppliers who support the PROJECT
- certification of activities as provided for in Article 10.2
- other documentation requested by NCTCOG

NCTCOG may deem a request for reimbursement incomplete if the data and/or documentation are incomplete or improper or if the LOCAL GOVERNMENT fails to submit necessary reports or provide other information requested by NCTCOG or the STATE under the terms of this Agreement. The NCTCOG may reject request for reimbursements which fail to demonstrate that costs are eligible for reimbursement and/or which fail to conform to the requirements of this Agreement.

Final reimbursement shall not be made until the LOCAL GOVERNMENT provides a Closeout report for PROJECT activities as defined in Article 11.3 of this Agreement.

10.2 Certifications. The LOCAL GOVERNMENT shall implement the PROJECT using the LOCAL GOVERNMENT's established design standards, construction specifications, procurement processes, and construction management and inspection procedures. As part of any reimbursement request, the LOCAL GOVERNMENT shall certify to the STATE and NCTCOG the project has followed all standards and procedures previously established by the LOCAL GOVERNMENT's governing body. Upon request, the LOCAL GOVERNMENT shall make available documentation to support performance reports including but not limited to: insurance certificates, performance or payment bonds,

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required licenses and permits, and reports submitted by contractors and/or the Developer(s).

10.3 Retainage. The LOCAL GOVERNMENT shall receive reimbursement from the STATE in the amount of costs claimed and certified on each invoice, subject to approval of claimed costs by NCTCOG less ten (10) percent retainage up to **\$21,850**.

10.4 Ineligible Expenses. Funds obligated under this Agreement shall only be used for construction aspects of the PROJECT. The LOCAL GOVERNMENT will not be reimbursed for ineligible expenses which include but are not limited to: construction or rehabilitation of private buildings, artwork, fountains, installation and/or rehabilitation and/or relocation of water and sewer lines, burying and/or relocating utilities, parking garages, local roads that provide no connection to the main transportation network, earthwork necessary to raise proposed buildings out of the floodplain, roadway reconstruction, and other items not directly related to mobility. Expenditures such as staffing, maintenance of improvements, design and/or construction management fees, legal fees, permitting, platting, travel, vehicles, lobbying, land acquisition unassociated with transportation improvements and/or land acquisition of condemned properties, advertising, billboards, consumables, and any other non-construction activities inconsistent with the intent of the Sustainable Development program are not eligible.

10.5 Eligible Expenses. Costs must be determined to be the reasonable, necessary, actual, and eligible costs of conducting an approved activity in accordance with the PROJECT to be eligible for reimbursement as provided for in the approved in the Article 11.1 Supporting Documentation.

10.6 STATE Reimbursement. Reimbursement of expenditures related to this Agreement may begin no earlier than thirty (30) days after execution of this Agreement. The STATE will reimburse the LOCAL GOVERNMENT for expenditures in RTC approved cost categories, as detailed in Attachment B, upon review and recommendation by NCTCOG to the STATE that expenditures are eligible and necessary. The STATE shall pay the LOCAL GOVERNMENT within thirty (30) days of receiving NCTCOG's payment recommendation.

10.7 Cost Overruns. The LOCAL GOVERNMENT agrees to keep project cost within the approved PROJECT BUDGET and shall not be eligible for reimbursement of any cost overruns. Cost overruns are the sole responsibility of the LOCAL GOVERNMENT. The STATE and/or NCTCOG are not responsible for any costs other than as outlined herein.

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10.8 Cost Underruns. Cost underruns may not be used for additional Scope activities without prior written consent of NCTCOG.

10.9 Availability of Funds. This Agreement and all claims, suits, or obligations arising under or related to this Agreement are subject to and limited to the receipt and availability of funding. If funding is not available due to a default, this Agreement shall terminate.

Article 11.0 Reporting Requirements. All reports identified in this section shall be provided to NCTCOG in a format approved by NCTCOG.

11.1 The LOCAL GOVERNMENT shall provide a list of Supporting Documentation for the PROJECT and OVERALL PROJECT at agreed upon Phases throughout the PROJECT. The Phases provided for and approved by NCTCOG in this document will determine the milestones at which the LOCAL GOVERNMENT will receive reimbursement and items eligible for reimbursement. This Supporting Documentation shall be received prior to issuance of a Pre-Award Authorization or a Notice to Proceed and at a minimum should include:

- supporting schedules
- project description
- project budget/reimbursable items
- site plans and parcel maps
- appraisal data
- infrastructure improvement illustrations
- details of right of way to be acquired, each with parcel information, photos, and maps (if applicable)
- project photos, each with directional notations
- private development phasing, acreage, and units

11.2 Milestone and Invoice Reporting. The LOCAL GOVERNMENT shall provide written progress reports of its actions under this Agreement at milestones as agreed upon in the Supporting Documentation identified in Article 11.1. Each progress report shall at a minimum include:

- any actions relative to the PROJECT during the current phase
- percentage of work complete
- activities of work complete
- all approved project modifications
- updated photos, each with directional notations
- identification of work delays
- actions taken to mitigate delays
- status of the schedule and budget

Milestone reports shall be included with each invoice submittal and sent to NCTCOG.

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11.3 Closeout Report. The LOCAL GOVERNMENT shall prepare a closeout report to document actual project costs, final program activities of the PROJECT, and documentation of significant progress towards OVERALL PROJECT completion by evidence of a building permit or other approved document, to NCTCOG. This report shall be provided to NCTCOG no later than sixty (60) days from the completion of the PROJECT. Payment of the retainage is contingent upon completion of the closeout report.

11.4 OVERALL PROJECT Closeout. The LOCAL GOVERNMENT shall prepare a status report to update activities on the OVERALL PROJECT no later than three (3) years after execution of this Agreement.

12.0 Assurances.

12.1 Interest of Public Officials. No member, officer, or employee of the public body or of a local public body during his tenure or for one (1) year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

12.2 Noncollusion. The LOCAL GOVERNMENT warrants that it has not employed or retained any company or person, other than a bona fide employee working for it, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or any other consideration contingent upon or resulting from the award or making of this Agreement. If the LOCAL GOVERNMENT breaches or violates this warranty, the STATE and/or NCTCOG shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the Agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, gift, or contingent fee.

12.3 Debarment/Suspension. The LOCAL GOVERNMENT is prohibited from making any award or permitting any award at any tier to any party which is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, Debarment and Suspension. The LOCAL GOVERNMENT and its subcontractors shall include a statement of compliance with Federal and State Debarment and suspension regulations in all Third-party contracts.

The LOCAL GOVERNMENT shall notify NCTCOG if the LOCAL GOVERNMENT or any of the LOCAL GOVERNMENT's contractors becomes debarred or suspended during the performance of this Agreement. Debarment or suspension of the LOCAL GOVERNMENT or any of the LOCAL GOVERNMENT's contractors may result in immediate termination of this Agreement.

12.4 Restrictions on Lobbying. The LOCAL GOVERNMENT is prohibited from using funds awarded under this Agreement for lobbying purposes. The LOCAL GOVERNMENT shall include a statement of compliance with this provision in applicable procurement solicitations and Third-Party contracts.

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12.5 Disadvantaged Business Enterprise. It is the policy of the STATE and NCTCOG to maximize opportunities for Disadvantaged Business Enterprises to participate in the performance of contracts financed in whole or in part with federal funds under this Agreement. The LOCAL GOVERNMENT agrees to ensure that DBE's have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds under this Agreement. Upon request, the LOCAL GOVERNMENT shall report DBE participation.

12.6 Compliance with Regulations- Environmental Review and Public Involvement. Each party shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative bodies or tribunals affecting the performance of this Agreement as applicable to it. The LOCAL GOVERNMENT shall ensure that the PROJECT complies with all environmental review and public involvement requirements applicable to the LOCAL GOVERNMENT under state and federal law in connection with the PROJECT. The LOCAL GOVERNMENT shall obtain the opinion of legal counsel showing the LOCAL GOVERNMENT's environmental review and public involvement for the PROJECT complies with state law and regulations, and with local laws, regulations, rules, policies, and procedures applicable to the LOCAL GOVERNMENT. The LOCAL GOVERNMENT shall maintain a copy of the certification in the project files. When required, the LOCAL GOVERNMENT shall furnish the STATE and NCTCOG with satisfactory proof of compliance.

Article 13.0 Miscellaneous Provisions.

13.1 Responsibilities of Parties.

a. The STATE, LOCAL GOVERNMENT, and NCTCOG agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

b. To the extent permitted by law, the LOCAL GOVERNMENT agrees to indemnify and save harmless the STATE and NCTCOG, its agents and employees from all suits, actions or claims and from all liability and damages resulting from any and all injuries or damages sustained by any person or property in consequence of any neglect, error, or omission in the performance of the design, construction, maintenance or operation of the PROJECT by the LOCAL GOVERNMENT, its contract(s), subcontract(s), agents and employees, and from any claims or amounts arising or recovered under the "Worker's Compensation laws"; the Texas tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as from time to time may be amended.

c. The Parties expressly agree that the PROJECT is not a joint venture or enterprise. However, if a court should find that the Parties are engaged in a joint venture or enterprise, then the LOCAL GOVERNMENT, to the extent provided by law, agrees to pay any liability adjudicated against the STATE for acts and deeds of the LOCAL GOVERNMENT, its employees or agents during the performance of the PROJECT.

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d. To the extent provided by law, the LOCAL GOVERNMENT shall also indemnify and save harmless the STATE and NCTCOG from any and all expenses, including, but not limited to, attorney's fees which may be incurred by the STATE in litigation or otherwise resisting said claim or liabilities which may be imposed on the STATE as a result of such activities by the LOCAL GOVERNMENT, its agents, or employees.

13.2 Force Majeure. It is expressly understood and agreed by the parties to this Agreement that, if the performance of any provision of this Agreement is delayed by force majeure, defined as reason of war, civil commotion, act of God, governmental restriction, regulation or interference, fire, explosion, hurricane, flood, failure of transportation, court injunction, or any circumstances which are reasonably beyond the control of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated herein, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the period of time applicable to such requirement shall be extended for a period of time equal to the period of time such party was delayed. Each party must inform the other in writing within reasonable time of the existence of such force majeure.

13.3 Contractual Relationship. It is understood and agreed that the relationship described in this Agreement between the parties is contractual in nature and is not to be construed to create a partnership of joint venture or agency relationship between the parties. Nor shall any party be liable for any debts incurred by the other party in the conduct of such other party's business or functions.

13.4 Insurance. If this Agreement authorizes the LOCAL GOVERNMENT or its contractors to perform any work on State right of way, before beginning work the entity performing the work shall provide the STATE with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

13.5 Procurement and Contracting Process. The STATE and NCTCOG may review the LOCAL GOVERNMENT's procurement of professional services for professional services for engineering, surveying, right of way acquisition, letting of construction contracts, and construction management and inspection. The LOCAL GOVERNMENT shall certify compliance with state law and regulations, and with local laws, regulations, rules, policies, and procedures. Copies of these certifications must be maintained in the PROJECT files and made available upon request.

13.6 Utilities. The LOCAL GOVERNMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with State laws and regulations

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and local laws, regulations, rules, policies, and procedures application to the LOCAL GOVERNMENT. The LOCAL GOVERNMENT must obtain advance approval for any variance from established procedures. This Agreement may not cover cost associated with utility relocation, if any reimbursement is deemed eligible the utility must have a property right as shown in a recorded deed or easement.

13.7 Disputes and Remedies. The LOCAL GOVERNMENT and NCTCOG shall negotiate in good faith toward resolving any disputes that arise under this Agreement. The Agreement shall not be considered as specifying an exclusive remedy for a breach of the Agreement. All remedies existing at law or in equity are available to either party and are cumulative.

13.8 Records and Project Documents. All records must be maintained for a minimum of four (4) years after PROJECT closeout. In the event that any litigation or claim is still pending before the expiration of the four-year period, these records shall be retained until resolution of the litigation or claim. This section shall not be interpreted to require maintenance of multiple exact duplicate copies of any record or document.

All records must be maintained for a minimum of three (3) years after PROJECT closeout. In the event that any litigation or claim is still pending before the expiration of the three-year period, these records shall be retained until resolution of the litigation or claim. NCTCOG, STATE, and their duly authorized agents shall have reasonable access to all records that are directly applicable to this Agreement for the purpose of making audit(s) examinations.

Upon completion or termination of this Agreement, all documents prepared by the STATE shall remain the property of the STATE. All data prepared under this Agreement by the LOCAL GOVERNMENT shall be made available to the STATE and NCTCOG without restriction or limitation on their further use. All documents produced or approved or otherwise created by the LOCAL GOVERNMENT shall be transmitted to the STATE in the form of photocopy reproduction as required by the STATE. The originals shall remain the property of the LOCAL GOVERNMENT. At the request of the STATE or NCTCOG, the LOCAL GOVERNMENT shall submit any information required by the STATE or NCTCOG in the format directed by the STATE or NCTCOG.

13.9 Confidentiality. The LOCAL GOVERNMENT, NCTCOG, and the STATE shall ensure that all information, both written and verbal, deemed confidential by law that is obtained through implementation of the PROJECT will remain confidential, subject to the Texas Public Information Act.

13.10 Gratuities. Any person doing business with or who, reasonably speaking, may do business with NCTCOG under this Agreement, may not make any offer of benefits, gifts or favors to employees of NCTCOG. Failure on the part of the LOCAL GOVERNMENT to adhere to this policy may result in termination of this Agreement.

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13.11 Equal Employment Opportunity. The LOCAL GOVERNMENT shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. The LOCAL GOVERNMENT shall take affirmative action's to ensure that applicants are employed, and that employees are treated, during their employment, without regard to their race, religion, color, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

13.12 Nondiscrimination on the Basis of Disability. The LOCAL GOVERNMENT agrees that no otherwise qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under the project. The LOCAL GOVERNMENT shall insure that all fixed facility construction or alteration and all new equipment included in the project comply with applicable regulations regarding Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance, set forth in 49 CFR, Part 27 and any amendments thereto.

13.13 Title VI. The LOCAL GOVERNMENT shall work cooperatively with NCTCOG to implement appropriate PROJECT activities to address environmental justice in minority and low-income populations, and to address needs from persons with limited English proficiency.

13.14 Drug Free Workplace. The LOCAL GOVERNMENT shall establish a drug-free workplace in accordance with the Drug-Free Workplace Act.

13.15 Compliance with Texas Accessibility Standards and ADA. The LOCAL GOVERNMENT shall ensure the plans for and the construction of the PROJECT is in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes.

13.16 Signatory Warranty. The signatories to this Agreement warrant that each has the authority to enter into this Agreement on behalf of the party they represent.

Attachments

The following appendices are attached and made part of this Agreement.

- A. Project Location Map
- B. Scope of Work and Payment Provisions

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Project Name: Pleasant Run Pathway Connection Sustainable
Development Infrastructure Project
District 02- Fort Worth
Code Chart 64# 09100 and 61920
Funding Category: RTR (SH 161 Subaccount)

IN WITNESS HEREOF, the parties have executed this Agreement in triplicate originals.

The LOCAL GOVERNMENT

City of Colleyville

By _____
Jennifer Fadden
City Manager

Date _____

The NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

By _____
Mike Eastland
Executive Director

Date _____

The STATE

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____
Janice Mullenix
Director of Contract Services
Texas Department of Transportation

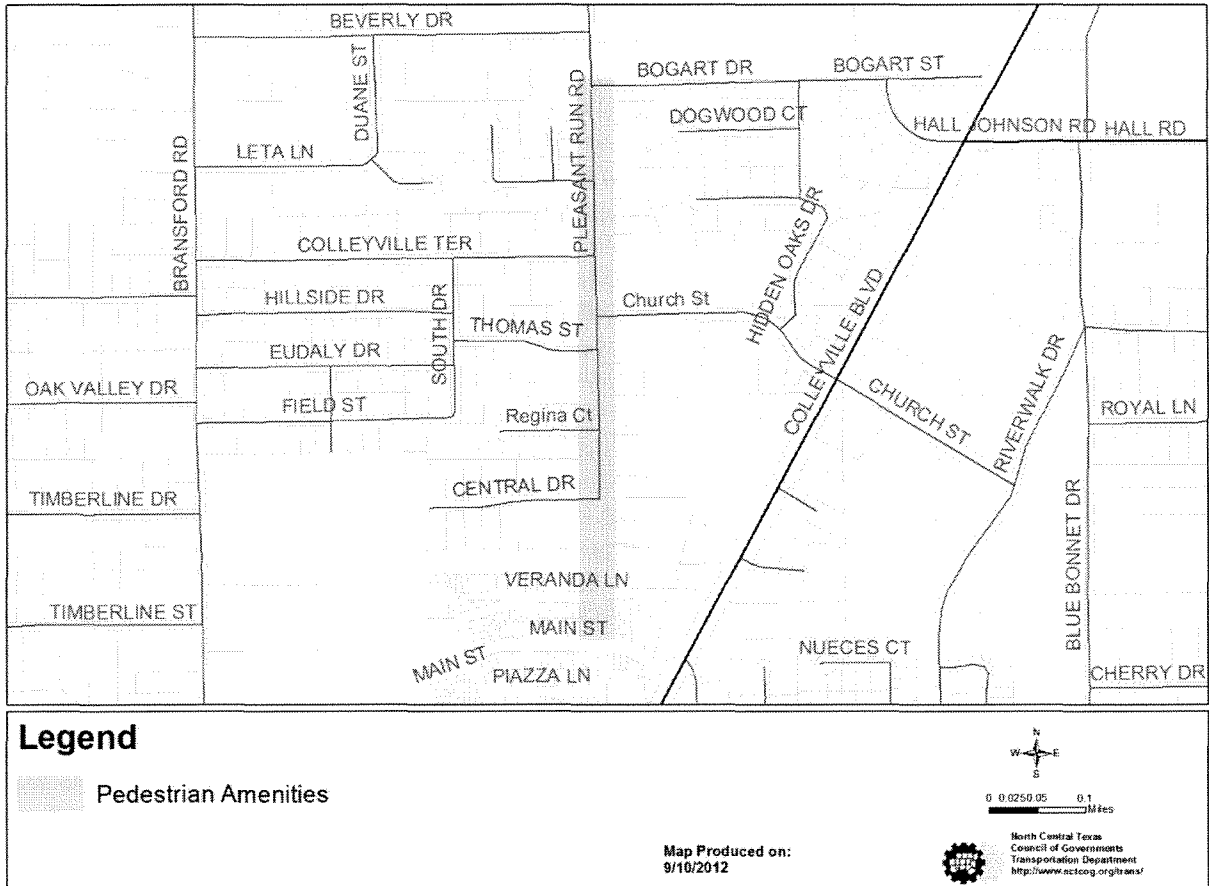
Date _____

CSJ: 0902-48-865
Project Name: Pleasant Run Pathway Connection Sustainable
Development Infrastructure Project
District 02- Fort Worth
Code Chart 64# 09100 and 61920
Funding Category: RTR (SH 161 Subaccount)

Attachment A

Project Map

Colleyville Pleasant Run Pathway Connection



CSJ: 0902-48-865
 Project Name: Pleasant Run Pathway Connection Sustainable
Development Infrastructure Project
 District 02- Fort Worth
 Code Chart 64# 09100 and 61920
 Funding Category: RTR (SH 161 Subaccount)

ATTACHMENT B SCOPE OF WORK AND PROJECT BUDGET

The STATE will pay **\$174,800** from the 161 RTR-TC1 Subaccount for City of Colleyville Pleasant Run Pathway Sustainable Development Infrastructure Project to construct a pedestrian pathway and pedestrian amenities to support the Pleasant Run Pathway Connection Mixed Use Development. The project is located on Pleasant Run Road, bounded by Bogart Drive on the North and Main Street on the South. The project deliverables include a pedestrian pathway and pedestrian amenities.

"In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work within 30 days after recommendation from NCTCOG, but not prior to the Fiscal Years shown:"

RIGHT OF WAY AND CONSTRUCTION COSTS						
Description	Fiscal Year	Total Estimate Cost	Regional Toll Revenue (RTR) Tarrant County Account 1- 161 Subaccount Funds Participation		Local Government Participation	
Right of Way	2013	\$0.00	80%	\$0.00	20%	\$0.00
Engineering (Design capped at 10%)	2013	\$0.00	80%	\$0.00	20%	\$0.00
Construction Phase	2013	\$218,500	80%	\$174,800	20%	\$43,700
TOTAL		\$218,500	80%	\$174,800	20%	\$43,700

The LOCAL GOVERNMENT shall be responsible for a required local match of **\$43,700**. Upon completion of the PROJECT, the NCTCOG will issue a signed "Notification of Completion" document to the STATE. The notice shall certify that the PROJECT has been completed, all necessary inspections have been conducted, and the PROJECT is open to traffic.

This is an estimate only; final participation amounts will be based on actual charges to the project.

RESOLUTION R-13-3597

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 19, 2013

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

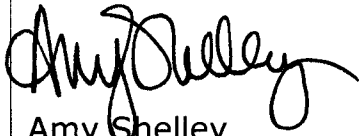
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of February 5, 2013
 - b. Approval of the minutes of the City Council Worksession of January 29, 2013
 - c. Approval of a lease-purchase agreement with Baystone Financial Group / Kansas State Bank through the Houston-Galveston Area Council of Governments Purchasing Co-Operative (HGAC), for the lease of a Ford F-450 Frazer ambulance, in the amount of \$209,425, and authorize the Mayor to execute all agreements
 - d. Approval of an Interlocal Agreement and funding for the Metroport Teen Court Program
 - e. Authorization for the city manager to negotiate an Engineering Services Agreement with Transystems Corporation, for the preliminary design of improvements to Glade Road between the west city limits and Heritage Avenue, in an amount not to exceed \$793,639
 - f. Approval of an amendment to a Professional Service Agreement with Schrickel, Rollins and Associates, Inc., for the design of a portion of the Pleasant Run Trail between The Village and Bogart Drive, to add the design of improvements to Pleasant Run Road, in an amount not to exceed \$46,355, and authorize the city manager to execute the amendment

AND IT IS SO RESOLVED.

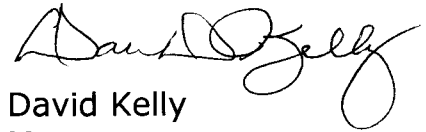
APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0
ABSTENTIONS ON THIS THE 19TH DAY OF FEBRUARY 2013.

ATTEST:



Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

RESOLUTION R-13-3666

**A RESOLUTION ADOPTING A COMPREHENSIVE FIVE YEAR CAPITAL
IMPROVEMENT PROGRAM FOR FISCAL YEARS 2014-2018 FOR THE
CITY OF COLLEYVILLE, TEXAS**

WHEREAS, planning for capital expenditures is an essential function of local government; and

WHEREAS, a multi-year capital improvement program is an important communication tool for residents and businesses; and

WHEREAS, a multi-year capital improvement program is a valuable tool in addressing infrastructure renewal and replacement needs and an essential part of the City's financial planning.

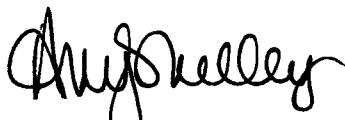
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF COLLEYVILLE, TEXAS:**

- Sec. 1. THAT the Fiscal Year 2014-2018 Capital Improvement Program attached as Exhibit "A", is hereby adopted.
- Sec. 2. THAT the Capital Improvement Program will be reviewed and updated on an annual basis, or as otherwise necessary.
- Sec. 3. THAT changes to the Capital Improvement Program will require approval of the City Council.

AND IT IS SO RESOLVED.

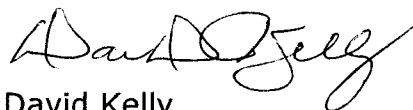
APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0
ABSTENTIONS ON THIS THE 17TH DAY OF SEPTEMBER 2013.

ATTEST:



Amy Shelley, TRMC
City Secretary

COLLEYVILLE CITY COUNCIL



David Kelly
Mayor



EXHIBIT "A"

City of Colleyville

Capital Improvement Program

FY 2014 to FY 2018

			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	
Project Title		Project Category	Project Costs					
1	ST14-001	Reconstruct Kingston Estates	Streets - Reconstruction	\$ 1,879,814	\$ -	\$ -	\$ -	\$ -
2	ST14-002	Rehabilitate Lavaca Trail - 2014 County Project	Streets - Rehabilitation	\$ 151,000	\$ -	\$ -	\$ -	\$ -
3	ST14-003	Rehabilitate Streets in Jewel Estates Subdivision	Streets - Rehabilitation	\$ 575,806	\$ -	\$ -	\$ -	\$ -
4	ST14-004	Construct Jackson Cheek-Sparger Roundabout	Streets - Intersection Improvements	\$ 2,153,433	\$ -	\$ -	\$ -	\$ -
5	ST14-005	Design of Frontier Court Reconstruction	Streets - Reconstruction	\$ 130,000	\$ -	\$ -	\$ -	\$ -
6	ST14-006	Reconstruct Pleasant Run: Veranda to Bogart	Streets - Reconstruction	\$ 1,054,865	\$ -	\$ -	\$ -	\$ -
7	ST14-007	Construction SH26 Phase I Enhancements	Streets - Reconstruction	\$ 333,250	\$ -	\$ -	\$ -	\$ -
8	ST14-008	Construct SH26, Phase II	Streets - Reconstruction	\$ 14,000,000	\$ -	\$ -	\$ -	\$ -
9	ST14-009	2014 Miscellaneous Concrete Repairs	Other	\$ 422,300	\$ -	\$ -	\$ -	\$ -
10	ST14-010	Final Design of Glade Road	Streets - Reconstruction	\$ 701,000	\$ -	\$ -	\$ -	\$ -
11	UT14-001	Upsize Utility Lines - Western Trails	Utilities - Waterline Renewals/Upsizing	\$ 886,979	\$ -	\$ -	\$ -	\$ -
12	RC14-001	Design of Senior Center Renovation	Facility-Rehabilitation	\$ 125,000	\$ -	\$ -	\$ -	\$ -
13	PK14-001	Construct Cottonbelt Trail - Phase 3	Parks	\$ 230,000	\$ -	\$ -	\$ -	\$ -
14	FA14-001	Clean and Seal Exterior Stone City Hall/Library	Facility-Rehabilitation	\$ 300,000	\$ -	\$ -	\$ -	\$ -
15	ST14-011	Pavement Markings	Streets - Rehabilitation	\$ 100,000	\$ -	\$ -	\$ -	\$ -
16	PK14-002	Improvements @ Trailhead	Parks	\$ 100,000	\$ -	\$ -	\$ -	\$ -
17	ST14-012	Glade Road ROW Acquisition	Streets - Reconstruction	\$ 3,000,000	\$ -	\$ -	\$ -	\$ -
18	ST14-013	Construct Roundabout at Bedford and Cheek-Sparger	Streets - Intersection Improvements	\$ 800,000	\$ -	\$ -	\$ -	\$ -
19	PK14-003	Landscape & Amenity Upgrades	Parks	\$ 175,000	\$ -	\$ -	\$ -	\$ -
				\$ 27,118,446	\$ -	\$ -	\$ -	\$ -
1	UT15-001	Upsize Utility Lines - Reagan Estates	Utilities - Waterline Renewals/Upsizing	\$ -	\$ 650,209	\$ -	\$ -	\$ -
2	OT15-001	Install Quiet Zones at Three RR Crossings	Other	\$ -	\$ 1,600,921	\$ -	\$ -	\$ -
3	OT15-002	Reconstruct Whites Chapel Road Bridge	Other	\$ -	\$ 150,000	\$ -	\$ -	\$ -
4	ST15-001	2015 Miscellaneous Concrete Repairs	Other	\$ -	\$ 422,300	\$ -	\$ -	\$ -
5	ST16-002	Reconstruct Streets in Western Trails	Streets - Reconstruction	\$ -	\$ 1,377,058	\$ -	\$ -	\$ -
6	ST15-003	Rehabilitate Jackson Road - 2015 County Project	Streets - Rehabilitation	\$ -	\$ 151,000	\$ -	\$ -	\$ -
7	ST15-004	Design Pleasant Run: Shelton to Tinker	Streets - Reconstruction	\$ -	\$ 91,000	\$ -	\$ -	\$ -
8	OT15-003	Reconstruct Bedford Road Retaining Wall	Other	\$ -	\$ 300,050	\$ -	\$ -	\$ -
9	ST15-005	Pavement Markings	Streets - Rehabilitation	\$ -	\$ 100,000	\$ -	\$ -	\$ -
10	PK15-001	Construct New Trail	Parks	\$ -	\$ 150,000	\$ -	\$ -	\$ -
11	ST15-006	Construct Glade Road	Streets - Reconstruction	\$ -	\$ 3,507,875	\$ -	\$ -	\$ -
12	PK15-002	Construct Cottonbelt Trail Spur	Parks	\$ -	\$ 165,000	\$ -	\$ -	\$ -
				\$ -	\$ 8,665,413	\$ -	\$ -	\$ -
1	ST16-001	Reconstruct Pleasant Run: Shelton to Tinker	Streets - Reconstruction	\$ -	\$ -	\$ 856,167	\$ -	\$ -
2	ST16-002	Rehabilitate Streets in Western Trails Subdivision	Streets - Rehabilitation	\$ -	\$ -	\$ 737,770	\$ -	\$ -
3	ST16-003	Design Pleasant Run: Tinker to John McCain	Streets - Rehabilitation	\$ -	\$ -	\$ 201,000	\$ -	\$ -
4	ST16-004	2016 Miscellaneous Concrete Repair	Other	\$ -	\$ -	\$ 422,300	\$ -	\$ -
5	ST16-005	Rehabilitate Bandit Trail - 2016 County Project	Streets - Rehabilitation	\$ -	\$ -	\$ 151,000	\$ -	\$ -
6	UT16-001	Upsize Utility Lines, Sunrise Terrace/Brighton Oaks	Utilities - Waterline Renewals/Upsizing	\$ -	\$ -	\$ 1,833,320	\$ -	\$ -
7	ST16-006	Design Pleasant Run: John McCain to North City Limits	Streets - Reconstruction	\$ -	\$ -	\$ 131,000	\$ -	\$ -
8	PK16-001	Construct New Trail	Parks	\$ -	\$ -	\$ 150,000	\$ -	\$ -
9	ST16-007	Pavement Markings	Streets - Rehabilitation	\$ -	\$ -	\$ 100,000	\$ -	\$ -
10	ST16-008	Construct Glade Road	Streets - Reconstruction	\$ -	\$ -	\$ 2,479,250	\$ -	\$ -
				\$ 7,061,807				
1	UT17-001	Upsize Utility Lines - Woodbriar/Quailcrest Estates	Utilities - Waterline Renewals/Upsizing	\$ -	\$ -	\$ -	\$ 1,697,035	\$ -
2	ST17-001	2017 Miscellaneous Concrete Repair	Other	\$ -	\$ -	\$ -	\$ 414,050	\$ -
3	ST17-002	Rehabilitate Street TBD - 2017 County Project	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ 151,000	\$ -
4	ST17-003	Rehabilitate Streets Pecan Park and Sand Oaks	Streets - Rehabilitation	\$ -	\$ -	\$ -	\$ 1,516,064	\$ -
5	ST17-004	Construct Glade Road	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ 1,503,375	\$ -
6	ST17-005	Design Reconstruction of Roberts Road	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ 100,000	\$ -
7	PK17-001	Construct New Trail	Parks	\$ -	\$ -	\$ -	\$ 150,000	\$ -
				\$ -	\$ -	\$ -	\$ 5,531,524	\$ -
1	ST18-001	Rehabilitate Streets in Woodbriar, Quail Crest Estates	Streets - Rehabilitation	\$ -	\$ -	\$ -	\$ -	\$ 1,443,269
2	ST18-002	2018 Miscellaneous Concrete Repair	Other	\$ -	\$ -	\$ -	\$ -	\$ 264,050
3	ST18-003	Rehabilitate Streets TBD - 2018 County Road Project	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ -	\$ 151,000
4	ST18-005	Reconstruct Pleasant Run: Tinker to John McCain	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ -	\$ 2,099,959
5	PK18-001	Construct Pleasant Run Trail	Parks	\$ -	\$ -	\$ -	\$ -	\$ 300,000
6	ST18-006	Construct Glade Road	Streets - Reconstruction	\$ -	\$ -	\$ -	\$ -	\$ 1,002,250
				\$ 5,260,528				
Five Year Total:				\$ 27,118,446	\$ 8,665,413	\$ 7,061,807	\$ 5,531,524	\$ 5,260,528 \$ 53,637,719

CITY FUNDING

Proposed Funding						
Capital Project Transfer for Street Rehab <i>(PROJECTED AVAILABLE: \$1,667,000)</i>	\$ 1,652,656	\$ -	\$ -	\$ -	\$ -	\$ 1,652,656
CEDC (Parks, Trails & Libraries)	\$ 904,000	\$ 315,000	\$ 150,000	\$ 150,000	\$ 300,000	\$ 1,819,000
COG/TxDOT/County	\$ 175,000	\$ -	\$ -	\$ -	\$ -	\$ 175,000
County Bond Program	\$ 535,415	\$ -	\$ -	\$ -	\$ -	\$ 535,415
Crime Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Drainage Fund	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ 200,000
Perimeter Street Fees	\$ 676,587	\$ -	\$ 236,546	\$ 9,394	\$ -	\$ 922,527
General Fund <i>(PROJECTED AVAILABLE: \$2.4M/YEAR = \$12M)</i>	\$ 2,262,959	\$ 2,491,408	\$ 2,362,691	\$ 2,171,720	\$ 2,758,278	\$ 12,047,056
Grants/Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
NCTCOG	\$ 349,320	\$ -	\$ -	\$ -	\$ -	\$ 349,320
Parkland Dedication Fund and Voluntary Park Fund	\$ 230,000	\$ -	\$ -	\$ -	\$ -	\$ 230,000
Roadway Impact - West District	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Roadway Impact - East District	\$ 222,964	\$ -	\$ -	\$ -	\$ -	\$ 222,964
Tomorrow Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Utility Fund	\$ 962,131	\$ 597,593	\$ 1,833,320	\$ 1,697,035	\$ -	\$ 5,090,079
Wastewater Impact Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Water Impact Fees	\$ 62,458	\$ 52,616	\$ -	\$ -	\$ -	\$ 115,074
End of Year Transfer to GF	\$ 958,250	\$ 100,000	\$ -	\$ -	\$ 1,200,000	\$ 2,258,250
	\$ 9,191,740	\$ 3,556,617	\$ 4,582,557	\$ 4,028,149	\$ 4,258,278	\$ 25,617,341

NON-CITY FUNDING

FWHA/TxDOT/Other	\$ 14,800,000	\$ 1,280,737	\$ -	\$ -	\$ -	\$ 16,080,737
Other: FWTA	\$ -	\$ 320,184	\$ -	\$ -	\$ -	\$ 320,184
TIF	\$ 3,126,707	\$ 3,507,875	\$ 2,479,250	\$ 1,503,375	\$ 1,002,250	\$ 11,619,457
	\$ 17,926,707	\$ 5,108,796	\$ 2,479,250	\$ 1,503,375	\$ 1,002,250	\$ 28,020,378

TOTAL FUNDING

\$ 27,118,447	\$ 8,665,413	\$ 7,061,807	\$ 5,531,524	\$ 5,260,528	\$ 53,637,719
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City of Colleyville City Council Agenda Briefing

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

Agenda Number 4f

Agenda Date 12/03/2013

Number Resolution R-13-3694

Type Resolution

Department Public Works

Title

Approval of an amendment to the 2012 Sidewalk Construction Program

Explanation

Reading and Public Hearing

On October 16, 2012, City Council adopted attached Resolution R-12-3549, which approved staff to proceed with the construction of the sidewalks discussed during the September 18, 2012 Pre Council meeting.

The sidewalk sections included:

- 3400 Windsor Court (Martin Parkway Frontage)
- 3300 Cambridge Court (Martin Parkway Frontage)
- 607 Colleyville Boulevard (Centerpark Frontage)
- 4700 Glade Creek Drive
- 4000 Steeplechase Drive
- 314 Delmar Court
- 5801 Highland Hills Lane
- 812 - 708 Colleyville Terrace
- 315 L.D. Lockett Road

Staff prepared plans and contract documents, advertised this project in the *Fort Worth Star-Telegram*, and received six bids on April 2, 2013. The contract was awarded to 3D Paving and Contracting, LLC., on April 16, 2013 by Resolution R-13-3618.

The contractor has been working on completing this project, and has completed several sections of sidewalks. The contractor was scheduled to begin work on the section located at 5801 Highland Hills Lane and prior to the start of construction, the resident informed staff that the original phase of the Highland Meadows subdivision was intentionally built in such a way to not have sidewalks along Highland Hills Lane. As a result of this new information, staff is recommending this section of sidewalk be removed from the 2012 Sidewalk Program, and the resolution authorizing the construction of this section of sidewalk be amended to reflect the removal of such.

Financial Impact

This section of sidewalk was scheduled to be funded by available sidewalk escrow

funds. If this amendment is approved and this sidewalk section is not constructed, the escrowed funds will remain in escrow and will be available for another sidewalk project.

Recommendation

Approve

Attachments

1. Resolution R-12-3549
2. Resolution R-13-3618

RESOLUTION R-12-3549

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF OCTOBER 16, 2012

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

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of October 1, 2012
 - b. Approval of an amendment to the Professional Services Agreement with Freese and Nichols, Inc., for the design of Jackson Road and Cheek-Sparger Road Intersection Improvement Project, in an amount not to exceed \$58,060, and authorize the city manager to execute the contract
 - c. Approval of the 2012 Sidewalk Construction Program and authorize the construction of the sidewalks
 - d. Approval to award a janitorial services agreement to CTJ Maintenance, Inc, acting as a primary vendor through the Tarrant County Cooperative Purchasing Program, in an amount not to exceed \$128,000, and authorize the city manager to execute the agreement
 - e. Approval to purchase a replacement sewer inspection camera system through the Houston-Galveston Area Council (HGACBuy), in the amount of \$72,507.50, and authorize the city manager to execute the purchasing documents

AND IT IS SO RESOLVED.

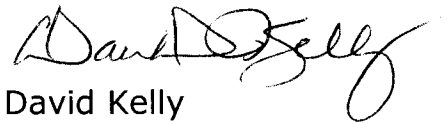
APPROVED BY A VOTE OF 6 AYES, 1 NAYS AND 0
ABSTENTIONS ON THIS THE 16TH DAY OF OCTOBER 2012.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

RESOLUTION R-13-3618

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
APRIL 16, 2013**

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

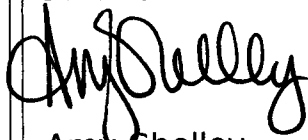
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF COLLEYVILLE, TEXAS:**

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of April 2, 2013
 - b. Approval of an Engineering Services Agreement with Jerry Parche' Consulting Engineers, for the design of water and sewer line rehabilitation, in the amount of \$362,780, and authorize the city manager to execute the agreement
 - c. Approval of a construction contract with 3D Paving and Contracting, LLC, for the Fiscal Year 2013 Sidewalk Improvement Project, in an amount not to exceed \$79,787.50, and authorize the city manager to execute the contract
 - d. Approval an Interlocal Agreement with Tarrant County to expand and modify the West Nile Virus Surveillance and Response Program, and authorize the city manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0
ABSTENTIONS ON THIS THE 16TH DAY OF APRIL 2013.

ATTEST:



Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4g

Agenda Date 12/03/2013

Number Resolution R-13-3694

Type Resolution

Department City Manager

Title

Approval of a Depository Pledge Agreement with Wells Fargo Bank, National Association and The Bank of New York Mellon Trust Company, National Association, and authorize the city manager to execute the agreement

Explanation

Reading and Public Hearing

As a part of depository services for a public entity, a bank must provide securities collateral for all public deposits above the FDIC limit of \$250,000. Wells Fargo Bank, National Association, the City's depository bank, is in the process of consolidating all public account collateral and moving it to The Bank of New York Mellon Trust Company, National Association. Attached is the Depository Pledge Agreement with Wells Fargo Bank, National Association and The Bank of New York Mellon Trust Company, National Association, for the securities collateral which safeguards the City's deposits.

Financial Impact

There is no cost associated with the Depository Pledge Agreement.

Recommendation

Approve

Attachments

1. Depository Pledge Agreement

DEPOSITORY PLEDGE AGREEMENT

751159664

City of Colleyville ("Depositor") has selected **WELLS FARGO BANK, NATIONAL ASSOCIATION** ("Bank") as a depository for certain of its funds and Bank has agreed to act as the depository for those funds in accordance with applicable laws, which require that Bank secure the deposited funds, to the extent not insured by the Federal Deposit Insurance Corporation ("FDIC"), by pledging securities ("Eligible Securities") of any type (including, without limitation, surety bonds and investment securities) permitted by the applicable provisions of Texas law in effect from time to time (the "Governing Statutes"). **THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION** ("Custodian") has agreed to hold the pledged securities in safekeeping pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants in this Agreement, Depositor, Bank and Custodian agree as follows:

1. Grant of Security Interest; Instructions Regarding Collateral. (a) Bank hereby grants to Depositor a security interest in all Eligible Securities transferred to a collateral account (the "Collateral Account") established pursuant to this agreement (the "Collateral"). Custodian agrees to serve as collateral agent for Depositor, pursuant to the terms of this Agreement. For the avoidance of doubt, Custodian acknowledges and agrees that it does not have and will not acquire or assert at any time in the future, and hereby expressly waives, any lien upon, security interest in, setoff right or other right to charge the Collateral held in the collateral account for any obligation owed to Custodian by Bank or Depositor. Until Depositor has the right to compel sale of the Collateral under Section 7 hereof, Custodian may act in accordance with the instructions of Bank, including, without limitation, the right of Bank to unilaterally substitute Eligible Securities for the Collateral in accordance with Section 3 hereof. Addendum "A" contains the names and specimen signatures of individuals authorized to act on behalf of Depositor, and Addendum "B" contains the names and specimen signatures of individuals authorized to act on behalf of Bank. Either Depositor or Bank may add or remove authorized representatives without the consent of the other at any time by providing Custodian with a replacement addendum, duly executed by an authorized individual. In no event shall the Custodian be responsible for determining whether the pledged securities are "Eligible Securities".

(b) Bank, Depositor and Custodian agree that all Collateral delivered to or received by Custodian for deposit in the Collateral Account may be in the form of credits to the accounts of Custodian at a Securities Depository or by delivery to Custodian of physical certificates in a form suitable for transfer to Custodian or with an assignment in blank. Bank and Depositor hereby authorize Custodian to utilize such Securities Depositories and to hold such physical securities or any combination thereof in connection with its performance hereunder. Collateral credited to the Collateral Account and deposited in the Securities Depositories will be held, by book-entry notation, in accounts that include only assets held by Custodian or its agent(s) for third parties, including but not limited to accounts in which assets are held in a fiduciary, agency or representative capacity. Collateral that is not held in the Securities Depositories will be held in Custodian's vault and physically segregated from securities and other non-cash property belonging to Custodian. As used herein, the term "Securities Depository" or "Securities Depositories" shall mean the Treasury/Reserve Automated Debt Entry System maintained at The Federal Reserve Bank of New York for receiving and delivering securities, The Depository Trust Company and any other clearing corporation within the meaning of Section 8-102 of the Uniform Commercial Code, as in effect from time to time.

2. Amount of Collateral. The aggregate market value of Collateral held by Custodian at all times during the term of this Agreement must be in an amount not less than **one hundred percent (100%)** of (a) the amount of the collected funds on deposit, increased by (b) the amount of accrued but uncredited interest, (c) reduced by that portion of the funds insured by the FDIC. Such amount is hereinafter called the "Required Collateral Value". In no event shall the Custodian be responsible for determining whether the Collateral Account contains the Required Collateral Value.

3. Substitutions and Withdrawals of Collateral. If the aggregate market value of Collateral held by Custodian at any time exceeds the Required Collateral Value, Bank may unilaterally withdraw any excess Collateral by providing Custodian with a withdrawal notice signed by an authorized representative of Bank, provided that after the withdrawal of any such excess Collateral, the remaining Collateral equals or exceeds the Required Collateral Value. Additionally, Bank may unilaterally substitute Eligible Securities for any of the Collateral held by Custodian at any time by providing Custodian with a substitution notice signed by an authorized representative of Bank, provided that the market value of the Collateral following such substitution would equal or exceed the Required Collateral Value. If Bank elects to require Depositor's written consent on a notice in connection with any withdrawal or substitution which complies with this Section 3, Depositor agrees to provide it promptly upon Bank's request. Custodian shall be entitled to rely on, and Bank and Depositor agree to hold Custodian harmless from, any actions taken pursuant to, and consistent with, the instructions given in a withdrawal or substitution notice under this Section 3, whether unilateral or not.

4. Bank's Obligations. Bank shall perform all of the duties and obligations required of a depository under applicable law with respect to collateralization of the funds of Depositor on deposit with Bank, including the duties and obligations required under the Governing Statutes. At the expiration of the term of this Agreement, Bank shall turn over to any successor depository designated by Depositor all funds held by Bank as depository. Bank will furnish to Depositor a monthly statement listing a description of the Collateral. The statement will specify the par value, market value, and maturity date of each component of the Collateral. Upon request, Bank shall provide to Depositor a copy of Bank's most recent publicly available quarterly or annual financial statement.

5. Custodian's Obligations. (a) Custodian shall perform the duties and obligations required of Custodian hereunder, in accordance with the provisions of the Governing Statutes. Upon transfer by Custodian of Eligible Securities to the Collateral Account, including Eligible Securities substituted for other Collateral, Custodian shall promptly identify such Eligible Securities on its books and records as being Collateral held pursuant to this Agreement, and shall promptly issue and deliver to each of Bank and Depositor a duplicate receipt for such Collateral. For the avoidance of doubt, it is understood and agreed that such receipts may be combined to identify more than one transaction on any one business day and Custodian shall not be required to issue more than one such receipt to Bank and Depositor on any business day. Bank and Depositor agree that they shall promptly review all receipts delivered to them by Custodian and shall promptly advise Custodian of any error, omission or inaccuracy in such receipts. In the event that Custodian receives such an advice, Custodian shall promptly undertake to correct any errors, failures or omissions, provided that Custodian determines in its sole discretion that such error, failure or omission actually occurred and shall notify Bank and Depositor of its action concerning each such error, failure, or omission.

(b) Depositor agrees that, with respect to all securities held in the Collateral Account, Custodian by itself, or through the use of the appropriate Securities Depository, shall, unless otherwise instructed to the contrary by Bank or as provided in Section 7 hereof: (i) collect all payments reflecting interest and principal on the securities in the Collateral Account; (ii) forward to Bank copies of all information or documents that it may receive from an issuer of securities which, in the opinion of Custodian, is intended for the beneficial owner of the securities including, without limitation all proxies and other authorizations properly executed and all proxy statements, notices and reports; (iii) execute, as Custodian, any certificates of ownership, affidavits, declarations or other certificates under any tax laws now or hereafter in effect in connection with the collection of bond and note coupons; (iv) hold directly, or through the Book Entry System or Depository, all rights issued with respect to any securities held by Custodian hereunder; and (v) upon receipt of written instructions from Bank, Custodian will exchange securities held hereunder for other securities and/or cash in connection with (A) any conversion privilege, reorganization, recapitalization, redemption in kind, consolidation, tender offer or exchange offer, or (B) any exercise, subscription, purchase or other similar rights; provided, however, such exchanged securities shall continue to be held by Custodian hereunder for the benefit of Depositor if such exchanged securities constitute Collateral. Upon receipt of payments reflecting principal and interest or dividends on the securities in the Collateral Account, Custodian shall transfer to Bank such principal and interest or dividend payments (either by credit to Bank's custody account at Custodian or otherwise).

(c) Custodian shall not be liable for any loss or damage, including counsel fees, resulting from its action or omission to act or otherwise, except for any loss or damage arising out of its own negligence or willful misconduct, and shall have no obligation hereunder for any loss or damage, including counsel fees, which are sustained or incurred by reason of any action or inaction by any Securities Depository, provided, however, that such loss or damage is not caused by the negligence or willful misconduct of Custodian. In no event shall Custodian be liable to Depositor, Bank or any third party for special, indirect or consequential damages, or lost profits or loss of business, arising in connection with this Agreement. Bank agrees to indemnify Custodian and to hold it harmless against any and all costs, expenses, damages, liabilities or claims, including reasonable fees and expenses of counsel, which Custodian may sustain or incur with respect to any third party claim or which may be asserted by a third party against Custodian by reason of or as a result of any action taken or omitted by Custodian in connection with operating under this Agreement, except those costs, expenses, damages, liabilities or claims arising out of the negligence or willful misconduct of Custodian or any of its employees or duly appointed agents. This indemnity shall be a continuing obligation of Bank notwithstanding the termination of this Agreement.

(d) Custodian may, with respect to questions of law specifically regarding the Collateral Account, obtain the advice of reputable legal counsel and shall be fully protected with respect to anything done or omitted by it reasonably and in good faith and without negligence, willful misconduct, bad faith or fraud in conformity with such advice, provided, however, that nothing contained in this paragraph (d) shall be deemed to relieve Custodian of any of its obligations pursuant to any other provision of this Agreement.

(e) Custodian shall not be responsible for, or considered to be custodian of, any securities received by it for deposit in the Collateral Account until Custodian actually receives and collects such securities directly or by the final crediting of Custodian's account on the books of the appropriate Securities Depository. Custodian will be entitled to reverse any provisional credits to the Collateral Account that were made in anticipation of the receipt of securities or cash which were not subsequently received by Custodian.

(f) Custodian shall have no duties or responsibilities whatsoever except such duties and responsibilities as are specifically set forth in this Agreement and no covenant or obligation shall be implied against Custodian in connection with this Agreement.

(g) In performing hereunder, Custodian may enter into subcontracts, agreements and understandings with third parties whenever and on such terms and conditions as it deems necessary or appropriate and which are consistent with applicable law. If any of such subcontracts, agreements, or understandings with third parties are for the deposit of Eligible Collateral for the benefit of Depositor, (i) such third party will qualify as a "permitted institution" pursuant to the Texas Public Funds Collateral Act, (ii) Custodian shall cause such third party to provide records to Custodian evidencing the deposit of Eligible Collateral with such third party, and (iii) records of the third party relating to such Eligible Collateral will at all times state the name of Custodian. No such subcontract, agreement or understanding shall discharge Custodian from its obligations hereunder.

6. Custodian's Reliance on Pricing Services. The Custodian is authorized to utilize one or more generally recognized pricing information services (including brokers and dealers of securities) in order to provide market values hereunder, and Bank and Depositor agree that Custodian shall not be liable for any loss, damage, expense, liability or claim (including attorneys' fees) incurred as a result of errors or omissions of any such pricing information service, broker or dealer.

7. Default and Remedies. If Bank defaults in performing its obligations under Section 4 above, or if Bank is declared insolvent, or if a receiver is appointed for Bank, Depositor may, after providing Bank at least three (3) business days prior written notice and opportunity to cure the default, and, if Bank fails to cure the default within such (3) business day period, instruct Custodian to transfer the Collateral or any part thereof to a broker-dealer for disposition in accordance with Depositor's instructions at a public or private sale. The proceeds of any such sale shall be applied to satisfy any indebtedness owed by Bank to Depositor, and any excess proceeds shall be returned to Bank. Depositor will also have any other remedies available under applicable law. The Custodian shall be entitled to rely on and shall be held harmless from acts taken in accordance with such instructions from Depositor.

8. Termination of Agreement. Any party to this Agreement may terminate this Agreement by giving thirty (30) days prior written notice of termination to the other parties.

9. Applicable Law; Other Agreements. This Agreement is governed by the laws of the **State of Texas**. All deposit accounts of Depositor will be subject to Bank's Commercial Account Agreement, Business Account Agreement, or other applicable deposit account agreement, as in effect from time to time.

10. Force Majeure. Custodian shall not be responsible or liable for any failure or delay in the performance of its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including without limitation, acts of God, earthquakes, fires, floods, wars, civil or military disturbances, sabotage, epidemics, riots, loss or malfunctions of utilities, computer (hardware or software) or communications service, labor disputes, acts of civil or military authority, or governmental, judicial or regulatory action; provided however, that Custodian shall use its best efforts to resume normal performance as soon as practicable under the circumstances.

11. Jury Trial Waiver. EACH OF BANK, DEPOSITOR AND CUSTODIAN HEREBY IRREVOCABLY WAIVES ANY AND ALL RIGHTS TO TRIAL BY JURY IN ANY LEGAL PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT.

12. Miscellaneous. The headings in this agreement are for convenience of reference only and should not be used in interpreting this Agreement. If any provision of this agreement is illegal or unenforceable under applicable law, that provision should be deemed reformed so as to be enforceable to the extent permitted by applicable law, or if that is not possible, then this Agreement should be read as if that provision was never a part of it, and the remainder of the Agreement will be enforceable. THIS AGREEMENT REPRESENTS THE FINAL AGREEMENT OF THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO ORAL AGREEMENTS OF THE PARTIES. Notices given under this Agreement must be addressed as set forth below the

signature of each party, and will be effective upon actual receipt by the addressee or upon refusal of delivery during the normal business hours of the addressee.

Date of Agreement: _____, 20_____.

DEPOSITOR: City of Colleyville

CUSTODIAN: **THE BANK OF NEW YORK MELLON
TRUST COMPANY,
NATIONAL ASSOCIATION**

Signature: _____

Print
Name: _____

Title: _____

Address: 100 Main St
Colleyville, TX 76034

Signature: _____

Print
Name: _____

Title: _____

Address: 1 Wall Street, Attn: BDS – Coll Mgr SFL
New York, NY 10286

BANK: WELLS FARGO BANK, NATIONAL ASSOCIATION

Signature: _____

Print
Name: Sheila Lynch

Title: Vice President

Address: 333 Market Street St. 15th Floor,
MAC: A0109-150
San Francisco, CA 94105

DepPldgAgmt-TX-BNY-2006(0519)

ADDENDUM "A"
(Authorized Officers of Depositor)

One signature of any of the following authorized officers of Depositor is required to authorize actions to be taken pursuant to the foregoing Depository Pledge Agreement. Individual who signs page 4 must also sign below.

- | | | |
|----|---------------------------------------|---------------------------------------|
| 1. | Print
Name: <u>Jennifer Fadden</u> | Signature: _____ |
| | Phone/
Fax: <u>817-503-1116</u> | Email: <u>jfadden@colleyville.com</u> |
| 2. | Print
Name: <u>Terry Leake</u> | Signature: _____ |
| | Phone/
Fax: <u>817-503-1015</u> | Email: <u>tleake@colleyville.com</u> |
| 3. | Print
Name: <u>Karen Hines</u> | Signature: _____ |
| | Phone/
Fax: <u>817-503-1015</u> | Email: <u>khines@colleyville.com</u> |
| 4. | Print
Name: <u>Paul Brown</u> | Signature: _____ |
| | Phone/
Fax: <u>817-503-1014</u> | Email: <u>pbrown@colleyville.com</u> |



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4h
Type Resolution
Department City Manager

Agenda Date 12/03/2013

Number Resolution R-13-3694

Title

Approval to nominate Mayor David Kelly to serve on the North Central Texas Council of Governments (NCTCOG) Emergency Preparedness Planning Council (EPPC)

Explanation

Reading and Public Hearing

In 2002, the North Central Texas Council of Governments (NCTCOG) created an Emergency Preparedness Planning Council (EPPC) with the purpose of providing an integrated approach to emergency preparedness plans of all NCTCOG members, as well as state and federal agencies, hospitals, and private sector entities. It is believed that by working toward a coordinated emergency plan, response capabilities to a regional disaster will be strengthened.

The EPPC is comprised of elected officials from participating cities and counties, and member cities are grouped into population brackets in accordance with population estimates. The City of Colleyville became eligible to participate in 2007, when NCTCOG grouped 13 cities in the 15,000 - 29,999 population bracket and allowed three seats on the EPPC to be assigned. Nora Castaneda, Emergency Preparedness Program Assistant for NCTCOG, forwarded the attached correspondence requesting nominations, not later than December 20, 2013, for consideration of an appointment to the EPPC. The NCTCOG Executive Board will then seat new members at the January 23, 2014 Executive Board meeting. Also, attached is the current roster of the elected officials who serve on the EPPC.

Mayor David Kelly was nominated by the City Council and served on the EPPC the past six years. Mayor Kelly completed 12 weeks of Community Emergency Response Team Training in 2011.

This item provides for City Council to consider the nomination of Mayor David Kelly to the EPPC for a two year term.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. NCTCOG nomination request dated November 15, 2013
2. Emergency Preparedness Planning Council Members Roster 2013
3. Emergency Preparedness Planning Council Nomination Form

NCTCOG nomination request dated November 15, 2013

From: Nora Castaneda **Sent:** Friday, November 15, 2013 3:21 PM
To: Regional Emergency Managers
Cc: David Kelly; Molly Thoerner
Subject: Emergency Preparedness Planning Council Open Nominations

Good afternoon,

The Emergency Preparedness Planning Council (EPPC) is composed of elected officials from cities and counties participating in the NCTCOG Emergency Preparedness Program to set policy and oversee regional emergency capabilities in planning, preparedness, response, recovery, and mitigation. In addition, EPPC continues to ensure excellence in regional preparedness through coordination and integration of various emergency preparedness plans, practices and resources; and through engagement of stakeholders such as state and federal agencies, hospitals, and other private sector entities.

Due to the two-year term limitations of EPPC members, seats filled in 2012 will expire in January of 2014. **The nomination period to fill these seats is from November 15, 2013 (today) at 5:00 p.m. until December 20, 2013 at 5:00 p.m.** The NCTCOG Executive Board will then seat new members at the January 23, 2014 Executive Board meeting.

EPPC Members represent population categories. See below for number of seats available within a population category.

Population	Number of Seats Available
5,000 - 14,999	2
15,000-29,999	2
30,000 - 49,999	1
50,000 - 79,999	1
120,000-169,999	2
250,000-399,999	1

I've attached the current EPPC roster and nomination form for your reference.

Please let me know if you have any questions.

Best regards,

Nora Castañeda

Emergency Preparedness Program Assistant
North Central Texas Council Of Governments
P.O. Box 5888 ▪ Arlington, Texas 76005-5888
O 817.608.2311 C 214.997.3024
***<http://nctcog.org/ep/EPPC/> * <http://www.nctsaferoom.com/>**

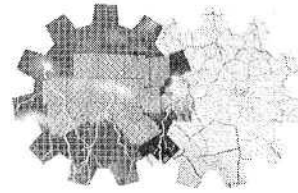
Emergency Preparedness Planning Council Members Roster 2013

Member First Name	Member Last Name	Jurisdiction	Position	Title	Email	Phone	Population Represented	Seat Expires
Rickie	Allison	Benbrook	Vice Chair	Mayor Pro Tem	place4@cityofbenbrook.com	(817) 996-9593	15,000-29,999	January 2015
Don	Beeson	Johnson County	Member	Commissioner, Precinct 4	donb@johnsoncountytexas.org	(817) 558-9400	COUNTY	Permanent
Joe	Brown	Erath County	Member	Commisioner, Precinct 3	pct3@co.erath.tx.us	(254) 918-2113	COUNTY	Permanent
Perry	Bynum	Eules	Member	Mayor Pro Tem	pbynum@haltomcitytx.com	(817) 759-8663	50,000-79,999	January 2015
Dana	Clinesmith	Decatur	Member	Place 1	dc1antiques@earthlink.net	(817) 821-8608	5,000-14,999	January 2014
Roger	Deeds	Hood County	Member	Sheriff	rdeeds@co.hood.tx.us	(817) 579-3330	COUNTY	Permanent
Bill	Dodson	Ellis County	Member	Commissioner, Precinct 2	bill.dodson@co.ellis.tx.us	(972) 875-3241	COUNTY	Permanent
Joe	Frizzell	Midlothian	Member	Mayor Pro Tem	joe.frizzell@midlothian.tx.us	(972) 775-3481	15,000-29,999	January 2014
Patrick	Gallagher	Plano	Member	Councilmember	patgallagher@plano.gov	(972) 941-7107	250,000-399,999	January 2014
Michael	Gallops	Rowlett	Member	Deputy Mayor Pro Tem	mgallops@rowlett.com	(469) 628-7926	50,000-79,999	January 2014
Alan	Hanes	Red Oak	Member	Mayor Pro Tem	ahanes@redoaktx.org	(972) 617-3638	5,000-14,999	January 2015
Roger	Harris	McKinney	Member	Councilmember	rharris612@me.com	(972) 547-7501	120,000-169,999	January 2014
Richard	Hill	Hunt County	Member	Emergency Mgmt. Coordinator	homelandsecurity@huntcounty.net	(903) 408-4246	COUNTY	Permanent
Jerry	Hogan	Rockwall County	Member	County Judge	jhogan@rockwallcountytexas.com	(972) 204-6000	COUNTY	Permanent
Clay Lewis	Jenkins	Dallas County	Member	County Judge	clay.jenkins@dallascounty.org	(214) 653-7949	COUNTY	Permanent
Sheffie	Kadane	Dallas	Member	Councilmember	sheffie.kadane@dallascityhall.com	(214) 670-4069	1,000,000+	January 2015
David	Kelly	Colleyville	Chair	Mayor	dkelly@colleyville.com	(817) 235-6105	15,000-29,999	January 2014
Patricia	Ledbetter	DeSoto	Member	Councilmember	pledbetter@desototexas.gov	(972) 230-9664	30,000-49,999	January 2015
Dick	Martin	Navarro County	Member	Comissioner, Precint 2	dmartin@navarrocourt.org	(903) 654-3032	COUNTY	Permanent
Stephen	Mason	Cedar Hill	Member	Place 5	stephen.mason@cedarhilltx.com	(972) 291-5100	30,000-49,999	January 2014
Bill	McElhaney	Wise County	Member	County Judge	cojudge@co.wise.tx.us	(940) 627-5743	COUNTY	Permanent
Bobbie	Mitchell	Denton County	Member	Commissioner, Precinct 3	bobbie.mitchell@dentoncounty.com	(972) 434-4780	COUNTY	Permanent
Mark	Riley	Parker County	Member	County Judge	judge.riley@parkercountytexas.com	(817) 598-6148	COUNTY	Permanent
Shirley	Roberts	Mesquite	Member	Place 4	sroberts@cityofmesquite.com	(972) 288-5459	120,000-169,999	January 2014
Danny	Scarth	Fort Worth	Member	Mayor Pro Tem	danny.scarth@fortworthtexas.gov	(817) 392-8804	750,000-999,999	January 2015
Keith	Self	Collin County	Member	County Judge	keith.self@collincountytexas.gov	(972) 548-4623	COUNTY	Permanent
Ken	Shetter	Burleson	Member	Mayor	mayor@burlesontx.com	(817) 426-9691	30,000-49,999	January 2015
Leroy	Vaughn	Lewisville	Member	Mayor Pro Tem	lvaughn@cityoflewisville.com	(972) 219-3404	80,000-119,999	January 2015
Connie	White	Trophy Club	Member	Mayor	cwhite@ci.trophyclub.tx.us	(682) 831-4600	5,000-14,999	January 2014
B. Glen	Whitley	Tarrant County	Member	County Judge	gwhitley@tarrantcounty.com	(817) 884-1441	COUNTY	Permanent
B.J.	Williams	Garland	Member	District 4	coucil4@garlandtx.gov	(972) 898-7672	170,000-249,999	January 2015
J.Bruce	Wood	Kaufman County	Member	County Judge	countyjudge@kaufmancounty.net	(972) 932-4331 x1218	COUNTY	Permanent

Updated 8/15/2013

Emergency Preparedness Planning Council

Nomination Form



Date: _____

Elected Official Nominated: _____

Title: _____

Jurisdiction: _____

Mailing Address: _____

City: _____

Zip Code: _____

Email Address: _____

Phone Number: _____

What contributions could this nominee make to the EPPC?

Please include a brief biography of your nominee as part of your submission

Nominated By: _____

Title: _____

Jurisdiction: _____

Mailing Address: _____

City: _____

Zip Code: _____

Email Address: _____

Phone Number: _____

Nominator Signature: _____

Please scan and send the completed form to ncastaneda@nctcog.org or fax to 817-608-2372 Attn: EP Nora Castaneda. Submissions are due by 5:00pm on December 20, 2013.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 12/03/2013

Number Ordinance O-13-1887

Type Ordinance

Department Community Development

Title

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

Explanation

Update - December 3, 2013 City Council Meeting

At the November 5, 2013 City Council meeting, staff was directed to examine the feasibility of the applicant utilizing the Cheek-Sparger Road right-of-way adjacent to the subject property as part of the development's required open space. The City Council also directed the applicant to submit a detailed landscape exhibit of the potential right-of-way/open space area. The applicant has submitted a detailed landscape plan for both the right-of-way area and the remainder of the proposed development. The applicant has also submitted a revised conceptual site plan, and two revised color exhibits of the proposed development. All of these exhibits are attached to the briefing.

In terms of staff's analysis of the potential use of the right-of-way described above, the following is a summary of the existing conditions within the Cheek-Sparger Road right-of-way adjacent to the subject property:

- According to the existing San Bar Square Addition plat for the subject property, there is 60 feet of right-of-way from the centerline of Cheek-Sparger Road south, to the north property line of the subject property.
- The paved portion of Cheek-Sparger Road, south of the centerline, includes 14 feet, leaving 46 feet of unpaved right-of-way south of the centerline.
- The Master Thoroughfare Plan designates Cheek-Sparger Road as a Major Collector (Two Lane), which requires 75 feet of right-of-way. Therefore, a minimum of 37.5 feet of right-of-way is required on each side of the centerline. Given the existing 60 feet of right-of-way available along the subject property, there remains 22.5 feet of right-of-way available above and beyond the 37.5 foot requirement.
- In terms of City utilities, there is an existing eight (8) inch sewer main and a variable width open bar ditch storm sewer located within the subject right-of-way area.

Should the City Council consider allowing the applicant to utilize the Cheek-Sparger Road right-of-way as part of the overall open space for the development, staff recommends that the applicant be required to enter into a separate right-of-way encroachment and joint use agreement with the City, which would require separate City Council approval by resolution at a future date. Staff recommends the agreement, rather than an abandonment of the right-of-way, given the fact that the City may need the additional right-of-way for any potential improvements to Cheek-Sparger Road in the future.

In terms of the updated conceptual site plan, the lots widths have increased to 60 feet from 55 feet, with the exception of Lot 3. Open space is broken down as follows: private open space with no right-of-way considerations - 10.6%; private open space including the Cheek-Sparger right-of-way that is over-dedicated above and beyond the 37.5 foot requirement noted above - 17%. As a point of reference, private open space including all unpaved Cheek-Sparger right-of-way is 23.5%.

Staff has not added any of the above submittals from the applicant to Ordinance O-13-1887. Therefore, proposed Ordinance O-13-1887 remains unchanged from the previous City Council meeting.

Update - November 5, 2013 City Council Meeting

At the October 15, 2013 City Council meeting, the City Council voted to continue this item to the November 5, 2013 City Council meeting in order to allow the applicant time to submit more details of the development including new home elevations and open space utilization.

The applicant has submitted an exhibit (attached) that contains the following information:

- Pictures of the Cheek-Sparger Road right-of-way adjacent to the development.
- Examples of other landscaped rights-of-way in Colleyville adjacent to residential developments.
- Color site plan exhibits showing the proposed building footprints and landscaping.
- Photo examples of homes in other developments that would be similar to the homes in the proposed development.
- A summary of the changes made from the original proposal.
- Photo examples of the proposed perimeter fencing.

The applicant also states that they have addressed the comments and concerns voiced

at the October 15, 2013 meeting as follows:

- The cul-de-sac street has been "shortened by six feet "
- They have "utilized more of the available land for lot development"
- An additional open space analysis has been provided "to give a truer picture of the actual situation with Briar Grove by incorporating over-dedicated right-of-way".
- Front building lines on the wedge shaped lots are shown.
- Average lot size has increased from 6,874 square feet to 7,206 square feet, "resulting primarily from increased lot widths". Average lot size is not included in Ordinance O-13-1887. As such, this number has not been added to the ordinance.
- "Open space associated with Briar Grove increased to a minimum of 18.4 percent". Ordinance O-13-1887 requires a minimum of 16.2 percent of open space. The additional 2.2 percent noted by the applicant includes the adjacent right-of-way for Cheek-Sparger Road only and does not account for any additional open space on the subject property.

Although the applicant has addressed some of the questions raised by the City Council at the October 15, 2013 meeting, there are no proposed changes to the specific provisions contained in the Statement of Planning Objectives and the Conceptual Site Plan. Therefore, staff has not made any changes to Ordinance O-13-1887 since the October 15, 2013 meeting.

Second Reading and Public Hearing

There were two people who spoke in opposition, and one person who spoke in support of this request at the October 2, 2013 City Council meeting.

There were two people who registered their opposition to this request at the October 2, 2013 City Council meeting, but did not wish to speak.

The City Council asked the applicant to provide a final site plan, as well as a detailed exhibit for the right-of-way area adjacent to the subject property and Cheek-Sparger Road, before it could be considered in the open space percentage requirement for the October 15, 2013 meeting. As of the date of this briefing, the requested information has not been received from the applicant.

First Reading and Public Hearing

Mark Howe, applicant, has submitted a request to change the zoning on 1.82 acres of land located at 105 Cheek-Sparger Road. The applicant is requesting to rezone the

property from PUD-C-Planned Unit Development Commercial to PUD-R-Planned Unit Development Residential zoning district. The applicant is seeking a zoning change in order to develop the property for eight new residential lots and three open space lots.

Existing Conditions and Zoning. The subject property is currently vacant and is platted. The property is currently zoned PUD-C-Planned Unit Development Commercial under Ordinance O-85-600 (attached). The uses allowed under Ordinance O-85-600 are "shopping centers, commercial or service centers, office parks, major recreation and entertainment facilities, and other similar business and commercial centers or facilities, when such uses are in conformance with the various commercial zoning district regulations" of the zoning ordinance as it existed in 1985. It should be noted that these uses are not listed in Ordinance O-85-600. In 1985, the PUD-C uses listed above were allowed by right, as part of the PUD-C ordinance approval, unless a particular use was specifically prohibited by the PUD-C ordinance. In the case of Ordinance O-85-600, no uses were prohibited.

The applicant purchased the property and has decided to pursue a residential use. Additional approval of a preliminary and final plat will be required upon approval of the rezoning request.

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

Lot Dimensions and Setbacks. PUD-R regulations require a minimum lot size of 13,000 square feet with a minimum lot width of 100 feet, and lot depth of 120 feet. Per the details of the Statement of Planning Objectives and the Conceptual Site Plan, the applicant proposes the following development standards:

Minimum lot width: 55 feet

Minimum Lot Depth: 120 feet (Except for lots fronting on the cul-de-sac)

Lot area is proposed as follows:

The minimum lot size proposed is 5,807 square feet

Setbacks are proposed as follows:

Front Yard Setbacks:

- a. For lots with a J-Swing garage: 10 feet
- b. For lots with a front entry garage: 20 feet

Rear Yard Setback: 10 feet

Side Yard Setbacks: Five (5) feet for center placed structure and one (1) foot and nine (9) feet for other placements; Minimum of 10 feet between structures

Maximum Lot coverage: 65 percent

Maximum Height: 35 feet

Residential Design Requirements. Homes will be both single and two story construction. For two-story homes, there will be no balconies or verandas allowed on the second floor of Lots 3-8.

Screening. A wood screening fence, not to exceed six feet in height will be constructed at the property lines adjacent to other residential properties to the east and south, as shown on the Conceptual Site Plan. At a minimum, the pole side of the screen fence will face into the new development along the south and east property lines.

Open Space. PUD-R regulations require a minimum 20 percent of the development be reserved for open space for use by the residents of the development. The Statement of Planning Objectives states the development shall provide 16.2 percent open space, which is not in compliance with code. All open space shall be landscaped and maintained by the Homeowners Association.

Preliminary Drainage Analysis. The developer has submitted a Preliminary Drainage Analysis of the site, which is to be reviewed by the Engineering Division of the Public Works Department. Conditions associated with drainage and stormwater runoff shall be set and enforced at the time of platting.

Sidewalks and Trails. Sidewalks are required to be installed along any new internal streets at the time of new home construction. According to the Colleyville Pathways Plan, sidewalks are required to be constructed along the frontage of Cheek-Sparger Road and San Bar Lane. The sidewalk along Cheek-Sparger Road is required to be five feet in width, and the sidewalk along San Bar Lane is required to be four feet in width. The sidewalks along the property frontages must be installed prior to the acceptance of final public improvements.

Development Schedule. The applicant provided the following preliminary schedule of key development dates:

- Zoning Approval: September 2013
- Preliminary and Final Plat Approval: October 2013

- Construction Commencing: November 2013
- Construction Completing: May 2014

Traffic Generation and Access. The developer is not required to provide a Traffic Impact Analysis, since the development is not projected to generate in excess of 1,000 vehicle trips per day. The Institute of Transportation Engineers publication Trip Generation provides estimates of expected traffic generation based on land use. Data has been collected in the United States and Canada since the 1960's, primarily in suburban locations. Single family residences are expected to generate 9.57 trips per day, on average. Based on this average, an eight lot development would add approximately 76 vehicle trips per day to the surrounding roadways.

Only one means of ingress and egress is required for subdivisions with 12 lots or less.

Residential Density. The Colleyville Master Plan suggests a maximum residential density of 1.8 dwelling units per acre, in most situations. The 2004 Colleyville Master Plan states densities higher than 1.8 units per acre would be acceptable in those areas deemed consistent with sound land use planning principles. The proposed development of eight residential units on the 1.82 acre property will produce a residential density of 4.4 dwelling units per acre based upon the density calculation method prescribed by the Colleyville Master Plan. The proposed residential density is greater than other approved small lot PUD-R developments within the City. The Small Lot Development Comparison, attached to this briefing, provides a comprehensive listing of approved developments since 1996 with residential densities which exceed 1.8 dwelling units per acre.

Surrounding Development Trends. Properties to the north and east are zoned R20-Single Family Residential and developed as single family homes. Properties to the south are zoned R15-Single Family Residential and developed as single family homes. The property to the west is zoned PUD-C-Planned Unit Development Commercial and is developed as an office-showroom, multi-tenant retail, and self-storage business.

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

Public Notification. Staff mailed notices to 18 adjacent property owners as well as all Homeowners Associations within 500 feet of the subject property regarding this request. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. To date, staff has received 12 letters of opposition, and four letters of support, which are attached to this briefing.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of the rezoning request at the August 26, 2013

meeting by a vote of 5-2.

Supermajority Vote Requirement. More than 20 percent of the property owners within the 200 foot buffer around the subject property is opposed to the request. Given this condition, a super-majority vote by the City Council is required in order to approve this request. The total percent of opposition within the 200 foot buffer stands at 33 percent, as of the date of this briefing.

Summary. The proposed zoning change is consistent with the Future Land Use Plan, which designates the subject property as single family residential uses. While the proposed development exceeds the residential density of 1.8 dwelling units per acre, the proposed density is generally consistent with other small lot subdivisions approved throughout the City, as referenced in the attached "Small Lot Subdivision Comparison" chart. The location of the proposed development will provide a viable transitional element between the commercial uses along Colleyville Boulevard to the west, and the collection of single family residential properties to the east and south. The proposed open space does not meet the minimum requirements of the PUD-R zoning district.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. GENERAL

- a. The purpose of this PUD-R is for a single-family residential development of eight detached single family dwelling units, constructed at a gross maximum density of 4.4 dwelling units per acre.
- b. This development shall be generally consistent with the Statement of Planning Objectives, Exhibit "B".
- c. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this Ordinance.

2. DEVELOPMENT PLAN AND PLATTING

- a. The development shall be generally consistent with the conceptual site plan, Exhibit "C", which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on the conceptual site plan to accommodate topographic, drainage, or other conditions.
- b. The developer shall submit and receive approval from the City, a preliminary and final plat, approved as a single phase, in accordance with the requirements of the Land

Development Code prior to development of this PUD-R.

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

- 1. All lots shall be a minimum of 55 feet in width as measured at the building setback line.
- 2. The minimum lot size shall be 5,807 square feet.
- 3. The minimum lot depth shall be 120 feet, except for lots which front the cul-de-sac.
- 4. Front Yard Setbacks:
 - a. For lots with a J-Swing garage: 10 feet
 - b. For lots with a front entry garage: 20 feet
- 5. Minimum Rear Yard Setback: 10 feet
- 6. Minimum Side Yard Setbacks: 10 feet between structures; One (1) foot and nine (9) feet, or five (5) feet each side property line.
- 7. Maximum Lot coverage: 65 percent

5. RESIDENTIAL DESIGN REQUIREMENTS

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

- a. Homes may be both single and two-story construction.
- b. Two-story homes on lots 3 through 8 shall not contain any balconies and verandas constructed on the second floor.

6. OPEN SPACE

- a. This development shall provide a minimum of 16.2 percent common open space, which shall be configured as shown on Exhibit "C". All open space areas shall be

landscaped and maintained by the HOA.

b. No more than 25 percent of the open space area may be utilized for detention.

7. SCREENING AND TREES

a. A wood screening fence, not to exceed six (6) feet in height, shall be constructed at the property lines adjacent to other residential properties to the east and south. At a minimum, the pole side of the screen fence will face into the new development along the south and east property lines. A six foot wrought iron fence may be constructed adjacent to the open space Lot 2A.

b. A variable height screening fence, constructed of a combination of brick, stone, and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek-Sparger Road and San Bar Lane. The screening shall be continuous along the boundary with the exception of entry road right-of-way.

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Letters of Opposition
6. Letters of Support
7. Revised Conceptual Site Plan Submitted 11/15/2013
8. Landscape Plan Submitted 11/15/2013
9. Color Landscape Exhibit Submitted 11/15/2013
10. Base Color Exhibit Submitted 11/15/2013
11. Information Received from Applicant on October 29, 2013
12. Statement of Planning Objectives
13. Conceptual Site Plan
14. Small Lot Development Comparison Chart - 1996 to 2013
15. Ordinance O-85-600
16. Ordinance O-13-1887

City of Hurst

GRAPEVINE HWY

FELPS DR

ACUFF LN

PUD - C

CC - 3

CN

PUD - R

Subject Property

Cheek-Sparger Road

PUD - C

PUD - C

R - 20

FELPS CT

W GREENBRIAR LN

PUD - R

WOODCREST DR

GREENBRIAR LN

WOODBINE DR

R - 15

SAN BAR

GREENBRIAR CT

SWEETBRIAR LN

ROSEBRIAR LN

BRIARWICK

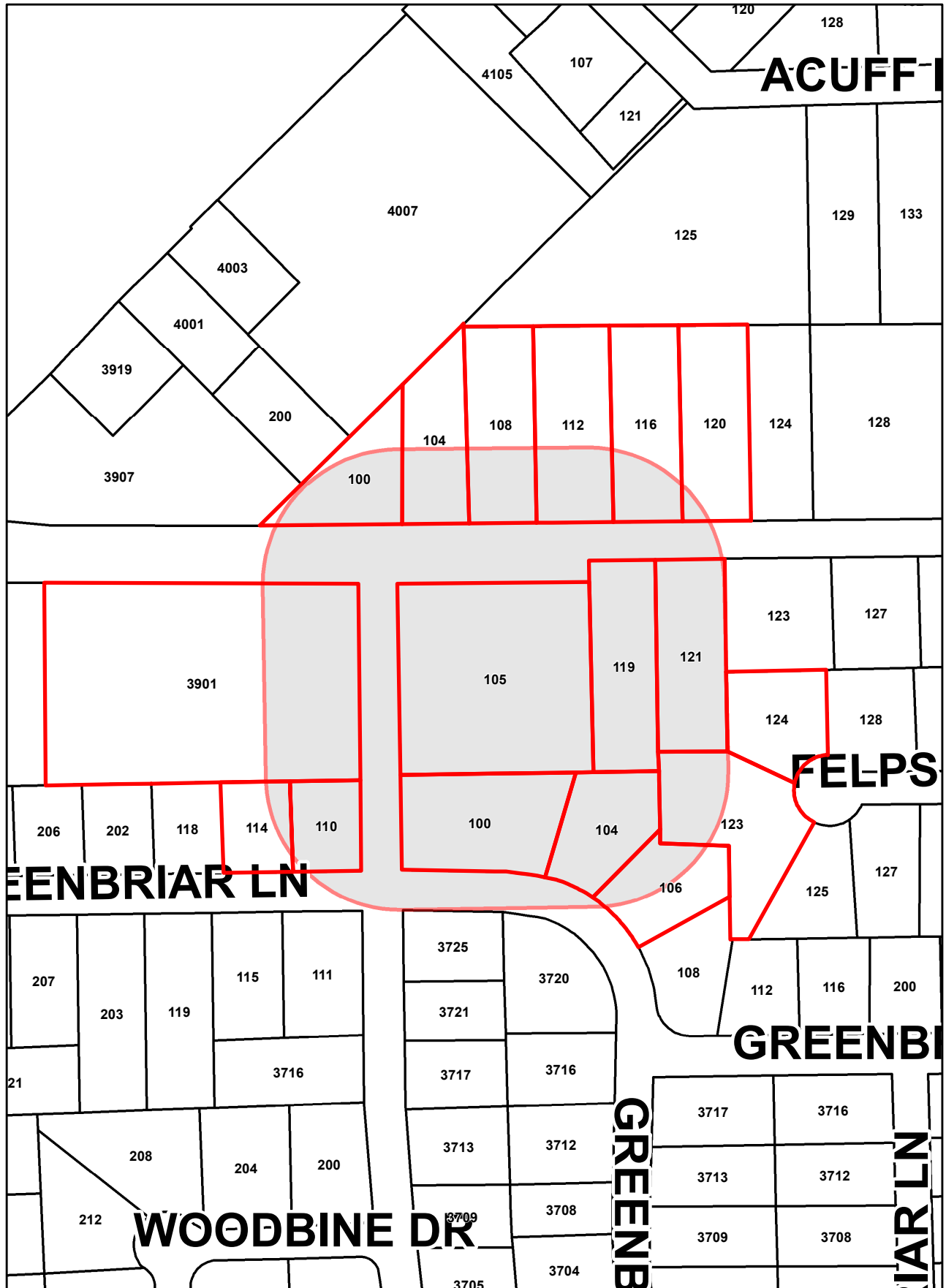
R - 20

R - 40

Aerial



Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Wallace, David A Etux Cynthia	104 Greenbriar Ln	Colleyville	TX	76034	104 Greenbriar Ln
Brand, Donald R	121 Cheek Sparger Rd	Colleyville	TX	76034	121 Cheek Sparger Rd
Bevill, James H Etux Claudia M	119 Cheek Sparger Rd	Colleyville	TX	76034	119 Cheek Sparger Rd
Blue Star Land Lp	1 Cowboys Pkwy	Irving	TX	75063	3901 Colleyville Blvd
Harris, D Keith	108 Cheek Sparger Rd	Colleyville	TX	76034	108 Cheek Sparger Rd
Hahn, Edward & Doris Est	7500 Windswept Trl	Colleyville	TX	76034	100 Cheek Sparger Rd
Callaway, Curtis L & Trisha	124 Felps Ct	Colleyville	TX	76034	124 Felps Ct
Morrison, Pamela M	710 Whispering Wood Cir	Southlake	TX	76092	123 Felps Ct
Guest, Elizabeth V	106 Greenbriar Ln	Colleyville	TX	76034	106 Greenbriar Ln
Uhlenhaker, Ronnie R	PO Box 1705	Colleyville	TX	76034	105 CHEEK-SPARGER RD
Davila, Michael Etux Jennifer	100 Greenbriar Ln	Colleyville	TX	76034	100 Greenbriar Ln
Skinner, Edna Etvir Floyd D	110 W Greenbriar Ln	Colleyville	TX	76034	110 W Greenbriar Ln
Rhodes, Gregory Etux Frances	114 W Greenbriar Ln	Colleyville	TX	76034	114 W Greenbriar Ln
Howell, Dean G	104 Cheek Sparger Rd	Colleyville	TX	76034	104 Cheek Sparger Rd
Chatsworth Enterprises Llc	4413 Bowman Dr	Colleyville	TX	76034	112 Cheek Sparger Rd
Burns, Edward H	7713 Lexus Dr	Fort Worth	TX	76137	120 Cheek Sparger Rd
Woodbriar Estates HOA	412 Woodbriar Court	Colleyville	TX	76034	Courtesy Notice
Mark Howe, Applicant	6617 Precinct Line Road, Suite 200	North Richland Hills	TX	76182	Applicant

Public Hearing notices were mailed
Friday, June 21, 2013 by Taci Wrisley

Letters of Opposition

October 29, 2013

City of Colleyville
Mayor and City Council
Ron Ruthven, Director of Community Development
Amy Shelley, City Secretary

RE: ZC 13-008 – Corner of Cheek Sparger Rd. and San Bar Lane

Dear Mayor Kelly and Council Members,

You may remember at the last meeting, Mr. Isbell emphatically stated “It’s going to go one way or the other” with reference to either this site plan or the commercial zoning currently in place. He stated “There is no middle ground!” I believe he is wrong in those statements. Successful development of this property can be achieved even if the current site plan is not approved.

In an effort to reduce the density and increase the open space, you have asked the developer repeatedly to consider seven lots, but unfortunately he is unwilling to compromise. I have spoken with Mr. Ruthven concerning the latitude you might have in approving the residential zoning, while stipulating fewer lots. He has assured me that is a possibility and within your authority. Another acceptable alternative is to deny the request altogether, and while the case is still alive, impose some constraints on the current commercial zoning uses. I’d like to see the zoning modified before rushing to approve a plan that is awkward and out of sync with the existing neighborhood. Please explore these options with Mr. Ruthven and Mr. Boyle before making a decision that could have a negative impact on this entire area.

You have graciously heard all of our concerns. Even after five previous hearings on this case, the applicant continues to challenge the Colleyville Development Code, compromising the standards of development for our City. This may be a transitional area, but at the end of the day there are still serious concerns about the proposed site plan as follows:

- overdevelopment and proper land use
- transition out of proportion to the surrounding area
- insufficient open space (13.2%) and loss of 40+ mature trees
- with only 13.2% open space the retention area is very tight creating drainage concerns in an already problematic area (this must be addressed)
- and last but not least is the opposition by 33% of the effected property owners.

After weeks of conversation and giving serious consideration to EVERY possibility for future development, my husband and I still oppose this plan. We would rather roll the dice on commercial development than to see this site plan approved. We are that convinced that this awkward plan will be detrimental not only to the adjacent properties both now and in the future, but to the entire area.

Letters of Opposition

Each time they have appeared before you, you have patiently prompted the developer to reduce the number of lots and expand the open space. Unfortunately the developer has been unwilling to meet your requests and continues to decrease the open space while further intruding on our privacy along the property line. I am certain this property can be developed in a manner more compatible with Colleyville standards. Again I humbly ask you to deny this request.

Sincerely

James and Claudia Bevill
119 Cheek Sparger Rd
Colleyville, TX 76034

Letters of Opposition

From: [keith h.](#)
To: [Taci Wrisley](#); [Bill Elliott](#); [Ron Ruthven](#)
Subject: Notice of Protest ;case # zc13-008
Date: Saturday, July 20, 2013 9:53:10 PM

19july2013

Notice of Protest

Please accept this Notice of Protest from me on the re-zone request on the property at ;
105 Cheek sparger rd.
Colleyville Tx.
case # ; ZC13-008
Applicant ; Mark Howe
requested zoning ; PUD-R

From ; D. Keith Harris
108 Cheek sparger rd.
Colleyville Tx. 76034

thank you; D.keith harris
19july2013

Letters of Opposition

From: [greg howell](#)
To: [Taci Wrisley](#)
Cc: [Bill Elliott](#); [Ron Ruthven](#)
Subject: 105 Cheek sparger rd
Date: Sunday, July 21, 2013 10:55:46 AM

July 21st 2013

RE: zoning case ZC13-008

Dear sir and madam,

Please let this server as my written protest to the zoning change requested by Mark Howe for the 1.94 acre lot located at 105 cheek sparger rd to change to PUD_R.

I as the owner of 104 cheek sparger rd think that the purposed change would not be in the best interest of the neighborhood..

Greg Howell

Letters of Opposition

July 23, 2013

Colleyville Planning & Zoning Commission
100 Main St.
Colleyville, TX 76034

To Whom it May Concern:

First, I apologize for not being able to deliver this message in person. I am getting on a plane to leave for vacation one hour before your meeting. Otherwise, I would be there.

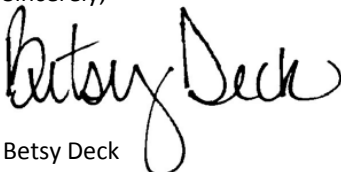
I have some concerns about the proposed development on the corner of San Bar and Cheek-Sparger Road. The conceptual site plan paints a picture of a high-density development in a low-density neighborhood. Nine homes on nearly two acres with a potential height of 35 feet will be a visual eye sore at the entrance of a beautiful, established neighborhood. I believe that will be higher than the commercial development next to it.

The building setbacks on the front and rear property lines are entirely too small. This will not be appealing visually or for resale value. In addition, the developer is only allowing for one way in and one way out of the neighborhood. The intersection of San Bar and Cheek-Sparger is an unusual one at best and currently causes challenges, especially during rush hour, with traffic suddenly merging out of the right turn only lane and into through traffic on Cheek-Sparger. Now, the cars that queue up along San Bar in the mornings will be forced to wait even longer to get on the main road. Furthermore, there are beautiful trees on the property and I don't see any intention of saving the existing trees on this plan.

I fell in love with our neighborhood because of the mature trees, wide roads and well built homes. The setbacks are appropriate for the neighborhood and allow neighbors to feel secluded in their own yards. I have many older neighbors that have recently moved out of our neighborhood, who didn't want to venture far away because they loved it so much. There is a great opportunity here to construct homes for an older demographic. However, I feel certain they would not purchase 2.5 story homes.

Please carefully evaluate this development and make sure it is a good fit for the neighborhood. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Betsy Deck". The signature is fluid and cursive, with the first name "Betsy" and the last name "Deck" clearly legible.

Betsy Deck
3601 Cliffwood Dr.
Colleyville, TX 76034
817-832-7783

Letters of Opposition

From: [Claudia Bevill](#)
To: [Taci Wrisley](#)
Subject: Letter to Commissioners with Land Use Table Comparison
Date: Monday, August 12, 2013 3:17:45 PM
Attachments:  [Land Use Comparison.docx](#)
[Questions.docx](#)

August 12, 2013
City of Colleyville
Planning and Zoning Commission

RE: ZC13-008 – 105 Cheek Sparger Road - 8/12/13

Dear Commissioner:

My husband and I live at 119 Cheek Sparger Rd. 325 feet of our property borders the property at 105 Cheek Sparger Rd. which is the subject of the above referenced zoning case to be considered tonight. While I support the rezoning of the property from it's current zoning to residential, I cannot support the revised development plan.

Last Friday I received a diagram of the new development plan. After seriously reviewing the plan, I made a list of my questions concerning the plan (attached), created a Land Use Table Comparison (attached), documenting the differences between the plan that we were given on July 21st and the current plan. I forwarded those documents to Mr. Isbell on Friday. This morning, I received a response to my questions

Letters of Opposition

with the exception of the last question requesting protective barriers at the end of the proposed cul-de sac. I appreciate the effort he has put forth to keep us informed on the project.

During the hearing on July 22nd, you requested that the number of houses be reduced from 9 to 8. The objective of that request, as stated by several of you, was clearly to create more open space and reduce the density of the development!

While the new plan does include only 8 homes as you requested, it actually DECREASES the amount of open space from the original plan (14.02% new vs. 14.72% original). In this respect, it does NOT meet the desired results requested by the Commission. Additionally, this plan has decreased the density by a marginal .24 of one unit, taking it from 4.64 units per acre to 4.4 units per acre. I believe that to be a negligible decrease in density, once again failing to accomplish the objective.

Another difference I noticed is that the original Land Use Table note indicated a "lot coverage not to exceed 65 percent of the individual lot", whereas the new Land Use Table note indicates "lot coverage not to exceed 80 percent of the individual lot". This difference clearly impacts the density of the development. Without a doubt, the revised plan falls significantly short of accomplishing the desired outcome as

Letters of Opposition

requested by the Commission at the July 22, public hearing.

I ask that you deny or once again delay approval of this development plan on the basis that it has not accomplished the intended goals of more open space, while offering an insignificant decrease in density from the original plan.

Thank you for the time you dedicate to development within the City of Colleyville.

Sincerely,

Claudia Bevill
119 Cheek Sparger Road
Colleyville, TX 76034
817-849-1360

Letters of Opposition

Land Use Table Comparison ZC13-008 – 105 Cheek Sparger Road - 8/12/13

The revised Land Use Table has successfully reduced the number of lots from 9 to 8 as requested by the Commission. However, this only reduces the density by .24 of a unit, still a significant variance from the required density set forth in the development code. Has this small reduction in density met the objective of the request by the Commission during the July 22nd Public Hearing?

In reducing the number of houses, the Commission's stated objective was not only to decrease the density, but also INCREASE the open space area for the development. Please note that the open space provided under the new plan is actually REDUCED from the original plan, clearly falling short of the Commission's objective.

Also note the original land use table indicated lot coverage shall not exceed 65 percent of the individual lot where as the current land use table allows for the lot coverage not to exceed 80 percent of the individual lot, decreasing the number of houses but increasing the size of the lot coverage.

Additionally, in the original land use table the development is for 1.94.09 acres whereas under the new land use table, the development is for 1.82 acres. Why did this number change?

Current Land Use Table

LAND USE TABLE

AREA OF DEVELOPMENT	1.82 ACRES (79,466 SF)
NUMBER OF UNITS	8
OPEN SPACE	11,142 SF (14.02%)
DENSITY	4.40 UNITS/AC
MAX BUILDING HEIGHT	2-1/2 STORIES OR 35 FEET
FRONT BUILDING LINE	10 FEET FOR J-SWING & 20 FEET FOR FRONT ENTRY
REAR BUILDING LINE	10 FEET

NOTES:

1. LOT COVERAGE SHALL NOT EXCEED 80 PERCENT OF THE INDIVIDUAL LOT.

Original Land Use Table

LAND USE TABLE

AREA OF DEVELOPMENT	1.9409 ACRES (84,544 SF)
NUMBER OF UNITS	9
OPEN SPACE	12,444 SF (14.72%)
DENSITY	4.64 UNITS/AC
MAX BUILDING HEIGHT	2-1/2 STORIES OR 35 FEET

NOTES:

1. LOT COVERAGE SHALL NOT EXCEED 65 PERCENT OF THE INDIVIDUAL LOT.

Letters of Opposition

QUESTIONS FOR DEVELOPER

DRAINAGE AND RIGHT OF WAY

- The new plan does not include the detention pond. What is the new drainage plan?

DEVELOPER RESPONSE

This is the zoning exhibit, the detention area was conceptual and shown on the drainage plan. We will still have a detention area and it will be in the same location as before, working around as many trees as possible, etc.

- Prefer sidewalk install as opposed to escrow

DEVELOPER RESPONSE

The sidewalk vs escrow has more to do with the eventual improvements the city does on Cheek Sparger.

- Will the City or HOA maintain the 35' between the sidewalk and the drainage ditch?

DEVELOPER RESPONSE

That land will belong to the city.

DEVELOPMENT ON THE EASTERN PROPERTY LINE

- The current plan requires a 142' wood fence on the east side of lot #4 (builder or developer). As discussed previously, can that fence be extended toward the north (to the southern corner of our house) to lend more privacy to our property?

DEVELOPER RESPONSE

As before, we have some flexibility on where to transition between the fences and we can work with you on that.

- Will the wooden fence still include metal poles and a concrete mow strip in keeping with the previous plan but not indicated on the new plan?

DEVELOPER RESPONSE

Yes, metal poles and a mow strip.

- As previously discussed, will the wood fence be installed before the development of the lots?

DEVELOPER RESPONSE

The fence won't be constructed while the lots are being developed, but can go up before the construction starts on the houses. Meaning, as we are grading the lots, putting in sewer, water, drainage, etc, there won't yet be a fence. I think when we talked about it before, I spoke about the house construction instead.

Letters of Opposition

- 6' wrought Iron fence on east side by developer; will that include a concrete mow strip?

DEVELOPER RESPONSE

There won't be a mow strip for the iron fence. That would hurt our flexibility in jogging around and protecting the trees.

MISCELLANEOUS

- Do we still have a commitment to save all existing trees where possible, especially on the east side fence line of the development?

DEVELOPER RESPONSE

Yes, those trees on/near the fence line that we talked about are still safe.

- Location of utility poles and location of street lights?

DEVELOPER RESPONSE

Utility locations have not been determined

- NOTES: #3 - Lot 4 Builder can build within 1' of fence line? How can that fence be maintained and accessed by the HOA?

DEVELOPER RESPONSE

I guess I don't understand the question regarding lot 4. We need to maintain a certain distance between structures under the fire/building code. The language of "5' and 3' or 1' and 7'" reflects that. It's something the engineer put in to highlight setbacks, which differ within the development based on a lot's adjacency to another.

- Can barriers be installed at the center of the cul-de-sac in the common area to prevent an out of control vehicle from coming through the wood fence?

THIS HAS NOT BEEN ADDRESSED

DEVELOPER COMMENTS

As for reducing the lots from 9 to 8, we did that as you'll recall as a specific request of the P&Z chair. The other things regarding the open space we're viewing as suggestions.

Letters of Opposition

From: [Claudia Bevill](#)
To: [Taci Wrisley](#)
Subject: FW: Drainage/high grass and weeds
Date: Monday, August 12, 2013 3:29:29 PM

Hi Taci! This is the email I sent to the Public Works Department earlier today. In it I mention the proposed development and potential problems with the drainage.

My husband believes the City Departments should look at this rather than the P&Z, but since you asked, I'm sending it along!

Regards,
Claudia Bevill

From:
To: blowry@colleyville.com
CC: jfadden@colleyville.com
Subject: Drainage/high grass and weeds
Date: Mon, 12 Aug 2013 10:36:35 -0500

Dear Mr. Lowry,

My home is at 119 Cheek Sparger Rd. and the attached photos were taken today. Pictured is the drainage ditch that runs in front of our property. I measured the grass at the far end of the drain at 46 inches (up to my shoulders). I am certain this is not acceptable by the standards set forth in our City Code. Who is maintaining this? If we had a heavy rain over several days, this ditch in it's current state could not effectively move the water and could result in flooding to the surrounding homes as well as the roadway. I have had to continue calling and monitoring this lack of maintenance for the past 11 years. Is there not a schedule for maintenance?

Additionally, there is a development plan before the P&Z Commission to develop the approx 2 acres to our immediate west, which could present serious problems during the development phase when the ground is turned and dirt will wash into the ditch, making it more shallow and less effective for carrying the run off. I would rather address that before, not after the fact. The developer has dedicated an additional 35' off Cheek Sparger (running the distance from San Bar to our property line - approx 273'). Since the City is not maintaining the right of way area that currently exists, what can we expect in the future in

Letters of Opposition

the way of maintenance with an additional 35'x273'?

In conjunction with the development of this property (105 Cheek Sparger) I would like to suggest improvements to the drainage from San Bar east to Felps Dr. I hope you will evaluate the situation and consider some type of improvement to this unsightly, poorly maintained drainage area where impending development could create a threat to the current residents in this area.

Kindest Regards,
Claudia Bevill
817-849-1360



Letters of Opposition



Letters of Opposition

From: [Claudia Bevill](#)
To: [Ron Ruthven](#); [Larry Knox](#); [jeff.byerly@tx.rr.com](#); [dwheelwright@me.com](#); [Dave Dudziak](#); [Don Davis](#); [jim.gotcher@verizon.net](#); [phelps-david@swbell.net](#)
Cc: [Taci Wrisley](#)
Subject: Letter of Opposition to ZC13-008
Date: Monday, August 26, 2013 3:55:37 PM
Attachments: [LETTER OF OPPOSITION.docx](#)

Dear Sirs:

Attached please find my letter of opposition to Zoning Case 13-008 including appendices.

Respectfully,
Claudia Bevill

Taci, will you please print this out for the Commissioner's packets. Thank you!

Note to Taci and Ron: Thank you for all the help you have provided. I appreciate your hard work on behalf of the citizens of Colleyville.

Letters of Opposition

LETTER OF OPPOSITION

August 26, 2013

City of Colleyville
Community Development Department
Mr. Ron Ruthven, Director
Planning and Zoning Commissioners
100 Main Street
Colleyville, TX

RE: Zoning Case 13-008

Dear Mr. Ruthven and Commissioners:

Please accept this letter of opposition to ZC 13-008.

While it is true that the applicants in this case have made numerous changes to the plan, as well as a few concessions in an effort to move forward in this case, the most needful goals have not been achieved. I oppose this case for the following reasons:

1. With respect to lot coverage, the applicant has reduced the original proposed 80% lot coverage to 65% and while that has apparently satisfied some, it is still well above the historical average of 57% lot coverage for these type developments. Though it is a concession on the part of the applicant, this is still unacceptable.
2. Regarding density; during the meeting of August 12th, several Commissioners expressed ongoing concerns relative to the density of 4.4 units per acre, exceeding the 3.8 average of other small lot developments. That number has not changed as Mr. Howe stated, he is not willing to further alter the number of lots. This is variance is dramatic and unacceptable to our neighborhood as indicated by the number of neighbors opposing this case.
3. Pertaining to lot size - While PUD-R regulations require a minimum lot size of 13,000 square feet, the proposed average lot size of 6,874 square feet barely exceeds half of the PUD-R requirement. The average lot size for other small lot developments within the City (excluding townhomes) is 7,111 square feet. Also, I'd like to point out that 6 of the 8 lots (or 75%) included in this plan come in well under the average of 7,111 square feet. While this may seem like a small difference, it is one more variance from the norm and erodes one more element of the desired standard.
4. Additionally you requested that the open space be increased to comply more nearly with the 20% requirement. Although it is clear the applicant has "worked" at the "appearance" of compliance, this plan is still unacceptable. The obvious change is that the applicant shortened the length of the street and rearranged the lots. (This arrangement is to our detriment.) However, in an effort achieve the 17.6% open space that is reflected in the new site plan, one thing I find puzzling is that the outer corner (outside the masonry fence) at San

Letters of Opposition

Bar and Cheek Sparger (1B) has been included in the open space calculation and similarly the front corners of lots numbered 1 and 8 (1A and 8 A) are included in the open space calculation reflected in the Land Use Table. Omitted from the Land Use Table, but included in the calculation provided, is the island in the street (8B). I believe these broken segments of “open space” simply serve to bump up the open space calculation and do nothing to accomplish the intent of the open space requirements stated in the Master Plan (Chapter 3.9) “to ensure that open space areas function as quality areas for the neighborhood.” The actual functional area of this open space plan, if you include the 8B segment equates to 17.2 % and without that segment, it is just 15.8%. While this may seem like a small issue, it looks like a numbers game to me and even at that, it falls short of the required/requested 20% as well as the historic average of 20.8% open space for small lot developments and continues to dilute the standard. This too, is unacceptable.

Regardless of how many changes the applicant has made from the original plan, he is still out of sync with the Development Code as well as historical averages, and more importantly, the requests for compliance by the Commission. Even after two previous hearings on this case, the applicant continues to challenge the limits on density (4.4 vs 3.8) and on lot coverage (65% vs 57%), coming in over the historic average in these areas; and on lot size (6,874sf vs 7,111sf) and open space (17.6%(questionable) vs 20.8%), coming in under the historic average. The plan has earned a score of “0” on compliance in these four critical areas of development. To date, 38% of the neighbors on the notification list have registered opposition to this development (Appendix B).

Please deny this request.

Sincerely,

Claudia Bevill

Additional Comments and Concerns - Appendix A
Opposition Details - Appendix B
Requests and Conditions - Appendix C

Letters of Opposition

APPENDIX A – ADDITIONAL COMMENTS AND CONCERNS

STATEMENT OF PLANNING OBJECTIVES

The applicant states in his planning objectives that this property “has not been developed into an office type development because over the years, that has proven to not be the highest and best use for the property.” I differ with this statement. The property has not been developed in the past because the owner lived adjacent to the land. Since he no longer resides near the property, it is now for sale and the developer is seeking a dense residential development without the best interest of the surrounding residents in mind.

The idea that these homes will appeal to empty-nesters is another misnomer. I don’t know one empty nester that is looking for a “straight up” two story home. Even Mr. Isbell discussed with us the fact that people will want these homes because they want to send their children to Colleyville schools (nothing about empty-nesters). Additionally, I don’t believe the businesses along Highway 26 will be impacted one way or another by the commerce resulting from the anticipated eight “empty nesters” who might occupy these homes.

SMALL LOT DEVELOPMENT INVENTORY

Using the Small Lot Development Chart as a historic reference, there have been no small lot developments approved in Colleyville within the past five years (or since 2008) until this year. This calendar year, you have already approved two such plans (Ivy Glen and The Preservation – a total of 46 lots). Before moving forward with additional small lot developments, I believe it would be in the best interest of the City and our residents to slow this process down. We should ask ourselves if the integrity of our city is slowly being eroded by these non conforming developments.

Over the past few days I have driven several of these developments within Colleyville and you may be surprised to learn that even 6 to 9 years after approval, there are still undeveloped lots in subdivisions such as Copperglen approved in 2004, (3 lots vacant, 1 under construction), Arbor Estates at Colleyville approved in 2007, (1 vacant, 1 under construction), and Cambridge Place, also approved in 2004 (2 under construction, 1 vacant and 2 for sale). From this, one could conclude that this type housing is not in high demand in Colleyville after all. These high dollar, tall, narrow houses built one on top of the other, towering above the surrounding single family homes, each complete with one front yard tree, may work for inner-city living, but are not compatible with suburban living.

Letters of Opposition

TREES

The property in question is covered with over 50 native trees (not including the trees on the property line that have promise of protection. What a shame to develop this land in such a way as to lose the majority of these trees. They are really irreplaceable and a Colleyville treasure.

DRAINAGE

We are seriously concerned about drainage issues from development of this property both during development and post development. We have requested drainage information for this development several times and have simply been told by the applicant “we can’t let water run from our development across your land.” That is not at all reassuring. Although they may not intend to cause any drainage issues, it can certainly happen, as in the Coventry Addition and Country Way situation. No one wants to have their property devalued due to such a careless act on the part of someone who did not plan well. The Country Way residents are victims with no recourse. For over 6 years, they have tolerated this flooding of their properties that occurred through no fault of their own. Who is going to protect us from a poorly designed drainage plan? Who is going to “fix” it if drainage problems occur as a result of this development? My concern is not only for my property, but for my neighbors downstream.

Letters of Opposition

APPENDIX B – OPPOSITION DETAILS

To date the following residents have registered their opposition to ZC13-008. This represents 38% of those on the notification list; add to this additional neighbors who oppose this case on 8/26 as you consider your decision.

1. Mr. Greg Howell, 104 Cheek Sparger Rd.
2. Claudia Bevill, 119 Cheek Sparger Rd.
3. David and Cynthia Wallace, 104 Greenbriar Ln.
4. Gary Guthrie, 505 Woodbriar Ln. (representing Woodbriar Estates HOA)
5. Mike Davila, 100 Greenbriar Ln.
6. Elizabeth Guest, 106 Greenbriar Ln.
7. Keith Harris, 108 Cheek Sparger Rd.
8. Betsy Deck, 3601 Cliffwood (not on the notification list)

Letters of Opposition

APPENDIX C – REQUESTED CONDITIONS FOR APPROVAL

Although this development fails to meet the standards of development in any area of development criteria, should you elect to approve this plan, the following conditions are requested to be documented and approved by the Commission:

- Stipulate in the PUD that the privacy fence along the eastern property line be constructed as early as possible in the development process and prior to the issuance of any building permits for this tract.
- Maintenance of the fence is the ongoing responsibility of the developer/builder until such time as the HOA is functioning, at which time it becomes the responsibility of the HOA
- In the interest of privacy, not only for our home, but for the Davila (100 Greenbriar) and Wallace (104 Greenbriar) families) the stipulation that the largest lot (5) be restricted to a single story structure due to the way it is situated on the lot. (see concept site plan). As it currently stands (diagonal) windows on the north east will seriously threaten the privacy to our family room.
- Conditions associated with drainage and storm water runoff shall be set and enforced at the time of platting to ensure minimization of silt/sedimentation runoff and the attendant damage to adjacent properties during lot clearing and construction of this development.
- Provide location for the detention pond as well as an outline that details the maintenance responsibilities and procedures for the detention pond both now and in the future
- City of Colleyville Public Works Department assessment of current drainage ditch running from San Bar toward Felps and suggested measures for improvement to assist with run-off during big rain events. With this development, we do not want to be victims to another Coventry/Country Way situation. Who is willing to assure us that this will not happen?
- Preservation of ALL mature trees along the 325' property line between 105 and 119 Cheek Sparger as repeatedly promised by the developer. (there is no provision for this in the proposed ordinance).
- In accordance with the Colleyville Pathways Plan, sidewalks are required to be constructed along the frontage of Cheek Sparger Road and San Bar Lane. No escrow waiver.
- Reasonably strict adherence to the Development Schedule and tree preservation throughout the development phase

Comparison Chart for Zoning Case 13-008

VARIANCE REQUESTED	HISTORIC AVERAGE FOR SMALL LOT DEVELOPMENT	ZC 13-008 PROPOSED
DENSITY	3.8%	4.4%
MAXIMUM LOT COVERAGE	57%	65%
MINIMUM LOT SIZE	7,111	6,874
OPEN SPACE	20.8%	17.6%

Letters of Opposition

September 25, 2013
City of Colleyville
Planning and Zoning Commission
Mr. Ron Ruthven, Director of Community Development
City of Colleyville City Council

ZC13-008

Dear Sir/Madam:

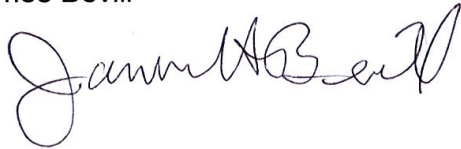
Please let this letter serve as notice that any and all letters of support signed by me regarding the above referenced zoning case (ZC13-008) are hereby withdrawn by way of this letter. (see July 22 supporting documents)

Thank you.

Claudia Bevill



James Bevill



Letters of Opposition

October 2, 2013

City of Colleyville
Mayor and City Council
Ron Ruthven, Director of Community Development
Amy Shelley, City Secretary

RE: ZC 13-008 – Corner of Cheek Sparger Rd. and San Bar Lane

Dear Mayor Kelly and Council Members,

Attached is a chart comparing the City of Colleyville development requirements and historic averages to the variances requested by the applicants for Zoning Case 13-008. If provided an opportunity, I will address this with you during the Council meeting October 2, 2013. I hope this chart will be helpful.

My husband and I own the property along the east side of the development (325'). It is our home and we are both highly opposed to this dense development in such a small space adjacent to our property.

The proposed plan requesting multiple variances, by fair standards, is over development at its worst. Please accept this letter of opposition as our official protest.

Sincerely

James and Claudia Bevill
119 Cheek Sparger Rd
Colleyville, TX 76034
817.849.1360

[illegible]

EROSION OF CITY DEVELOPMENT STANDARDS

Comparison Chart for Zoning Case 13-008

VARIANCE REQUESTED	HISTORIC AVERAGE FOR SMALL LOT DEVELOPMENT	ZC 13-008 PROPOSED
DENSITY	3.8%	4.4%
MAXIMUM LOT COVERAGE	57%	65%
MINIMUM LOT SIZE	7,111 sq ft*	6,874sq ft
OPEN SPACE	20.8% (required 20%)	16.2%

*excludes townhomes

Letters of Opposition

October 29, 2013

City of Colleyville
Mayor and City Council
Ron Ruthven, Director of Community Development
Amy Shelley, City Secretary

RE: ZC 13-008 – Corner of Cheek Sparger Rd. and San Bar Lane

Dear Mayor Kelly and Council Members,

You may remember at the last meeting, Mr. Isbell emphatically stated “It’s going to go one way or the other” with reference to either this site plan or the commercial zoning currently in place. He stated “There is no middle ground!” I believe he is wrong in those statements. Successful development of this property can be achieved even if the current site plan is not approved.

In an effort to reduce the density and increase the open space, you have asked the developer repeatedly to consider seven lots, but unfortunately he is unwilling to compromise. I have spoken with Mr. Ruthven concerning the latitude you might have in approving the residential zoning, while stipulating fewer lots. He has assured me that is a possibility and within your authority. Another acceptable alternative is to deny the request altogether, and while the case is still alive, impose some constraints on the current commercial zoning uses. I’d like to see the zoning modified before rushing to approve a plan that is awkward and out of sync with the existing neighborhood. Please explore these options with Mr. Ruthven and Mr. Boyle before making a decision that could have a negative impact on this entire area.

You have graciously heard all of our concerns. Even after five previous hearings on this case, the applicant continues to challenge the Colleyville Development Code, compromising the standards of development for our City. This may be a transitional area, but at the end of the day there are still serious concerns about the proposed site plan as follows:

- overdevelopment and proper land use
- transition out of proportion to the surrounding area
- insufficient open space (13.2%) and loss of 40+ mature trees
- with only 13.2% open space the retention area is very tight creating drainage concerns in a an already problematic area (this must be addressed)
- and last but not least is the opposition by 33% of the effected property owners.

After weeks of conversation and giving serious consideration to EVERY possibility for future development, my husband and I still oppose this plan. We would rather roll the dice on commercial development than to see this site plan approved. We are that convinced that this awkward plan will be detrimental not only to the adjacent properties both now and in the future, but to the entire area.

Letters of Opposition

Each time they have appeared before you, you have patiently prompted the developer to reduce the number of lots and expand the open space. Unfortunately the developer has been unwilling to meet your requests and continues to decrease the open space while further intruding on our privacy along the property line. I am certain this property can be developed in a manner more compatible with Colleyville standards. Again I humbly ask you to deny this request.

Sincerely

James and Claudia Bevill
119 Cheek Sparger Rd
Colleyville, TX 76034

Letters of Opposition

Amy Shelley

From: Claudia Bevill
Sent: Tuesday, November 05, 2013 9:41 AM
To: David Kelly; Mike Taylor; Carol Wollin; Chuck Mogged; Stan Hall; Jody Short; Tom Hart; Ron Ruthven; Amy Shelley
Subject: ZC 13-008

November 5, 2013

Dear Mayor Kelly and City Council Members

Surely it is not an easy task to cull through all of the material you receive and make sense of everything you see and hear as you consider each case that comes to you for approval. We appreciate all the thought and effort you have put into your decision on this case.

The suburban appeal of our City did not happen by accident. It is the result of hard working City Officials, like each of you, who are willing to enforce the policies that have been carefully crafted to protect our City from over-development by zealous developers who request an unreasonable number of variances. We don't want to lose the beautiful suburban appeal of Colleyville, and surely you don't either. It is something we all enjoy!

With reference to ZC13-008, we appeal to you to save this beautiful parcel of land from being desecrated by the proposed plan. Please deny this case.

Thank you again for your sacrificial service to the City of Colleyville.

Sincerely
James and Claudia Bevill

Letters of Opposition

LETTER OF OPPOSITION

November 19, 2013

City of Colleyville
Mayor and City Council
Ron Ruthven, Director of Community Development
Amy Shelley, City Secretary

RE: ZC 13-008 – Corner of Cheek Sparger Rd. and San Bar Lane

Dear Mayor Kelly and Council Members,

At the last meeting, Councilman Taylor questioned the opposition to this zoning case and apparently was not clear as to Mr. Ruthven's calculations.

I am forwarding the attached exhibit in an effort to clear up any questions Mr. Taylor or other Council members might have with respect to the opposition.

These are the people who took the time and effort to communicate with you regarding this development. They are our neighbors who are also affected by your action on this matter. We are not the only ones and even without us, you have more than 20% opposition. These are real people and their opposition is a matter of record.

Sincerely,
James and Claudia Bevill

The following have registered their opposition to this case.

1. Michael Davila 100 Greenbriar Ln.
2. David and Cynthia Wallace 104 Greenbriar Ln.
3. Elizabeth Guest 106 Greenbriar Ln.
4. James and Claudia Bevill 119 Cheek Sparger Rd.
5. Lowell and Daniel Morrison 123 Felps Ct.
6. Dean G. Howell 104 Cheek Sparger Rd.
7. Keith D. Harris 108 Cheek Sparger Rd.

(all of the above are within the buffer area)

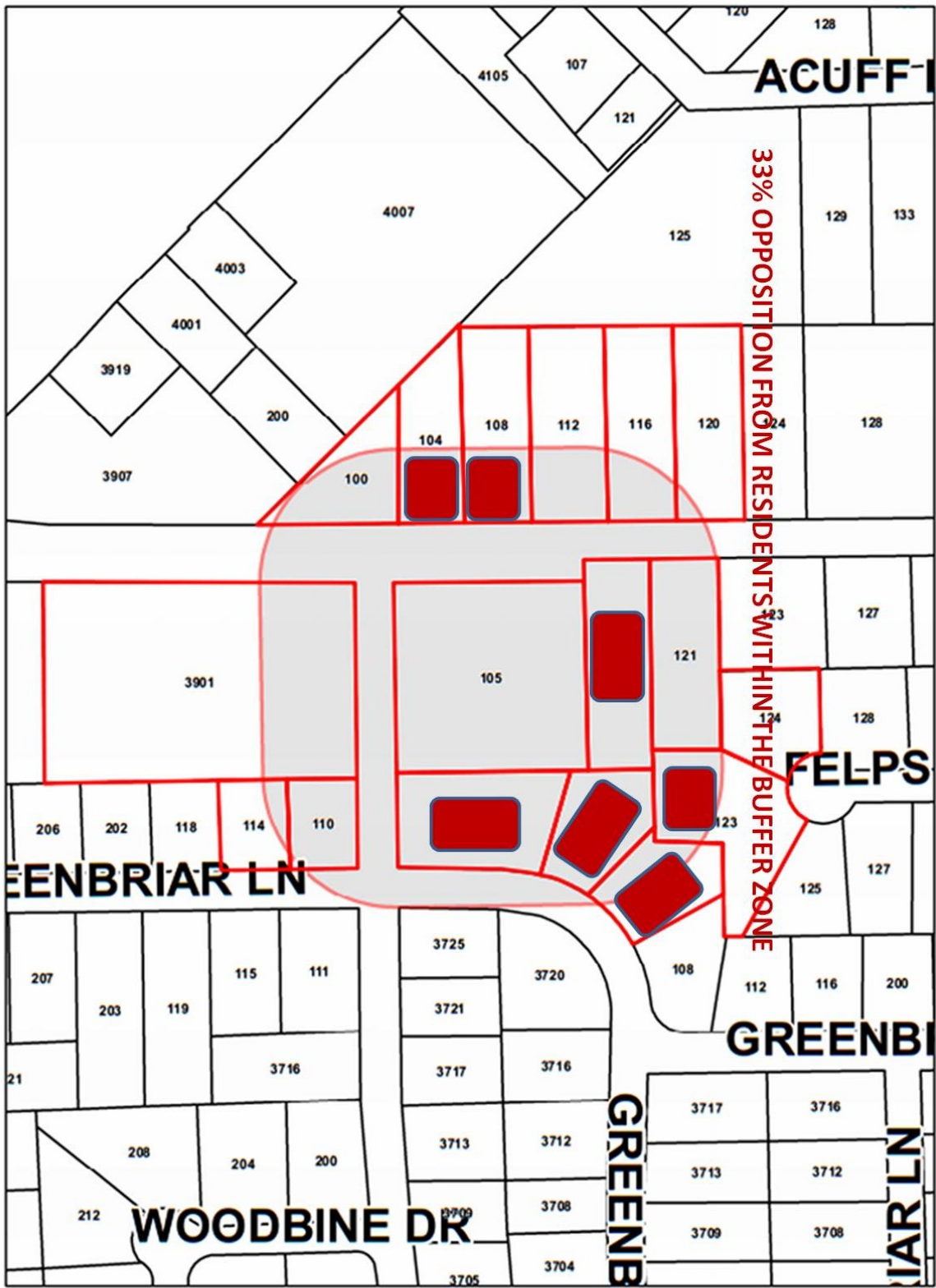
Additional opposition:

8. Gary Guthrie, Woodbriar Estates HOA
9. Betsy Deck, 3601 Cliffwood Dr.

Attachment

Letters of Opposition

Buffer Map



Letters of Opposition

Date: 7-22-13

SPEAKER CARD

☐ I will speak **In Support** of this item.

☒ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 7C13-008

Name: Greg Howell

Address: 104 Cheek St. Argen

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 8177885493 Representing: owner
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: [Signature]

This information is a Public Record.

Date: 7/22/2013

SPEAKER CARD

☐ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☒ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 4b

Name: Cynthia Wallace

Address: 104 Greenbriar Lane

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 214-707-4903 Representing: self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Cynthia Wallace

This information is a Public Record.

Letters of Opposition

SPEAKER CARD	
Date: _____	
☐ I will speak In Support of this item.	
☐ I will speak In Opposition to this item.	
☐ I <u>do not wish to speak</u> , but please record my: ☐ support ☐ opposition	
Agenda Item Number: _____	
Name: <u>GARY CATHIE</u>	
Address: <u>585 WOODBRIDGE LN</u>	
City: <u>COLLEYVILLE</u>	State: <u>TX</u> Zip Code: <u>76034</u>
Telephone Number: _____	Representing: _____ (organization/self)
<i>I understand I am limited to speaking for five minutes.</i>	
<i>For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.</i>	
Signed: <u>[Signature]</u> This information is a Public Record.	

SPEAKER CARD	
Date: <u>7/22/13</u>	
☐ I will speak In Support of this item.	
☒ I will speak In Opposition to this item.	
☐ I <u>do not wish to speak</u> , but please record my: ☐ support ☐ opposition	
Agenda Item Number: <u>4b</u>	
Name: <u>Mike Davila</u>	
Address: <u>100 Greenbriar Ln</u>	
City: <u>Colleyville</u>	State: <u>TX</u> Zip Code: <u>76034</u>
Telephone Number: <u>214 563-2211</u>	Representing: <u>Self</u> (organization/self)
<i>I understand I am limited to speaking for five minutes.</i>	
<i>For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.</i>	
Signed: <u>[Signature]</u> This information is a Public Record.	

Letters of Opposition

SPEAKER CARD

Date: 7-22-2013

☐ I will speak In Support of this item.

☐ I will speak In Opposition to this item.

☒ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 46

Name: Elizabeth Guest

Address: 106 Greenbriar Lane

City: Colleyville

State: TX Zip Code: 76034

Telephone Number: 817-503-8750 Representing: Self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Elizabeth Guest

This information is a Public Record.

Letters of Opposition

Date: _____	SPEAKER CARD
☐ I will speak In Support of this item.	
☒ I will speak In Opposition to this item.	
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition	
Agenda Item Number: _____	
Name: <u>GARY GUTHRIE</u>	
Address: <u>505 WOODBRIAR LN</u>	
City: <u>COLLEYVILLE</u> State: <u>TX</u> Zip Code: <u>76034</u>	
Telephone Number: <u>817-581-7846</u> Representing: <u>WEHA</u> (organization/self)	
I understand I am limited to speaking for five minutes.	
For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.	
Signed: <u>[Signature]</u> This information is a Public Record.	

Date: <u>8-12-2013</u>	SPEAKER CARD
☐ I will speak In Support of this item.	
☒ I will speak In Opposition to this item.	
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition	
Agenda Item Number: <u>3a</u>	
Name: <u>Claudia Bevil</u>	
Address: <u>119 Cheek Sparger</u>	
City: <u>Colleyville</u> State: <u>Tx</u> Zip Code: <u>76034</u>	
Telephone Number: <u>817-8491360</u> Representing: _____ (organization/self)	
I understand I am limited to speaking for five minutes.	
For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.	
Signed: <u>Claudia Bevil</u> This information is a Public Record.	

Letters of Opposition

Date: <u>8/12/13</u>		SPEAKER CARD
☐ I will speak In Support of this item.		
☐ I will speak In Opposition to this item.		
☒ I do not wish to speak, but please record my: ☐ support ☒ opposition		
Agenda Item Number: <u>3a</u>		
Name: <u>David Wallace</u>		
Address: <u>104 Greenbriar Ln</u>		
City: <u>Colleyville</u>	State: <u>TX</u>	Zip Code: <u>76034</u>
Telephone Number: <u>817 821 6234</u>	Representing: <u>Self</u> (organization/self)	
<i>I understand I am limited to speaking for five minutes.</i>		
<i>For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.</i>		
Signed: <u>David Wallace</u>		
This information is a Public Record.		

Date: <u>8-12-13</u>		SPEAKER CARD
☐ I will speak In Support of this item.		
☐ I will speak In Opposition to this item.		
☒ I do not wish to speak, but please record my: ☐ support ☒ opposition		
Agenda Item Number: <u>3a</u>		
Name: <u>Cyndi Wallace</u>		
Address: <u>104 Greenbriar Lane</u>		
City: <u>Colleyville</u>	State: <u>TX</u>	Zip Code: <u>76034</u>
Telephone Number: <u>214-707-4903</u>	Representing: <u>self</u> (organization/self)	
<i>I understand I am limited to speaking for five minutes.</i>		
<i>For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.</i>		
Signed: <u>Cyndi Wallace</u>		
This information is a Public Record.		

Letters of Opposition

SPEAKER CARD

Date: 8/12/13

☐ I will speak in Support of this item.

☒ I will speak in Opposition to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 3

Name: Betsy Deck

Address: 3401 Cliffwood Dr.

City: Colleyville

State: TX

Zip Code: 76034

Telephone Number: _____

Representing: Self

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Betsy Deck

This information is a Public Record.

Letters of Opposition

SPEAKER CARD

Date: 8/12/13

☐ I will speak In Support of this item.

☒ I will speak In Opposition to this item.

☐ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 3a

Name: Mike Davila

Address: 100 Greenbriar Ln

City: Collegeville State: TX Zip Code: 76034

Telephone Number: 214 563 2211 Representing: Self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: [Signature]

This information is a Public Record.

Letters of Opposition

SPEAKER CARD

Date: 8/26/13

☐ I will speak In Support of this item.

☐ I will speak In Opposition to this item.

☒ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 5a

Name: Cynthia Wallace

Address: 104 Greenbriar Ln.

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 214-707-4903 Representing: Self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Cynthia Wallace

This information is a Public Record.

Letters of Opposition

SPEAKER CARD

Date: 8/26/13

☐ I will speak In Support of this item.

☐ I will speak In Opposition to this item.

☒ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 5a

Name: David Wallace

Address: 104 Greenbriar Ln

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 817-821-6234 Representing: _____
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: David Wallace

This information is a Public Record.

Letters of Opposition

Date: _____

SPEAKER CARD

☒ I will speak In Support of this item.

☒ I will speak In Opposition to this item.

☒ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 5a

Name: Mike Davis

Address: 100 ~~0000~~ Greenbriar Ln

City: Colleyville State: TX Zip Code: 76034

Telephone Number: 214 5632211 Representing: Self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: _____

This information is a Public Record.

Letters of Opposition

SPEAKER CARD

Date: 8-26-13

☒ I will speak in Support of this item.

☒ I will speak in Opposition to this item.

☐ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 5A

Name: JAMES BEVILL

Address: 119 CHEEK SPARGER

City: COLLEEVILLE State: TX Zip Code: 76034

Telephone Number: 817-849-1340 Representing: Ø
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: J. Bevil

This information is a Public Record.

Letters of Opposition

Date: _____ **SPEAKER CARD**

☒ I will speak In Support of this item.
☐ I will speak In Opposition to this item.
☐ I do not wish to speak, but please record my: ☐ support ☒ opposition

Agenda Item Number: 5a
Name: Claudia Bevil
Address: 119 Cheek Sparger Rd.
City: Colleyville State: TX Zip Code: 76034
Telephone Number: 817-849-1360 Representing: Self
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Claudia Bevil

This information is a Public Record

Letters of Opposition

SPEAKER CARD

Date: 10-2-13

Agenda Item Number: 5A

For example: **5a (this can be found on the far left side of the agenda copy)**

☒ I will speak **In Support** of this item. ☐ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ **support** ☐ **opposition**

Name: Mary Bennett

Address: 3705 Brianhaven Ln City: Colleyville

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Mary Bennett
This information is a Public Record

Letters of Opposition

SPEAKER CARD

Date: 8/10/2/13

Agenda Item Number: 5a

For example: **5a (this can be found on the far left side of the agenda copy)**

_____ I will speak **In Support** of this item. ☒ I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: _____ **support** _____ **opposition**

Name: Daniel Morrison

Address: 123 Felps Ct.

City: Colleyville, TX, 76034

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Daniel Morrison

This information is a Public Record

Letters of Opposition

SPEAKER CARD

Date: 10-2-13

Agenda Item Number: 5A

For example: 5a (this can be found on the far left side of the agenda copy)

~~I~~ I will speak **In Support** of this item. ~~I~~ I will speak **In Opposition** to this item.

I do not wish to speak, but please record my: support opposition

Name: Claudia Beville

Address: 119 Cheek Sparger Rd City: Colleyville TX
76034

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Claudia Beville

This information is a Public Record

Letters of Opposition

SPEAKER CARD

Date: 10/2/13

Agenda Item Number: 5A

For example: 5a (*this can be found on the far left side of the agenda copy*)

_____ I will speak **In Support** of this item. _____ I will speak **In Opposition** to this item.

X I do not wish to speak, but please record my: _____ support X opposition

Name: LOWELL MORRISON

Address: 123 Felps CT (owner within 200' of subject) City: COLLEYVILLE

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Lowell Morrison

This information is a Public Record

Letters of Opposition

Date: 10-2-13

SPEAKER CARD

☐ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☒ I do not wish to speak, but please record my: ☐ support ☒ ~~opposition~~

Agenda Item Number: 5A

Name: JAMES BEVILL

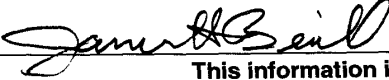
Address: 119 CHEEK SPARGER

City: COLLEYVILLE State: TX Zip Code: 76034

Telephone Number: 817-849-1360 Representing: SELF
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: 

This information is a Public Record.

Letters of Opposition

SPEAKER CARD

Date: 10-2-13

Agenda Item Number: 5A

For example: **5a (this can be found on the far left side of the agenda copy)**

_____ I will speak **In Support** of this item. _____ I will speak **In Opposition** to this item.

X I do not wish to speak, but please record my: _____ support X opposition

Name: James Beville

Address: 119 Cheek Sparger Rd City: Colleyville TX
76034

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: See attached signature
This information is a Public Record

*Please accept the attached as Jon Beville is
out of town and unable to attend.*

Letters of Opposition

SPEAKER CARD

Date: 10/15/13

Agenda Item Number: 5a

For example: **5a (this can be found on the far left side of the agenda copy)**

_____ I will speak **In Support** of this item. 5a I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: _____ **support** _____ **opposition**

Name: Claudia Bevil

Address: 119 Chest Sparger Rd City: Colleyville TX

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Claudia Bevil

This information is a Public Record

Letters of Opposition

SPEAKER CARD

Date: 10-15-13

Agenda Item Number: 5A

For example: 5a (this can be found on the far left side of the agenda copy)

_____ I will speak **In Support** of this item. ✓ I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: _____ **support** _____ **opposition**

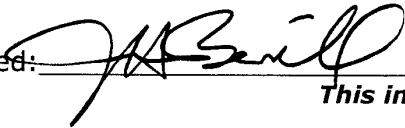
Name: JAMES BEVILL

Address: 119 CHEEK SPARGER

City: COLLEYVILLE

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: _____



This information is a Public Record

I WOULD PREFER TO SPEAK LAST ON THIS ITEM

Letters of Opposition

SPEAKER CARD

Date: 10/19/13

(5?)

Agenda Item Number: 5a

For example: **5a (this can be found on the far left side of the agenda copy)**

_____ I will speak **In Support** of this item. _____ I will speak **In Opposition** to this item.

/ I do not wish to speak, but please record my: _____ support ☒ **opposition**

Name: Daniel Morrison

Address: 123 Felps Ct.

City: Collegville, TX, 76034

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Daniel Morrison

This information is a Public Record

Letters of Opposition

SPEAKER CARD

Date: 11/5/13

Agenda Item Number: 7A

For example: **5a (this can be found on the far left side of the agenda copy)**

_____ I will speak **In Support** of this item. X I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: _____ **support** _____ **opposition**

Name: Claudia Bevil

Address: 119 Cheek Sparger City: Colleyville TX

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: C. Bevil

This information is a Public Record

Letters of Opposition

SPEAKER CARD

Date: 11-5-13

Agenda Item Number: 7A

For example: **5a (this can be found on the far left side of the agenda copy)**

_____ I will speak **In Support** of this item. X I will speak **In Opposition** to this item.

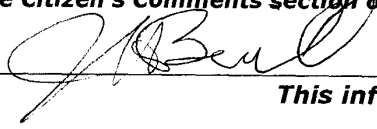
_____ I do not wish to speak, but please record my: _____ **support** _____ **opposition**

Name: JAMES BEVILL

Address: 119 CHEEK SPARGER

City: COLLENVILLE

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: 

This information is a Public Record

Letters of Opposition

SPEAKER CARD

Date: 11/5/13

Agenda Item Number: 7a

For example: **5a (this can be found on the far left side of the agenda copy)**

____ I will speak **In Support** of this item. ____ I will speak **In Opposition** to this item.

☒ I do not wish to speak, but please record my: ____ support ☒ opposition

Name: _____

Address: _____

City: _____

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: _____

This information is a Public Record

Letters of Support

From: [Jerry Bennett](#)
To: [Taci Wrisley](#)
Subject: Proposed Rezoning Change on Cheek Sparger Road
Date: Friday, September 13, 2013 10:43:38 AM

Dear Ms. Wrisley,

I live at 3705 Briarhaven Lane in Colleyville, in Woodbriar Estates. This is to let you know and to put on record that I am delighted that a developer wants to build residential homes in the vacant area on the east corner of Cheek-Sparger and San Bar Lane. This will be a great asset to this part of Colleyville and will raise home values all around.

I do not want the vacant property to remain as commercial zoning. I fear having something being built on that property like another "99 Cent Store." The one that is nearby looks like something you would see in a third-world country and we don't need another one or something like it.

For whatever it is worth, I was not contacted either by the city or by anyone on the board of Woodbriar Estates Homeowner's Association (WEHA) as to my opinion of the zoning change. Therefore, my reason for sending this e-mail to you.

It is my understanding that someone representing WEHA attended 3 P&Z meetings to formally request that the P&Z not approve the zoning change request and that a motion to approve the rezoning request was made in a 4-for and 2-against vote.

I sincerely regret that I did not attend any of the meetings to express my desire to see that property made residential rather than commercial.

It is my understanding that at the WEHA board meeting which was held on September 10, 2013, the board was to decide whether or not to contest the zoning change at the next city council meeting when the council will approve or deny the zoning change. To date, I do not know what the board decided. However, I plan to be at the city council meeting on 9-17 and plan to speak in favor of the zoning change, if that step becomes necessary.

Keep in mind that there are about 200 or more households in Woodbriar Estates. You have heard the opinion of the WEHA board of 12 members. The WEHA board does not speak for me and I am sure they don't speak for many of the other homeowners.

If you could forward this e-mail to city council members, I would very much appreciate it, as I do not have their e-mail addresses.

Thank you for your attention to this matter and please call me if you have any questions.

Mary Bennett
817-577-8838

Letters of Support

Date: _____

SPEAKER CARD

☒ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 4b

Name: Claudia Bevil

Address: 119 Cheek Sparger Rd

City: Colleyville

State: TX

Zip Code: 76034

Telephone Number: 817-849-1360

Representing: self

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: CB

This information is a Public Record.

Date: 2-22-13

SPEAKER CARD

☒ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 4B

Name: JAMES BEVILL

Address: 119 CHEEK SPARGER

City: COLLEVILLE

State: TX

Zip Code: 76034

Telephone Number: 817-849-1360

Representing: _____

(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: JB

This information is a Public Record.

Letters of Support

SPEAKER CARD

Date: 10-2-13

Agenda Item Number: 5A

For example: **5a (this can be found on the far left side of the agenda copy)**

☒ I will speak **In Support** of this item. ☐ I will speak **In Opposition** to this item.

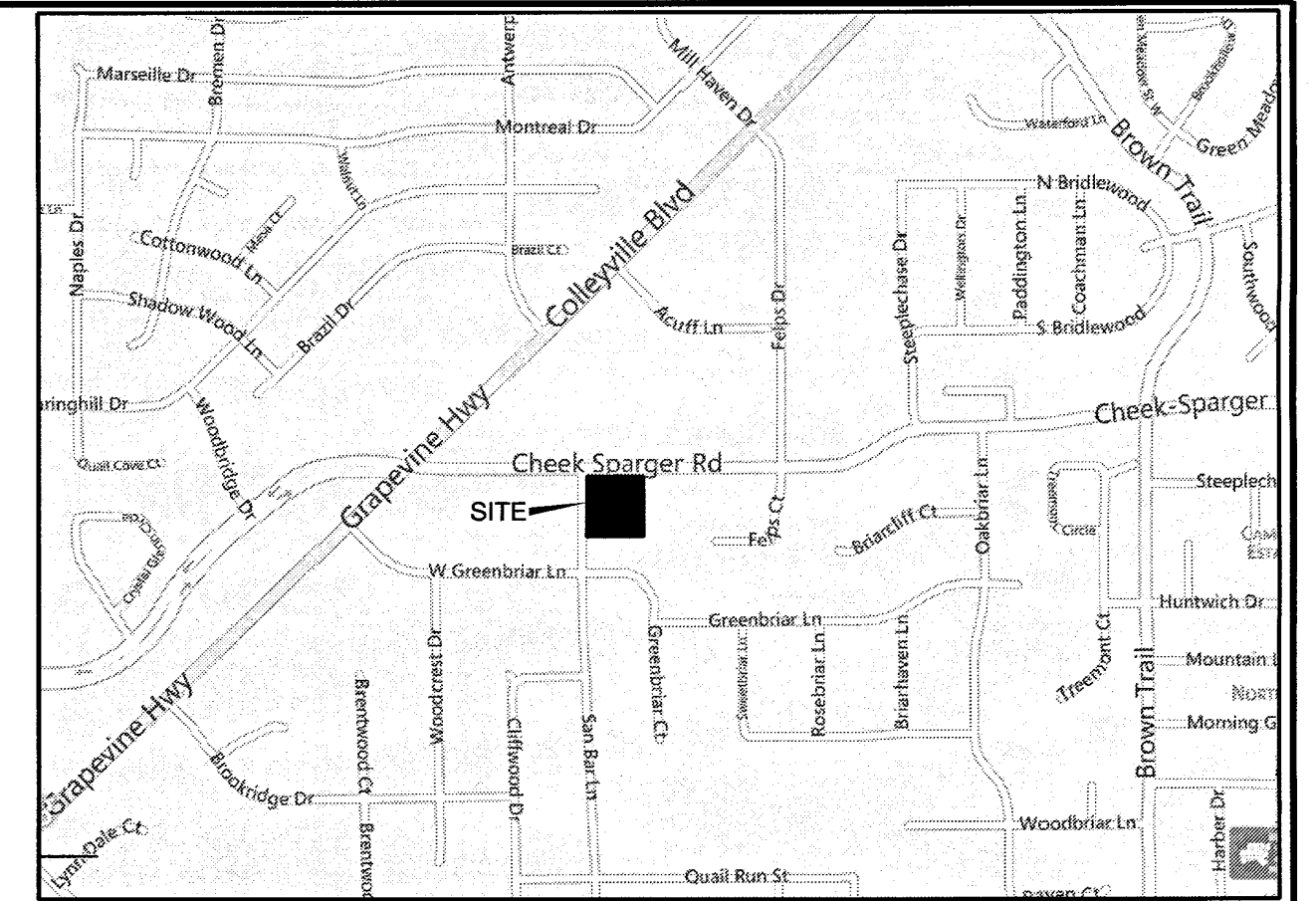
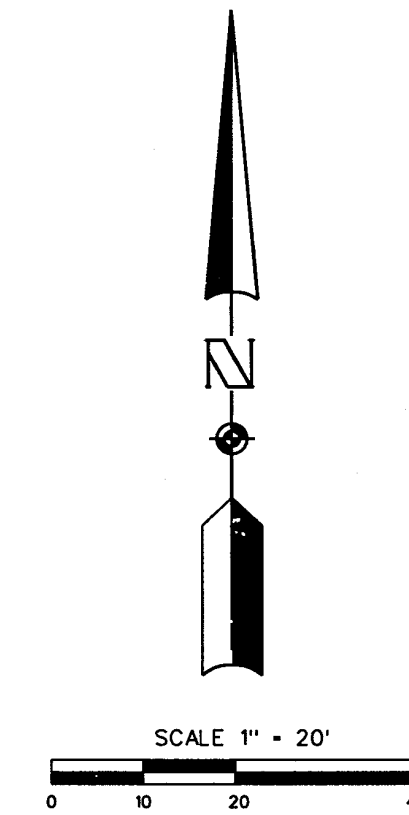
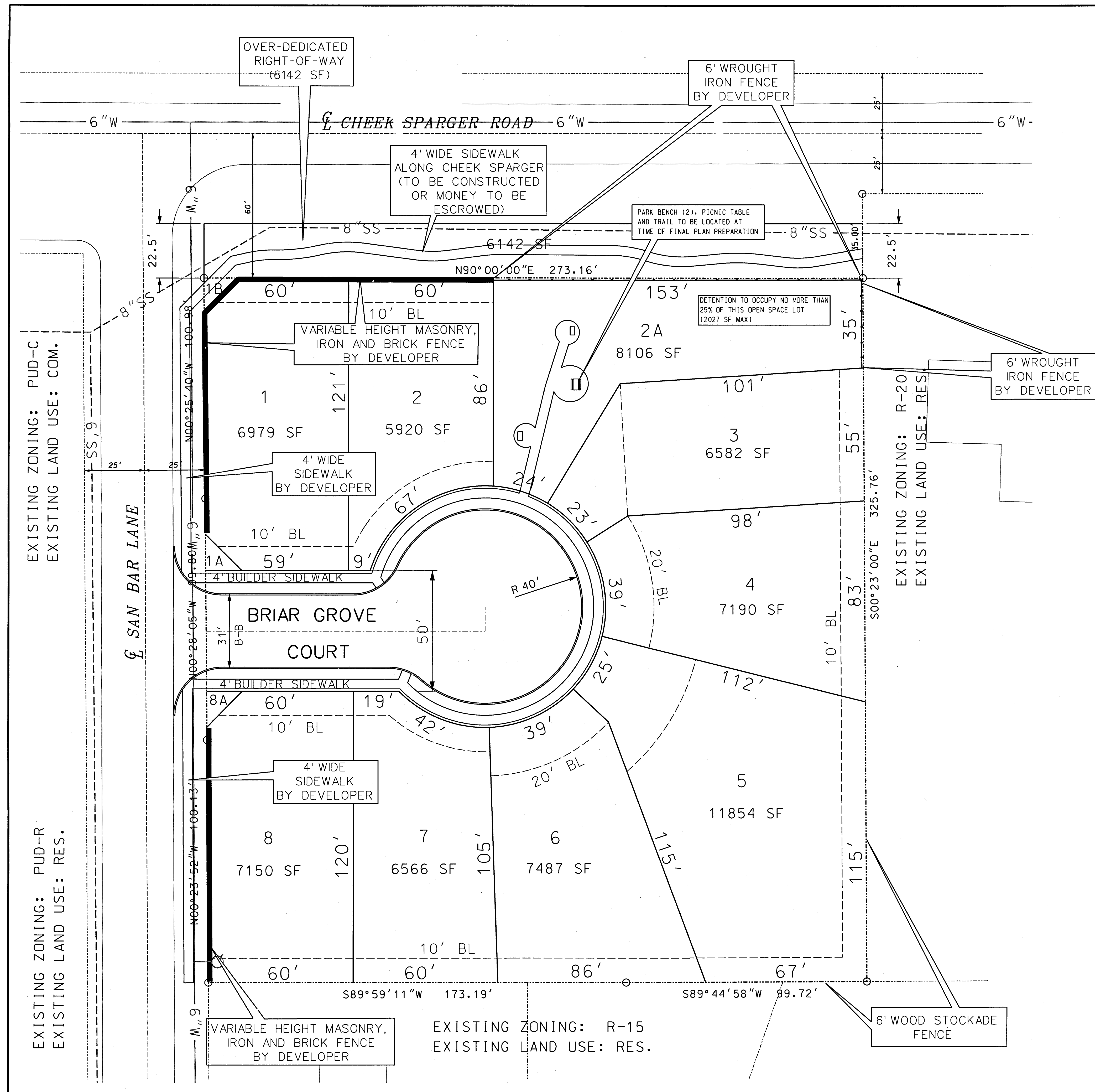
☐ I do not wish to speak, but please record my: ☐ **support** ☐ **opposition**

Name: MARY BENNET

Address: 3705 BRISCHVEN LN City: COLLEYVILLE

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: MARY BENNET
This information is a Public Record



NOTES:

- HOME OWNER'S ASSOCIATION (HOA) TO MAINTAIN DETENTION POND, OPEN SPACE LOTS, PERIMETER WALLS AND LANDSCAPING. CITY WILL RECEIVE COPY OF RECORDED HOA DOCUMENTS AT TIME OF BUILDER PERMIT PROCESS.
- BRIAR GROVE COURT SHALL BE A PUBLIC STREET CONSTRUCTED TO CITY STANDARDS (31' B-B WIDTH).
- LOTS TO HAVE 5' SIDE YARDS ON EACH SIDE OF BUILDING PAD OR CAN BE ZERO LOTS WITH BUILDING 1' FROM ONE SIDE AND 9' FROM OTHER SIDE LOT WITH THE EXCEPTION OF LOT 4 WHICH CAN HAVE SIDE YARDS OF 5' AND 3' OR 1' AND 7'.
- FRONT BUILDING LINE SHALL BE 20' FOR FRONT ENTRY GARAGES AND 10' FOR J-SWING GARAGES.
- BUILDER SHALL BE REQUIRED TO PLANT 1 - 3" CANOPY TREE AND 1 ORNAMENTAL TREE IN THE FRONT YARD OF EACH HOUSE.
- OPEN SPACE LOTS TO BE PLANTED PER LANDSCAPE PLAN. HOA TO MAINTAIN ALL OPEN SPACE AREAS.

LAND USE TABLE

AREA OF DEVELOPMENT	1.82 ACRES (79,466 SF)
NUMBER OF UNITS	8
OPEN SPACE	(LOTS 1A, 1B, 2A, 8A - 8432 SF) (10.6%)
OPEN SPACE (CONSIDERING USE OF OVER-DEDICATED RIGHT-OF-WAY)	8432 + 6142 = 14574 SF TOTAL AREA = 79466 + 6142 = 85608 SF OPEN SPACE = 14574/85608 = 17.0%
OPEN SPACE (CONSIDERING ALL R.O.W. ALONG CHEEK SPARGER TO BE MAINTAINED BY HOA)	14574 + 7186 = 21760 SF TOTAL AREA = 85608 + 7186 = 92794 SF OPEN SPACE = 21760/92794 = 23.5%
DENSITY	4.40 UNITS/AC
DENSITY (WITH OVER DED. R.O.W.)	8/1.97 = 4.07 UNITS/AC
MAX BUILDING HEIGHT	35 FEET
FRONT BUILDING LINE	10 FEET FOR J-SWING 20 FEET FOR FRONT ENTRY
REAR BUILDING LINE	10 FEET

NOTES:

- LOT COVERAGE SHALL NOT EXCEED 60 PERCENT OF THE INDIVIDUAL LOT.

ZONING EXHIBIT FOR ZONING
CHANGE FROM
PUD-C TO PUD-R (RESIDENTIAL)
BRIAR GROVE COURT

1.82 AC.

LOT 1, BLOCK 1,
SAN BAR SQUARE
CITY OF COLLEYVILLE,
TARRANT COUNTY, TEXAS

EXISTING ZONING - PUD-C
PROPOSED ZONING - PUD-R (RESIDENTIAL)
CITY FUTURE LAND USE - RESIDENTIAL

DATE OF PREPARATION 6-7-13

REVISED 6-26-13
REVISED 7-29-13
REVISED 8-19-13
REVISED 9-20-13
REVISED 10-9-13
REVISED 11-13-13

OWNER:
RONNIE R. UHLENHAKER
P.O. BOX 1405
COLLEYVILLE, TX 76034-1705

DEVELOPER:
STEVE ISBELL
6617 PRECINCT LINE ROAD
NRH, TEXAS 76182
STE #200

ENGINEER:
HAMILTON DUFFY, PC
8241 MID CITIES BLVD.
NRH, TEXAS 76182
(817) 268-0408
FAX (817) 284-8408

Landscape Plan Submitted 11/15/2013

Date: NOV 14, 2013
 Drawn By: GAC
 Checked By: JRF
 Revisions:



THESE PLANS WERE PREPARED BY THE UNDERSIGNED FOR THE PROJECT AND SITE SHOWN HEREON. THE UNDERSIGNED HAS CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS FOUND THAT THE INFORMATION ON WHICH THESE PLANS ARE BASED IS TRUE AND CORRECT. THE UNDERSIGNED HAS NOT CONDUCTED ANY OTHER INVESTIGATION OR SURVEY OF THE SITE. THE UNDERSIGNED HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE DATE OF THE SURVEY. THE UNDERSIGNED HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE DATE OF THE SURVEY. THE UNDERSIGNED HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE DATE OF THE SURVEY.

BRIAR GROVE
 COLLEVILLE, TEXAS

Sheet No.

L-1

OF 5

PLANTING NOTES:

1. PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
2. ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK.
3. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE.
4. ALL CONTAINER GROWN PLANTS TO HAVE FULL, VIGOROUS ROOT SYSTEM, COMPLETELY ENCOMPASSING CONTAINER.
5. ALL PLANTS WELL ROUNDED AND FULLY BRANCHED. ALL TREES WITH SPREAD 2/3 OF HEIGHT.
6. CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWNS.
7. MAINTAIN/PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL ENTRANCES TO SITE.
8. PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MIX AS OUTLINED IN SPECS. WHERE SHRUBS ARE LOCATED ALONG CURBS, SET SHRUBS BACK FROM CURB 3 FT.
9. SEE DETAIL SHEET FOLLOWING FOR PLANTING DETAILS.
10. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, TELEGRAPH, ELECTRIC, GAS, WATER AND SEWER. ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER.
11. IF EXISTING TREES ARE SHOWN TO REMAIN, CONTRACTOR SHALL PRUNE AS DIRECTED BY OWNER'S REPRESENTATIVE. WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH, DEAD AND DISEASED BRANCHES AND LIMBS, VINES, BRIARS AND OTHER INVASIVE GROWTH, AND ALL INTERFERING BRANCHES. MAKE ALL CUTS FLUSH TO REMAINING LIMB. RETAIN NATURAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
12. QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY PRIOR TO PRICING.
13. INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS. REFER TO SPECIFICATIONS. FILE ALL CORNERS SMOOTH.
14. INSTALL CURLEX BLANKET (OR EQUAL) PER MANUFACTURER'S INSTRUCTIONS ON ALL GROUND COVER/SHRUB BEDS WITH A SLOPE OF 4 TO 1 OR GREATER.
15. AT TIME OF PLANT PREPARATION, SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE ALL B&B PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON. PURCHASE AND HOLD B&B PLANTS FOR LATE SEASON INSTALLATION.

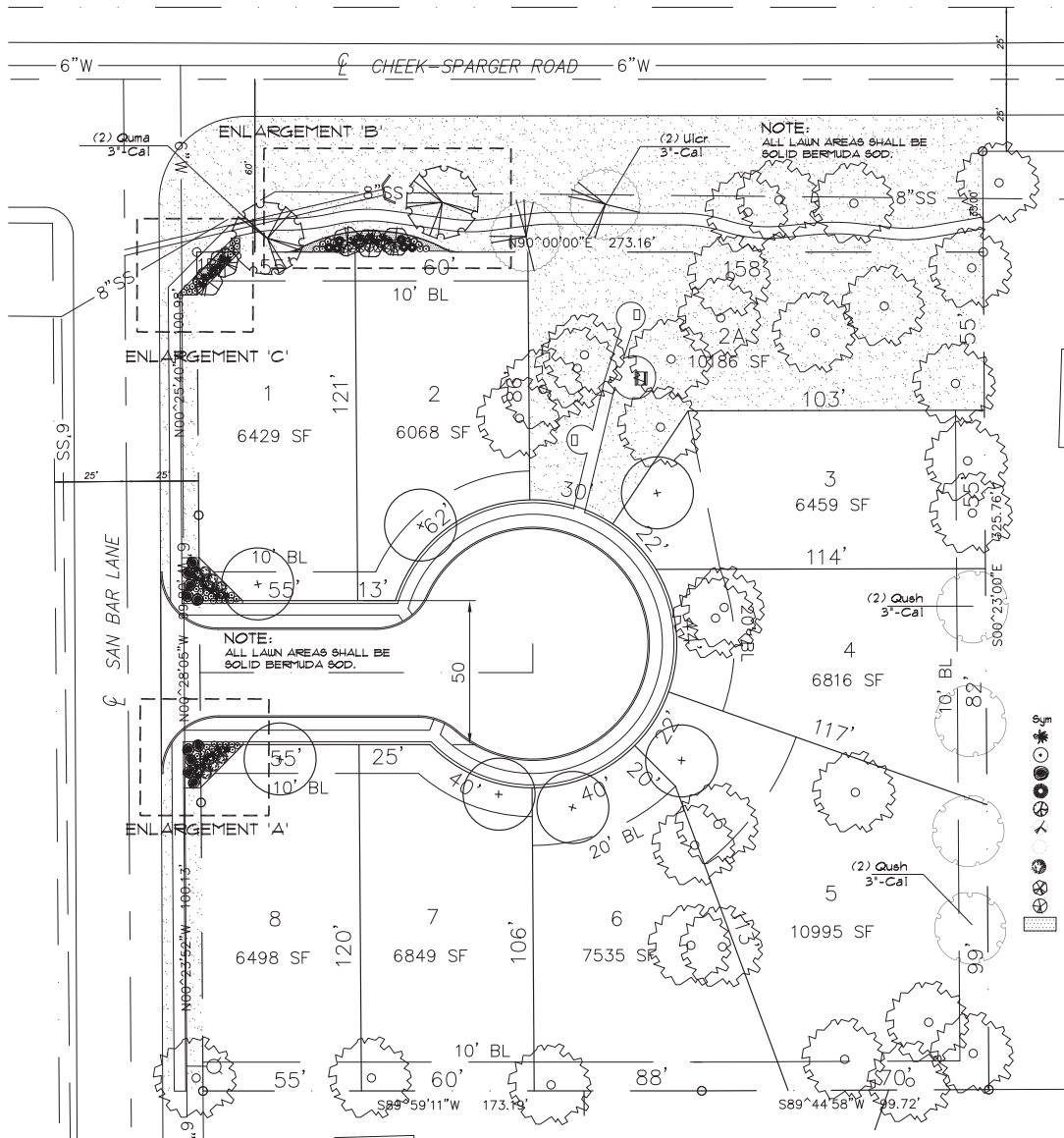
PLANT LIST

Qty	Code Name	Scientific Name	Common Name	Planting Size	Comments
28	Hepa	Hesperaloe parviflora	Red yucca	5-Gal	36" O.C.
50	Sagr	Salvia greggii	Autumn Sage	1-Gal	24" O.C.
10	JunoB	Juniperus horizontalis 'Bar Harbor'	Bar Harbor Juniper	3-Gal	48" O.C.
6	Mulle	Muhlenbergia lindheimeri 'Leni'	'Autumn Glow' Muhly	5-Gal	36" O.C.
2	Quna	Quercus macrocarpa	Bur oak	3'-Cal	B 4 B
2	Ulor	Ulmus crassifolia	Cedar elm	3'-Cal	B 4 B
4	Qush	Quercus shumardii	Shumard oak	3'-Cal	B 4 B
6	Mygu	Myrica pusilla	Dwarf Wax Myrtle	1-Gal	48" O.C.
5	Lainre	Lagerstromia indica 'Red Rocket'	'Red Rocket' crepe myrtle	8' - 10'	3 to 5 Canes
1	IlvoN	Ilex vomitoria 'Nana'	Dwarf yaupon	5-Gal	36" O.C.
	Nate	Nasella tenuissima	Mexican feathergrass	1-Gal	18" O.C.



SCALE: 1" = 20'-0"

LANDSCAPE PLAN



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Date NOV 14, 2013
 Drawn By GAC
 Checked By JRF
 Revisions

[illegible]

**BRIAR GROVE
COLLEGEVILLE, TEXAS**

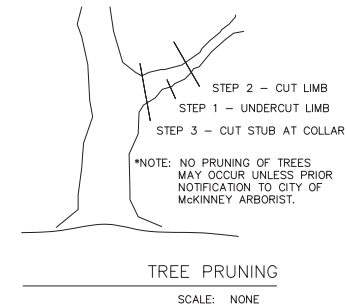
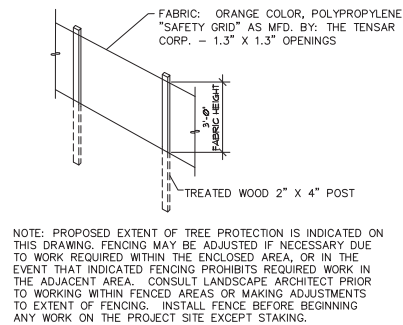
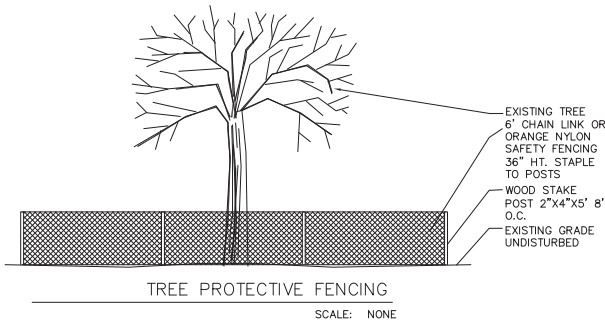
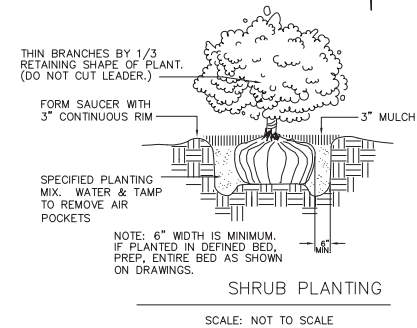
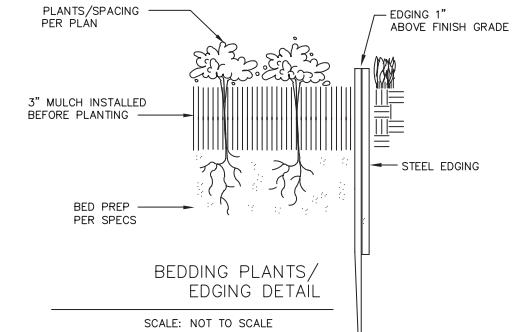
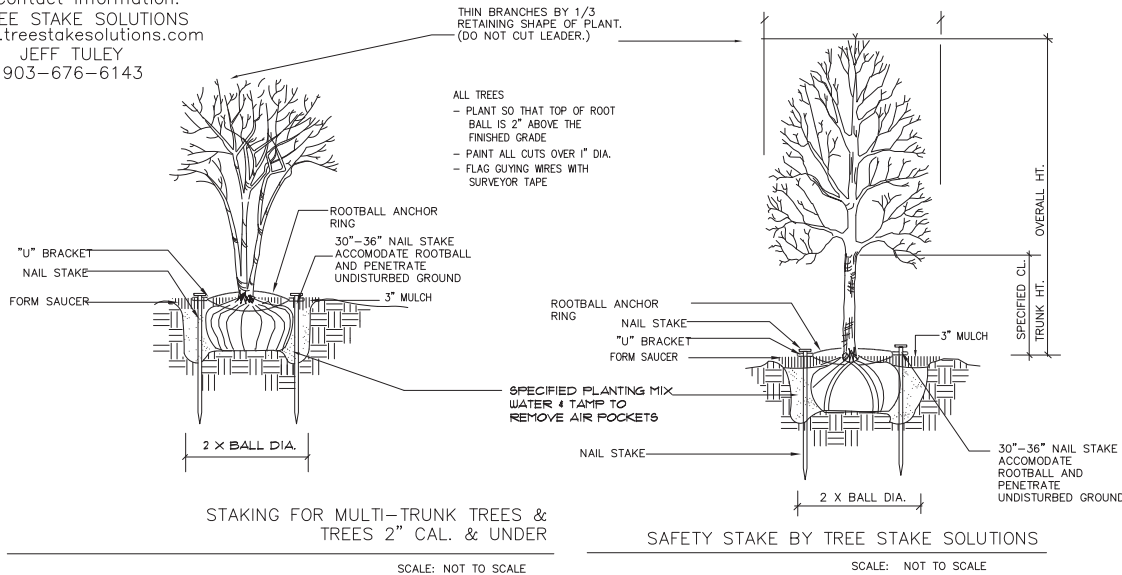
Sheet No. _____

L-2

2

Landscape Plan Submitted 11/15/2013

Contact Information:
TREE STAKE SOLUTIONS
www.treestakesolutions.com
JEFF TULEY
903-676-6143



Date: NOV 14, 2013
Drawn By: GAC
Checked By: JRF
Revisions:



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BRIAR GROVE
COLLEGEVILLE, TEXAS

Sheet No.

L-3

OF 5

LANDSCAPE DETAILS

Landscape Plan Submitted 11/15/2013

Date: NOV 14, 2013
Drawn By: GAC
Checked By: JRF
Revisions:



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BRIAR GROVE
COLLEVILLE, TEXAS

Sheet No.

L-4

OF 5

SECTION 02830

TREES, SHRUBS, AND GROUNDCOVERS

PART 1 GENERAL

1.01 DESCRIPTION OF WORK

A. Scope

1. Bed prep
2. Metal edging
3. Topsoil
4. Planting
5. Mulching
6. Guarantee

B. Related Work Specified Elsewhere

1. General Requirements - All locations
2. Section 02740 - Irrigation Trenching
3. Section 02750 - Irrigation
4. Section 02800 - Lawns

1.02 QUALITY ASSURANCE

A. Contractor Qualifications

Minimum of three (3) years experience on projects of similar characteristics and size.

B. Reference Standards:

1. American Joint Committee Of Horticultural Nomenclature: Standardized Plant Names, Second Edition, 1942;
2. American Association Of Nurserymen: American Standard For Nursery Stock, 1973

C. Substitutions

1. Substitutions accepted only upon written approval of Landscape Architect and Owner.
2. Submit substitutions possessing same characteristics as indicated on plans and specifications.

D. Inspection and Testing

1. The project Owner's representative reserves the right to inspect and top plants at the place of growth with the Contractor.
2. Inspection at place of growth does not preclude the right of rejection due to improper digging or handling.
3. Owner's representative reserves the right to request soil samples and analysis of soil and plant mix. Remove or correct unacceptable soil. Cost of testing by Contractor.

1.03 SUBMITTALS

A. Certificates

1. Submit State and Federal certificates of inspection with invoice. (Only if required by Landscape Architect.)
2. File certificates with Owner's representative prior to material acceptance.

1.04 PRODUCT DELIVERY, STORAGE, & HANDLING

A. Preparation of Delivery

1. Balled & Burlaped (B&B) Plants

- a. Dig and prepare for shipment in manner that will not damage roots, branches, shape, and future development after replanting.
- b. Ball with firm, natural ball of soil, wrapped tightly with burlap covering entire ball.
- c. Ball size and ratios: conform to American Association of Nurserymen standards unless otherwise shown on plant list.
2. Pack plant material to protect against climatic & seasonal damage, as well as breakage/injuries during transit.
3. Securely cover plant tops with ventilated tarpaulin or canvas to minimize wind whipping and drying in transit.
4. Pack and ventilate to prevent sweating of plants during transit. Give special attention to insure prompt delivery and careful handling to point of delivery at job site.

B. Delivery

1. Deliver fertilizer, fertilizer tablets, peat, mulch, soil additives, and amendment materials to site in original, unopened containers, bearing manufacturer's guaranteed chemical analysis, name, trade name, trademark, and conformance to State law.
2. Deliver plants with legible identification and size labels on example plants.
3. Protect during delivery to prevent damage to root ball or desiccation of leaves.
4. Notify Owner's representative of delivery schedule in advance so plant material may be inspected upon arrival at job site.
5. Deliver plants to job site only when areas are prepared.

C. Storage

1. Protect roots of plant material from drying or other possible injury with wetted mulch or other acceptable material.
2. Protect from weather.
3. Maintain and protect plant material not to be planted immediately upon delivery.

D. Handling

1. Do not drop plants.
2. Do not damage ball, trunk, or crown.
3. Lift and handle plants from bottom of container or ball.

1.05 JOB CONDITIONS

- A. Planting Season - Perform actual planting only when weather and soil conditions are suitable in accordance with locally acceptable practices.
- F. Protection - Before excavations are made, take precautionary measures to protect areas trucked over and where soil is temporarily stacked.

1.06 GUARANTEE

- A. Guarantee new plant material for one year after acceptance of final installation (ie Final Acceptance of project).
- B. Make replacement (one per plant) during one year guarantee period at appropriate season with original plant type, size and planting mixture.
- C. Repair damage to other plants, lawns, & irrigation caused during plant replacement at no cost to Owner.
- D. Use only plant replacements of indicated size and species.
- E. Ten days before end of guarantee period, notify Owner's representative in writing for year end inspection. Failure to do so, shall automatically extend guarantee until notification is received.

PART II PRODUCTS

2.01 MATERIALS

A. Plant Materials

1. Hardy under climatic conditions similar to locality of project.
2. True to botanical and common name variety.
3. Sound, healthy, vigorous, well branched, and densely foliated when in leaf, with healthy well-developed root system.
4. Free from disease, insects, and defects such as knots, sun-scald, windburn, injuries, disfigurement, or abrasions.
5. Conform to measurements after pruning with branches in normal positions.
6. Conform to American Association of Nurserymen standards unless shown differently on plant list.
7. Trees:
 - a. Single, straight trunks, unless indicated otherwise
 - b. Trees with weak, thin trunks not capable of support will not be accepted.
 - c. All multi-stem trees are to have a minimum of three stems, similar in size and shape, with a spread of approximately 2/3 of the height. All youpans to be female.
8. Nursery grown stock only.
9. Subject to approval of Landscape Architect.
10. Seasonal color
- a. Annuals in 4" pots or as specified
- b. Perennials in 4" pots, clumps, bulbs as specified

B. Topsoil

1. Natural, fertile, friable soils having a textural classification of loam or sandy loam possessing characteristics of soils in vicinity which produce heavy growth of crops, grass, or other vegetation.
2. Free of subsoil, brush, organic litter, objectionable weeds, clods, shale, stones 1/2" diameter or larger, stumps, roots or other material harmful to grading, planting, plant growth, or maintenance operations.
3. Presence of vegetative parts of Bermuda grass (Cynodon dactylon), Johnson grass, nut grass (Cyperus rotundus), and other hard to eradicate weeds or grass will cause for rejection of topsoil.
4. Test topsoil (cost by Contractor):
 - a. Available nitrogen
 - b. Available phosphorus
 - c. Available potash
 - d. Iron
 - e. Ph: 5.5 to 7.0
 - f. Decomposed organic matter: 6-10%

C. Mulch

1. Top Dressing Mulch - Shredded cypress or hard wood only
2. Mulch for soil prep - Shredded pine bark
3. In pre-packaged bags only; bulk shredded material is unacceptable.

- D. Peat Moss Commercially available baled peat moss or approved equivalent.

E. Staking Material

1. Stakes for tree support
 - a. Construction grade yellow pine, stain brown
 - b. Size as noted on plans

2. Wires

- a. Padded with rubbed hose to protect tree
- b. Galvanized
- c. With galvanized turnbuckle
- d. Every tighten turnbuckles with plant in vertical position.

F. Water

1. Free of oils, acids, alkali, salt, and other substances harmful to plant growth
2. Location: Furnish temporary hoses and connections on site.

G. Sand Washed builders sand

H. Antidesicant - "Wilt-proof" or equal.

- I. Edging - 3/16" X 4" green, new and unused; with stakes.

2.02 MIXES

A. Planting Mixture

- Existing topsoil - 50%
3. Shredded pine bark - 50%
4. Fertilizer 10:20:10 at 30 lb./1000 SF

B. Planting Mix for Annuals/Perennials

1. Prepare above mix
2. Add 2" of sand

- C. Azalea mix: solid peat moss in hole 9" wider than root ball each direction. Plant in solid peat moss and provide mound at base of plant to allow for drainage.
- D. Japanese maple, dogwood, camellias: Provide 50/50 peat moss to topsoil mix, raise for drainage.

PART III - EXECUTION

- 3.01 UTILITIES - verify location of all utilities prior to initiating construction; repair any damage caused by construction at no cost to owner.

3.02 INSPECTION

- A. Inspect plants for injury and insect infestation; prune prior to installation.
- B. Inspect site to verify suitable job conditions.

3.03 FIELD MEASUREMENTS

- A. Location of all trees and shrubs to staked in the field and approved by Owner's representative prior to installation.
- B. Location of all groundcover and seeding limits as shown on plans.

3.04 EXCAVATION FOR PLANTING

A. Pits

1. Shape - Vertical hand scarified sides and flat bottom.
2. Size for trees - 2 feet wider or twice the root ball, whichever is greater.
3. Size for shrubs - Size of planting bed as shown on drawings.
4. Rototill soil mix thoroughly, full depth.
5. NOTE: If beds are proposed beneath drip line of existing tree canopy, pocket prep plants. Do not roto-till beneath existing trees.

B. Obstructions Below Ground

1. Remove rock or underground obstructions to depth necessary to permit planting.
2. If underground obstructions cannot be removed, notify Owner's representative for instruction.
3. Excess Soil Dispense of unacceptable or excess soil away from the project site at Contractor's expense.

3.05 PLANTING

A. General

1. Set plants 2" above existing grade to allow for settling.
2. Set plants plumb and rigidly braced in position until planting mixture has been tamped solidly around ball.
3. Apply soil in accordance with standard industry practice for the region.
4. Thoroughly settle by water jetting and tamping soil in 6" lifts.
5. Prepare 3" dish outside root ball after planting.
6. Thoroughly water all beds and plants.
7. Stake trees and large shrubs as indicated on plans.
8. Apply anti-desicant according to manufacturer's instructions.
9. Apply commercially manufactured root stimulator as directed by printed instruction.
10. Plant and fertilize bedding plants per trade standards.
11. Apply 3" mulch top dressing.

B. Balled Plants

1. Place in pit of planting mixture that has been hand tamped prior to placing plant.
2. Place with burlap intact to ground line. Top of ball to be 2" above surrounding soil to allow for settling.
3. Remove binding at top of ball and lay top of burlap back 6".
4. Do not pull wrapping from under ball, but cut all binding cord.
5. Do not plant if ball is cracked or broken before or during planting process or if stem or trunk is loose.
6. Backfill with planting mixture in 6" lifts.

C. Container Grown Plants

1. Place in pit on planting mixture that has been hand tamped prior to placing plant.
2. Cut cans on two sides with an acceptable can cutter, and remove root ball from can.

Do not injure root ball.

3. Carefully remove plants without injury or damage to root balls.
4. Backfill with planting mixture in 6" lifts.

D. Mulching

1. Cover planting bed evenly with 3" of mulch.
2. Water immediately after mulching.
3. Where mulch has settled, add additional mulch to regain 3" thickness.
4. Hose down planting area with fine spray to wash leaves of plants.

D. Pruning

1. Prune minimum necessary to remove injured twigs and branches, dead wood, and succors; remove approximately 1/3 of twig growth as directed by landscape architect; do not cut leaders or other major branches of plant unless directed by landscape architect.
2. Make cuts flush, leaving no stubs.
3. Paint cuts over 1" diameter with approved tree wound paint.
4. Do not prune evergreens except to remove injured branches.

3.06 EDGING

- A. Stake edging alignment with string line prior to installation. Use framing square to insure right angles are true.
- B. Install all edging straight and true as indicated on drawings. Where edging layout is circular in design, maintain true and constant radii as shown.
- C. When required on slopes, make vertical cuts (approximately 6" on center) on bottom of edging to allow bending without crimping edging.
- D. Install edging so that approximately 1" is exposed on lawn side. Edging should not be visible from bed side after application of mulch.
- E. Align edging with architectural features (ie pavement joints, windows, columns, wall, etc.) when drawings indicate.
- F. Bend all corners, do not cut corners.
- G. Interlock all pieces with pre-fabricated connectors.
- H. Install with all stakes on inside of planting bed.
- I. Remove, file off all sharp corners and burrs.

3.07 CLEAN-UP

A. Sweep and wash all paved surfaces.

Remove all planting and construction debris from site, including rocks, trash and all other miscellaneous materials.

3.08 MAINTENANCE

- A. Contractor responsible for routine, and regular maintenance of site until Final Acceptance is awarded by Owner. Work includes:

1. Weeding (weekly)
2. Watering (as required)
3. Pruning
4. Spraying
5. Fertilizing
6. Mulching
7. Mowing (weekly)

- B. Provide Owner and Landscape Architect with preferred maintenance schedule in writing. Schedule shall include the above-listed tasks and shall address all frequencies, rates, times, levels, etc.

PLANTING SPECS

Landscape Plan Submitted 11/15/2013

SECTION 02800

FINISH GRADING, LAWN WORK, WILD FLOWERS

PART I – GENERAL

1.01 DESCRIPTION

- A. Work includes turf establishment (sod, hydromulch, etc.) as described on drawings.
- B. Make required analysis and material tests for topsoil, fertilizers, and other materials of similar character per current methods of the Association of Official Agricultural Chemists, when required.
- C. Grass seed shall conform to tolerances for germination and purity per applicable standards of U.S. Department of Agriculture.
- D. The turf contractor shall have a stand of grass established prior to substantial completion of the project. If this is not possible due to time of year or schedule, he shall maintain and protect the seeded areas until the grass is established.

PART II – PRODUCTS

2.01 TOPSOIL MATERIAL

- A. Topsoil material (stockpiled, as specified in Specifications) has been saved for use in finish grading. After sifting out all plant growth, rubbish, and stones, use for areas designated to receive grass. If stockpiled topsoil is not sufficient quantity to complete work, furnish acceptable topsoil from another approved source to provide four inches (4") of topsoil for grass areas unless otherwise noted on drawings. Grass areas shall be defined as the graded areas disturbed during construction not to be paved or built upon.
- B. Acceptable topsoil material shall be defined as natural, fertile, agricultural soil, capable of sustaining vigorous plant growth, uniform composition throughout admixture of subsoil, free of stones, lumps, plants, and their roots, sticks, or other extraneous matter; do not deliver while in a frozen or muddy condition.

2.02 FERTILIZER

- A. Provide a commercial balanced fertilizer delivered to the job in bags labeled with manufacturer's guaranteed analysis. Store in weatherproof storage, place in such a manner that its effectiveness will not be impaired.
- B. Fertilizer shall be a grade containing the percentages of plant food elements by weight as specified elsewhere in these specifications.
- C. Availability of various elements shall be per Standards of the Association of Official Agricultural Chemists.

2.03 GRASS SEED

- A. Grass seed shall be of the previous season's crop and the date of analysis shown on each bag shall be within nine (9) months of the time of delivery to the project. When requested by the Owner or Representative, the seeding contractor shall furnish a sample of seed from each bag for testing.
- B. The seed shall comply with all provisions of the U.S. Department of Agriculture as to labeling, purity, and germination.

2.04 MULCHING

- A. Dry straw or hay of good quality, free of seeds of competing plants and at such rate of 1 1/2 – 2 tons per acre; or,
- B. Wood cellulose or cane fiber mulch at a rate of 1,000 pounds per acre when the slope is 3/4:1 and steeper; or,
- C. A combination of good quality dry straw or hay free of seeds of competing plants at a rate of 2 1/2 tons per acre and wood cellulose or cane fiber mulch at a rate of 500 pounds per acre. This combination shall be used when the slope is flatter than 3/4:1; or,
- D. Sericea lespedza seed bearing hay at a rate of 3 tons per acre. This mulch may be applied green or air dried, but must contain mature seed.
- E. Manufactured wood mulch materials, such as soil retention blankets, erosion control netting, or others that may be required on special areas of high water concentration or unstable soils. When these materials are used, follow the manufacturer's recommendations for installation.

2.05 HYDRO-MULCHING

- Wood cellulose fiber or cane fiber mulch will be applied with hydraulic seeding and fertilizing equipment. All slurry ingredients shall be mixed to form a homogeneous slurry and spray applied within one hour after the mixture is made.
- When wood cellulose or cane fiber mulch is used at the 500 pound per acre rate, straw or hay mulch with asphalt emulsion is applied over this to complete the mulch.

- Wood cellulose or cane fiber mulch at the 1,000 pound per acre rate is used alone where other mulch material will not stick.

- Wood cellulose or cane fiber mulch is self anchoring.

PART III – EXECUTION

3.01 RESPONSIBILITY

- The site grading contractor will be responsible to stockpile acceptable topsoil in a sufficient quantity to provide four inches (4") minimum cover for all grass areas, including but not limited to all curbed islands, and topsoil planting mounds/berms at the appropriate height and width as defined and shown on the landscaping and/or planting drawings. The topsoil and grass areas shall be further defined as any area disturbed during the grading and construction process.

- The site grading contractor, shall be responsible to spread the topsoil within all perimeter graded areas and future building areas only.

- The site grading contractor shall be responsible for backfilling of all curbed islands and planting mounds/berms. They shall also be responsible for removal of all stones, roots, and raking of all topsoil areas not are to be seeded and/or planted. It will also be the site grading contractor's responsibility to provide fertilizer, grass seed, and any additional topsoil required and mulching.

3.02 GRASS SEEDING

- A. Remove stones, roots, rubbish and other deleterious materials from topsoiled areas that are to be seeded.
- B. Immediately prior to sowing seed, acarily ground as necessary; rake until surface is smooth and friable. Sow seed evenly, lightly wood rake into ground, then roll ground with suitable roller, water thoroughly with fine spray. During any weather, keep lawn watered with sprinklers or other approved methods. Re-seed any areas not doing well or damaged. At intervals as may be required according to seasonal conditions, mow and water grass and execute necessary weeding until acceptable and full stand of grass has been obtained.
- D. Provide permanent grass seeding for lawn areas so indicated. Seed in accordance with the following schedule (unless otherwise directed by Owner or Owner's Representative):

- Sow areas ready for seeding between March 1 and October 1 with Hulled Common Bermuda at a rate of 85 pounds per acre.
- Sow areas ready for seeding between October 1 and March 1 with Unhulled Common Bermuda at a rate of 90 pounds per acre, and Annual Ryegrass at the rate of 50 pounds per acre.
- Apply fertilizer at a rate of 20/25 pounds per 1,000 square feet.

3.03 WILD FLOWERS

- A. Areas indicated on plans to receive wild flower coverage shall be fine graded, fertilized, and prepared in a manner similar to traditional turf establishment.
- B. Area to be hydromulched with seed mix as follows:
- | | |
|------------------|-----------------|
| Tickseed | 10 pounds/acre |
| Cosmos | 15 pounds/acre |
| Ox-Eyed Daisy | 5 pounds/acre |
| Side Oats Grama | 4 pounds/acre |
| Show Primrose | 0.5 pounds/acre |
| Plains Coreopsis | 2 pounds/acre |
| Black Eyed Susan | 2 pounds/acre |
| Indian Blanket | 10 pounds/acre |
| Texas Bluebonnet | 4 pounds/acre |
| Little Bluestem | 4 pounds/acre |

3.04 MULCH

- A. All areas to be seeded shall be mulched.
- B. Mulch materials shall be applied uniformly over the seeded area. Mulch shall be straw and shall be at the rate of 1 1/2 – 2 tons per acre.
- B. Mulch shall be anchored with an emulsified asphalt binder at the rate of 10 gallons per 1,000 square feet.

3.05 PROTECTION

- Provide, at no additional cost to Owner, fencing, railing, wire or other types of protection for topsoiled and seeded areas against trespassing and damage. If lawns are damaged prior to Final Acceptance, treat or replace them as directed. Remove protection when so directed.

3.06 MAINTENANCE

- Provide maintenance from start of work until Final Acceptance. Maintenance includes watering of lawns, weeding, mowing, edging, repairs of wash-outs and gullies, repairs to protection, and other necessary work of maintenance. Maintain slopes against erosion.

3.07 REHYDROMULCHING

- The Owner's representative will designate areas to be replanted. Areas on which a stand of growing grass is not present in a reasonable length of time, (Bermuda grass seed should be germinating in 6-8 days) shall be prepared, reseeded and remulched, as specified for original planting at no additional cost to Owner. A stand shall be defined as five plants from seed occurring at a rate of not less than 1,000 growing plants per square foot. Replanting required because of faulty operations or negligence on the part of the Contractor shall be performed without cost to Owner.

3.08 FINAL CLEAN-UP

- A. At time of final inspection of work, and before final acceptance, clean paved areas that are soiled or stained by operations of work of this section. Clean by sweeping or washing, and remove all defacements or stains.
- B. Remove construction equipment, excess material and tools. Cart away from site any debris resulting from work of this section and dispose of as directed.

SECTION 02922

SODDING

PART I – GENERAL

1.01 DESCRIPTION

A. Work Included

- Sod bed preparation
- Fertilizing
- Sodding
- Miscellaneous management practices

B. Related Work Specified Elsewhere

- Finish Grading, Section 02800
- Lawns and Grasses, Section 02930

1.02 REFERENCE STANDARDS

- Standardized Plant Names

- American Joint Committee of Horticultural Nomenclature, Second Edition, 1942.

- B. Texas Highway Department – Standard Specifications for Construction, Item 164, Seeding for Erosion Control.

1.03 SUBMITTALS

- A. Vendors Certification That Sod Meets Texas State Sod Law
- Include labeling requirements.
 - Include purity and type.

1.04 PRODUCT DELIVERY, STORAGE AND HANDLING

A. Sod:

- Previous season's crop with date of analysis on each bag.
- Furnish and deliver each variety in separate bags or containers.
- Sod to be cut no more than three days before delivery.

B. Fertilizer:

- Unopened bags labeled with the analysis.
- Conform to Texas Fertilizer Law.

1.05 JOB CONDITIONS

A. Planting Season:

- Only during suitable weather and soil conditions.
 - As specifically authorized by the Owner's Representative.
- B. Schedule – Only after all other construction is complete.
- Protect and Maintain Sodded Areas
 - From traffic and all other use.
 - Until sodding is complete and accepted.

PART II – PRODUCTS

2.01 MATERIALS

A. Sod:

- Sod: As specified on drawings, weed, insect, and disease free having a minimum of 1 inch of topsoil attached to the roots and cut no more than three days prior to installation.
 - The sod shall be cut in strips of at least 1/2 sq. yd. and not more than 1 sq. yd. Sod shall be cut into strips not less than 12" in width or more than 9' in length. At the time of harvest, the top growth shall not exceed 3" in length.
 - All sod shall conform to the laws of the State and shall be obtained from sources meeting the approval of the Department of Agriculture, Division of Entomology.
- B. Fertilizer:
- Uniform in composition, free flowing.
 - Suitable for application in approved equipment.
 - Analysis of 16-20-0, 16-8-8 or as directed.

C. Water:

- Free of oil, acid, alkali, salts or other substances harmful to growth of grasses.

PART III – EXECUTION

3.01 SOD BED PREPARATION

- A. Cultivate to a depth of four (4") inches by disking and tilling with a power tiller.

B. Clear surfaces of all materials:

- Stumps, stones, and other objects larger than one inch (1").
- Roots, brush, wire, stakes, etc.
- Any objects that may interfere with sodding or maintenance.

C. Prepare sod bed:

- Remove soil clods larger than one inch (1").
- Grade areas to smooth, even surface, removing ridges and filling depressions. Final grade to be below finish grade of curbing and edging as shown on details. All grades shall meet approval of Owner's Representative before sodding.

3.02 SODDING

A. Sodding:

- Lightly water prepared grade, lay sod with staggered joints and with edges touching. Topdress with topsoil at edges if necessary to provide smooth surface. On slopes of 2 to 1 and greater, fasten sod in place with wood pegs (two each piece) or other approved method. Sod damaged by storage or during installation shall be rejected. Following settling, topdress with screened, approved topsoil.
- Water and fertilize at 5 lbs. per 1,000 sq. ft.
- Sod shall not be placed during a drought, nor during periods when sod is not normally placed in the area, and shall not be placed on frozen ground. No dry or frozen sod is acceptable.
- The contractor shall keep all sodded areas moist and growing until Final Acceptance. All areas shall be maintained in an acceptable condition until acceptance by Owner.

B. Rolling:

- After placing sod, roll with a hand roller, weighing not more than 100 lbs. per foot of width, in two directions.
- Eliminate all air pockets; finished surface should be free of excessive undulations.

3.05 MAINTENANCE AND MANAGEMENT

- A. Includes protection, replanting, maintaining grades, repair of erosion damage. Also includes weekly mowing at 1 1/2" height until final acceptance.
- B. Resodding:
- Resod damaged or unacceptable areas.
 - Ruts, ridges, and other surface irregularities shall be corrected.

Date: NOV 14, 2013
Drawn By: GAC
Checked By: JRF
Revisions:



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BRIAR GROVE
COLLEGEVILLE, TEXAS

Sheet No.

L-5

OF 5

TURF SPECS



Date OCT 25, 2013
 Drawn By GAC
 Checked By JRF
 Revisions _____

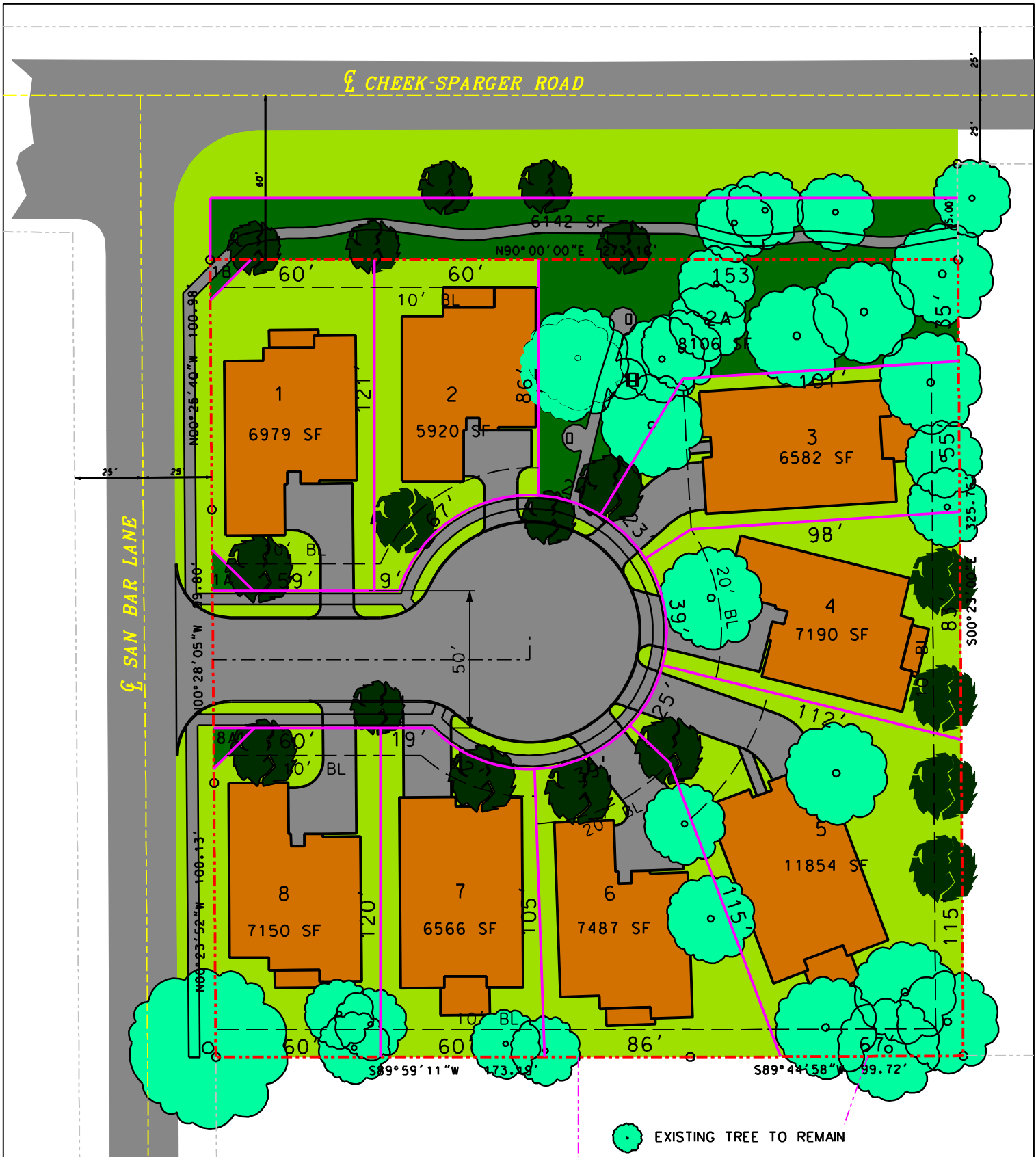


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**BRIAR GROVE
COLLEVILLE, TEXAS**

Sheet No.

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Briar Grove Court

The Right of Way

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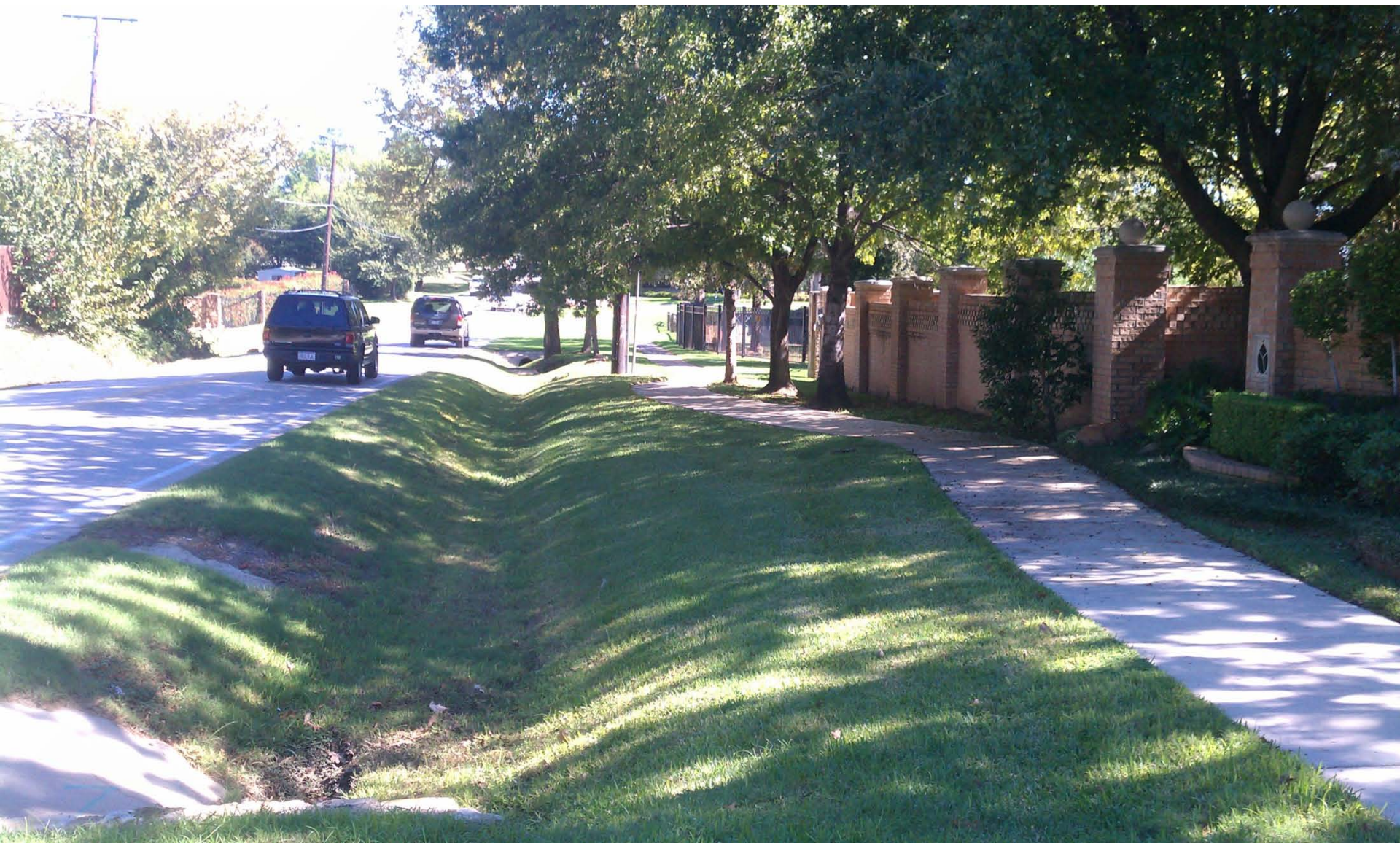
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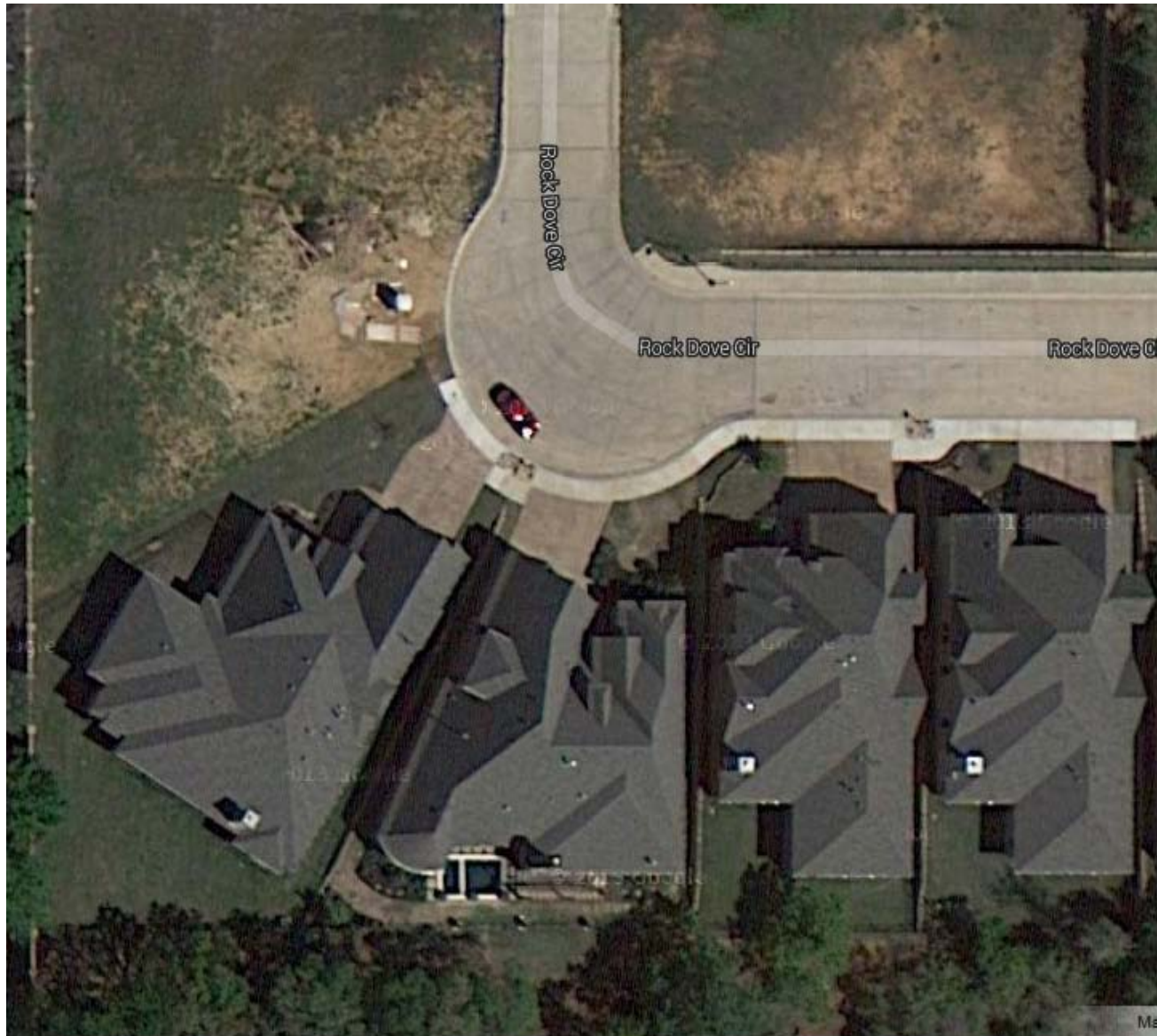


The Site Plan

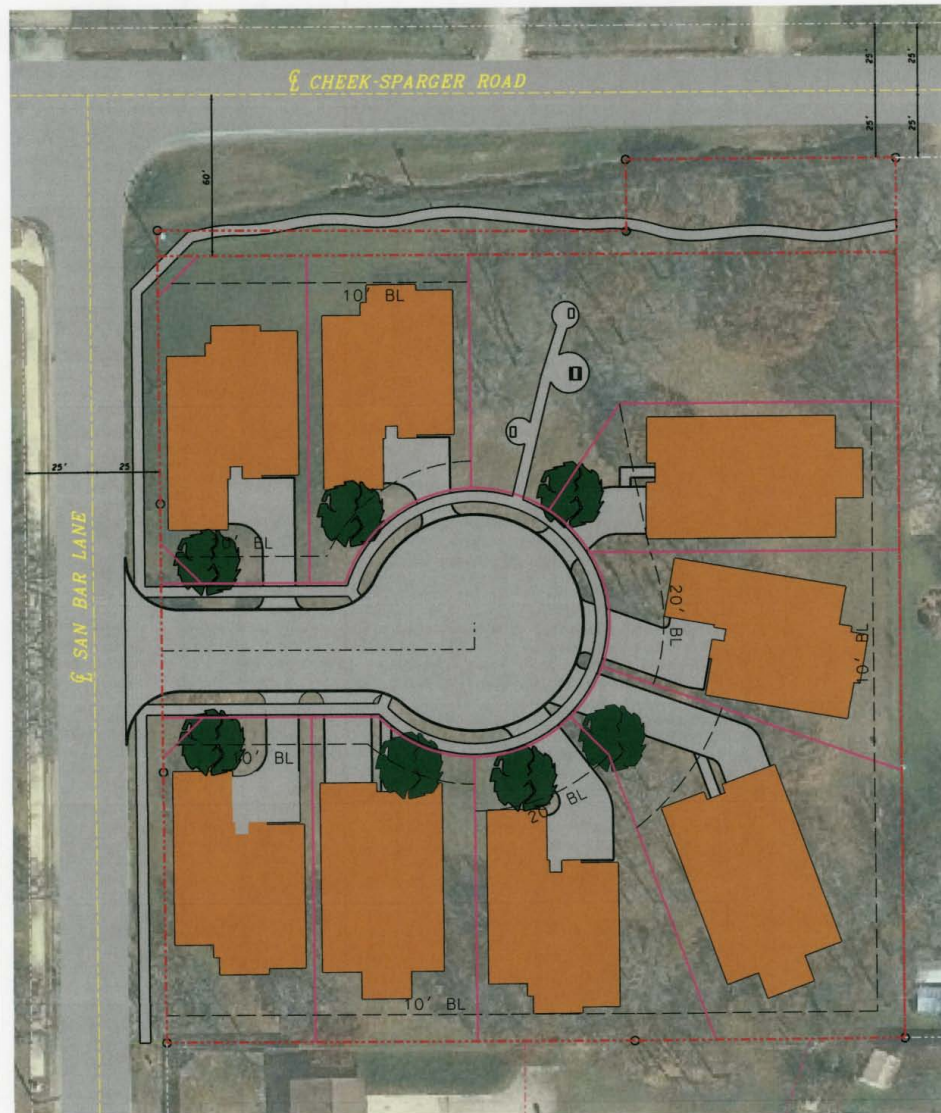
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Residential Curb Appeal

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Summary of changes in response to comments and suggestions offered during the previous Council meeting:

- Shortened the cul de sac by 6'
- Utilized more of the available land for lot development
- Provided an additional open space analysis to give a truer picture of the actual situation with Briar Grove by incorporating over-dedicated ROW
- Showed true front yard building lines on the wedge shaped lots

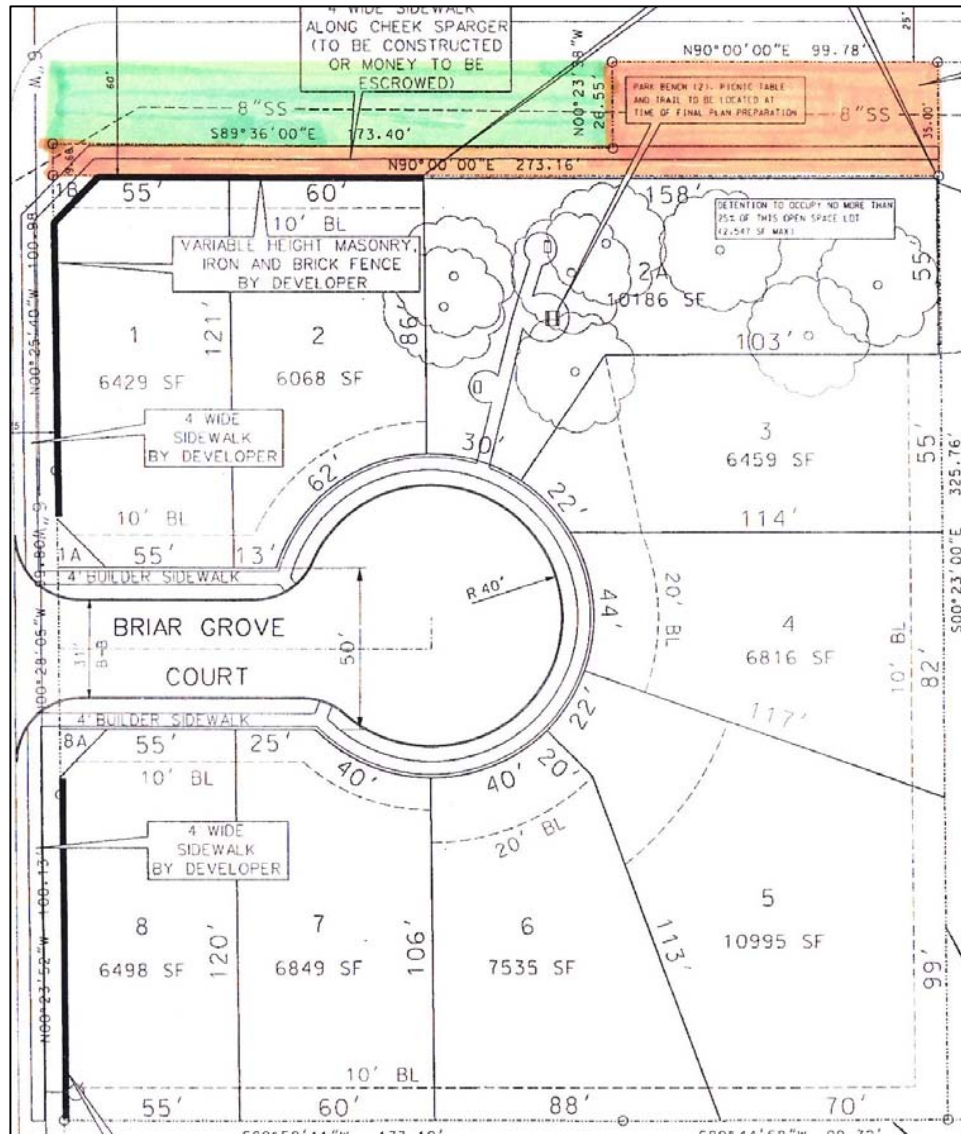
Tangible results of these improvements:

- Increased average lot size from 6,874 sf to 7,206 sf, resulting primarily from increased lot widths
- Open space associated with Briar Grove increased to a minimum of 18.4%
- Varied front yard building lines add articulation to the development, both in the front yard as well as the back yard

Aesthetic results of these improvements:

- Primarily, a less dense feeling development
- Overall heightened curb appeal along Cheek Sparger

Information Received from Applicant on October 29, 2013



Orange shows the current ROW dedication required for this property.

Green shows a portion of the land previously dedicated for ROW.

Utilizing the current dedication for analysis purposes (**orange**), an overall open space percentage of approximately 18.4% was calculated.

On-site open space	10,513 sf
Additional open space in ROW	+ <u>5,047 sf</u>
Total open space	15,560 sf
Open space %	15,560 / 84,513 = 18.4%

Utilizing both current and previously dedicated ROW (**green**), the overall open space climbs to approximately 22.5%.

On-site open space	10,513 sf
Additional open space in ROW	+ <u>9,561 sf</u>
Total open space	20,074 sf
Open space %	20,074 / 89,027 = 22.5%

Information Received from Applicant on October 29, 2013

The current zoning, which is an extraordinarily flexible **commercial** zoning, goes against the city's preferred land use of **residential**.

Additional allowable uses under the current zoning include anything allowed within the following classifications:

CPO: including offices, chiropractic clinics and municipal uses such as schools, fire stations, police stations and city maintenance facilities

CN: which includes most if not all of the uses under **CPO** in addition to uses such as banks, florist shops, hardware, electrical and plumbing stores

CC1: which includes the uses allowed in **CN** in addition to uses such as grocery stores, restaurants, fraternal organizations, dry cleaners with onsite laundry, meat and fish markets, miniature golf courses and auto parts stores

CC2: which includes the uses allowed under **CC1** as well as vet clinics, possibly with outdoor kenneling, auto alarm and window tint, hotels/motels and restaurants with drive-thru service

Summary of Changes

P&Z and Neighbor's Concerns

- Opposed to 9 lots, "too dense"
- 80% lot coverage "too high"
- Open space percentage "too low" at 14%
- Open space lacks quality and details
- Too much open space available for detention
- 50' lots are too small
- Privacy
- Drainage to the east

Developer's responses

- Lower density by 11% to 8 lots
- Limit lot coverage to 65% max
- Increase open space from 14 to 16.2%
- Provide aesthetic details such as benches, paths and tables
- Limit open space available for detention to 25% max
- 55' lot widths
- Limit 2nd story windows and construct eastern boundary fence prior to going vertical
- In addition to adhering to city standards, install an additional underground system along most of the eastern property line

Summary of Changes, cont.

Additional changes in response to various neighbor requests:

- No rear facing, second story windows for south and east lots
- Provide additional details on masonry fence (photos of similar fences)
- Changed site plan to minimize impact on neighbors
- Alleviated the previously stated concern of a runaway car coming through the fence off of Briar Grove Court

Information Received from Applicant on October 29, 2013

Additional concerns previously brought forth:

1) Traffic

- In the original office plan that was shown, the development provided for a total of 78 spaces. Assuming half were used, the development would generate 78 vehicle trips (39 in and 39 out, excluding lunch and customer visits)

- Each Briar Grove resident driver would have to leave the house 5 times per day, assuming two drivers and two vehicles, to equal the same traffic generated by arguably the *lowest* intensity commercial use currently allowed. (A drive-thru use, which is currently allowed, would generate an exorbitant amount of vehicle trips.)

2) Property Values

- currently, surrounding residential uses appear to be valued at between \$52 and \$83 per square foot (source: TAD)

- The projected value of Briar Grove is between \$400,000 and \$450,000, or approximately \$133 per square foot

- The prevailing method for residential valuation is the sales comparison approach in which a value is derived utilizing sales per square foot figures in the area, therefore Briar Grove will ultimately increase surrounding property values

Information Received from Applicant on October 29, 2013



Photo of an actual fence currently being constructed by the developer on another development. This is representative of the combination masonry and brick fence to be constructed for Briar Grove.

Information Received from Applicant on October 29, 2013



Another photo of an actual fence currently being constructed by the developer on another development. Again, this is representative of the combination masonry and brick fence to be constructed for Briar Grove.

Information Received from Applicant on October 29, 2013



This photo is a representation of the wrought iron fence to be constructed along the north and east borders of the major open space. The fence will be aligned in such a way as to not disturb the existing trees near the eastern property line.

Statement of Planning Objectives

August 21, 2013

Briar Grove

Located at the SEC of Cheek-Sparger and San Bar

Zoning change from PUD-C to PUD-R

Revised Statement of Planning Objectives

Steve Isbell and Mark Howe have a contract to acquire approximately 2 acres of land at the southeast corner of Cheek Sparger and San Bar. They are requesting a zoning change from PUD-C to PUD-R. The current site is vacant and has been vacant for many years. The property was zoned several years ago and planned for an office type development. Over the years that has proven to not be the highest and best use for the property and the property has never been developed. The revised plan proposes 8 single family homes with open space, all to be accessed off San Bar by constructing a new Cul-De-Sac from San Bar East across the property. The open space will be owned by a Home Owners Association established for this project. Where drainage and utility easements are proposed, the City of Colleyville will provide normal city services to the open areas. The plan will provide a wrought iron fence along the open space lot backing to Cheek Sparger and a masonry fence along the balance of the perimeter of the property with the entry being on San Bar.

Through the planning process, we are planning on saving as many trees as possible and most of the trees on the perimeter will be retained. Drainage will be address by constructing a detention basin in the open space lot. The open space lot will have a sitting area with two park benches and a picnic table with a side walk to their location which will be selected to be in an area of the open space that will have appropriate shade.

The site is located just east of a self- storage project and the 99 cent store on Hwy 26 and to the south, north and east of the property are residential homes.

This project will provide 8 new households close to Hwy 26 and provide additional buying power for the proposed retail along the center corridor of Colleyville.

It is the developers' anticipation that these will be lifestyle type homes for empty nesters that want to downsize and still live in Colleyville. It is anticipated that the homes will sell from the mid \$400's – mid \$500's

Development Schedule:

Zoning approval: September 2013

Preliminary and Final Plat: October 2013

Construction Commencing: November 2013

Construction Completing: May 2014

Economic Development Information:

1. Total Square footage; 8 homes averaging 3200 sf at \$150/sf = \$3,840,000
2. Estimated sell out for the entire project is 18 months

Statement of Planning Objectives

PUD Single Family - 8 lots

1. GENERAL

- a. The purpose of PUD-R is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 4.40 dwelling units per acre.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan.
- b. The developer shall submit and receive approval from the City a Preliminary and Final Plat in accordance with the requirements of the Land Development code prior to development of this PUDR.

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by the Conceptual Site Plan, shall control where such building line setback is different from the following requirements.

- | | |
|-------------------------|--|
| a. Minimum Lot Size | 5807 square feet |
| b. Minimum Lot Width | 55 feet |
| c. Minimum Lot Depth | 120 feet (exception for lot lines on cul-de-sac) |
| d. Front Building Line | 10 feet for J-Swing Garage/ 20 feet for Front Entry |
| e. Side Building Line | 5 feet for center placed structure and 1' and 9' for zero (except for lot 4 which can have side yards of 5' and 3' or 1' and 7') |
| f. Rear Building Line | 10 feet |
| g. Maximum Lot Coverage | 65 percent |
| h. Maximum Height | 35 feet |

5. OPEN SPACE

- a. This development shall provide not less than 16.2% common open space, which will generally be configured as shown on the Conceptual Site Plan. All open space areas shall be landscaped and maintained by the Homeowners Association.
- b. No more than 25 percent of the open space area shall be utilized for storm water detention or retention.

Statement of Planning Objectives

6. SCREENING

a. A wood screening fence, not to exceed six feet in height will be constructed at the property lines adjacent to other residential properties to the east and south, as shown on the Conceptual Site Plan. At a minimum the pole side of the screen fence will face into the new development along the south and east property lines.

b. A variable height screening fence, constructed of a combination of brick, stone and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek Sparger Road and San Bar. The screening will be continuous along the boundary with the exception of entry road right-of-way.

7. SIDEWALKS

Sidewalks will be constructed in accordance with the requirements of the Colleyville Land Development Code.

8. OTHER

a. Homes will be both single and two story construction.

b. For two story homes there will be no balconies or verandas on the second floor of lots 3-8.

c. Maintenance of the wood fence, masonry fence, open space and landscaping will be the responsibility of the HOA governing the new sub-division.

d. Construction times would be limited to City of Colleyville rules and regulations (Monday - Saturday 7:00am - 6:00pm)

e. All agreements made between the home owners to the east and south of development will be recorded in the final development documents/ restrictions.

Small Lot Development Comparison Chart - 1996 to 2013

Subdivision Name	Total Lots	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Size (square feet)	Average Lot Size (square feet)	Maximum Lot Coverage	Master Plan Density - Dwelling Units Per Acre *	Land Development Code Density - Dwelling Units Per Acre **	Total Acres	Open Space	Approval Date	Ordinance
Spring Garden	45	36	70	2,520	2,700	90%	8	16.1	5.4	31.3%	12.17.96	O-96-1052
Villas of Caldwell Creek	43	59	115	6,594	7,408	50%	3.7	5.9	11.6	18.3%	4.1.97	O-97-1062
Bridges at Riverwalk	32	56	106	6,001	6,479	50%	3	6.7	10.0	24.0%	12.21.99	O-99-1192
Riverwalk at Colleyville	53	60	115	6,331	7,666	50%	3.2	5.7	20.0	20.0%	4.4.00	O-00-1210
Rosewood Villas	53	59	110	6,482	6,899	60%	3.6	6.3	14.8	21.4%	8.8.01	O-01-1286
Emerald Park	72	60	120	7,200	7,508	50%	3.5	5.8	20.2	19.6%	10.1.02	O-02-1366
Tiffany Park	25	60	100	7,200	7,580	50%	3.5	5.7	7.2	20.0%	10.21.03	O-04-1487
Tuscany	35	60	110	6,600	7,878	50%	3.9	5.5	8.8	6.6%	2.17.04	O-04-1442
Cambridge Place	38	50	58	4,500	5,300	60%	4.2	8.2	9.0	22.0%	7.6.04	O-04-1467
Heritage Oaks	103	30/40	90	2,700/3,600	3,600	90% and 75%	4.6	12.1	22.9	25.0%	03.21.06	O-09-1715
Villas at Oak Pointe	74	30/56	90/95/115	2,700/6,440	5,000	90% and 58%	3.7	8.7	13.6	22.0%	08.02.06	O-06-1584
Copperglen	22	55	105	5,924	6,650	65%	3.9	6.6	5.6	20.0%	10.17.06	O-06-1595
Villas of Colleyville	67	59	115	6,655	8,936	60%	3.4	4.9	19.8	21.0%	08.21.07	O-07-1627
Enclave at Arbor Estates	16	65	120	8,700	9,350	50%	2.9	4.7	5.6	19.3%	09.18.07	O-07-1634
Creekside at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645
Somerset Manor	77	50/60	100/110	5,000/6,600	6,000	50%	4	7.3	18.2	20.3%	05.05.08	O-08-1672
Ivy Glen	10	55	110	5,890	8,200	65%	3.4	5.3	3.0	20.0%	03.05.13	O-13-1864
The Preservation	36	60	140	8,500	9,170	50%	3	4.7	12.0	23.0%	05.14.13	O-13-1867
Average	59	56	106	6,207	6,866	57%	3.8	7.0	17.6	20.8%		
Zoning Case ZC13-008	8	55	120	5,807	6,874	65%	4.4	6.6	1.8	16.2%		

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

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



Posted
12-13-85
4:30 p.m.
by

ORDINANCE 0-85-600 ✓✓✓

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF A TRACT OF LAND SITUATED IN THE JONATHON RILEY SURVEY, ABSTRACT 1356, TRACT 3G AND WOODBRIAR ESTATES ADDITION, BLOCK 7, LOTS 20,21, AND 22 TO THE CITY OF COLLEYVILLE, TEXAS FROM R-15 AND R-20 TO PUD-C; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.

WHEREAS, an application for zoning change was filed by C. M. Bollinger, Inc. , October 22, 1985 under Case No. Z-85-547; and,

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 10 days before such hearing; and,

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing; and,

WHEREAS, notices were posted on the subject land as provided by the zoning ordinance; and,

WHEREAS, public hearings to change the zoning on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the zone change; and,

WHEREAS, the City Council is of the opinion that the zone change herein effectuated furthers the purpose of zoning as set forth in the Zoning Ordinance and is in the best interest of the citizens of the City of Colleyville;

NOW, THEREFORE,

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

Sec. 1. THAT Zoning Ordinance of the City of Colleyville, Texas, and the accompanying Zoning Map are hereby amended insofar as they relate to certain land located in Colleyville, Tarrant County, Texas, and described as follows:

1
2 BEING a tract of land in the JONATHON RILEY SURVEY,
3 Abstract NO. 1356, City of Colleyville, Tarrant
4 County, Texas, as surveyed by C.K. Vermillion,
Registered Public Surveyor No. 552, in August 1966,
and being more particularly described as follows:

5 BEGINNING at an iron pin in the South line of
6 Cheek-Sparger Road, said point being 202.0 feet
east and 15.0 feet south of the most westerly NW
corner of said Riley survey;

7 Thence East 100.00 feet along the south line of
said Cheek-Sparger Road to an iron pin;

8 Thence S 00° 23' E, 325.9 feet to an iron pin;

9 Thence S 89° 42' W, 100.0 feet to an iron pin;

10 Thence N 89° 36' W, 173.4 feet to an iron pin;

11 Thence N 00° 06' E, 300.00 feet to a point;

12 Thence S 89° 36' E, 173.4 feet to a point;

13 Thence N 00° 06' W, 23.60 feet to the point of
beginning and containing 1.943 acres of
land.

14 by changing the zoning thereof from R-15 and R-20
15 to PUD-C. **

16 Sec. 2. Any person, firm or corporation violating any of
17 the provisions of this ordinance as read together
18 with the Zoning Ordinance of the City of Colleyville
19 and accompanying official Zoning Map thereto shall
be guilty of a misdemeanor and upon conviction thereof
shall be fined in a sum not to exceed Two Hundred
Dollars (\$200.00). Each and every day such violation
continues shall constitute a separate offense and
shall be punishable as such.

20 Sec. 3. The City Secretary is hereby authorized and directed
21 to cause publication of the descriptive caption
and penalty clause hereof as an alternative method
of publication provided by law.

22 AND IT IS SO ORDERED.
23
24
25
26

The ^{17th} first reading and public hearing being conducted on the December, 1985.
The ^{7th} second reading and public hearing being conducted on the January, 1986.
The ^{21st} third reading and public hearing being conducted on the January, 1986.

ATTEST:

CITY OF COLLEYVILLE

Lavada Johnson
Lavada Johnson
City Secretary

J.R. "Buck" Hubbard
J.R. "Buck" Hubbard
Mayor

Approved as to Form and Legality:

Ross T. Foster
Ross T. Foster, City Attorney

**together with all site plans, supporting documents,
and other conditions and restrictions imposed by
and approved by the Council, which are incorporated
herein by reference.

ORDINANCE O-13-1887

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 1.82 ACRES ON LOT 1, BLOCK 1, OF THE SAN BAR SQUARE ADDITION, LOCATED AT 105 CHEEK-SPARGER ROAD FROM THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC13-008; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance

Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 1.82 acres on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek-Sparger Road from the PUD-C-Planned Unit Development Commercial zoning district to the PUD-R-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A" and "C", and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-R is for a single-family residential development of eight (8) detached single family dwelling units, constructed at a gross maximum density of 4.4 dwelling units per acre.
- b. This development shall be generally consistent with the Statement of Planning Objectives, Exhibit "B".
- c. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this Ordinance.

2. DEVELOPMENT PLAN AND PLATTING

- a. The development shall be generally consistent with the conceptual site plan, Exhibit "C", which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on the conceptual site plan to accommodate topographic, drainage, or other conditions.
- b. The developer shall submit and receive approval from the City, a preliminary and final plat, approved as a single phase, in accordance with the requirements of the Land Development Code prior to development of this PUD-R.

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

- a. Residential lot requirements and setbacks shall comply with the following provisions:
 - 1. All lots shall be a minimum of 55 feet in width as measured at the building setback line.
 - 2. The minimum lot size shall be 5,807 square feet.
 - 3. The minimum lot depth shall be 120 feet, except for lots which front the cul-de-sac.
 - 4. Front Yard Setbacks:
 - a. For lots that have a J-Swing garage: 10 feet
 - b. For lots that have a front entry garage: 20 feet
 - 5. Minimum Rear Yard Setback: 10 feet

6. Minimum Side Yard Setbacks:

10 feet between structures; One (1) foot and nine (9) feet, or five (5) feet each side property line.

7. Maximum Lot coverage: 65 percent

5. RESIDENTIAL DESIGN REQUIREMENTS

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

- a. Homes may be both single and two-story construction.
- b. Two-story homes on lots 3 through 8 shall not contain any balconies and verandas constructed on the second floor.

6. OPEN SPACE

- a. This development shall provide a minimum of 16.2 percent common open space, which shall be configured as shown on Exhibit "C". All open space areas shall be landscaped and maintained by the HOA.
- b. No more than 25 percent of the open space area may be utilized for detention.

7. SCREENING AND TREES

- a. A wood screening fence, not to exceed six (6) feet in height, shall be constructed at the property lines adjacent to other residential properties to the east and south. A six foot wrought iron fence may be constructed adjacent to the open space Lot 2A.
- b. A variable height screening fence, constructed of a combination of brick, stone, and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek-Sparger Road and San Bar Lane. The screening shall be continuous along the boundary with the exception of entry road right-of-way.

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

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 2nd day of October 2013.

The second reading and public hearing being conducted on the 15th day of October 2013.

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

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

This is a detailed plat map of a portion of the City of San Antonio, Texas. The map shows various land parcels, streets, and zoning designations. A callout box points to a specific parcel labeled "Subject Property".

Streets:

- GRAPEVINE HWY (top boundary)
- FELPS DR (top right boundary)
- ACUFF LN (top right boundary)
- Cheek-Sparger F (middle right boundary)
- FELPS CT (middle right boundary)
- GREENBRIAR LN (bottom right boundary)
- WOODBINE DR (bottom boundary)
- WOODCREST DR (left boundary)
- SAN (bottom boundary)

Zoning Designations:

- PUD-C (Purple)
- CC-3 (Orange)
- CN (Pink)
- PUD-R (Yellow)
- UD-R (Green)
- R-15 (Light Green)
- BB (Light Blue)

Parcel Numbers:

- 4207, 4205, 4201, 4125, 4121, 4117, 4105, 107, 120, 128, 132, 4104, 4100, 4012, 4008, 4004, 4000, 3914, 3910, 3906
- 4007, 4003, 4001, 3919, 200, 3907, 100, 104, 108, 112
- 3901, 390, 214, 210, 206, 202, 118, 114, 110, 211, 207, 203, 119, 115, 111, 3726, 3722, 3721, 3716, 3718, 3717, 208, 204, 200, 3714, 3713, 212, 3709, 3708, 3705, 3704, 3709, 3708, 3705, 3704, 3701, 3700, 3616
- 105, 119, 121, 123, 127, 3912, 124, 128, 134, 123, 125, 127, 133, 3809, 100, 104, 106, 108, 112, 116, 200, 204, 208, 3725, 3721, 3717, 3716, 3713, 3712, 3708, 3705, 3701, 3717, 3716, 3717, 3713, 3709, 3708, 3705, 3704, 3701, 3700

Subject Property:

The Subject Property is a parcel located in the PUD-C zoning area, bounded by ACUFF LN to the north, FELPS CT to the east, and WOODBINE DR to the south. It is highlighted with a red border.

Exhibit B – Statement of Planning Objectives

August 21, 2013

Briar Grove

Located at the SEC of Cheek-Sparger and San Bar

Zoning change from PUD-C to PUD-R

Revised Statement of Planning Objectives

Steve Isbell and Mark Howe have a contract to acquire approximately 2 acres of land at the southeast corner of Cheek Sparger and San Bar. They are requesting a zoning change from PUD-C to PUD-R. The current site is vacant and has been vacant for many years. The property was zoned several years ago and planned for an office type development. Over the years that has proven to not be the highest and best use for the property and the property has never been developed. The revised plan proposes 8 single family homes with open space, all to be accessed off San Bar by constructing a new Cul-De-Sac from San Bar East across the property. The open space will be owned by a Home Owners Association established for this project. Where drainage and utility easements are proposed, the City of Colleyville will provide normal city services to the open areas. The plan will provide a wrought iron fence along the open space lot backing to Cheek Sparger and a masonry fence along the balance of the perimeter of the property with the entry being on San Bar.

Through the planning process, we are planning on saving as many trees as possible and most of the trees on the perimeter will be retained. Drainage will be address by constructing a detention basin in the open space lot. The open space lot will have a sitting area with two park benches and a picnic table with a side walk to their location which will be selected to be in an area of the open space that will have appropriate shade.

The site is located just east of a self- storage project and the 99 cent store on Hwy 26 and to the south, north and east of the property are residential homes.

This project will provide 8 new households close to Hwy 26 and provide additional buying power for the proposed retail along the center corridor of Colleyville.

It is the developers' anticipation that these will be lifestyle type homes for empty nesters that want to downsize and still live in Colleyville. It is anticipated that the homes will sell from the mid \$400's – mid \$500's

Development Schedule:

Zoning approval: September 2013

Preliminary and Final Plat: October 2013

Construction Commencing: November 2013

Construction Completing: May 2014

Economic Development Information:

1. Total Square footage; 8 homes averaging 3200 sf at \$150/sf = \$3,840,000
2. Estimated sell out for the entire project is 18 months

Exhibit B – Statement of Planning Objectives (Cont.)

PUD Single Family - 8 lots

1. GENERAL

- a. The purpose of PUD-R is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 4.40 dwelling units per acre
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan.
- b. The developer shall submit and receive approval from the City a Preliminary and Final Plat in accordance with the requirements of the Land Development code prior to development of this PUDR.

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by the Conceptual Site Plan, shall control where such building line setback is different from the following requirements.

- | | |
|-------------------------|--|
| a. Minimum Lot Size | 5807 square feet |
| b. Minimum Lot Width | 55 feet |
| c. Minimum Lot Depth | 120 feet (exception for lot lines on cul-de-sac) |
| d. Front Building Line | 10 feet for J-Swing Garage/ 20 feet for Front Entry |
| e. Side Building Line | 5 feet for center placed structure and 1' and 9' for zero (except for lot 4 which can have side yards of 5' and 3' or 1' and 7') |
| f. Rear Building Line | 10 feet |
| g. Maximum Lot Coverage | 65 percent |
| h. Maximum Height | 35 feet |

5. OPEN SPACE

- a. This development shall provide not less than 16.2% common open space, which will generally be configured as shown on the Conceptual Site Plan. All open space areas shall be landscaped and maintained by the Homeowners Association.
- b. No more than 25 percent of the open space area shall be utilized for storm water detention or retention.

Exhibit B – Statement of Planning Objectives (Cont.)

6. SCREENING

a. A wood screening fence, not to exceed six feet in height will be constructed at the property lines adjacent to other residential properties to the east and south, as shown on the Conceptual Site Plan. At a minimum the pole side of the screen fence will face into the new development along the south and east property lines.

b. A variable height screening fence, constructed of a combination of brick, stone and wrought iron will be constructed along the north and west portion of the property adjacent to Cheek Sparger Road and San Bar. The screening will be continuous along the boundary with the exception of entry road right-of-way.

7. SIDEWALKS

Sidewalks will be constructed in accordance with the requirements of the Colleyville Land Development Code.

8. OTHER

a. Homes will be both single and two story construction.

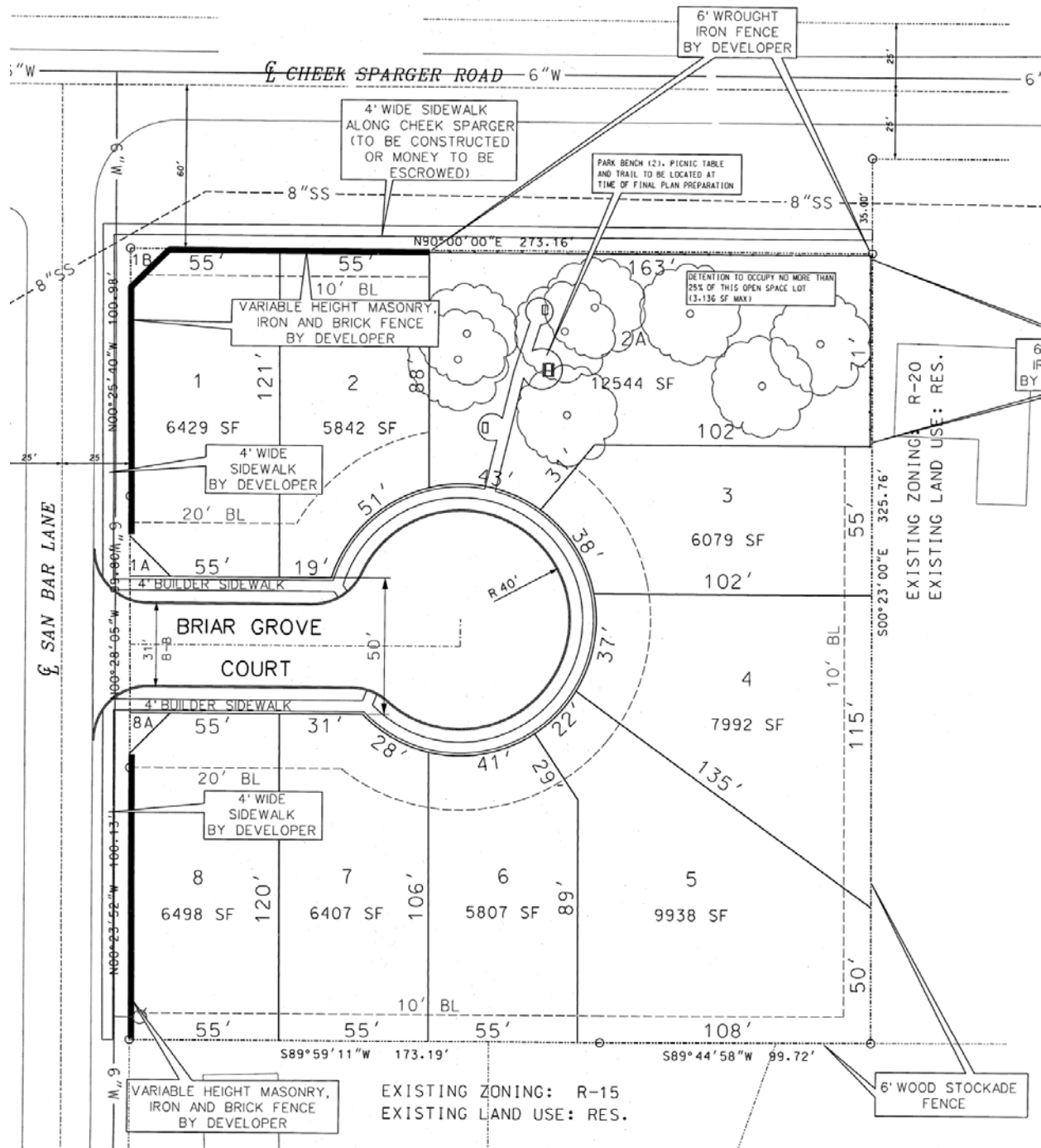
b. For two story homes there will be no balconies or verandas on the second floor of lots 3-8.

c. Maintenance of the wood fence, masonry fence, open space and landscaping will be the responsibility of the HOA governing the new sub-division.

d. Construction times would be limited to City of Colleyville rules and regulations (Monday - Saturday 7:00am - 6:00pm)

e. All agreements made between the home owners to the east and south of development will be recorded in the final development documents/ restrictions.

Exhibit C – Conceptual Site Plan





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 12/03/2013

Number Ordinance O-13-1897

Type Ordinance

Department Community Development

Title

Consideration of a request for approval of a zoning change from R40-Single Family Residential to R20-Single Family Residential on 2.5 acres of Lot B1A, A1B, B3, and B2, Block 4, of the W. C. Newton Subdivision, located at 708 W. L.D. Lockett Road, Case ZC13-015

Explanation

Second Reading and Public Hearing

There were two persons who spoke in support of this request at the November 19, 2013 City Council meeting.

The property owner could not attend the November 19, 2013 City Council meeting to speak, therefore, he submitted a letter to be read during the meeting. This letter is attached to this agenda briefing.

There were eight letters of support received during the November 19, 2013 City Council meeting. Those letters are attached to this agenda briefing.

First Reading and Public Hearing

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

Existing Conditions. The subject property currently consists of a single family home. The property is currently platted as four lots, three of which do not currently meet the minimum lot dimension and size requirements in the Land Development Code. Lot B1A, Block 4 contains 1.55 acres, Lot B3, Block 4, contains 0.15 acres, Lot A1B, Block 4, contains 0.46 acres and Block 4, Lot B2, contains 0.34 acres.

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

Platting. Upon approval of the zoning request, the applicant will be required to submit

a minor plat, which only requires approval by the Planning and Zoning Commission.

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

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

Minimum Front Yard Setback: 30 feet

Minimum Side Yard Setbacks: 10 feet

Minimum Rear Yard Setback: 25 feet

Maximum Building Height: 25 feet

Maximum Lot Coverage: 30 Percent

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

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

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

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

Development Fees. Park land dedication fees are required, in the amount of \$1,802

per residential lot for the four lots where new homes are proposed. Park land dedication fees are due at the time of platting and must be paid before the minor plat is recorded with the County Clerk's office.

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

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

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

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

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

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

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

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended denial of this request at the October 28, 2013 meeting by a vote of 6-1; however, the applicant has requested to appeal this zoning change to City

Council. The applicant's request to appeal is attached to this agenda briefing.

Some members of the Planning and Zoning Commission felt that the proposed rezoning request was not consistent with the following objectives listed in Chapter Three of the Master Plan:

"Priority Two, Issue Category - Neighborhood Integrity, Goal - Preserve the superior quality of Colleyville's residential neighborhoods

Objective/policy - Encourage redevelopment of older properties located along major collector streets into estate settings

Objective/policy - Preserve larger lot sizes, i.e. 30,000 square feet and up, and promote the redevelopment or combination of smaller lots into larger estate lots

Objective/policy - Promote greenbelts and buffer areas in front of subdivisions adjacent to major thoroughfares"

While staff is aware of these objectives, staff's interpretation of the first two objectives listed above is that they apply only to single lots with direct access to collector streets. Therefore, subdivisions with a density of 1.8 dwelling units per acre or less that will not derive sole access from a collector street are not included in these objective statements. However, given that the total frontage along L.D. Lockett exists as 352 feet, concerns from the Planning and Zoning Commission were centered on the fact that, should the rezoning request be approved, there is nothing that would prevent the applicant from abandoning their conceptual site plan submitted with this zoning case and subdividing the subject properties into three R20 lots, all with sole access from L.D. Lockett Road.

The final objective is only applicable as part of a PUD-R-Planned Unit Development Residential zoning request as no conditions may be added to a straight rezoning request per the reasons noted above.

Supermajority Vote Requirement. Given the Planning and Zoning Commission's recommendation of denial for this item, a supermajority vote of the City Council is required for approval.

Summary. The proposed zoning change is consistent with the Future Land Use Plan, which designates the subject property as single family residential uses. Given that the proposed use compliments surrounding developments, which are all zoned R20-Single Family Residential district north of L.D. Lockett Road, is compliant with the requirements of the Land Development Code, and is consistent with the Future Land Use Plan, staff recommends approval of the rezoning request.

Financial Impact

There is no financial impact to the City.

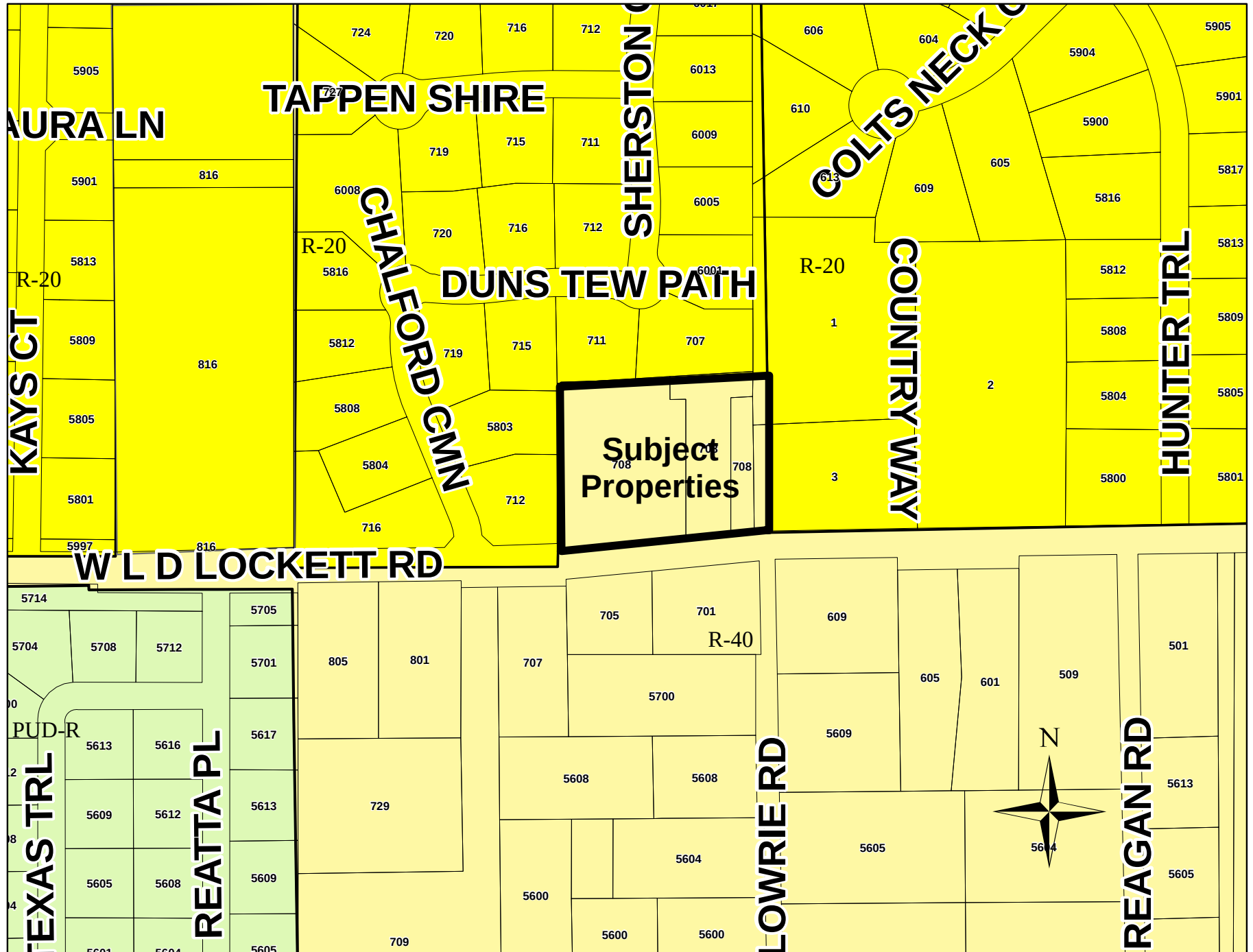
Recommendation

Approve

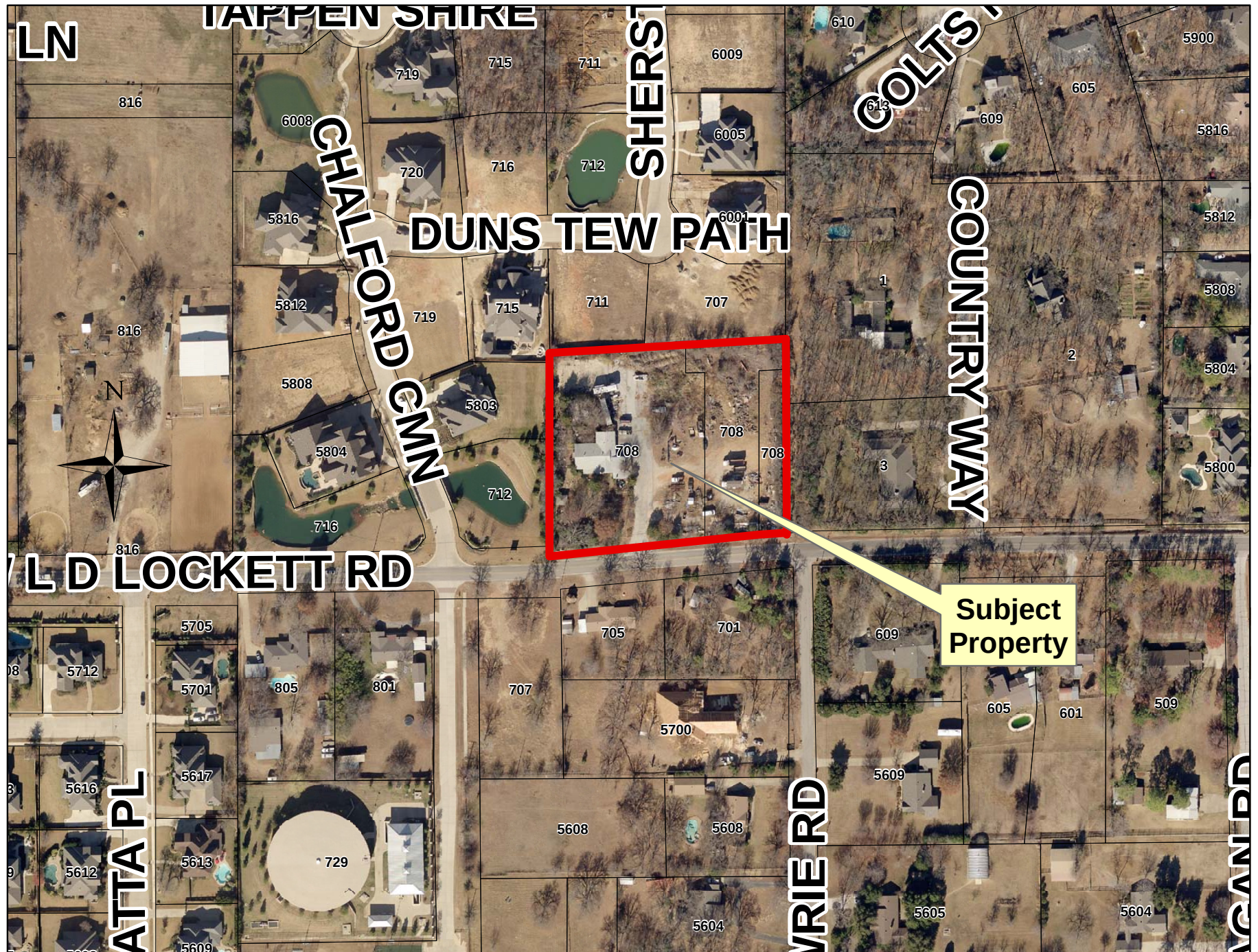
Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Applicant's Request to Appeal
6. Property Owner Letter Received November 19, 2013
7. Letters of Support
8. Statement of Planning Objectives
9. Zoning Exhibit
10. Small Lot Development Comparison Chart - 1996 to 2013
11. Ordinance O-13-1897

Location and Zoning Map



Aerial

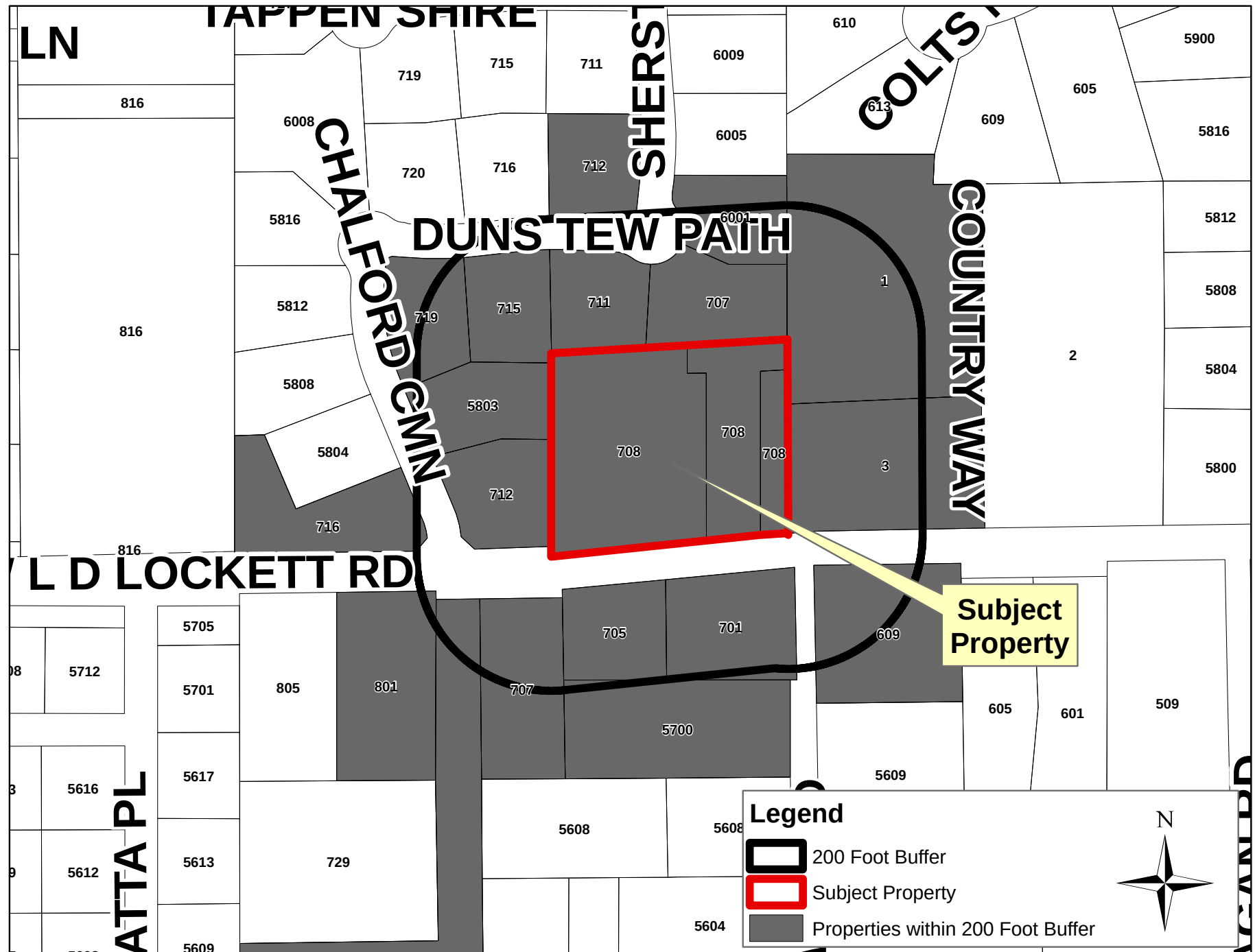


Notification List

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

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

Buffer Map



Applicant's Request to Appeal

From: [REDACTED]
To: [Ron Ruthven](#)
Cc: [REDACTED]
Subject: Appeal of Re-Zoning decision case ZC13-015
Date: Tuesday, October 29, 2013 10:09:35 AM
Importance: High

Dear Ron,

Please accept this email as a formal notification of our desire to appeal the decision denying our re zoning request that was put forward to the P&Z committee, case ZC13-015 agenda number 5a at last night's meeting. We would like to move as quickly as possible to the next stage of the appeal and seek your guidance and assistance in being placed on the next city councils meeting agenda.

Please call upon myself and or Bryan Holland at the below numbers should you have any questions, concerns, or guidance in this matter.

Ron, Bryan and I would like to request a sit down with you at some point this week to discuss the underlying issues and fully understand the premise (s) upon which the re- zone was denied. Please let me know when is convenient for you and we will adjust accordingly.

Kind regards,

Peter Slover

Bayley Yandell Development Ltd.

*Land Acquisition &
Development Director*

1203 S. White Chapel Blvd
Suite 250
Southlake, TX 76092

[REDACTED]
[REDACTED]
[REDACTED]

My wife, Juanita, and I have lived at 708 S. D. Sackett Road, W., since December 1964, 49 years. When we purchased our $1\frac{1}{2}$ acres, we were advised that the land was in the county; later we learned it was zoned in the City of Hurst. Unable to get permits for drilling water wells and business start-ups, several families joined together in a Class Action lawsuit, returning our properties to the county domain.

During this time of being in the county I started the Paint and Body Shop, Wrecker Service, and Wrecking Yard.

Attorney, Wallace Craig and I

then went to the Colleyville "fathers"

requesting that our properties be

rezoned and annexed into the

Colleyville City limits. Upon

approval, we began our long history

as Colleyville citizens.

~~We have a paint and body shop;~~

~~and a wrecker service.~~

~~As a matter of fact,~~

Parker Wrecker Service, was one of

the first full-service wrecker services

in the city. Although, Colleyville

never asked, I "pulled" and repaired damaged police cars, fire trucks and maintenance vehicles without charge for almost 30 years.

The fire department and BATF used ^{my} donated cars and my lots to practice their first-responder and bomb location skills. Several cars became victims to newly purchased jaws-of-life and bomb detonation practice, with out fee.

I have actively participated in city organized fundraising for special

projects including adding and upgrading city parks. Finally, I have served as an Election Judge for city and state elections for over 20 years. I do not believe anyone can question my loyalty and service to the City of Colleyville.

Now, I come before the city fathers asking that you help me with one request: my wife and I are needing to retire. We have petitioned that our property be

rezoned so that we will be able
to sell our remain^{ing} three acres to

Bayley Yandell Development / ^{Also Known As} Graham Heart Dev. Co. so four homes

can be built on a cozy and hidden
cul-de-sac. Immediately,

Colleyville can begin drawing
residential property taxes when the
closing of this sale is complete.

We know how difficult land sells
can be: The Lagan Park property
finally sold at a discounted price.

I have a buyer who is willing to
create a beautiful, residential area that

Colleyville can be proud of.

Please grant us the rezoning;

let me retire with grace and

be proud of the relationship and

service I have had with the

City of Colleyville for the past 49 years.

Thank you! If you are not willing to make the changes requested then keep my
Property Zoned As Is!

Transcribed by Lela Ann Parker, Mr. Parker's Daughter-in-Law, Eddy Ray
Parker, Jr.'s wife. Delivered to the city council by Eddy Ray Parker, Jr.

Signed this day 19 November 2013

Eddy Ray Parker and wife Juanita F. Parker
Eddy Ray Parker, Sr. Juanita Althea Parker

Delivered by Eddy Ray Parker, Jr. under the authorization of his father
because Mr. Parker is in the hospital with a serious issue at this time.

Letters of Support

Tracy Rector
301 Oak Valley Dr.
Colleyville, TX 76034

November 18, 2013

To whom it may concern

Colleyville City Council
Dear Councilmen & women,

I live in the Covington neighborhood in Colleyville. It is my understanding that a developer, Bayley Yandell Development Ltd., is requesting a zoning change for the property along LD Lockett that is directly south of the lot where I am currently building a new home.

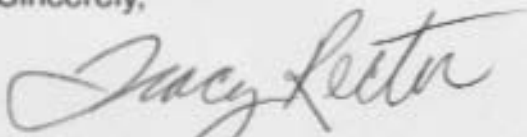
The current condition of this property is less than desirable.

I fully support this effort for rezoning to R-20 and the proposed development of this property into a small cul-de-sac with 4 homesteads.

It is my understanding that Bayley Yandell will develop the parcel and that Graham Hart Homebuilder is planning to build 4 houses on this property that are equivalent in size and value as the homes currently in the Covington neighborhood.

Please give every consideration for the zoning change of the property in question to R-20 and know you have my full support .

Sincerely,



Tracy Rector
(711 Duns Tew Path)
Colleyville

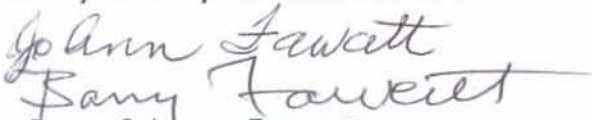
November 18, 2013

Re: Rezone request for Parker Property

Dear Colleyville City Council:

We live at 3 Country Way in Colleyville, Texas and have been residents of Colleyville for many years. In consideration of the zoning request on Mr. Parker's property, we would respectfully request that the City Council approve the rezone from R-40 to R-20. As property owners whose property directly backs up to Mr. Parker's property, we are in favor of the rezoning because it will allow the developer/builder requesting the rezone to remove the existing debris piles, clean up this site and develop it into four new homes that will complement the surrounding properties and help maintain or increase surrounding property values.

Thank you for your consideration.


Dr. Barry & JoAnn Fawcett
3 Country Way
Colleyville, Texas 76034


November 18, 2013

Re: Rezone request for Parker Property

Dear Colleyville City Council:

We live at 1 Country Way in Colleyville, Texas and have been residents of Colleyville for many years. In consideration of the zoning request on Mr. Parker's property, we would respectfully request that the City Council approve the rezone from R-40 to R-20. A portion of our property backs up to Mr. Parker's property and we are in favor of the rezoning for a number of reasons, including:

1. Redevelopment of this site will eliminate some unsightly conditions on the existing property;
2. The zoning requested (R20) is compatible with everything that surrounds the property on the north side of LD Lockett. In fact, this is the only piece of property remaining on the north side of LD Lockett, between Precinct Line to the west and Remington Park Subdivision to the east, that isn't either R20 or similar PUD.;
3. The developer proposing this rezone is the same developer considering the redevelopment of our property on County Way which you approved the preliminary plat on a couple of months ago. We are told the Parker tract is a vital cog in helping solve the drainage issue that has plagued our property for years.;
4. The redevelopment of this site from its existing state to one which includes four beautiful new estate properties can do nothing but improve values and enhance the beauty of this area of our city.

Please vote to approve this rezoning request. Thank you.



Ron & Mary Carroll
1 Country Way
Colleyville, Texas 76034

November 18, 2013

Re: Rezone request for Parker Property

Dear Colleyville City Council:

We have been residents of Colleyville at 2 Country Way for over forty years. We are in favor of the rezone request from R40 to R20 on the Parker property adjacent to County Way. This rezone will only serve to IMPROVE the area by allowing Bayley Yandell and Graham Hart Homes to build four new estate properties in place of the existing eye-sore this property has become.

Thank you.

Bob Tomerlin
Martha Tomerlin

Bob & Martha Tomerlin
2 Country Way
Colleyville, Texas 76034
[REDACTED]

November 18, 2013

To whom it may concern

Colleyville City Council
Dear Councilmen & women,

We live in the Covington neighborhood in Colleyville. It is our understanding that a developer, Bayley Yandell Development Ltd., is requesting a zoning change for the property along LD Lockett that is directly south of our neighborhood.

The current condition of this property is less than desirable.

We fully support this effort for rezoning to R-20 and the proposed development of this property into a small cul-de-sac with 4 homesteads. It is our understanding that Bayley Yandell will develop the parcel and that Graham Hart Homebuilder is planning to build 4 houses on this property that are equivalent in size and value as the homes currently in the Covington neighborhood.

Please give every consideration for the zoning change of the property in question to R-20 and know you have our full support .

Sincerely,

Melani & Steve Edger
724 Tappan Shine

November 18, 2013

To whom it may concern

Colleyville City Council
Dear Councilmen & women,

We live in the Covington neighborhood in Colleyville. It is our understanding that a developer, Bayley Yandell Development Ltd., is requesting a zoning change for the property along LD Lockett that is directly south of our neighborhood.

The current condition of this property is less than desirable.

We fully support this effort for rezoning to R-20 and the proposed development of this property into a small cul-de-sac with 4 homesteads.

It is our understanding that Bayley Yandell will develop the parcel and that Graham Hart Homebuilder is planning to build 4 houses on this property that are equivalent in size and value as the homes currently in the Covington neighborhood.

Please give every consideration for the zoning change of the property in question to R-20 and know you have our full support .

Sincerely,

Wendy Stone
716 Tappen Drive
Colleyville, TX 76034

From: [REDACTED]
To: [Peter Slover](#)
Cc: [REDACTED]
Subject: Developer Bayley Yandell Development Ltd Case ZC13-015 Colleyville
Date: Monday, November 18, 2013 9:25:30 AM

To whom it may concern:

We are residents of Covington Subdivision, Colleyville, Texas and are very much in FAVOR of changing the approximately 2-acre property just south of Covington along LD Lockett Road to 1/2 acre lots and building four homes equivalent to our homes in Covington .

Thank you from a concerned resident.

Sincerely,

J.T. and Frances Votaw
5804 Chalford Common
Colleyville, Texas, 76034

To whom it may concern

Colleyville City Council

Dear Councilmen & women,

We live in the Covington neighborhood in Colleyville. It is our understanding that a developer, Bayley Yandell Development Ltd., is requesting a zoning change for the property along LD Lockett that is directly south of our neighborhood.

The current condition of this property is less than desirable. We fully support this effort for rezoning to R-20 and the proposed development of this property into a small cul-de-sac with 4 homesteads.

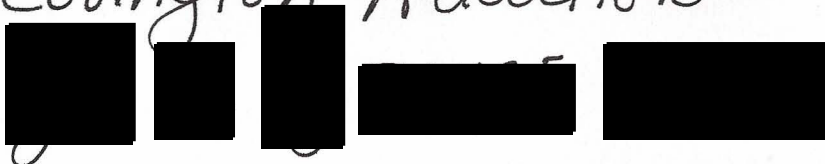
It is our understanding that Bayley Yandell will develop the parcel and that Graham Hart Homebuilder is planning to build 4 houses on this property that are equivalent in size and value as the homes currently in the Covington neighborhood.

Please give every consideration for the zoning change of the property in question to R-20 and know you have our full support .

Sincerely,

Nancy and James Rouse
720 Duns Tew Path
Colleyville TX 76034

Covington Addition



Statement of Planning Objectives

Proposed Parker Addition

Planning objectives:

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

Proposed Ownership:

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

Development Schedule:

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

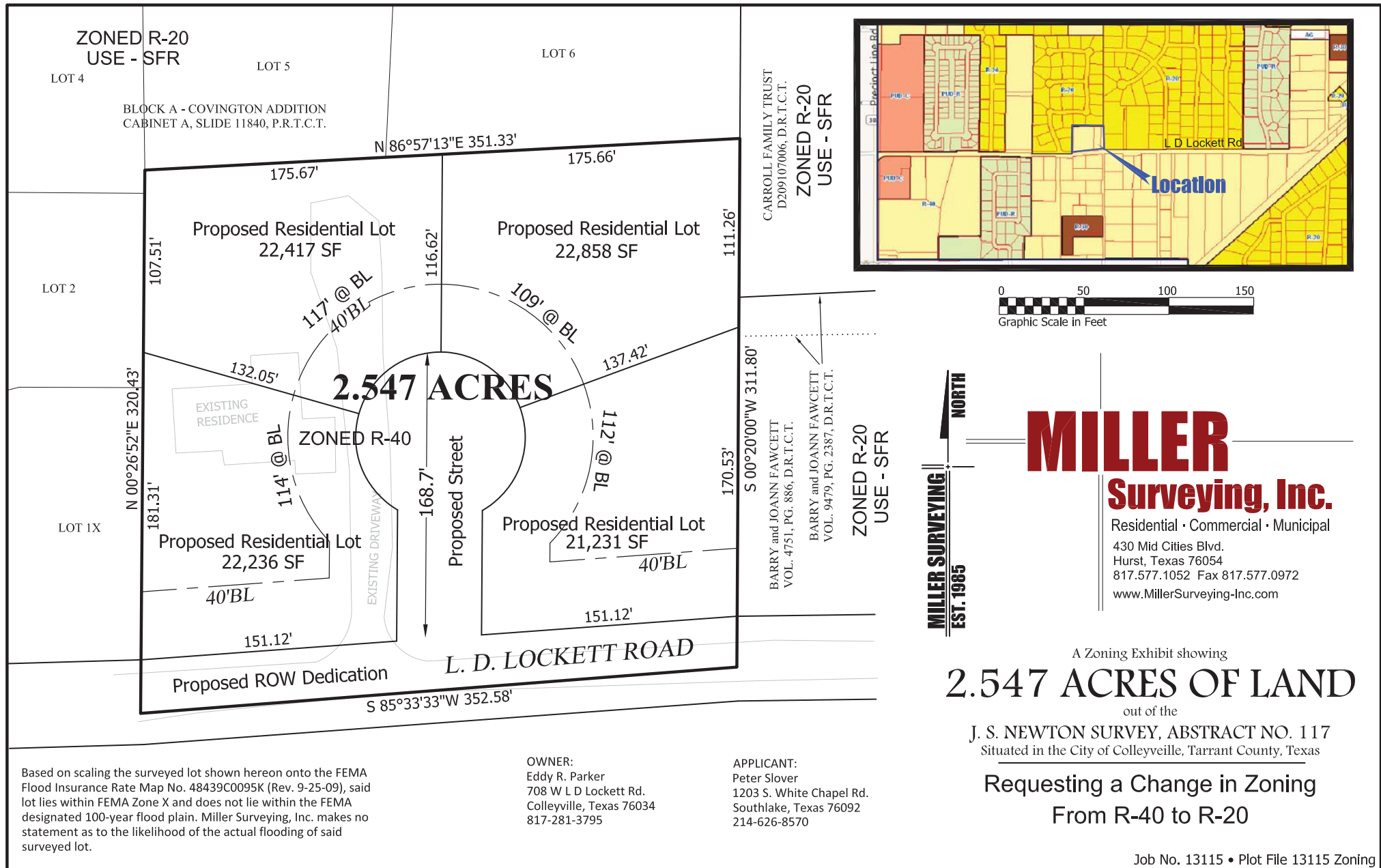
APPLICANT:

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

OWNER:

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

Zoning Exhibit



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%		
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708 West L.D. Lockett	4	100	125	20,000	22,186	30%	1.6	2.0	2.5	N/A		
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* 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



ORDINANCE O-13-1897

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 2.5 ACRES ON LOT B1A, A1B, B3, AND B2, BLOCK 4, OF THE W. C. NEWTON SUBDIVISION, FROM THE R40-SINGLE FAMILY RESIDENTIAL DISTRICT TO THE R20-SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case ZC13-015; and

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning of 2.5 acres on Lots B1A, A1B, B3, and B2, Block 4, of the W. C. Newton Subdivision, from the R40-Single Family Residential district to the R20-Single Family Residential district, as depicted in the attached Exhibit "A".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

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

Sec. 7. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 19th day of November 2013.

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

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

ATTEST:

CITY OF COLLEYVILLE

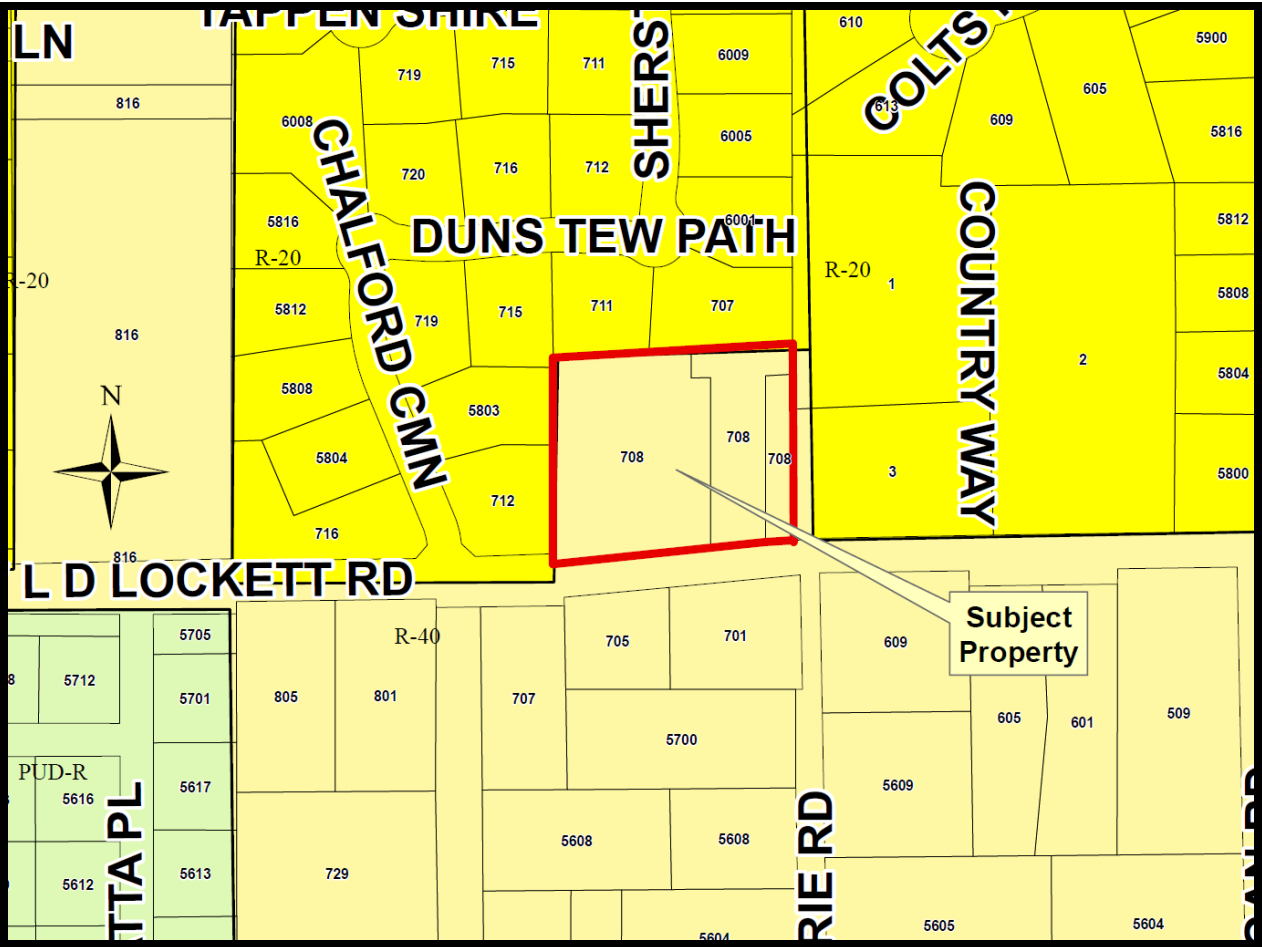
Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A"- Location and Zoning Map





City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 12/03/2013

Number Ordinance O-13-1898

Type Ordinance

Department Community Development

Title

Consideration of a 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

First Reading and Public Hearing

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. The proposed carport will be located at the rear of the property behind a privacy fence and will not be visible from the street.

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 roof pitch will meet the minimum roof pitch requirement. The height of the proposed carport will be 11 feet at the highest point. 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 proposed 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 proposed 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.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the November 11, 2013 meeting by a vote of 6-0.

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. The proposed carport will not be visible from the street, and the applicant will be matching the color of the wood and composition shingles to the primary structure. In addition, staff has not received any written correspondence from the public notification. Given these circumstances, staff recommends approval of the proposed carport.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

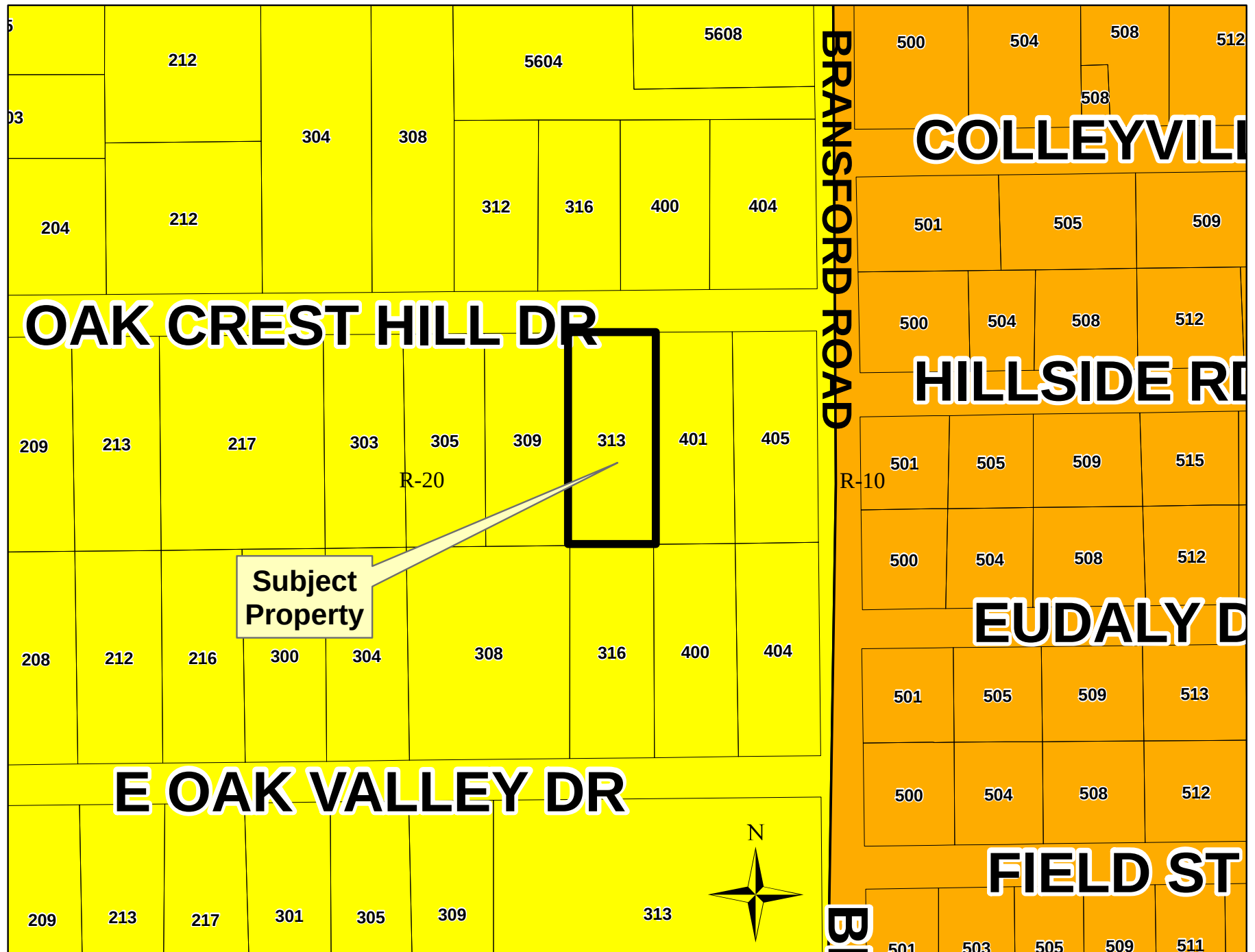
1. General

- 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.

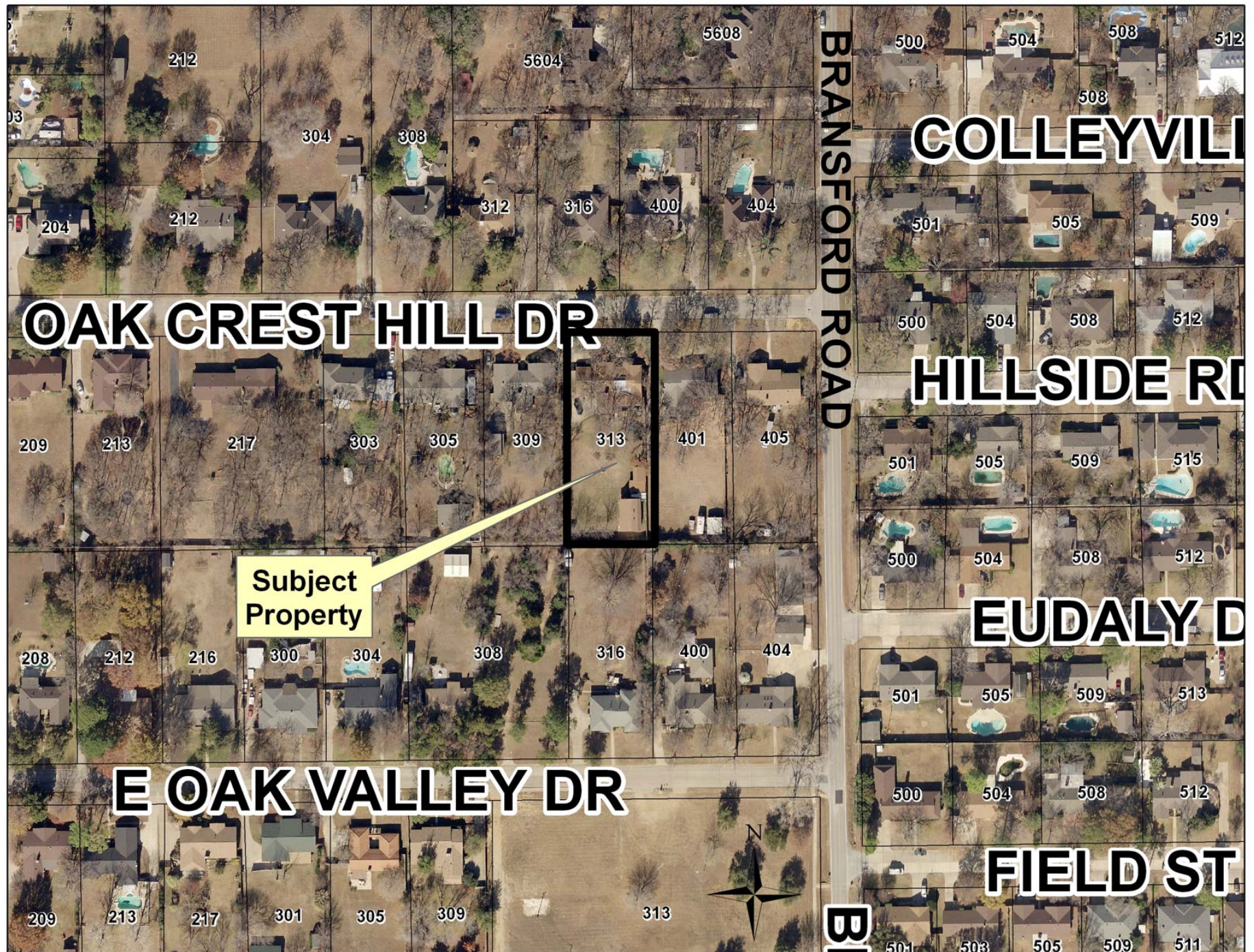
Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Statement of Planning Objectives
6. Land Development Code Carport Standards
7. Carport Plot Plan
8. Carport Elevation
9. Site Pictures
10. 313 Oak Crest Hill Drive
11. Ordinance O-13-1898

Location and Zoning Map



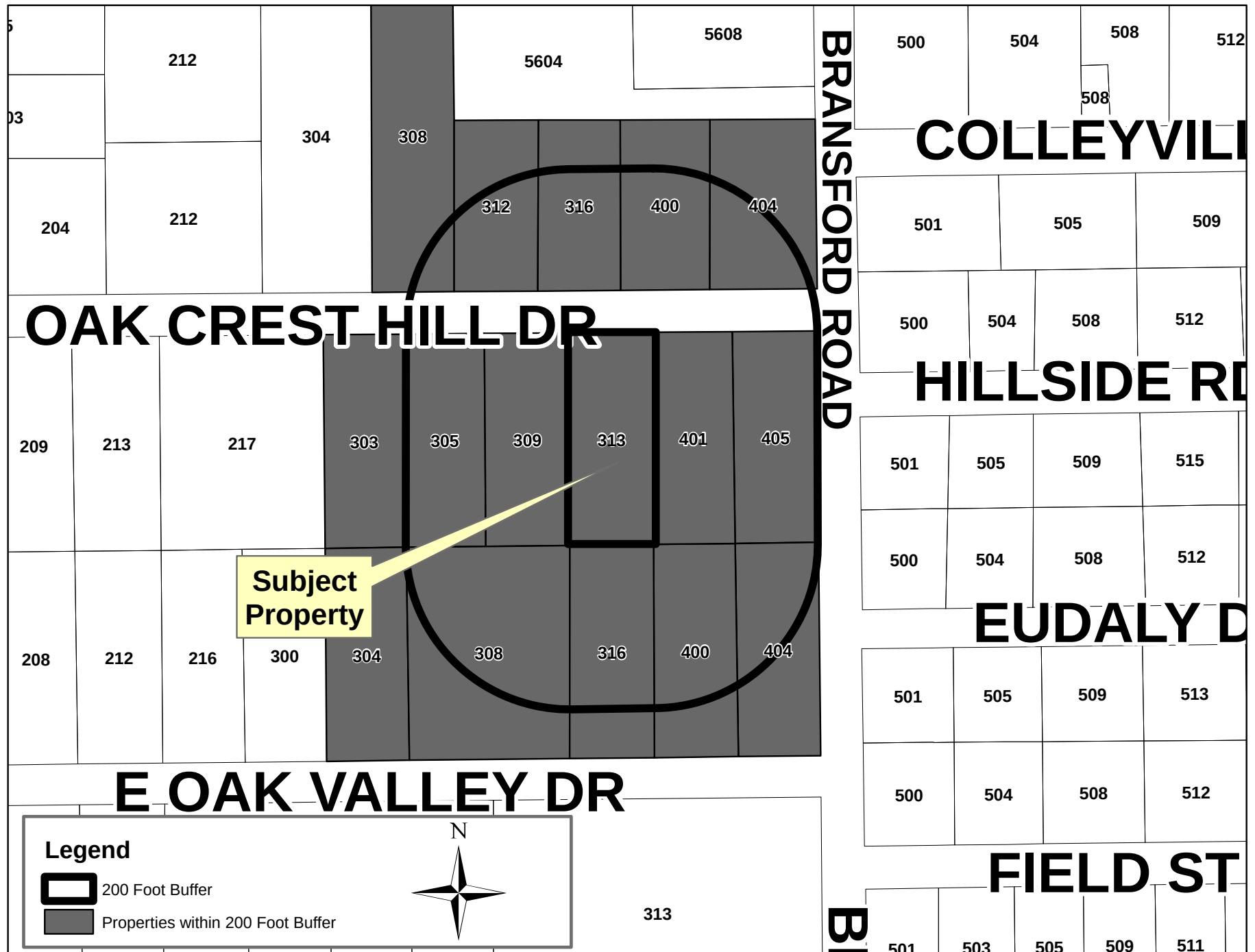
Aerial



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



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.

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:*

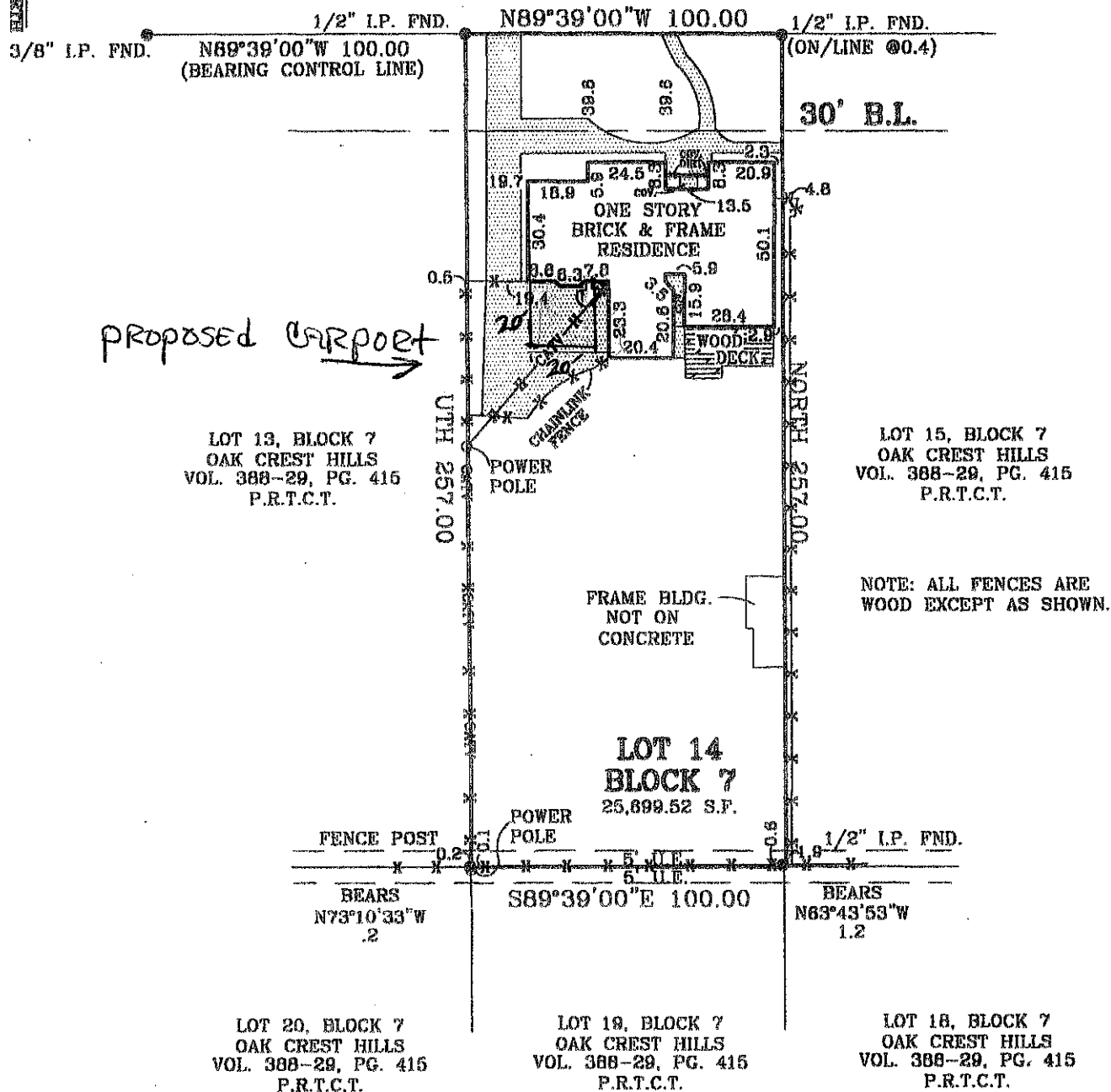
The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations 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.

SCALE 1" = 50

BUILDER'S COPY

313 OAK CREST HILL DRIVE

60' R.O.W ~ 29' CONCRETE PAVING

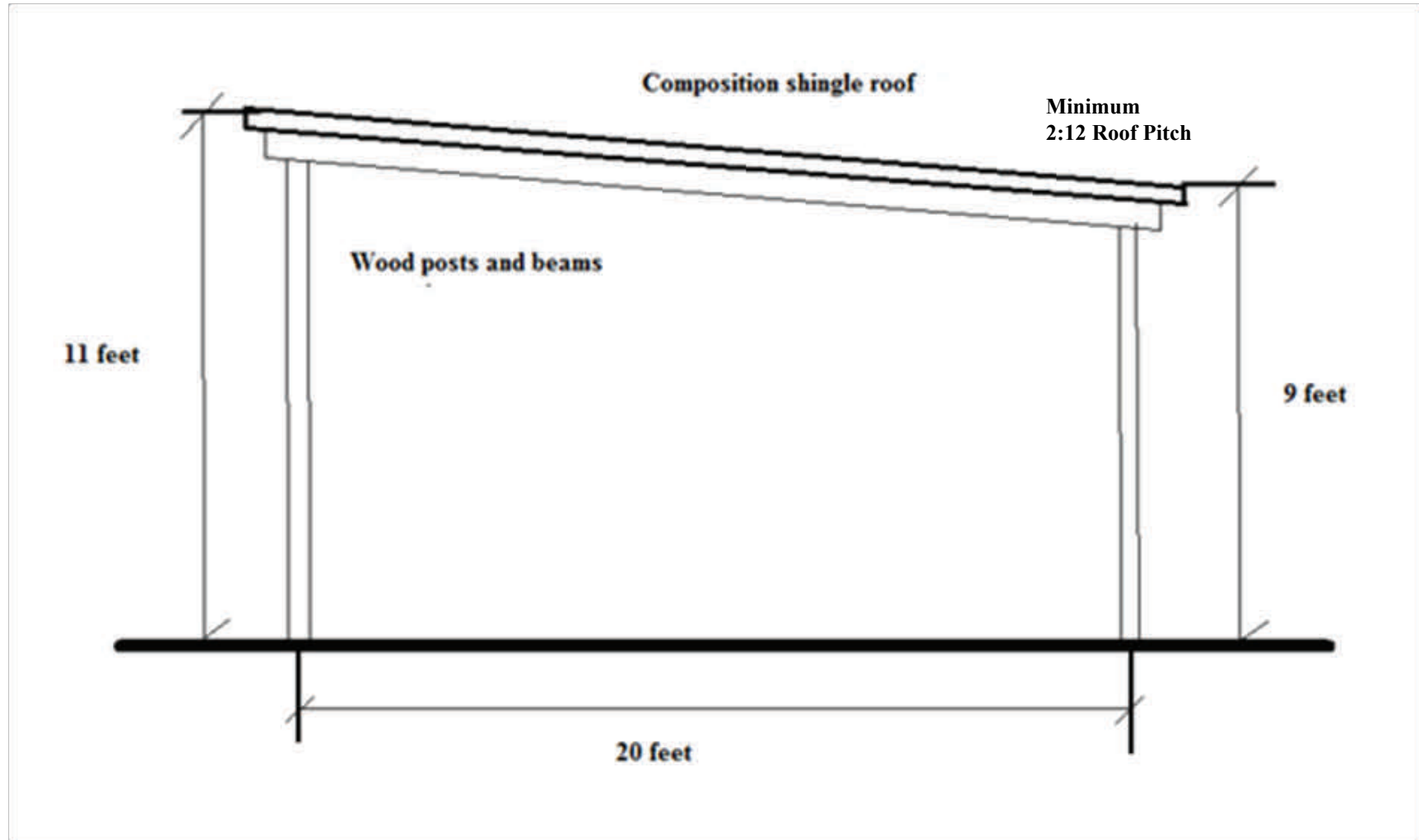


I, Charles B. Hooks, Jr. RPLS, hereby certify that this survey was made on the ground under my supervision and correctly shown the boundary line, dimensions and area of the land indicated thereon, the location of all improvements, the location of all alleys, streets Right-of-way, easements and other matters of record which affect the property, the undersigned further certifies that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of ways except as shown

According to Fema Map Panel # 48439 CO 195 H Zone X, Dated 8-2-95
The above lot does NOT lie within the 100 year flood plain, at this time.

PLAT OF

Carport Elevation



Site Pictures



BACK door

SINGLE SLANT 2 CAR "CARPORT"
NOT SEEN FROM STREET
20' WIDE X 20' LONG



9'

313 Oak Crest Hill Drive



ORDINANCE O-13-1898

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 Special Use Permit for a carport 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 carport will be attached, meaning within ten (10) feet of the principal building. Since the accessory structure will be attached it will need to meet the side and rear yard

setbacks for the R20-Single Family Residential zoning district as follows: Side Yard Setback = 10 feet, and the Rear Yard Setback = 25 feet.

- e. The masonry column requirement is hereby waived and the support posts shall be treated wooden posts.
- f. The roofing material will be shingles to match the color scheme of the primary structure.
- g. 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.
- h. 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 by the City Council of Colleyville, Texas.

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

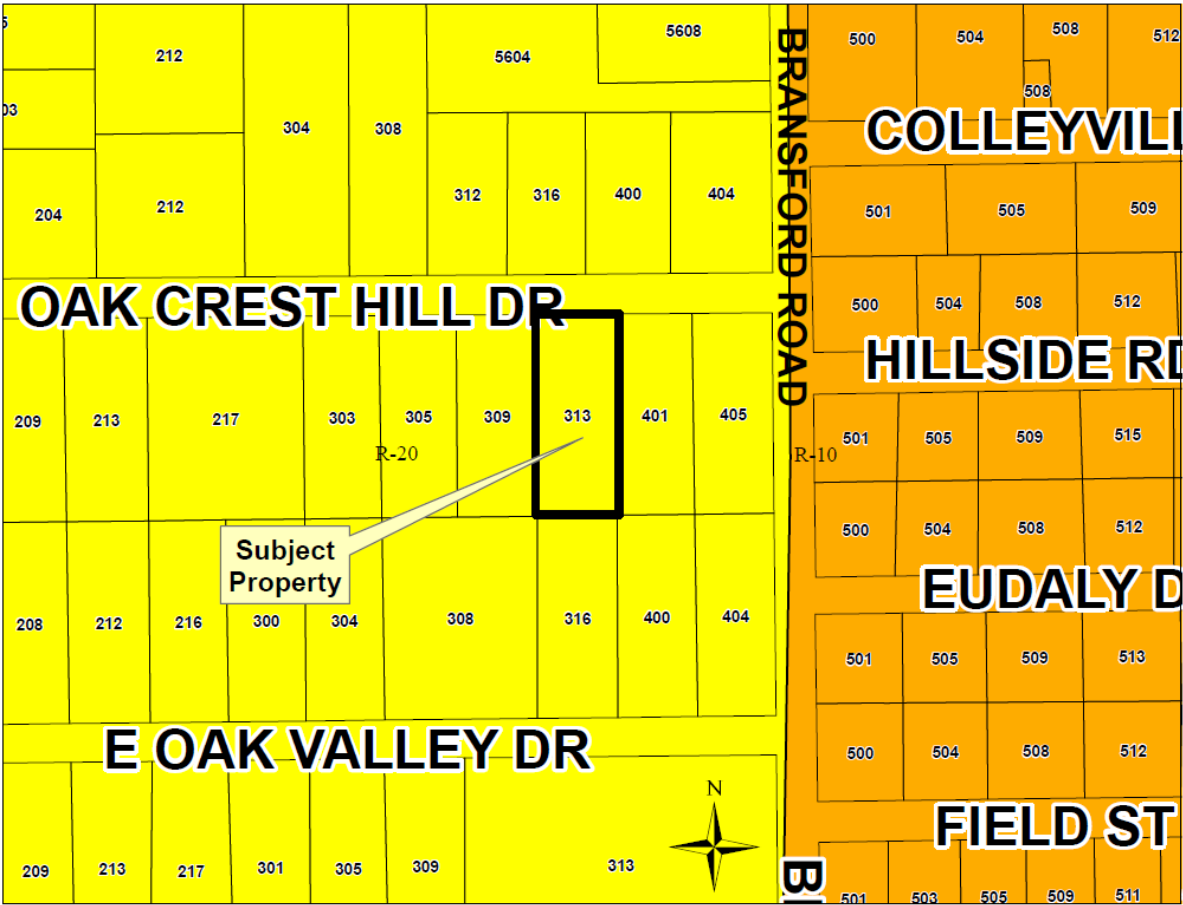


Exhibit "B" – Carport Description

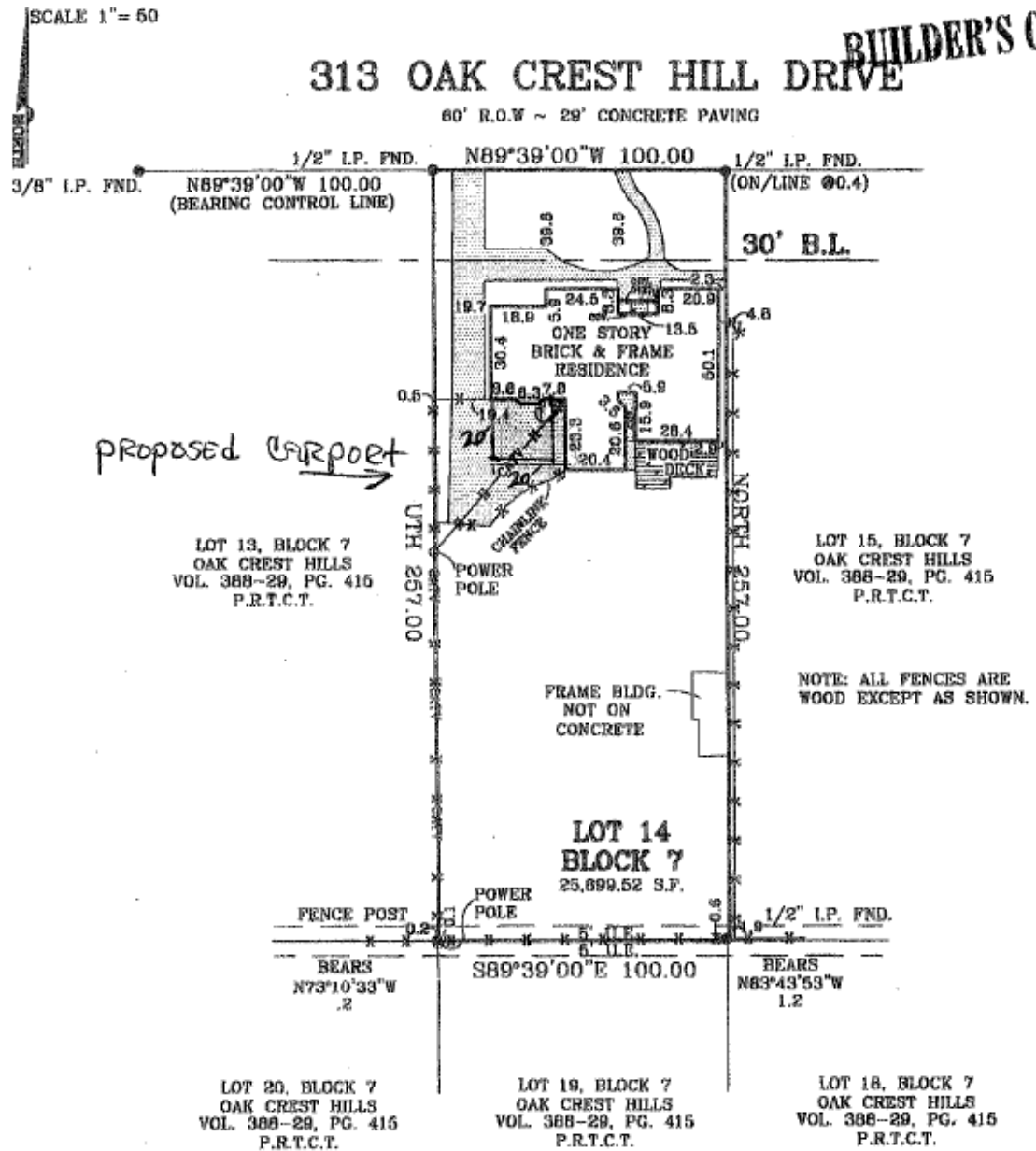


EXHIBIT "B" (CONTINUED)

Elevation

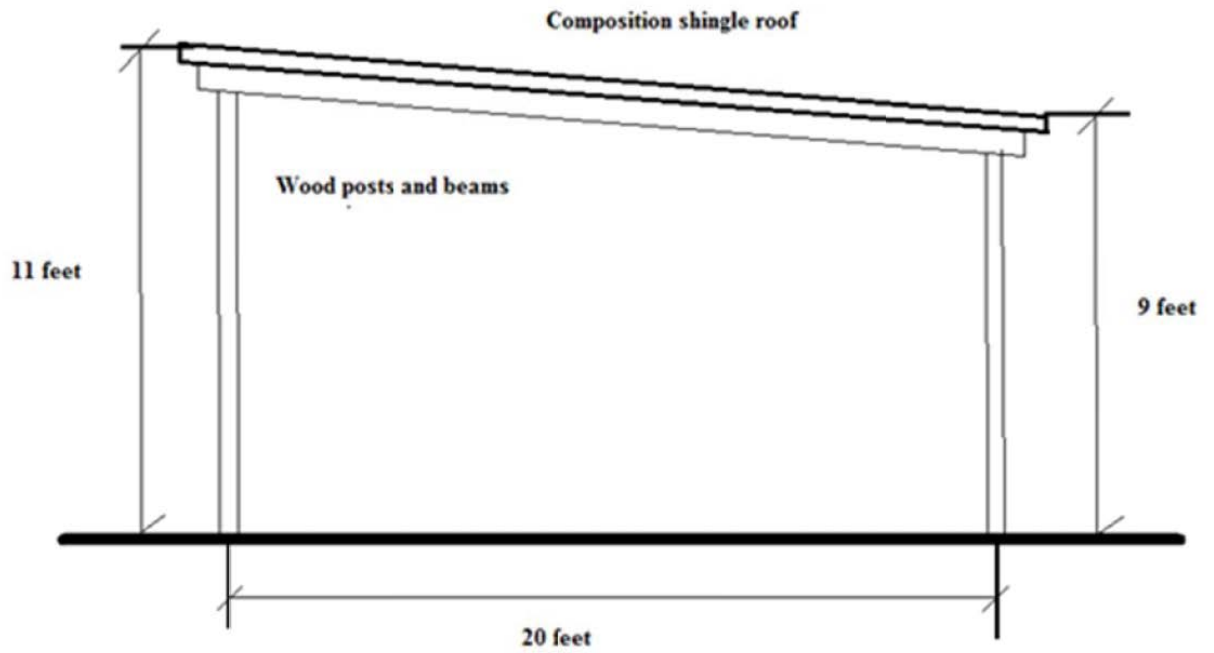


Exhibit “B” Continued

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.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7b

Agenda Date 12/03/2013

Number Ordinance O-13-1899

Type Ordinance

Department Community Development

Title

Consideration of a request 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 a request for 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

First Reading and Public Hearing

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 Pathways 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 plan for final approval similar to phase one

Phase one will include 41 single family residential lots. The final plat for phase one was approved by the City Council on November 19, 2013.

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 has been 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 228 residential lots, one commercial lot, and 18 open space lots. The commercial lot includes 1.9 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. This amounts to the total development acreage of approximately 110 acres.

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 and, as stated above, the final plat for phase one was approved on November 19, 2013.

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. With the exception of the items mentioned in this briefing, the development conditions for phase two remain consistent with the development conditions set forth in Ordinance O-07-1645. As such, consistent with Ordinance O-13-1866, the Statement of Planning Objectives has not been attached to proposed Ordinance O-13-1899.

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 for a front swing garage
- Side Building Line: 5 feet
- Rear Building Line: 30 feet
- Maximum Height: 40 feet
- Maximum Lot Coverage: 65%

Planning Area "B"

- Average Lot Size: 5,500 square feet
- 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: 40 feet
- Maximum Lot Coverage: 65%

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, stated above. However, this requirement was amended under Ordinance O-13-1866, Section 5(2)b, to reduce the maximum building height to 35 feet, consistent with the standard

requirement found in the Land Development Code.

The applicant proposes no modifications to the original development requirements of Ordinance O-07-1645, with the exception of the 35 foot building height amended by Ordinance O-13-1866.

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 of 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 and 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 Glade Road 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 public 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 was approved by the City Council on November 19, 2013. 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 existing residential and commercial uses. The proposed development of 269 approved residential units on the 110 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.

Surrounding Development Trends. Properties to the west are zoned PUD-R-Planned Unit Development Residential, R20-Single Family Residential, R30-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 the 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 multi-family development was recently constructed.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the November 11, 2013 meeting by a vote of 6-0, subject to the following conditions:

- (1) A sidewalk waiver is hereby granted for Lot 7, Block 2, shown as open space.
- (2) The commercial property located at the southwest corner of Heritage Avenue and Cheek-Sparger Road shall be 1.9 acres in size.
- (3) Prior to the issuance of a building permit for the 1.9 acres of commercial property noted above, the developer shall submit a detailed site plan which shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with Ordinance O-07-1645 and any subsequent amendments, 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.

These provisions have been added to proposed Ordinance O-13-1899 and are reflected on the Phase Two Development Plan, labeled as Exhibit C in Ordinance O-13-1899.

Public Notification. Staff mailed notices to 78 adjacent property owners within 200 feet, as well as all Homeowners Associations within 500 feet, of the subject property regarding this request. All school districts within the City were notified as required by state law, and notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. At the November 11, 2013 Planning and Zoning Commission meeting there was one speaker in support of the request, and one speaker had questions for the developer. The speaker cards are attached to this agenda briefing.

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.

Financial Impact

There is no financial impact to the City.

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

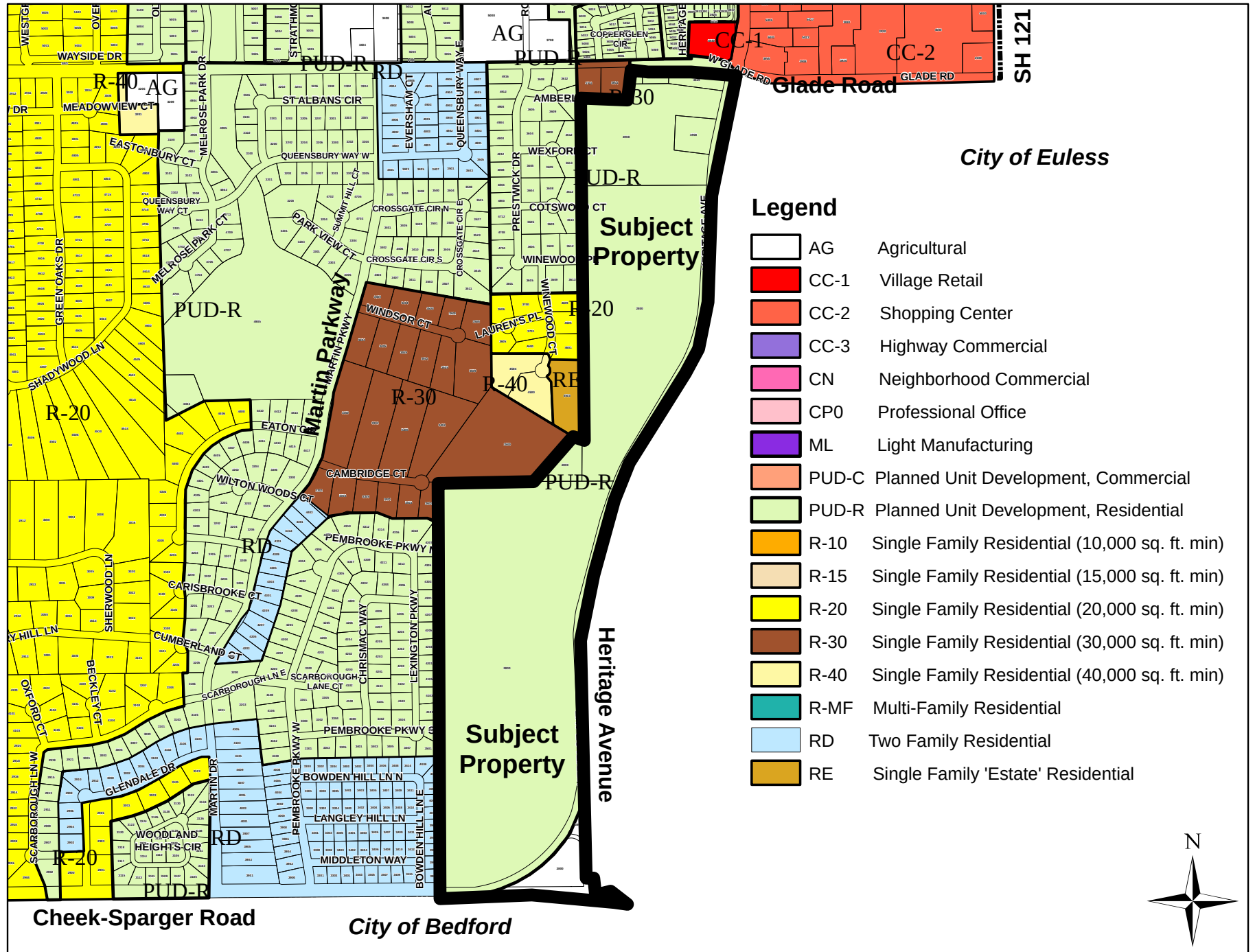
a. Section 5(2)e of Ordinance O-13-1866 is hereby deleted.

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. Speaker Cards from the November 11, 2013 Planning and Zoning Commission Meeting
6. Phase Two Development Plan
7. Statement of Planning Objectives
8. Approved Phase One Development Plan
9. Original 2007 Conceptual Site Plan
10. Ordinance O-07-1645
11. Ordinance O-13-1866
12. Boundary Adjustment - Ordinance O-12-1828
13. Small Lot Development Comparison Chart - 1996 to 2013
14. Preliminary Traffic Impact Analysis - Carter & Burgess
15. Traffic Impact Analysis - Freese and Nichols
16. Ordinance O-13-1899

Location and Zoning Map



Aerial



Notification List

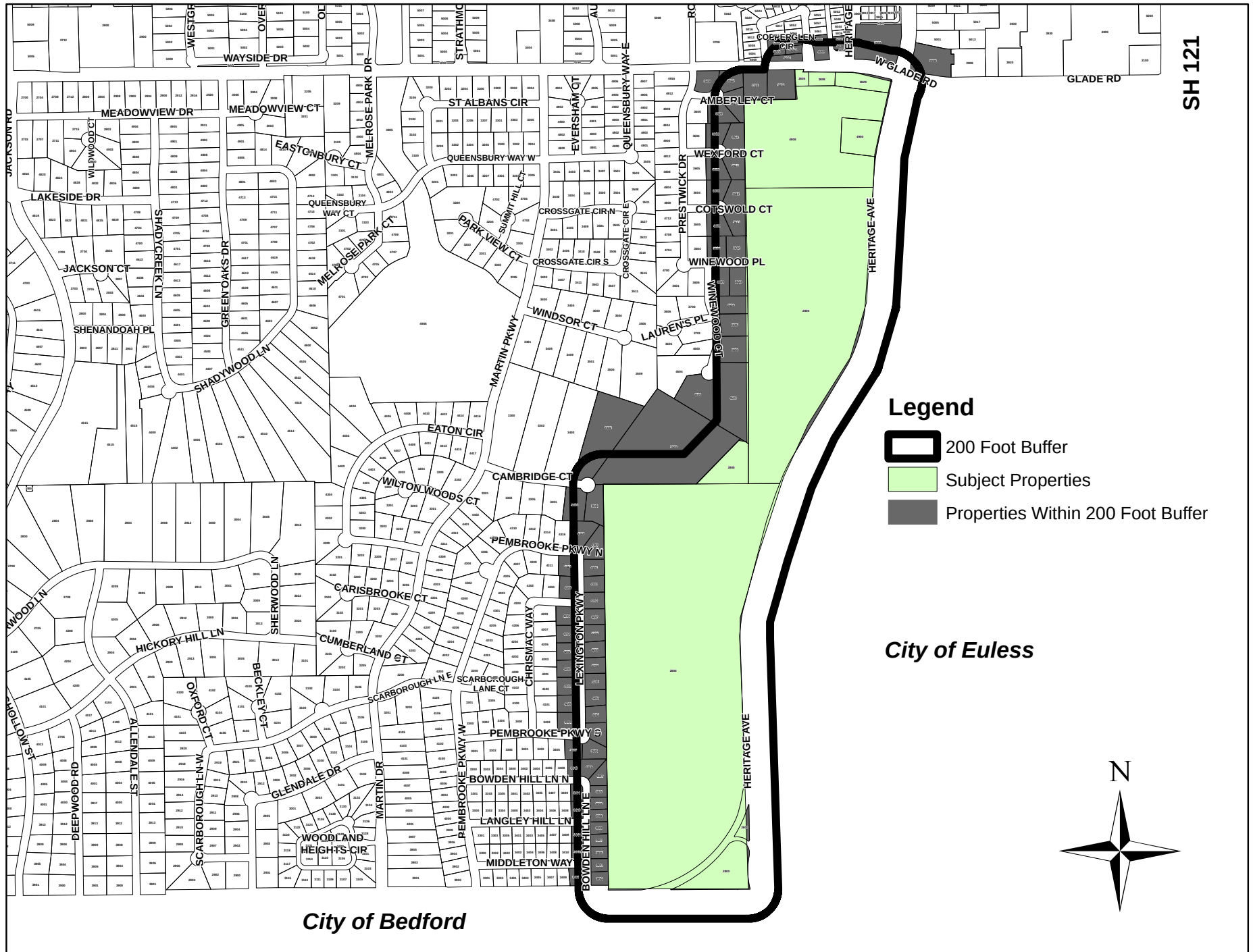
Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
3798 Glade Investment Ltd	PO Box 1901	Colleyville	Texas	76034	5064 Copperglen Cir
Akers, Thomas R & Diane Akers	4003 Bowden Hill Ln E	Colleyville	Texas	76034	4003 Bowden Hill Ln E
Alexander, Scott Etux Becky	3411 Langley Hill Ln	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



Speaker Cards from the November 11, 2013 Planning and Zoning Commission Meeting

Date: 11-11-13 **SPEAKER CARD**

☒ I will speak **In Support** of this item.
☐ I will speak **In Opposition** to this item.
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 5C

Name: Gary L. Malone Gary Malone

Address: 4605 - 4609 Wynn Ct

City: Colleyville **State:** Tx **Zip Code:** 76034

Telephone Number: 817-247-6613 **Representing:** _____
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: _____

This information is a Public Record.

Date: Nov 11, 2013 **SPEAKER CARD**

☐ I will speak **In Support** of this item. Questions
☐ I will speak **In Opposition** to this item.
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 5C

Name: Blanche Ziegler

Address: 3410 Langley Hill Ln

City: Colleyville **State:** Tx **Zip Code:** 76034

Telephone Number: 817-571-0059 **Representing:** self
(organization/self)

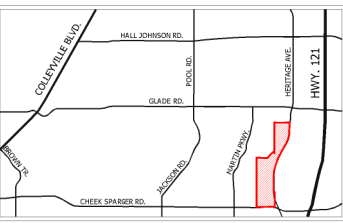
I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Blanche Ziegler

This information is a Public Record.

Phase Two Development Plan



Fence/Wall Type Locations



Legend

- 4' Concrete Sidewalk
- 5' Concrete Trail
- 10' Concrete Trail
- Flood Plain
- Open Space
- 70' Lots
- 50' Lots
- Commercial
- R.O.W. Dedication

FOR LEGAL DESCRIPTION OF PROPERTY, SEE ATTACHED FILE

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

Site Data Summary Chart

Single Family Residential Lots	228
Commercial Lots	1
Common Areas	17
COMMERCIAL	
Commercial Sites	1.90 ac.
RESIDENTIAL	
Residential Lots	43.50 ac.
Open Space	30.51 ac.
R.O.W.	13.19 ac.
R.O.W. Dedication (on Heritage)	7.24 ac.
Total Residential	94.44 ac.
GROSS AREA	96.36 AC

Residential Lot Summary

Residential Lots	228
Minimum Building Lot Area	5,000 s.f.
Average Building Lot Area	8,311 s.f.
Common Areas	17

L.U.D. / Zoning

Existing Zoning:	PUD-R
Proposed Zoning:	PUD-R

- Notes:**
- 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).

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

Zoning Case #ZC13-017

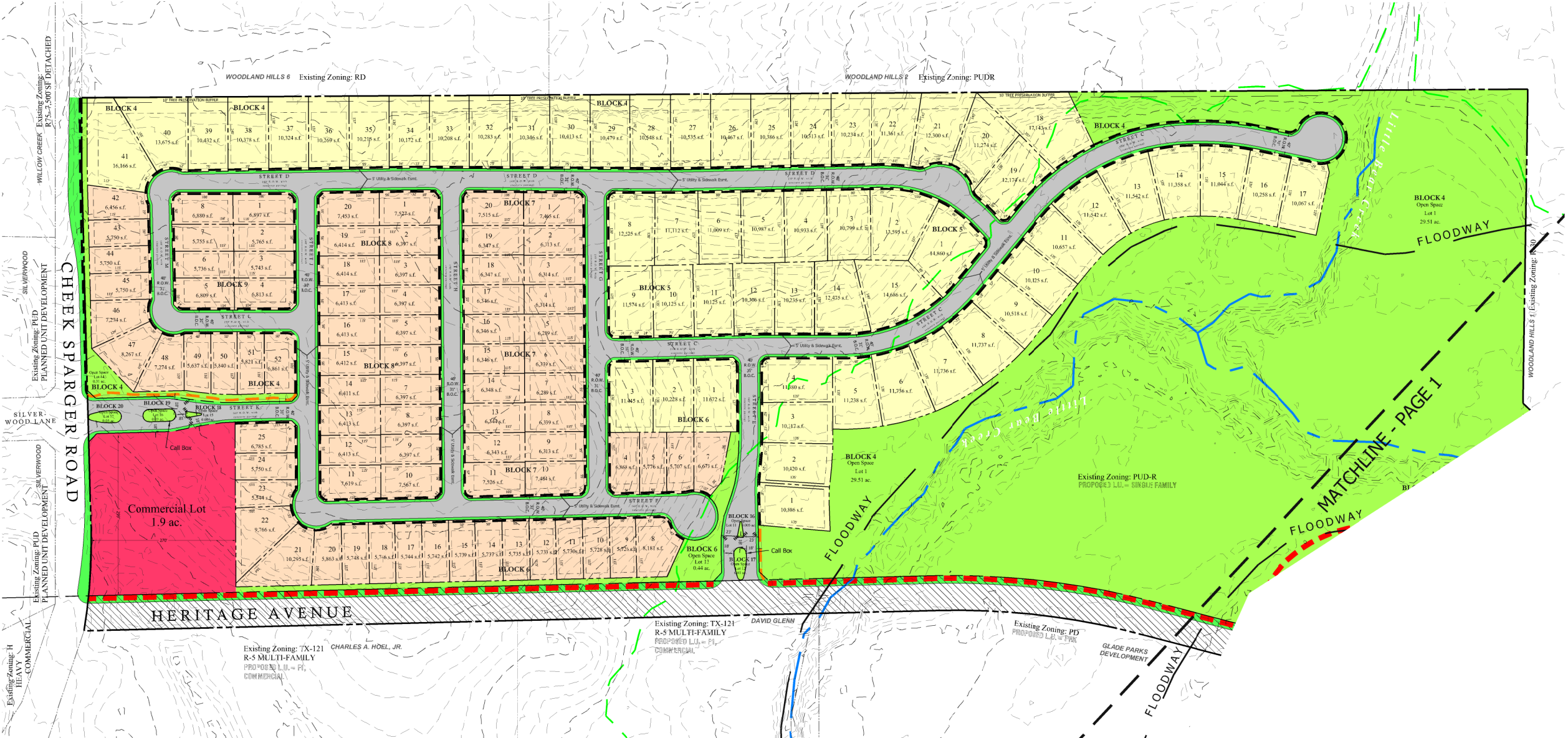
20 NOV 13

1" = 100'

0 100' 200' 400'

Phase 2 Development Plan Creekside at Colleyville

Phase Two Development Plan



Legend

4' Concrete Sidewalk
5' Concrete Trail
10' Concrete Trail
Flood Plain

Open Space

70' Lots

50' Lots

Commercial

R.O.W. Dedication

Site Data Summary Chart

Single Family Residential Lots	228
Commercial Lots	1
Common Areas	17
COMMERCIAL	
Commercial Sites	1.90 ac.
RESIDENTIAL	
Residential Lots	43.50 ac.
Open Space	30.51 ac.
R.O.W.	13.19 ac.
R.O.W. Dedication (on Heritage)	7.24 ac.
Total Residential	94.44 ac.
GROSS AREA	96.36 AC

Residential Lot Summary

Residential Lots	228
Minimum Building Lot Area	5,000 s.f.
Average Building Lot Area	8,311 s.f.
Common Areas	17

L.U.D. / Zoning

Existing Zoning:	PUD-R
Proposed Zoning:	PUD-R

- Notes:**
- 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 & andscape easements will be maintained by the Homeowners Association (HOA).

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

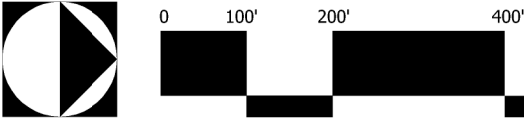
Planner:

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

20 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

Statement of Planning Objectives

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

Creekside at Colleyville

Colleyville, Texas – ZC13-017 Amend PUDR

November 20, 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. The Development Plan submitted herein is intended to generally represent the intended layout of streets, lots, commercial parcels and open space; allowing for some variation during Platting to accommodate final lot dimensions, detailed engineering design, and exact allocations for right-of-way, easements and other needs. 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

Statement of Planning Objectives

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 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 1.9 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 minimum 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')

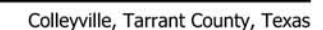
Open Space Standards:

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.

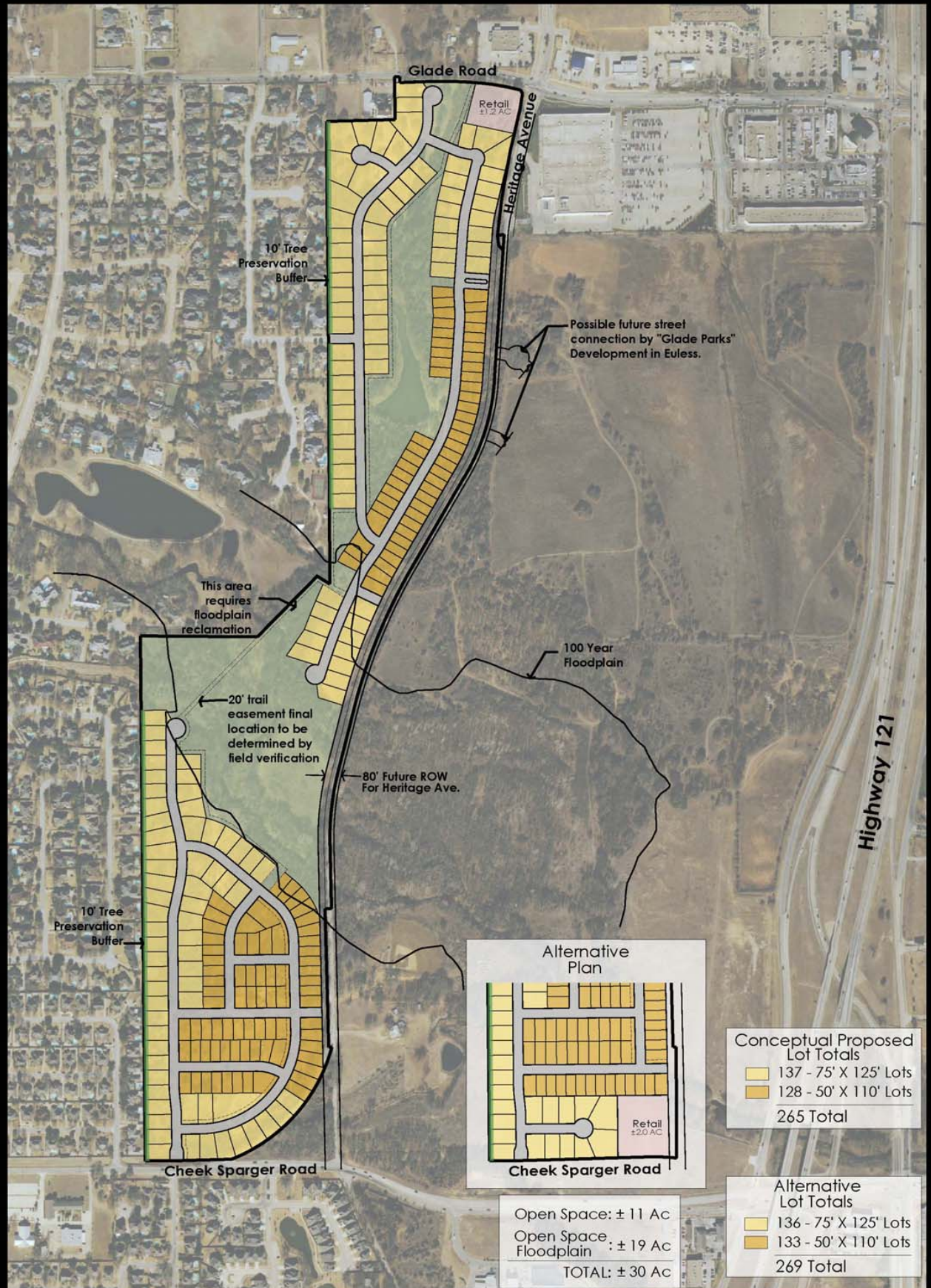
Creekside at Colleyville



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\00\000000\Glade\000000\11_07_07\0110707_AltAlternative_8_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, easements, 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.

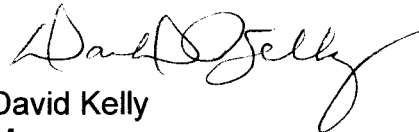
The second reading and public hearing being conducted on the 6th day of November 2007.

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

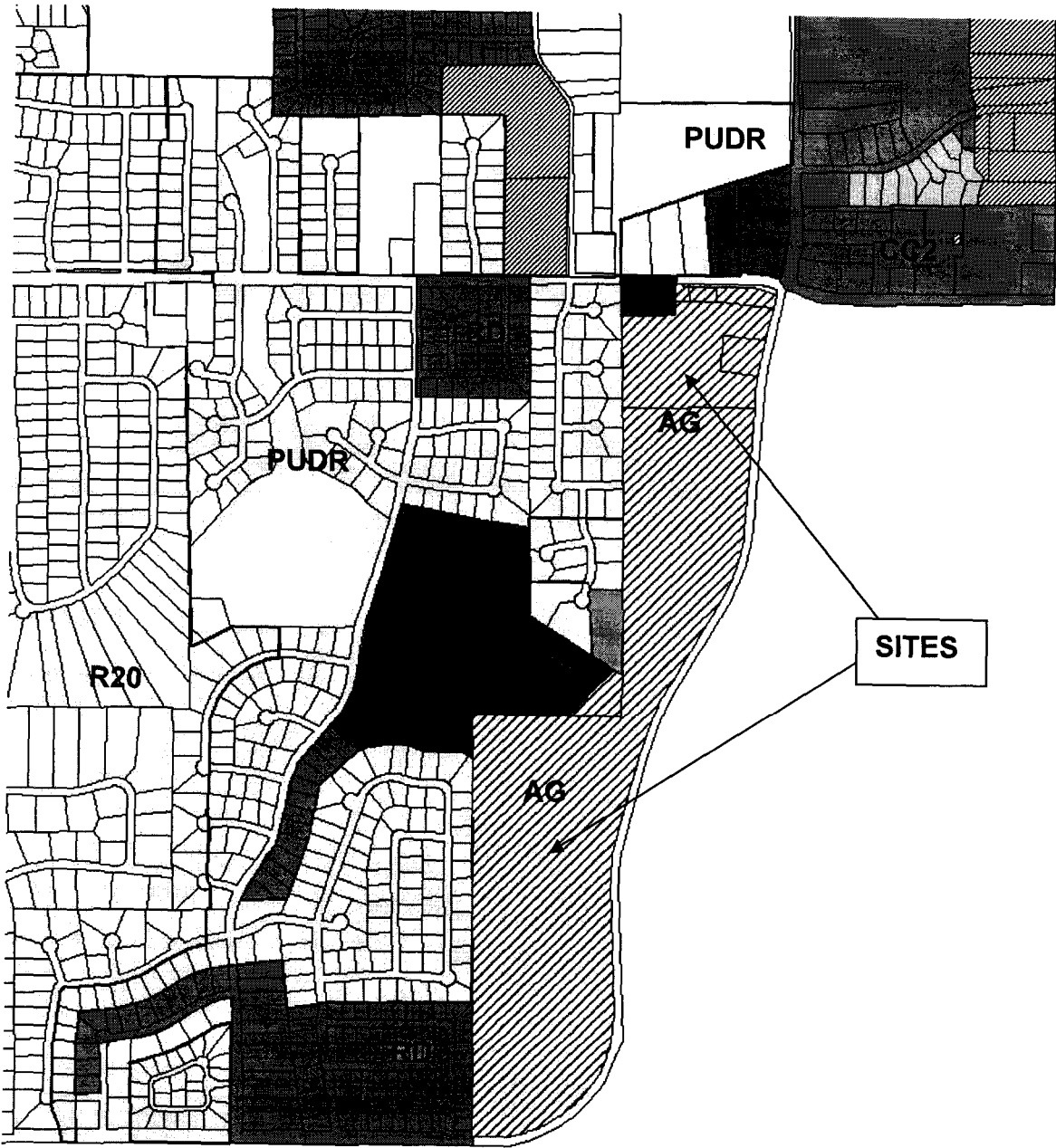


Exhibit "B" Legal Description

**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

Per

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.

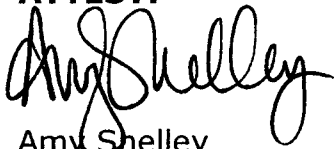
AND IT IS SO ORDERED.

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:



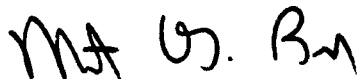
Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" -Location and Zoning Map

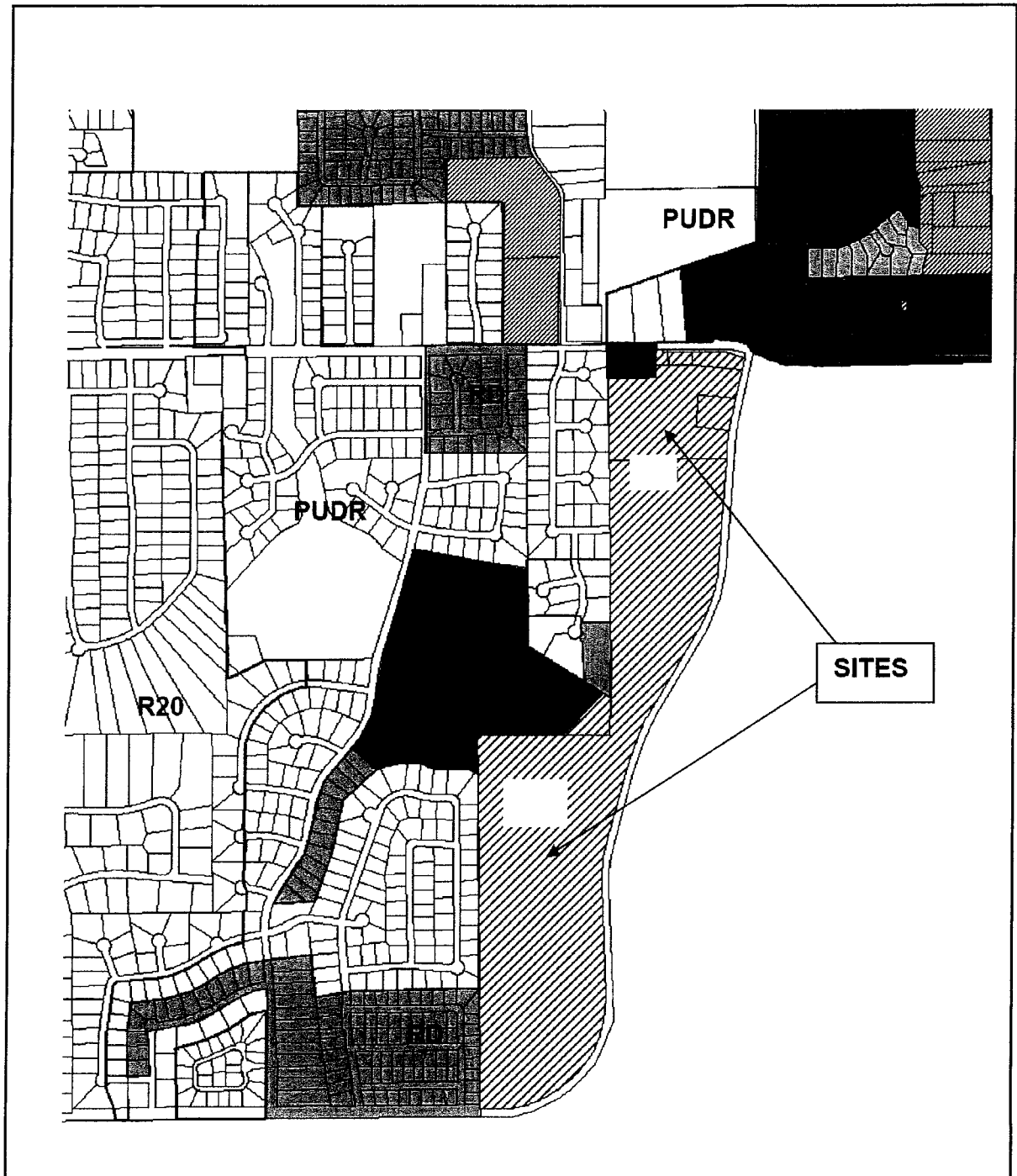
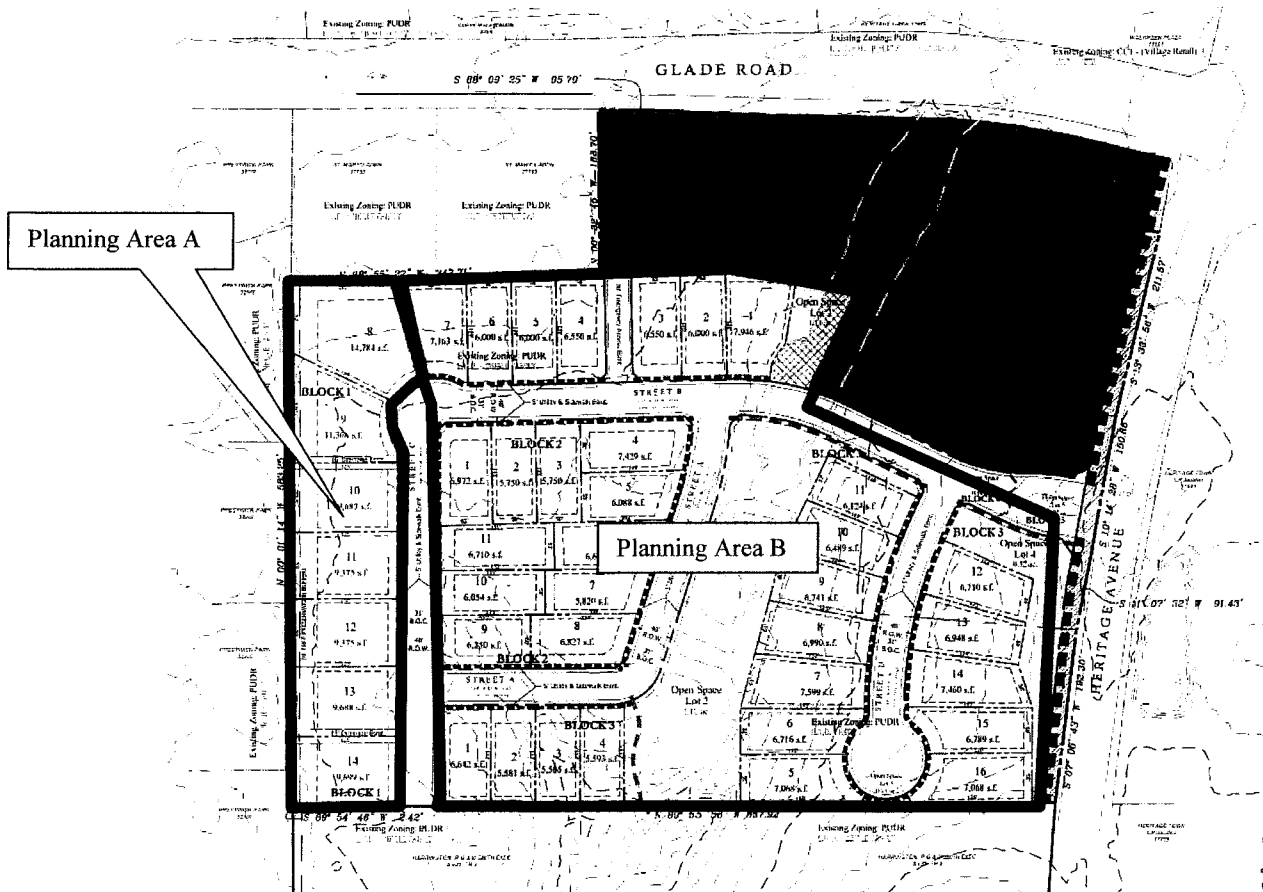


Exhibit "B" Detailed Site Plan



Boundary Adjustment - Ordinance O-12-1828

**CITY OF COLLEYVILLE ORDINANCE NO. O-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

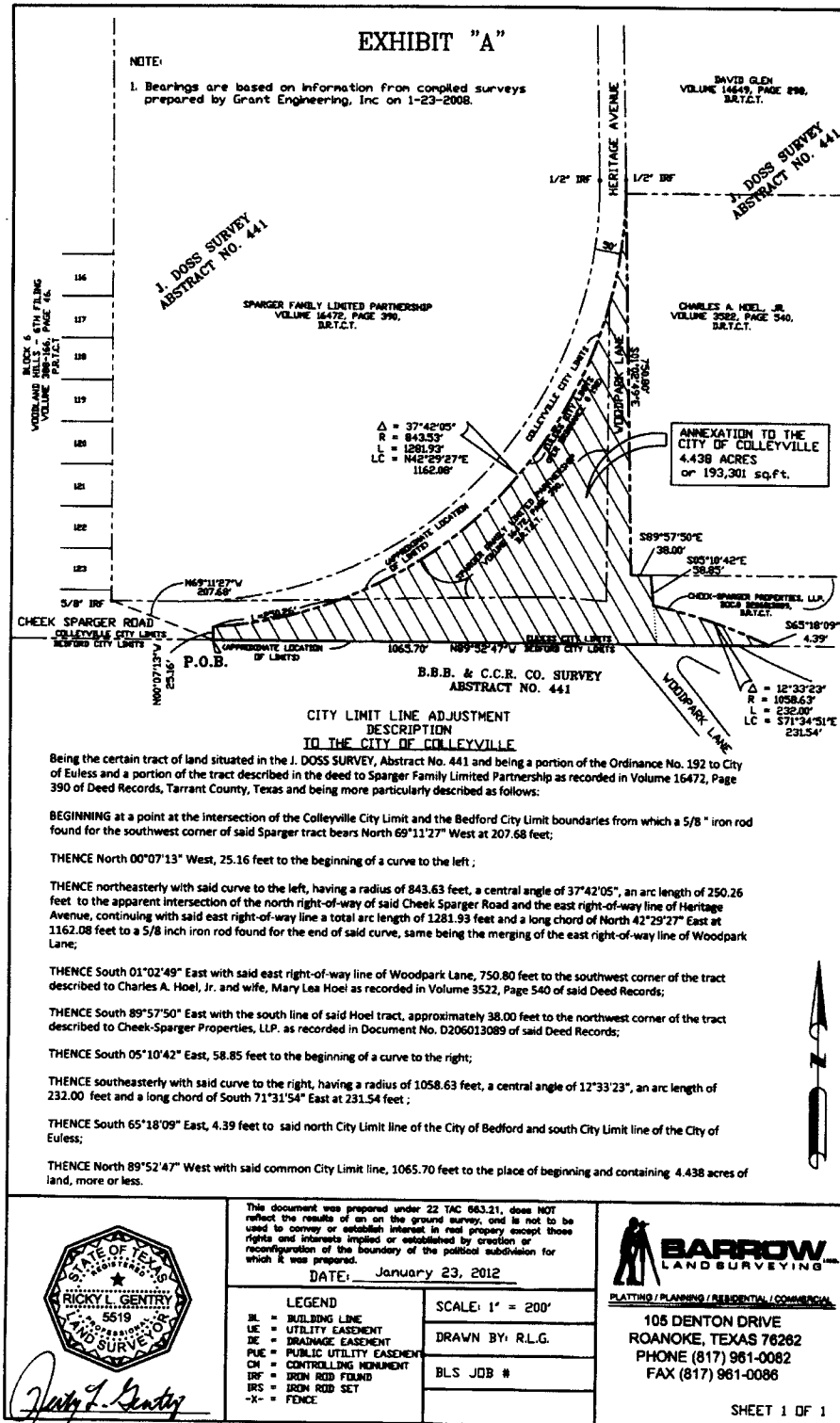
ATTEST:

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
Heron Pond	49	60	120	7,000	7,800	65%	3.2	5.6	15.4	22.0%	11.19.13	O-13-1894
Average	47	57	107	6,350	6,896	57%	3.8	7.0	12.4	20.9%		
Creekside at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645

* 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

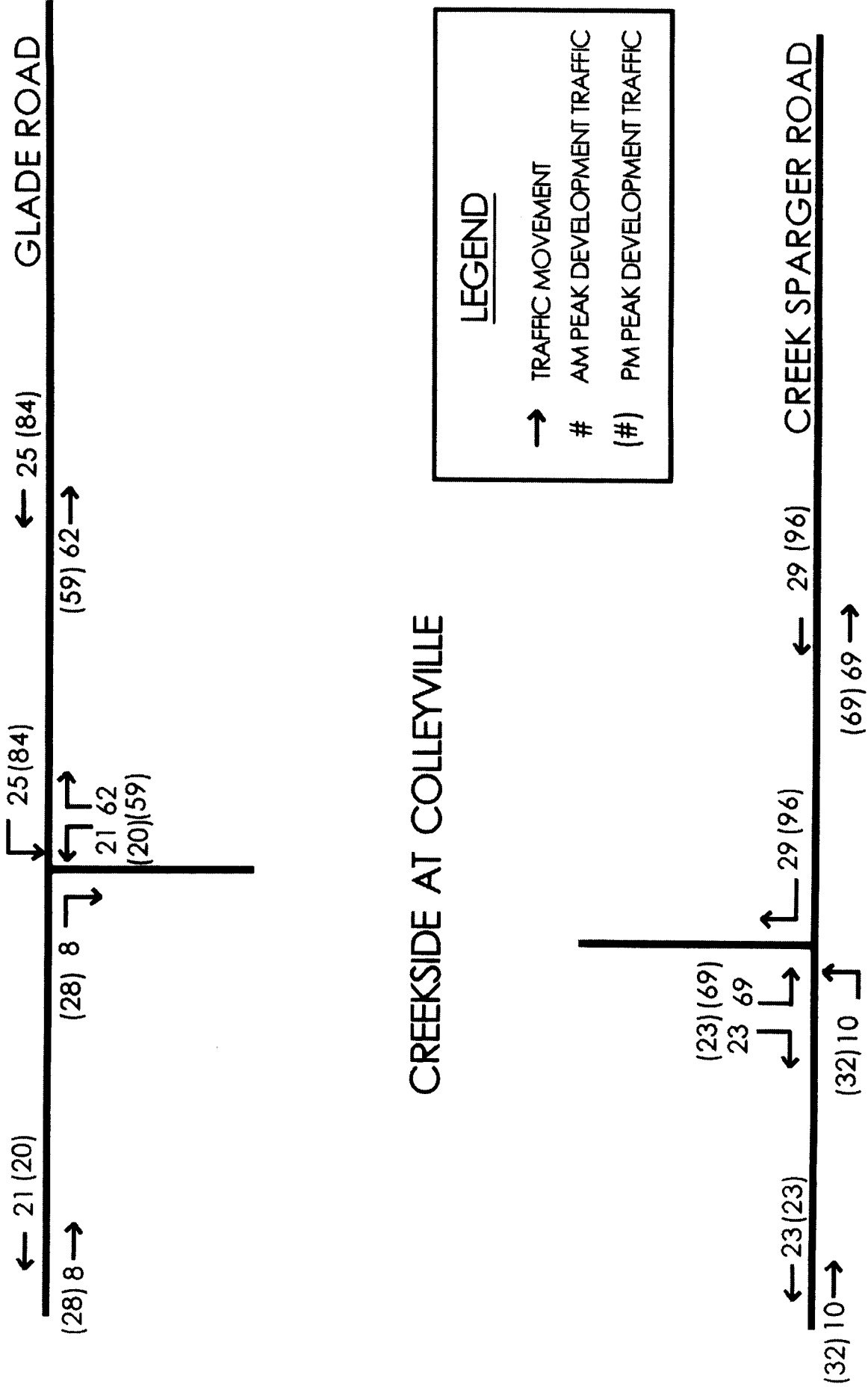
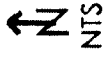


FIGURE 1
PROJECTED TRAFFIC MOVEMENTS
GENERATED BY CREEK SIDE AT COLLEYVILLE

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

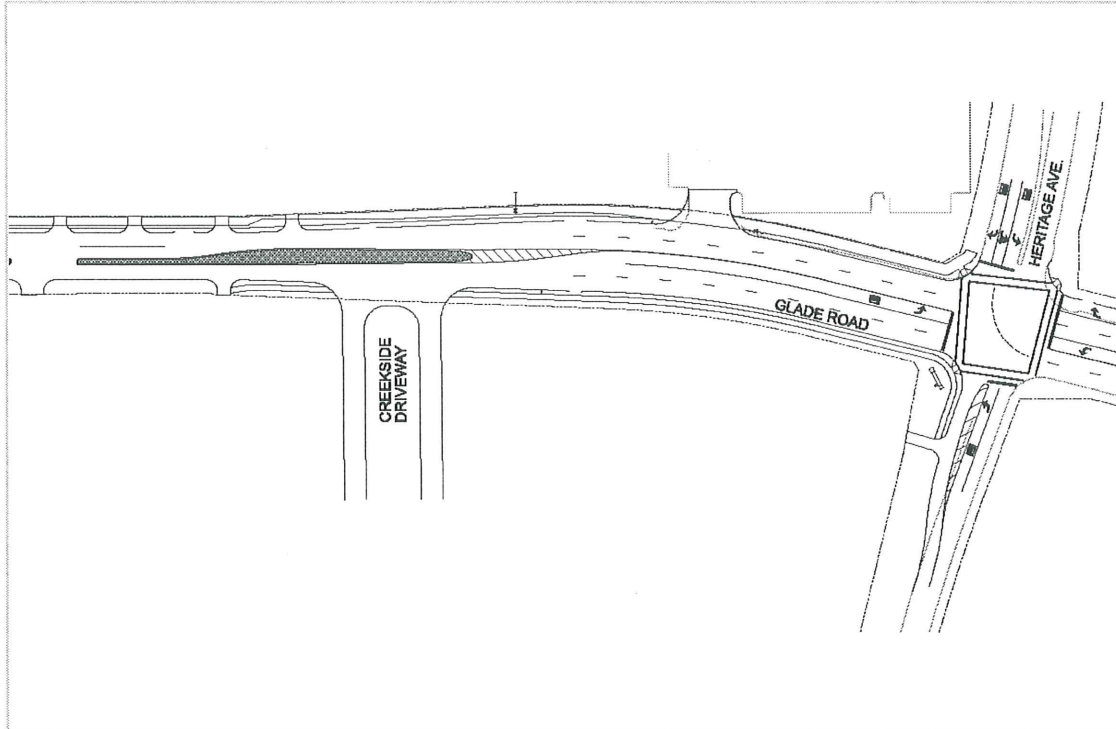
Glade Road Access Management

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-13-1899

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 may enter into a City/Developer Agreement with the City of Colleyville for any required public improvements, in conjunction with this development. Said agreement, if submitted, shall be approved and executed prior to the filing of the final plat for phase two of the development.
- c. A sidewalk waiver is hereby granted for the frontage along Lot 7, Block 2, shown as open space on Exhibit C.
- d. Prior to the issuance of a building permit for the 1.9 acre commercial tract shown at the southwest corner of the development on Exhibit C, the developer shall submit a detailed site plan which shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with Ordinance O-07-1645 and any subsequent amendments, 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.

- 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

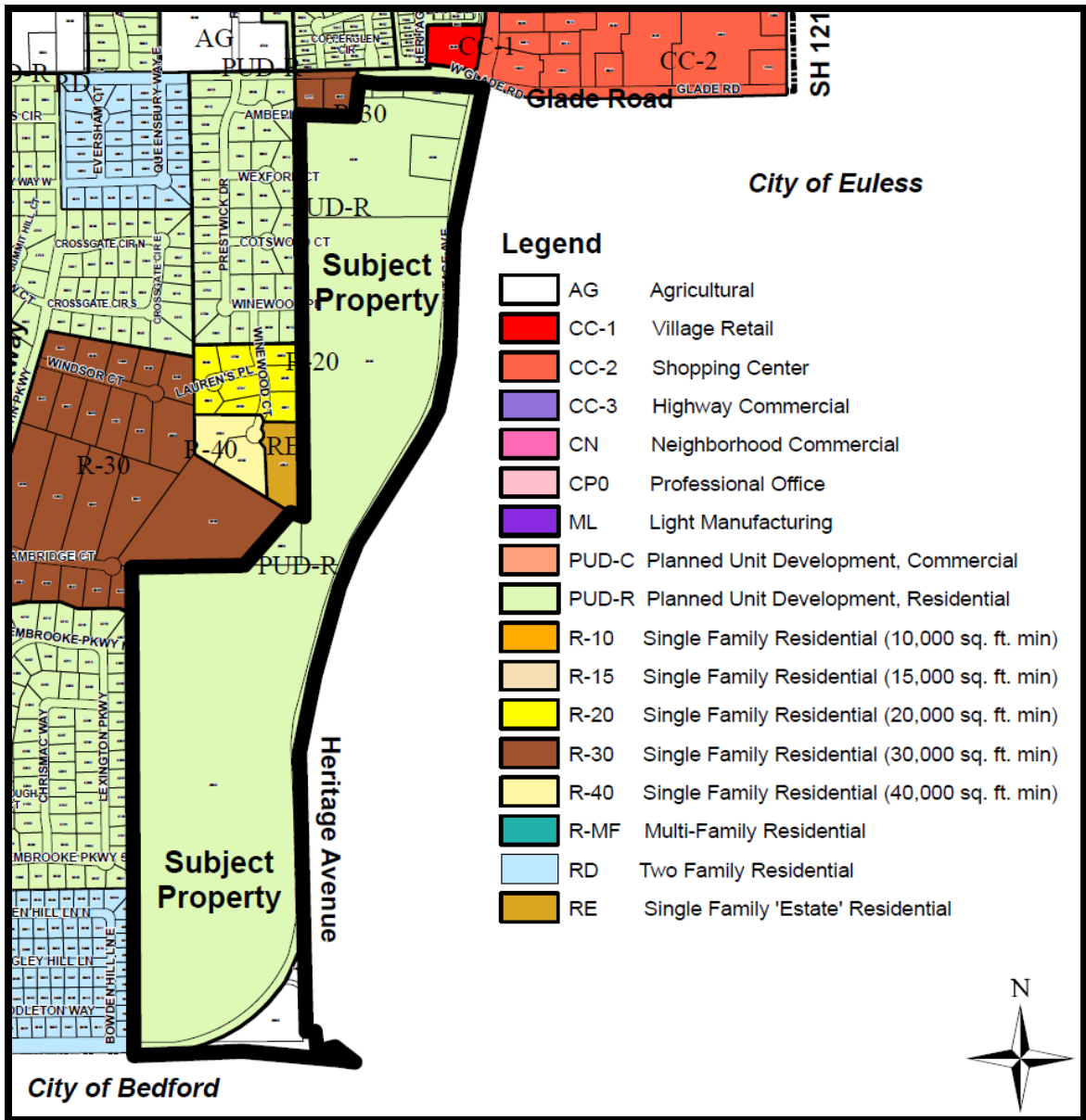


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

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



Exhibit "C" Detailed Site Plan – Page 2





City of Colleyville City Council Agenda Briefing

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

Agenda Number 7c

Agenda Date 12/03/2013

Number Ordinance O-13-1900

Type Ordinance

Department Community Development

Title

Consideration of a 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

First Reading and Public Hearing

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 (attached), 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 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 the electronic gas price sign 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 proposed ordinance.

Public Notification. Staff notified four property owners within 500 feet of the subject property regarding this request. All school districts within the City were notified, as required by state law, and notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has not received any correspondence regarding this request.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the November 25, 2013 meeting by a vote of 6-0.

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.

Financial Impact

There is no financial impact to the City.

Recommendation

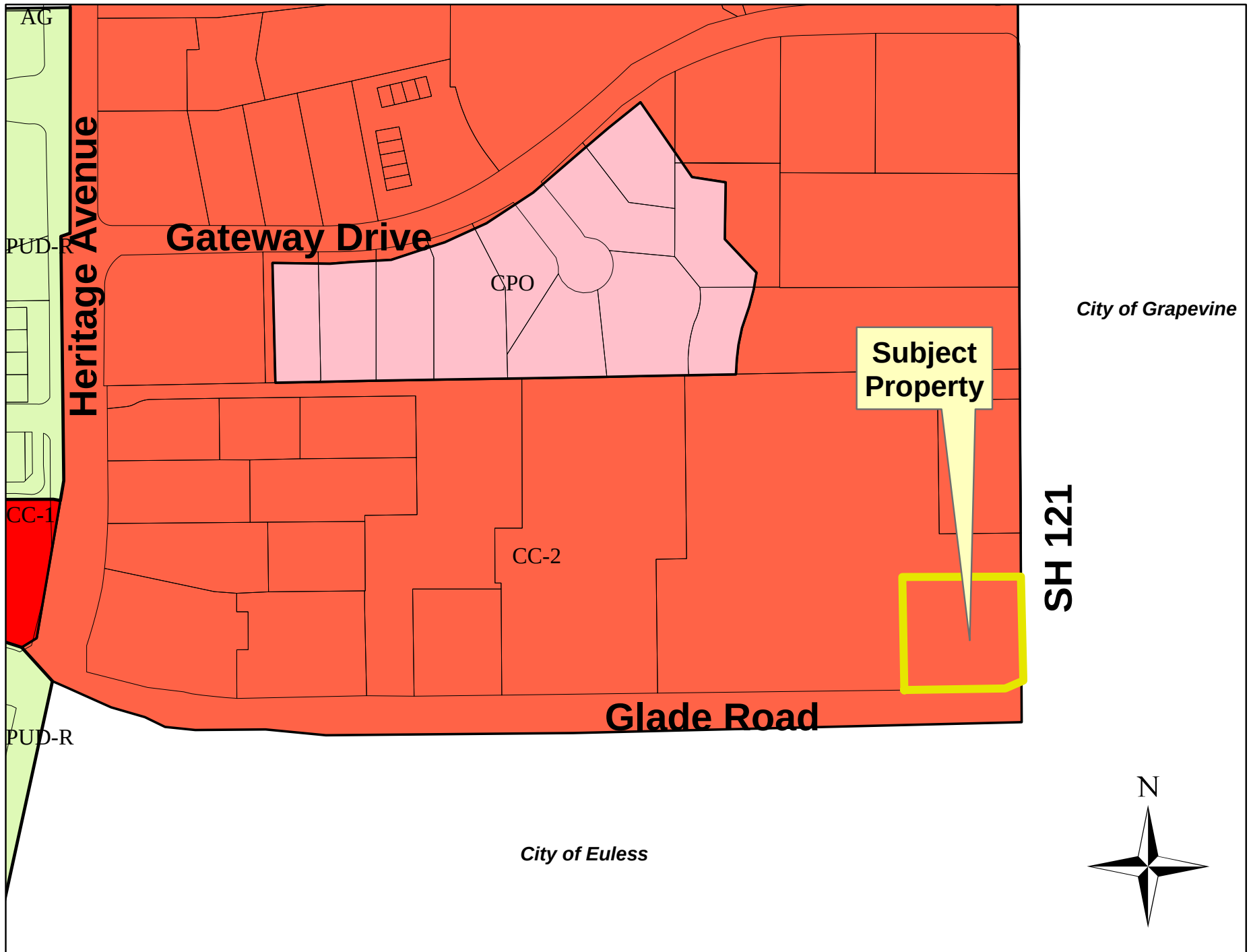
Approval with the following conditions:

(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.

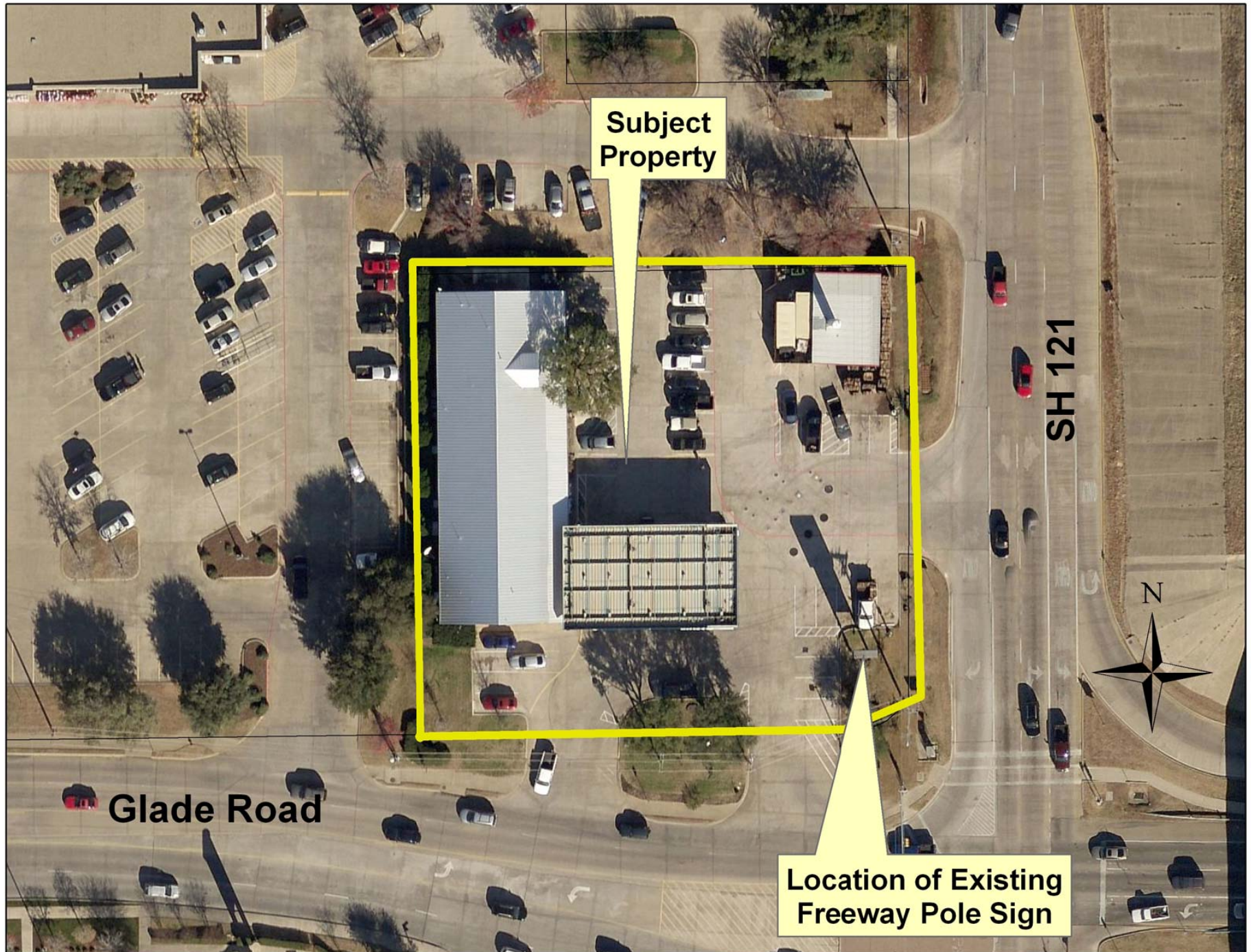
Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Sign Exhibits
6. Ordinance O-10-1762
7. Ordinance O-13-1900

Location and Zoning Map



Aerial

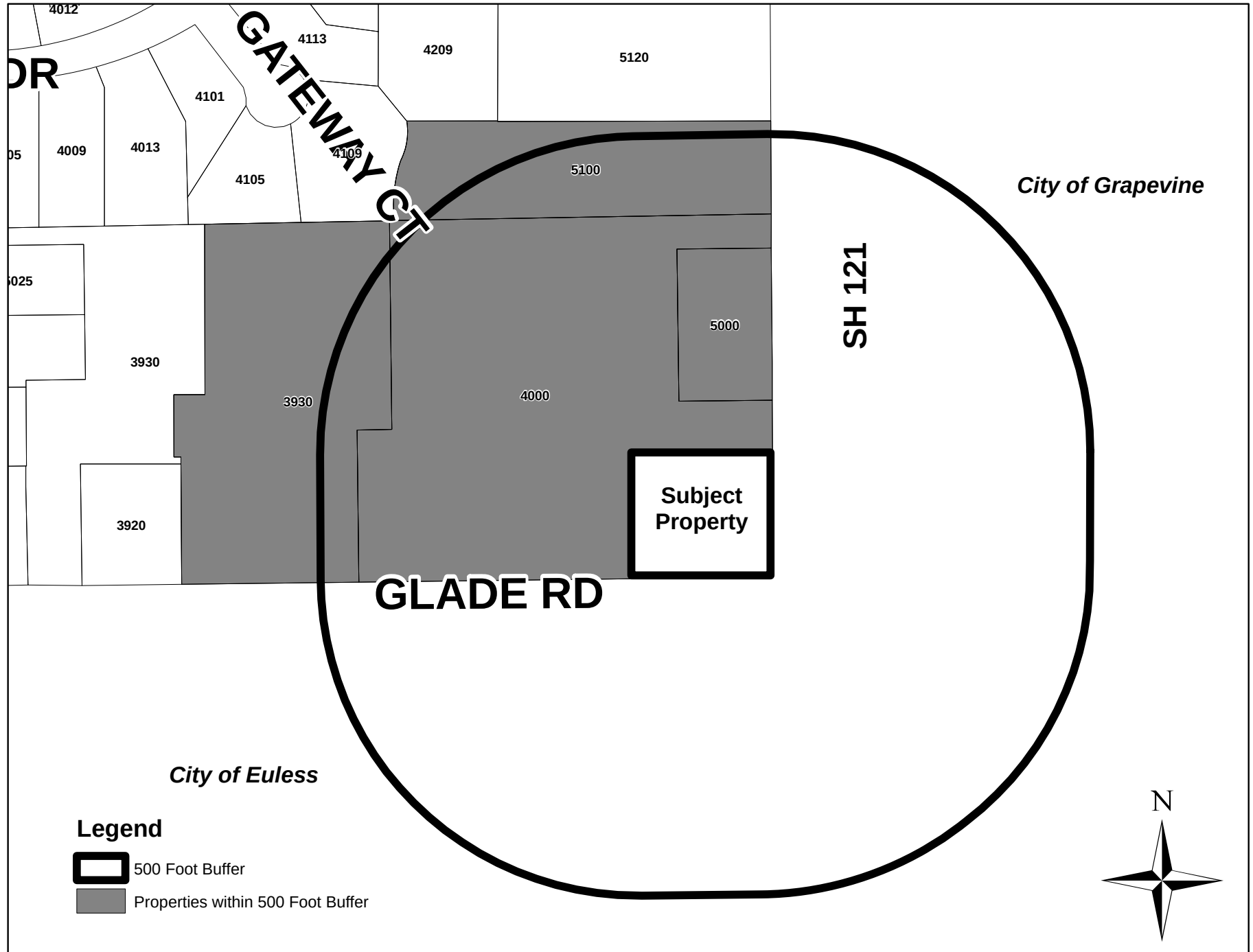


Notification List

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.

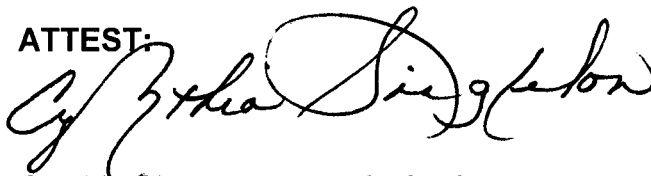
Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two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

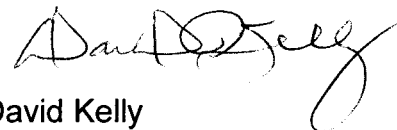
AND IT IS SO ORDERED.

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

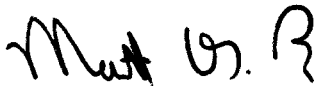
The second reading and public hearing being conducted on the 17th day of August 2010.

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

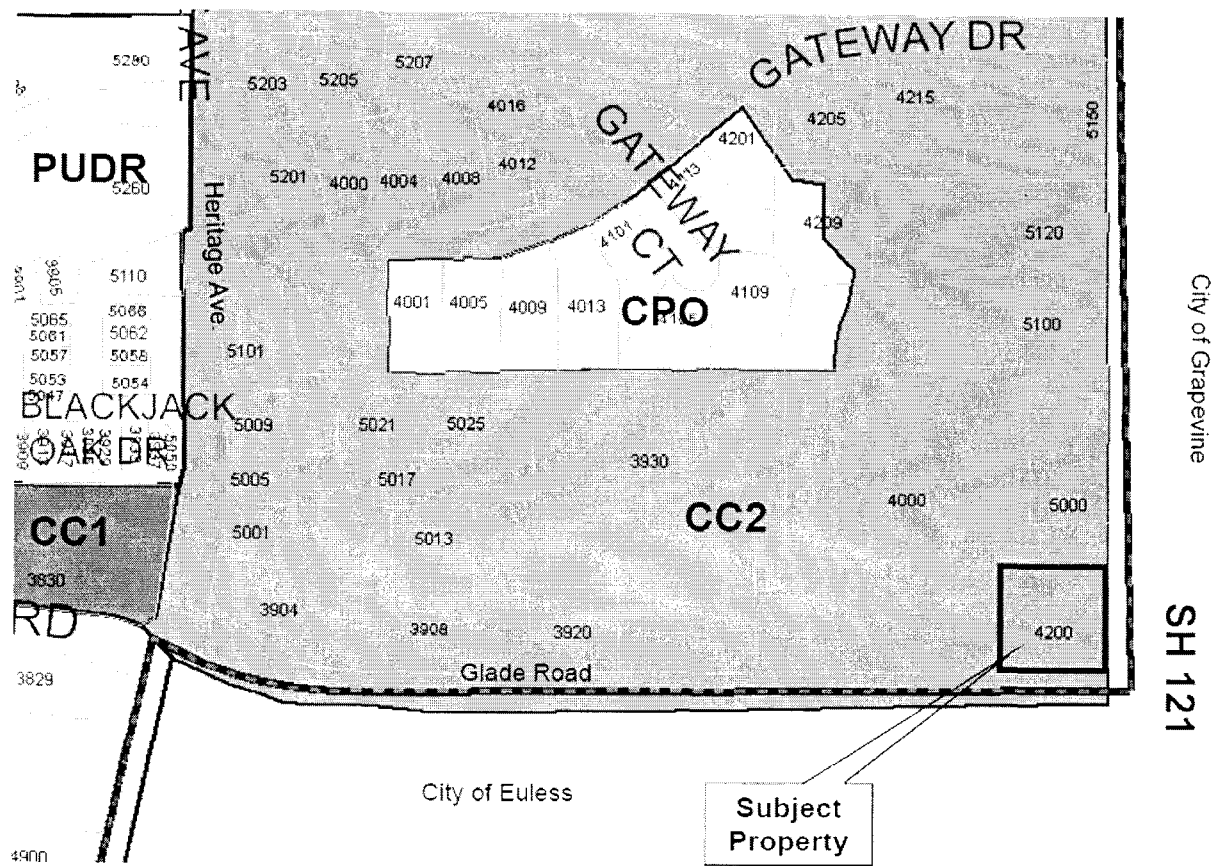


Exhibit "B" – Statement of Planning Objectives

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

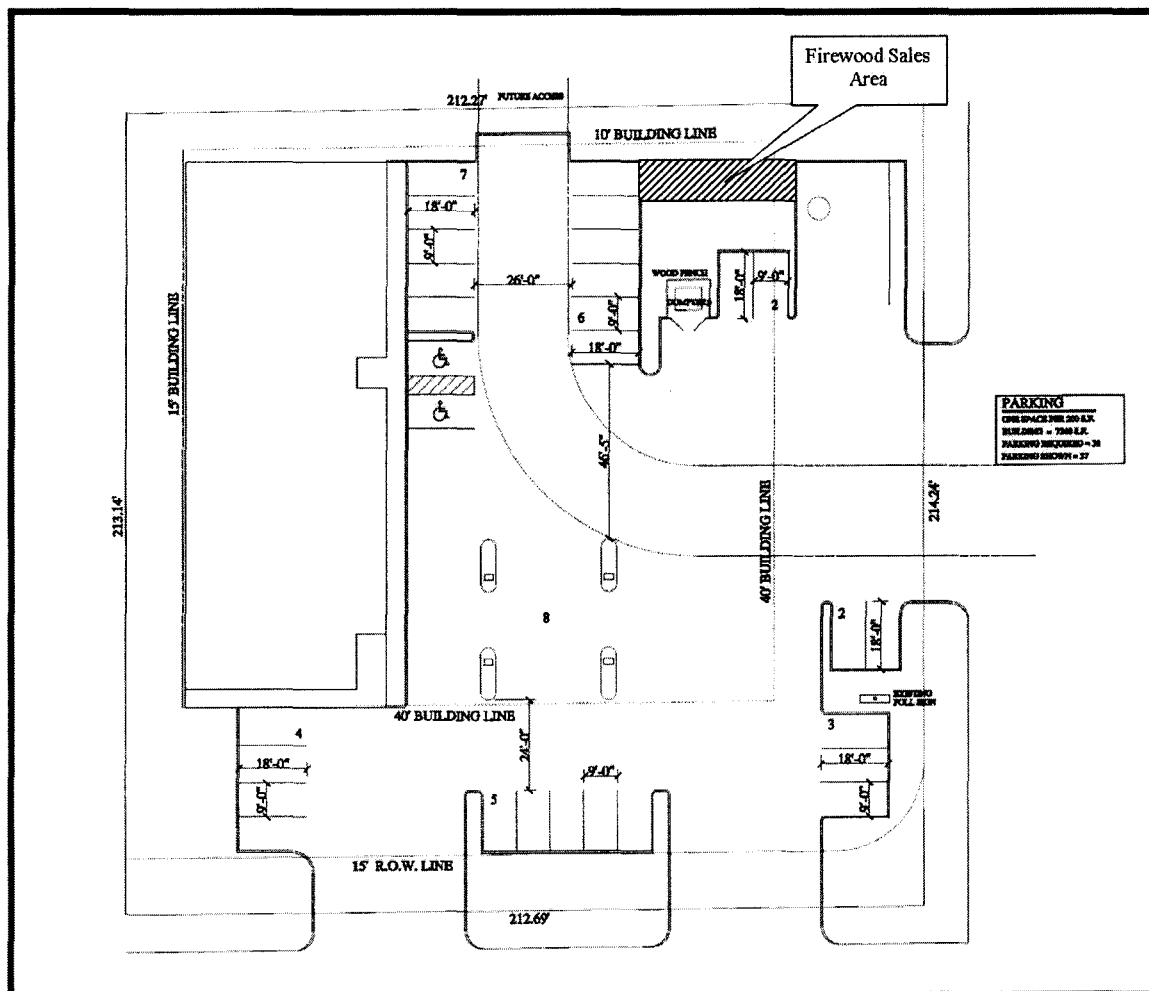


Exhibit "D"

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-13-1900

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



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7d

Agenda Date 12/03/2013

Number Ordinance O-13-1901

Type Ordinance

Department Community Development

Title

Approval of amendments to Chapter 13 - Impact Fees of the Land Development Code

Explanation

First Reading and Public Hearing

The City of Colleyville collects Roadway Impact Fees as a function of issuing building permits for new development. The purpose of imposing impact fees is to help make new development pay its share of additional public facilities that are required by the demands generated by the new development. Impact fees are regulated by Chapter 13-Impact Fees in the Land Development Code.

Staff proposes amending Chapter 13 as it relates to impact fee rebates/refunds. Section 13-173 contains the refund and rebate guidelines as follows:

"A. Time Limit Prior to Refund – Any impact fee or portion thereof collected pursuant to this Chapter which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.

B. Pro-Rated Refund – If a refund is due, the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

C. Determination of Excess Fees Upon Completion of Improvements – Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the City shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the City shall refund the difference, if such

difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

D. Request of Refund Fees - Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:

- 1. Existing service is available and service is denied; or*
- 2. Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or*
- 3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.*

E. Proportional Refund Due to Downsizing Meter – The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased unused water meter is replaced with a smaller meter, based on the SUE differential of the two meter sizes and the per-SUE fee at the time of the original fee payment, less an administrative charge of \$50.

F. Procedure for Petitioning of Refund – Petition for refunds shall be submitted to the Director of Public Services on a form provided by the City for such purpose. Within one month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the Finance Director and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Manager and Council, as set forth in this Land Development Code.

G. Rebate of Roadway Impact Fees for Expired Permit – The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.

H. Rebate of Roadway Impact Fees for Sales Tax Businesses – The City may rebate sixty-five percent (65%) of the roadway impact fees collected for a new commercial or industrial structure upon request of the property owner within one year after a certificate of occupancy has been issued, and provided that more than fifty percent (50%) of the gross floor area of the structure for which the certificate of occupancy has been issued will be utilized by a commercial or industrial business that generates

city sales tax revenues."

Most of the above guidelines involve instances where refunds or rebates are eligible due to no construction occurring, failure of the City to expend the impact fee funds within a 10 year period or over-payment of an impact fee by the developer. However, Section "H" above allows for a 65 percent refund of the roadway impact fees for a sales tax generating business if requested within a year of the issuance of the Certificate of Occupancy. Staff proposes repealing Section "H" above.

Section 13-173(H) was added to the City's impact fee regulations on October 3, 1995 by Ordinance O-95-1004 as part of the City's first comprehensive impact fee update. This provision was added in 1995 in order to help promote economic development by encouraging sales tax generating businesses to locate in Colleyville. The original provision in 1995 included a 100 percent refund of roadway impact fees. This was amended from 100 percent to 75 percent on April 1, 2000 by Ordinance O-00-1213 as part of the required five year impact fee update, and was further amended from 75 percent to 65 percent on August 2, 2006 by Ordinance O-06-1581 as part of the required five year impact fee update. It should be noted that this rebate is not required by any State statutes or provisions.

Past Rebates. On July 10, 2013, the City issued a rebate in the amount of \$9,818.90 to the general contractor for the *Fossil Creek Spirits* business located at 8070 Precinct Line Road. The rebate was issued at the request of the contractor, who paid the original roadway impact fee in the amount of \$15,106.00. To date, this refund is the only refund that has been issued under the provisions of Section "H" above.

Summary. Staff recommends repealing Section 13-173(H) from the Land Development Code. The reason for repealing this section is that staff believes that any rebate/refund of roadway impact fees should not be automatic. Rather, rebates should be reviewed on an individual basis as part of an economic development incentive agreement. This is the only amendment proposed for this item.

Financial Impact

The fiscal impact of this item will be to ensure that all roadway impact fees collected by the City will not be eligible for automatic rebates based on whether or not the business generates sales tax revenue.

Recommendation

Approve

Attachments

1. Chapter 13 - Roadway Impact Fees
2. Proposed Amendments to Chapter 13
3. Ordinance O-13-1901

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

Chapter 13 Impact Fees

Rev. 08/21/2012

Section 13 – 100 Purpose of this Chapter

The purpose of this Chapter is to establish regulations for the collection of impact fees to pay for the costs for new development.

Section 13 – 105 Authorization for Adoption of this Chapter

The regulations contained in this Chapter are adopted under the authorization of *Chapter 395 – Local Government Code* and *Article VI of the Charter of the City of Colleyville*.

Section 13 – 110 Waivers and Appeals

An applicant requesting a waiver of a requirement contained in this Chapter may seek relief from the City Council by using the procedure described in Section 190 of this Chapter this Land Development Code.

Section 13 – 115 Definitions

The definitions unique to this Chapter are found in *Chapter 2 – Definitions* of this Land Development Code.

Section 13 – 120 Master Plan and Capital Improvements Plan Adopted

- A. Master Plan – The City of Colleyville, Texas Master Plan, approved by Ordinance O-04-1483 on October 19, 2004, be and the same is hereby adopted and designated as the Master Plan for the City of Colleyville for impact fees.
- B. Land Use Assumptions – The land use assumptions used in the development of the impact fees are contained in the document titled Water, Wastewater, and Roadway Impact Fee Update, dated May 2012, prepared by Kimley-Horn and Associates, are adopted for the purpose of compliance with Chapter 395 of the Texas Local Government Code regarding impact fees and referenced in Exhibit - 13.A – Table of Land Use Assumptions.
- C. Water and Wastewater Capital Improvements Plans – The document titled Water, Wastewater, and Roadway Impact Fee Update, dated May 2012, prepared by Kimley-Horn and Associates, is adopted as the Water and Wastewater Capital Improvements Plan for the City of Colleyville for the purpose of compliance with Chapter 395 of the Texas Local Government Code regarding impact fees.
- D. Roadway Capital Improvements Plan – The document titled Water, Wastewater, and Roadway Impact Fee Update, dated May 2012, and prepared by Kimley-Horn and Associates is adopted as the Roadway Capital Improvements Plan for the City of Colleyville for the purpose of compliance with Chapter 395 of the Texas Local Government Code regarding impact fees.

Section 13 – 125 Applicability of Impact Fees

- A. This Chapter shall be uniformly applicable to new development which occurs within the water, wastewater and roadway service areas.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

- B. No new development shall be exempt from the assessment of impact fees as defined in this Chapter.

Section 13 – 130 Impact Fees as Conditions of Development Approval

No final plat for new development shall be approved within the service area without assessment of impact fees pursuant to this Chapter, and no water and wastewater tap shall be issued and no building permit shall be issued unless the applicant has paid the impact fees imposed by and calculated as provided herein.

Section 13 – 135 Establishment of Service Areas

- A. The water, wastewater and roadway service areas are established as shown on the Service Area Map, attached as Exhibit -13-B – Service Area Map. The service areas shall be established consistent with any facility service area established in the CIP for each utility.
- B. The boundaries of the water, wastewater and roadway service areas may be amended from time to time, and new service areas may be delineated, pursuant to the procedures in Chapter 395 of the Texas Local Government Code.

Section 13 – 140 Service Units

- A. Service units are established in accordance with generally accepted engineering and planning standards.
- B. For water and wastewater impact fees, service units shall be calculated in accordance with the attached Exhibit -13-C – Table of Water and Wastewater Service Unit Equivalencies, as determined by the size of the water meter(s) for the development, or alternatively, as approved the City Engineer as a result of an engineering report prepared by a qualified professional engineer licensed to perform such professional engineering services in the State of Texas, which demonstrates that the number of service unit equivalents (SUE's) for the new development will be different than those indicated by the size of the water meter.
- C. If the Director of Public Services determines that the water pressure in the City's transmission main is significantly higher or lower than standard pressure such that the size of the water meter is not indicative of actual service demand, the Director may adjust the number of (SUE's) based on a smaller or larger sized meter which more accurately reflects the flow rate and the system pressure conditions.
- D. If a fire demand meter (tap) is purchased for a property, the meter size utilized to calculate the number of (SUE's) shall be the dimension of the portion of the fire demand meter which reflects the meter size which would provide only domestic service to the property. Said reduced meter size shall then be utilized to calculate the number of (SUE's).
1. The meter types used to calculate the number of (SUE's) shall be either simple or compound meters.
 2. If the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City's meter-reading and billing systems, the then-owner of the property shall be assessed the then current fee for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.
 3. To avoid the use of fire flow volumes for domestic usage, the owner of any property for which a fire demand meter is purchased shall be required to execute a restrictive covenant on a form approved by the City Attorney, which covenant shall acknowledge the right of the City to assess such fees to subsequent owners of the property. Said covenant shall be executed prior to the purchase of the fire demand meter and shall be filed in the deed records of the County.

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Colleyville, Texas, Land Development Code

4. No fees shall be collected for the purchase of taps which shall be utilized to provide only fire protection capacity.
- E. Upon wastewater tap purchase for lots for which no water meter has been purchased, service units shall be established by a professional engineer licensed in the State of Texas, shall be reviewed by the Engineer and shall be presented to Council, which shall designate the appropriate number of service units.
- F. For roadways, service units shall be calculated in accordance with Exhibit - 13.D – Table of Vehicle-Mile Equivalencies.
- G. The City Council may revise the service unit equivalency tables according to the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.

Section 13 – 145 Maximum Assessable Impact Fees Per Service Unit

- A. Calculation Method – The maximum assessable impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, based on the land use assumptions for that service area.
- B. Utility or Ad Valorem Tax Credits – The maximum assessable impact fee is determined by applying a credit back to the development community based on the utility revenues or ad valorem taxes that are allocated for paying a portion for future capital improvements. The maximum assessable water impact is 72.9 percent of the Pre-Credit Recoverable Costs. The maximum assessable wastewater impact fee is 76.1 percent of the Pre-Credit Recoverable Costs. The maximum roadway impact fee is 93.5 percent for Service Area One and 95.1 percent for Service Area Two of the Pre-Credit Recoverable Costs.
- C. Maximum Assessable Water and Wastewater Impact Fees – The maximum assessable impact fees per service unit for water and wastewater facilities after applying the utility or ad valorem tax credits is contained in Exhibit -13-E – Table of Maximum Assessable Water and Wastewater Impact Fees.
- D. Maximum Assessable Roadway Impact Fees – The maximum assessable impact fees per service unit for roadway facilities after applying the utility or ad valorem tax credits is contained in Exhibit -13-F – Table of Maximum Assessable Roadway Impact Fees.

Section 13 – 150 Assessment of Impact Fees

- A. The assessment of an impact fee for any new development shall be made in accordance with the provisions of this Section.
- B. Assessment of the impact fee for any new development shall be made on occurrence of the following events:
 1. For new development which is submitted for approval pursuant to the City's subdivision regulations after June 20, 1987, or for which replatting results in an increase in the number of service units after such date, assessment shall be at the time of final subdivision plat approval, and shall be the amount of the impact fee per service unit, as provided in the Schedule of Impact Fees to be Collected that is in effect at the time of subdivision plat approval.
 2. For new development which has received final plat approval prior to June 20, 1987, and for which no replatting is necessary prior to the issuance of a building permit, assessment shall be upon the issuance of a building permit, and shall be the amount of the impact fee per service unit set forth in the Schedule of Impact Fees to be Collected that is in effect at the time of building permit application.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

3. For new development which occurs or is proposed to occur without platting, assessment shall be upon the issuance of a building permit or water or sewer tap purchase (whichever occurs first), and shall be the amount of the impact fee per service unit set forth in the Schedule of Impact Fees to be Collected that is in effect at the time of building permit application.
 4. For water and wastewater facilities, fees shall not be assessed to a development for which taps previously were purchased and which development does not result in an increase in the number of living unit equivalents as determined by the service unit equivalency table. If the exchange of said taps will result in an increase in the number of (SUE's), impact fees for the increase in the number of (SUE's) shall be assessed in accordance with the Schedule of Impact Fees to be Collected that is in effect at the time of subdivision plat approval.
 5. Because fire protection is of critical concern to the community as a whole, water demand related solely to fire protection is not subject to assessment or collection of a water or wastewater impact fee. However, if the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City's meter-reading and billing systems, the current owner of the property shall be assessed the impact fees currently in effect at the time such conversion is established by the City for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.
- C. Following assessment of the impact fee above, no additional impact fees or increases thereof shall be assessed against that development unless the number of service units increases.
- D. Following the lapse or expiration of approval for a plat, a new assessment must be performed at the time a new application for such development is filed.

Section 13 – 155 Schedule of Actual Impact Fees Collected

- A. Water Impact Fee Schedule – The actual water impact fee collection rate which is to be paid by each new development shall be 40.8% of the maximum allowed. This rate is incorporated into Exhibit 13-G – Schedule of Actual Water and Wastewater Impact Fees to be Collected, which shall become effective on August 22, 2012.
- B. Residential Irrigation Meter Exemption – The payment of the water impact fee shall not be required by an existing residential customer for the installation of a meter to serve a separate lawn irrigation system provided all of the following requirements are met:
1. The lawn irrigation meter does not exceed the $\frac{3}{4}$ " x $\frac{5}{8}$ " standard basic meter size,
 2. The lawn irrigation shall be located on the same property as the residential meter,
 3. the residential property must be owner-occupied and be in possession of a valid certificate of occupancy, and
 4. The lawn irrigation meter only serves the lawn irrigation system.
 5. The upgrade of a $\frac{3}{4}$ " x $\frac{5}{8}$ " lawn irrigation meter to a 1" meter shall require payment of a water impact fee based on the difference between the base meter size and the water impact fee for a 1" meter applicable at the time of upgrade.
 6. No exemption or pro-rata credit shall apply for any meter size exceeding 1" for a lawn irrigation meter.
- C. Wastewater Impact Fee Schedule – The actual wastewater impact fee collection rate which is to be paid by each new development shall be 25.5% of the maximum allowed by this Chapter. This rate is incorporated into Exhibit 13-G – Schedule of Actual Water and Wastewater Impact Fees to be Collected, which shall become effective on August 22, 2012.
- D. Roadway Impact Fee Schedule – The actual impact fees per service unit equivalent for roadway facilities is shown in Exhibit 13-H – Schedule of Actual Roadway Impact Fees to be Collected, which incorporates the following collection rate percentages.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

1. Service Area 1: The actual Roadway Impact Fee collection rate shall be 51.8% of the maximum assessable impact fee allowed for all uses, except retail and office uses, which shall include a 65% credit of the actual fee collected, which shall become effective on August 22, 2012.
2. Service Area 2: The actual Roadway Impact Fee collection rate shall be 50.0% of the maximum allowed by this Chapter for all uses, except retail and office uses, which shall include a credit of 65% of the actual fee collected, which shall become effective on August 22, 2012.
3. For land uses not specifically listed, refer to Trip Generation, published by the Institute of Transportation Engineers.

Section 13 – 160 Payment and Collection of Impact Fees

- A. Tap or Building Permit – No water or wastewater tap or building permit shall be issued until all impact fees have been paid to the City, except as provided otherwise by contract.
- B. Payment with Building Permit – Water, wastewater and roadway impact fees shall be paid at the time of the issuance of a building permit, unless a provision in this Chapter provides for another time for collection of impact fee.
- C. Conversion from Existing Private Facilities – For new development converting to the City water utility from a water well or to the City wastewater utility from a septic tank or individual waste disposal system, the City may allow the fee-payer to pay impact fees in the form of a monthly assessment in the same manner as monthly assessments for related tap fees, if such an extended payment program for tap fees is currently in effect.
- D. Contract Specifying Time and Method of Payment – The City may, at its sole discretion, enter into a contract with the owner of a tract of land for which the plat has been recorded to establish a different time and method of payment of impact fees than those provided in this Section.
- E. Notification Due to Increased Service Units – Whenever a property owner proposes to increase the number of service units for a development previously assessed, the additional impact fees to be collected on such service units shall be determined in accordance with the Schedule of Impact Fees to be Collected that is in effect at the time of building permit application.
- F. Roadway Impact Fees for Exempt Non-Residential Uses – For roadway impact fees, in circumstances where non-residential uses may be exempt from payment of fees based upon prospective generation of sales tax revenues, such fees may be paid as provided in Section 13-173, subject to rebate pursuant to this Chapter, upon demonstration that more than 50% of the floor area of the structure for which a building permit is issued will be utilized by a business generating city sales tax revenues.

Section 13 – 163 Offsets and Credits Against Impact Fees

- A. System Related Facilities – The City shall offset the reasonable value of any system-related facilities, pursuant to rules established in this Section, which have been dedicated to and have been received by the City, including the value of rights-of-way or capital improvements constructed pursuant to an agreement with the City, against the amount of the impact fee due for that category of capital improvement, subject to administrative guidelines established by the City.
- B. Credit for Impact, Pro-Rata, Acreage of Lot Fees – The City shall credit impact, pro rata, acreage or lot fees which have been paid pursuant to the subdivision regulations contained in this Land Development Code prior to the effective date of this amendatory ordinance against the amount of an impact due for that category of capital improvement, subject to administrative guidelines established by the City.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

- C. Limitations for Offsets and Credits – All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this Chapter and additional standards promulgated by the City, which may be adopted as administrative guidelines.
1. No offset or credit shall be given for the dedication or construction of site-related facilities, except where credit is provided in this Chapter, or for any capital improvement which is not identified within the applicable capital improvements plan, unless the City agrees that such improvement supplies capacity to new developments other than the development paying the impact fee and provisions for offsets are incorporated into an agreement for capital improvements.
 2. Any construction of, contributions to, or dedications of off-site roadway facilities agreed to or required by the City as a condition of development approval shall be credited against roadway impact fees otherwise due from the development.
 3. The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements plan for the category of facility within the service area for which the impact fee is imposed.
 4. An offset or credit created pursuant to prior impact fee ordinances shall expire no later than ten (10) years after the effective date of this amendatory ordinance, unless a different expiration date has been agreed to by the City by contract or certificate. Offsets or credits created after the effective date of this amendatory ordinance shall expire within ten (10) years from the date the offset or credit was created, unless otherwise prescribed by contract.
 5. In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this Chapter or for any value exceeding the total impact fees due for the development for that category of capital improvement, unless otherwise agreed to by the City.
 6. Offsets or credits created after the effective date of this amendatory ordinance for a development which has received final plat approval prior to the effective date hereof shall be discounted to take into account the number of service units in the development which will utilize the facility for which the offset or credit was given.
- D. Application for Offset or Credit – An applicant for new development must apply for an offset or credit against impact fees due for the development either at or before the time of plat recordation, unless the City agrees to a different time. The applicant shall file a petition for offsets or credits with the City on a form provided for such purpose. The contents of the petition shall be established by administrative guidelines. The City must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which value and the date of the determination shall be associated with the plat for the new development.
- E. Manner of Offset or Credit Application – The available offset or credit associated with the plat shall be applied against an impact fee in the following manner:
1. Such offset or credit shall be prorated proportionally among all service units, or for roadway facilities, among all units of trip generation, as calculated from the applicable service unit equivalency table, and shall remain applicable to such service units, to be applied at time of filing and acceptance of an application for a building permit, against impact fees due.
 2. If the total number of service units used by the City in the original offset or credit calculation described in subsection (1) is eventually exceeded by the number of total service units realized by the actual development, the City may, at its sole discretion, collect the full impact fee exclusive of any associated offset or credits for the excess service units.
 3. At its sole discretion, the City may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines promulgated by the City.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

Section 13 – 165 Establishment of Accounts and Records

- A. The City shall establish separate interest-bearing accounts, in a bank authorized to receive deposits of City funds, for each major category of capital facility for which an impact fee is imposed pursuant to this Chapter.
- B. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in the Capital Improvements Plan.
- C. The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in the CIP. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Chapter; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- D. The City shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of uses specified in the capital improvements program as system-related capital projects. The City Finance Department shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provisions of this Chapter, and such other information as may be necessary for the proper implementation of this Chapter.

Section 13 – 168 Use of Proceeds of Impact Fee Accounts

- A. Permitted Uses of Fees – The impact fees collected pursuant to this Chapter may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such capital improvements or facilities expansions.
- B. Prohibited Uses of Fees – Impact fees collected pursuant to this Chapter shall not be used to pay for any of the following expenses:
 - 1. Construction, acquisition or expansion of capital improvements or assets other than those identified in the associated capital improvements plans;
 - 2. Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;
 - 3. Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
 - 4. Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development: or
 - 5. Administrative and operating costs of the City.

Section 13 – 170 Appeals

- A. The property owner or applicant for new development may appeal the following decisions to the City Manager or designee:
 - 1. The applicability of an impact fee to the development;

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2. The value of the impact fee due;
 3. The availability or the value of an offset or credit;
 4. The application of an offset or credit against an impact fee due,
 5. The amount of the refund due, if any; or
 6. The alternative determination by the City Engineer concerning the size of the water meter which is to be converted to service units.
- B. The burden of proof shall be on the appellant to demonstrate that the value of the fee or the value of the offset or credit was not calculated according to the applicable impact fee schedule or the ordinance provisions and guidelines established for determining offsets and credits.
- C. The appellant may appeal the decision of the City Manager to the City Council. A notice of appeal to the Council must be filed by the applicant with the City Secretary within thirty (30) days following the City Manager's decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the impact fee due, the development application or tap purchase or building permit issuance may be processed while the appeal is pending.

Section 13 – 173 Refunds

- A. Time Limit Prior to Refund – Any impact fee or portion thereof collected pursuant to this Chapter which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.
- B. Pro-Rated Refund – If a refund is due, the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- C. Determination of Excess Fees Upon Completion of Improvements – Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the City shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the City shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- D. Request of Refund Fees - Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:
1. Existing service is available and service is denied; or
 2. Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

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3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.
- E. Proportional Refund Due to Downsizing Meter – The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased unused water meter is replaced with a smaller meter, based on the SUE differential of the two meter sizes and the per-SUE fee at the time of the original fee payment, less an administrative charge of \$50.
- F. Procedure for Petitioning of Refund – Petition for refunds shall be submitted to the Director of Public Services on a form provided by the City for such purpose. Within one month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the Finance Director and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Manager and Council, as set forth in this Land Development Code.
- G. Rebate of Roadway Impact Fees for Expired Permit – The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.
- H. Rebate of Roadway Impact Fees for Sales Tax Businesses – The City may rebate sixty-five percent (65%) of the roadway impact fees collected for a new commercial or industrial structure upon request of the property owner within one year after a certificate of occupancy has been issued, and provided that more than fifty percent (50%) of the gross floor area of the structure for which the certificate of occupancy has been issued will be utilized by a commercial or industrial business that generates city sales tax revenues.

Section 13 – 175 Updates to Plan and Revision of Fees

The City shall review the land use assumptions and capital improvements plan for water, wastewater and roadway facilities at least every five years, the first five year period which shall commence from the date of adoption of the capital improvements plan referenced herein. The City Council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in Chapter 395 of the Texas Local Government Code, or any successor statute, either update the fees or make a determination that no update is necessary.

Section 13 – 178 Functions of Advisory Committee

- A. The functions of the Advisory Committee are those set forth in Chapter 395 of the Texas Local Government Code, or any successor statute, and shall include the following:
 1. Advise and assist the City in adopting land use assumptions;
 2. Review the capital improvements plan regarding water, wastewater and roadway capital improvements and file written comments thereon;
 3. Monitor and evaluate implementation of the capital improvements program;
 4. Advise the City of the need to update or revise the land use assumptions, capital improvements program and impact fees; and
 5. File a semiannual report evaluating the progress of the City in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.
- B. The City shall make available to the Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

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- C. The City Council shall adopt procedural rules for the committee to follow in carrying out its duties.

Section 13 – 180 Agreement for Capital Improvements

- A. The City Council may approve the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the City prior to fee collection. The agreement shall be on a form approved by the City, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to City standards, and any other terms and conditions the City deems necessary. The Engineer shall review the improvement plan, verify costs and time schedules, determine if the improvement is contained in the CIP, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee before submitting the proposed agreement to the Council for approval.
- B. The City and such owner either may agree that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development, or they may agree that the City shall reimburse the owner for such costs from impact fees paid from other new developments which will use such capital improvements or facility expansions.

Section 13 – 183 Use of Other Financing Mechanisms

- A. The City may finance water, wastewater and roadway capital improvements or facilities expansions designated in the capital improvements plan through the issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.
- B. Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

Section 13 – 188 Impact Fees as Additional and Supplemental Regulation

- A. Impact fees established by this Chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or the sale of water or wastewater taps. Such fees are intended to be consistent with and to further the policies of City's Comprehensive Plan, capital improvements plan, zoning ordinance, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.
- B. This Chapter shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Section 13 – 190 Relief Procedures

- A. Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the

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Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.

- B. The Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.

Section 13.29 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1218	06/20/00	Established 35% collection rate on church, office and retail uses
O-00-1261	12/19/00	Expanded roadway impact fee schedule
O-02-1367	10/01/02	Revised impact fee schedules per S.B 243
O-04-1453	04/16/04	Residential irrigation meter exemption
O-06-1581	08/02/06	Comprehensive revision and adoption of new fee schedules
O-09-1711	03/03/09	Impact Fee Update – Roadway Capital Improvements Plan
O-12-1846	08/21/12	Five year update and adoption of new fee schedules

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Exhibit – 13-A Table of Land Use Assumptions

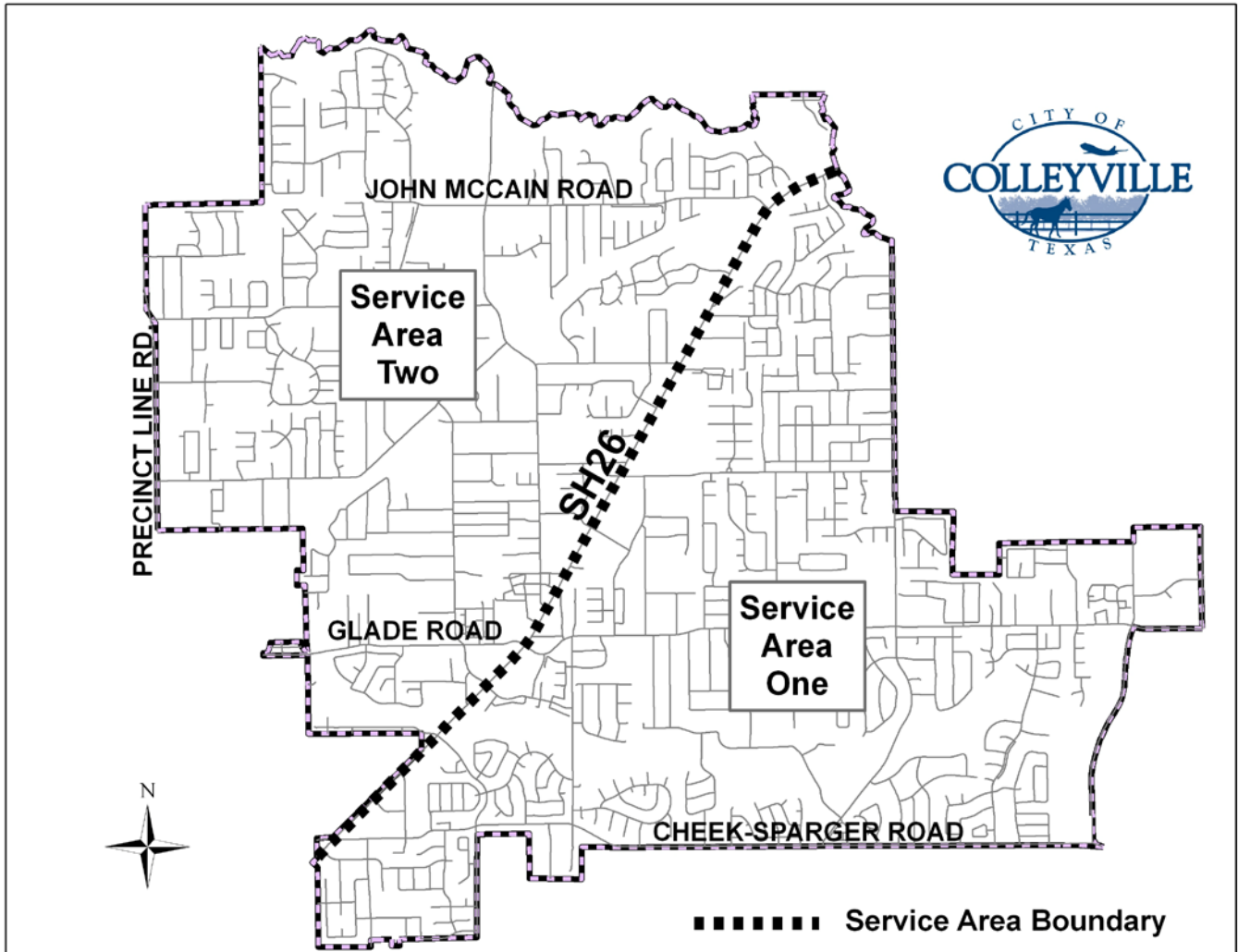
Population and Non-Residential Facilities by Service Area

Service Area	Year	Population	Dwelling Units	Square Feet			
				Basic	Service	Retail	Total
1	2012	14,315	4,836	30,417	2,288,308	1,004,025	3,322,750
	2022	15,795	5,336	33,936	2,514,622	1,344,891	3,893,449
	Build Out	15,795	5,336	33,936	2,514,622	1,344,891	3,893,449
2	2012	10,102	3,413	41,805	1,091,014	267,142	1,399,961
	2022	11,583	3,913	46,642	1,348,009	400,483	1,795,134
	Build Out	11,583	3,913	46,642	1,348,009	400,483	1,795,134
Total 2012		24,417	8,249	72,222	3,379,322	1,271,167	4,722,711
Total 2022		27,378	9,249	80,578	3,862,631	1,745,374	5,688,583
Total Build Out		27,378	9,249	80,578	3,862,631	1,745,374	5,688,583

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Exhibit – 13-B Service Area Map



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Exhibit 13 – C Table of Water and Wastewater Service Unit Equivalencies		
Meter Size*	Maximum Continuous Operating Capacity (GPM)	Service Unit Equivalent
5/8" x 3/4" PD	10	1
3/4" PD	15	1.5
1" PD	25	2.5
1 1/2" PD	50	5
2" PD	80	8
2" Compound	80	8
2" Turbine	100	10
3" Compound	160	16
3" Turbine	240	24
4" Compound	250	25
4" Turbine	420	42
6" Compound	500	50
6" Turbine	920	92
8" Compound	800	80
8" Turbine	1,600	160
10" Turbine	2,500	250

*PD = Positive Displacement Meter (Typical residential meter)

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Exhibit 13-D - Table of Vehicle Mile Equivalencies

Land Use Category	ITE Land Use Code	Development Unit	Vehicle-Mile Per Dev Unit
PORT AND TERMINAL			
Truck Terminal	030	Acre	26.20
INDUSTRIAL			
General Light Industrial	110	1,000 SF GFA	3.88
General Heavy Industrial	120	1,000 SF GFA	2.72
Industrial Park	130	1,000 SF GFA	3.44
Warehousing	150	1,000 SF GFA	1.28
Mini-Warehouse	151	1,000 SF GFA	1.04
RESIDENTIAL			
Single-Family Detached Housing	210	Dwelling Unit	4.04
Apartment/Multi-family	220	Dwelling Unit	2.48
Residential Condominium/Townhome	230	Dwelling Unit	2.08
Mobile Home Park / Manufactured Housing	240	Dwelling Unit	2.36
Senior Adult Housing-Detached	251	Dwelling Unit	1.08
Senior Adult Housing-Attached	252	Dwelling Unit	0.64
Assisted Living	254	Beds	0.88
LODGING			
Hotel	310	Room	1.90
Motel / Other Lodging Facilities	320	Room	1.51
RECREATIONAL			
Golf Driving Range	432	Tee	4.03
Golf Course	430	Acre	0.97
Recreational Community Center	495	1,000 SF GFA	4.67
Ice Skating Rink	465	1,000 SF GFA	7.60
Miniature Golf Course	431	Hole	1.06
Multiplex Movie Theater	445	Screens	43.92
Racquet / Tennis Club	491	Court	10.79
INSTITUTIONAL			
Church	560	1,000 SF GFA	1.16
Day Care Center	565	1,000 SF GFA	14.66
Primary/Middle School (1-8)	522	Students	0.34
High School	530	Students	0.27
Junior / Community College	540	Students	0.25
University / College	550	Students	0.44

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Exhibit 13-D - Table of Vehicle Mile Equivalencies - Continued

Land Use Category	ITE Land Use Code	Development Unit	Veh-Mi Per Dev-Unit
MEDICAL			
Clinic	630	1,000 SF GFA	19.58
Hospital	610	Beds	4.95
Nursing Home	620	Beds	0.83
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	12.47
OFFICE			
Corporate Headquarters Building	714	1,000 SF GFA	5.60
General Office Building	710	1,000 SF GFA	5.96
Medical-Dental Office Building	720	1,000 SF GFA	13.84
Single Tenant Office Building	715	1,000 SF GFA	6.92
Office Park	750	1,000 SF GFA	5.92
COMMERCIAL			
Automobile Related			
Automobile Care Center	942	1,000 SF Occ. GLA	6.54
Automobile Parts Sales	843	1,000 SF GFA	10.98
Gasoline/Service Station	944	Vehicle Fueling Position	4.82
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	3.53
Gasoline/Service Station w/ Conv Market and Car Wash	946	Vehicle Fueling Position	3.68
New Car Sales	841	1,000 SF GFA	6.67
Quick Lubrication Vehicle Shop	941	Servicing Positions	10.01
Self-Service Car Wash	947	Stall	1.99
Tire Store	848	1,000 SF GFA	9.63
Dining			
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	40.61
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	31.39
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	15.26
Quality Restaurant	931	1,000 SF GFA	10.06
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	30.91
Other Retail			
Free-Standing Discount Store	815	1,000 SF GFA	11.27
Nursery (Garden Center)	817	1,000 SF GFA	8.57
Home Improvement Superstore	862	1,000 SF GFA	3.96
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	12.75
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	17.00
Shopping Center	820	1,000 SF GLA	7.93
Supermarket	850	1,000 SF GFA	21.64
Toy/Children's Superstore	864	1,000 SF GFA	11.24
Department Store	875	1,000 SF GFA	4.03
Video Rental Store	896	1,000 SF GFA	21.90
SERVICES			
Walk-In Bank	911	1,000 SF GFA	12.38
Drive-In Bank	912	Drive-in Lanes	24.70
Hair Salon	918	1,000 SF GLA	1.73

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Exhibit 13 – E Table of Maximum Assessable Water and Wastewater Impact Fees			
Meter Size*	Service Unit Equivalent	Maximum Assessable Water Impact Fee	Maximum Assessable Wastewater Impact Fee
5/8" x 3/4" PD	1	\$6,100	\$2,521
3/4" PD	1.5	\$9,150	\$3,782
1" PD	2.5	\$15,250	\$6,303
1 1/2" PD	5	\$30,500	\$12,605
2" PD	8	\$48,800	\$20,168
2" Compound	8	\$48,800	\$20,168
2" Turbine	10	\$61,000	\$25,210
3" Compound	16	\$97,600	\$40,336
3" Turbine	24	\$146,400	\$60,504
4" Compound	25	\$152,500	\$63,025
4" Turbine	42	\$256,200	\$105,882
6" Compound	50	\$305,000	\$126,050
6" Turbine	92	\$561,200	\$231,932
8" Compound	80	\$488,000	\$201,680
8" Turbine	160	\$976,000	\$403,360
10" Turbine	250	\$1,525,000	\$630,250

*PD = Positive Displacement Meter (Typical residential meter)

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Exhibit 13-F
Table of Maximum Assessable Roadway Impact Fees

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Maximum Impact Fee Per Development Unit	
			Service Area 1	Service Area 2
PORT AND TERMINAL				
Truck Terminal	Acre	26.20	\$61,832	\$64,085
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	3.88	\$9,157	\$9,490
General Heavy Industrial	1,000 SF GFA	2.72	\$6,419	\$6,653
Industrial Park	1,000 SF GFA	3.44	\$8,118	\$8,414
Warehousing	1,000 SF GFA	1.28	\$3,021	\$3,131
Mini-Warehouse	1,000 SF GFA	1.04	\$2,454	\$2,544
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	4.04	\$9,534	\$9,882
Apartment/Multi-family	Dwelling Unit	2.48	\$5,853	\$6,066
Residential Condominium/Townhome	Dwelling Unit	2.08	\$4,909	\$5,088
Mobile Home Park / Manufactured Housing	Dwelling Unit	2.36	\$5,570	\$5,773
Senior Adult Housing-Detached	Dwelling Unit	1.08	\$2,549	\$2,642
Senior Adult Housing-Attached	Dwelling Unit	0.64	\$1,510	\$1,565
Assisted Living	Beds	0.88	\$2,077	\$2,152
LODGING				
Hotel	Room	1.90	\$4,484	\$4,647
Motel / Other Lodging Facilities	Room	1.51	\$3,564	\$3,693
RECREATIONAL				
Golf Driving Range	Tee	4.03	\$9,511	\$9,857
Golf Course	Acre	0.97	\$2,289	\$2,373
Recreational Community Center	1,000 SF GFA	4.67	\$11,021	\$11,423
Ice Skating Rink	1,000 SF GFA	7.60	\$17,936	\$18,590
Miniature Golf Course	Hole	1.06	\$2,502	\$2,593
Multiplex Movie Theater	Screens	43.92	\$103,651	\$107,428
Racquet / Tennis Club	Court	10.79	\$25,464	\$26,392
INSTITUTIONAL				
Church	1,000 SF GFA	1.16	\$2,738	\$2,837
Day Care Center	1,000 SF GFA	14.66	\$34,598	\$35,858
Primary/Middle School (1-8)	Students	0.34	\$802	\$832
High School	Students	0.27	\$637	\$660
Junior / Community College	Students	0.25	\$590	\$612
University / College	Students	0.44	\$1,038	\$1,076
MEDICAL				
Clinic	1,000 SF GFA	19.58	\$46,209	\$47,893
Hospital	Beds	4.95	\$11,682	\$12,108
Nursing Home	Beds	0.83	\$1,959	\$2,030
Animal Hospital/Veterinary Clinic	1,000 SF GFA	12.47	\$29,429	\$30,502

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Exhibit 13-F

Table of Maximum Assessable Roadway Impact Fees – Continued

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Maximum Impact Fee Per Development Unit	
			Service Area 1	Service Area 2
OFFICE				
Corporate Headquarters Building	1,000 SF GFA	5.60	\$13,216	\$13,698
General Office Building	1,000 SF GFA	5.96	\$14,066	\$14,578
Medical-Dental Office Building	1,000 SF GFA	13.84	\$32,662	\$33,853
Single Tenant Office Building	1,000 SF GFA	6.92	\$16,331	\$16,926
Office Park	1,000 SF GFA	5.92	\$13,971	\$14,480
COMMERCIAL				
Automobile Related				
Automobile Care Center	1,000 SF Occ. GLA	6.54	\$15,434	\$15,997
Automobile Parts Sales	1,000 SF GFA	10.98	\$25,913	\$26,857
Gasoline/Service Station	Vehicle Fueling Position	4.82	\$11,375	\$11,790
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	3.53	\$8,331	\$8,634
Gasoline/Service Station w/ Conv Market and Car Wash	Vehicle Fueling Position	3.68	\$8,685	\$9,001
New Car Sales	1,000 SF GFA	6.67	\$15,741	\$16,315
Quick Lubrication Vehicle Shop	Servicing Positions	10.01	\$23,624	\$24,484
Self-Service Car Wash	Stall	1.99	\$4,696	\$4,868
Tire Store	1,000 SF GFA	9.63	\$22,727	\$23,555
Dining				
Fast Food Restaurant with Drive-Thru Window	1,000 SF GFA	40.61	\$95,840	\$99,332
Fast Food Restaurant without Drive-Thru Window	1,000 SF GFA	31.39	\$74,080	\$76,780
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	15.26	\$36,014	\$37,326
Quality Restaurant	1,000 SF GFA	10.06	\$23,742	\$24,607
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	30.91	\$72,948	\$75,606
Other Retail				
Free-Standing Discount Store	1,000 SF GFA	11.27	\$26,597	\$27,566
Nursery (Garden Center)	1,000 SF GFA	8.57	\$20,225	\$20,962
Home Improvement Superstore	1,000 SF GFA	3.96	\$9,346	\$9,686
Pharmacy/Drugstore w/o Drive-Thru Window	1,000 SF GFA	12.75	\$30,090	\$31,187
Pharmacy/Drugstore w/ Drive-Thru Window	1,000 SF GFA	17.00	\$40,120	\$41,582
Shopping Center	1,000 SF GLA	7.93	\$18,715	\$19,397
Supermarket	1,000 SF GFA	21.64	\$51,070	\$52,931
Toy/Children's Superstore	1,000 SF GFA	11.24	\$26,526	\$27,493
Department Store	1,000 SF GFA	4.03	\$9,511	\$9,857
Video Rental Store	1,000 SF GFA	21.90	\$51,684	\$53,567
SERVICES				
Walk-In Bank	1,000 SF GFA	12.38	\$29,217	\$30,281
Drive-In Bank	Drive-in Lanes	24.70	\$58,292	\$60,416
Hair Salon	1,000 SF GLA	1.73	\$4,083	\$4,232

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Exhibit 13 – G			
Schedule of Actual Water and Wastewater Impact Fees to be Collected			
Meter Size*	Service Unit Equivalent	Water Impact Fee (40.8% of Max)	Wastewater Impact Fee (25.5% of Max)
5/8" x 3/4" PD	1	\$2,491	\$643
3/4" PD	1.5	\$3,736	\$965
1" PD	2.5	\$6,227	\$1,608
1 1/2" PD	5	\$12,455	\$3,215
2" PD	8	\$19,928	\$5,144
2" Compound	8	\$19,928	\$5,144
2" Turbine	10	\$24,910	\$6,430
3" Compound	16	\$39,856	\$10,288
3" Turbine	24	\$59,784	\$15,432
4" Compound	25	\$62,275	\$16,075
4" Turbine	42	\$104,622	\$27,006
6" Compound	50	\$124,550	\$32,150
6" Turbine	92	\$229,172	\$59,156
8" Compound	80	\$199,280	\$51,440
8" Turbine	160	\$398,560	\$102,880
10" Turbine	250	\$622,750	\$160,750

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Exhibit 13 – H Schedule of Actual Roadway Impact Fees to be Collected

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Impact Fee Per Development Unit	
			Service Area 1 (51.8% of MAX)	Service Area 2 (50.0% of MAX)
PORT AND TERMINAL				
Truck Terminal	Acre	26.20	\$14,181	\$14,181
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	3.88	\$2,122	\$2,122
General Heavy Industrial	1,000 SF GFA	2.72	\$1,472	\$1,472
Industrial Park	1,000 SF GFA	3.44	\$1,862	\$1,862
Warehousing	1,000 SF GFA	1.28	\$1,277	\$1,277
Mini-Warehouse	1,000 SF GFA	1.04	\$563	\$563
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	4.04	\$4,941	\$4,941
Apartment/Multi-family	Dwelling Unit	2.48	\$3,033	\$3,033
Residential Condominium/Townhome	Dwelling Unit	2.08	\$2,544	\$2,544
Mobile Home Park / Manufactured Housing	Dwelling Unit	2.36	\$2,886	\$2,886
Senior Adult Housing-Detached	Dwelling Unit	1.08	\$1,321	\$1,321
Senior Adult Housing-Attached	Dwelling Unit	0.64	\$783	\$783
Assisted Living	Beds	0.88	\$1,076	\$1,076
LODGING				
Hotel	Room	1.90	\$1,028	\$1,028
Motel / Other Lodging Facilities	Room	1.51	\$817	\$817
RECREATIONAL				
Golf Driving Range	Tee	4.03	\$2,176	\$2,176
Golf Course	Acre	0.97	\$520	\$520
Recreational Community Center	1,000 SF GFA	4.67	\$2,852	\$2,852
Ice Skating Rink	1,000 SF GFA	7.60	\$4,108	\$4,108
Miniature Golf Course	Hole	1.06	\$574	\$574
Multiplex Movie Theater	Screens	43.92	\$23,734	\$23,734
Racquet / Tennis Club	Court	10.79	\$5,829	\$5,829
INSTITUTIONAL				
Church	1,000 SF GFA	1.16	\$752	\$752
Day Care Center	1,000 SF GFA	14.66	\$14,982	\$14,982
Primary/Middle School (1-8)	Students	0.34	\$173	\$173
High School	Students	0.27	\$157	\$157
Junior / Community College	Students	0.25	\$135	\$135
University / College	Students	0.44	\$238	\$238
MEDICAL				
Clinic	1,000 SF GFA	19.58	\$10,581	\$10,581
Hospital	Beds	4.95	\$2,658	\$2,658
Nursing Home	Beds	0.83	\$449	\$449
Animal Hospital/Veterinary Clinic	1,000 SF GFA	12.47	\$7,357	\$7,357

(Continued on next page)

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

Exhibit 13 – H Schedule of Actual Roadway Impact Fees to be Collected - Continued

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Impact Fee Per Development Unit	
			Service Area 1 (51.8% of MAX)	Service Area 2 (50.0% of MAX)
OFFICE				
Corporate Headquarters Building	1,000 SF GFA	5.60	\$1,061	\$1,061
General Office Building	1,000 SF GFA	5.96	\$779	\$779
Medical-Dental Office Building	1,000 SF GFA	13.84	\$2,819	\$2,819
Single Tenant Office Building	1,000 SF GFA	6.92	\$1,311	\$1,311
Office Park	1,000 SF GFA	5.92	\$1,137	\$1,137
COMMERCIAL				
Automobile Related				
Automobile Care Center	1,000 SF Occ. GLA	6.54	\$3,529	\$3,529
Automobile Parts Sales	1,000 SF GFA	10.98	\$5,932	\$5,932
Gasoline/Service Station	Vehicle Fueling Position	4.82	\$2,609	\$2,609
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	3.53	\$1,911	\$1,911
Gasoline/Service Station w/ Conv Market and Car Wash	Vehicle Fueling Position	3.68	\$1,905	\$1,905
New Car Sales	1,000 SF GFA	6.67	\$3,675	\$3,675
Quick Lubrication Vehicle Shop	Servicing Positions	10.01	\$5,418	\$5,418
Self-Service Car Wash	Stall	1.99	\$1,077	\$1,077
Tire Store	1,000 SF GFA	9.63	\$6,300	\$6,300
Dining				
Fast Food Restaurant with Drive-Thru Window	1,000 SF GFA	40.61	\$7,858	\$7,858
Fast Food Restaurant without Drive-Thru Window	1,000 SF GFA	31.39	\$5,931	\$5,931
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	15.26	\$2,825	\$2,825
Quality Restaurant	1,000 SF GFA	10.06	\$1,904	\$1,904
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	30.91	\$7,514	\$7,514
Other Retail				
Free-Standing Discount Store	1,000 SF GFA	11.27	\$2,158	\$2,158
Nursery (Garden Center)	1,000 SF GFA	8.57	\$1,620	\$1,620
Home Improvement Superstore	1,000 SF GFA	3.96	\$1,044	\$1,044
Pharmacy/Drugstore w/o Drive-Thru Window	1,000 SF GFA	12.75	\$3,099	\$3,099
Pharmacy/Drugstore w/ Drive-Thru Window	1,000 SF GFA	17.00	\$2,677	\$2,677
Shopping Center	1,000 SF GLA	7.93	\$1,508	\$1,508
Supermarket	1,000 SF GFA	21.64	\$4,073	\$4,073
Toy/Children's Superstore	1,000 SF GFA	11.24	\$2,127	\$2,127
Department Store	1,000 SF GFA	4.03	\$980	\$980
Video Rental Store	1,000 SF GFA	21.90	\$4,141	\$4,141
SERVICES				
Walk-In Bank	1,000 SF GFA	12.38	\$6,386	\$6,386
Drive-In Bank	Drive-in Lanes	24.70	\$6,004	\$6,004
Hair Salon	1,000 SF GLA	1.73	\$421	\$421

Proposed Amendments to Chapter 13

Colleyville, Texas, Land Development Code

Section 13 – 173 Refunds

- A. Time Limit Prior to Refund – Any impact fee or portion thereof collected pursuant to this Chapter which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.
- B. Pro-Rated Refund – If a refund is due, the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- C. Determination of Excess Fees Upon Completion of Improvements – Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the City shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the City shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- D. Request of Refund Fees - Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:
1. Existing service is available and service is denied; or
 2. Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or
 3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.
- E. Proportional Refund Due to Downsizing Meter – The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased unused water meter is replaced with a smaller meter, based on the SUE differential of the two meter sizes and the per-SUE fee at the time of the original fee payment, less an administrative charge of \$50.
- F. Procedure for Petitioning of Refund – Petition for refunds shall be submitted to the Director of Public Services on a form provided by the City for such purpose. Within one month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the Finance Director and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Manager and Council, as set forth in this Land Development Code.
- G. Rebate of Roadway Impact Fees for Expired Permit – The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.

~~H. Rebate of Roadway Impact Fees for Sales Tax Businesses – The City may rebate sixty-five percent (65%) of the roadway impact fees collected for a new commercial or industrial structure upon request of the property owner within one year after a certificate of occupancy has been issued, and provided that more than fifty percent (50%) of the gross floor area of the structure for which the certificate of occupancy has been issued will be utilized by a commercial or industrial business that generates city sales tax revenues.~~

Section 13.29 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1218	06/20/00	Established 35% collection rate on church, office and retail uses
O-00-1261	12/19/00	Expanded roadway impact fee schedule
O-02-1367	10/01/02	Revised impact fee schedules per S.B 243
O-04-1453	04/16/04	Residential irrigation meter exemption
O-06-1581	08/02/06	Comprehensive revision and adoption of new fee schedules
O-09-1711	03/03/09	Impact Fee Update – Roadway Capital Improvements Plan
O-12-1846	08/21/12	Five year update and adoption of new fee schedules
O-13-19010	12/17/13	Rebate for sales tax generating businesses repealed

ORDINANCE O-13-1901

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 13-IMPACT FEES OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City Council desires to amend Chapter 13-Impact Fees by repealing the rebate provisions for sales tax generating businesses; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

- Sec. 1. THAT *Chapter 13-Impact Fees, Section 13-173 and 13.29* of the Land Development Code, are hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. 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. 3. 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. 4. 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. 5. THAT this ordinance shall take effect immediately from and after its passage.

Sec. 6. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

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"

Section 13 – 173 Refunds

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- G. Rebate of Roadway Impact Fees for Expired Permit – The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.

Exhibit A

Colleyville, Texas, Land Development Code

Section 13.29 Amendments to This Chapter

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O-12-1846	08/21/12	Five year update and adoption of new fee schedules
O-13-1901	12/17/13	Rebate for sales tax generating businesses repealed



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7e

Agenda Date 12/03/2013

Number Ordinance O-13-1902

Type Ordinance

Department Police

Title

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

Explanation

First Reading and Public Hearing

The regulations provided by this ordinance are necessary to promote the City's legitimate and compelling interests and are provided without reference to the content of any message; and are an integral component of the City's safety plan. Additionally, crime prevention and code enforcement efforts would be less effective without the provisions of this ordinance.

Financial Impact

There is no financial impact to the City.

Recommendation

Attachments



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8a

Agenda Date 12/03/2013

Number Resolution R-13-3695

Type Resolution

Department City Manager

Title

Authorizing the issuance of Colleyville Economic Development Corporation (CEDC) Refunding Sales Tax Subordinate Lien Revenue Bonds, Series 2013

Explanation

Reading and Public Hearing

Currently, the Series 2005 Refunding and Improvement Sales Tax Revenue Bonds is the only outstanding bond issue of the Colleyville Economic Development Corporation with an interest rate of 4.10%. The City's financial advisory firm, First Southwest, continually monitors market conditions for potential bond refunding opportunities that would exceed a net present value savings of 4%. At the joint worksession of the City Council and Colleyville Economic Development Corporation Board held on Tuesday, November 12, 2013, a potential refunding scenario was presented. Staff was directed by the City Council and Colleyville Economic Development Corporation Board to move forward with the refunding, if net present value savings of at least 4% could be realized. Based upon the attached analysis and attached memo from Jim Sabonis of First Southwest, there is the potential to refund the bond issue, which is currently callable on February 15, 2014, with a net present value savings of 4.84% (total savings - \$487,105 / net present value savings - \$367,796), which saves approximately \$30,000 in debt service cost on an annual basis through 2029, on a projected interest rate of 3.15%. The method of sale will be a competitive private placement. As indicated in the memo, the projected sale date is Monday, December 2, 2013, and market conditions could improve or deteriorate in the interim, so actual transaction savings could vary from the projection. In the event market conditions deteriorate to the point that the transaction does not meet the 4% threshold, the Corporation is not obligated to complete the transaction.

Staff will present the results of the sale at the December 3, 2013 meeting to the Colleyville Economic Development Corporation Board of Directors for their acceptance. If approved by the Board, City Council will need to ratify the Board's action by adoption of Resolution R-13-3695 (attached). Prior to the December 3, 2013 City Council meeting, staff will present the City Council with the results of the sale and an updated version of Resolution R-13-3695, incorporating the approved debt issuance.

Financial Impact

There is the potential to refund the bond issue, which is currently callable on February 15, 2014, with a net present value savings of 4.84% (total savings - \$487,105 / net

present value savings - \$367,796), which saves approximately \$30,000 in debt service cost on an annual basis through 2029, on a projected interest rate of 3.15%.

Recommendation

Approval with the following conditions:

Approval subject to favorable market conditions at the time of sale.

Attachments

1. Preliminary financial analysis of CEDC bond refunding
2. Refunding of Colleyville EDC Sales Tax Revenue Refunding Bonds memo - November 8, 2013
3. Resolution R-13-3695

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Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

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Bond Pricing	8
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SOURCES AND USES OF FUNDS

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

Dated Date 12/20/2013
Delivery Date 12/20/2013

Sources:

Bond Proceeds:	
Par Amount	7,360,000.00
Other Sources of Funds:	
Transfer from prior issue D/S Fund	493,290.00
	7,853,290.00

Uses:

Refunding Escrow Deposits:	
Cash Deposit	7,755,800.00
Delivery Date Expenses:	
Cost of Issuance	95,000.00
Other Uses of Funds:	
COI Contingency	2,490.00
	7,853,290.00

Note: Preliminary, subject to change.

SUMMARY OF REFUNDING RESULTS

**Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013**

Callable on 2/15/2024 @ par

NO DEBT SERVICE RESERVE FUND

-----Estimated Private Placement Pricing-----

Dated Date	12/20/2013
Delivery Date	12/20/2013
Arbitrage yield	3.149344%
Escrow yield	
Value of Negative Arbitrage	
Bond Par Amount	7,360,000.00
True Interest Cost	3.149344%
Net Interest Cost	3.150000%
All-In TIC	3.326209%
Average Coupon	3.150000%
Average Life	8.733
Par amount of refunded bonds	7,600,000.00
Average coupon of refunded bonds	4.100000%
Average life of refunded bonds	8.526
PV of prior debt to 12/20/2013 @ 3.326209%	8,126,086.21
Net PV Savings	367,796.21
Percentage savings of refunded bonds	4.839424%

Note: Preliminary, subject to change.

SAVINGS

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

Date	Prior Debt Service	Prior Receipts	Prior Net Cash Flow	Refunding Debt Service	Savings
09/30/2014	644,630.00	493,290.00	151,340.00	151,340.00	
09/30/2015	645,382.50		645,382.50	615,697.50	29,685.00
09/30/2016	650,417.50		650,417.50	618,176.25	32,241.25
09/30/2017	649,735.00		649,735.00	615,261.25	34,473.75
09/30/2018	643,540.00		643,540.00	616,952.50	26,587.50
09/30/2019	646,730.00		646,730.00	618,171.25	28,558.75
09/30/2020	649,100.00		649,100.00	613,996.25	35,103.75
09/30/2021	645,752.50		645,752.50	614,427.50	31,325.00
09/30/2022	651,585.00		651,585.00	614,386.25	37,198.75
09/30/2023	646,597.50		646,597.50	613,872.50	32,725.00
09/30/2024	645,892.50		645,892.50	617,807.50	28,085.00
09/30/2025	649,265.00		649,265.00	616,191.25	33,073.75
09/30/2026	646,715.00		646,715.00	614,102.50	32,612.50
09/30/2027	653,140.00		653,140.00	616,462.50	36,677.50
09/30/2028	648,540.00		648,540.00	613,271.25	35,268.75
09/30/2029	648,017.50		648,017.50	614,528.75	33,488.75
	10,365,040.00	493,290.00	9,871,750.00	9,384,645.00	487,105.00

Savings Summary

Savings PV date	12/20/2013
Savings PV rate	3.326209%
PV of savings from cash flow	367,796.21
Net PV Savings	367,796.21

Note: Preliminary, subject to change.

SUMMARY OF BONDS REFUNDED

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013

Callable on 2/15/2024 @ par

NO DEBT SERVICE RESERVE FUND

-----Estimated Private Placement Pricing-----

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Refunding & Improvement Sales Tax Subordinate Lien Revenue Bonds, Series 2005, S05:					
TERM	02/15/2014	4.100%	340,000.00		
	02/15/2015	4.100%	355,000.00	02/15/2014	100.000
	02/15/2016	4.100%	375,000.00	02/15/2014	100.000
	02/15/2017	4.100%	390,000.00	02/15/2014	100.000
	02/15/2018	4.100%	400,000.00	02/15/2014	100.000
	02/15/2019	4.100%	420,000.00	02/15/2014	100.000
	02/15/2020	4.100%	440,000.00	02/15/2014	100.000
	02/15/2021	4.100%	455,000.00	02/15/2014	100.000
	02/15/2022	4.100%	480,000.00	02/15/2014	100.000
	02/15/2023	4.100%	495,000.00	02/15/2014	100.000
	02/15/2024	4.100%	515,000.00	02/15/2014	100.000
	02/15/2025	4.100%	540,000.00	02/15/2014	100.000
	02/15/2026	4.100%	560,000.00	02/15/2014	100.000
	02/15/2027	4.100%	590,000.00	02/15/2014	100.000
	02/15/2028	4.100%	610,000.00	02/15/2014	100.000
	02/15/2029	4.100%	635,000.00	02/15/2014	100.000
			7,600,000.00		

Note: Preliminary, subject to change.

PRIOR BOND DEBT SERVICE

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/15/2014	340,000	4.100%	155,800.00	495,800.00	
08/15/2014			148,830.00	148,830.00	
09/30/2014					644,630.00
02/15/2015	355,000	4.100%	148,830.00	503,830.00	
08/15/2015			141,552.50	141,552.50	
09/30/2015					645,382.50
02/15/2016	375,000	4.100%	141,552.50	516,552.50	
08/15/2016			133,865.00	133,865.00	
09/30/2016					650,417.50
02/15/2017	390,000	4.100%	133,865.00	523,865.00	
08/15/2017			125,870.00	125,870.00	
09/30/2017					649,735.00
02/15/2018	400,000	4.100%	125,870.00	525,870.00	
08/15/2018			117,670.00	117,670.00	
09/30/2018					643,540.00
02/15/2019	420,000	4.100%	117,670.00	537,670.00	
08/15/2019			109,060.00	109,060.00	
09/30/2019					646,730.00
02/15/2020	440,000	4.100%	109,060.00	549,060.00	
08/15/2020			100,040.00	100,040.00	
09/30/2020					649,100.00
02/15/2021	455,000	4.100%	100,040.00	555,040.00	
08/15/2021			90,712.50	90,712.50	
09/30/2021					645,752.50
02/15/2022	480,000	4.100%	90,712.50	570,712.50	
08/15/2022			80,872.50	80,872.50	
09/30/2022					651,585.00
02/15/2023	495,000	4.100%	80,872.50	575,872.50	
08/15/2023			70,725.00	70,725.00	
09/30/2023					646,597.50
02/15/2024	515,000	4.100%	70,725.00	585,725.00	
08/15/2024			60,167.50	60,167.50	
09/30/2024					645,892.50
02/15/2025	540,000	4.100%	60,167.50	600,167.50	
08/15/2025			49,097.50	49,097.50	
09/30/2025					649,265.00
02/15/2026	560,000	4.100%	49,097.50	609,097.50	
08/15/2026			37,617.50	37,617.50	
09/30/2026					646,715.00
02/15/2027	590,000	4.100%	37,617.50	627,617.50	
08/15/2027			25,522.50	25,522.50	
09/30/2027					653,140.00
02/15/2028	610,000	4.100%	25,522.50	635,522.50	
08/15/2028			13,017.50	13,017.50	
09/30/2028					648,540.00
02/15/2029	635,000	4.100%	13,017.50	648,017.50	
09/30/2029					648,017.50
	7,600,000		2,765,040.00	10,365,040.00	10,365,040.00

Note: Preliminary, subject to change.

BOND SUMMARY STATISTICS

**Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par**

NO DEBT SERVICE RESERVE FUND**-----Estimated Private Placement Pricing-----**

Dated Date	12/20/2013
Delivery Date	12/20/2013
First Coupon	08/15/2014
Last Maturity	02/15/2029

Arbitrage Yield	3.149344%
True Interest Cost (TIC)	3.149344%
Net Interest Cost (NIC)	3.150000%
All-In TIC	3.326209%
Average Coupon	3.150000%

Average Life (years)	8.733
Duration of Issue (years)	7.481

Par Amount	7,360,000.00
Bond Proceeds	7,360,000.00
Total Interest	2,024,645.00
Net Interest	2,024,645.00
Bond Years from Dated Date	64,274,444.44
Bond Years from Delivery Date	64,274,444.44
Total Debt Service	9,384,645.00
Maximum Annual Debt Service	618,176.25
Average Annual Debt Service	619,334.96

Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	

Total Underwriter's Discount

Bid Price	100.000000
-----------	------------

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bonds	7,360,000.00	100.000	3.150%	8.733
	7,360,000.00			8.733

	TIC	All-In TIC	Arbitrage Yield
Par Value	7,360,000.00	7,360,000.00	7,360,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense		-95,000.00	
- Other Amounts			
Target Value	7,360,000.00	7,265,000.00	7,360,000.00
Target Date	12/20/2013	12/20/2013	12/20/2013
Yield	3.149344%	3.326209%	3.149344%

Note: Preliminary, subject to change.

BOND DEBT SERVICE

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
08/15/2014			151,340.00	151,340.00	
09/30/2014					151,340.00
02/15/2015	390,000	3.150%	115,920.00	505,920.00	
08/15/2015			109,777.50	109,777.50	
09/30/2015					615,697.50
02/15/2016	405,000	3.150%	109,777.50	514,777.50	
08/15/2016			103,398.75	103,398.75	
09/30/2016					618,176.25
02/15/2017	415,000	3.150%	103,398.75	518,398.75	
08/15/2017			96,862.50	96,862.50	
09/30/2017					615,261.25
02/15/2018	430,000	3.150%	96,862.50	526,862.50	
08/15/2018			90,090.00	90,090.00	
09/30/2018					616,952.50
02/15/2019	445,000	3.150%	90,090.00	535,090.00	
08/15/2019			83,081.25	83,081.25	
09/30/2019					618,171.25
02/15/2020	455,000	3.150%	83,081.25	538,081.25	
08/15/2020			75,915.00	75,915.00	
09/30/2020					613,996.25
02/15/2021	470,000	3.150%	75,915.00	545,915.00	
08/15/2021			68,512.50	68,512.50	
09/30/2021					614,427.50
02/15/2022	485,000	3.150%	68,512.50	553,512.50	
08/15/2022			60,873.75	60,873.75	
09/30/2022					614,386.25
02/15/2023	500,000	3.150%	60,873.75	560,873.75	
08/15/2023			52,998.75	52,998.75	
09/30/2023					613,872.50
02/15/2024	520,000	3.150%	52,998.75	572,998.75	
08/15/2024			44,808.75	44,808.75	
09/30/2024					617,807.50
02/15/2025	535,000	3.150%	44,808.75	579,808.75	
08/15/2025			36,382.50	36,382.50	
09/30/2025					616,191.25
02/15/2026	550,000	3.150%	36,382.50	586,382.50	
08/15/2026			27,720.00	27,720.00	
09/30/2026					614,102.50
02/15/2027	570,000	3.150%	27,720.00	597,720.00	
08/15/2027			18,742.50	18,742.50	
09/30/2027					616,462.50
02/15/2028	585,000	3.150%	18,742.50	603,742.50	
08/15/2028			9,528.75	9,528.75	
09/30/2028					613,271.25
02/15/2029	605,000	3.150%	9,528.75	614,528.75	
09/30/2029					614,528.75
	7,360,000		2,024,645.00	9,384,645.00	9,384,645.00

Note: Preliminary, subject to change.

BOND PRICING

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Serial Bonds:					
	02/15/2015	390,000	3.150%	3.150%	100.000
	02/15/2016	405,000	3.150%	3.150%	100.000
	02/15/2017	415,000	3.150%	3.150%	100.000
	02/15/2018	430,000	3.150%	3.150%	100.000
	02/15/2019	445,000	3.150%	3.150%	100.000
	02/15/2020	455,000	3.150%	3.150%	100.000
	02/15/2021	470,000	3.150%	3.150%	100.000
	02/15/2022	485,000	3.150%	3.150%	100.000
	02/15/2023	500,000	3.150%	3.150%	100.000
	02/15/2024	520,000	3.150%	3.150%	100.000
	02/15/2025	535,000	3.150%	3.150%	100.000
	02/15/2026	550,000	3.150%	3.150%	100.000
	02/15/2027	570,000	3.150%	3.150%	100.000
	02/15/2028	585,000	3.150%	3.150%	100.000
	02/15/2029	605,000	3.150%	3.150%	100.000
		7,360,000			

Dated Date	12/20/2013	
Delivery Date	12/20/2013	
First Coupon	08/15/2014	
Par Amount	7,360,000.00	
Original Issue Discount		
Production	7,360,000.00	100.000000%
Underwriter's Discount		
Purchase Price	7,360,000.00	100.000000%
Accrued Interest		
Net Proceeds	7,360,000.00	

Note: Preliminary, subject to change.

ESCROW REQUIREMENTS

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

Period Ending	Principal	Interest	Principal Redeemed	Total
02/15/2014	340,000.00	155,800.00	7,260,000.00	7,755,800.00
	340,000.00	155,800.00	7,260,000.00	7,755,800.00

Note: Preliminary, subject to change.

ESCROW COST

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

Purchase Date	Cost of Securities	Cash Deposit	Total Escrow Cost
12/20/2013		7,755,800.00	7,755,800.00
	0	7,755,800.00	7,755,800.00

Note: Preliminary, subject to change.

ESCROW SUFFICIENCY

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
12/20/2013		7,755,800.00	7,755,800.00	7,755,800.00
02/15/2014	7,755,800.00		-7,755,800.00	
	7,755,800.00	7,755,800.00	0.00	

Note: Preliminary, subject to change.

ESCROW STATISTICS

Colleyville Economic Development Corporation
Sales Tax Revenue Refunding Bonds, Series 2013
Callable on 2/15/2024 @ par
NO DEBT SERVICE RESERVE FUND
-----Estimated Private Placement Pricing-----

Escrow	Total Escrow Cost	Modified Duration (years)	Yield to Receipt Date	Yield to Disbursement Date	Perfect Escrow Cost	Value of Negative Arbitrage	Cost of Dead Time
CASH	493,290.00		0.000000%	0.000000%	490,940.64		2,349.36
BP	7,262,510.00		0.000000%	0.000000%	7,227,921.35		34,588.65
	7,755,800.00				7,718,861.99	0.00	36,938.01

Delivery date 12/20/2013
Arbitrage yield 3.149344%

Note: Preliminary, subject to change.



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Jim Sabonis
Managing Director
jim.sabonis@firstsw.com

Andre Ayala
Vice President
andre.ayala@firstsw.com

Date: November 8, 2013

To: Terry Leake
Assistant City Manager / Chief Financial Officer

Re: Refunding of Colleyville EDC Sales Tax Revenue Refunding Bonds

The Colleyville Economic Development Corporation (“the Corporation”) has an economic refunding opportunity for its outstanding Refunding and Improvement Sales Tax Subordinate Lien Revenue Bonds, Series 2005 (“2005 Bonds”). The 2005 Bonds have a coupon rate of 4.10% and are callable on February 15, 2014 at par. Based on current market conditions, refunding bonds can be issued at an all in cost of 3.32% which would result in gross debt service savings of approximately \$487 thousand or present value savings of \$368 thousand or 4.84% of the refunded debt. The following tables summarize the projected refunding transaction and financial impact to the Corporation, and the proposed implementation timeframe and action items:

Refunding Statistics*	Sales Tax Revenue Refunding Bonds, Series 2013
Refunded Bond Par Amount	\$7,360,000
Refunded Maturities	2015 - 2029
Total Savings	\$487,105
Net Present Value Savings	\$367,796
Present Value Savings as % of Refunded Bonds	4.84%
Average Annual Savings	\$32,474
Savings Discount Rate	3.33%
Coupon Rate of New Debt	3.15%

** Assumes Competitive Sale by Private Placement and Interest Rates as of November 8, 2013.*

Date	Event / Action Item
Tuesday, November 12, 2013	CEDC Board Directs Staff to Implement Refunding (Sets Min. Savings Target)
	City Council Reviews CEDC Refunding
Monday, December 2, 2013	Competitive Private Placement of Refunding Bonds
Tuesday, December 3, 2013	CEDC Board Approves Resolution Issuing Refunding Bonds
	City Council Approves Resolution Approving CEDC Refunding Bond Issuance
Friday, December 20, 2013	Closing and Delivery of Funds to Escrow Agent
Monday, February 17, 2014	Redemption of 2005 Bond Issue

** Bold type indicates EDC / Council Action Items.*

RESOLUTION R-13-3695

A RESOLUTION by the City Council of the City of Colleyville, Texas, relating to the "Colleyville Economic Development Corporation Sales Tax Revenue Refunding Bonds, Series 2013"; approving the resolution of the Board of Directors of the Colleyville Economic Development Corporation authorizing the issuance of such Bonds; resolving other matters incident and related to the issuance of such Bonds; and providing an effective date.

WHEREAS, Colleyville Economic Development Corporation (the "Issuer") has been duly created and organized pursuant to the provisions of Development Corporation Act, Texas Local Government Code, Title 12, Subtitle C1, as amended (the "Act"); and

WHEREAS, the Issuer is empowered by the Act to issue bonds for the purpose of refunding outstanding bonds issued on account of a "project" defined as such by the Act; and

WHEREAS, the Issuer has heretofore issued, sold, and delivered, and there are currently outstanding, obligations more particularly described as follows:

Colleyville Economic Development Corporation Refunding and Improvement Sales Tax Subordinate Lien Revenue Bonds, Series 2005, dated June 1, 2005, scheduled to mature on February 15, 2029 and aggregating in principal amount \$7,600,000 (the "Refunded Bonds");

AND WHEREAS, Section 501.204 of the Act requires the City Council of the City approve the resolution of the Issuer providing for the issuance of the Bonds no more than sixty (60) days prior to the delivery of the Bonds; now, therefore,

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

Section 1. The Resolution authorizing the issuance of "Colleyville Economic Development Corporation Sales Tax Revenue Refunding Bonds, Series 2013" (the "Bonds"), adopted by the Issuer (the "Issuer Resolution") on December 3, 2013, and submitted to the City Council this day, is hereby approved in all respects. The Bonds are being issued to refund the Refunded Bonds (identified in the preamble hereof).

Section 2. The approvals herein given are in accordance with Section 501.204 of the Act and the Bylaws of the Issuer, and the Bonds shall never be construed as an indebtedness or pledge of the City, or the State of Texas (the "State"), within the meaning of any constitutional or statutory provision, and the owner of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation (other than sales tax proceeds as authorized pursuant to the Act) or any other revenues of the Issuer, the City, or the State, except those revenues assigned and pledged by the Issuer Resolution.

Section 3. The City hereby agrees to promptly collect and remit to the Issuer the Gross Sales Tax Revenues (as defined in the Issuer Resolution) in accordance with the terms of the Issuer Resolution and the Act to provide for the prompt payment of the Bonds, and to assist and cooperate with the Issuer in the enforcement and collection of sales and use taxes imposed on behalf of the Issuer.

Section 4. The City hereby acknowledges and recognizes that the Bonds are being issued as tax-exempt obligations under and pursuant to section 103(a) of the Code (as defined below) and, in connection therewith, the City hereby makes the following representations and warranties to the Issuer:

(a) Definitions. When used in this Section, the following terms have the following meanings:

“Closing Date” means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“Code” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“Computation Date” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Gross Proceeds” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

“Investment” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” means any investment property, as defined in section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“Rebate Amount” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Regulations” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“Yield” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds (including property financed with Gross Proceeds of the Refunded Bonds), and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with the Gross Proceeds of the Refunded Bonds), other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take or pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Payment of Rebatale Arbitrage. Except to the extent otherwise provided in section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all

other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall remit to the Issuer for payment to the United States the amount described in paragraph (3) above and the amount described in paragraph (4) below, at the times, in the manner and accompanied by such forms or other information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraph (2), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including the amount remitted to the Issuer for payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(h) Bonds Not Hedge Bonds. (1) At the time the original bonds refunded by the Bonds were issued, the Issuer reasonably expected to spend at least 85% of the spendable proceeds of such bonds within three years after such bonds were issued and (2) not more than 50% of the proceeds of the original bonds refunded by the Bonds were invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

(i) Current Refunding. The Bonds are a current refunding of the Refunded Bonds as the Bonds will be issued within 90 days of the payment and redemption of the Refunded Bonds.

(j) Qualified Tax-Exempt Obligations. The City acknowledges that in accordance with the provisions of paragraph (3) of subsection (b) of Section 265 of the Code, the Issuer has designated the Bonds to be "qualified tax-exempt obligations" in that the Bonds are not "private activity bonds" as defined in the Code and the reasonably anticipated amount of "qualified tax-exempt obligations" to be issued by the Issuer (including the City and all subordinate entities of the City) for the calendar year 2013 will not exceed \$10,000,000.

Section 5. In regard to the policies and procedures that may apply to the Board of Directors of the Issuer with respect to the passage and adoption of resolutions, the City ratifies, confirms and approves the Board's authority to waive any requirement that resolutions be read in their entirety before adoption by the Board, and the procedure followed by the Board of Directors in the adoption of the Issuer Resolution in reading the caption thereof prior to its

passage is hereby approved, ratified and confirmed in all respects as being in conformity with the policies and procedures approved by this Council.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

Section 7. This Resolution shall be in force and effect from and after its passage on the date shown below.

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PASSED AND ADOPTED, this December 3, 2013.

CITY OF COLLEYVILLE, TEXAS

David Kelly
Mayor

ATTEST:

Amy Shelley, TRMC
City Secretary

(City Seal)

RESOLUTION R-13-3696

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR
CITY COUNCIL MEETING OF
DECEMBER 3, 2013**

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

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

Sec. 1. THAT the agenda decisions approved by City Council action under Business this date and not otherwise adopted by Ordinance and/or separate Resolution as follows are hereby adopted:

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 3RD DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor