



City of Colleyville City Council Agenda

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

Tuesday, January 7, 2014

City Council Chambers

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

CALL TO ORDER

- PC-1** Presentation and update on the comprehensive plan process and discussion of the proposed Comprehensive Plan Advisory Committee (CPAC)
- PC-2** Discussion of the Sidewalk Policy
- PC-3** Discussion of right-of-way mowing
- PC-4** Discussion of the January 7, 2014, 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 on legal issues related to the Police Department's Use of Force Policy

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: Counselor in Bishopric Darren Lee, Church of Jesus Christ
of Latter-day Saints, Colleyville Ward**

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-14-3708**
- 3. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS**
Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition
Proclamation in recognition of Jaime Gutierrez, the 2013 Employee
of the Year - Mayor David Kelly
- 4. CONSENT: READING AND PUBLIC HEARING - Resolution R-14-3709**
 - 4a** Approval of the minutes of the regular City Council meeting of
December 17, 2013
 - 4b** Approval of a final plat for 53.2 acres on Tracts 1F and 1G, Abstract
1038, of the Hall Medlin Survey, and Tracts 1A02 and 1C, Abstract
295, of the William E. Crooks Survey, located at 7612 and 7624
Pleasant Run Road, Case PC13-021
- 5. ORDINANCE(S):
FIRST READING AND PUBLIC HEARING**
 - 5a Ordinance O-14-1903**
Consideration of a request for approval of a Special Use Permit for
an accessory building on Lot 3, Block 1, of the Lavaca Parc Addition,
located at 6212 Lantana Court, Case ZC13-019
 - 5b Ordinance O-14-1904**
Consideration of a request for a zoning change from the AG-
Agricultural zoning district to the PUD-C-Planned Unit Development
Commercial zoning district on 2.8 acres out of the J.L. Byas Survey,
Abstract 180, located at 1603 and 1605 Hall-Johnson Road, Case
ZC13-020

5c Ordinance O-14-1905

Consideration for approval of amendments to Chapter 3 - Land Use, Section 3.26-Fences, Free Standing Walls, and Screening Materials, of the Land Development Code, Case GC13-021

5d Ordinance O-14-1906

Consideration for approval of amendments to Chapter 8-Plat Review Procedures of the Land Development Code, Case GC13-022

6. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**7. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR JANUARY 7, 2014 - Reading and Public Hearing - Resolution R-14-3710****8. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, January 3, 2014 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
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Agenda Number PC-1

Agenda Date 01/07/2014

Type Pre Council

Department Community Development

Title

Presentation and update on the comprehensive plan process and discussion of the proposed Comprehensive Plan Advisory Committee (CPAC)

Explanation

The purpose of this item is to update the City Council on the comprehensive plan update process and to gather feedback from the City Council on the creation of the Comprehensive Plan Advisory Committee (CPAC). Jim Carillo, Principal with HALFF Associates, Inc. (HALFF) and project leader for the comprehensive plan process, will be present to answer questions from the City Council.

On October 15, 2013, the City Council approved a professional services contract with HALFF in the amount of \$248,850, in order to update the current Master Plan by creating a new comprehensive plan for the City. Since then staff has been working with HALFF to coordinate a preliminary schedule that overlays the scope of services for the project. HALFF has also been gathering the necessary baseline data on Colleyville, such as existing plans and geographic information systems (GIS) data, needed for the planning process. Attached is the approved final scope of services for the comprehensive planning process. The next major step in the comprehensive plan process is the creation of the CPAC.

The purpose of the CPAC is to help guide the staff/consultant planning team throughout the comprehensive planning process and provide input, feedback and direction where needed. Attached is a document detailing the CPAC proposed duties, structure, and schedule. Specific duties of the committee will include, but not be limited to, review of key components of the plan in detail, exploration of possible scenarios, debriefing of public participation efforts, determining direction from citizens and stakeholders, and conducting a review of the final draft document. CPAC meetings will include an agenda, maps, and/or handouts for review, and drafts of key tasks for review and comment. The meetings will occur at key points in the comprehensive plan process to be determined at the kick-off workshop described below.

Staff recommends that the composition of the CPAC be determined by the City Council with the following 10 member structure:

- 2 City Council members

- 2 Planning and Zoning Commissioners (P&Z)
- 2 Architectural Review Commissioners (ARC)
- 4 citizens selected at-large from the community as chosen by the City Council. These may also include other board, commission, or committee members. Attached to this briefing are the current rosters for the P&Z and ARC.

In terms of CPAC meetings, a minimum of four meetings are identified in the scope of work provided by HALFF (detailed below). The time and location of these meetings have yet to be determined, and will be finalized at the kick-off workshop described below:

(1) Kick-off CPAC Workshop (January/February 2014). Meeting goals are as follows:

- Present planning effort approach and a tentative schedule of meetings with the CPAC, as well as the proposed detailed scope and schedule.
- Identify and discuss key issues and priorities that will shape the comprehensive planning process.
- In conjunction with staff and the CPAC, discuss and create a draft set of vision statements and goals for the planning process, which, will guide plan development and will be modified as appropriate as the planning initiative progresses.
- Identify key stakeholders/groups and entities that should be considered for inclusion during the planning process.

(2) Public Input Summary and Key Findings Meeting (Summer 2014): The purpose of this meeting will be to review the public input received up to the point of the meeting and provide direction for how to implement the input moving forward.

(3) Preliminary Draft Plan Review Meeting (Fall 2014): The purpose of this meeting will be to review the initial draft comprehensive plan document presented by the HALFF planning team and provide feedback and direction for the final draft document.

(4) Final Draft Plan Review Meeting (Winter 2014/2015): This will be the last meeting of the CPAC and will involve the final review and approval of the plan document before the plan is forwarded to the Planning and Zoning Commission and the City Council for consideration/adoption.

Staff seeks direction from the City Council on who will serve on the CPAC. Based on City Council direction received for this item, staff will notify the appointees and setup the kick-off workshop mentioned above. Upon completion of the kick-off workshop, staff, in conjunction with HALFF, will create a final detailed scope and schedule of the

planning process.

Staff plans to send the City Council weekly updates of the comprehensive planning process after the CPAC kick-off workshop up to final plan adoption. The following is a preliminary schedule of major components of the comprehensive plan process moving forward:

Winter 2014 – Rollout of comprehensive plan webpage; CPAC kick-off workshop.

Spring/Summer 2014 – Citizen and stakeholder engagement meetings and data collection. These meetings will include, but not be limited to, town hall meetings, focus group meetings, and design charrettes.

Fall 2014 – Formulation of plan document including goals and objectives based on citizen and stakeholder feedback.

Winter 2014/2015 – Final compilation of plan, including key plan implementation strategies culminating with City Council adoption of the plan.

Attachments

1. Final Scope of Services
2. Comprehensive Plan Advisory Committee
3. Planning and Zoning Commission Roster
4. Architectural Review Commission Roster

Final Scope of Services



Exhibit A

City of Colleyville Preparation of a Comprehensive Plan

Scope of Services to be provided

The scope of work for this planning effort includes the preparation of a Comprehensive Plan for the City of Colleyville. This effort includes public participation; a review of the existing comprehensive plan; an update of existing conditions and projections; a review of current regulations and the development process; preparation of a common vision and goals; preparation of key plan elements including park facilities, environment and natural resources, housing, future land uses, downtown revitalization, transportation, corridor recommendations for Colleyville Boulevard, coordination with ongoing utility infrastructure planning, retail opportunities and economic development; development of future land use recommendations; and identification of specific implementation strategies, including recommendations for changes to development regulations.

PROJECT ASSUMPTIONS

The scope of services for this proposal has been prepared using the following assumptions as a basis for its preparation:

1. The City of Colleyville will be referred to as **City** or **City Staff** in this document, and Half Associates (and any associated sub-consultants) will be referred to as the Planning Team.
2. The project planning area will encompass the existing Colleyville city limits. Influences from neighboring communities or unincorporated areas will be considered during the planning process.
3. The City will appoint an Advisory Committee to help guide the Planning Team throughout the comprehensive planning process. Composition of the Advisory Committee will be determined by the City Council and City staff. This advisory committee will be referred to as the Comprehensive Plan Advisory Committee (CPAC), unless otherwise designated by the City of Colleyville.
4. The Director of Colleyville's Community Development Department will serve as the main City contact person to work with The Planning Team and to act as an intermediary with the Planning Team, the Advisory Committee, and other city, county and state government staff persons as required. The Planning Team will take direction from the City-appointed contact person.
5. The City of Colleyville will coordinate contact, meetings and the transfer of necessary information from other organizations and entities such as TxDOT, Tarrant County, the North Central Texas Council of Governments (NCTCOG) and other entities as necessary.
6. The City of Colleyville will coordinate arrangements for locations, setup, refreshments, notifications and advertising for all stakeholder, focus group, public meetings/open house events and public hearings. The Planning Team will assist with flyers, e-mail blasts, camera-ready advertisements, and other electronic media used in advertising.
7. Where feasible, meetings shown in this scope of work will be scheduled concurrently (on same or adjacent days) to help increase project efficiency.

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8. The City will provide the Planning Team with the most recently updated digital base map and aerial imagery of the planning area with city limit lines, school district lines, roadway centerlines, property lines, buildings, Tarrant Appraisal District (TAD) data, water and sewer facilities, public facilities (including police, fire, hospital, library and other major public facilities), park and open space facilities, and rivers, lakes, and other major drainage ways for use during the master plan preparation process. These files will be in the form of CADD or GIS file types. The City will also provide information from previous and ongoing studies and projects (as available) that may have an effect on the outcome of the long-range City Comprehensive Plan. This information will be provided in digital format when possible and available.
9. Tasks prepared as part of this planning effort may occur concurrently where appropriate, or in some cases may occur differently from the sequence shown in this Scope of Services document.
10. This scope identifies a specific number of meetings for public involvement and board and City Council review. The meeting total excludes periodic review meetings with City staff, which will be provided at key intervals during the planning process. Some review meetings with staff may be via conference call or on-line meetings. Any significant additions to the number of meetings shown will be considered a change in scope and may increase the project cost.
11. Because of the highly graphic nature of the final planning document, the Comprehensive Plan document will be produced in Adobe In-Design and saved in a PDF format. Twenty five (25) final copies of the plan will be printed for use by the City of Colleyville. A budget has been identified for printing, but may vary depending on the number of pages and format of the final document. Original document digital files will be provided to the City of Colleyville in In-Design and/or PDF formats for the production of additional printed copies or for placement on the City's website.
12. This effort is anticipated to take approximately 12 months, but the overall timeframe may vary based on the public input and approval process.

SCOPE OF SERVICES

The Scope of Services for the preparation of the Comprehensive Plan Update is shown below.

PROJECT MANAGEMENT (Continuous throughout the Planning Process) ***(phase cost for elements below - \$3,300)***

Project Management

- a. Prepare monthly brief summary of efforts to date and necessary invoices and billing.
- b. Establish and maintain monthly calendar and schedule, and adjust as necessary during the duration of the planning effort.
- c. Oversee and maintain schedules, level of effort status and deliverables of sub-consultant firms participating in the development of the Comprehensive Plan.

PHASE I PRE-PLANNING *(phase cost for elements below - \$12,580)*

Task 1.1 Assemble and Review Background Studies and Data and Prepare GIS Database for Planning Effort

- a. Assemble and review background data (in digital format where feasible) provided by the City. Information will include, but is not limited to:

Final Scope of Services



- Most recent digital aerial photography.
 - Most recent demographic information and population projections (currently in use by the City).
 - Current planning efforts, any previous long range plans.
 - Current Land Use Plan.
 - Current Zoning Map.
 - Current Master Thoroughfare Plan.
 - City regulations and ordinances.
 - Subdivision regulations.
 - Capital Improvements Plan.
 - Current and prior citywide budgets for last three years.
 - Plans and studies related to improvements for SH 26 (Colleyville Boulevard), including recent TxDOT schematics and construction plans.
 - Detailed files on current and historical property values as available, or as provided by the Tarrant County Appraisal District.
 - Ongoing studies, such as median improvements design.
 - Any other relevant planning or policy documents.
- b. Compile digital information identified during data gathering exercises into GIS and graphic maps for use during the planning process.

Product by Planning Team – Review studies and planning documents provided, organize GIS files, prepare working base maps for process.

Task Components by City of Colleyville Staff – Provide digital copies of previous comprehensive plan and all other plans and relevant studies. Provide GIS files in digital format.

Task 1.2 Project Initiation (Kick-off) Meeting

- a. Key Planning Team staff will participate in a work session with City staff to accomplish several pre-planning objectives, including:
- Review the project scope and key tasks.
 - Review projected timeframe and schedule, and determine key milestones.
 - Identify other data that may be necessary for the effort and which has not yet been provided.
 - Discuss public participation strategies and implementation.
 - Review key issues that will shape the planning process, as well planning effort objectives and expectations.
 - Establish a branding identity for the planning effort that will be used throughout the process to focus attention on the effort.
 - Conduct a driving tour of the City with City staff to review key critical areas (after work session meeting).
 - Identify key department staff for follow-up Technical Advisory Group meetings at key intervals during the Comprehensive plan development process.

Product by Planning Team – Attend initial kickoff meeting; develop a draft work schedule and key milestones during the planning process.

Task Components by City of Colleyville Staff – Attend initiation meeting; review work program tasks and schedule.

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Conduct Kick-Off Workshop with Comprehensive Plan Advisory Committee (CPAC)

- a. Present planning effort approach and a tentative schedule of meetings with the CPAC.
- b. Identify and discuss key issues and priorities that will shape the Comprehensive Planning process.
- c. In conjunction with staff and the CPAC, discuss and create a draft set of vision statements and goals for the planning process to guide plan development and to be modified as appropriate as the planning initiative progresses.
- d. Identify key stakeholders/groups and entities that should be considered for inclusion during the planning process.

Product by Planning Team – Agenda, presentation materials and mapping for kick-off workshop; facilitate discussion during the kick-off workshop; prepare summary meeting minutes.

Task Components by City of Colleyville Staff – Reserve location for workshop; notify attendees; attend meeting, provide other meeting logistics.

Task 1.3 Create project website and engagement forum

- a. Using Wordpress or a similar simple web-building tool, create a one stop website for information regarding the planning process. Within the parameters of Wordpress, the website will be designed to approximate look of the City of Colleyville's website. The site will include the following components:
 - General information regarding the plan
 - Calendar of planning process events
 - Archive to access presentations and announcements
 - Link to project opinion surveys (by City staff from City's home and planning pages)
 - Feature for resident comments

Product by Planning Team – Draft language and content for website in Wordpress, addition of content throughout the planning process, monitoring of citizen comments.

Task Components by City of Colleyville Staff – Review of draft website content, photography for website, special content as needed (i.e. could include a message from the Mayor).

PHASE II COMMUNITY PROFILE (EXISTING CONDITIONS REVIEW)

(phase cost for elements below - \$28,750)

Task 2.1 Population and Demographic Review

- a. Review most recent current population estimates, demographic data, and socio-economic data from currently available sources, including City projections, appraisal district data, local MPO area projections, Census, and ESRI data. Review available population projections from state and local population projections. Utilize this information to prepare a current demographic "snapshot" of the City.

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- b. Incorporate community profile and marketing information on Colleyville and surrounding areas from available sources including ESRI (as previously assembled by Catalyst Commercial and updated if necessary).

Product by Planning Team – Summarize analysis in report format, including text, tables, charts, images, and maps. Review information on Colleyville and surrounding areas from various entities; incorporate Community Profile information into Comprehensive Plan database.

Task Components by City of Colleyville Staff – Provide most recent population and demographic data.

Task 2.2 Conduct Baseline Analysis (Existing Conditions) and any necessary field reconnaissance (to serve as a basis for more detailed analysis to follow).

- a. Conduct an internal workshop meeting with City staff to discuss the following items, and conduct field review as necessary.
- b. Ordinances, Subdivision, and Annexation Review
 - Review the City's ordinances and standards, its history of revisions and any related performance requirements.
- c. Existing Land Use
 - Review the City's existing land use map, and update as necessary based on recent development.
 - Analyze and quantify remaining vacant lands and determine potential build-out if current zoning is applied.
 - Prepare projected population range at build-out using existing zoning and absorption of remaining vacant properties. Using current growth trends, project general population in five year increments.
- d. Neighborhoods and Housing Characteristics
 - Conduct a neighborhood-by-neighborhood windshield survey of the existing residential neighborhoods in Colleyville to collect data on unique neighborhood and housing characteristics, opportunities and constraints.
 - Evaluate previously established "neighborhood" boundaries, and consider if adjustments or special character zones (such as Colleyville Boulevard) should be added. Map any recommended boundary adjustments.
 - Summarize housing characteristics and trends (changes in value, average size, subarea demographics)
- e. Transportation
 - Review current Thoroughfare Plan, current cross sections and other area plans (such as the ongoing median design study).
 - Evaluate current roadway classifications and suggest preliminary changes if appropriate.
 - Review and map current non-motorized connectivity in the City (existing sidewalks, bicycle facilities and trails). Review current sidewalk policy and requirements.
- f. State Highway 26 (Colleyville Blvd)
 - Review current TxDOT plans for improvements and evaluate in terms of longer range strategy to create a more context sensitive solution for Colleyville.
 - Recommend short term actions if necessary prior to completion of more detailed recommendations for SH 26.
 - Identify potential boundaries for a Colleyville Boulevard planning "district" for consideration during subsequent phases.

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- g. Parks and Recreation
 - Review current parks master plan and note any significant inventory changes or additions since the plan was adopted.
 - Prepare map of city-owned parks, as well as other nearby parks and recreation facilities that may influence City decisions.
 - Review current level-of-service calculations and confirm system deficiencies or surpluses.
- h. Water, Wastewater, and Stormwater Drainage Systems
 - Review current water and wastewater system long-range plans and current CIP proposed improvements.
 - Review current drainage efforts and previously identified deficiencies.
- i. Public Safety (police, fire, emergency medical services)
 - Identify and map existing public safety facilities and services.
 - Incorporate current level-of-service standards used by the City and identify system deficiencies or surpluses.
- j. Civic Facilities (i.e. city hall, other city offices, maintenance facilities, etc.)
 - Identify existing civic facilities and graphically depict on a map.
 - Review condition and document potential preliminary facility and space needs (as identified by City staff).
- k. Economic Development
 - Review information on any current or previous economic development programs, goals, actions, etc.
 - Review general economic performance indicators and trends in recent years (growth, retail sales, tax collections, employment, etc.). If appropriate, compare with other area communities. Provide charts and graphs that illustrate trends.

Product by Planning Team – Graphically depict each baseline analysis item in maps or graphs. Summarize baseline conditions and analysis and present summary and findings to City for review.

Task Components by City of Colleyville Staff – Review and comment on findings of baseline analysis; review baseline analysis maps.

Task 2.3 Issues and Opportunities Summary

- a. Prepare a summary of key findings of the Community profile and discussions with City staff. Include a summary of key issues facing the community, as well as opportunities and constraints that exist in Colleyville today.
- b. Format to be used as a basis for discussions with project stakeholders and Colleyville residents at large.

Product by Planning Team – White paper summary, submitted in draft form for review and comment by Colleyville staff.

Task Components by City of Colleyville Staff – Review white paper and comment as necessary.

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PHASE III PUBLIC PARTICIPATION (phase cost for elements below - \$36,840)

Public participation is an essential component of the planning process. Not only does it make the process more transparent, but it engages the community to create a plan that reflects their goals and vision and generates support in the end product.

Task 3.1 CPAC Working Sessions

- a. The purpose of the Comprehensive Plan Advisory Committee Working Sessions is to review key components of the plan in detail, to explore possible scenarios, to debrief public participation efforts and to receive direction from citizens and stakeholders.
- b. Assist City of Colleyville in determining the composition of the Advisory Committee.
- c. Prepare materials and conduct meetings with the CPAC. CPAC Working Sessions will include an agenda, maps and or handouts for review, and drafts of key tasks for review and comment.
 - A total of four (4) meetings with the CPAC are included in this scope of work, and are intended to occur at key points in the process. (kickoff, after public input, preliminary recommendations, final recommendations). The initial meeting will take place as part of the Comprehensive Plan kickoff meetings.
- d. Two of the four CPAC Work Sessions will be scheduled to review the draft Comprehensive Plan document.

Product by Planning Team – Agenda of work sessions; required materials; summary of comments received.

Task Components by City of Colleyville Staff – Schedule meetings; distribute materials to CPAC; notify attendees; provide meeting refreshments as appropriate; attend meetings.

Task 3.2 Interviews/Round Table Meetings with Key Stakeholders and Elected Officials/Boards

- a. Work with the CPAC and City staff to identify key stakeholders to interview.
- b. Prepare a list of issues/topics/questions for interviews and stakeholder meetings.
- c. Conduct interviews with key stakeholder groups or individuals. A total of up to ten stakeholder interviews are included (Meetings 5 to 14). Stakeholder meetings will be scheduled over a consecutive two to three day period to ensure continuity in the discussion. Some stakeholder meetings may be related to key plan elements listed in Phase IV. Prepare written summary of each interview and stakeholder meeting.
- d. Conduct a joint workshop with the Planning and Zoning Commission, Parks and Recreation Advisory Board, and City Council members. Discuss goals of the plan, process, public involvement, and specific issues and concerns of each board.
- e. Neighborhood focus groups – meet with one focus group assembled by City staff for each of the six current neighborhood groups to identify and discuss key issues related to each area. These meetings will be scheduled concurrently over a two week period.

Product by Planning Team – List of interview questions and issues to be discussed; maps and illustrations for each meeting; summary of interviews and meetings.

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Task Components by City of Colleyville Staff – List of key stakeholders or entities for interviews and meetings; schedule interviews and meetings and set up location; notify attendees; Staff to attend interviews.

Task 3.3 Citywide Opinion Surveys and Student Workshops

- a. Assist in preparing questions for a citywide citizen opinion survey to be conducted by a separate supplier and different contract.
 - Assist in developing key questions.
 - One or more prizes donated by local business or civic organizations will be collected by City staff to serve as incentives for completing the survey.
 - Review the summary of results and incorporate into public input summaries.
- b. Intercept survey
 - Prepare a brief intercept survey with appropriate maps and displays, and solicit input from Colleyville residents through brief questionnaires over a one-day period at three key events as identified by City staff. The City will provide tents, tables, and arrangements with the event organizer.
- c. Photography and Comment submissions
 - Through the project website, invite Colleyville residents to submit photographs and comments that express what they like about Colleyville, what they would like to see changed, and what they have seen elsewhere that they would like to consider in Colleyville.
- d. Colleyville student and youth survey
 - Youth opinions are valued as part of the planning process. Prepare a brief two page on-line survey for 7 and 10th grade students. Request District management and school principal approval, and request that students take survey as an assignment. (City of Colleyville staff will coordinate and get approval from CGISD Superintendent to conduct the survey as shown above).
 - Conduct two workshops with a focus group of area students (one with junior high students and one with high school students). These meetings are intended as focus group meetings, and each should be limited to 20 to 30 students and may be conducted as a component of a Civics or Government class. These workshops will be scheduled and coordinated by City of Colleyville staff.
 - The Planning Team will tabulate and summarize student responses and incorporate into the Public Involvement summary.

Product by Planning Team – Assist in developing list of survey questions; review survey results; prepare student survey. Present survey and public involvement summaries results in a report.

Task Components by City of Colleyville Staff – Assist in promoting on-line survey, coordinate CGISD district participation and any necessary approvals, coordinate class workshops.

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Task 3.4 Public Input Meetings/Workshops

- a. A public input meeting is typically 3 hours long (including a pre-meeting open house) and is designed to gather ideas and input from the public. Participants will break out into small groups organized around plan elements (housing and neighborhoods, transportation and mobility, economic growth, and quality of life) to discuss issues and work to develop a desired future.
- b. Two citywide public input meetings will be held over the duration of the planning process to gather public input. These will include:
 - a) Initial Citywide Open House/Public Meeting- goals/vision/identify issues and possible solutions meeting, and
 - b) Recommendations Citywide Open House/Public Meeting - draft recommendations and strategies review meeting.
- c. Meetings will be held at a central citywide location with adequate capacity. Meeting dates will be scheduled at an appropriate time during the project schedule. The City of Colleyville will be responsible for reserving the meeting location, promoting the meeting, and providing any door prizes (such as gift certificates to local merchants and restaurants) and refreshments that are provided.
- d. The Planning Team will assist in promoting the meetings in the following ways:
 - Prepare e-mail blast to be distributed by City staff to known email addresses for residents of Colleyville.
 - Prepare flyers to be distributed to residents at key locations such as City Hall.
 - Participate in interviews with local media (radio, TV, and press) to help promote the meeting.
- e. Prepare a summary of each meeting.

Product by Planning Team – Prepare agenda and presentation and displays for meetings; facilitate meetings; facilitate small groups at public input meetings; prepare summary of all public input findings for inclusion in comprehensive plan document.

Task Components by City of Colleyville Staff – Publicize public input meetings; reserve meeting space; assist in meeting planning and facilitation; review meeting summaries provided by Planning Team and comment as appropriate.

Task 3.5 Public Input Summary and Key Findings

- a. Develop and maintain an ongoing summary of citizen input throughout the planning process, and incorporate new citizen input as it takes place. The summary will be in the form of tables, charts, and short verbal statements that highlight key findings and direction provided by the various public involvement components.
- b. Review periodically with City of Colleyville staff. Present to the CPAC during one of the meetings scheduled with the Committee.
- c. Incorporate the final public involvement summary into the Comprehensive Plan document.

Product by Planning Team – Summary of citizen involvement components.

Task Components by City of Colleyville Staff – Review and comment as appropriate.

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PHASE IV PLAN ELEMENT ANALYSIS & RECOMMENDATIONS

(phase cost for elements below - \$116,830)

Key focus or catalytic areas will be analyzed based on the preliminary assessments and issues and opportunities previously identified. These will be included as sections or chapters within the Comprehensive Plan document.

Task 4.1 Future Land Use and Transitional Residential Uses

- a. Identify potential land use policies and development type strategies for transitional areas in or near residential zones. Identify potential areas where transitional standards may be appropriate.
- b. Based on staff and citizen input, develop appropriate land use categories and criteria to address the recommended land use and residential types. Review with staff and adjust as necessary.
- c. Incorporating the recommendations of other plan element recommendations, prepare a draft land-use plan in GIS format that identifies growth and land-use patterns to meet projected population growth needs.
- d. Incorporate transportation strategies identified in the Transportation and Mobility section.

Task 4.2 Economic Growth Strategies

- a. Consolidate economic development strategies that will help advance the vision and goals of Colleyville, and integrate into the Comprehensive Plan.
- b. Analyze the fiscal impacts of the catalytic/focus area recommendations based on potential development and required public infrastructure.

Task 4.3 Colleyville Boulevard Recommendations

- a. Conduct a discussion meeting with property owners, business representatives, City staff, area residents and TxDOT to discuss goals and potential strategies for Colleyville Boulevard. Identify key needs of each entity.
- b. Develop draft recommendations for connectivity, alternative transportation modes, roadway character, and the relationship of adjacent development to the roadway (short and long term). These illustrations may be in section, plan view or illustrative perspective format.
- c. Create an economic "snapshot" of the Colleyville Boulevard. Examine the corridor's current share of retail, residential, and office space in Colleyville.
- d. Incorporate into a specific Comprehensive Plan section that discusses Colleyville Boulevard findings and recommendations.

Task 4.4 Neighborhood Area Strategy

- a. From input and ideas generated previously in the focus groups held in each neighborhood planning area, prepare recommendations for each area that address resident concerns and desires. These will include street characteristics, mobility (both motorized and non-motorized), connectivity, preservation or enhancement of unique area features, gateways and identity, infill/teardown development, and recommendations to address other development related areas of concern.

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- b. Incorporate into a specific Comprehensive Plan section that addresses neighborhood related recommendations, strategies and actions.

Task 4.5 Special Undeveloped Area Strategies

- a. Develop prototype or example development/enhancement scenarios for three key areas in the City, representing:
 - 1. Key north gateway area along Colleyville Boulevard
 - 2. Undeveloped area with transitional residential uses
 - 3. Larger (5 acres or larger) undeveloped non-residential properties
- b. Conduct one (1) two to three day long charrette to explore goals and expectations for the areas to explore development scenarios. The charrette will focus on all three key areas. The charrette will include property owners, City staff, area business/merchant representatives, developers, real estate industry representatives and nearby residents (as appropriate) in providing initial input and review of ideas being explored.
- c. For the Northern Gateway area, develop a prototype plan that identifies potential uses, configuration, volume and densities of structures, buffer areas if required, special features dictated by drainage if needed, and vehicular and walking/bicycling access. The intent of the concept plan for the northern gateway area plan will be to use it as a marketing tool for the property. Include a summary economic snapshot that recommends best potential uses for the site.
- d. For area 3) the focus will be on compatibility with adjacent areas, suggesting potential uses and guiding future development of those areas.
- e. Test potential impact of strategic recommendations on these areas, such as alternative densities, setback, use configurations and form based strategies.
- f. Develop conceptual development guidance plan illustration for each area.
- g. Summarize recommendations and key findings and incorporate into the Comprehensive Plan as an appendix

Task 4.6 Colleyville Center Concept Plan

- a. Conduct a workshop with the Colleyville Center Advisory Committee and the Events Steering Committee as well as City staff to prepare list of issues and potential modifications and improvements to the Colleyville Center area.
- b. Develop a preliminary concept plan for the area, illustrating potential changes and additions.
- c. Review in a workshop with City staff and key Committees/stakeholders, and modify concept plan once to reflect comments received. Develop preliminary cost estimates and potential phasing for proposed improvements (at a concept level of detail).
- d. As part of other Comprehensive Plan presentations, present Colleyville Center recommendations, and summarize for inclusion as appendix of Comprehensive Plan document.

Task 4.7 Infrastructure Issues and Strategies

- a. Review existing water and sewer master plans, proposed capital improvement efforts, and other ongoing but separate infrastructure plan studies or designs.
- b. Based on the review and citizen/stakeholder/city comments received, recommend actions related to sewer and water systems.

Final Scope of Services



- c. Review storm water master plan and proposed capital improvement efforts, and recommend actions related to addressing stormwater needs.

Note: the infrastructure items prepared in this task will provide strategic direction and broad scale recommendations, but will not constitute specific stand-alone infrastructure master plans.

Task 4.8 Park and Recreation Master Plan Recommendations

- a. Incorporate citizen input related to parks, trails, and recreation issues during the planning process.
- b. Adjust current Park Master Plan recommendations and strategic actions as appropriate per comments received.
- c. Review tree planting and preservation requirements. Review landscape requirements for non-residential properties and summarize areas to be adjusted as appropriate.
- d. Using the current Parks Master Plan language and recommendations, develop summary chapter related to parks, trails, and recreation for inclusion in the Comprehensive Plan document.
- e. Review with City staff and the Parks Advisory Board, and modify as appropriate per comments received.

Task 4.9 Transportation Strategies

- a. Working with the City of Colleyville, obtain the latest traffic projection model (Year 2035) from the North Central Texas Council of Governments (NCTCOG) for the Colleyville area.
- b. Review the traffic demand model from NCTCOG and adjust model as necessary to account for changes in land use, zoning, development and/or roadways within Colleyville that are not reflected in NCTCOG model.
- c. Develop traffic volume projections for the year 2035 for the thoroughfare plan roadways based on the updated model.
- d. Review model data to identify roadways/critical intersections with deficiencies and develop possible strategies and recommended actions to resolve identified problems. Solutions may include recommendations for additional roadways, changes to roadway classifications, alternative roadway cross-sections, intersection capacity improvements, policies, restrictions, and/or enforcement. Where appropriate, include bicycle lanes.
- e. Prepare recommendations for review and comment by City staff.
- f. Based on input from City of Colleyville, prepare update to the Master Thoroughfare Plan (MTP) for inclusion in the Comprehensive Plan document. Updated MTP will include cross-sections for each roadway classification.
- g. In map format, incorporate recommendations on the location and type of way finding sign elements to be placed throughout the City,
- h. Include recommendations for street lighting types and placement.

Task 4.10 Review all Plan Element Recommendations with City staff

- a. Review all draft focus area recommendations with City staff from all related departments, and adjust per comments received.
- b. Address comments received and incorporate into overall plan.

Final Scope of Services



PHASE V PREPARATION OF DRAFT PLAN DOCUMENT

(phase cost for elements below - \$25,900)

Task 5.1 Prepare draft Comprehensive Plan components, including key plan element sections developed in Phase IV

- a. Prepare draft plan document, to include the following sections. These may be adjusted, combined or added to as the planning process moves forward. The plan is envisioned to include:
 1. Vision and Goals - prepare draft vision and goals statements that capture the direction for the city as provided by residents during the public input process.
 2. Citizen Input and Direction Provided by Colleyville Residents - summarize findings of the public involvement process, and direction provided by the residents of the City.
 3. Future Land Use recommendations
 4. SH 26 Corridor recommendations
 5. Recommendations for key undeveloped areas and the Colleyville Center
 6. Thoroughfare and mobility recommendations (including sidewalks and bicycle facilities)
 7. Infrastructure recommendations
 8. Parks, Trails, and Recreation recommendations
 9. Economic growth/sustainability recommendations
 10. Implementation Strategies. Include a review of the City's zoning regulations and recommend areas where adjustments should be made to conform with direction provided by the Comprehensive plan goals and vision.

Task 5.2 Preliminary Draft Plan Review

- a. Submit digital draft files for review by Staff, and modify per comments received.
- b. Submit draft copies to staff to distribute to CPAC members. Review draft with the CPAC at the 3rd of 4 meetings (discussed in Task 3.2) scheduled with the CPAC. Address comments received from CPAC.

Product by Planning Team – Preliminary draft of plan update; work with CPAC to review draft and make necessary modifications.

Task Components by City of Colleyville Staff – Schedule work session and reserve location; distribute materials; notify attendees; attend if desired.

Task 5.3 Final Draft Plan Review

- a. Incorporate comments from CPAC working session and draft a final comprehensive plan document. For graphic quality, the document will be prepared in In-Design. Place on Project website for Colleyville residents' review and comment.
- b. Final Public Review Meeting (discussed in Task 3.6) - Present to public for review and comment at a citywide meeting. Compile resident feedback from meeting and as submitted directly or via website, review comments and recommend adjustments to the plan per comments received.
- c. A final CPAC working session will be scheduled to review feedback from public presentation meeting, consider changes to the final draft, and to formally endorse the plan.

Product by Planning Team – Final draft of plan update; prepare presentation and attend public presentation meeting; summarize public feedback; attend final CPAC work session.

Final Scope of Services



Task Components by City of Colleyville Staff – Reserve location of final public presentation meeting; schedule work session and reserve location; distribute materials; notify attendees; attend if desired.

PHASE VI FINAL PLAN ADOPTION AND PRODUCTION **(phase cost for elements below - \$10,900)**

Task 6.1 Planning and Zoning Commission Recommendation

- a. Along with City staff, present the final draft plan to the Planning and Zoning Commission in a workshop meeting for review and comment.
- b. Present the final plan to the Planning and Zoning Commission for recommendation to City Council for approval.

Product by Planning Team – Prepare final draft of plan update; attend Planning and Zoning Commission meeting to answer questions.

Task Components by City of Colleyville Staff – Assist in presenting final draft of plan update to Planning and Zoning Commission.

Task 6.2 City Council Final Review and Adoption

- a. Present the draft plan to the City Council in a workshop session. Review all areas of the plan, and address concerns expressed by the City Council. Advertise as formal public hearing if required.
- b. Present the final draft plan to the City Council for adoption. Advertise as formal public hearing if required.

Product by Planning Team – Presentation of Plan at Workshop with City Council, attend final adoption meeting.

Task Components by City of Colleyville Staff – Schedule presentation to City Council.

Task 6.3 Report Production

- a. Following the presentation to City Council and adoption, The Planning Team will provide twenty-five (25) final printed copies of the Plan report in full color, and will provide a digital original (in both PDF and In-Design format on CD-ROM).
- b. GIS shape files developed as part of the process will be transmitted to the City of Colleyville.
- c. Jpegs and/or PDF files for graphics, illustrations and other unique components prepared during the planning process specifically for the City of Colleyville will be transmitted in digital format.

Product by Planning Team – Twenty-five (25) copies of final Plan; digital original of the Plan on CD-ROM, GIS shape files, electronic copies of illustrations, maps, etc.

End of Exhibit A – Scope of Services

Final Scope of Services



Exhibit B

City of Colleyville Preparation of a Comprehensive Plan

Exhibit B – Basis of Compensation

Basic professional services as described in Exhibit 'A' – Scope of Services will be provided on a lump sum basis, excluding reimbursable expenses, with an authorized fee of \$ 249,850. The overall authorized fee will not be exceeded without City authorization. Invoices will be submitted monthly based on the overall percentage of work completed. The overall fee will generally be allocated as follows:

I.	Professional Services Fees		\$ 235,100
	Project Management (ongoing throughout process)	\$ 3,300	
I.	Pre-Planning	\$ 12,580	
II.	Technical Analysis (Existing Conditions)	\$ 28,750	
III.	Public Participation	\$ 36,840	
IV.	Plan Element Analysis and Recommendations	\$116,830	
V.	Draft Plan Document and Draft Review	\$ 25,900	
VI.	Final Plan Adoption Process and Final Deliveries	\$ 10,900	
II.	Base Reimbursable Expenses (<u>estimated</u> , will be invoiced as incurred)		\$ 11,750
	Printing of final report (estimated)		\$ 3,000

Base Reimbursable Expenses – Reimbursable expenses incurred as part of the Comprehensive Plan effort will be submitted for reimbursement on a monthly basis. Reimbursable expenses include costs associated with acquiring maps and information, travel related expenses, photographic printing, printing of required background reports and other documents, printing of final reports, delivery services, large format maps and prints, computer plots, and computer charges normally associated with production of these services.

End of Exhibit B – Basis of Compensation

Comprehensive Plan Advisory Committee Proposed Committee Duties, Structure, and Schedule

The purpose of the Comprehensive Plan Advisory Committee (CPAC) is to help guide the staff/consultant Planning Team throughout the comprehensive planning process and provide input, feedback, and direction where needed. Specific duties of the committee will include, but not be limited to, review of key components of the plan in detail, exploration of possible scenarios, debriefing of public participation efforts, determining direction from citizens and stakeholders and conducting a review of the final draft document. CPAC meetings will include an agenda, maps, and/or handouts for review, and drafts of key tasks for review and comment. The meetings will occur at key points in the comprehensive plan process to be determined at the kickoff workshop.

Staff recommends that the composition of the CPAC be determined by the City Council with the following structure:

Ten members total:

- 2 City Council members
- 2 Planning and Zoning Commissioners
- 2 Architectural Review Commissioners
- 4 citizens selected at-large from the community as chosen by the City Council. These may also include other board and commission members.

Meeting Structure

A minimum of four meetings are identified in the scope of work provided by the HALFF Associates planning team. The time and location of these meetings have yet to be determined and will be finalized at the kick-off workshop described below.

A description of the four CPAC meetings identified in the scope of work is as follows:

- (1) **Kick-off CPAC Workshop.** Meeting goals are as follows:

- Present planning effort approach and a tentative schedule of meetings with the CPAC.
 - Identify and discuss key issues and priorities that will shape the comprehensive planning process.
 - In conjunction with staff and the CPAC, discuss and create a draft set of vision statements and goals for the planning process, which, will guide plan development and will be modified as appropriate as the planning initiative progresses.
 - Identify key stakeholders/groups and entities that should be considered for inclusion during the planning process.
- (2) **Public Input Summary and Key Findings Meeting** - The purpose of this meeting will be to review the public input received up to the point of the meeting and provide direction for how to implement the input moving forward.
- (3) **Preliminary Draft Plan Review Meeting** – The purpose of this meeting will be to review the initial draft comprehensive plan document presented by the HALFF planning team and provide feedback and direction for the final draft document.
- (4) **Final Draft Plan Review Meeting** – This will be the last meeting of the CPAC and will involve the final review and approval of the plan document before the plan is forwarded to the Planning and Zoning Commission and the City Council for final adoption.

Planning and Zoning Commission

PLACE 1

Jim Gotcher

4105 Springhollow Street

Colleyville, TX 76034

W: (817) 845-7340

H: (817) 283-7334

jim.gotcher@verizon.net

TERM: Sep 2012 - Sep 2014

CHAIRMAN

PLACE 2

Jeffrey Byerly

7109 Pebble Hill Drive

Colleyville, TX 76034

H: (817) 329-3372

jeff.byerly@tx.rr.com

TERM: Oct 2012- Sep 2014

PLACE 3

David Wheelwright

5701 Reatta Place

Colleyville, TX 76034

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H: (817) 875-6082

dwheelwright@me.com

TERM: Sep 2012 - Sep 2014

PLACE 4

David Phelps

304 Bridlewood North

Colleyville, TX 76034

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phelps-david@swbell.net

TERM: Oct 2012- Sep 2014

PLACE 5

Carel Tornes

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Colleyville, TX 76034

H: (817) 788-5611

careltornes@gmail.com

TERM: Sep 2013 - Sep 2015

PLACE 6

Don C. Davis

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dondavis@yourcorvette.com

TERM: Sep 2013 - Sep 2015

PLACE 7

Larry Knox

7205 Monticello Parkway

Colleyville, TX 76034

H: (817) 581-0941

knox.ldk@gmail.com

TERM: Sep 2013 - Sep 2015

Architectural Review Commission

Alan Greer

2304 Mulberry Court
Colleyville, TX 76034
W: (214) 217-2220
H: (817) 684-1144
adg@freese.com
TERM: Dec 2012 - Dec 2014

Christina Keilson

1113 Garry Lynne Drive
Colleyville, TX 76034
H: (214) 679-7109
keilson.christina@gmail.com
TERM: Dec 2012 - Dec 2014

John Hines

4806 Cranbrook Drive E.
Colleyville, TX 76034
W: (817) 239-8688
H: (817) 571-2775
husker.1power@yahoo.com
TERM: Dec 2013 - Dec 2015

Curtis W. Young

8003 Jefferson Circle
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W: (817) 424-2626
H: (817) 498-2011
cyoung@sage-dfw.com
TERM: Dec 2012 - Dec 2014

Jeffrey Ground

4108 Dundee Court
Colleyville, TX 76034
W: (817) 320-5330
H: (817) 354-5640
jsg@jsgroundengineering.com
TERM: Dec 2013 - Dec 2015

Jim Makens

1312 Somerset Court
Colleyville, TX 76034
W: (214) 957-8284
jm@makens.com
TERM: Dec 2012 - Dec 2014

Gerald Ward

4301 Briar Ridge Drive
Colleyville, TX 76034
W: (817) 281-5600
H: (817) 656-7939
wardarchitecture@sbcglobal.net
TERM: Dec 2013 - Dec 2015



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-2

Agenda Date 01/07/2014

Type Pre Council

Department Public Works

Title

Discussion of the Sidewalk Policy

Explanation

The purpose of this Pre Council item is to provide for the continued discussion on sidewalks and to present the proposed policy statement that would affect how sidewalks and/or trails are addressed in conjunction with development.

On November 12, 2013, a joint worksession was held with the City Council and the Colleyville Sidewalks Committee. The purpose of the worksession was to discuss the philosophy and existing policies and procedures for sidewalk construction, as it relates to new development and redevelopment. During the worksession, staff also reviewed and presented the current sidewalk policy and provided an opportunity for the City Council and the Colleyville Sidewalks Committee to provide direction with regard to how sidewalks and/or trails should be addressed.

The presentation included a brief summary of the history and origination of current policies and regulations. The history is recapped below:

"The City's Land Development Code (LDC), adopted by Ordinance O-00-1214, addresses the requirements for sidewalk and trail construction related to new development and redevelopment. The LDC requires a sidewalk to be constructed adjacent to, or within, public right-of-way on every developing lot, prior to completion and occupancy of the primary structure. The LDC further requires that when adequate right-of-way is not available, the sidewalk will be constructed in a public access easement. The LDC also allows the developer to escrow an amount equal to the cost of construction of the sidewalk, if it is determined by the City that construction should be deferred to a future date. Over the years, developers were allowed to escrow funds for sidewalks without any clear criteria or justification, and the result was the creation of numerous "missing links" of sidewalk throughout the City.

In 2008, the Colleyville Sidewalks and Trails Committee worked with staff to develop the attached Supplemental Sidewalk System Map that clearly identified locations for construction of sidewalks in areas that were not included in the 2005 Colleyville Pathways Plan (attached). The Committee also developed a list of factors to be considered when making recommendations to the City Council for the location of new sidewalks. This Supplemental Sidewalk System Map was adopted by attached Resolution R-08-3031 on November 18, 2008. The map identified specific locations

where sidewalks were to be constructed. The map included six categories for construction:

- Required Sidewalks (between 4' and 6')
- Existing and Proposed Trails (between 8' and 12')
- Cotton Belt Trail (10' wide connecting Grapevine and Hurst)
- Private Walking Paths (May be any size)
- Sidewalks NOT required
- Escrow Option for Sidewalk

In 2009, City Council approved the creation of six sidewalk districts, in order to better utilize the escrowed sidewalk funds by the adoption of Ordinance O-09-1712 (attached). All property owners, who previously escrowed funds for sidewalk construction, were notified and advised that these districts were being created and that the escrowed funds may or may not be used to construct a sidewalk on their property, but could be constructed anywhere in the district, in which their property was located. They were also advised that their escrowed funds may or may not be returned, if requested.

The Supplemental Sidewalk System Map that was adopted in 2008 did not take into consideration constructability issues, such as bar ditches in the right-of-way or the lack of adequate right-of-way. On February 7, 2012, City Council approved attached Resolution R-12-3464, which renamed the Colleyville Sidewalks and Trails Committee to the Colleyville Sidewalks Committee, and established criteria to be followed by the Colleyville Sidewalks Committee in developing recommendations for the location of new sidewalks."

The presentation and discussion then progressed to the concept of a "Walkable Community". The discussion revolved around the meaning of that term and what it specifically meant in Colleyville. Several different scenarios were presented and discussion ensued about how those scenarios should be handled in regard to the construction of sidewalks. Staff was given the direction that Colleyville wanted a walkable community, a sidewalk policy that was equitable for all parties, a sidewalk policy that allowed staff consideration of escrow based on connectivity, constructability, and cost, and a transparent sidewalk policy that was consistently applied.

Staff has worked to develop a proposed draft sidewalk policy and procedure that follows the direction that was received during the worksession. The draft policy statement was presented to the Colleyville Sidewalks Committee on December 10, 2013. The Colleyville Sidewalks Committee recommended the following with the addition of some language that has been added to the policy statement that is presented for City Council consideration. The proposed policy statement is as follows:

WHEREAS, It is the desire of the citizens of Colleyville to have a walkable community; and

WHEREAS, Sidewalks and trails are an inherent part of a walkable community; and

WHEREAS, Sidewalks are to be constructed in conjunction with any new development, both residential and non-residential; and

WHEREAS, Circumstances may exist wherein it is not practical to construct a sidewalk; and

WHEREAS, When such circumstances exist, the developer may be afforded the opportunity to escrow funds in an amount sufficient to pay for the construction of a sidewalk at some future date; and

WHEREAS, The criteria for determining whether or not funds may be escrowed shall be the criteria set forth in Resolution R-12-3464, specifically:

- a. Connectivity where gaps exist within neighborhoods and to destinations (businesses, schools, City parks, trailheads, etc.)
- b. Constructability (not where future improvements would result in sidewalks having to be reconstructed)
- c. Cost

WHEREAS, Issuance of a building permit is contingent on the written commitment of the applicant to construct a sidewalk or pay the required escrow amount.

Staff will present more details on the proposed sidewalk procedures during the Pre Council presentation and will seek guidance from the City Council.

Attachments

1. Discussion of Sidewalk Policy Presentation
2. Draft Policy Statement
3. Sidewalk Construction Acknowledgement and Escrow Request Form Draft
4. Review Process Draft
5. Ordinance O-00-1214
6. 2005 Colleyville Pathways Plan
7. Resolution R-08-3031
8. Supplemental Sidewalk System Map - 2008
9. Ordinance O-09-1712
10. Colleyville Sidewalk Escrow District Neighborhoods - 2009
11. Resolution R-12-3464



Discussion of Sidewalk Policy

Pre Council
January 7, 2014



Proposed Policy Statement

Draft Policy Statement

WHEREAS,

It is the desire of the citizens of Colleyville to have a walkable community; and

WHEREAS,

Sidewalks and trails are an inherent part of a walkable community; and

WHEREAS,

Sidewalks are to be constructed in conjunction with any new development, both residential and non-residential; and

WHEREAS,

Circumstances may exist wherein it is not practical to construct a sidewalk; and

WHEREAS,

When such circumstances exist, the developer may be afforded the opportunity to escrow funds in an amount sufficient to pay for the construction of a sidewalk at some future date; and

WHEREAS,

The criteria for determining whether or not funds may be escrowed shall be the criteria set forth in Resolution R-12-3464, specifically:

- a. Connectivity where gaps exist within neighborhoods and to destinations (businesses, schools, City parks, trailheads, etc.)
- b. Constructability (not where future improvements would result in sidewalks having to be reconstructed)
- c. Cost

WHEREAS,

Issuance of a building permit is contingent on the written commitment of the applicant to construct a sidewalk or pay the required escrow amount.





City of Colleyville
100 Main Street
Colleyville, TX 76034
817 - 563 - 1000

Sidewalk Construction Acknowledgement and Easement Request Form

(Please print clearly)

Part 1. Property Owner Information		Part 2. Applicant Information	
Site Street Address:		Name of Applicant:	
Name of Property Owner:		Street Address of Contractor:	
Address of Property Owner:		City / State / Zip:	
City / State / Zip:	Telephone:	Relationship to Property Owner:	Telephone:
Legal Description of Property:			

Part 3. Description of Request

Check the appropriate boxes:

☐ I plan to construct the requested sidewalk/curb/sidewalks associated with this project.
☐ Request consideration for the option for easement in lieu of construction if the proposed sidewalk/curb/sidewalks are required prior to the issuance of any permits.

Description or justification for the easement request:

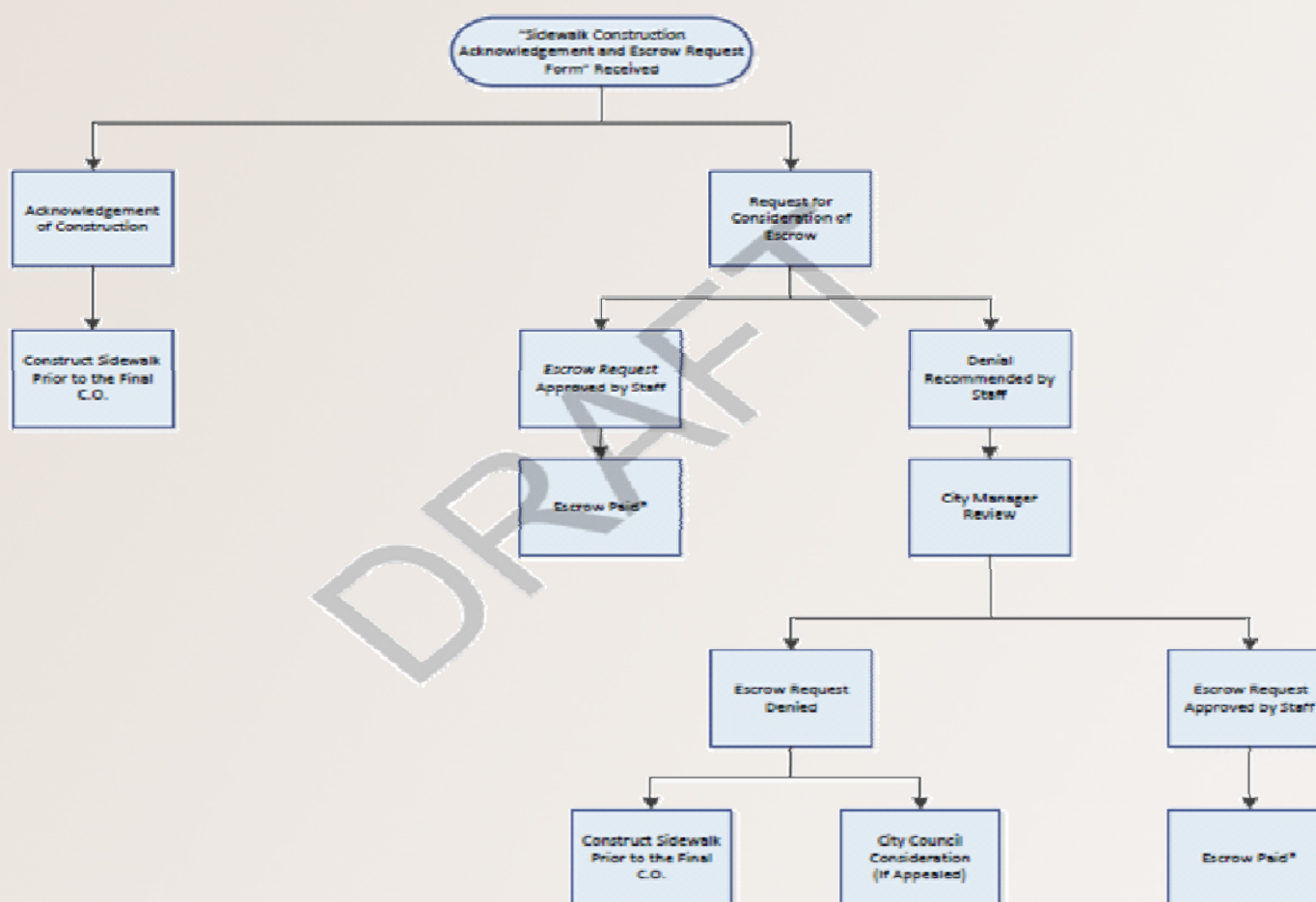
☐ There is a drainage ditch where the sidewalk should be placed.
☐ My neighbor's hood is older and does not have sidewalks.
☐ I prefer not to construct the sidewalk.
☐ Other _____

Description (Provide any additional information that you would like considered for your request):

Date: _____
Signature (Applicant): _____

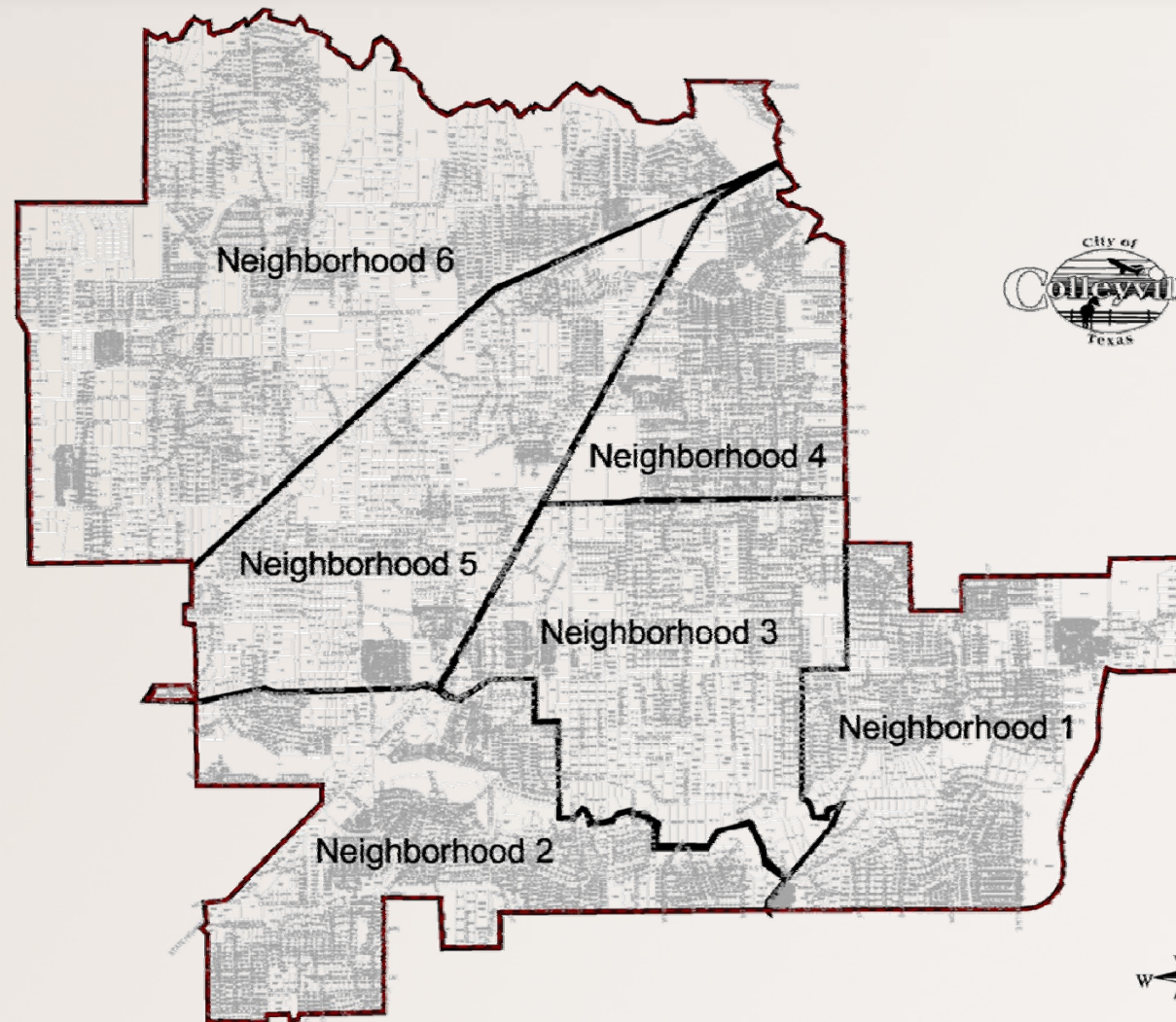
Part 4. For Office Use Only				
Reviewed By: _____ P.W. Dept.	Staff Recommendation Easement Option Approved: ☐ Yes ☐ No ☐ N/A	City Manager Review: *only necessary for street ☐ Yes ☐ No	Easement Amount: \$ _____	Receipt Number: _____
Comments & Special Conditions:				
Distribution:				
☐ CIP ☐ Property Owner ☐ Applicant				

Proposed Review Process



*Escrow to be paid in lieu of construction; however, construction of sidewalk remains an option

Escrow





Next Steps...

- If City Council chooses to pursue the change in policy per the recommendation of the Colleyville Sidewalks Committee, staff will work to finalize the new policies and procedures and will present them at a future City Council meeting for adoption

Draft Policy Statement

- WHEREAS,** It is the desire of the citizens of Colleyville to have a walkable community; and
- WHEREAS,** Sidewalks and trails are an inherent part of a walkable community; and
- WHEREAS,** Sidewalks are to be constructed in conjunction with any new development, both residential and non-residential; and
- WHEREAS,** Circumstances may exist wherein it is not practical to construct a sidewalk; and
- WHEREAS,** When such circumstances exist, the developer may be afforded the opportunity to escrow funds in an amount sufficient to pay for the construction of a sidewalk at some future date; and
- WHEREAS,** The criteria for determining whether or not funds may be escrowed shall be the criteria set forth in Resolution R-12-3464, specifically:
- a. Connectivity where gaps exist within neighborhoods and to destinations (businesses, schools, City parks, trailheads, etc.)
 - b. Constructability (not where future improvements would result in sidewalks having to be reconstructed)
 - c. Cost
- WHEREAS,** Issuance of a building permit is contingent on the written commitment of the applicant to construct a sidewalk or pay the required escrow amount.

City of Colleyville
100 Main Street
Colleyville, TX 76034
817 - 503 - 1090

**Sidewalk Construction Acknowledgement
and Escrow Request Form**
(Please print clearly)

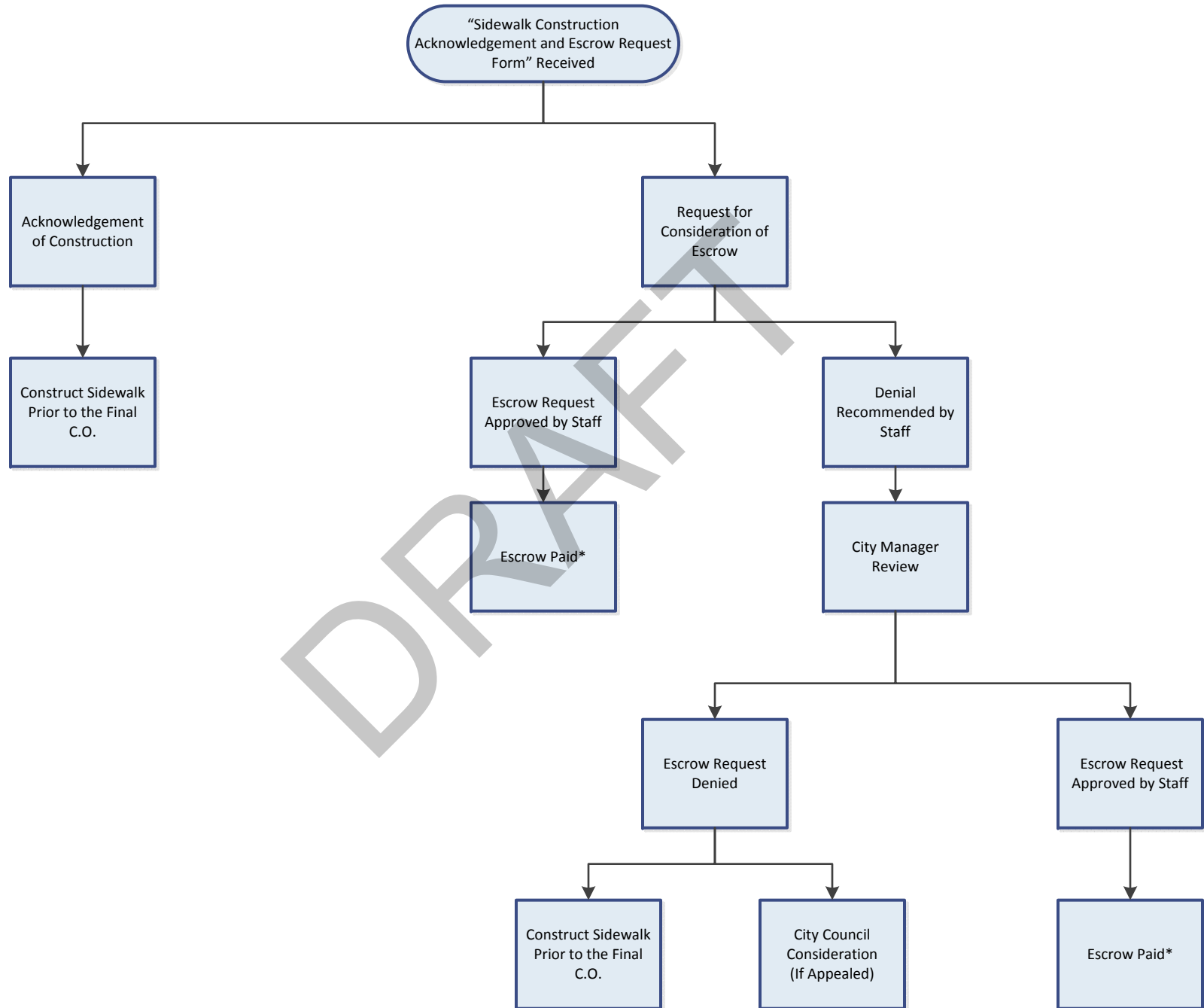


Part 1. Property Owner Information		Part 2. Applicant Information			
Site Street Address:		Name of Applicant			
Name of Property Owner:		Street Address of Contractor:			
Address of Property Owner:		City / State / Zip:			
City / State / Zip:	Telephone:	Relationship to Property Owner:	Telephone:		
Legal Description of Property:					
Part 3. Description of Request					
Check the appropriate boxes:					
☐ Plan to construct the required sidewalks/trails associated with this project					
☐ Request consideration for the option for escrow in lieu of construction (I understand payment of escrow is required prior to the issuance of any permits)					
Description or justification for the escrow request:					
☐ There is a drainage ditch where the sidewalk should be placed					
☐ My neighborhood is older and does not have sidewalks					
☐ I prefer not to construct the sidewalk					
☐ Other _____					
Description (Provide any additional information that you would like considered for your request):					

Date: _____					
Printed Name (Applicant): _____ Signature (Applicant): _____					
Part 4. For Office Use Only					
Reviewed by: _____ P.W. Dept.	Staff Recommendation Escrow Option Approved: ☐ Yes ☐ No ☐ NA	City Manager Review* *only required for denial ☐ Yes ☐ No	Escrow Amount: \$ _____	Receipt Number: _____	Date Escrow Paid _____
Comments & Special Conditions: _____					

Distribution:					
☐ CRW					
☐ Property Owner					
☐ Applicant					

Proposed Sidewalk Process



*Escrow to be paid in lieu of construction; however, construction of sidewalk remains an option

ORDINANCE O-00-1214

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF COLLEYVILLE, TEXAS, BY ADOPTING AND ENACTING A LAND DEVELOPMENT CODE FOR THE CITY OF COLLEYVILLE, TEXAS; PROVIDING FOR THE AMENDING OF CERTAIN ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING PUBLICATION.

WHEREAS, the City Council has determined the need to consolidate the Zoning Ordinance, Subdivision Ordinance, Tree Preservation Ordinance, and Impact Fee Ordinance, by establishing a Land Development Code as Chapter 78 of the Code of Ordinances for the purpose of coordinating development policies of the City of Colleyville; and

WHEREAS, the Texas Local Government Code requires public hearing prior to the adoption of subdivision, zoning and impact fee regulations; and

WHEREAS, the Colleyville City Charter requires a public hearing prior to adoption of any ordinance; and

WHEREAS, notice of a hearing before the Planning and Zoning Commission was published in a newspaper of general circulation in Colleyville at least 15 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, the Planning and Zoning Commission has held a public hearing for the purpose of adopting a Land Development Code and has forwarded its report and recommendations to the City Council for consideration; and

WHEREAS, the City Council has received the report and recommendations of the Planning and Zoning Commission and held the required public hearings to receive citizen comment.

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

Sec. 1. THAT Chapter 78 of the Code of Ordinances, City of Colleyville, Texas, is hereby amended to read as shown in the document entitled Land Development Code of the City of Colleyville, Texas, a copy of which is attached as Exhibit "A",

- Sec. 2. THAT Ordinance O-77-248, the Zoning Ordinance of the City of Colleyville, Texas, as amended, is hereby amended and replaced by the adoption of the Land Development Code.
- Sec. 3. THAT Ordinance O-91-812, the Sign Code of the City of Colleyville, Texas, as amended, is hereby amended and replaced by the adoption of the Land Development Code.
- Sec. 4. THAT Ordinance O-93-900, the Tree Preservation Ordinance of the City of Colleyville, Texas, as amended, is hereby amended and replaced by the adoption of the Land Development Code.
- Sec. 5. THAT Ordinance O-95-1004, the Water, Wastewater and Roadway Impact Fee Ordinance of the City of Colleyville, Texas, as amended, is hereby amended and replaced by the adoption of the Land Development Code.
- Sec. 6. THAT the rules, regulations, and procedures contained in the document entitled Land Development Code of the City of Colleyville, Texas, a copy of which is attached as Exhibit "A" shall be applicable to all development within the City from and after the date of approval of this ordinance.
- Sec. 7. THAT it is hereby declared to be the intention of the City Council of the City of Colleyville, that the sections, paragraphs, sentences, clauses and phrases of this Land Development Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Land Development Code shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Land Development Code since the same would have been enacted by the City Council without the incorporation in this Land Development Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.
- Sec. 8. THAT any person, firm or corporation violating any fire safety, zoning or public health and sanitation provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00). For violations of all other provisions, the fine shall not exceed Five Hundred Dollars (\$500). Each day that any violation of this ordinance shall continue shall constitute a separate offense and shall be punishable as such.
- Sec. 9. THAT this ordinance shall become effective upon passage.
- Sec. 10. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

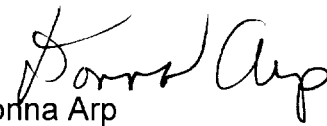
The first reading and public hearing being conducted on the 4th day of April, 2000.

The second reading and public hearing being conducted on the 18th day of April, 2000.

ATTEST:


Jean Harris, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE:


Donna Arp
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

Colleyville Pathways Plan September - 2005



Adopted October 18, 2005 – Resolution R-05-2609



An Update to the 1998 Colleyville Pathways Plan – A Citywide System

RESOLUTION R-05-2609

**A RESOLUTION ADOPTING THE "COLLEYVILLE PATHWAYS PLAN", DATED
SEPTEMBER 2005, TO BE USED AS THE GUIDE FOR FUTURE TRAIL AND
SIDEWALK PROJECTS IN COLLEYVILLE**

WHEREAS, the City Council of the City of Colleyville desires to update the 1998 Colleyville Pathways Plan to reflect changing conditions that have occurred in the community; and

WHEREAS, the Colleyville Sidewalk Committee has reviewed the document and forwarded a recommendation to the Colleyville Parks and Recreation Advisory Board; and

WHEREAS, a public hearing has been held by the Colleyville Parks and Recreation Advisory Board to receive citizen comments: and

WHEREAS, the Colleyville Parks and Recreation Advisory Board has forwarded a recommendation to the City Council for adoption of the final draft of the Colleyville Pathways Plan, dated September 2005.

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

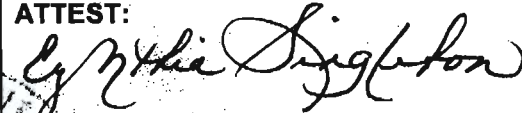
Sec. 1. THAT the document entitled "Colleyville Pathways Plan", dated September 2005, is hereby adopted.

Sec. 2. THAT the Colleyville Pathways Plan, dated September 2005, shall be used as a guide for future development of public trails and sidewalks in Colleyville.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF 5 AYES, 0 NAYS AND 0 ABSTENTIONS ON
THIS THE 18th DAY OF October 2005.

ATTEST:

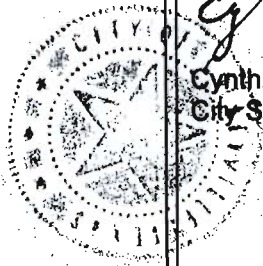


Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor



Colleyville Pathways Plan

A Citywide System

Adopted October 18, 2005 – Resolution R-05-2609

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Colleyville Pathways Plan

A Citywide System

Acknowledgements

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Jon Ayers, Mayor Pro Tem
Tom Hart, Place 5

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Colleyville Pathways Plan - 2005
An Update to the 1998 Citywide System Plan

Colleyville Pathways Plan

A Citywide System

INTRODUCTION AND BACKGROUND

On September 15, 1998, the City Council approved Resolution R-98-1414, which adopted the document *Colleyville Pathways: A Citywide System*, prepared by Bowman-Melton Associates, Inc., and established a plan for the long-range development of a sidewalk and trail system for the community. The 1998 plan represented one of the first efforts to develop a city-wide trail system that was configured specifically to coordinate with the network of neighborhood sidewalks in order to provide pedestrian connections with schools, parks and commercial centers.



Over the past seven years since the adoption of the 1998 plan, there have been a number of segments of new sidewalks and trails constructed in the community. In certain locations, these new trail and sidewalk segments have been constructed due to new residential and commercial developments that were required by codes and ordinances to construct new portions of these facilities adjacent to the new developments. Additionally, the City of Colleyville has constructed a number of sidewalks and trails in various locations around the community in response to neighborhood concerns for pedestrian traffic, particularly in those areas where school children walk to nearby school facilities. These sidewalk and trail facilities were constructed using funds available as a part of the City's annual budgeting process or through special project funding that was provided by the City Council.

During the latter part of 2004, it became apparent that an update to the 1998 plan was needed to address new locations where future trail segments should be constructed in areas that were not originally identified in the 1998 plan and to evaluate the list of recommended sidewalk improvements. New and additional sidewalk and trail routes have become necessary as a result of changing conditions, such as unanticipated residential developments that have occurred or due to overall planning policy revisions associated with the adoption by the City Council of the 2004 Colleyville Master Plan.

GOALS AND OBJECTIVES

The two primary goals of the 2005 Colleyville Pathways Plan are to (1) identify the future trail network that will serve pedestrians, bicyclists, and other trail users within the various neighborhoods of Colleyville, and (2) to provide connecting sidewalk links between neighborhood schools and the trail network. Those potential trail routes previously identified in the 1998 plan have been re-evaluated and revised where applicable based on current information. The 2005 Colleyville Pathways Plan will be used as a guide by the community for advising developers of future trail routes that may be required by new developments. The plan will also be used to identify high priority sidewalk segments that are needed to provide safe access to all of the school facilities in the community.

Through the use of this document, it is anticipated that local officials will be able to ensure the future availability of trail and sidewalk connections from residential neighborhoods to local schools, parks, and other key destinations within the community, such as shopping areas, work centers, or for recreational purposes.

This plan will also serve to coordinate trail projects which cross city boundaries, such as the Cottonbelt Trail, which continues through Hurst and North Richland Hills to the southwest and through Grapevine to the northeast, further enhancing recreational opportunities for trail users in Northeast Tarrant County. Additional opportunities exist for connecting Colleyville's trail system with trails planned in the cities of Euless, Keller and Southlake.

The purpose of this document is to supplement the 1998 plan, not to replace it. This document represents an effort to update the 1998 plan by incorporating those additional sidewalk and trail segments that have been completed and to identify those new locations where trail routes and sidewalk facilities are proposed in order to meet the overall objective of establishing a trail and sidewalk system network that serves the entire community.



SCOPE OF WORK AND METHODOLOGY

Project Team

In the fall of 2004, City staff determined that the most cost effective method for updating the 1998 Colleyville Pathways Plan was through the use of current staff to perform the necessary tasks, rather than the expenditure of funds to employ a private sector consultant. Initially, the reduced cost of using City staff to update the plan provided a definite advantage over the hiring of a consultant, since available funding for a private sector consultant was limited. It was felt that the local knowledge and on-site resources available from senior City staff-members would also produce a superior planning document over one prepared by an out of town consultant. The project planning team consisted of representatives from the Parks and Recreation Department, Engineering Department, Community Development Department and the City Manager's Office.

The initial effort consisted of determining a scope of work. Subsequently, a planning schedule was prepared and work elements assigned to the various team members. The team began the process by reviewing related documents, such as the 1998 trail plan, Colleyville Comprehensive Parks and Recreation Open Space Master Plan and the 2004-2025 Comprehensive Master Plan. Additionally, reviews of trail system plans from other communities were conducted, which provided further information on trail system development proposals.

Sidewalk and Trails Inventory

An updated inventory of the existing system of sidewalks and trails was made as a part of this update effort. Engineering Department and Community Development Department staff conducted a field survey to update the inventory of sidewalks and trails. From field observations and review of trail resources, the team added new trails and ideas to the plan. Shown on Table 1, *Existing Colleyville Trails* is a list of the updated existing trails system. These facilities are shown graphically on the Trails and Sidewalks System Map contained in the Appendix section of this report.

The project planning team subsequently completed an on-site review and evaluation of each of the future trail routes identified in the 1998 Colleyville Pathways Plan. Where appropriate, minor adjustments to the trail system plan were made based on the additional input from the on-site evaluations. Staff also met with the Colleyville Sidewalk Committee to obtain input on recommended sidewalks to complete the pedestrian network serving the community.



Citizen Participation and Priority Setting

An important element of the pathways planning effort is the inclusion of input from the public regarding the needs for future sidewalks and trails. Upon completion of the initial draft document, the planning team met on several occasions with the Colleyville Sidewalk Committee to solicit comments on the proposed plan update, particularly regarding the minor changes to the 1998 plan that have been incorporated into the final report of the 2005 update. Additionally, the planning team met with the Colleyville Parks and Recreation Advisory Board to obtain comments and input regarding the plan and to discuss how the plan coordinated with the overall park and recreation planning efforts for the future. The public hearing was also held during the Parks and Recreation Advisory Board meeting.

Finally, the plan was presented to the City Council for consideration and adoption as the official pathways planning document for the City of Colleyville.

During the development of the 1998 Colleyville Pathway Plan, the various trail segments comprising the future trail network were ranked and prioritized according to a logical plan for implementation. The proposed trails contained in this updated plan have retained their numerical ranking in order to provide continuity with the 1998 Colleyville Pathway Plan. New trail segments that were not on the 1998 Colleyville Pathway Plan have been placed at the bottom of the priority order. The Trails and Sidewalks System Map, contained in Appendix A, illustrates the general location of each trail segment. Proposed future trail segments have been assigned a numerical identifier, while existing trail segments are noted with alphabetical characters. The numbers assigned to the various trail segments corresponds to the numerical identifier affixed to the applicable section shown in the 1998 Pathways Plan.

A complete system-wide evaluation matrix is reflected in Appendix B. Each trail is listed by a priority and also includes a cost estimate for the trail. Priorities can be adjusted as deemed necessary for needs of the updated plan. Contained in Table 3 is an analysis of recommended sidewalk segments that have been reviewed and proposed by the Colleyville Sidewalk Committee.

EXISTING TRAIL AND SIDEWALK SYSTEM RESOURCES

The pathway system in Colleyville basically consists of a citywide network of sidewalks and trail facilities for pedestrians, including additional park trails. The majority of the sidewalks in Colleyville are located within residential subdivisions, and in most cases the sections of sidewalk within each development were constructed along the street frontage at the time the home was built on the lot. Most of these sidewalks are four feet in width, which is the minimum standard in Colleyville for a residential sidewalk. Sidewalks are generally constructed within the public street right-of-way, but situated immediately adjacent to the residential property line, which places the sidewalk as far from the actual street pavement as possible and thereby improving pedestrian safety for those using the sidewalk.



Occasionally, it becomes necessary to place a sidewalk immediately adjacent to the curb due to narrow parkway widths or due to some other development constraint. This usually occurs when no provision for a sidewalk was incorporated into the development, which is the case in many older neighborhoods constructed prior to the time when sidewalks became a requirement of a new development. When a sidewalk is constructed immediately adjacent to the curb, the sidewalk is widened to five feet to provide a wider pedestrian traveling lane and to minimize safety concerns.

In recent years, there has been some construction of concrete trail segments in various locations around the community. Trail segments are typically eight or ten feet in width. Colleyville offers a variety of existing trails that are accessible to many areas, but the trail network is largely incomplete and the lack of continuity is a problem for most trail users.

Hike and bike trails are high priorities for the citizens of Colleyville, according to the Comprehensive Parks and Recreation Open Space Master Plan. Furthermore, during the development of the 2004 Comprehensive Master Plan the City held a series of neighborhood meetings which confirmed the widespread community support that exists in Colleyville for completion of the trail system, including the provision of sidewalk access to the various neighborhood schools in Colleyville. Virtually every neighborhood in Colleyville identified the need to have trail connectivity with other neighborhoods and with the overall trail and sidewalk network. It is essential to implement this updated plan for the benefits of the citizens of Colleyville.

Over the past seven years, there has been a large amount of linear footage of sidewalks constructed in Colleyville since the previous Colleyville Pathways Plan was approved in 1998.

Those sidewalks that currently exist are identified on the Trails and Sidewalks System Map, contained in Appendix A.

There have also been considerable segments of the trail network constructed over the past seven years. Many portions of the trail system constructed in Colleyville in the past have generally been built as a result of new development, which has occurred through the application of the Colleyville Land Development Code. Some segments of the existing trail network have also been constructed using funds from the Parkland Dedication Fund.

In some locations, existing subdivision sidewalks have been incorporated into the trail network, which has received continued local resident support, as expressed at various neighborhood meetings and public hearings associated with new residential development proposals. In some cases, the alignment of the future trail network is not specifically identified due to inaccessibility or the absence of adequate trail right-of-way. For example, choices will need to be made in the future as development occurs as to which side of a collector roadway or creek channel will accommodate a trail segment.

The existing trail system is represented on the Trails and Sidewalks System Map with a solid dark blue line. At the present time, there are twenty-seven trails, both public and privately owned, totaling approximately 22 miles, which have been identified in this plan and are shown in the following Table 1.

TABLE 1 – EXISTING COLLEYVILLE TRAILS

REF*	DESCRIPTION	PUBLIC OR PRIVATE	LENGTH	TRAIL CONNECTIONS AND KEY ATTRIBUTES
A	Schoolyard Shortcut	Public	0.04 mile	Colleyville Elem. and Middle School-north access
B	Colleyville City Park paths	Public	1 mile	access to central city-wide recreation area
C	Sparger Park trails	Public	0.5 mile	key east/west linkage along Little Bear Creek
D	Colleyville Nature Center	Public	3.5 miles	combination of concrete and natural surface trails
E	Chisholm Park pathway	Public	0.04 mile	access to Bedford's Chisholm Park
F	Kimzey Park loop	Public	0.25 mile	City Park recreational loop path
G	McDonwell School Road trail	Public	0.8 mile	trail connects subdivisions along McDonwell School Road to the new Keller Elementary School
H	Cottonbelt Trail Phase I	Public	2.3 miles	along former Cottonbelt RR, from Bettinger to John McCain
I	Pleasant Run soccer walk	Public	1 mile	access to major youth recreation area
J	Tara Plantation trails	Private	1.5 miles	key east/west link
K	Lakes-of-Somerset trail	Private	1 mile	Sparger Park access will require bridge
L	Monticello Lake loop	Private	0.25 mile	subdivision recreational trail
M	Big Bear Creek Monticello trail	Private	1 mile	subdivision recreational trail
N	Pebble Hill Lake loop	Private	0.5 mile	subdivision recreational loop path
O	Heritage Colony loop	Private	0.25 mile	subdivision recreational loop path
P	Thornbury Clubhouse loop	Private	0.5 mile	subdivision recreational path
Q	Brook Meadows path	Private	0.5 mile	subdivision recreational path
R	Woodland Hills/Melrose loop	Private	1 mile	subdivision recreational path
S	Woodland Hills/Windsor loop	Private	0.5 mile	subdivision recreational path
T	Woodland Hills/Pembrook twin trails	Private	1.25 miles	subdivision recreational path
U	Heritage School street scape	Public	0.5 mile	wide sidewalk access for Heritage School complex
V	Shalimar Pathway	Public	0.33 mile	subdivision recreational path
W	Timmaron Pathway	Private	1.5 miles	subdivision recreational path
X	Monterra Pathway	Private	0.5 mile	subdivision recreational path
Y	Summertree Pathway	Private	0.5 mile	subdivision recreational path
Z	Remington Pathway	Private	0.5 mile	subdivision recreational path
AA	Emerald Park Pathway	Private	0.4 mile	subdivision recreational path

* Noted on Trails and Sidewalks System Map, referenced by the alphabetical characters indicated

Existing sidewalk facilities

During the early phases of this pathways plan update; City staff completed an inventory of the sidewalk system that existed in the community on May 1, 2005. Field surveys of new subdivisions were conducted and the sidewalks noted on a map. Homes within a subdivision under construction at the time the survey was completed were considered to have a completed sidewalk and noted on the existing sidewalk inventory map. Where an individual new home was under construction that was not part of a multi-lot subdivision, staff reviewed building permit records to determine if a sidewalk would be constructed or if funds for the future sidewalk construction had been placed in escrow. The existing sidewalks are shown on the Trails and Sidewalks System Map contained in Appendix "A" of this report.

Creek Corridors

Colleyville is situated within the drainage basins of Big Bear Creek and Little Bear Creek. Both of these tributaries generally extend from west to east and eventually drain into the West Fork of the Trinity River. Big Bear Creek forms the northern boundary of Colleyville, while Little Bear Creek is located in the southern portion of the city.

Both of these two major drainage channels contain designated 100 year flood areas and due to development restrictions imposed by the Federal Emergency Management Administration (FEMA), development is highly limited to prevent property damage from flooding. Within the primary floodway, for example, no development can occur. The floodway is intended to remain open to accommodate the main flow of flooding run-off. However, portions of the flood-plain, the area situated outside of the primary floodway but within areas that may periodically become inundated, may be reclaimed with fill material.

Little Bear Creek and Big Bear Creek are two significant creeks that offer tremendous potential for extension of the trail system and would provide an excellent natural atmosphere for recreational walking, jogging and bicycling. The precise location of trail facilities within flood prone areas requires special consideration for erosion, maintenance and safety issues.

Considerable portions of the flood plain of Little Bear Creek and Big Bear Creek are in private ownership and will require coordination with property owners to obtain public access easements or trail right-of-way through these areas. However, the two major creek facilities can be viewed as major opportunities in the future to tie into trail connections for the Cottonbelt Trail.

City-owned property

There are trail opportunities within close proximity to L.D. Lockett House, Little Bear Creek, Big Bear Creek, Sparger Park and the Colleyville Nature Center.

SYSTEM DEVELOPMENT ISSUES

Trail Planning Objectives

Typically, the layout of a trail system within a City will connect areas of concentrated populations, such as residential subdivisions, schools, economic developments, and parks. These trails make it convenient for residents to safely travel from one location to another using these systems. Major trail facilities are generally designed to be located to be between one and three miles apart with minor trails and sidewalks no more than one mile apart completing the network near schools.

Corridor Widths

Trails are located in designated areas referred to as corridors. These are typically defined by easements of widths varying from 10' to 20'. The wider the easement or corridor, the more buffers that can be created of the surrounding areas. These areas will accommodate trail networks consisting of hard surfaces, usually concrete in nature. The hard surface trails require less maintenance and can accommodate emergency vehicles.

Trail Development Along Creeks

The City of Colleyville has two major creeks that meander through the City. Little Bear Creek is located on the southern part of the City and flows west to east from North Richland Hills to Euless. Big Bear Creek serves as the northern border between Colleyville and Southlake. These creeks can provide a natural laboratory of wildlife and aquatics. They can also link major population nodes by using the creek as a natural corridor for the trail systems.

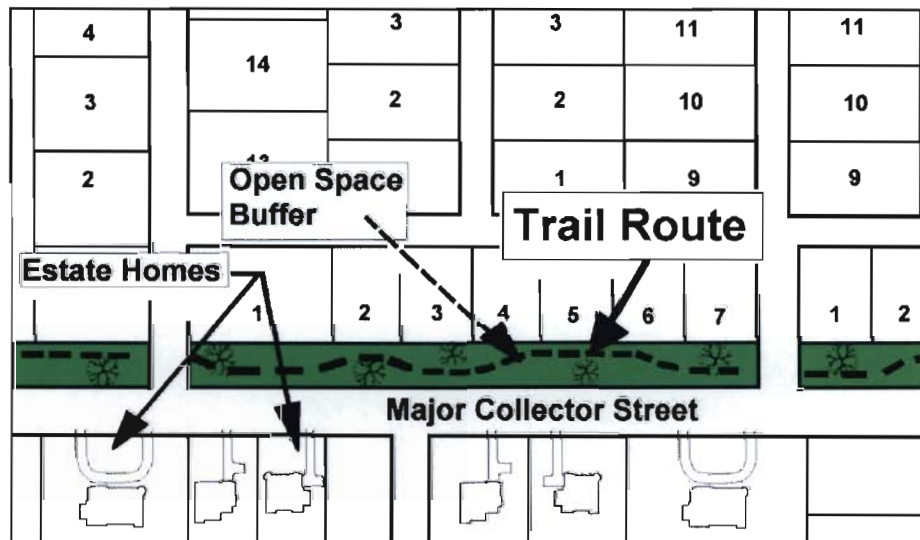
Trails along the creeks can also be useful as maintenance access points. Creek cleanup and erosion protection are byproducts of good planning and design. They also enhance the creek corridors by accommodating people, wildlife and trees.

Incorporating Existing Trails in Established Subdivisions

A consistent theme among the citizens in Colleyville is the theory of connecting neighborhoods by using the Little Bear Creek corridor. This would also serve as a connection to the citywide trail network. A careful and strategic plan of cooperation will be required by the citizens to be able link the currently developed areas with each other. Also crucial are the lands that are not publicly owned or managed. At several locations, these areas are critical for linkage to neighborhoods and the overall trail network.

Guidance for Land Developers

When planning residential and commercial developments, land planners, developers and engineers need to be very aware of the current park master plan. Connectivity to these new developments should be addressed early on in the planning and design process. Coordination with city staff is critical to the success of the trail network.

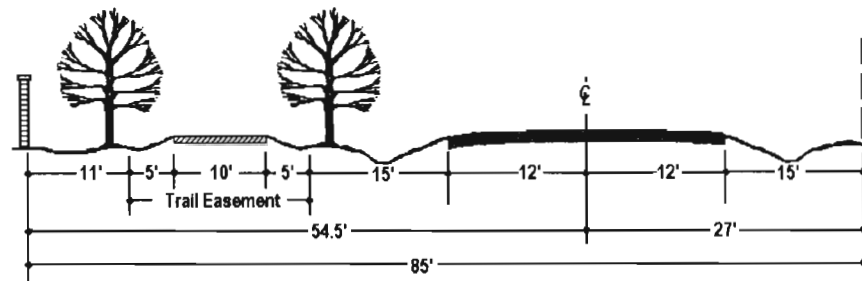


Integrating Trails with the Street and Sidewalk System

Trails, at several locations throughout the City, will end at major roadways. Special consideration will need to be made to safely design these connection points. The trail plan provides access to all city parks and facilities. The construction of sidewalks along these major roadways will help with the connectivity of the network. Where possible, trails should be safely designed into new projects where adequate right of way is available.

The safest points of crossing are areas located at intersections where traffic has to stop in all directions. This provides the safest and most predictable movements of both vehicles and pedestrians.

Sometimes, it is not feasible to have trail crossings at intersections. In this case, mid block crossings would be required. The crossings need to be located in areas where the unobstructed site distances are greater than 200' in each direction. Proper signage and lighting is crucial to the safety of the citizens using these crossings.



Typical Rural Roadway Cross-Section with Trail Pathway

At-Grade Crossings for Pathways and Trails

Where trails and roads intersect, at-grade crossings are needed. Key crossings will be located on SH26. These conflict points need to be designed to safely move pedestrians across large roadways. Signage, lighting, and striping will be critical in the project designs. There is currently planned to have two below-grade lighted crossings at both Little Bear Creek and Big Bear Creek. Both will be funded by TxDOT.

Signage and Trail Amenities

The addition of signage to a trail route greatly enhances the interest and enjoyment of using a trail, not to mention improving trail safety for those using the trail. Trail signage comes in many forms, such as trailhead and junction signs, which are used to identify trail names, directions, destinations, and distances.

Adopting a uniform trail signage design within a community helps to quickly recognize the trail system in all parts of the community. Naming a trail route that has unique and interesting characteristics is another opportunity to generate interest in the trail by applying a customized trail marking system that promotes the unique features of a trail.



There are a number of choices to consider when selecting the materials to be used for a trail signage system. The most typical trail signage system is a routed wood sign, which is usually mounted on a wooden pole. Wooden trail signs appear more natural than metal signs. However, wooden signs require more maintenance than do metal signs.

Consideration should be given to provide certain amenities along trail routes or at significant trail junctions. Amenities include benches, restroom facilities and workout stations. The Colleyville trail system contains a large amount of long distance trail segments where the addition of benches would add benefits to the trail user.

Trail User Safety and Security Concerns

One of the greatest concerns of the citizens is the safety of the trail layouts. Good design principles and thoughtful planning can reduce or eliminate many of these concerns.

The frequent use of trails is one of the best deterrents for crime. Little used trails could potentially be a source of concern and need to be patrolled as much as possible. This can be accommodated by volunteer groups of police bicycle patrol units. The proper care and maintenance of the vegetation adjacent to the trails also serve to reduce the potential of hiding places and help maintain long sight lines for users. This will help create a sense of safety. However, it is important to maintain or establish vegetative screening to ensure privacy for nearby residents.

Signage and proper lighting are other elements that can increase security along a trail. Posting trail guidelines/rules at trail heads with reminders along the trail lets people know what is expected. For example, trails in an urban environment ultimately intersect and cross the public street system, creating potential safety concerns for trail users caught up in their walking or jogging routines. As the popularity of urban trail systems grows, greater emphasis is being placed on trail signage and safe street crossings. Many communities are installing signal systems, which are designed to warn oncoming vehicles that trail users are near. The design of warning and regulatory signage is very important to the safety of the trail network. The Manual of Uniform of Traffic Control Devices (MUTCD) and the ASHTO green book will serve as good resources when designing a good trail system. One should note that the use of warning signs should be kept to a minimum or they can lose their effectiveness.



Liability concerns

Liability lawsuits related to the construction of trails is rare. Although serious injuries on trails are unusual, an overriding fear of lawsuits makes liability a concern for entities that build trails. Regardless of how well a trail has been designed, there is always some risk associated with its use. Poor maintenance, management, and failure to recognize hazardous situations are typically the main cause of lawsuits.

Other citizen requests or concerns

At the public hearing held by the Parks and Recreation Advisory Board on October 3, 2005, comments in support of the plan were presented by one citizen. One comment was presented regarding the erosion of a private trail in the Tara subdivision that is created by high water along Little Bear Creek. Another citizen requested emphasis be placed on constructing a trail along Pleasant Run Road to provide pedestrian access to the Village at Colleyville.

FUTURE TRAILS NETWORK

Trail Priorities

When the fully completed trails system is completed in the future, there will be approximately 48 miles of trails that will ultimately comprise the trail network in Colleyville. In order to provide a mechanism for the orderly development of the trail system, each trail segment was prioritized in the 1998 Colleyville Pathways Plan based on the following criteria:

- Linking residential neighborhoods to parks, schools and other key destinations
- Appearing to have development potential based on topographic features
- Providing potential connections to other pathways
- Public support exists for making the corridor more accessible to foot and/or bike travel

Using the above stated criteria, trails were categorized as depicted in the Trail Corridor Evaluation Matrix contained in the Appendix portion of this document. Some trail priorities were accelerated if they serve as critical links to schools or to other higher-in-priority trails.

Trail System Descriptions

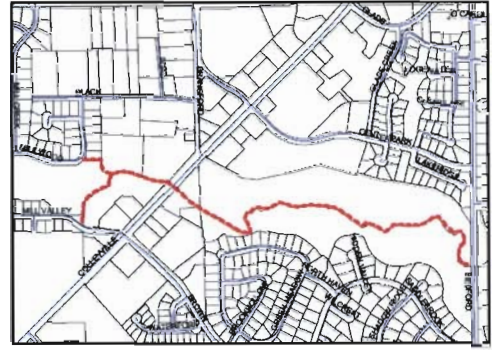
Each trail segment is named and numbered corresponding to the map, with the lower numbered projects targeted for earlier implementation. The following trail segment descriptions identify the width of the particular trail segment and its overall approximate length based on measurements obtained from City base maps. The anticipated user groups are indicated together with a brief description, including key destinations such as schools, parks, and access to other trails. Key features and locations with significant development issues are indicated where appropriate.

Also noted for each trail segment description is a comment regarding the amount of the trail segment that existed at the time the 2005 Colleyville Pathway Plan update was prepared. The following trail segment descriptions include a brief comment regarding any known major impediment for construction of each particular trail section.



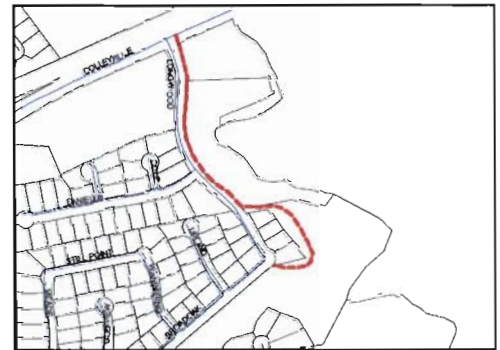
1. **Little Bear Creek Trail – West** – A 1.0-mile long, 12.5-foot wide trail. This trail links the neighborhoods surrounding Sparger Park to the Colleyville Nature Center trails (D) and to the Colleyville Boulevard commercial area.

- **Existing Trail** – no portion of this trail currently exists
- **Proposed Trail** – the proposed trail will extend along the north side of Little Bear Creek from Bedford Road to Mill Wood Drive
- **Constraints** – no right-of-way or trail easement exist, drainage, and creek erosion



2. **Longwood Trail** – A 0.4-mile long, 10-foot wide multi-use trail, which will provide access from the neighborhoods around Kimzey Park (F) to future shopping areas along Colleyville Boulevard and will provide a connection with the Cottonbelt Trail (H).

- **Existing Trail** – no portion of this trail segment currently exists. There is an existing sidewalk along the east side of Longwood Drive.
- **Proposed Trail** – the proposed trail will extend from the Cottonbelt Trailway pass underneath SH26 at the Big Bear Creek bridge and connect to the sidewalk at Kimzey Park and the internal path system within the park area
- **Constraints** – the flood prone area will present some design obstacles to prevent erosion or damage to the trail segment, but this greenbelt area situated to the east of Longwood Drive is owned by the City of Colleyville and will be capable of accommodating the route of this proposed trail section



3. **Glenhope Pathway** – A 0.2-mile long, 10-foot wide trail. This pathway enhances pedestrian safety for the Glenhope Elementary School students in the neighborhood.

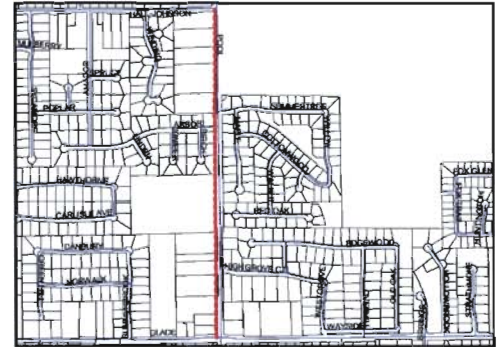
- **Existing Trail** – this trail currently exists as a 5-foot sidewalk on the west side of Pool Road
- **Proposed Trail** – the existing sidewalk would be upgraded to a 10-foot trail section in the future along the west side of Pool Road and extend between Twelve Oaks Lane and Independence Road
- **Constraints** – additional right-of-way will be required and expensive retaining walls



4. **Taylor Trail** – This trail was completed as a sidewalk.

5. **Pool Road Trail** – A 0.7-mile long, 10-foot wide trail. This trail provides a safe sidewalk environment for students of O.C. Taylor Elementary School.

- **Existing Trail** – portions of the trail route have been completed and currently exist as a sidewalk
- **Proposed Trail** – this trail will extend along the west side of Pool Road between Hall Johnson Road and Meadowview Drive
- **Constraints** – additional right-of-way may be required where existing platted developments have not taken the trail into account



6. **Colts Neck Spur Trail** – This trail has been deleted from the Trail Plan and replaced as a recommended sidewalk along Van Oaks Drive between Remington Drive and Bettinger Drive.

7. **Schoolyard Path** – A 0.7-mile long, 10-foot wide trail from Pleasant Run Road, through the campuses of both the Colleyville Middle School and Elementary School, connecting with Colleyville Boulevard.

- **Existing Trail** – no portion of this trail currently exists
- **Proposed Trail** – the proposed trail will require coordination with GCISD
- **Constraints** – right-of-way along Pleasant Run Road will have to be obtained, drainage issues, GCISD approval needed, pedestrian crossing at railroad will be needed



8. **Glade Road Pathway** – A 4.7-miles long, 10-foot wide trail.

- **Existing Trail** – various small segments of this trail currently exist
- **Proposed Trail** – this trail will extend along the north side of the Glade Road right-of-way from the Madison Place Addition at the western city limits to SH121 at the eastern city limits
- **Constraints** – creek crossings, tree removal, retaining walls, and insufficient right-of-way



9. **Cheek Sparger West Pathway** – A 0.9-mile long, 10-foot wide trail. It also will provide access to Sparger Park via the existing Tara Plantation Trails (J).

- **Existing Trail** – a small segment of the trail exists from Brown Trail to Steeplechase Drive
- **Proposed Trail** – this trail will extend between Colleyville Boulevard and Bedford Road
- **Constraints** – drainage, tree removal and additional right-of-way needed



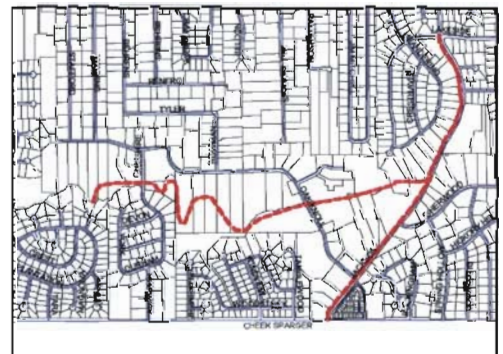
10. **Webb House Crossing** – A 0.11-mile long, 10-foot wide trail that provides safer pedestrian crossing of the railroad tracks along this busy roadway.

- **Existing Trail** – no portion of this trail currently exists
- **Proposed Trail** – this trail along the west side of Bransford Road provides a connection with the Cottonbelt Trail
- **Constraints** – costs associated with providing a rail crossing



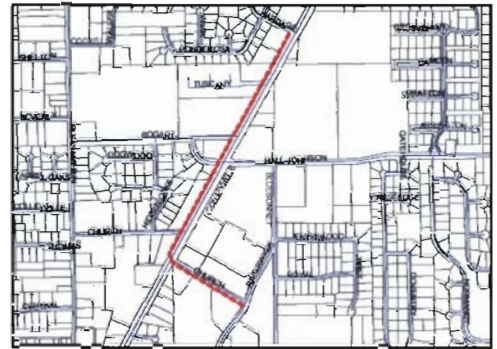
11. **Little Bear Creek Trail – East** – A 1.6-miles long, 10-foot wide trail.

- **Existing Trail** – no portion of this trail currently exists
- **Proposed Trail** – this trail will extend from the northeast corner of the existing Tara Plantation to Jackson Road. At Jackson Road, the trail will extend to Cheek Sparger Road to the south and to existing sidewalk system, located to the north at Lakeside Drive. The primary destination of this trail segment is to provide pedestrian access to Sparger Park.
- **Constraints** – no right-of-way exists for this trail, 100 year flood plain will require consideration to prevent erosion of the trail, tree removal and retaining walls needed.



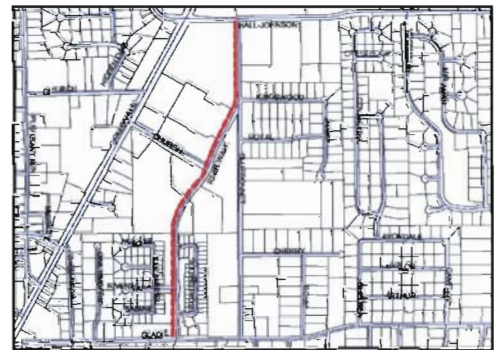
12. **Church Street Greenwalk** – A 0.9-mile long, 12.5-foot wide trail. This trail provides student access to Colleyville Elementary and Middle Schools, and the commercial district along Colleyville Boulevard.

- **Existing Trail** – a portion of this trail currently exists along the south side of Church Street adjacent to Colonial Bank and Lifetime Fitness
- **Proposed Trail** – when completed, the trail will extend from Riverwalk Drive to Colleyville Boulevard, then turn northward along the west side of Colleyville Boulevard and connect with Hardage Lane
- **Constraints** – Permitting through TXDOT along SH26



13. **Town Center Greenwalk** – A 0.7-mile long, 8-foot wide trail. This trail joins the Glade Road Path and the Church Street Greenwalk (12) and provides pedestrian access to the Colleyville Center and Colleyville Justice Center.

- **Existing Trail** – a major portion of this trail currently exists along the west side of Riverwalk Drive from Glade Road to a point just north of the intersection of Riverwalk Drive and Kingswood Lane
- **Proposed Trail** – the only portion remaining is from Kingswood Lane to Hall Johnson
- **Constraints** – none

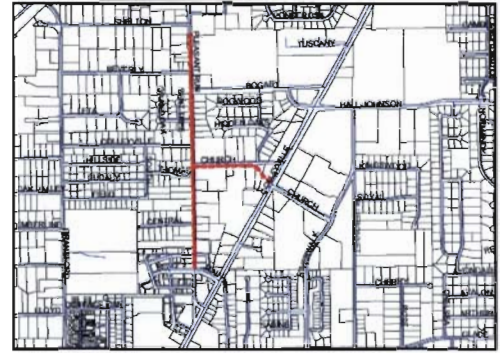


14. **Pleasant Run Pathway** – A 1.2-mile long, 10-foot wide trail, from Big Bear Creek at the north city limit to the Schoolyard Path (7) at Colleyville Middle School. The Cutter Ridge Pathway (16), the Schoolyard Path and the Cottonbelt Trail (H) also connect to this trail segment.

- **Existing Trail** – a portion of this trail currently exists as a sidewalk along the frontage of the Colleyville Soccer Fields
- **Proposed Trail** – this trail will provide connection to the Southlake trail system and provide access between Pleasant Run Park and Soccer Walks, and the Colleyville Elementary and Middle Schools
- **Constraints** – no right-of-way along Pleasant Run Road

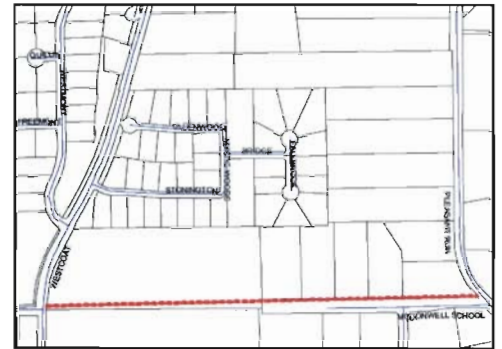


15. **Walk to City Park** – A 1.1-mile long, 12.5-foot wide trail from Colleyville Boulevard, extending westward along the south side of Church Street to Pleasant Run Road. The trail route then turns and extends both to the south and to the north along the east side of Pleasant Run Road. This trail connects with sidewalks in the Village at Colleyville and provides access to Colleyville Elementary School and Middle Schools. Access is also provided to the commercial areas of Colleyville Boulevard and to the Town Center.



- **Existing Trail** – no portion of this trail currently exists
- **Proposed Trail** – the proposed trail route will follow the realignment of Church Street on the west side of Colleyville Boulevard
- **Constraints** – drainage along Pleasant Run Road and insufficient right-of-way

16. **Cutter Ridge Pathway** – A 0.5-mile long, 10-foot wide trail. This trail will provide access to Pleasant Run Park and the practice soccer fields.



- **Existing Trail** – no portion of this trail section currently exists
- **Proposed Trail** – this trail will extend from Westcoat Drive to Pleasant Run Road
- **Constraints** – right-of-way will need to be obtained,. construction of this trail may occur as the property develops

17. **Nature Center North Trail** – A 0.9-mile long, 10-foot wide trail between the neighborhoods just south of the Cottonbelt Trailway and the trails of the Colleyville Nature Center (D). This trail provides access to the Nature Center, Bransford Elementary School, Colleyville Middle School and the West Little Bear Trail in Hurst.



- **Existing Trail** – no portion of this trail section exists
- **Proposed Trail** – this trail will connect the Nature Center with the Cottonbelt Trail
- **Constraints** – no right-of-way exists, street crossing and drainage issues

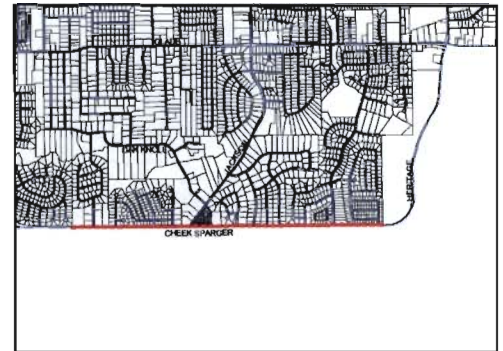
18. **Stafford Trail** – A 0.6-mile long, 10-foot wide trail. This trail will provide access between Sparger Park Trail (C) and the Colleyville Boulevard commercial areas.

- **Existing Trail** – no portion of this trail currently exists
- **Proposed Trail** – this trail will extend from from Glade Road to Little Bear Creek
- **Constraints** – no right-of-way exists



19. **Cheek Sparger East Pathway** – A 1.8-mile long, 10-foot wide trail along the north side of Cheek Sparger Road linking the southeastern segments of the Tara Plantation development, east of Bedford Road, to Heritage Avenue. There is an existing narrow trail situated on the south side of Cheek Sparger Road.

- **Existing Trail** – no portion of this trail exists
- **Proposed Trail** – this trail section will extend from Jackson Road to Heritage Avenue
- **Constraints** – Street crossings, drainage issues, and right of way will be needed at various locations



20. **McPherson Loop** – A 0.6-mile long, 10-foot wide trail around the east, north and west sides of the City-owned McPherson Dairy. The Dairy Loop also connects with the McDonnell School Road Trail, Old Grove Trail (28) and the Westmont Trail (31).

- **Existing Trail** – no portion of this trail section exists
- **Proposed Trail** – the trail will be constructed within the boundaries of McPherson Park
- **Constraints** – no known constraints



21. **Oakbrook Shortcut** – A 0.2-mile long, 8-foot wide trail, from Bridge Street that will connect with the Cutter Ridge Pathway (16).

- **Existing Trail** – no portion of this trail currently exists
- **Proposed Trail** – this trail will connect from Bridge Street to the Cutter Ridge Trail
- **Constraints** – no right-of-way exists and drainage issues



22. **L.D. Lockett House Path** – A 0.2-mile long, 8-foot wide trail extending from the Remington Park Trail (23) at L.D. Lockett Road through L.D. Lockett Park to the Cottonbelt Trailway (H).

- **Existing Trail** – *no portion of this trail currently exists*
- **Proposed Trail** – *the trail route will utilize property currently owned by the City of Colleyville*
- **Constraints** – *the 100 year flood plain will require special consideration to prevent erosion of the trail*



23. **Remington Park Trail** – A 0.6-mile long, 10-foot wide trail, extending from the inner part of the Remington Park Addition to L.D. Lockett Road and provides access to McPherson Park and the McDonwell School Road Trail via sidewalk connections within the Remington Park Development.

- **Existing Trail** – *a small portion of trail exists along the western edge of the Remington Park Addition*
- **Proposed Trail** – *the trail route will extend along the western edge of Remington Park*
- **Constraints** – *no right-of-way currently exists*



24. **Heritage Trail** – A 1.2-miles long, 10-foot wide trail. This trail will help provide a buffer between the residential area to the west and the commercial areas to the east.

- **Existing Trail** – *no portion of this trail currently exists*
- **Proposed Trail** – *the proposed trail route will extend from Glade Road to Cheek Sparger Road and will complement a future greenbelt area associated with Little Bear Creek*
- **Constraints** – *no right-of-way exists and the proposed route will require a costly creek crossing, drainage issues and retaining walls*



25. **Woodland Hills Extension** – A 0.2-mile long, 8-foot wide trail extension.

- **Existing Trail** – no portion of this trail segment currently exists
- **Proposed Trail** – this trail will extend from the north end of the existing Woodland Hills Twin Trails to the Heritage Trail and Heritage Avenue
- **Constraints** – this trail section will require coordination with local property owners and the homeowners association to obtain a trail access



26. **East Little Bear Creek Extension** – A 0.2-mile long, 8-foot wide trail.

- **Existing Trail** – no portion of this trail currently exists
- **Proposed Trail** – this trail segment will extend along the north side of Little Bear Creek from the Pembroke private trails to the Heritage Trail
- **Constraints** – this trail section will require coordination with individual property owners and the local homeowners association to obtain a trail access



27. **Power Line Loop** – This trail has been deleted from the Trail Plan.

28. **Old Grove Trail** – A 0.5-mile long, 10-foot wide trail.

- **Existing Trail** – no part of this trail currently exists
- **Proposed Trail** – this trail section will be constructed by the developer of the Old Grove Addition and will extend from the northeast corner of the Old Grove Development and connect with the McPherson Loop Trail at Providence Road
- **Constraints** – No known constraints



29. **Beddo Creek Trail** – A 0.7-mile long, 10-foot wide trail. This trail will utilize the sidewalk network within the Whittier Heights Development to provide a connection with the Old Grove Trail (28) and the McPherson Loop (20).

- **Existing Trail** – no portion of this trail exists
- **Proposed Trail** – this trail will extend from Precinct Line Road to the common open space located within the Whittier Heights Development
- **Constraints** – flood plain crossing required



30. **Precinct Line Trail** – A 2.0-miles long, 10-foot wide trail. This trail will provide inter-city access for Colleyville, Keller, North Richland Hills and Hurst residents to the Cottonbelt Trail (H).

- **Existing Trail** – portions of this trail exist along the frontage of the Bear Valley Community Church
- **Proposed Trail** – this trail will extend from the Beddo Creek Trail at the Keller city limits to the Hurst city limits, located to the south
- **Constraints** – TxDOT permitting will be required



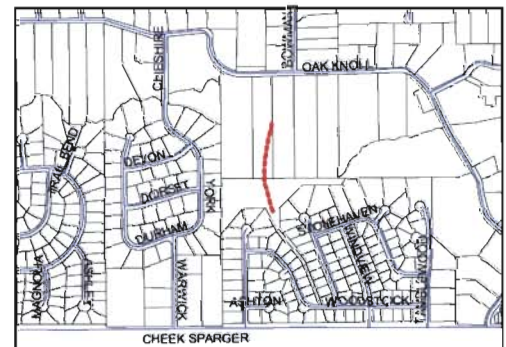
31. **Westmont Trail** – A 0.8-mile long, 10-foot wide trail extending along the north and east sides of the Westmont Addition, thence west along the north side of McDonnell School Road, connecting with the McDonnell Trail (G) and the McPherson Loop Trail (20) at the southwest corner of the Westmont Addition.

- **Existing Trail** – this section of trail is complete
- **Proposed Trail** – no additional improvements proposed
- **Constraints** – none



32. **Windview Clubhouse Path** – A 0.2-mile long, 8-foot wide trail.

- **Existing Trail** – no portion of this trail exists
- **Proposed Trail** – this trail will extend from the Little Bear Creek Trail – East and connect with the Windview subdivision clubhouse
- **Constraints** – this trail section will require coordination with the local homeowners association to obtain an easement for trail access, a creek crossing will be required



33. **John McCain Trail** – A 0.3-mile long, 10-foot wide trail from Westcoat Drive to Pleasant Run Road.

- **Existing Trail** – no portion of this trail section currently exists
- **Proposed Trail** – the trail route will be situated on the south side of John McCain Road
- **Constraints** – no right-of-way has been dedicated for this trail section, drainage and a creek crossing will be required as a part of this project



34. **Bogart Connection Trail** – A 0.4 mile long 10-foot wide trail extending from Pleasant Run Road to State Highway 26.

- **Existing Trail** – no portion of this trail section currently exists
- **Proposed Trail** – the trail route will be situated on the south side of Bogart within the existing greenbelt area
- **Constraints** – none



35. **Hardage Cut-through Trail** – A 0.4 mile long 10-foot wide trail extending from Ponderosa Street to Cooks Lane.

- **Existing Trail** – no portion of this trail section currently exists
- **Proposed Trail** – the trail route will provide a safe route for children walking to the Colleyville Middle and Elementary School campuses
- **Constraints** – right-of-way will require acquisition or dedication upon platting



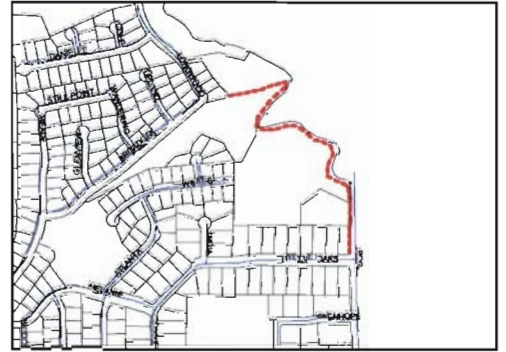
36. **Castleton Trail** – A 0.5 mile long 10-foot wide trail extending from John McCain Road to the Cottonbelt Trail

- **Existing Trail** – no portion of this trail section currently exists
- **Proposed Trail** – the trail route will provide a safe access to the Cottonbelt Trail
- **Constraints** – right-of-way across the church property will be required to complete this link



37. **Big Bear Creek Trail Extension** – A 0.5 mile long 10-foot wide trail extending from the Longwood / Ross Downs subdivision to Pool Road along the south side of Big Bear Creek.

- **Existing Trail** – *no portion of this trail section currently exists*
- **Proposed Trail** – *the trail route will provide a valuable trail linkage from Colleyville to the City of Grapevine's trail system.*
- **Constraints** – *right-of-way along the creek will need to be purchased. Retaining walls, drainage pipes, and erosion protection will also be required.*



RECOMMENDED SIDEWALK IMPROVEMENTS

In General

The availability of sidewalks is often taken for granted by those residents living within neighborhoods that have sidewalks. But in those neighborhoods where there are no sidewalks, they can be a high priority issue. Sidewalks often help to meet several neighborhood needs, such as providing for safe routes to neighborhood schools or serving as a connecting link to a nearby recreational trail. Sidewalks can also serve as a valuable play area for children.

In Colleyville, most of the newer subdivisions have provided for the installation of sidewalks which were usually constructed adjacent to the street frontage at the time the new home was built on the lot. The Highland Meadows Addition, Monterra Addition and Westmont Addition are three new subdivisions where sidewalks have been installed during the process of new home construction. However, there are numerous areas in Colleyville where sidewalks have not been constructed in the past, thus leaving many neighborhoods with out access to safe pedestrian circulation. Residents determined to walk to a destination typically end up having to walk on the side of the roadway.



City-Funded Sidewalks

To address the issues of missing sidewalk connections, the Colleyville Sidewalk Committee has worked hard for the past decade, or so, identifying locations where sidewalks are needed. The initial focus has been to build a sidewalk network that serves the neighborhoods near the various schools in Colleyville. The general policy of the Committee has been to complete a sidewalk network within 1,500 feet of each school. To assist in constructing the sidewalk network, the City Council has budgeted funds in past years specifically to address the priority sidewalks recommended by the Colleyville Sidewalk Committee.

For a number of years, the City Council has allocated approximately \$50,000 annually in the municipal budgeting process for the construction of sidewalks in those areas identified by the Colleyville Sidewalk Committee as having high priority sidewalk needs. The sidewalks constructed with these funds have generally been in those areas which developed prior to the adoption of ordinances requiring sidewalk construction. Sidewalks that provide safe access to neighborhood schools are generally ranked as high priority items by the Sidewalk Committee.

Shown in Table 2 are the amounts of funds that have been allocated for sidewalk construction for the past five fiscal years in Colleyville.

Table 2 Funds Budgeted/Expended for Sidewalk Construction FY01 – FY05		
Fiscal Year	Budget Amount	Actual Expended
FY01	\$ 50,000	\$ 50,479
FY02	50,000	31,811
FY03	32,000	32,064
FY04	92,000	92,584
FY05	32,000	32,000

Source: City of Colleyville Financial Audits

Sidewalk Proposals

The 1998 Colleyville Pathways Plan contained numerous recommendations for future sidewalk improvements in Colleyville. Sidewalks, particularly for the purpose of providing pedestrian access to neighborhood schools, have been, and continue to be, high priority items for the Colleyville Sidewalk Committee. The 2005 Colleyville Pathways Plan maintains support and reinforcement of those priority locations for new sidewalks.

During the reviews of the draft document of this pathway's plan by the Colleyville Sidewalk Committee, it was the general consensus of the committee members that in addition to the goal of having sidewalks along all streets within 1,500 feet of all school campuses, sidewalks should also be included in the long range planning along the major roadways serving the community. An important location for sidewalks in Colleyville is along each side of Colleyville Boulevard, which is proposed for reconstruction and widening from a two-lane roadway to a six-lane facility. The project is currently planned to get under construction beginning in 2007. The future sidewalk needs are included on the Trails and Sidewalks Systems Map, contained in Appendix A of this report.

Listed in Table 3, are the priority sidewalk needs for 2005-2006, as recommended by the Colleyville Sidewalk Committee.

Table 3 Colleyville Sidewalk Committee Final Priority Sidewalk List for 2005 – 2006				
Rank	Project Description	Linear feet of 5' walk	Right-of-Way (@ \$4.00/sf)	Estimated Total
--- High Priority Projects				
1	Glade Road at Behren's Court –plating & construction	478' (\$8,604)	\$9,560	\$ 18,164
2	Glade Road at Stafford - Bluebonnet Intersection Crosswalk	200' (\$3,600)	\$4,000	\$ 7,600
3	Glade Road central - Duke tract at Riverwalk Drive	275' (\$4,950)	none	\$ 4,950
4	Glade Road central - Hubbard tract east of Riverwalk Dr.	235' (\$4,230)	none	\$ 4,230
5	Glade Road from Bedford Road to existing sidewalk near Albertsons	850' (\$15,300)	none	In escrow
6	Tuscany Drive from Hardage to Colleyville Middle School property, across back of commercial property	1000' (\$18,000)	\$40,000	\$ 58,000
--- Medium Priority Projects				
Med.	Glade Road @ Bluebonnet purchase M. Bone Est. property	380' (\$6,840)	\$15,200	\$ 22,040
Med.	Colleyville Blvd. at Brown Trail- crossing @ Mill Valley	190' (\$3,420)	none	\$ 3,420
Med.	Colleyville Blvd. at Centerpark crossing at Landmark Bank	35'	none	\$ 1,000
--- Low Priority Projects---				
Low	Martin Parkway Ramps - (14 pairs of ramps)	0	none	\$ 14,000
Low	Colleyville Blvd. at Main Street - Thompson Terrace – crossing	20' + culvert	none	\$ 1,900
			Grand Total:	\$ 135,304

Source: Colleyville Sidewalk Committee, 2005

Sidewalk Proposals for Safe School Access

The Colleyville Sidewalk Committee identified the sidewalk segments described in this section of the report as being necessary for safe school access.

Colleyville Elementary /Hardage Connection – A sidewalk or trail from Hardage to Colleyville Elementary School going along the back of the commercial properties. This sidewalk will provide a safe alternative for school children rather than going along Colleyville Boulevard.

Colleyville Middle School/Ponderosa Connection – A sidewalk or trail from the west of Ponderosa Lane along the south side of the undeveloped property to connect with Colleyville Middle School campus via the east side of Waller Lane and the south side of Cooks Lane. This trail will also provide access to the new Elementary School site being contemplated on the west side of the Colleyville Middle School/Elementary School campus.

Arbor Trail – A sidewalk going through the Arbor Trail subdivision along Arbor Trail and Amador. This will provide a safe environment for student access from the Arbor Trail subdivision to O. C. Taylor Elementary.

Jackson Road – A sidewalk on the east side of Jackson Road from Sherwood to existing sidewalk. This will provide a safe environment for student access from Sherwood subdivision to O.C. Taylor Elementary.

Jackson Road Bridge – A pedestrian bridge that will cross Little Bear Creek on the east side of Jackson Road.

Cheek Sparger Road – A sidewalk from Colleyville Boulevard to McLain. This will provide a safe environment for student access from Saddlebrook subdivision to Covenant Christian Academy. This will connect to the existing trail on the south side of Cheek Sparger in the Bedford city limits.

Black Drive – A sidewalk extending along one side of Black Drive from 4700 Mill Wood Drive in the Mill Creek Addition to 4700 Bransford Road. This sidewalk will connect Mill Creek Addition and the Colleyville Nature Center to Bransford Elementary School and City Park.

Glade Road – A section of sidewalk or trail is needed from near Glade Creek to Stafford and one block at Behrens. This would complete a sidewalk that will go almost the entire width of the city and provide access to shopping at Riverwalk and the Albertson's center. There is a safety hazard at the Behrens area where pedestrians go into the street. A crosswalk could be considered at Bluebonnet and/or Riverwalk.

Bedford Road – A sidewalk from Glade Road to connect with sidewalks in Sparger Park will help pedestrian circulation. The proposed sidewalk would extend from Glade Road on the east side of Bedford Road to Sparger Park. A bridge crossing is needed. The sidewalk would provide access to Bransford Elementary and Sparger Park as well as a connection to shopping areas at Albertson's center and Riverwalk areas.

Sparger Park Bridge – A pedestrian bridge across Little Bear Creek along the east side of Bedford Road.

Colleyville Boulevard – Sidewalks on both sides of the approximately 4.2 miles along Colleyville Boulevard extending from the northern city limits at the Grapevine/Southlake border to the southern city limits with Hurst. These sidewalks will make pedestrian traffic possible between the many schools, churches, a cemetery, restaurants, grocery stores and other businesses along Colleyville Boulevard. Connecting these sidewalks to the sidewalks on the major intersecting cross streets will make all of Colleyville Boulevard and the City Hall/Library complex accessible to pedestrians from the adjacent neighborhoods.

Montclair Drive – A sidewalk along the east side of Montclair Drive would give connectivity to Hall Johnson and Glade Road. It would also provide school access to O. C. Taylor Elementary School.

Thompson Terrace – A sidewalk from Colleyville Boulevard to Glade Road would provide connectivity between the businesses and homes along this road.

John McCain Road – A sidewalk connecting the existing sections of sidewalk along the south side of John McCain Road from Colleyville Boulevard to the Monticello Subdivision is needed.

L. D. Lockett – A sidewalk on the south side of L. D. Lockett Road from the Cottonbelt Trail to Precinct Line Road would provide connectivity for residents in the area to the Cottonbelt Trail and other proposed trails in the area.

Church Street – A sidewalk on the north side of Church Street from Pleasant Run Road to Colleyville Boulevard would provide pedestrian access to the churches and businesses in the vicinity.

Westcoat – A sidewalk on the west side of Westcoat from McDonwell School Road to the Cottonbelt Trail would provide connectivity for residents in the area to the Cottonbelt and other proposed trails in the area.

Other Roadways Needing Sidewalks – Oak Knoll, Brown Trail, Shelton, White, Tinker, and Bandit

TRAIL AND SIDEWALK STANDARDS

Trail and Sidewalk Surfaces

Where sidewalks have been constructed in Colleyville in the past, they have generally been constructed using concrete materials, although there are a few sidewalks constructed with paving stones. However, until April 2000, there were no minimum construction standards for trail facilities. When the 1998 Colleyville Pathways Plan was adopted, surface design recommendations were based on the anticipated use of the trail. For example, there were provisions for natural surfaced trails for certain pedestrian or equestrian trail routes in the northwest part of Colleyville. However, conditions have changed over the past seven years and consideration for equestrian trails has taken a much low priority than in the past. As a result of these changing conditions, trails designed specifically for equestrian use have been deleted from the 2005 Colleyville Pathways Plan update.

At the present time, all trails and sidewalks constructed in Colleyville are required to meet the City's requirements of poured-in-place concrete. The adoption of the Colleyville Land Development Code in April 2000 established concrete as the minimum for all trails constructed in Colleyville as a part of the trail system or as a requirement of subdivision development. There still exists within the community a small number of private trails constructed of crushed gravel or cinders. However, these are maintained by the homeowners association and not by the City of Colleyville.



Concrete trails are preferred by the Colleyville Parks and Recreation Department because they require less maintenance when compared to the maintenance problems of other surface materials. Minimum concrete thickness is five inches of concrete over a two inch sand bed. This amount of thickness is necessary to accommodate park maintenance vehicles and to provide access for emergency vehicles when necessary.

Trail and Sidewalk Widths

The construction standards for sidewalks and trails are found in the Colleyville Land Development Code. Minimum development standards contained in the Land Development Code require all sidewalks be at least four feet in width, except when the property is adjacent to a collector roadway as depicted on the Master Thoroughfare Plan. In such case, a sidewalk situated adjacent to a major roadway is required to be five feet in width. The extra one foot of sidewalk helps to accommodate the additional pedestrian traffic along busy thoroughfares and provides an extra sense of safety to those using the walkway.

Trail widths in Colleyville are quite generous in comparison to those standards of some communities where a four foot asphalt trail may be considered an acceptable width. The minimum trail widths established in Colleyville have been intentionally set with additional pavement width in order to allow multiple use of the trail by pedestrian and bicycle users in combination, a very common situation in Colleyville.

Where possible, no trail section should be less than eight feet in width in Colleyville. Furthermore, each section of trail should be situated within a trail easement or right-of-way having sufficient width to provide an earthen section on each side to serve as a buffer. Trails should have a minimum of three to five feet of clear zone shoulder on each side of the trail. For wider trails, the shoulder width should be extended to allow a wider clear zone on each side of the trail. Trail widths and easement widths are shown in the following table.

Table 4 – Trail Widths	
Pavement Width	Easement/Right-of-Way Width
8.0 ft.	15.0 ft.
10.0 ft.	20.0 ft.
12.5 ft.	20.0 ft.

Dedicated Bicycle Lanes

Colleyville's major roadway collector system is primarily an old two-lane county road system with pavement widths of approximately twenty-two feet. This narrow width leaves very little room for use of the roadway for purposes other than automobiles. Striping of bicycle lanes within the existing collector roadway system in Colleyville would not be very practical, and in fact is not recommended at the present time. In the future, when major collector roadways are reconstructed and widened, consideration should be given to stripe dedicated bicycle lanes in those areas where trail access is not available.

PLAN IMPLEMENTATION

Current Sidewalk and Trail Policies

City of Colleyville development policies require construction of sidewalks for all new properties as they develop. Typically, the sidewalks in a subdivision that are in front of a new home or a new business are not generally constructed all at the same time, but are generally installed during the construction phase of the structure on the lot. Premature installation of a sidewalk may expose the sidewalk to potential damage by heavy equipment working on a proposed house or a new commercial structure. Furthermore, the construction of the sidewalk in front of a new home or business is better coordinated at the time the driveway is constructed to prevent having to demolish an existing sidewalk, wasting valuable resources.

The requirements for new development to install sidewalks and trail facilities are contained in the Colleyville Land Development Code, which was adopted by the City Council on April 18, 2000. It is the policy in Colleyville that every new development, whether a residential subdivision or a commercial development, is required to construct sidewalks adjacent to the street frontage. If a proposed development is also impacted by a future trail route, the development is required to dedicate sufficient right-of-way or trail easement and construct the applicable section of trail. Each new segment of sidewalk or trail helps to complete the network of trails and sidewalks that will eventually serve all neighborhoods in the community.

Subdivision plats submitted for approval are subjected to a thorough review process for compliance with applicable platting standards and development requirements. This process identifies public improvement requirements of the development, including sidewalks and trails. New subdivision plats impacted by a future trail route are required to dedicate either a trail easement or trail right-of-way and construct the applicable section of trail. Occasionally, at the discretion of the City, the developer may escrow funds for the applicable section of trail or sidewalk. The escrow provision allows for larger sections of the trail system to be constructed at one time, rather than having small scattered sections of non-connected trail segments.

Retrofitting Existing Developments

The placement of a sidewalk in a new subdivision is generally a straight-forward and somewhat routine function of the building permitting process. As a building permit application is reviewed and compared with development requirements, the building plans are stamped to advise the builder that a sidewalk is required. City inspectors periodically check the construction site to make sure the sidewalk is placed in the proper location and final approval is given when all standards are met. However, constructing a sidewalk within an existing subdivision or along a collector roadway where no sidewalks exist is typically deferred until a later date. In these cases, the developer places the estimated costs in escrow with the City for the future construction of the sidewalk.

Adjacent to existing streets where there are no curbs, which is the case along most of the collector roadways in Colleyville; it is generally not wise to install a sidewalk, especially where there are open ditches for accommodating drainage from storm-water runoff. The elevation of the adjacent parkway, the location within the right-of-way where the sidewalk will be located, is not generally set at the proper grade and installing a sidewalk at the improper grade could be a wasted investment of public funds, if the sidewalk had to be eventually replaced at some time in the future when the roadway becomes widened and the parkway elevation has changed. Although, the monetary investment at the time would have to be weighed against the public benefit that is derived from the interim use of the sidewalk.

Undeveloped Lands

A significant obstacle preventing maximum implementation of the trail and sidewalk network is the uncertainty of knowing when the undeveloped lands located in the northwest part of the community will eventually develop and provide the opportunity for the construction of additional trail segments. This uncertainty creates great concern for the ultimate completion of the trail network. Compounding this issue is the scattered nature of those small vacant tracts that prevent connectivity of the trail system. Many of the available large tracts of land in Colleyville have already developed, leaving numerous smaller and more difficult parcels for future development.

While the availability of vacant rural tracts continues to diminish in Colleyville, due to the rapid urbanization of Northeast Tarrant County, there is also a growing trend by a few property owners of small acreage tracts to hold on to the rural qualities and character that tract acreage brings in the heart of the DFW Metroplex.

It may become necessary in the future for the City of Colleyville to utilize the eminent domain authority to purchase trail easements in order to complete a missing segment of the trail network.

Trail development along undeveloped land

The staff team that worked on this document is continually working with developers, homeowners associations, park land dedication funding and sidewalk requirements to implement the plan.

Operations and Maintenance

Maintenance of a trail is critical to its service life. Trash removal, mowing and edging schedules as well as repairs are required to enhance the life of the trail.

Estimating Costs

Estimated construction cost for a concrete trail is \$8 per square foot or \$422,000 per mile without any obstacles. The estimated cost for a concrete trail could be as high as \$22 per square foot or 1.2 million per mile. This includes bridges, retaining walls, drainage structures and environmental work.

Funding Strategies

There are a variety of funding opportunities at the federal, state and local levels.

Transportation Enhancement Act- A Legacy for Users (TEA-LU)

Safe Accountable Flexible Efficient Transportation Enhancement Act (SAFETEA)

Statewide Transportation Enhancements Program (STEP) - next call for projects is anticipated for 2005

Congestion Mitigation and Air Quality (CMAQ) - next call for projects is anticipated for 2005

Surface Transportation Program (STP) - next call for projects is anticipated for 2005

Texas Parks and Wildlife Department (TPWD)

Foundations and corporate grants

General obligation bonds

General Fund expenditures

Sidewalk fund

Parkland Dedication Funds

Voluntary Park Fund

APPENDICIES

- A Trails and Sidewalks System Map
- B Trail Corridor Evaluation Matrix
- C Bibliography

Trails and Sidewalks System

Existing and Proposed

October 18, 2005

Res. R-05-2609



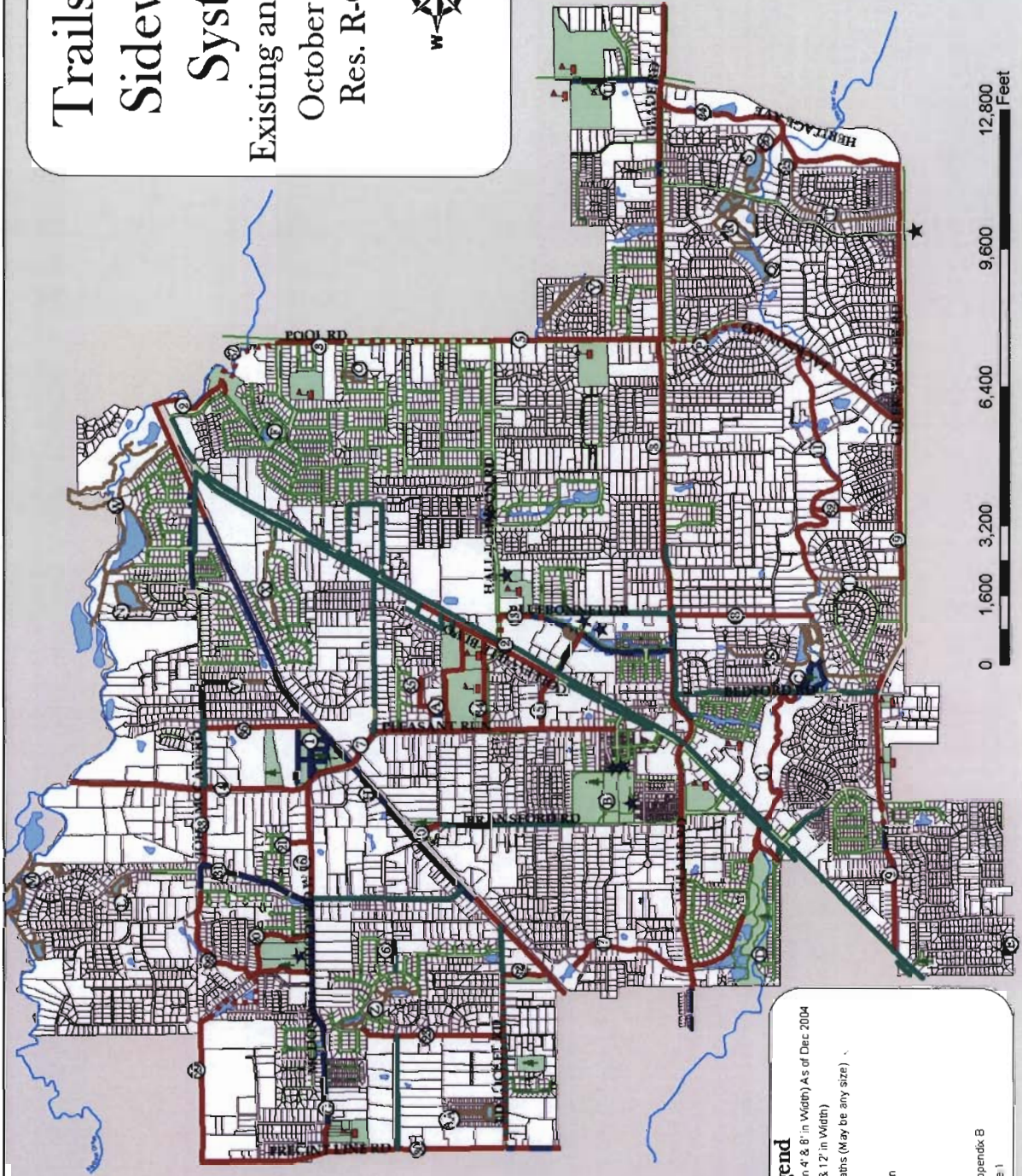
Legend

- Existing Sidewalks (Between 4' & 6' in Width) As of De
- Existing Trails (Between 8' & 12' in Width)
- Privately Owned Walking Paths (May be any size)
- Proposed Trails
- Proposed Sidewalks
- - - Long Range Trail Connection
- Schools
- Parks
- Municipal Locations
- Water Features
- 1 Numeric Symbols refer to Appendix B
- A Alpha Symbols refer to Table 1

12,800
Feet

Trails and Sidewalks System

Existing and Proposed
October 18, 2005
Res. R-05-2609



- Legend**
- Existing Sidewalks (Between 4' & 8' in Width) As of Dec 2004
 - Existing Trails (Between 8' & 12' in Width)
 - Privately Owned Walking Paths (May be any size)
 - Proposed Trails
 - Proposed Sidewalks
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 - Schools
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 - Water Features
 - Numeric Symbols refer to Appendix B
 - Alpha Symbols refer to Table 1

Appendix B. Trail Corridor Evaluation Matrix

Map Ref # / Priority	Path / Trail Name	North or West terminus	South or East terminus	Schools, parks, and commercial areas served	Potential path connections	Length	Estimated Cost
1	Little Bear Creek Trail West	Colleyville Nature Center	Sparger Park	Bransford Elementary School, Colleyville Nature Center, Colleyville Road commercial	Nature Center trails, Sparger Park trails, Boulevard sidewalk system	1.0 mi.	\$422,000
2	Longwood Trail	Cottonbelt Trailway at Big Bear Creek	Kimzey Park	Planned McCain Center, Pleasant Run Park, Kimzey Park	Connects existing Kimzey path and sidewalk system to Cottonbelt Trailway	0.4 mi.	\$168,800
3	Glenhope Pathway (completed as a sidewalk)	Twelve Oaks Lane	Independence Road	Glenhope Elementary School	Enhances sidewalk environment near school	0.2 mi.	N/A
4	Taylor Trail (completed as a sidewalk)	Montclair Drive	Pool Road	O.C. Taylor Elementary School, Colleyville Middle School	Taylor School Walkway	0.6 mi.	N/A
5	Pool Road Trail (completed as a sidewalk)	Pool Road, ROW from Hall Johnson	Meadowview Drive	O.C. Taylor Elementary School, Colleyville Middle School	Schoolyard Path, Taylor Trail	0.7 mi.	N/A
6	Colts Neck Spur Trail (recommended as a sidewalk)	Colts Neck Drive	Van Oaks Drive	Colleyville Elementary School, Colleyville Middle School	Remington Park Trail	0.1 mi.	N/A
7	Schoolyard Path (including Hardage and Ponderosa links)	Pleasant Run Rd	Colleyville Blvd	Colleyville Elementary School, Colleyville Middle School, Colleyville Road commercial	Pleasant Run North Walkway Main Street Greenwalk	0.7 mi.	\$295,400
8	Glade Road Pathway	Glade Creek Drive	Heritage Avenue	Heritage Middle School, Heritage High School, O.C. Taylor Elementary School, Bransford Elementary School	Nature Center North Trail Town Center Greenwalk, Pleasant Run South Trail, Taylor School Pathway, Heritage Trail, Heritage School Streetscape	4.7 mi.	\$1,983,400
9	Cheek Sparger West Pathway	Colleyville Blvd	Bedford Road	Bransford Elementary, Colleyville Middle School, Colleyville Road commercial	Tara Plantation Trail, Sparger Park	0.9 mi.	\$379,800
10	Webb House Crossing	N of Cottonbelt Trailway Crossing	S of Cottonbelt Trailway Crossing	Colleyville Elementary School, Colleyville Middle School, Heritage High School, Bransford Park	Cottonbelt Trailway, Pleasant Run Soccer Walks	0.1 mi.	\$42,200

Appendix B. Trail Corridor Evaluation Matrix

Map Ref # / Priority	Path / Trail Name	North or West terminus	South or East terminus	Schools, parks, and commercial areas served	Potential path connections	Length	Estimated Cost
11	Little Bear Creek Trail East	NE corner of existing Tara Plantation Trail	Jackson Road	Heritage Middle School, Heritage High School, Sparger Park	Pleasant Run South Trail, Tara Plantation Trail, E Little Bear Creek Trail	1.6 mi.	\$675,200
12	Church Street Greenwalk	Colleyville Blvd to Hardage	Riverwalk to private drive of Lifetime Fitness	Colleyville Elementary School, Colleyville Middle School, Colleyville Road commercial	Walk to Center Field, Town Center Greenwalk, Pleasant Run Walk and Trail	0.9 mi.	\$379,800
13	Town Center Greenwalk	Hall Johnson	Kingswood Lane	Colleyville Elementary School, Colleyville Middle School, Colleyville Road commercial	Schoolyard Path, Main Street Greenwalk	0.7 mi.	\$295,400
14	Pleasant Run Pathway	John McCain	Cottonbelt	Pleasant Run Park, Colleyville Elementary School, Colleyville Middle School	Cutter Ridge Pathway, Cotton Belt Trailway, Schoolyard Path	1.2 mi.	\$506,400
15	Walk to City Park	Pleasant Run	Colleyville Blvd	Colleyville Elementary School, Colleyville Middle School, City Park, Village Development	City Park ballfields, School Yard Path via Church Street Greenwalk, Town Center Greenwalk	1.1 mi.	\$464,200
16	Cutter Ridge Pathway	Westcoat Drive	Pleasant Run Road	Pleasant Run Park, Colleyville Elementary School, Colleyville Middle School	McPherson Loop, Westcoat Drive Walkway, Pleasant Run N Walkway	0.5 mi.	\$211,000
17	Nature Center North Trail	Cottonbelt Trailway	Colleyville Nature Center	Colleyville Nature Center, LD Lockett House, Colleyville Middle School	LD Lockett House Path, Cottonbelt Trailway, W Little Bear Trail (Hurst)	0.9 mi.	\$379,800
18	Stafford Trail	Glade Road	Little Bear Creek Trail West	Colleyville Middle School, Colleyville Road commercial, Sparger Park	Pleasant Run Pathway, Little Bear Creek Trail West	0.6 mi.	\$253,200
19	Cheek Sparger East Pathway	Tara Trail (Bedford Road)	Heritage Avenue	Heritage Elementary School, Heritage Middle School, Heritage High School, Heritage Avenue Retail	Tara Plantation Trail, Woodland Hills Trails, Heritage School Streetscape, Heritage Trail	1.8 mi.	\$759,600
20	McPherson Loop	Whittier Heights Trail	Westcoat Drive	Colleyville Elementary School, Colleyville Middle School	Whittier Heights Trail, Beddo Creek Trail, Westmont Trail, Cutter Ridge Pathway	0.6 mi.	\$253,200
21	Oakbrook Shortcut	Bridge Street	McDonwell School Road	Pleasant Run Park, Colleyville Elementary School, Colleyville Middle School	Cutter Ridge Pathway	0.2 mi.	\$84,400
22	LD Lockett House Path	LD Lockett Road	Cottonbelt Trailway	LD Lockett House Senior Center	Cottonbelt Trailway, Remington Park Trail	0.2 mi.	\$84,400
23	Remington Park Trail	McDonwell School Road	LD Lockett Road	McPherson Dairy, LD Lockett House Senior Center	Cottonbelt Trailway, Whittier Heights, McPherson Loop, Colts Neck Spur Trail, LD Lockett House Path	0.6 mi.	\$253,200

Appendix B. Trail Corridor Evaluation Matrix

Map Ref # / Priority	Path / Trail Name	North or West terminus	South or East terminus	Schools, parks, and commercial areas served	Potential path connections	Length	Estimated Cost
24	Heritage Trail	Glade Road	Cheeksparger Road	Heritage Elementary School, Heritage Middle School, Heritage High School, Heritage Avenue Retail	Little Bear Creek Trail East, Woodland Hills Trail Extension, Eules Little Bear Trail	1.2 mi.	\$506,400
25	Woodland Hills Extension	N end of existing Woodland Hills Trail	Heritage Avenue	Heritage Elementary School, Heritage Middle School, Heritage High School	Heritage Trail (w/bridge), Little Bear Creek Trail East, Eules Little Bear Trail	0.2 mi.	\$84,400
26	East Little Bear Creek Trail Extension	Martin Parkway	Heritage Avenue	Heritage Elementary School, Heritage Middle School, Heritage High School	Heritage Trail (w/bridge), Eules Little Bear Trail, Woodland Hills Trail Extension	0.2 mi.	\$84,400
27	Power Line Loop	This trail was deleted from the plan					N/A
28	Old Grove Trail	John McCain Road at Pleasant Run Rd McPherson Dairy Loop	McDonwell School Road at Remington Parkway	McPherson Park	Beddo Creek Trail, McPherson Loop	0.5 mi.	\$211,000
29	Beddo Creek Trail	Precinct Line Trail	Old Grove Trail	McPherson Park	Precinct Line Trail, Old Grove Trail, McPherson Loop	0.7 mi.	\$295,400
30	Precinct Line Trail	Beddo Creek Trail	Hurst City Limit (Little Bear Creek)	Inter-city from Keller to Hurst	Beddo Creek Trail, West Little Bear Trail	2.0 mi.	\$844,000
31	Westmont Trail (completed)	John McCain Road	McDonwell School Road	McPherson Park, Colleyville Elementary School, Colleyville Middle School	McPherson Loop, Cutter Ridge Pathway	0.8 mi.	N/A
32	Windview Clubhouse Path	Little Bear Creek Trail East	Windview Clubhouse	Little Bear Greenway, Sparger Park	Little Bear Creek Trail East from private clubhouse	0.2 mi.	\$84,400
33	John McCain Trail	Westcoat	Pleasant Run Road	McPherson Park	Westmont Trail	0.3 mi.	\$126,600

Appendix B. Trail Corridor Evaluation Matrix

Map Ref # / Priority	Path / Trail Name	North or West terminus	South or East terminus	Schools, parks, and commercial areas served	Potential path connections	Length	Estimated Cost
34	Bogart Connection Trail	Pleasant Run	Colleyville Blvd	Colleyville Elementary School, Colleyville Middle School,	Walk to City Park Trail	0.4 mi.	\$168,800
35	Hardage Cut-through Trail	Cooks Lane	Ponderosa	Colleyville Elementary School, Colleyville Middle School,	Walk to City Park Trail	0.4 mi.	\$168,800
36	Castleton Trail	John McCain Road	Cottonbelt Trail	Pleasant Run Park	Cottonbelt Trail	0.5 mi.	\$211,000
37	Big Bear Creek Trail Extension	Longwood	Pool Road	Kimzey Park	Longwood Trail and Glenhope Pathway	0.5 mi.	\$211,000

APPENDIX C. BIBLIOGRAPHY

1. *Colleyville Pathways A Citywide System* – January, 1999, Bowman-Melton Associates, Inc., in association with: Carter and Burgess
2. *The Colleyville Plan-A General Plan for Growth and Development 2004-2025* – September 2004 – City of Colleyville
3. *Colleyville Land Development Code* – April 18, 2000, City of Colleyville, Texas

RESOLUTION R-08-3031

**A RESOLUTION APPROVING COUNCIL ACTION
UNDER CONSENT ITEMS AT THE REGULAR
COUNCIL MEETING OF NOVEMBER 18, 2008**

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

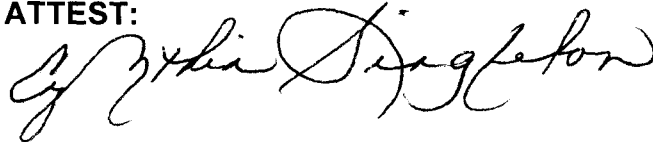
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT the agenda decisions approved by Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of November 5, 2008
 - b. Approval to adopt a supplemental sidewalk system map related to the "Colleyville Pathways Plan"
 - c. Approval of naming the trail at the Colleyville Nature Center, Mike Rambo Memorial Nature Trail

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 5 AYES, 0 NAYS AND 0 ABSTENTIONS
ON THIS THE 18th DAY OF November 2008.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

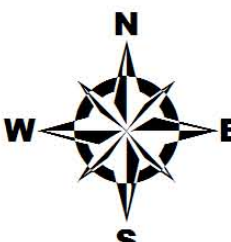
CITY OF COLLEYVILLE



Jon Ayers
Mayor Pro Tem

Supplemental Sidewalk System Map

October 2008



Legend

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



ORDINANCE O-09-1712

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 9, SUBDIVISION DESIGN AND PUBLIC FACILITIES, SECTIONS 9.12 AND 9.19 AND CHAPTER 14, ENGINEERING DESIGN STANDARDS, SECTION 14.137, 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 of the City of Colleyville desires to amend certain portions of the Land Development Code regarding sidewalk escrow and construction requirements, and cul-de-sac width requirements; 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 9, Subdivision Design and Public Facilities, Sections 9.12 and 9.19*, of the Land Development Code, is hereby amended to read as shown in the attached Exhibit "A".
- Sec. 2. THAT *Chapter 14, Engineering Design Standards, Section 14.137*, of the Land Development Code, is hereby amended to read as shown in the attached Exhibit "B".
- Sec. 3. 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. 4. THAT 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. 5. 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. 6. THAT this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of February 2009.

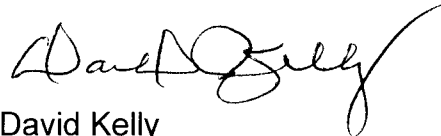
The second reading and public hearing being conducted on the 3rd day of March 2009.

ATTEST:



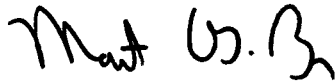
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A"

Section 9.12 General Infrastructure Policy

- A. General Requirement – The developer of a subdivision shall install all water, sewer, street, sidewalk and drainage improvements, and any other facilities required by this Land Development Code, which are necessary for the proper development of the subdivision. The design, construction and inspection of any public facilities shall be a cost to the developer, unless the City has entered into an agreement for cost sharing. All such facilities shall be designed and constructed in accordance with the criteria contained in this Land Development Code and be in conformance with the general layout of the City of Colleyville Master Land Use Plan and Capital Improvements Plan. The public facility requirement of this section shall be applicable to the upgrading of any existing facilities which do not meet current standards.
- B. Apportionment of Infrastructure Costs – As a condition of the approval of a development, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are 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.
1. 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 delivery of emergency services.
 2. The professional engineer making the proportionality determination may rely on categorical findings from comparable public improvement projects for establishing a cost basis. The basis used for determining estimated costs shall be revised annually on July 1 by the Colleyville Engineering Department.
 3. A developer who disputes the determination by said professional engineer may appeal to the City Council and present testimony and evidence in support of the appeal. The appeal shall be written and filed with the City Secretary within ten (10) days after the date action taken by the Planning and Zoning Commission on the development proposal. The developer shall not be required to waive the right to appeal as a condition of approval of the development project.
- C. Optional Escrow Provision – Where, in the opinion of the City, construction of a required public improvement should be deferred to a future date, the developer shall place in escrow with the City, an amount equal to the estimated cost of the improvements, as determined by the City Engineer. The Planning and Zoning Commission or City Council may consider an alternate arrangement when appropriate. Any escrow related to the construction of sidewalks shall adhere to the requirements set forth in Section F.
- D. City Participation in Over-Sizing – Where over-sizing of a public improvement is required by the Comprehensive Master Plan, Thoroughfare Plan, Water or Sewer Capital Improvements Plan or other planning document adopted by the City, City participation shall be in accordance with the provisions of any applicable Impact Fee Ordinance or City-Developer Agreement, which has been approved by the City Council.
- E. Public Easements – All public improvements shall be constructed within easements or rights-of-way that have been dedicated for public use. The width of an easement or right-of-way shall be in accordance with the specifications contained elsewhere in this Land Development Code.
- F. Escrow Policy for Sidewalks
1. Request for Escrow

Whenever these regulations require a property owner to construct a sidewalk for a dwelling unit, the property owner may petition the City for deposit of an escrowed amount, as established in this Section, in lieu of the required construction of a sidewalk. The Director of Public Works or the Director of Community Development shall determine whether the escrow is reasonable in lieu of the obligation to construct the improvement based on the Supplemental Sidewalk System Map. If an escrow request is denied, then the applicant may appeal that denial to the Planning and Zoning Commission if a written request for appeal is received by the Director of Public Works or the Director of Community Development within ten (10) days of the denial. The decision of the Planning and Zoning Commission shall be final.

2. Deposit with the City

Whenever the City agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the costs of design and construction in escrow with the City. This amount shall be paid prior to release of construction plans by the Director of Public Works. The obligations and responsibilities of the property owner shall become those of the property owner's transferees, heirs, successors, and assigns; and the liability therefore shall be joint and several.

3. Determination of Escrow Amount

The amount of the escrow shall be determined by using the average of the comparable bids awarded by the City in the preceding six (6) months for sidewalk design and construction or, if none exist, then current market value of the design and construction of a sidewalk in the City, to be determined by the Director of Public Works. The determination shall be based on reasonable current market value made as of the time the escrow is due.

4. Termination of Escrow

Escrow fees paid to the City pursuant to this Section shall be held for a period of ten (10) years from the date of the deposit. If the City has not expended such funds on a sidewalk with the Sidewalk District of the dwelling unit that deposited the sidewalk escrow fee, and upon written request from the original party making the deposit, such funds shall be returned to the original party that paid the escrow fees with accrued interest, subject to the limitations in Subsection 6. Such return does not remove any obligations of the dwelling unit for construction of required improvement(s) if a building permit is applied for.

5. Refund

If any public improvement for which escrow is deposited is constructed or is reconstructed by another governmental authority at no cost to the City, the escrow funds and accrued interest shall be refunded to the property owner or developer after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another governmental authority, the difference between the owner's actual proportionate cost and the escrow funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

6. Interest Limitation

If for any reason money is refunded within six (6) months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued calculated at one percent (1%) less than the rate of actual earnings received on the escrowed funds.

7. Waiver of Escrow

The Developer may apply to the Planning and Zoning Commission for a waiver of the requirement to construct a sidewalk or escrow funds in lieu of construction. The decision of the Planning and Zoning Commission is final.

8. Use of Escrow Funds

Six (6) Sidewalk Districts are hereby established throughout the City. These districts shall share the same boundaries as the six (6) neighborhoods depicted on the Neighborhood Boundary Map in the 2004 – 2025 Colleyville Plan. The Sidewalk Districts are established so that sidewalk escrow funds will be expended within sufficient proximity to the dwelling unit that deposited the sidewalk escrow fee so as to reasonably benefit that dwelling unit. Funds escrowed pursuant to this Section shall be expended on design and construction of sidewalks located at any place within the same Sidewalk District as the dwelling unit depositing the sidewalk escrow fee.

9. Existing Escrow Funds

- i. All funds currently escrowed in lieu of sidewalk construction before the effective date of this Ordinance are subject to expenditure under this Ordinance unless a written objection is filed, by the owner of the lot for which the funds are escrowed, with the Director of Community Development within thirty (30) days after notice of this Ordinance is received. Notice of this Ordinance shall be sent to the current owner of the lot for which the funds are escrowed at the address listed in the most recent tax rolls of the City. If the person receiving notice under this subsection is not the current owner, then they must immediately notify the City of the person who purchased the property and provide the City with the address of that person.
- ii. If an objection is filed pursuant to the previous subsection, the Director of Community Development shall decide, within thirty (30) days, if the circumstances involving the particular lot and surrounding Sidewalk District reasonably require a return of the escrowed funds. The owner of the lot may appeal the decision of the Director of Community Development by filing a written objection, explaining the owner's argument and requesting for a hearing before the City Council, with the City Secretary not later than ten (10) days after the Director of Community Development's decision. After hearing the lot owner's objections, City Council may either refund the escrowed money or deny the refund and order the funds to be used for future sidewalk construction on that lot or in that sidewalk district.
- iii. This Ordinance shall apply to any and all funds paid into the sidewalk escrow fund in lieu of sidewalk construction after the effective date of this Ordinance.

Form for Escrow

An escrow for the construction of a sidewalk pursuant to this Section shall be in the following form:

In lieu of constructing the necessary sidewalks in the development, the developer shall be required to escrow funds for the construction the sidewalks which shall be dedicated to the City. The developer shall be required to escrow these funds in the amount of \$ _____, which includes contingencies, engineering, and design. This escrow requirement shall be fulfilled prior to the signing and filing of the approved final plat.

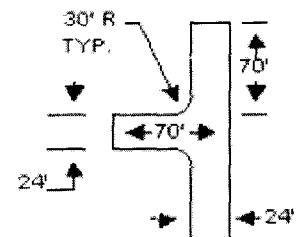
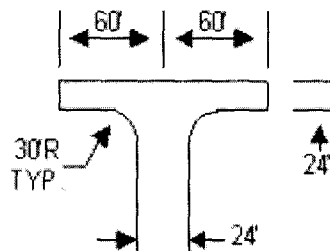
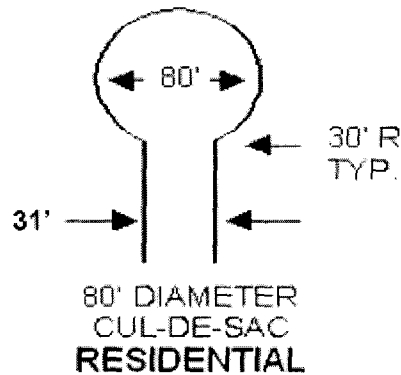
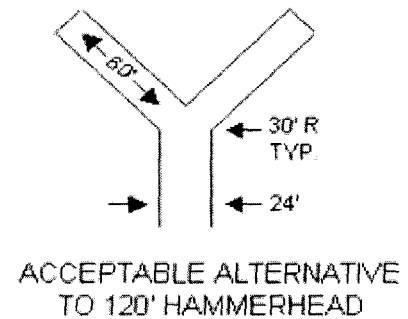
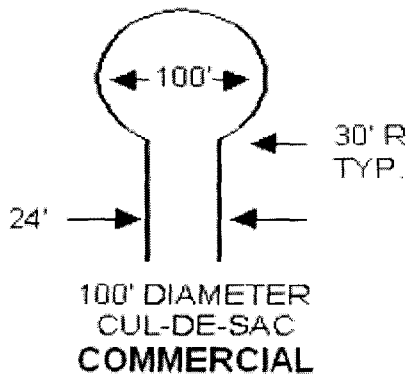
Section 9.19 Sidewalks

- A. General Sidewalk Requirement – General Sidewalk Requirement – Sidewalks shall be constructed prior to completion of any primary structure for all lots that: (1) front on streets required to have sidewalks as shown on the City's *Supplemental Sidewalk System Map*, or; (2) are required as part of a Planned Unit Development or Special use Permit; or, (3) front on a new street dedicated in conjunction with a subdivision plat. Other than properties zoned as Planned Unit Developments or containing Special Use Permits with specific sidewalk provisions, any variance to the sidewalk construction requirements described above shall be considered by the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be considered to be final. The sidewalks shall be constructed adjacent to and within the public street right-of-way and include curb ramps where applicable. Where no public right-of-way exists, the sidewalk shall be located within a public access easement that provides accommodation of the future street right-of-way dedication. When a subdivision is proposed with a masonry or other permanent perimeter screening wall adjacent to a street, the sidewalk shall be constructed by the developer at the same time as the screening wall. All sidewalks shall conform to the standards and specifications contained in this Land Development Code.
- B. Trails System Sidewalks – When a proposed sidewalk coincides with the general location of a future sidewalk shown in the most recently approved Colleyville Trails System Plan, the sidewalk shall be constructed in accordance with the design standards for a trails system sidewalk. The standards and specifications for a trails system sidewalk are contained elsewhere in this Land Development Code. The developer shall be required to provide additional street right-of-way dedication or a public access easement of sufficient width to accommodate the trails system sidewalk. Where the trails system sidewalk will be located at the rear or to the side of a lot, such as within a green-belt or similar open space, the developer shall provide sufficient right-of-way or public access easement to accommodate the sidewalk.

Exhibit "B"

Section 14-137 Fire Lane Requirements (Current City-Adopted IFC)

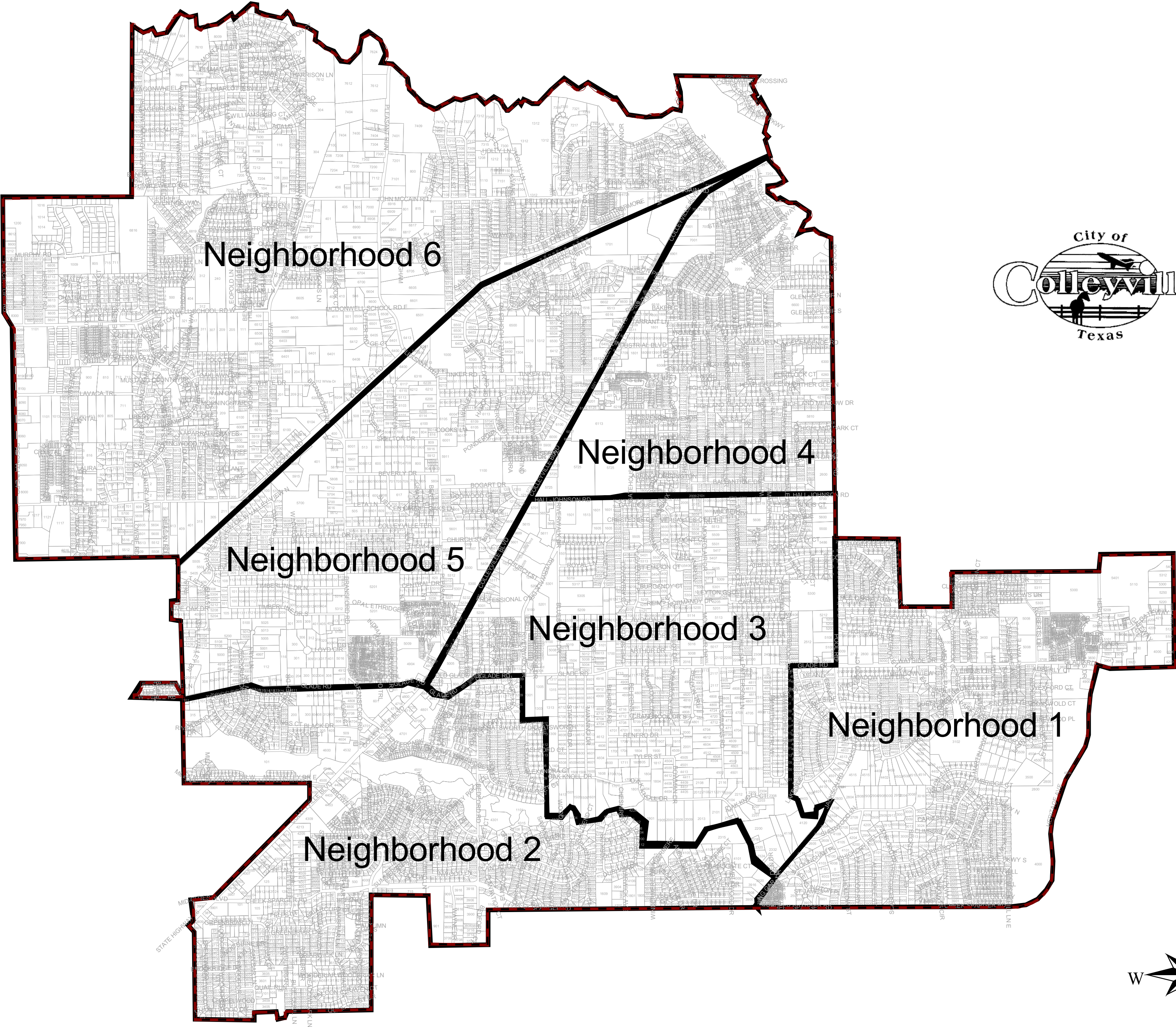
- A. Plan Approval – Plans for fire lanes shall be submitted to the Fire Marshal Division for review and approval prior to construction. Repainting of existing markings does not require plan review unless changes are to be made.
- B. Obstructions Prohibited – Fire lanes shall be kept clear and unobstructed at all times. Marking shall be repainted as necessary to maintain readability.
- C. Signage – Where required by the Fire Marshal, approved signs or other approved notices shall be provided and maintained to identify fire lanes and prohibit obstructions.
- D. Where Required – Fire lanes shall be provided when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility.
- E. Certain Roadways Not Considered Access – Heavily traveled public roadways are not considered for fire apparatus access due to the dangers involved with operating fire apparatus in close proximity to moving traffic.
- F. Access to Serve All Buildings – Fire lanes shall be provided to serve all buildings through parking areas to service entrances, loading areas, trash collection areas, and other areas deemed necessary to be available to fire and emergency vehicles.
- G. Driveways Included – Fire lanes shall include driveways leading onto a public street.
- H. Fire Lane Width – Fire lanes shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 14 feet.
- I. Turning Radius – Fire lanes shall have a minimum inside turning radius of thirty (30) feet and a minimum outside turning radius of fifty (50) feet.
- J. All-weather Surface Required – Fire lanes shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an asphalt or concrete surface so as to provide all-weather driving capabilities.
- K. Construction Specifications – Fire lanes shall be constructed of seven (7) inch concrete with #3 rebar on eighteen (18) inch centers on chairs over a modified subgrade as per the Geotechnical Soils Report; or seven (7) inch asphalt over a modified subgrade as per the Geotechnical Soils Report. The construction shall be capable of supporting a minimum of 75,000 pounds gross vehicle weight.
- L. Maximum Dead-end Length – Dead end fire lanes in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Dead end fire lanes more than 150 feet in length but less than 700 feet in length shall provide one of the following turn-around configurations. Dead end fire lanes in excess of 700 feet in length shall be submitted to the Fire Marshal for review and approval.



Note: In residential subdivisions where a proposed cul-de-sac will include an obstruction within its center, such as a planter or other impassable object, the pavement width shall measure a minimum of 100 feet.

- M. Fire Lane Striping – Fire lanes shall be marked with a six (6) inch wide continuous bright red stripe on both sides. Striping shall be on the curb face where curbing is located at the edge of fire lanes. White 4 inch high lettering with a one (1) inch stroke centered on red stripe shall read: NO PARKING - FIRE LANE. This lettering shall be painted every (15) feet measured from the end of one lettering group to the beginning of the next group with a one (1) foot space between "No Parking" and "Fire Lane". Red paint shall not be used for any parking lot marking other than fire lanes. Fire lane markings are subject to the field inspection of the Fire Marshal.

Colleyville Sidewalk Escrow District Neighborhoods - 2009



RESOLUTION R-12-3464

A RESOLUTION TO REPLACE RESOLUTIONS R-92-753, R-03-2267, AND R-06-2785, RELATED TO THE NAME AND THE SCOPE OF THE COLLEYVILLE TRAILS AND SIDEWALKS COMMITTEE

WHEREAS, the City Council recognizes the importance of sidewalks as an improvement to both pedestrian safety and quality of life, and adopted Resolution R-92-743 on February 2, 1992, establishing the Colleyville Sidewalk Priorities Task Force; and

WHEREAS, the City Council also recognized the recreational importance of a system of trails in the community and approved Resolution R-98-1414 on September 15, 1998, that adopted "The Colleyville Pathways: A Citywide Trail System for Colleyville" that identifies a citywide network of trails and pathways for pedestrians; and

WHEREAS, the City Council refined the purpose and direction of the Task Force by approving Resolution R-03-2267 on November 18, 2003, which changed the name to Colleyville Sidewalks Committee; and

WHEREAS, the City Council clarified and standardized the membership and terms of the Colleyville Sidewalks Committee and further refined the role and purpose of the Committee by adopting Resolution R-06-2785, which also changed the name of the Committee to the Colleyville Trails and Sidewalks Committee; and

WHEREAS, the City Council adopted the Parks, Trails and Open Space Master Plan, which includes the priorities for development of the Colleyville trails system by approving Resolution R-11-3433 on December 6, 2011; and

WHEREAS, the City of Colleyville desires to provide safe and accessible sidewalks by complying with the Americans with Disabilities Act, and

WHEREAS, the City Council desires to refine the criteria for prioritizing sidewalk improvement projects in Colleyville.

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

Sec. 1. THAT the Colleyville Trails and Sidewalks Committee shall be renamed the Colleyville Sidewalks Committee.

Sec. 2. THAT the following criteria, in order of priority, shall be adhered to by the Colleyville Sidewalks Committee in prioritizing sidewalk improvement projects:

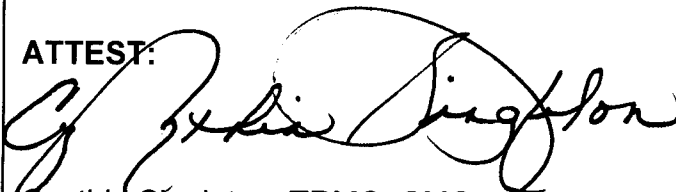
- A. Connectivity where gaps exists within neighborhoods and to destinations (businesses, schools, city parks, trailheads, etc.)
- B. Constructability (not where future improvements would result in sidewalks having to be reconstructed)
- C. Cost

Sec. 3. THAT the Committee shall utilize the most current Supplemental Sidewalk System Map adopted by the City Council, and attached as Exhibit "A", for prioritizing projects.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS AND 0 ABSTENTIONS
ON THIS THE 7th DAY OF February 2012.

ATTEST:

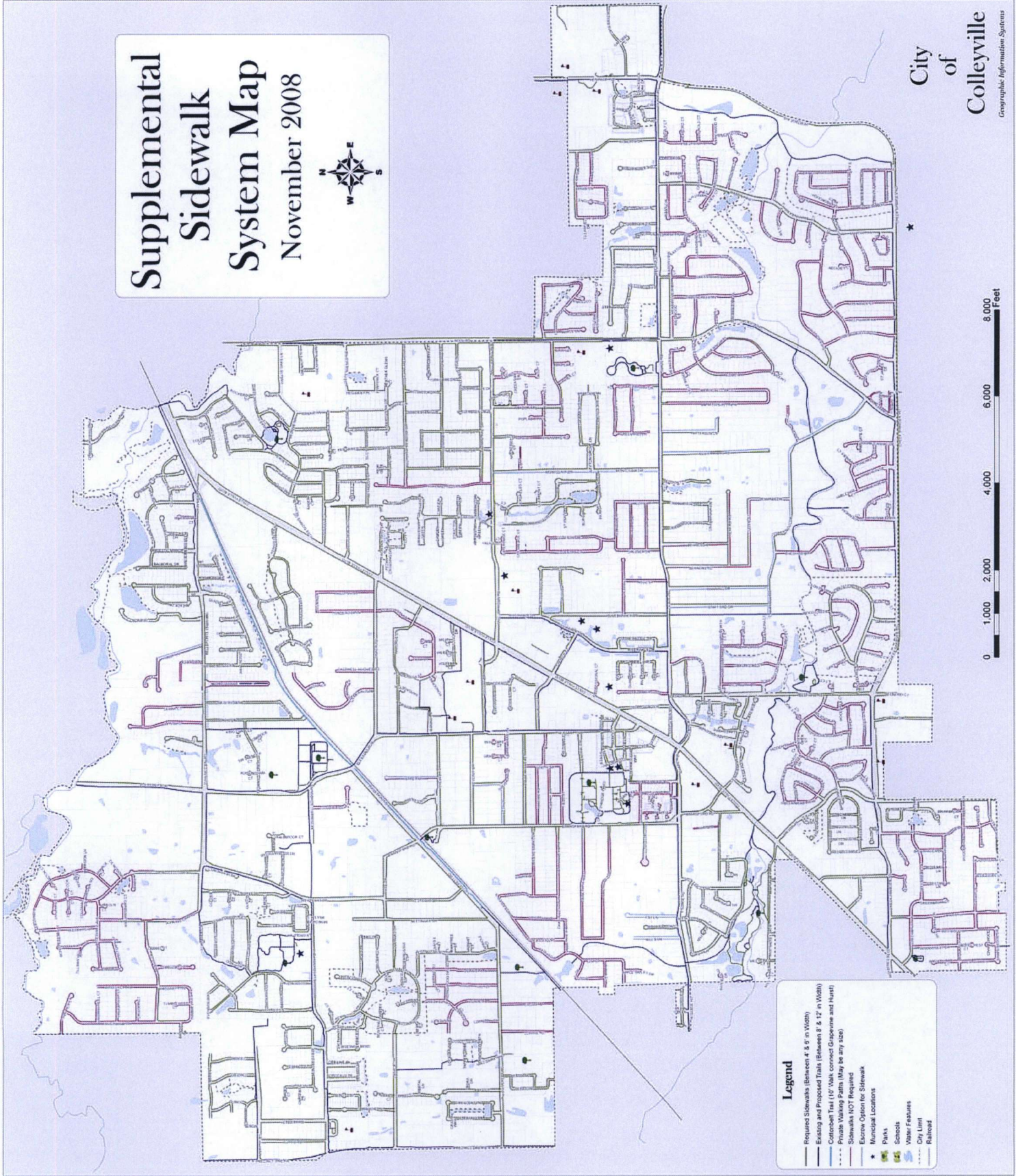

Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor

Exhibit "A"

Supplemental Sidewalk System Map November 2008





City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-3

Agenda Date 01/07/2014

Type Pre Council

Department Public Works

Title

Discussion of right-of-way mowing

Explanation

Section 42-31 of the Colleyville Code of Ordinances (attached) requires property owners to maintain the parkway adjacent to their property free of weeds, grass or uncultivated plants. Parkway is defined as the portion of any street between the roadway and the private property line.

Over the years, staff, at the direction of various appointed City officials, has been mowing and otherwise maintaining areas designated as parkways and, in the case of unplatted lots, private property. Attached is a map which shows areas of parkways and private property currently being maintained by City staff, rather than the adjacent property owner.

There is no documentation on file as to who issued these directives, or when they were given, but long-term employees indicate it has been going on for at least 25 years, and over time, the areas mowed and maintained by the City have increased. Many of the areas on the map are on unimproved streets with bar ditches; other areas are rights-of-way behind fences with no direct access (gates) from the parcel to the right-of-way. The majority of right-of-way behind fences are maintained by homeowner associations, but several such areas are currently being maintained by the City.

Staff currently dedicates approximately one (1) employee's time, per year, to accomplish the mowing of these parkways and private properties. This requires diverting employees from one of the public works crews (streets, drainage, water or wastewater) to do this work. Dedicating staff resources for maintenance of selected properties results in an inequity by maintaining some, but not all, parkways within the City. While it can be argued that steep bar ditches are more difficult to maintain, some property owners maintain them, either by hiring a lawn service, or doing it themselves, while others have come to rely on the City to perform this function. The only practical way to mitigate this inequity is to cease mowing parkways and unplatted private property.

Staff recommends the City end the practice of mowing selected parkways and private properties, and that letters be sent to all property owners whose properties are currently being mowed by the City, notifying them the City will no longer provide this

service. The proposed letter is attached to this agenda briefing.

Staff is seeking direction from City Council regarding the continuance of mowing selected parkways and private properties.

Attachments

1. Attachment 1 - Section 42-31, Code of Ordinances
2. Attachment 2 - (Map) - Citywide Mowing Locations
3. Attachment 3 - Proposed Letter to Property Owners

Attachment 1

Sec. 42-31. Weeds, grass and uncultivated plants.

(a) *Definition of terms.*

Parkway means the portion of any street between the roadway and the private property line.

(b) *Prohibition.*

(1) Permitting or allowing weeds, grass or any plant that is not cultivated to grow to a height in excess of eight inches upon any property within the corporate limits of the City of Colleyville or to leave weeds, grass or uncultivated plants in excess of eight inches on such premises after they have been cut is hereby declared to be a nuisance.

(2) A person commits an offense if the person owns, occupies or controls any property within the corporate limits of the City of Colleyville upon which weeds, grass or any plant that is not cultivated exceed eight inches in height or if weeds, grass or uncultivated plants in excess of eight inches are allowed to remain on such premises after they have been cut.

(3) A person commits an offense if the person owns, occupies or controls any property within the corporate limits of the City of Colleyville and fails to maintain the parkway adjacent to the property free of weeds, grass or uncultivated plants that exceed eight inches in height or if weeds, grass or uncultivated plants in excess of eight inches are allowed to remain on such premises after they have been cut.

(4) In the case of agricultural tracts of five acres or larger and undeveloped residential subdivisions containing more than four lots and/or residential subdivisions where public improvements have been approved by the city and more than 20 percent of all lots approved for residential use are vacant, this section will be satisfied if the hay or grass is kept mowed to a height no greater than 12 inches for a distance of 100 feet around the entire perimeter of the tract.

(c) *Abatement.*

(1) The city manager or his designee is hereby authorized to give notice to the owner of any property which is in violation of the provisions of subsection [42-31\(b\)](#), instructing the owner to abate the nuisance.

(2) If the owner of the property does not comply with the provisions of an abatement notice issued by the city manager or his designee within ten days after the date the notice is received, the city manager or his designee may:

a. Enter the property and do or cause to be done the work required to abate the nuisance; and

b. Pay for the work done and charge the expenses to the owner of the property or assess the owner a weed abatement fee in accordance with article II, [section 2-26](#) of the City of Colleyville Code of Ordinances.

(3) The notice must be given:

a. Personally to the owner in writing; or

b. By letter addressed to the owner at the owner's last known address as shown on the city tax rolls; or

c. If personal service cannot be obtained, or the owner's post office address is unknown:

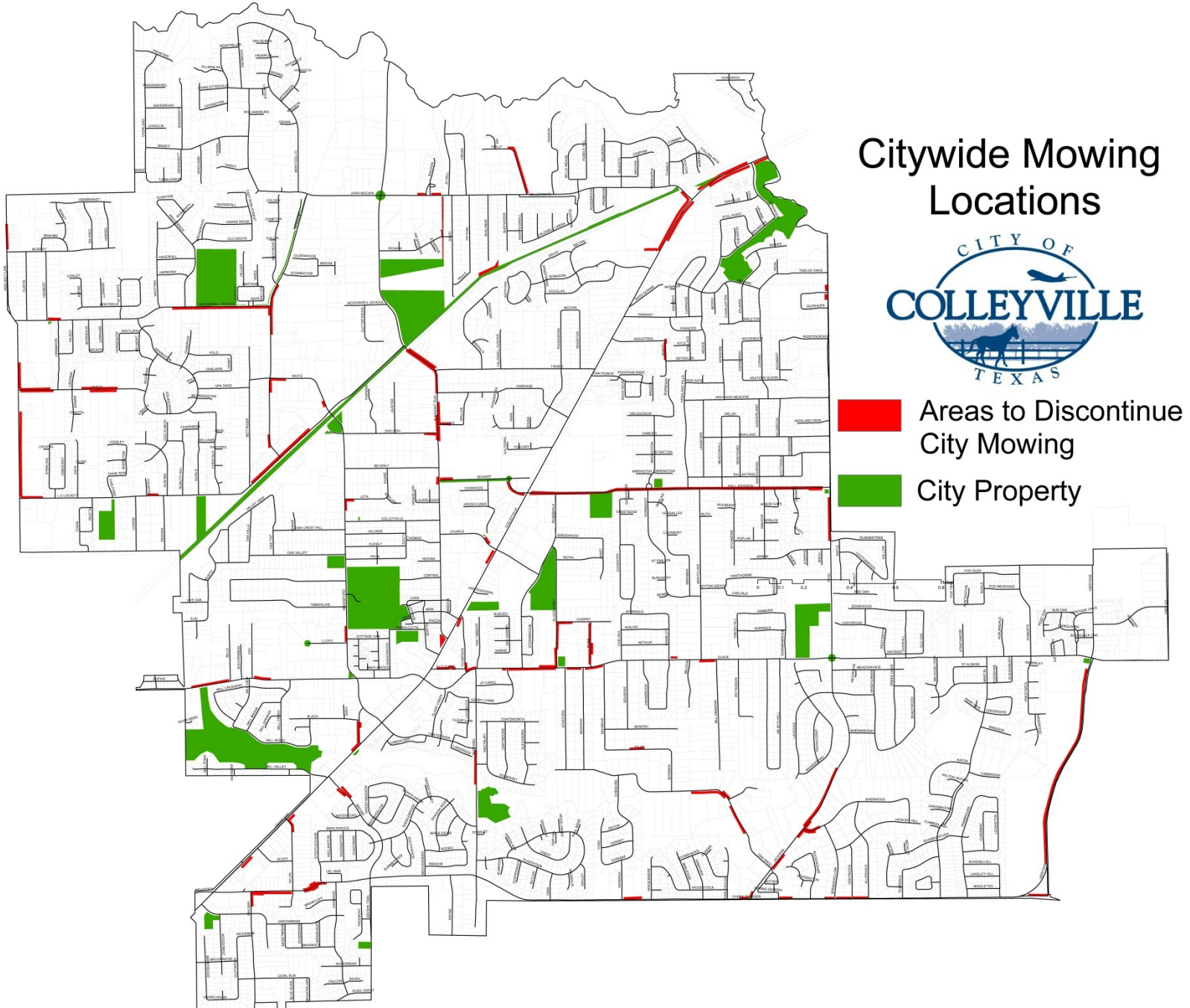
1. By publication at least twice within ten consecutive days; or

2. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 3. If the property contains no buildings, by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (4) Notice will be deemed to have been received:
- a. For personal service, as of the date the notice was given personally to the owner;
 - b. For mailed notice, three days after date of postmark;
 - c. For notice by publication, on the date that the last notice was published in the official newspaper; or
 - d. For notice by posting, ten days after the notice was posted.
- (5) In the notice of a violation, the city manager or his designee may inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.
- (6) If a violation covered by a notice under subsection (c)(5) occurs within the one-year period, and the city manager or his designee has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by subsections (c)(2)a., b. and assess the expenses as provided by subsection [42-31\(e\)](#).
- (d) *Property under development.*
- (1) Before any application for change of zoning, platting or replatting is accepted, all liens and charges arising under the terms of this section shall be satisfied and all concerned properties shall be in compliance with subsection [42-31\(b\)](#) hereof.
 - (2) If the city has issued a permit and the property for which such permit was issued is in violation of subsection [42-31\(b\)](#) hereof, the city manager or his designee may revoke the permit until such a nuisance has been abated.
 - (3) Such actions shall not defer any other remedies or penalties which may be applicable under this section.
- (e) *Assessment of expenses; lien.*
- (1) All expenses incurred by the city to abate high weeds, grass or uncultivated plants, including the cost of giving notice as required, shall initially be paid by the city and charged to the owner of the property. If the charge is not paid to the city within 30 days after billing, it will become a charge against the property and the city may file a lien upon the property.
 - (2) To obtain a lien upon the property, the city manager or his designee shall file a statement of expenses with the county clerk for the county in which the property is located. The lien statement shall state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.
 - (3) The lien shall be security for the expenditures made and interest accruing at the rate of ten percent per annum on the amount due from the date of payment by the city.
 - (4) The lien is inferior only to:
 - a. Tax liens; and
 - b. Liens for street improvements.
 - (5) The city may bring a suit for foreclosure of the lien in the name of the city to recover the expenditures and interest due and in said suit the statement of expenses or a certified copy of the statement shall be prima facie proof for

the expenses incurred by the municipality in doing the work or making the improvements.

(f) *Penalty.* An offense as defined under [section 42-31](#) is a misdemeanor punishable by a fine not to exceed \$2,000.00. Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense.

Attachment 2 (Map)



Attachment 3

January 8, 2014

Mr. and Mrs. <Property Owner/Occupant>

Or <Name of Business Owner>

Street Address

Colleyville, Texas 76034

Dear Mr. and Mrs. <Property Owner/Occupant>:

The purpose of this letter is to advise you that effective immediately, the City will no longer mow or otherwise maintain the right-of way adjacent to your property. According to section 42-31 in the Colleyville Code of Ordinances, it is the responsibility of the property owner or occupant of the property to maintain this area.

During a recent audit of the Public Works Department, we discovered City employees were mowing the right-of-way at a number of Colleyville residences. Although mowing on private property or rights-of-way adjacent to private property may have been taking place for some time, it is not an appropriate use of City funds or of City employees. It is, in fact, a violation of the City's Code of Ordinances.

We hope you understand the City's position in this matter. We are here to serve all Colleyville citizens and to serve them as equitably as possible. When special services are extended to one resident over another, it has an impact on the availability of resources necessary to provide services to the Colleyville community as a whole. In order to best serve all of our citizens, it is incumbent upon us to cease these activities and to ensure that taxpayer resources are spent in a fair and equitable manner.

We appreciate your consideration and cooperation in this matter. If you have any questions or concerns, please contact me at 817.503.1096 or by email to blowry@colleyville.com.

Sincerely,

Robert D. Lowry, P.E.
Public Works Director



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-4

Agenda Date 01/07/2014

Type Pre Council

Department City Manager

Title

Discussion of the January 7, 2014, 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 01/07/2014

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 on legal issues related to the Police Department's Use of Force Policy

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-14-3708

**A RESOLUTION APPROVING CITY COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF JANUARY 7, 2014**

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 7TH DAY OF JANUARY 2014.

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 01/07/2014

Type Announcements, Proclamations and Presentations

Department Human Resources

Title

Proclamation in recognition of Jaime Gutierrez, the 2013 Employee of the Year - Mayor David Kelly

Attachments

1. Proclamation in recognition of Jaime Gutierrez, 2013 Employee of the Year

Proclamation

CITY OF

Colleyville,
Texas

WHEREAS: Jaime Gutierrez, Building Maintenance Technician, was nominated and selected by his peers as the City of Colleyville 2013 Employee of the Year; and

WHEREAS, the Employee of the Year Award honors an employee who embodies all of the City of Colleyville values of integrity, service, and innovation; and

WHEREAS, Jaime provides exemplary customer service to both internal and external customers, including responding to routine facility maintenance requests and coordinating complex maintenance projects with contractors in a prompt, professional, and courteous manner; and

WHEREAS, Jaime consistently pursues efficiencies in his job duties and eagerly embraces new technology, including developing a systematic building maintenance program and using an on line work order system for maintenance requests; and

WHEREAS, Jaime demonstrates support and understanding for those with whom he works and displays a positive attitude and a commitment to excellence in all he does, including coordinating the replacement of the air conditioning unit and roof at Colleyville Center; and

WHEREAS, Jaime has loyally served the community through his dedication to the City of Colleyville.

NOW, THEREFORE, I, DAVID KELLY, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the Colleyville City Council, citizens, and employees of Colleyville, congratulate and commend

JAIME GUTIERREZ

for his demonstration of and commitment to the City of Colleyville values of integrity, service, and innovation.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville, Texas, affixed this 7th day of January 2014.





Mayor



RESOLUTION R-14-3709

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
JANUARY 7, 2014**

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 December 17, 2013
 - b. Approval of a final plat for 53.2 acres on Tracts 1F and 1G, Abstract 1038, of the Hall Medlin Survey, and Tracts 1A02 and 1C, Abstract 295, of the William E. Crooks Survey, located at 7612 and 7624 Pleasant Run Road, Case PC13-021

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 7TH DAY OF JANUARY 2014.

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, December 17, 2013

City Council Chambers

Mayor David Kelly called the Pre Council meeting of the Colleyville City Council to order on December 17, 2013, at 5:30 p.m.

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

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Parks and Recreation and Library Director Mary Rodne, Human Resources Director Michelle Reyes, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Project Engineer Dale Crown, Development Engineer Dan Hartman, Management Analyst James Hubbard, Finance Manager Karen Hines, Community Development Director Ron Ruthven, Planning and Development Coordinator Mary Elliott, Communications and Marketing Director Mona Gandy, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, Assistant City Attorney Matt Butler, and City Secretary Amy Shelley.

PC-1 Discussion of Highway 26 School Zone

Police Chief Mike Holder presented this item and briefed City Council.

Councilmember Short suggested reducing the length of the school zone.

Mayor Kelly stated there is an access point along the Bridges School, and the school zones typically are for the length of the school boundary.

Councilmember Short stated the school zone is about keeping students safe, however, he stated he does not see the need for it to extend beyond Hall-Johnson Road, especially to the north.

Chief Holder stated there are about five or six school zones in which they are 1,000 feet or more in length and several that are 600-800 feet.

Councilmember Short questioned staff regarding the general guideline for the length of the school zones. Chief Holder stated not knowing the industry standard; however, most are based upon the area in which the school exists.

Mayor Kelly questioned Councilmember Short regarding the need to reduce the school zone. Councilmember Short stated he has friends and neighbors complaining about the school zone.

Councilmember Short stated he could see drivers forgetting they are within the school zone because it seems to be a long distance.

Mayor Pro Tem Taylor questioned staff regarding the students crossing the road. Chief Holder explained he has seen students cross in both directions.

Mayor Kelly questioned staff regarding if students cross at the Bridges School. Chief Holder stated he has seen people exit from Bridges, however, he did not know if students were crossing the street at that location.

Mayor Pro Tem Taylor stated being concerned about the possibility of the traffic patterns changing.

Mayor Pro Tem Taylor questioned staff regarding if the length of time for which the school zone runs could be reduced. Chief Holder stated the time is 30 minutes prior to the earliest arrival time, and 30 minutes after latest release time, of the school.

Councilmember Hart stated the school zone may need to be reconsidered, especially with the potential reconstruction of SH26.

Mayor Kelly questioned staff regarding if additional signage could be provided to make people aware of the fact they are still in a school zone. Public Works Director Bob Lowry replied yes.

Councilmember Short stated the speed limit within the school zone is 35 miles per hour, however, that does not seem slow enough. Chief Holder stated the speed limit was put in place by a previous City Council.

Mayor Kelly stated he would be in favor of reducing the speed limit.

Councilmember Wollin asked Councilmembers if the Traffic Safety Advisory Committee should review the posted speed limit.

Mayor Pro Tem Taylor stated the speed limit has worked for years. He added he would not be in favor of reducing the speed limit.

Councilmember Short stated being in favor of shortening the length of the school zone and reducing the speed limit.

Councilmember Mogged concurred with Councilmember Short, and stated it is a good idea for the Traffic Safety Advisory Committee to look at this request.

Mayor Kelly stated he did not see the need to review the school zone, especially since there have not been a lot of issues with it.

Councilmember Short questioned staff regarding the number of citations issued in other school zones. Chief Holder stated he did not have the number for the other school zones.

Councilmember Hall stated he agrees that the Traffic Safety Advisory Committee should consider it; however, the Committee will probably be conservative, based on City Council's recommendations.

Mayor Pro Tem Taylor questioned staff regarding how long this school zone has existed? Chief Holder replied he knew the school zones were all approved at one time, and there was an update done in 2009.

Mayor Kelly stated prior to 2009, there were warning lights with no signage.

Mayor Pro Tem Taylor stated people are familiar with the area and their driving habits and patterns.

Councilmembers Hart and Hall stated being good with the way it currently exists.

City Manager Jennifer Fadden questioned City Council regarding specific direction for the Traffic Safety Advisory Committee to consider. Councilmember Short stated he would like them to consider reducing the speed limit to 30 miles per hour, and reducing the length of school zone, starting south of Hall-Johnson Road, ending the zone 200 feet north of Hall-Johnson Road.

Councilmember Mogged stated the Traffic Safety Committee should consider which is the safer of the two options, reducing the speed limit, or length of the school zone.

Mayor Pro Tem Taylor stated the length of the school zone could be reconsidered.

Councilmember Wollin stated she wants some guidance when considering what needs to be done.

Councilmember Hall stated this one could be compared to the other school zones.

Chief Holder stated recommendations could be made to TxDOT; however, it will be their decision, since they have jurisdiction over the state highway.

Mayor Kelly suggested receiving TxDOT's recommendation regarding this school zone before the Traffic Safety Advisory Committee reviews it. Councilmembers concurred.

Mayor Pro Tem Taylor stated the drivers will need to be aware of the zone.

Mayor Kelly adjourned the Pre Council meeting at 5:57 p.m.

Mayor Kelly resumed the Pre Council meeting at 6:54 p.m.

PC-2 Discussion of the methodology for calculating drainage utility fees

Management Analyst James Hubbard presented this item and briefed City Council.

Mayor Pro Tem Taylor stated the technology will need to be in place prior to the assessment of the properties. Public Works Director Bob Lowry stated the new GIS person is very familiar with the technology.

Mayor Pro Tem Taylor stated whatever the use is, the impervious area needs to be assessed. Director Lowry stated it can be determined given the available technology.

Councilmember Mogged stated Frisco should be used as a role model for best practices, specifically to water collection.

Councilmember Hart stated it appears to be a good idea, and technology appears to be present, which will help the City be where it needs to be.

Councilmember Hall questioned staff regarding if the residential fee will go up or down. Analyst Hubbard replied it will depend on the rates rather than the methodology for assessing the fee. City Manager Jennifer Fadden added staff will benchmark the average rate for the residents in other communities. Director Lowry stated the potential for revenue is different for our community, based on the fact of the larger residential structures versus the surrounding cities, Southlake being the exception. He stated the rate can be adjusted to accommodate what the need may be.

Councilmember Hall stated if the assessment goes up considerably, there is potential for controversy.

Mayor Kelly stated it would seem that non-residential impervious area would need to be considered more than residential impervious area.

Mayor Kelly questioned staff regarding if surrounding communities will move toward the impervious area coverage. Director Lowry replied he believes over time they will, however, not within the next year.

Councilmember Short questioned staff regarding if the 48,756 square feet of residential impervious surface is actually causing more of an impact on our

drainage system. Director Lowry explained the assessment of drainage and run-off.

Mayor Pro Tem Taylor questioned staff regarding if the surrounding cities have the data to study the residential versus the non-residential. Director Lowry stated most surrounding cities adopted their assessment after Colleyville. He added that there is supposed to be a nexus between the service being provided, and the fee being assessed.

Councilmember Mogged stated one of the options to consider would be to have several flat rates. Director Lowry replied some options have been considered, however, it will be up to City Council.

City Manager Jennifer Fadden questioned City Council regarding if there is a desire for staff to conduct an analysis to look at impervious surface area for residential.

Mayor Pro Tem Taylor stated not wanting to make this a burden upon staff in doing the analysis.

Councilmember Mogged stated being in favor of a tiered structure, which is easy to understand; a simple approach.

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

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

City Manager Jennifer Fadden explained that the projection column was not correct in the Utility Fund (water and sewer sales), as submitted with the packet; therefore a new page for the report was given to City Council.

Councilmember Mogged thanked staff for the clarification.

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

Mayor Kelly adjourned the Pre Council meeting at 7:23 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Kelly at 7:33 p.m.

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

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Parks and Recreation and

Library Director Mary Rodne, Youth Services Librarian Marie Edgington, Human Resources Director Michelle Reyes, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Project Engineer Dale Crown, Finance Manager Karen Hines, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Planning and Development Coordinator Mary Elliott, Information Systems Manager Chris Pena, Senior Management Analyst Devin Slick Assistant City Attorney Matt Butler, and City Secretary Amy Shelley.

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

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

Section 551.071 - Legal - Consultation with attorney regarding 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

Mayor Kelly explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. The meeting was recessed at 6:08 p.m. and reconvened at 6:09 p.m.

INVOCATION: Pastor Martin Richardson, Crown of Life Church

PLEDGE OF ALLEGIANCE: Assistant City Attorney Matt Butler

2. OATH OF OFFICE - Jack Stacy, Mayor for a Day

City Secretary Amy Shelley administered the Oath of Office to Mayor for a Day Jack Stacy.

3. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-13-3697

Mayor Kelly read Resolution R-13-3697 in its entirety.

Mayor Kelly opened the public hearing at 7:41 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 7:41 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-13-3697. Councilmember Wollin seconded the motion.

The motion to approve carried by the following vote:

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

4. 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 thanked the public works and public safety departments and staff in their work during the ice storm. Mayor Kelly concurred.

Proclamation in recognition of Jack Stacy, Mayor for a Day - Mayor David Kelly

Mayor Kelly presented a proclamation in recognition of Jack Stacy, Mayor for a Day.

Proclamation declaring December 20, 2013, "Thank a Teacher Day" at Colleyville Elementary School - Colleyville Elementary School Principal Shelia Shimmick - Mayor for a Day Jack Stacy

Mayor for a Day Jack Stacy presented a proclamation declaring December 20, 2013, "Thank a Teacher Day" at Colleyville Elementary School to Colleyville Elementary School Principal Shelia Shimmick.

In recognition of Colleyville's featured business - Michael's Keys, 4003 Colleyville Boulevard - John Lemmon, Shop Manager - Mayor David Kelly and Economic Development Director Marty Wieder

Mayor Kelly and Economic Development Director Marty Wieder recognized Michael's Keys as the featured business and introduced shop manager John Lemmon.

Recognition of employees' years of service

Mayor Kelly recognized the following employees and their years of service:

Dale Crown was hired November 5, 2012 as a Project Engineer for the Public Works Engineering Department. Before coming to Colleyville, Dale was employed with Huitt-Zollars, Inc. as a Project Engineer.

Marie Edgington was hired November 12, 2012 as a Youth Services Assistant for the Colleyville Public Library. Marie was previously employed with the University of Maryland as a Field Representative counselor.

Robert Hinton was hired December 5, 2012 for the position of Police Captain for the Colleyville Police Department. Robert was previously employed with the Dallas Police Department for 27 years.

Devin Slick was hired November 26, 2012 as a Systems Administrator for the Colleyville Information Systems Management Department. Devin was previously employed with Leverage Technologies and Systems as a Systems Engineer II.

Scott Wrisley was hired November 21, 1993 as a Firefighter/EMT for the Colleyville Fire Department. Scott received his Firefighter Intermediate Certificate November 2006 and his Firefighter Advanced Certificate in October 2007. Scott was promoted to his current position as Driver/Engineer on December 12, 2010.

Robert Mckeown celebrated 25 years with the City of Colleyville on October 3, 2013. Robert was hired as a Firefighter/EMT for the Colleyville Fire Department on October 3, 1988. Robert received his Fire Investigator Certificate in December of 2005, and was promoted to his current position of Fire Marshal on June 12, 2006.

Recognition of employee achievements

Mayor Kelly recognized the following employees and their achievements:

Chief Mike Holder - Was elected last year as Treasurer to the Board of Officers for the *North Texas Police Chiefs Association*. There is an annual progression through the positions on the organization's board. This year Chief Holder progressed to the position of Secretary and is responsible for all minutes and documents of the organization. The *North Texas Police Chiefs Association* actively seeks to promote the professional practice of law enforcement administration, to represent the membership and the profession on issues of concern, and to encourage high

ethical standards of conduct among law enforcement administrators through its code of ethics.

Marty Wieder - The *North Texas Commission* collaborates with regional stakeholders to strengthen public-private alliances, advancing an economically vibrant region. The Commission announced the appointment of several new Board Directors in October - and the list includes Marty Wieder, Economic Development Director. Marty graduated from the North Texas Commission's Leadership North Texas program in May.

The *International Council of Shopping Centers* is considered THE professional organization of retail and shopping center leasing/representation, design, development and operations. The organization works to foster programs, which help illustrate how municipalities, counties, and economic development corporations work directly with developers, retailers, restaurants, and entertainment concepts to foster new development and redevelopment. Marty is serving his second term as Co-Chair.

In the last few years, the University of Texas at Arlington has begun including and recognizing alumni of their government, social service and non-profit graduate programs at their annual Distinguished Alumni Gala. This year, *UT Arlington's School of Urban & Public Affairs* chose to recognize Marty Wieder. Marty earned his Master of Arts in Urban Affairs from the School in 1988.

Marty is starting his second year serving on the *University of Texas at Arlington Master of Public Administration Steering Committee*. The committee meets to discuss curriculum and certification issues, as well as help with ideas and suggestions for recruiting new students.

Devin Slick - Has earned the *Microsoft Certified Solutions Associate* designation. This is an entry-level Systems Administrator certification that qualifies Devin to be recognized globally as a Microsoft professional capable of administering multiple server and desktop computing environments. To earn this designation, Devin was required to attend three classes at 40-hours each, and pass an exam in each class. These exams are very detailed and take a tremendous amount of study time in addition to the training itself. Devin is on track to be a Microsoft Certified Solutions Expert by the end of fiscal year 2014, which is the next level of certification for computer engineering.

James Hubbard - Was awarded a \$1,500 practitioner scholarship from the *North Texas Branch of the Texas Public Works Association* to pursue his Masters in Public Administration degree from the University of Texas at Arlington.

Marie Edgington - Recently graduated from the *University of North Texas* with a Master's Degree in Library Science that includes a special certification in youth services.

5. CONSENT: READING AND PUBLIC HEARING - Resolution R-13-3698

- 5a** Approval of the minutes of the regular City Council meeting of December 3, 2013
- 5b** Approval to extend the approved bank depository proposal with Wells Fargo Bank, N.A. for the period of April 1, 2014 through March 31, 2015
- 5c** Approval of a three year Municipal and County Government Enterprise License Agreement (ELA), between the City of Colleyville and the Environmental Systems Research Institute, Inc. (ESRI), in an amount not to exceed \$88,650, and authorize the city manager to execute the agreement

Mayor Kelly read Resolution R-13-3698 in its entirety.

Mayor Kelly opened the public hearing at 8:06 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:06 p.m.

Councilmember Hart moved to approve Resolution R-13-3698. Councilmember Short seconded the motion.

The motion to approve carried by the following vote:

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

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

Mayor Kelly read the caption of Ordinance O-13-1898.

There was no additional information provided by staff or the applicant for this second reading.

Mayor Kelly opened the public hearing at 8:07 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:07 p.m.

Councilmember Hart moved to approve Ordinance O-13-1898. Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

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

6b 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

Mayor Kelly read the caption of Ordinance O-13-1899.

Community Development Director Ron Ruthven presented this item and briefed City Council, specifically to the trail and improvements to Heritage Avenue.

Mayor Kelly opened the public hearing at 8:10 p.m.

Brett Pedigo, Terra Manna LLC., presented this item and briefed City Council.

Gary Malone, 4605 and 4609 Winewood, spoke in support to this request with specific comments for the proposed sidewalk adjacent to his home and the development's open space.

There were no others wishing to speak and Mayor Kelly closed the public hearing at 8:17 p.m.

Mayor Kelly questioned staff regarding the difference between floodway and floodplain. City Engineer Jeremy Hutt explained the difference between a floodway and a floodplain, and the process in which each area is reclaimed.

Mayor Kelly questioned staff regarding if the pictures, shown from the Woodland Hills development, are the result of flooding in the floodplain areas. Engineer Hutt stated those are pictures showing flooding in the floodplain area.

Councilmember Mogged questioned staff regarding the best use of the subject property, specifically the commercial property on the southern portion of the property. Director Ruthven replied the original 2007 ordinance indicates 1.8 acres

on the southeast corner as an alternative plan for commercial, if the City incorporated the property from the City of Euless.

Councilmember Mogged questioned staff regarding the commercial aspect of this property, specific to best use. Economic Development Director Marty Wieder explained he has met with retailers and developers who have shown some interest in this area.

Councilmember Mogged questioned staff regarding the acreage needed for those retailers. Director Wieder stated the acreage needed would range from one and one half acres to three acres.

Mayor Kelly questioned staff regarding the impact of commercial tax revenues for the City. Director Wieder stated service needs continue to grow based on the needs of the community and commercial tax revenues help with those needs.

Mayor Kelly questioned Mr. Pedigo regarding the commercial tract. Mr. Pedigo stated the original tract was 1.9 acres. He stated staff requested a larger tract for the Planning and Zoning Commission consideration, however, with his discussions with retailers and developers; he kept the size of the lot, given its location.

Councilmember Mogged questioned Mr. Pedigo regarding if there is a chance to modify the plan by considering developing this as a larger commercial tract, and if not, then it could roll back to residential. Mr. Pedigo stated he would rather the residents have a certainty that this is a commercial use.

Mayor Pro Tem Taylor questioned Mr. Pedigo regarding more commercial rather than residential, such as office uses. Mr. Pedigo stated not wanting to be left with land that cannot be used later. He stated the entry has to be designated at this time.

Mayor Pro Tem Taylor stated he did not want this property to be carved out just for the sake of commercial uses.

Mayor Kelly stated there are some residential lots adjacent to the commercial tract, which could be eliminated to help with the depth of the commercial tract. Mr. Pedigo explained the ideal depth of retail spaces related to parking and landscaping, therefore, more square footage going north does not create an advantage for this property. He stated it makes more sense for the tract to extend to the east rather than north.

Director Wieder stated commercial and retail developments take more time to get in place.

Councilmember Mogged stated it would appear that more acreage can be put in with the commercial tract.

Mayor Pro Tem Taylor questioned staff regarding if it would be better to use the Cheek-Sparger Road frontage for commercial and use Heritage Avenue for the residential uses. Director Wieder stated it could provide the benefit and potential for other retailers and restaurants to develop next to this tract.

Councilmember Hall stated being worried about the commercial space being left empty surrounding the residential uses. He stated this is not Colleyville's main commercial corridor.

Mayor Kelly questioned Mr. Pedigo regarding the timeframe for approval. Mr. Pedigo stated it is imperative that a decision be made this evening. He stated if the commercial tract can be enlarged to 2.5 acres, would staff be supportive of such? Mayor Kelly stated the original development, from 2007, was approved and it did not line up. Mr. Pedigo stated a three year timeframe would work, if residential would be allowed to be back filled. He added the entrance is important, given the location on Cheek-Sparger Road.

Mayor Pro Tem Taylor stated being concerned that three years is not long enough for commercial fill.

Mayor Kelly stated he wants to create an opportunity for this to be a great development, and he added he would be good with the 1.9 acres for commercial.

Councilmember Wollin stated she does not want a time limit for it to be commercial. She stated 1.9 acres is not enough for commercial, given what the Economic Development Director has stated.

Councilmember Short questioned staff regarding the property across the street in Euless. Director Ruthven replied the master plan for that development indicates future retail uses.

Councilmember Short questioned staff regarding how far the proposed property is from the commercial uses on SH121. Director Ruthven replied it will transition from commercial uses to residential uses at Heritage Avenue.

Mayor Kelly questioned staff regarding the 2007 site plan, what was the commercial acreage then? Director Ruthven replied 1.8 acres at the hard corner.

Mayor Kelly stated it was not moved to add any additional acreage in 2007.

Mayor Pro Tem Taylor questioned staff regarding what is the developer's participation for the improvements to Heritage Avenue. Director Ruthven replied the developer has the option to pay the roadway impact fees and not do any improvements to Heritage Avenue.

Mayor Pro Tem Taylor questioned staff regarding if no participation by the developer is a good idea. Director Ruthven stated the cost to improve Heritage Avenue would far exceed the developer's responsibility to improve, therefore, staff decided it would be acceptable for only the roadway impact fees to be paid.

Mayor Kelly questioned staff regarding the trail along Heritage Avenue. Director Ruthven stated the developer will be required to have a study conducted that will indicate where the trail should be constructed to ensure the trail is constructed properly.

Mayor Kelly questioned staff regarding the masonry wall in the floodplain area, asking if masonry is appropriate, or should it be wrought iron for the channeling of the water? Director Ruthven stated there is no masonry wall required along the open space, and floodplain areas.

Mayor Pro Tem Taylor questioned Mr. Young regarding the fencing. Mr. Young explained, using the exhibits, the fencings for the development.

Discussion occurred with Mr. Young, Mayor Kelly, and Mayor Pro Tem Taylor regarding the proposed fencing along the roadway, entrance, and floodplain.

Director Ruthven stated the masonry wall is only required along Heritage Avenue when residential lots back to Heritage Avenue.

Mayor Kelly stated there should be a sidewalk adjacent to the open space next to Mr. Malone's property. Councilmember Short stated he did not see the need for a sidewalk there.

Mayor Pro Tem Taylor questioned staff regarding if there is a connection into Prestwick Park from this development. Director Ruthven replied there is an emergency access connection.

Councilmember Wollin questioned staff regarding if the 10 foot buffer is required to be landscaped and would the sidewalk be permitted in this area. Director Ruthven replied it is required to be landscaped, and the sidewalk would not be allowed within this buffer.

Councilmember Short stated there is not a need for a sidewalk here, given that not everywhere makes sense for a sidewalk. Mayor Kelly stated new developments shall have sidewalks.

Mayor Pro Tem Taylor questioned Mr. Young regarding the alignment of the cul-de-sac and the buffer. Mr. Young stated it could be realigned.

Councilmember Short questioned Mr. Young regarding the trail. Mr. Young stated the floodplain currently goes over Heritage Avenue; therefore, the trail would have

to be raised. He stated not wanting to waste the money on the trail if it will have to be torn out. He stated it would be more practical to have a smaller trail throughout the development.

Mayor Kelly questioned Mr. Young regarding non-residents using the trail. Mr. Young replied he is looking for a solution.

Director Ruthven stated the trail would not have to be constructed to the elevation of the future improvement to the road. Further discussion occurred regarding the possible location and construction of the sidewalk, as it relates to the creek.

Mayor Pro Tem Taylor questioned Mr. Young regarding the height of the masonry wall. Mr. Young stated the original ordinance outlined an eight foot wall.

Mayor Pro Tem Taylor suggested amending the height of the wall from eight feet to six feet.

Mayor Kelly questioned staff regarding other masonry walls in other developments. Director Ruthven replied most are six feet in height. He added that the change in height of the masonry wall should be codified in the ordinance.

Mayor Pro Tem Taylor questioned staff regarding the height of the masonry wall adjacent to the commercial tract. Director Ruthven replied it is required to be eight feet in height.

Mayor Pro Tem Taylor moved to approve Ordinance O-13-1899 with the following amendments: 1) the eight foot masonry walls shall be six feet in height, except where the wall is adjacent to commercial, then it shall be eight foot; 2) remove the sidewalk waiver request, from Block 2, Lot 2, and Block 2, Lot 1; 3) amend Section 2.c. of Ordinance O-13-1866 to allow for escrow option, where appropriate, on the trail. 4) amendment to Ordinance O-07-1645, Section 4.7.b., to allow for a six foot masonry wall to be built along the perimeter of the subdivision along Heritage Avenue, as shown in "Exhibit D"; 5) all rear facing lots, along Heritage Avenue, will also include the six foot masonry wall; 6) Section 5.2.c, of Ordinance O-13-1866 shall be repealed; and 7) a temporary four foot, interior pedestrian access, within the floodplain shall be added.

Mayor Pro Tem Taylor stated he did not understand why the developer is not responsible for matching the improvements in the roadway, to complete the portion where Euless stopped. City Manager Jennifer Fadden stated when looking at the greater context of Heritage Avenue, staff was not clear as to how this roadway will look. Staff has felt it appropriate to look at, and determine, how we want the roadway to look during the upcoming comprehensive plan update.

Director Ruthven stated the roadway impact fees are paid into a larger pool for service area 1, as identified in the CIP.

Mayor Kelly stated the developer has the option to pay the fees or improve the road. Director Ruthven added the developer can also enter into a City-Developer Agreement.

Director Ruthven suggested adding the corrected fencing exhibit to the proposed ordinance. Mayor Kelly concurred.

City Manager Jennifer Fadden added that the motion should include the amendment to Ordinance O-07-1645, Section 4.7.b., to allow for a six foot masonry wall to be built along the perimeter of the subdivision along Heritage Avenue. Assistant City Attorney Matt Butler concurred. (This addition has been added to the motion above.)

City Manager Jennifer Fadden questioned Director Ruthven regarding if the last amendment will create any unintended consequences to the Colleyville Pathways Plan. Director Ruthven replied the Pathways Plan is effectively amended by Ordinance O-13-1866 and will further be amended by the comprehensive plan update.

Mr. Young explained the sections of the trail that will be constructed versus the sections that will not be built, because of the roadway improvements, related to the floodway.

Director Ruthven stated the escrowed portion of the trail would be the portions in which the trail sections are within the floodway.

Councilmember Short questioned Mr. Young regarding pedestrian access on site, across the floodplain. Mr. Young replied it was an idea for temporary measures.

Director Ruthven stated if City Council desires to add this provision, it must be added to the ordinance. Mayor Kelly stated he would like it added.

Councilmember Hart seconded the motion.

Director Ruthven questioned City Council regarding if a detailed site plan, for the 1.9 acre commercial tract, can be reviewed by City Council, in the future? City Council agreed.

The motion to approve, with amendments, carried by the following vote:

Aye: 5 – Mayor Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Stan Hall, Jody Short, and Tom Hart

Nay: 2 – Councilmembers Carol Wollin and Chuck Mogged**6c 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

Mayor Kelly read the caption of Ordinance O-13-1900.

There was no additional information provided by staff.

Mayor Kelly opened the public hearing at 10:13 p.m.

Charlie Hall, 5606 Amador Trail, and 4200 Glade Road, presented this item and briefed City Council.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 10:14 p.m.

Mayor Kelly questioned staff regarding the size and location of the sign. Director Ruthven stated those changes were added to the ordinance.

Councilmember Short questioned staff regarding the language of the original ordinance, specifically to the cross-access to the adjacent property, and the subject property not being in-compliance with the ordinance provisions. Mr. Hall stated he has been trying to purchase the property; however, he is not having any luck with such or with connecting the cross-access.

Mayor Pro Tem Taylor moved to approve Ordinance O-13-1900. Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

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

Mayor Kelly recessed the meeting at 10:14 p.m.

Mayor Kelly reconvened the meeting at 10:23 p.m.

6d Ordinance O-13-1901

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

Mayor Kelly read the caption of Ordinance O-13-1901.

Mayor Kelly opened the public hearing at 10:24 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 10:24 p.m.

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

Councilmember Hall moved to approve Ordinance O-13-1901. Councilmember Wollin seconded the motion.

The motion to approve carried by the following vote:

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

6e 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

Mayor Kelly read the caption of Ordinance O-13-1902.

Mayor Kelly opened the public hearing at 10:26 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 10:26 p.m.

Mayor Pro Tem Taylor moved to approve Ordinance O-13-1902. Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

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

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-13-3699

Consideration of appointments to the Architectural Review Commission

Mayor Kelly read Resolution R-13-3699 in its entirety.

Mayor Kelly opened the public hearing at 10:27 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 10:27 p.m.

Councilmember Hall moved to approve Resolution R-13-3699 with the following appointments: Jeffrey Ground, John Hines, and Gerald Ward. Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

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

7b Resolution R-13-3700

Consideration of appointments to the Colleyville Center Advisory Committee

Mayor Kelly read Resolution R-13-3700 in its entirety.

Mayor Kelly opened the public hearing at 10:28 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 10:28 p.m.

Councilmember Hall moved to approve Resolution R-13-3700 with the following appointments: At-Large includes Leti Carson, Mark Johnson, Sue Anne Martinez, and Fred Mills; Arts Council Northeast, Earlene Garvey; Colleyville Rotary Club, Mike Bolton; and Colleyville Woman's Club Darla Dennison. He further advised staff to re-advertise for the open At-Large position. Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

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

7c Resolution R-13-3701

Consideration of appointments to the Colleyville Events Steering Committee

Mayor Kelly read Resolution R-13-3701 in its entirety.

Mayor Kelly opened the public hearing at 10:30 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 10:30 p.m.

Councilmember Mogged moved to approve Resolution R-13-3701 with the following appointments: Sandra McIntosh, Mary Lou Dove, and Ryan Milakovich. Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

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

7d Resolution R-13-3702

Consideration of appointments to the Colleyville Sidewalks Committee

Mayor Kelly read Resolution R-13-3702 in its entirety.

Mayor Kelly opened the public hearing at 10:31 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 10:31 p.m.

Councilmember Hart moved to approve Resolution R-13-3702 with the following appointments: Jeffrey Ground, Ryan Milakovich, and Ajit Purandare. Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

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

7e Resolution R-13-3703

Consideration of an appointment to the Historical Preservation Committee

Mayor Kelly read Resolution R-13-3703 in its entirety.

Mayor Kelly opened the public hearing at 10:32 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 10:32 p.m.

Councilmember Wollin moved to approve Resolution R-13-3703 with the following appointment: Gerald Ward. Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

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

7f Resolution R-13-3704

Consideration of appointments to the Library Board, Alternate 1 and Alternate 2, and filling the position of Library Board, Place 6

Mayor Kelly read Resolution R-13-3704 in its entirety.

Mayor Kelly opened the public hearing at 10:34 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 10:34 p.m.

Councilmember Wollin moved to approve Resolution R-13-3704 with the following appointments: Place 6 Vernon Noronha; Alternate 1 Sue Anne Martinez; and Alternate 2 Nancy Andrews. Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

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

7g Resolution R-13-3705

Consideration of appointments to the Parks and Recreation Advisory Board

Mayor Kelly read Resolution R-13-3705 in its entirety.

Mayor Kelly opened the public hearing at 10:35 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 10:35 p.m.

Councilmember Short moved to approve Resolution R-13-3705 with the following appointments: Place 2 Leti Carson; Place 4 David Hays; Place 6 Ajit Purandare; and Place 8 Hillary Schwanbeck. Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

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

7h Resolution R-13-3706

Consideration of appointments to the Traffic Safety Advisory Committee

Mayor Kelly read Resolution R-13-3706 in its entirety.

Mayor Kelly opened the public hearing at 10:37 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 10:37 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-13-3706 with the following appointments: Sean Bryan, John Hines, and Janet Suedmeier with terms expiring December 2015; and Vernon Noronha with a term expiring December 2014. Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

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

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

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

9. REPORTS

Planning and Zoning Commission Meeting Minutes - October 28, 2013

Planning and Zoning Commission Meeting Minutes - November 11, 2013

There was no discussion of this item.

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR DECEMBER 17, 2013 - Reading and Public Hearing - Resolution R-13-3707

This resolution was not needed.

11. ADJOURNMENT

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

The motion carried by the following vote:

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

Mayor Kelly adjourned the City Council meeting at 10:38 p.m.

APPROVED BY A VOTE OF__ AYES, __ NAYS, AND __ ABSTENTIONS ON THIS THE 7TH DAY OF JANUARY 2014.

Minutes taken and prepared by:

A handwritten signature in black ink, appearing to read "Amy Shelley". The signature is fluid and cursive, with the first name "Amy" and last name "Shelley" clearly distinguishable.

*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 4b

Agenda Date 01/07/2014

Number Resolution R-14-3709

Type Resolution

Department Community Development

Title

Approval of a final plat for 53.2 acres on Tracts 1F and 1G, Abstract 1038, of the Hall Medlin Survey, and Tracts 1A02 and 1C, Abstract 295, of the William E. Crooks Survey, located at 7612 and 7624 Pleasant Run Road, Case PC13-021

Explanation

Reading and Public Hearing

The applicant is requesting approval of a final plat for 73 single family lots and two private open space lots on 53.2 acres, located at 7612 and 7624 Pleasant Run Road. The preliminary plat was approved by City Council on November 5, 2013. The developer has submitted the whole final plat area in one phase.

Zoning. A rezoning request for PUD-R Planned Unit Development Residential was approved by City Council on June 18, 2013 with Ordinance O-13-1875, attached.

Lot Dimensions and Setbacks. Ordinance O-13-1875 prescribes the following lot development standards:

Minimum Lot Size: 13,000 square feet

Average Lot Size: 16,050 square feet

Minimum Lot Width: 90 feet

Minimum Lot Depth: 70 feet

Minimum Front Yard Setback: 20 feet for lots with side facing garages so long as the distance from the back of curb to the primary structure is at least 30 feet, and 30 feet for lots with front facing garages

Minimum Side Yard Setback: 9 feet

Minimum Rear Yard Setback: 25 feet from main structure; 10 feet from accessory structures

Maximum Building Height: 35 feet

Building Setback Provision. Special consideration of reduced lot width has been

requested by the applicant for lots located on cul-de-sacs and those located on 90-degree elbows in the streets. The minimum lot width for such lots measured at the building line shall be 70 feet. The minimum lot width for such lots measured at the right-of-way line shall be 35 feet.

Building Design. The surface area of the front exterior walls, excluding windows, doors, gables, and covered porches will be at least 85 percent masonry or hand troweled, cement-based, three-coat stucco. The surface area of all side and rear walls will be at least 75 percent masonry or hand-troweled, cement based three-coat stucco.

Street Design. The streets in the development are public and will meet the minimum requirements of the Land Development Code, which includes a 31 foot wide curb and gutter street with a 50 foot right-of-way.

Open Space. Ordinance O-13-1875 requires that a minimum 30 percent of open space be provided in the development. According to the final plat, 37 percent of the development will be designated as open space.

Landscaping and Buffering. All lots are required to have a minimum of two (2), three inch (3") caliper hardwood shade trees, to be installed by the builder on each lot.

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

Ordinance O-13-1875 requires a minimum ten (10) foot tree preservation buffer to be maintained along the entire western boundary of the development. The buffer is depicted on the plat.

Gas Well Site Proximity. Ordinance O-13-1875 establishes the following with regard to the Atlas Resource Partners gas well site located at 7504 Pleasant Run Road:

Section 4.10. General - a. No building, structure or other development within this PUD, including any roads and parks, shall trigger any setback requirement for future gas wells and related equipment located on the existing 13.2-acre pad site located directly south of the boundaries of this PUD (the "Existing Pad Site"), regardless of whether such gas wells and equipment are authorized by Ordinance O-10-1779 approving a Special Use Permit for the Existing Pad Site or are authorized by future approvals (if any) for the Existing Pad Site only by the City Council.

Section 4.10. General - b. Prior to the recordation of a final plat for any property within this PUD, an instrument shall be recorded in the deed records of Tarrant County, Texas, for the property within this PUD, providing all future purchasers of such property with notice of this paragraph. The form of such instrument shall be approved by the city attorney. In addition, any rezoning of the property governed by this PUD,

including, but not limited to, an amendment to this PUD, shall require that written notice be given to the gas well operator in the same manner that is required by Chapter 211 of the Texas Local Government Code for all property owners. Notices shall be sent to the gas well permittee based on the address on file with the City.

As stated above, the requirement for Section 4.10. General - b. must be satisfied prior to the recording of the final plat with the Tarrant County Clerk.

Development Fees. Park land dedication fees are due in the amount of \$1,802 per residential lot.

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 Pleasant Run Road. Perimeter street improvements are required for the newly created lots since Pleasant Run 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.

Sidewalks and Trails. According to the Supplemental Sidewalk System Map and the 2005 Colleyville Pathways Plan, a ten (10) foot trail is required to be constructed along Pleasant Run Road, depicted as Trail 14 on the plan. Ordinance O-13-1875 states that *"in lieu of constructing the required ten (10) foot trail along Pleasant Run Road, the developer shall pay into escrow the cost of constructing the trail as determined by the City Engineer, prior to filing of the final plat for the development."*

The developer will need to pay \$32,000 into escrow for the ten (10) foot trail along Pleasant Run Road, prior to filing the final plat.

Ordinance O-13-1875 also states that *"the portion of the proposed interior park trail that traverses the open space of the development that is closest to Pleasant Run Road shall provide a stub for future connection to the Pleasant Run Road Trail shown in the Colleyville Pathways Plan. Said portion of the interior park trail shall be located within a public access easement and shall be constructed by the developer prior to acceptance of final public improvements and shall be maintained by the homeowners' association."*

The centerline of this easement is shown on the final plat.

A survey of the final placement of the interior park trail will be done with the roadway construction. The pedestrian access easement will be dedicated by separate instrument prior to the issuance for the first single family residential building permit.

Drainage and Stormwater Runoff. As required by the Land Development Code, drainage and engineering plans have been submitted with the proposed plat. The development will provide on-site retention, where necessary.

Residential Density. The development of 73 residential units on the 53.2 acre property will produce a residential density of 1.37 dwelling units per acre based upon the density calculation method prescribed by the Master Plan. The plat complies with the density requirements of a maximum residential of 1.4 dwelling units per acre, as outlined in Ordinance O-13-1875.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the December 9, 2013 meeting by a vote of 7-0.

Summary. The final plat complies with the requirements of Ordinance O-13-1875 and the Land Development Code.

Financial Impact

There is no financial impact to the City.

Recommendation

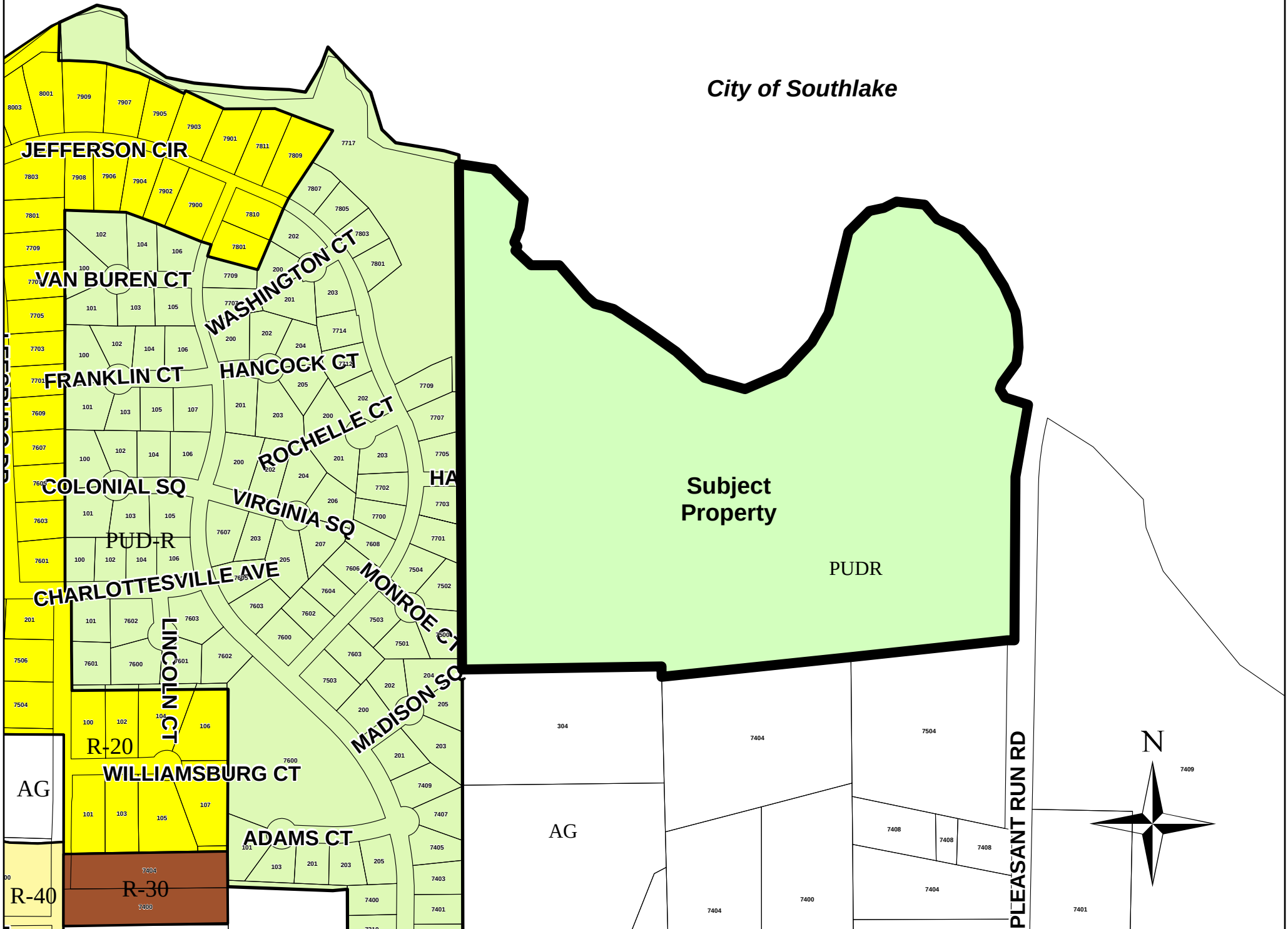
Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Plat Exhibit
4. Ordinance O-13-1875

Location and Zoning Map

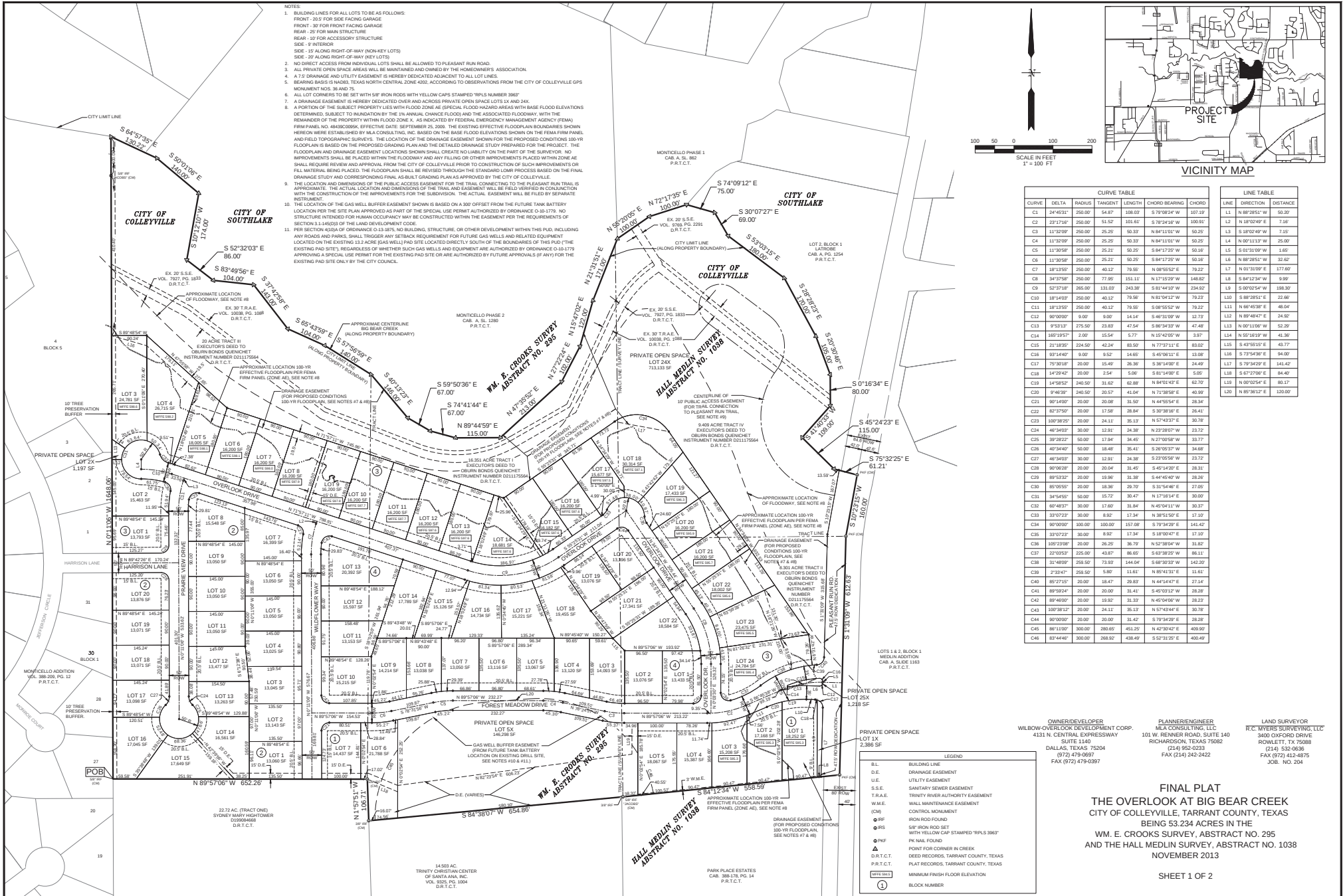
City of Southlake



Aerial



Plat Exhibit



Plat Exhibit

OWNERS CERTIFICATE

WHEREAS WILBOW OVERLOOK DEVELOPMENT CORP. IS THE OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE WM. E. CROOKS SURVEY, ABSTRACT NO. 295 AND THE HALL MEDLIN SURVEY, ABSTRACT NO. 1038, CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS AND BEING ALL OF THOSE CERTAIN TRACTS OF LAND DESCRIBED ON EXHIBIT "A" AS TRACT I (18.351 ACRES), TRACT II (8.301 ACRES), TRACT III (20.00 ACRES), AND TRACT IV (8.495 ACRES) IN AN EXECUTOR'S DEED TO ORBURN BONDS QUENICHET AND RECORDED AS INSTRUMENT NUMBER D211175564, OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID TRACT III COMMON TO THE NORTHWEST CORNER OF THAT 22.72 ACRE TRACT OF LAND CONVEYED TO SYDNEY MARY HIGHTOWER, TRUSTEE, RECORDED AS INSTRUMENT NUMBER D19908468, OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AND ALSO BEING IN THE EAST LINE OF THE MONTICELLO ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, RECORDED IN VOLUME 388-209, PAGE 12, OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS;

THENCE NORTH 00 DEGREES 11 MINUTES 06 SECONDS WEST, WITH THE WEST LINE OF SAID TRACT III AND THE EAST LINE OF SAID MONTICELLO ADDITION, AT 1548.06 FEET PASSING A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" FOUND FOR REFERENCE AND CONTINUING FOR A TOTAL DISTANCE OF 1648.06 FEET TO POINT NEAR THE CENTERLINE OF BIG BEAR CREEK;

THENCE ALONG AND NEAR THE CENTERLINE OF BIG BEAR CREEK AND TRACTS III, I, AND IV, RESPECTIVELY, THE FOLLOWING COURSES:

SOUTH 84 DEGREES 57 MINUTES 35 SECONDS EAST, A DISTANCE OF 130.22 FEET;
SOUTH 50 DEGREES 01 MINUTES 06 SECONDS EAST, A DISTANCE OF 140.00 FEET;
SOUTH 10 DEGREES 12 MINUTES 10 SECONDS WEST, A DISTANCE OF 174.00 FEET;
SOUTH 52 DEGREES 32 MINUTES 03 SECONDS EAST, A DISTANCE OF 86.00 FEET;
SOUTH 83 DEGREES 48 MINUTES 56 SECONDS EAST, A DISTANCE OF 104.00 FEET;
SOUTH 37 DEGREES 42 MINUTES 58 SECONDS EAST, A DISTANCE OF 143.00 FEET;
SOUTH 65 DEGREES 43 MINUTES 59 SECONDS EAST, A DISTANCE OF 104.00 FEET;
SOUTH 57 DEGREES 56 MINUTES 59 SECONDS EAST, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID 20 ACRE TRACT III COMMON TO THE NORTHWEST CORNER OF SAID 16.351 ACRE TRACT I;
SOUTH 40 DEGREES 13 MINUTES 23 SECONDS EAST, A DISTANCE OF 146.00 FEET;
SOUTH 59 DEGREES 50 MINUTES 36 SECONDS EAST, A DISTANCE OF 67.00 FEET;
SOUTH 74 DEGREES 41 MINUTES 44 SECONDS EAST, A DISTANCE OF 67.00 FEET;
NORTH 89 DEGREES 44 MINUTES 59 SECONDS EAST, A DISTANCE OF 115.00 FEET;
NORTH 47 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 213.00 FEET;
NORTH 27 DEGREES 22 MINUTES 24 SECONDS EAST, A DISTANCE OF 102.00 FEET;
NORTH 15 DEGREES 47 MINUTES 02 SECONDS EAST, A DISTANCE OF 122.00 FEET;
NORTH 21 DEGREES 31 MINUTES 51 SECONDS EAST, A DISTANCE OF 171.00 FEET;
NORTH 55 DEGREES 20 MINUTES 05 SECONDS EAST, A DISTANCE OF 100.00 FEET;
NORTH 72 DEGREES 17 MINUTES 35 SECONDS EAST, A DISTANCE OF 100.00 FEET;
SOUTH 74 DEGREES 09 MINUTES 12 SECONDS EAST, A DISTANCE OF 75.00 FEET;
SOUTH 30 DEGREES 07 MINUTES 27 SECONDS EAST, A DISTANCE OF 69.00 FEET;
SOUTH 53 DEGREES 03 MINUTES 15 SECONDS EAST, A DISTANCE OF 180.00 FEET;
SOUTH 28 DEGREES 28 MINUTES 23 SECONDS EAST, A DISTANCE OF 170.00 FEET;
SOUTH 20 DEGREES 30 MINUTES 46 SECONDS EAST, A DISTANCE OF 105.00 FEET;
SOUTH 00 DEGREES 16 MINUTES 34 SECONDS EAST, A DISTANCE OF 80.00 FEET;
SOUTH 41 DEGREES 40 MINUTES 33 SECONDS WEST, A DISTANCE OF 109.00 FEET;
SOUTH 45 DEGREES 24 MINUTES 23 SECONDS EAST, A DISTANCE OF 115.00 FEET AND;

SOUTH 75 DEGREES 32 MINUTES 25 SECONDS EAST, A DISTANCE OF 61.21 FEET TO A PK NAIL FOUND FOR CORNER ON AN ASPHALT SURFACE NEAR THE CENTER OF PLEASANT RUN ROAD, SAID POINT BEING THE NORTHEAST CORNER OF SAID 9.409 ACRE TRACT IV COMMON TO THE NORTHWEST CORNER OF THE MEDLIN ADDITION RECORDED IN CABINET A, SLIDE 1163, OF THE PLAT RECORDS OF TARRANT COUNTY TEXAS;

THENCE ALONG AND NEAR THE CENTER OF SAID PLEASANT RUN ROAD, THE EAST LINES OF TRACTS IV AND II, RESPECTIVELY, AND THE WEST LINES OF SAID MEDLIN ADDITION THE FOLLOWING COURSES:

SOUTH 10 DEGREES 23 MINUTES 15 SECONDS WEST, A DISTANCE OF 160.00 FEET TO A PK NAIL FOUND AT AN ANGLE POINT AND;
SOUTH 01 DEGREES 31 MINUTES 09 SECONDS WEST, A DISTANCE OF 612.63 FEET TO A PK NAIL FOUND FOR CORNER AT THE SOUTHEAST CORNER OF SAID TRACT II COMMON TO THE NORTHEAST CORNER OF PARK PLACE ESTATES RECORDED IN CABINET 388-178, PAGE 14, OF THE PLAT RECORDS OF TARRANT COUNTY TEXAS;

THENCE SOUTH 84 DEGREES 12 MINUTES 34 SECONDS WEST, WITH THE SOUTH LINE OF SAID TRACT II AND THE NORTH LINE OF PARK PLACE ESTATES, AT 40.10 FEET PASSING THE NORTHEAST CORNER OF A CALLED 14.503 ACRE TRACT DESCRIBED IN A DEED TO TRINITY CHRISTIAN CENTER OF SANTA ANA INC. RECORDED IN VOLUME 9325, PAGE 1004, OF THE DEED RECORDS OF TARRANT COUNTY TEXAS AND CONTINUING ALONG THE COMMON LINE OF LAST THREE MENTIONED TRACTS FOR A TOTAL DISTANCE OF 568.59 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" FOUND FOR THE COMMON SOUTH CORNER OF SAID TRACT I AND II;

THENCE SOUTH 84 DEGREES 38 MINUTES 07 SECONDS WEST, CONTINUING WITH THE SAID SOUTH LINE OF SAID TRACT I AND THE NORTH LINE OF SAID PARK PLACE ESTATES AND 14.503 ACRE TRACT, AT 3.26 FEET PASSING A 3/8" IRON FOUND AT A ANGLE POINT IN SAID 14.503 ACRE TRACT COMMON TO THE NORTHWEST CORNER OF SAID PARK PLACE ESTATES, AND CONTINUING ALONG THE COMMON LINE OF SAID 14.503 ACRE TRACT AND TRACT I FOR A TOTAL DISTANCE OF 654.88 FEET TO A 3/8 INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID 14.503 ACRE TRACT COMMON TO THE SOUTHWEST CORNER OF TRACT I AND BEING IN THE EAST LINE OF SAID 22.72 ACRE HIGHTOWER TRACT;

THENCE NORTH 01 DEGREES 51 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT I AND THE EAST LINE OF SAID HIGHTOWER TRACT A DISTANCE OF 106.71 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER AT THE NORTHEAST CORNER THEREOF COMMON TO THE SOUTHEAST CORNER OF SAID TRACT II;

THENCE NORTH 89 DEGREES 57 MINUTES 06 SECONDS WEST, ALONG THE COMMON LINE OF SAID TRACT I AND SAID HIGHTOWER TRACT A DISTANCE OF 652.26 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,318.904 SQUARE FEET OR 53.234 ACRES OF LAND.

OWNER'S DEDICATION

NOW THEREFORE, I KNOW ALL PERSONS BY THESE PRESENTS:

THAT WILBOW OVERLOOK DEVELOPMENT CORP., OWNER, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINBEFORE DESCRIBED PROPERTY AS THE OVERLOOK AT BIG BEAR CREEK, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, AND DOES HEREBY DEDICATE FEE SIMPLE TO THE PUBLIC USE FOREVER ALL STREETS, RIGHTS-OF-WAY, AND ALLEYS SHOWN THEREON, AND DOES HEREBY RESERVE THE EASEMENTS SHOWN ON THIS PLAT FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME NAME, ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS IN WHICH ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THESE EASEMENTS, AND ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, AND PATROLLING, WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE, THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF COLLEYVILLE, TEXAS.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2013.

WILBOW OVERLOOK DEVELOPMENT CORP.

BY: _____
PRINTED NAME

SIGNATURE

STATE OF TEXAS)
COUNTY OF TARRANT X)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY PRINTED NAME: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATION

I KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____ ROBERT C. MYERS, _____, A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE GROUND. FURTHER, THIS SURVEY CONFORMS TO THE GENERAL RULES OF PROCEDURES AND PRACTICES OF THE MOST CURRENT PROFESSIONAL LAND SURVEYING PRACTICES ACT.

PRELIMINARY - NOT TO BE RECORDED FOR ANY PURPOSE

DATE: _____

ROBERT C. MYERS
REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 3963



STATE OF TEXAS)
COUNTY OF TARRANT X)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____ ROBERT C. MYERS, _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY PRINTED NAME: _____

MY COMMISSION EXPIRES: _____

PLANNING AND ZONING COMMISSION APPROVAL:
WHEREAS THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLLEYVILLE, TEXAS VOTED AFFIRMATIVELY

ON THIS _____ DAY OF _____, 2013, TO APPROVE THIS PLAT.

CHAIRMAN, PLANNING AND ZONING COMMISSION

ATTEST: SECRETARY, PLANNING AND ZONING COMMISSION

CITY COUNCIL APPROVAL:
WHEREAS THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS VOTED AFFIRMATIVELY

ON THIS _____ DAY OF _____, 2013, TO APPROVE THIS PLAT.

MAYOR, CITY OF COLLEYVILLE

ATTEST: CITY SECRETARY

OWNER/DEVELOPER WILBOW OVERLOOK DEVELOPMENT CORP. 4131 N. CENTRAL EXPRESSWAY SUITE 1140 DALLAS, TEXAS 75204 FAX (972) 479-0897	PLANNER/ENGINEER MLA CONSULTING, LLC 101 W. PENNER ROAD, SUITE 140 RICHARDSON, TEXAS 75082 (214) 952-0233 FAX (214) 242-2422	LAND SURVEYOR R.C. MYERS SURVEYING, LLC 3400 OXFORD DRIVE ROWLETT, TX 75088 (214) 532-8636 FAX (972) 412-4875 JOB. NO. 204
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FINAL PLAT
THE OVERLOOK AT BIG BEAR CREEK
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS
BEING 53.234 ACRES IN THE
WM. E. CROOKS SURVEY, ABSTRACT NO. 295
AND THE HALL MEDLIN SURVEY, ABSTRACT NO. 1038
NOVEMBER 2013

ORDINANCE O-13-1875

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 53.2 ACRES ON TRACTS 1F AND 1G, ABSTRACT 1038 OF THE HALL MEDLIN SURVEY AND TRACTS 1A02 AND 1C, ABSTRACT 295 OF THE WILLIAM E. CROOKS SURVEY LOCATED AT 7612 AND 7624 PLEASANT RUN ROAD FROM THE AG-AGRICULTURAL 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. ZC13-001; 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 53.2 acres on Tracts 1F and 1G, Abstract 1038 of the Hall Medlin Survey and Tracts 1A02 and 1C, Abstract 295 of the William E. Crooks Survey located at 7612 and 7624 Pleasant Run Road from the AG-Agricultural zoning district to the PUD-R-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A" 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 detached dwelling units, constructed at a gross maximum density of 1.4 dwelling units per acre as described in Exhibit "C". Exhibit "C" is attached herein for descriptive purposes only and shall not be referenced as a regulatory guide for the purpose of this ordinance.

- b. 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 "D", which shall not be considered the preliminary plat. The lot arrangement may differ from that shown on the conceptual site plan to accommodate topographic, drainage, or other conditions. The actual street layout shall be consistent with Exhibit "D".
- b. The developer shall submit and receive approval from the City, a preliminary and final plat, approved in one or more phases, 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. The minimum lot width shall be 90 feet and the minimum lot depth shall be 70 feet.
 - 2. The minimum lot size shall be 13,000 square feet, with an average lot size of 16,050 square feet.
 - 3. The minimum front yard setbacks shall be 20 feet for lots with side facing garages so long as the distance from the back of curb to the primary structure is at least 30 feet, and 30 feet for lots with front facing garages.
 - 4. The minimum rear yard setbacks shall be:

- a. From the main structure: 25 feet
 - b. From an accessory structure: 10 feet
- 5. The minimum side yard setbacks shall be 9 feet.
- 6. The maximum building height shall be 35 feet.
- 7. For lots located on cul-de-sacs and half cul-de-sacs, the minimum lot width shall be 70 feet measured at the front yard setbacks and 35 feet measured at the right-of-way line.

5. RESIDENTIAL DESIGN REQUIREMENTS

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

- a. The surface area of the front exterior wall, excluding windows, doors, gables, and covered porches shall be at least 85 percent masonry or hand-troweled, cement-based, three-coat stucco.
- b. The surface area of all side and rear walls shall be at least 75 percent masonry or hand-troweled, cement-based, three-coat stucco.
- c. Approved masonry materials shall adhere to the masonry materials allowed in Chapter 6-Building Design of the Land Development Code.
- d. Each residence shall contain a minimum of 3,000 feet of gross floor area.

6. OPEN SPACE

- a. This development shall provide a minimum of 30 percent common open space, which shall be configured as shown on Exhibit "D". All open space areas shall be landscaped and maintained by the homeowners association.

7. RESIDENTIAL DENSITY REQUIREMENTS

- a. Residential density shall not exceed 1.4 dwelling units per acre.

8. FENCING, SCREENING, BUFFERING AND TREES

- a. A wrought iron fence shall be constructed between the common open space in the Monticello development and common open space on the subject property. Said fence shall be constructed by the developer prior to the acceptance of final public improvements.
- b. A minimum of two, three (3) inch caliper, hardwood shade trees shall be planted on each lot at the time of new home construction.
- c. All lots shall be equipped with an irrigation system per the requirements of Chapter 4-Landscaping and Buffering in the Land Development Code.
- d. A minimum eight (8) foot solid masonry wall shall be constructed along the common property line of the development and the adjacent property to the south located at 7504 and 7404 Pleasant Run Road prior to the acceptance of final public improvements. Where adjacent to lots not used for residential purposes within this development, the wall may be constructed of wood. The wall shall be maintained by the homeowner's association.
- e. A minimum ten (10) foot tree preservation buffer shall be located along the entire length of the western boundary of the development. All trees located within said buffer shall be preserved in place as shown on the required tree survey at the time of platting. No trees may be removed from this buffer area without a tree removal permit. Section 5(8)C(5) of the Land Development Code exempting residents from the removal requirements shall not apply to said buffer area. Maintenance of the buffer shall be the responsibility of each homeowner.

9. SIDEWALKS AND TRAILS

- a. In lieu of constructing the required ten (10) foot trail along Pleasant Run Road, the developer shall pay into escrow the cost of constructing the trail as determined by the City Engineer, prior to the filing of the final plat for the development.

- b. The portion of the proposed interior park trail that traverses the open space of the development that is closest to Pleasant Run Road shall provide a stub for future connection to the Pleasant Run Road trail shown in the Colleyville Pathways Plan. Said portion of the interior park trail shall be located within a public access easement and shall be constructed by the developer prior to acceptance of final public improvements and shall be maintained by the homeowner's association.

10. GENERAL

- a. No building, structure, or other development within this PUD, including any roads and parks, shall trigger any setback requirement for future gas wells and related equipment located on the existing 13.2-acre pad site located directly south of the boundaries of this PUD (the "Existing Pad Site"), regardless of whether such gas wells and equipment are authorized by Ordinance O-10-1779 approving a Special Use Permit for the Existing Pad Site or are authorized by future approvals (if any) for the Existing Pad Site only by the City Council.
- b. Prior to the recordation of a final plat for any property within this PUD, an instrument shall be recorded in the deed records of Tarrant County, Texas, for the property within this PUD, providing all future purchasers of such property with notice of this paragraph. The form of such instrument shall be approved by the City Attorney. In addition, any rezoning of the property governed by this PUD, including, but not limited to, an amendment to this PUD, shall require that written notice be given to the gas well operator in the same manner that is required by Chapter 211 of the Texas Local Government Code for all property owners. Notices shall be sent to the gas well permittee based on the address on file with the City.

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.

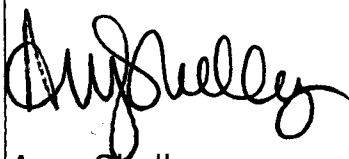
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two 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.

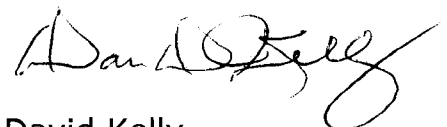
The first reading and public hearing being conducted on the 4th day of June 2013.

The second reading and public hearing being conducted on the 18th day of June 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 18th day of June 2013.

ATTEST:**CITY OF COLLEYVILLE**

Amy Shelley
City Secretary



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in cursive script, appearing to read "Colby Cunningham".

for Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

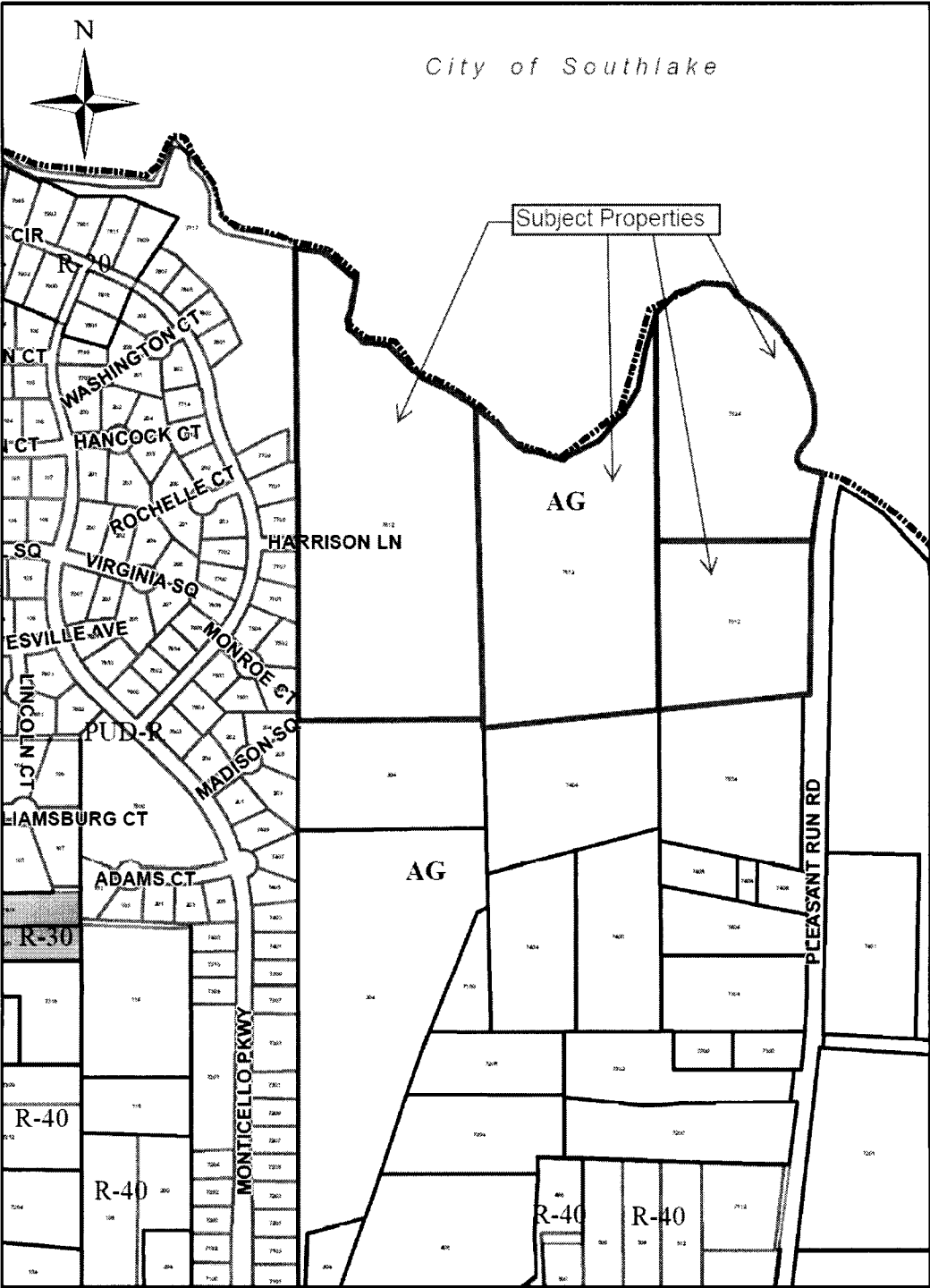


Exhibit "B" – Legal Description

BEING THAT CERTAIN TRACT OF LAND SITUATED IN THE WM. E. CROOKS SURVEY, ABSTRACT NUMBER 295 AND THE HALL MEDLIN SURVEY, ABSTRACT NUMBER 1038, CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS AND BEING ALL OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO JOHN W. QUENICHET AND WIFE OBURN QUENICHET RECORDED IN VOLUME 4384, PAGE 871, TRACTS 1, 2 AND 3 AND IN VOLUME 4957, PAGE 297 OF COUNTY RECORDS, TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 3/4 INCH IRON ROD, FOUND AT THE SOUTHWEST CORNER OF SAID QUENICHET TRACT RECORDED IN VOLUME 4957, PAGE 297 AND BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO THE ROBERT HIGHTOWER TESTAMENTARY TRUST, RECORDED IN VOLUME 13475, PAGE 388 OF SAID COUNTY RECORDS AND BEING IN THE WEST LINE OF MONTICELLO ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, RECORDED IN VOLUME 388-209, PAGE 12 OF PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE N 00°11'48" W, WITH THE WEST LINE OF SAID QUENICHET TRACT, AT 1548.07 FEET A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, IN ALL 1648.07 FEET TO THE CENTERLINE OF BIG BEAR CREEK;

THENCE WITH THE CENTERLINE OF BIG BEAR CREEK THE FOLLOWING BEARINGS AND DISTANCES;

S 64°57'48" E, 130.00 FEET;
S 50°01'23" E, 140.00 FEET;
S 10°11'53" W, 174.00 FEET;
S 52°32'20" E, 86.00 FEET;
S 83°50'13" E, 104.00 FEET;
S 37°43'15" E, 143.00 FEET;
S 65°44'16" E, 104.00 FEET;
S 57°57'16" E, 140.00 FEET, THE NORTHWEST CORNER OF AFORESAID TRACT 3, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, BEARS 00°29" W, 100.00 FEET;
S 40°13'40" E, 146.00 FEET;
S 59°50'53" E, 67.00 FEET;
S 74°42'01" E, 67.00 FEET,
N 89°44'42" E, 115.00 FEET;
N 47°35'35" E, 213.00 FEET;
N 27°22'07" E, 102.00 FEET;
N 15°46'45" E, 122.00 FEET;
N 21°31'34"E, AT 155.7 FEET THE NORTHEAST CORNER OF SAID TRACT 3 AND THE NORTHWEST CORNER OF SAID TRACT 1, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, BEARS S 00°49" E, 100.00 FEET, IN ALL 171.00 FEET;
N 55°19'48" E, 100.00 FEET;
N 72°17'18" E, 100.00 FEET;
S 74°09'29" E, 75.00 FEET;
S 30°07'44" E, 69.00 FEET;
S 53°03'32" E, 180.00 FEET;
S 28°28'40" E, 170.00 FEET;
S 20°31'03" E, 105.00 FEET;
S 00°16'51" E, 80.00 FEET;
S 41°40'16" W, 109.00 FEET;
S 45°24'40" E, 115.00 FEET;

Exhibit "B" – Legal Description Continued

THENCE S 75°34'46" E, 61.00 FEET TO THE INTERSECTION OF SAID BIG BEAR CREEK AND THE APPROXIMATE CENTERLINE OF PLEASANT RUN ROAD (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE S 10°21'30" W, 160.00 FEET WITH SAID APPROXIMATE CENTERLINE, TO THE SOUTHEAST CORNER OF AFOREMENTIONED TRACT 1 AND THE NORTHEAST CORNER OF SAID TRACT 2, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, BEARS S 88°36" W, 100.00 FEET;

THENCE S 01°29'24" W, 612.63 FEET CONTINUING WITH SAID APPROXIMATE CENTERLINE TO THE SOUTHEAST CORNER OF SAID TRACT 2;

THENCE S 84°10'42" W, WITH THE SOUTH LINE OF SAID TRACT 2, AT 40.10 FEET THE NORTHEAST CORNER OF PARK PLACE ESTATES, AN ADDITION TO THE CITY OF COLLEYVILLE, RECORDED IN VOLUME 388-178, PAGE 14 OF SAID PLAT RECORDS, AT 100 FEET A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, IN ALL 558.48 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, AT THE SOUTHWEST CORNER OF SAID TRACT 2 AND THE SOUTHEAST CORNER OF SAID TRACT 3;

THENCE S 84°37'58" W, 654.81 FEET WITH THE SOUTH LINE OF SAID TRACT 3 AND THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO TRINITY CHRISTIAN CENTER OF SANTA ANNA, INC., RECORDED IN VOLUME 9325, PAGE 1004 OF SAID COUNTY RECORDS, TO A 3/8 INCH IRON ROD, FOUND AND BEING THE SOUTHWEST CORNER OF SAID TRACT 3 IN THE EAST LINE OF THE AFOREMENTIONED HIGHTOWER TRACT;

THENCE N 01°58'48" W, 106.71 FEET, WITH THE WEST LINE OF SAID HIGHTOWER TRACT, TO A 5/8 INCH IRON ROD, FOUND AT THE SOUTHEAST CORNER OF AFOREMENTIONED QUENICHET TRACT RECORDED IN VOLUME 4957, PAGE 297 OF SAID COUNTY RECORDS;

THENCE N 89°57'05" W, 652.16 FEET, WITH THE NORTH LINE OF SAID HIGHTOWER TRACT AND THE SOUTH LINE OF SAID QUENICHET TRACT, TO THE POINT OF BEGINNING AND CONTAINING 2,318,598 SQUARE FEET OR 53.228 ACRES OF LAND MORE OR LESS.

Exhibit "C" – Statement of Planning Objectives

Planned Unit Development (PUD-R) for Overlook at Big Bear Creek Colleyville, Texas

HISTORY AND STATEMENT OF INTENT

Established in 1988, Wilbow Corporation, the Dallas based U.S. Operation, is a wholly-owned subsidiary of Wilbow Group Pty. Ltd. located in Melbourne, Australia. Wilbow is currently involved in numerous real estate developments in the Dallas/Fort Worth and Houston areas. Wilbow has been the recipient of numerous accolades and won Business and Industry Awards for Excellence in commercial property development including the Urban Design for Tribute at Mills Branch and the McSam award for Marketing of the Heritage residential community. Wilbow Corporation maintains an experienced and well-diversified professional staff with a combined 100 years of real estate development experience, and has consistently been ranked as one of north Texas' largest residential developers by the Dallas Business Journal. Wilbow's financial strength, experience and history of success mean that each development is thoughtfully planned and executed with efficiency and expertise that few other developers possess.

Wilbow Corporation, doing business as Pleasant Run Colleyville, Inc. (PRC), being the applicant and developer of the 53.2-acre "Overlook at Big Bear Creek" property, part of the Wm. E. Crooks Survey, Abstract No. 295, and part of the Hall Medlin Survey, Abstract No. 1038, hereby makes a request to rezone the property, currently zoned Agriculture (AG) per the August 2007 zoning map, to Planned Unit Development-Residential (PUD-R). With PUD-R zoning, the use will be consistent with the adjacent single-family zoning designations and Colleyville's Future Land Use Plan 2025 which designates the property as "Single Family Residential".

PROJECT LOCATION & DESCRIPTION

The Overlook at Big Bear Creek (The Overlook) is located along the north central Colleyville border with Southlake, adjacent to Pleasant Run Road on the east and the Monticello neighborhood to the west. The north property line generally follows the centerline of Big Bear Creek, the same being the municipal

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

boundary. The property is bordered on the south by the Titan well site and undeveloped agricultural land. The property is a generally rectangular, 53.228 acre tract that consists of four smaller parcels, each formally owned by John W. and Obum Quenichet. Overlook will be developed into approximately 73 single-family home sites and additional open space lots, for a density of **1.37 dwelling units per gross acre**, well below the allowed maximum residential density of 1.8 dwelling units per gross acre. Each home site shall be a minimum of 13,000 square feet however, the average lot size shall be approximately 16,000 square feet.

SITE ZONING AND PLANNED DEVELOPMENT STANDARDS

The zoning classification for The Overlook shall be Planned Unit Development-R "PUD-R" and shall be developed according to the following standards:

Item	PUD-R Zoning	Proposed Zoning
Minimum Lot Size	13,000 Square Feet	13,000 Square Feet
Average Lot Size	16,000 Square Feet	16,050 Square Feet
Minimum Lot Width	100 feet	90 feet
Minimum Front Yard	30 feet	20 feet
Minimum Side Yard	10 feet	9 feet
Minimum Rear Yard	25 feet	25 feet for main structure 10 feet for ancillary structures
Maximum Building Height	30 feet	35 feet measured from high point on lot to top of roof line

BUILDING SETBACK PROVISION

Special consideration of reduced lot width is hereby requested for lots located on cul-de-sacs and those located on 90-degree elbows in the streets. The minimum lot width for such lots measured at the building line shall be 70-feet. The minimum lot width for such lots measured at the right-of-way line shall be 35-feet.

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

IMPACT FEES

Because the calculated portion of the City's Perimeter Street Fee is less than the per lot road impact fees generated by this project, PRC shall bear no cost associated with the City's Perimeter Street Fee. Instead, the per lot road impact fee of \$4941.00 shall be paid for by the builder at the time of each applicable building permit. In addition, water and wastewater impact fees shall be paid for at the time of building permit by the builder. There shall be no park impact fee paid for by PRC. No other impact fees shall be applicable.

PARKLAND DEDICATION

In lieu of Park Dedication Fees, we will dedicate via final plat approximately 17 acres of private parkland/open space within the development, which shall include a permanent surface trail system, benches, native and picnic areas. We may elect to dedicate a public access easement over and across the trail system for use by all residents of Colleyville. In addition, we will dedicate approximately 3 acres of private parkland/open space adjacent to Forest Meadow Drive within the development. This 3 acres alone represents approximately ten (10) percent of the developable area of the subdivision. All private parkland/open space will be maintained by the Home Owner's Association (HOA) for the development, which will be created for the purpose of owning, operating and maintaining the common features within the community.

HOMEOWNERS ASSOCIATION

All property owners within The Overlook shall be required to be members of the HOA which shall assume ownership and responsibility for the open space areas, entry features, landscaping, irrigation and all fencing within the open space areas created via the Final Plat. The HOA shall also be responsible for enforcement of all deed restrictions for the community. PRC, as Declarant, shall regulate and approve new home architecture and plot plans in conformity with the deed restrictions for the community.

SUBDIVISION DESIGN CONSIDERATIONS

Streets shall be 31 foot, back to back concrete with curb and gutter within a 50 foot Right of Way. Streets shall be dedicated to the City of Colleyville (City). Similarly, all water lines, sanitary and storm sewer shall be

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

designed and constructed to City standards. Upon construction and inspection by the City, such infrastructure shall be dedicated to the City for continued maintenance and operation.

DRAINAGE DESIGN CONSIDERATIONS

The site generally slopes from south to north and is heavily wooded along the north and east boundaries. Big Bear Creek and its 100-year floodplain traverses the property on the northern boundary receiving the natural runoff from the property. The drainage system for the community shall be designed so that the storm water runoff continues to be conveyed directly into Big Bear Creek. The development of the property will not have significant impact on the total amount of runoff in this reach of Big Bear Creek due to the low density, large lot size and the relatively small contributing area of the project in relation to the entire watershed conveyed by Big Bear Creek, and therefore, no detention shall be required for this project. See accompanying exhibit of offsite drainage area. A small portion of the developable area lies within the FEMA designated 100-year floodplain. PRC intends to mitigate the small areas intended to be developed within the floodplain by providing comparable storage volume elsewhere on-site. The plan for such comparable storage shall be submitted for administrative review and approval by Colleyville's Certified Floodplain Manager (CFM).

LANDSCAPE AND TREE MITIGATION

No tree survey or tree mitigation shall be required for open space areas shown on the attached Development Plan. Areas within proposed rights-of-way, proposed building pads, public and private easements shall also be exempt from tree mitigation requirements; however an inventory of protected trees within such areas shall be shown on a tree survey. Builder installed trees located in front and rear yards shall count towards any mitigation required as a result of the development process so long as the tree species conform to the City's tree mitigation requirements. PRC shall require a minimum of 2 (two) 3" caliper hardwood shade trees be installed by the builder on each lot.

SUBDIVISION TRAFFIC AND CIRCULATION

PRC shall provide a stub-through road to connect to existing Harrison Lane to the west. Wildflower Way

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

shall stub to the property immediately to the south in anticipation of future single-family development. No traffic impact analysis (TIA) shall be required since the development is not projected to generate in excess of 1,000 vehicle trips per day.

SIDEWALKS

PRC hereby requests a variance from the sidewalk requirements and as such, no sidewalks will be constructed along the streets within the development. This request is consistent with adjacent neighborhoods, among them and adjacent to this proposed development is Monticello, which does not contain sidewalks along the streets. Further there is no existing sidewalk or trail along Pleasant Run Road. Due to lack of connectivity and challenging topography, we request a variance from the sidewalk/trail requirement.

TRAIL MASTERPLAN

PRC hereby requests a modification to the Trails and Sidewalk System Masterplan dated October 18, 2005 which shows a trail system along Pleasant Run Road. Due to the natural topography and lack of connectivity to other such facilities along Pleasant Run Road, construction of a trail system here is not viable. In lieu of the roadside location, PRC shall construct a trail system as a continuation of the neighboring Monticello trail system within the private parkland/open space located wholly within the community.

SCREEN WALLS AND FENCES

The existing natural vegetation/trees will provide a natural live screen for the entire property frontage along Pleasant Run Road. Therefore, PRC intends to construct an entry feature and monumentation only at the main entry at Pleasant Run Road as shown on the attached Site Plan. The entry feature shall incorporate masonry, brick, stone and wrought iron fence as necessary to 'tie' back into existing vegetation.

Wrought iron fencing shall be allowed, but not required, along the side and rear property lines of each lot and adjacent to and within the 100-year floodplain. Privacy fences shall not be allowed within the 100-year floodplain.

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

DEVELOPMENT SCHEDULE

PRC intends to obtain approval of zoning by July 2013 with platting and engineering plans to follow immediately thereafter. Construction of the first phase of approximately 33-39 lots to commence immediately following approval of engineering plans. Construction shall take approximately 9 months. Concurrent with development of the first phase, entitlements to include final platting of the second phase will be underway. Upon completion of the first phase and formal approval of the Phase II final plat, PRC will commence construction on Phase II. We anticipate construction on Phase II to commence in the fall of 2014 and be completed by summer 2015. Construction of homes within the first phase shall commence immediately upon City acceptance of the Phase I infrastructure. PRC requests that each phase be given consideration for an early release grading permit upon preliminary plan approval and early release building permits upon substantial completion of paving, as determined by the City inspector during the initial infrastructure walkthrough.

BUILDER PRODUCT

Homes within this community are expected to range in the \$500k to \$1MM+ range. Typical lot pads shall be approximately 70' wide by 70' deep. Minimum house size shall be 3,000 square feet. Maximum height for each home shall not exceed 35' as measured from the highpoint of the lot to the top of the roof.

The surface area of the first floor exterior wall (exclusive of openings for windows and doors, gables over wood framing, areas under covered porches, box and bay windows and other architectural projections) and all second story walls (exclusive of openings for windows and doors, gables over wood framing, areas under covered porches, box and bay windows and other architectural projections) in the same vertical plane as the first floor wall shall be veneered with a minimum of 85% (eighty-five percent) coverage of unit masonry (defined below) or hand troweled, cement-based 3-coat stucco on the front elevation and 75% (seventy-five percent) unit masonry or hand-troweled, cement-based, 3-coat stucco on the side and rear elevations.

Unit Masonry shall mean brick, natural stone, or concrete cast stone (or combination of these materials) laid up by unit and set in mortar.

ECONOMIC DEVELOPMENT INFORMATION

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

As envisioned, The Overlook will generate substantial tax revenue for Tarrant County and the City of Colleyville. PRC estimates homes will be completed according to the following schedule:

<u>Year</u>	<u>Homes Completed</u>	<u>Total</u>
2014	5	5
2015	20	25
2016	20	45
2017	20	65
2018	8	73

Based on the 2010 ad valorum tax rate of \$2.28/\$100 and an average home price of \$750k, estimated ad valorum taxes are as follows:

<u>Year</u>	<u>Ad Valorum Tax</u>
2015	\$86,000
2016	\$428,000
2017	\$770,000
2018	\$1,111,000
2019	\$1,248,300
2020	\$1,248,300

Note: Tax estimate assume a flat rate based on 2010 values.

SUMMARY

The Overlook, when developed, will be a large lot up-scale development featuring 73 residential lots containing custom and semi-custom homes from \$500k on up. PRC believes that The Overlook will be a meaningful contribution to the City of Colleyville, and provide consistency with the adjacent neighborhoods while complying with the City's Future Land Use Plan. The home values will generate significant tax revenues for the City and protect surrounding home values. The requests of the PUD-R made herein are consistent with the PUD-R provisions and have been thoughtfully construed so as to protect surrounding home and community values, while upholding the guidelines created by the City's comprehensive zoning ordinance. PRC respectfully requests the City of Colleyville Planning and Zoning Commission and City Council approve this PUD-R and allow The Overlook to move forward as planned herein.

[illegible]



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 01/07/2014

Number Ordinance O-14-1903

Type Ordinance

Department Community Development

Title

Consideration of a request for approval of a Special Use Permit for an accessory building on Lot 3, Block 1, of the Lavaca Parc Addition, located at 6212 Lantana Court, Case ZC13-019

Explanation

First Reading and Public Hearing

Bruce Huckins has submitted a request for a Special Use Permit (SUP) to construct a 900 square foot detached accessory building on 0.48 acres located at 6212 Lantana Court.

Existing Conditions and Zoning. The property is zoned R-20 Single Family Residential zoning district and is currently developed as a 5,750 square foot single family residence.

Applicant's Request. The applicant plans to construct the accessory building at the northwest corner of the lot, ten (10) feet from the rear lot line and ten (10) feet from the side lot line. The accessory building will be located behind the house and will be ten (10) feet in height to the wall plate, and 21 feet to the highest roof ridge, 14 feet less than the height of the house. The accessory structure will not penetrate the vertical height envelope.

The attached Statement of Planning Objectives states that the building will be used as a guest house and as a future pool house. The proposed building will include a lounge area, a bedroom, a bathroom, and a snack bar. The building materials will be brick and stone that will match the design and color scheme of the primary structure.

Accessory buildings are regulated in the Land Development Code by Section 3.27 - Accessory Buildings and Residential Carport Regulations (attached). Section 3.27 requires a Special Use Permit for any accessory building that does not meet the conditions of this section. The conditions allow up to a 750 square foot accessory building for a lot that is one half (0.5) acre or less; therefore, a Special Use Permit is required for the proposed accessory building.

A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any

side or rear lot line. Since the proposed building is located totally behind the rear of the principal building, the setbacks may be five (5) feet. The proposed accessory structure will be located ten (10) feet from the side and rear property lines, which is outside of the ten foot (10') utility easement located along the rear property line.

The proposed accessory building complies with the other requirements of Section 3.27 other than size, including building setback, building height and permitted use requirements. The proposed building, in combination with the existing home, also complies with the maximum lot coverage requirements for the R-20 Single Family Residential zoning district, which is 30 percent.

The site plan, floor plan and elevations are incorporated as exhibits to the ordinance.

Dwelling Unit. Section 3.27(A)5 states that the use of an accessory building shall be consistent with the permitted uses of the applicable zoning district, except, no accessory building shall be used for dwelling purposes, other than for domestic servants employed for the premises, where permitted by the district regulations. The Land Development Code defines a dwelling unit as "a room, suite, or set of rooms occupied, or suitable for occupancy, as a family residence, and having sleeping, kitchen, and bathroom facilities, together with appropriate appurtenances and designed for use and used as a permanent residence for one family". Given these stipulations, staff recommends restricting the total amount of time that any individual may occupy the proposed accessory building to a period of not more than 14 consecutive days. This provision has been added to the proposed ordinance.

Surrounding Zoning and Development. The properties to the south and to the east are zoned R-20 Single Family Residential zoning district and are developed as single family detached homes. The properties to the north and to the west are zoned R-40 Single Family Residential and PUD-R Planned Unit Development-Residential zoning districts and are developed as single family detached homes.

Public Notification. Staff mailed notices to 26 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. Staff has received four support letters and nine opposition letters regarding this request.

Supermajority Vote Requirement. More than 20 percent of the property owners within the 200 foot buffer around the subject property are 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 32 percent, as of the date of this briefing.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the December 9, 2013 meeting

by a vote of 6-1 subject to the following conditions:

- (1) Rain gutters shall be required on the building with all gutter discharge piped to the nearest approved drainage facility.
- (2) The existing trees in the back yard to be relocated for the proposed building shall be relocated in the 10 foot utility easement in the backyard between the building and the rear property line.
- (3) The air conditioning unit for the building shall be located on the north side of the building.
- (4) All west facing windows shall contain frosted glass.

These provisions have been added to the proposed ordinance.

Summary. Other than exceeding maximum size requirements, the proposed accessory building complies with the development regulations stated within the Land Development Code including building setback, height, permitted use, and lot coverage requirements.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the construction of an accessory building.
- b. The accessory building shall not exceed 900 square feet in size, including all covered patio areas.
- c. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".
- d. Rain gutters shall be required on the building with all gutter discharge piped to the nearest approved drainage facility.
- e. The existing trees in the back yard to be located for the proposed building shall be located in the 10 foot utility easement in the backyard between the building and the rear property line.
- f. The air conditioning unit for the building shall be located on the north side of the

building.

g. All west facing windows shall contain frosted glass.

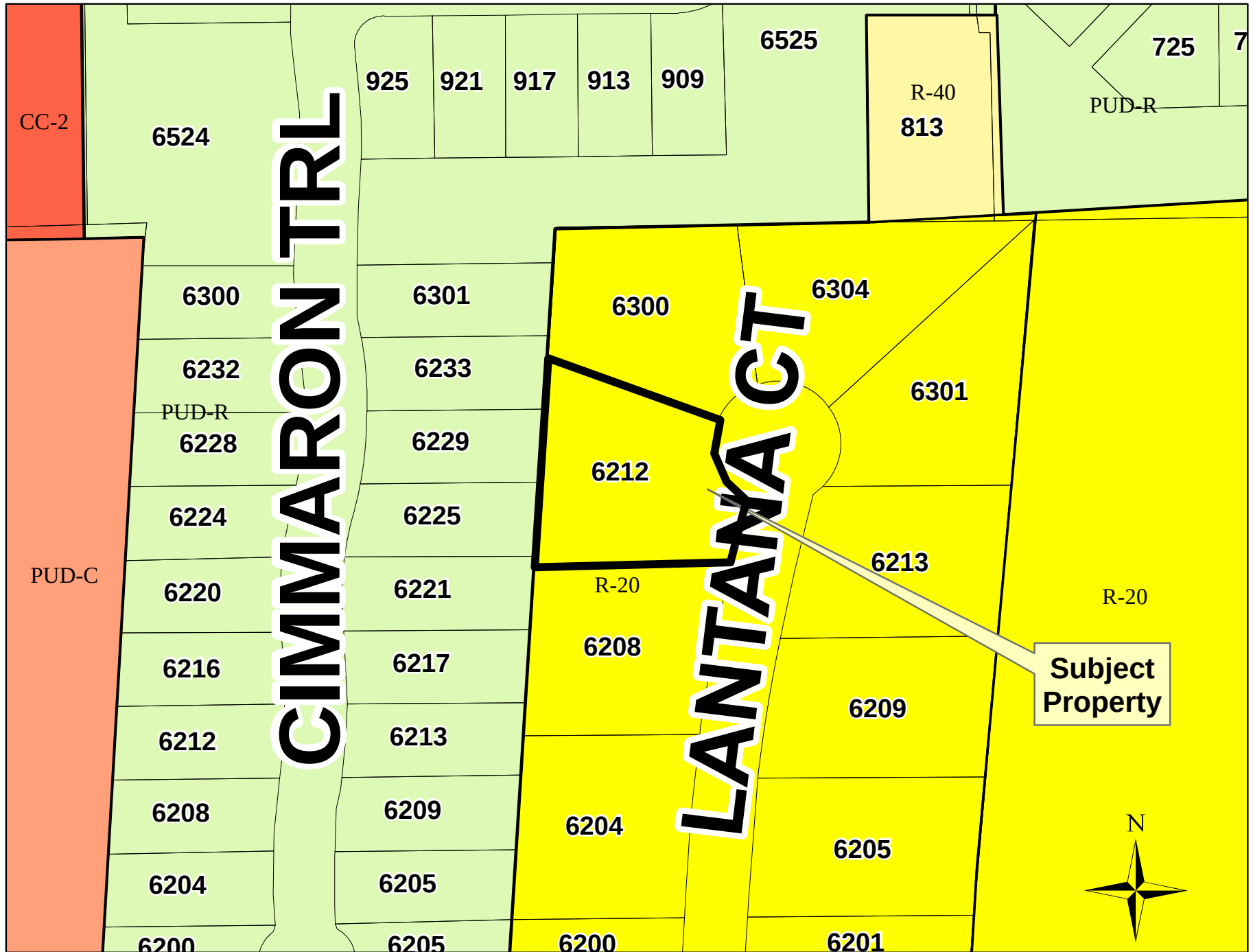
h. No person may occupy the accessory building authorized by this ordinance for a period of longer than 14 consecutive days.

i. All requirements of the Land Development Code shall be met, except where amended herein.

Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Letters of Opposition
6. Letters of Support
7. Statement of Planning Objectives
8. Section 3.27 - Land Development Code
9. Site Plan
10. Floor Plan
11. Elevations
12. Ordinance O-14-1903

Location and Zoning Map



Aerial



Notification List

Owner Name	Owner Addr	Owner City	Owner State	Owner Zip	Situs Address
Oc Lavaca Llc	6317 Westcoat Dr	Colleyville	Texas	76034	6301 Lantana Ct
Lane, Thomas M Etux Janet R	6300 Lantana Ct	Colleyville	Texas	76034	6300 Lantana Ct
Awalt, Terry Etux Elizabeth	6221 Cimmaron Trl	Colleyville	Texas	76034	6221 Cimmaron Tr
Hopkins, Dillard E Jr & D L	6208 Lantana Ct	Colleyville	Texas	76034	6208 Lantana Ct
Gray, Randy K Etux Donna M	6233 Cimmaron Trl	Colleyville	Texas	76034	6233 Cimmaron Tr
Franks, Jeremiah Etux Catherin	6232 Cimmaron Trl	Colleyville	Texas	76034	6232 Cimmaron Tr
Riewe, Kermit M Etux Dusti	6217 Cimmaron Trl	Colleyville	Texas	76034	6217 Cimmaron Tr
Stephens, Parker Etux Brittney	913 Talbot Trl	Colleyville	Texas	76034	913 Talbot Tr
Daugherty, Larry Etux Vonda	921 Talbot Trl	Colleyville	Texas	76034	921 Talbot Tr
Ldds Communications Inc	PO Box 152206	Irving	Texas	75015	813 McDonwell School Rd W
K Hovnanian Homes Dfw Llc	5808 W Plano Pkwy	Plano	Texas	75093	925 Talbot Tr
Mobley, David D Etux Cheryl A	6301 Cimmaron Trl	Colleyville	Texas	76034	6301 Cimmaron Tr
Hall, Stanley Dean Etux Gail A	6229 Cimmaron Trl	Colleyville	Texas	76034	6229 Cimmaron Tr
Rodriguez, Arthur Etux Elizabe	6228 Cimmaron Trl	Colleyville	Texas	76034	6228 Cimmaron Tr
McPherson, Barbara J	6225 Cimmaron Trl	Colleyville	Texas	76034	6225 Cimmaron Tr
Whitfill, Johanna B	6224 Cimmaron Trl	Colleyville	Texas	76034	6224 Cimmaron Tr
Markowicz, Timothy Etux Rose	6213 Lantana Ct	Colleyville	Texas	76034	6213 Lantana Ct
Shaikh, Aftab Sunny	6209 Lantana Ct	Colleyville	Texas	76034	6209 Lantana Ct
Strittmatter, Martin Etux Judy	6213 Cimmaron Trl	Colleyville	Texas	76034	6213 Cimmaron Tr
Patrick Custom Homes Inc	2855 Exchange Blvd Ste 112	Southlake	Texas	76092	6204 Lantana Ct
Apgar, Richard Jr Etux Marja	6209 Cimmaron Trl	Colleyville	Texas	76034	6209 Cimmaron Tr
Tarver, Russell Etux Laurette	6205 Lantana Ct	Colleyville	Texas	76034	6205 Lantana Ct
Rosewood Villas HOA	P.O. Box 463	Colleyville	Texas	76034	Courtesy Notice
Villas Of Colleyville Hoa Llc	1108 W Pioneer Pkwy	Arlington	Texas	76013	Courtesy Notice
Lavaca Trail Estates HOA	215 W. College St	Grapevine	Texas	76051	Courtesy Notice
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
Huckins, Bruce Etux Brenda, Applicant	6212 Lantana Ct	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
Wed., Nov. 27, 2013 by Taci Wrisley

Buffer Map

Legend



200 ft buffer

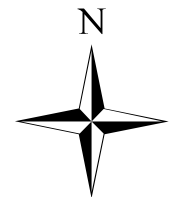


Properties within 200 ft buffer

Cimarron Trail

Lantana Court

**Subject
Property**



Letters of Opposition

From: [Randy Gray](#)
To: [Ron Ruthven](#)
Cc: [Taci Wrisley](#)
Subject: Zoning Case # ZC13-019
Date: Wednesday, December 04, 2013 8:51:27 PM

Mr. Ruthven,

Please accept this email as my notification of official protest to the "Consideration of a Special Use Permit for an accessory building," for Bruce Huckins, 6212 Lantana Court, Zoning Case # ZC13-019. I plan to attend the public hearing on December 9, 2013.

Thank you,
Randy Gray
6233 Cimmaron Trail

Letters of Opposition

From: [Ron Ruthven](#)
To: [Mary Elliott](#)
Cc: [Taci Wrisley](#)
Subject: FW: Zoning Case # ZC13-019
Date: Thursday, December 05, 2013 11:21:21 AM

FYI,

Please update the briefing accordingly.

Ron Ruthven, AICP, Director
Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034
(817)503-1052
fax (817)503-1059



www.colleyville.com

We value your opinion. Please take a moment to take our survey, [click here](#)

From: DAVID MOBLEY
Sent: Thursday, December 05, 2013 11:20 AM
To: Ron Ruthven
Subject: Zoning Case # ZC13-019

Dear Mr. Ruthven,

Please accept this email as my notification of official protest to the "Consideration of a Special Use Permit for an accessory building," for Bruce Huckins, 6212 Lantana Court, Zoning Case # ZC13-019. I plan to attend the public hearing on December 9, 2013.

Thank you.

,
David Mobley
6301 Cimmaron Trail
Colleyville, Tx. 76034

Letters of Opposition

From: [Ron Ruthven](#)
To: [Taci Wrisley](#); [Mary Elliott](#)
Subject: FW: ZC13-019
Date: Friday, December 06, 2013 11:05:08 AM

Here's another one

Ron Ruthven, AICP, Director
Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034
(817)503-1052
fax (817)503-1059



www.colleyville.com

We value your opinion. Please take a moment to take our survey, [click here](#)

From: Linda Pekowski
Sent: Friday, December 06, 2013 9:35 AM
To: Ron Ruthven
Subject: ZC13-019

Please consider this a written protest for the zoning change for 6212 Lantana Court accessory building.
Thanks you,
Linda Pekowski

This e-mail and any attachments to it are intended only for the addressee(s) and may contain confidential information. If you have received this in error, please contact the sender and delete the material. Dissemination, printing, copying or any other use is prohibited.

Letters of Opposition

From: [Kermit Riewe](#)
To: [Ron Ruthven](#)
Cc: [Taci Wrisley](#)
Subject: Protest to Zoning Case #: ZC13-019
Date: Sunday, December 08, 2013 9:22:15 PM

Mr. Ruthven,

This email is my official protest to the Special Use Permit for an accessory building for 6212 Lantana Court, Bruce Huckins (Zoning Case #: ZC13-019).

Best Regards,
Kermit Riewe
6217 Cimarron Trl.
Colleyville, TX 76034
972-313-5834

Letters of Opposition

From: [Ron Ruthven](#)
To: [Taci Wrisley](#); [Mary Elliott](#)
Subject: FW: ZC13-019 (6212 Lantana Court)
Date: Monday, December 09, 2013 8:13:43 AM

From: Stan Hall
Sent: Friday, December 06, 2013 5:15 PM
To: Ron Ruthven
Subject: ZC13-019 (6212 Lantana Court)

Mr. Ruthven,

Please accept this email as my official protest against ZC13-019 at 6212 Lantana Court. This "accessory building" towers to 21' (2.6x my rear fence) and is directly in back of mine and my neighbor's property (within 20'). I do plan to attend the P&Z meeting on Monday, Dec 9th, however will not speak.

Stan Hall
6229 Cimmaron Trail

Letters of Opposition

From: [Larry Daugherty](#)
To: [Taci Wrisley](#)
Subject: Notice of Public Hearing
Date: Monday, December 09, 2013 10:28:42 AM

Taci,

Please consider this notice of opposition to zoning case number ZC13-019. It is my position that there should be no Special Use Permit for an accessory building issued in a neighborhood like the one that I live in and any that are adjacent to it.

My address is:
921 Talbot Trail
Colleyville, Tx 76034

Larry Daugherty
817-421-6458 (office)
817-690-9096 (mobile)

Letters of Opposition

From: [Terry Awalt](#)
To: [Ron Ruthven](#)
Cc: [Taci Wrisley](#)
Subject: Zoning case ZC13-019
Date: Sunday, December 08, 2013 5:04:00 PM

Mr. Ruthven

I would like to submit this email as my formal protest against any zoning changes at 6212 Lantana Court in Colleyville. The zoning case number is ZC13-019 from applicant Bruce Huckins. My property is located at 6221 Cimmaron Trail Colleyville TX 76034.

Best Regards,

Terry Awalt
817-455-3016

Sent from my iPhone

Letters of Opposition

From: [stritt7](#)
To: [Ron Ruthven](#)
Cc: [Taci Wrisley](#)
Subject: Protest
Date: Sunday, December 08, 2013 7:41:41 PM

Dear Mr. Ruthven,

Please accept this email as our written protest regarding "Zoning Case Number ZC13-019". We live at 6213 Cimmaron Trail, Colleyville. While our home is not directly behind this home it is in our line of site and looking at such a large structure set so far back will not be attractive. It also appears to be more of a guest house and not an accessory building. This is based on the floor plan submitted and elevations of the proposed structure.

Thank you,

Judy & Chris Strittmatter
6213 Cimmaron Trail
Colleyville, Tx 76034
817-488-2644
817-300-0098

Letters of Opposition

VILLAS OF COLLEYVILLE HOMEOWNERS ASSOCIATION, INC.
c/o Ross Property Management
1108 W. Pioneer Pkwy., Arlington, TX 76013
(817) 261-9154

December 11, 2013

Ron Ruthven, AICP, Director
Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

RE: Zoning Case ZC13-019, Accessory Building, 6212 Lantana Court

Dear Mr. Ruthven,

On behalf of the Villas of Colleyville Homeowners Association, Inc., this letter shall serve as official protest to the "Consideration of A Special Use Permit for an Accessory Building" for Bruce Huckins, 6212 Lantana Court.

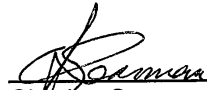
Within two hundred feet of the proposed structure there are fifteen (15) residential lots within the HOA that are affected, along with a significant portion of the Common Area. The Common Area that is affected was required as a buffer by the City of Colleyville when the development of this neighborhood was approved, to protect the aesthetics of the surrounding area.

It is our belief that the Accessory Building proposed by Mr. Huckins would adversely impact the aesthetics of the Common Area and nearby homes within the Villas of Colleyville HOA.

Sincerely,



Terry L. Jones, President
Ross Property Management
As Managing Agent for Villas of Colleyville HOA



Charles Seamen, HOA Manager
Ross Property Management
As Managing Agent for Villas of Colleyville HOA

1108 W. Pioneer Parkway
Arlington, Texas 76013

Office (817) 261-9154
Fax (817) 276-9881

Letters of Support

From: [Ron Ruthven](#)
To: [Taci Wrisley](#)
Cc: [Mary Elliott](#)
Subject: FW: SUP Request for 6212 Lantana Ct.
Date: Monday, December 09, 2013 8:01:24 AM

From: Lynne Hopkins
Sent: Saturday, December 07, 2013 9:16 PM
To: Ron Ruthven
Cc: Bruce Huckins
Subject: SUP Request for 6212 Lantana Ct.

Dear Mr. Ruthven,

We are submitting this letter in support of the SUP request for the accessory building that Bruce and Brenda Huckins are asking for. We understand that the Huckins are wanting to build a pool/guest house accessory building at 6212 Lantana Ct. We live immediately to the south of Bruce and Brenda at 6208 Lantana Ct.

Please take our support for the Huckins request as you consider this request.

Thank you,

Lynne and Eddie Hopkins
6208 Lantana Ct.
Colleyville, TX 76034-7650
[|](#)

817-281-6256 - home
817-247-8728 - Lynne cell
817-999-6256 - Eddie's cell

Letters of Support

From: [Paul](#)
To: [Ron Ruthven](#); [Taci Wrisley](#)
Subject: Colleyville-DRC memo for ZC13-019
Date: Saturday, December 07, 2013 12:31:15 PM

To whom it may concern:

My name is Dr. Paul Yew. I reside two houses down from Bruce and Brenda Huckins at 6204 Lantana Court.

After inquiring about the details of the accessory building they desire to build, I am confident that it will be a lovely addition matching their beautiful home.

I am therefore in full support of the SUP request for the accessory building at 6212 Lantana Court and I ask that you grant their request.

Thank you very much.

Regards,
Paul Yew
917.627.0724

Letters of Support

From: [Sunny Shake](#)
To: [Ron Ruthven](#); [Taci Wrisley](#)
Subject: COLLEYVILLE-DRC memo for ZC13-019
Date: Monday, December 09, 2013 12:49:40 AM

Hi Mr. Ruthven and Mrs. Wrisley.

We are the residence here at 6209 Lantana Ct. Colleyville across from Mr. Huckins, Bruce & Brenda house at 6212 Lantana Ct. Colleyville TX and would like to submit our opinion

that we are in full support of the SUP request for this nice pool / guest room for this family to be build at the said address.

Thank you

Sunny Shaikh & family
817-675-9195

Letters of Support

From: [Tom Lane](#)
To: [Ron Ruthven](#); [Taci Wrisley](#)
Subject: Colleyville-DRC memo for ZC13-019
Date: Saturday, December 07, 2013 11:43:49 AM

To Whom it May Concern,

I am writing in regards to the SUP request for the accessory building that Bruce and Brenda Huckins are asking for to build a pool house /guest house accessory building at 6212 Lantana Ct. I am their neighbor immediately to the north of the Huckin's property. I have seen the plan for their pool house/guest house and I am aware that the placement of the addition would be along our common fence line. I am in support of this variance and recommend your thoughtful approval.

Sincerely,

Tom Lane
6300 Lantana Court
Colleyville, TX 76034

Statement of Planning Objectives

Statement of Planning Objectives

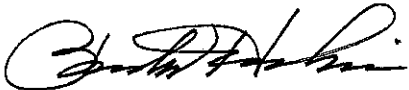
Planning and Zoning Commission
City of Colleyville

November 13, 2013

Dear Commissioners:

We live in/own our home at 6212 Lantana Court in Colleyville and plan to hire Patrick Duffy of Patrick Custom Homes to be our general contractor to build a 900 square foot "casita" dwelling for us to use as a future pool house as well as to entertain our many out-of-town family and friends who come to visit. We have long desired to be able to offer separate accommodations for guests as well as have a self-contained area for our grandchildren to play and relax when they come to visit. Patrick Duffy is the original builder of the main structure which we purchased from him in 2008 and the plans for the casita have been drawn by the original architect. It is important to us that we maintain the integrity of the original structure by building the casita with the same level of construction quality and finish out. We feel that is best accomplished by utilizing the services of the original architect and builder. Once added, we believe the structure will add significant value and appeal to our home.

Sincerely,



Bruce and Brenda Huckins
6212 Lantana Court
Colleyville, TX 76034
817-577-7006
Bruce Cell 817-360-6500
Brenda Cell 817-781-5555

Section 3.27 - Land Development Code

Colleyville, Texas, Land Development Code

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)

1. *Permit Required:*

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages and pool houses, but shall exclude a carport (see Section 3.27.C).

2. *Maximum Size and Number of Buildings:*

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed the maximum square footage specified in the following table.

Maximum Square Footage of all Accessory Buildings				
Lot Size	Under .5 ac	.5– .99 ac.	1 – 2.99 ac.	3+ ac.
Total s. f.	750 s. f.	1,000 s. f.	1,750 s. f.	2,500 s. f.

- b. For the purpose of this Section, the size of an accessory building shall be the square footage of the building footprint.
- c. An application to exceed the total square footage shown in the above table may be approved as a Special Use Permit (SUP).
- d. An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, an existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.
- e. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

- a. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
- b. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces.
- c. Detached accessory buildings – A detached accessory building shall comply with the setback

Section 3.27 - Land Development Code

Colleyville, Texas, Land Development Code

lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.

4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the height of the primary building.
5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district, except, no accessory building shall be used for dwelling purposes other than for domestic servants employed for the premises, where permitted by the district regulations.
6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. No accessory building shall be erected in any required yard area except as set forth by this section.
2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.
3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:
 - a. Maximum size of two hundred-fifty (250) square feet.
 - b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.
 - c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material, provided metal material does not exceed twenty-five percent (25%) of the exterior walls.
 - d. Located within required setbacks and in conformance with this section.
 - e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.
 - f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.
 - g. Limited to one (1) kiosk per platted plot.

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

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.

Section 3.27 - Land Development Code

Colleyville, Texas, Land Development Code

- b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.

c. *Setbacks:*

- i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
- ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.

- d. *Maximum Number Per Lot:* one

e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. *Design Criteria:*

- i. *Roof* - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
- ii. *Posts* - Posts shall be constructed of brick, stone or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than twelve inches (12") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Wooden posts shall be prohibited.

g. *Adequacy of Plans and Specifications:*

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

[illegible]

11601 CARTWRIGHT TRAIL
PONDER, TEXAS 76259
817-733-7173

HUCKINS RESIDENCE

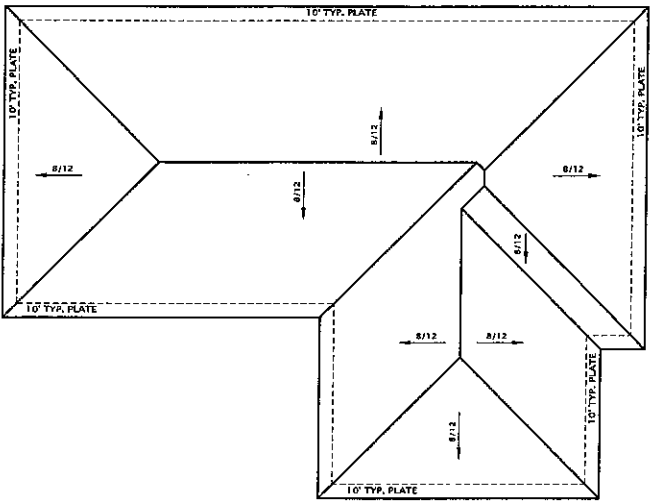
OF | SHEETS

SCALE: 1" = 10'-0"



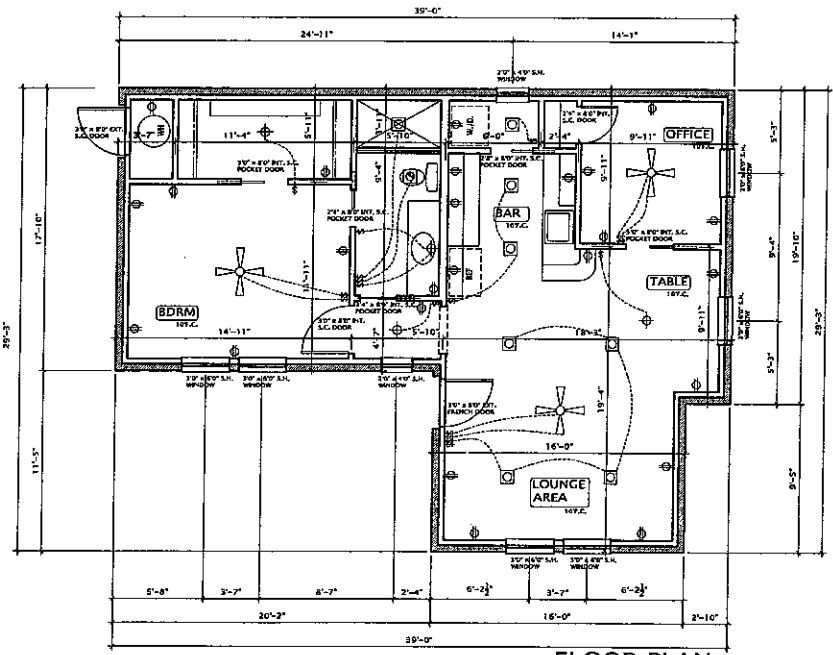
LOT: 3 BLOCK: 1
LAVACA PARC
CITY OF COLLEVILLE
TARRANT COUNTY, TEXAS

Floor Plan



ROOF PLAN

SCALE: 1/4" = 1'-0"



FLOOR PLAN

SCALE: 1/4" = 1'-0"

AREAS	
TOTAL LIVING AREA	884 SQ. FT.

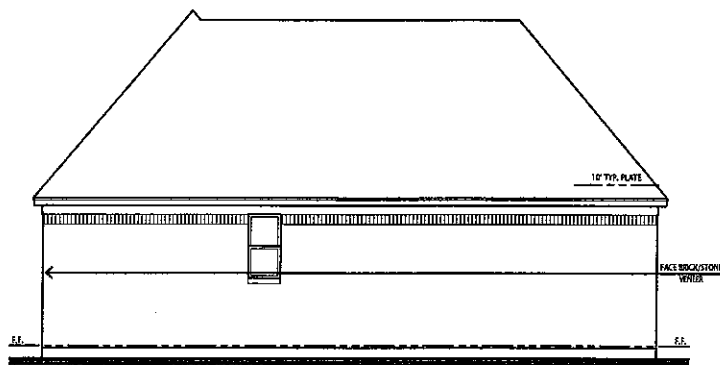
DATE

JAMIE LINN A.D., INC.
11601 CARTWRIGHT TRAIL
PONDER, TEXAS 76259
817-733-7173

CASITA

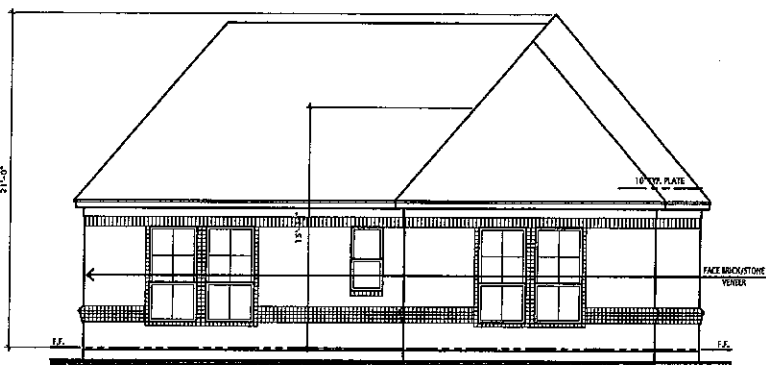
HUCKINS RESIDENCE

Elevations



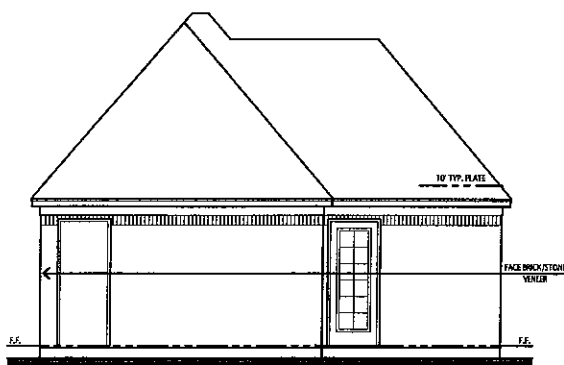
REAR ELEVATION

SCALE: 1/4" = 1'-0"



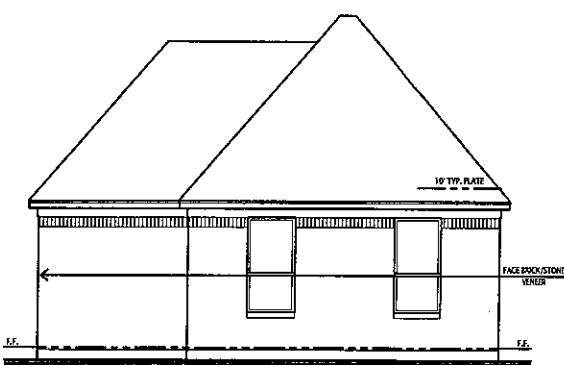
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



SIDE ELEVATION

SCALE: 1/4" = 1'-0"



SIDE ELEVATION

SCALE: 1/4" = 1'-0"

DATE

JAMIE LINN A.D., INC.
11601 CARTWRIGHT TRAIL
PONDER, TEXAS 76259
817-733-7173

CASITA

HUCKINS RESIDENCE

ORDINANCE O-14-1903

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 3, BLOCK 1 OF THE LAVACA PARC ADDITION, LOCATED AT 6212 LANTANA COURT BY AUTHORIZING A SPECIAL USE PERMIT FOR AN ACCESSORY BUILDING; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for an accessory building under Case No. ZC13-019; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and state law with reference

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 3, Block 1 of the Lavaca Parc Addition located at 6212 Lantana Court by authorizing a Special Use Permit for an accessory building, as depicted on Exhibit "A" and Exhibit "B" and described in Exhibit "D".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the construction of an accessory building.
- b. The accessory building shall not exceed 900 square feet in size including all covered patio areas.
- c. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".
- d. Rain gutters shall be required on the building with all gutter discharge piped to the nearest approved drainage facility.

- e. The existing trees in the back yard to be relocated for the proposed building shall be located in the 10 foot utility easement in the backyard between the building and the rear property line.
 - f. The air conditioning unit for the building shall be located on the north side of the building.
 - g. All west facing windows shall contain frosted glass.
 - h. No person may occupy the accessory building authorized by this ordinance for a period of longer than 14 consecutive days.
 - i. All requirements of the Land Development Code shall be met, except where amended herein.
- Sec. 5. THAT any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted by City Council on the 7th day of January 2014.

The second reading and public hearing being conducted by City Council on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

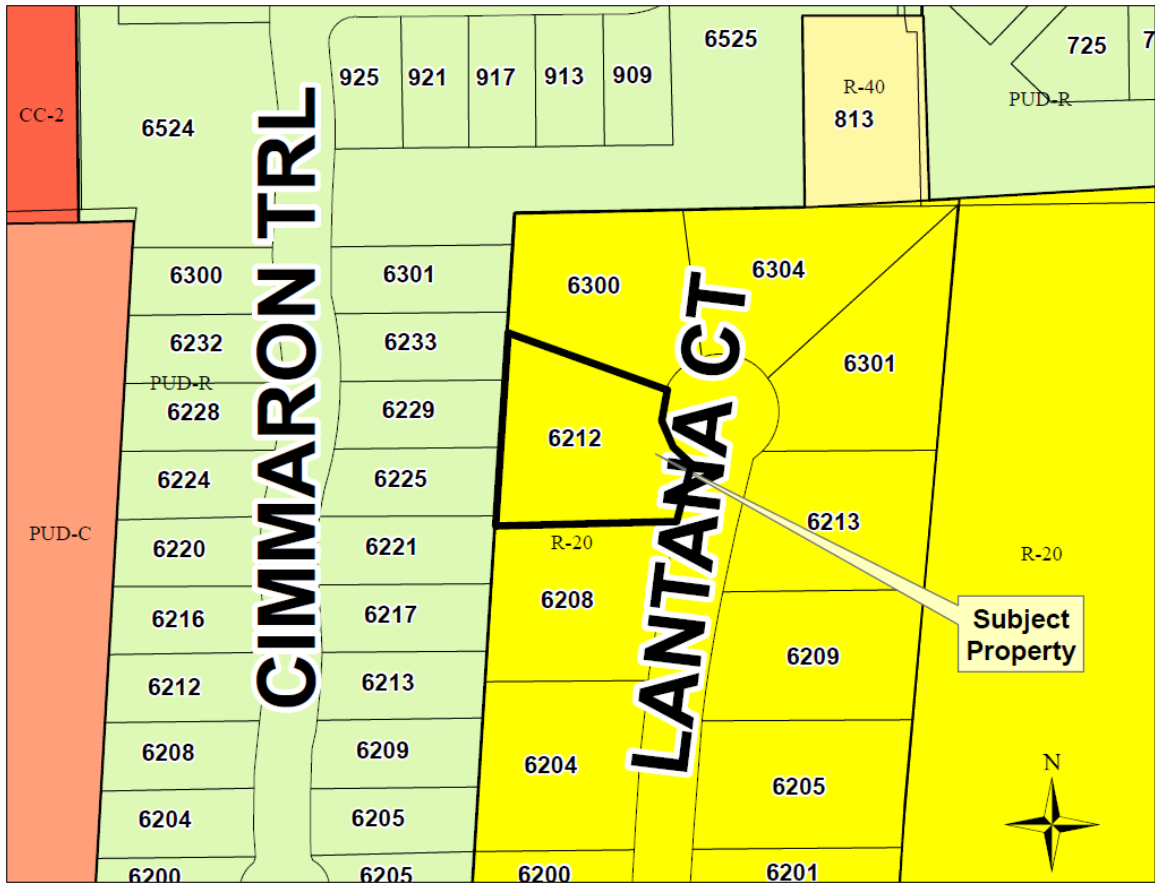


Exhibit “B” – Site Plan and Floor Plan

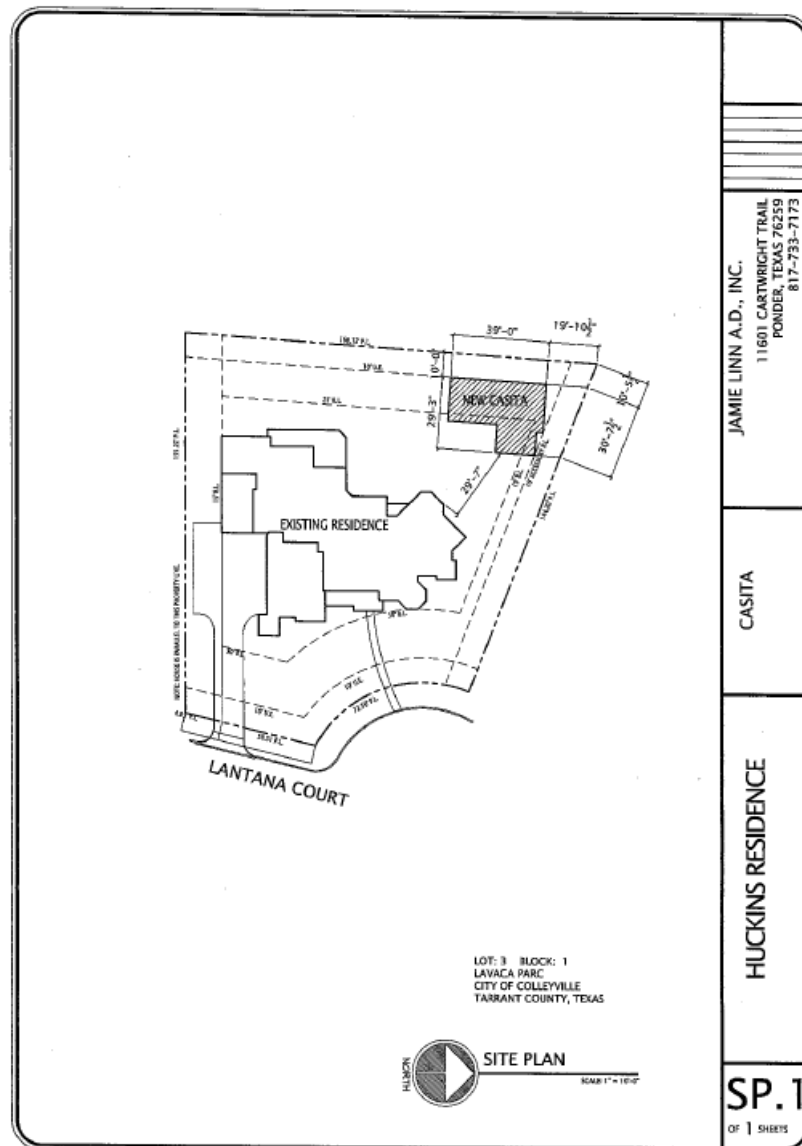


Exhibit "B" – Site Plan and Floor Plan Continued

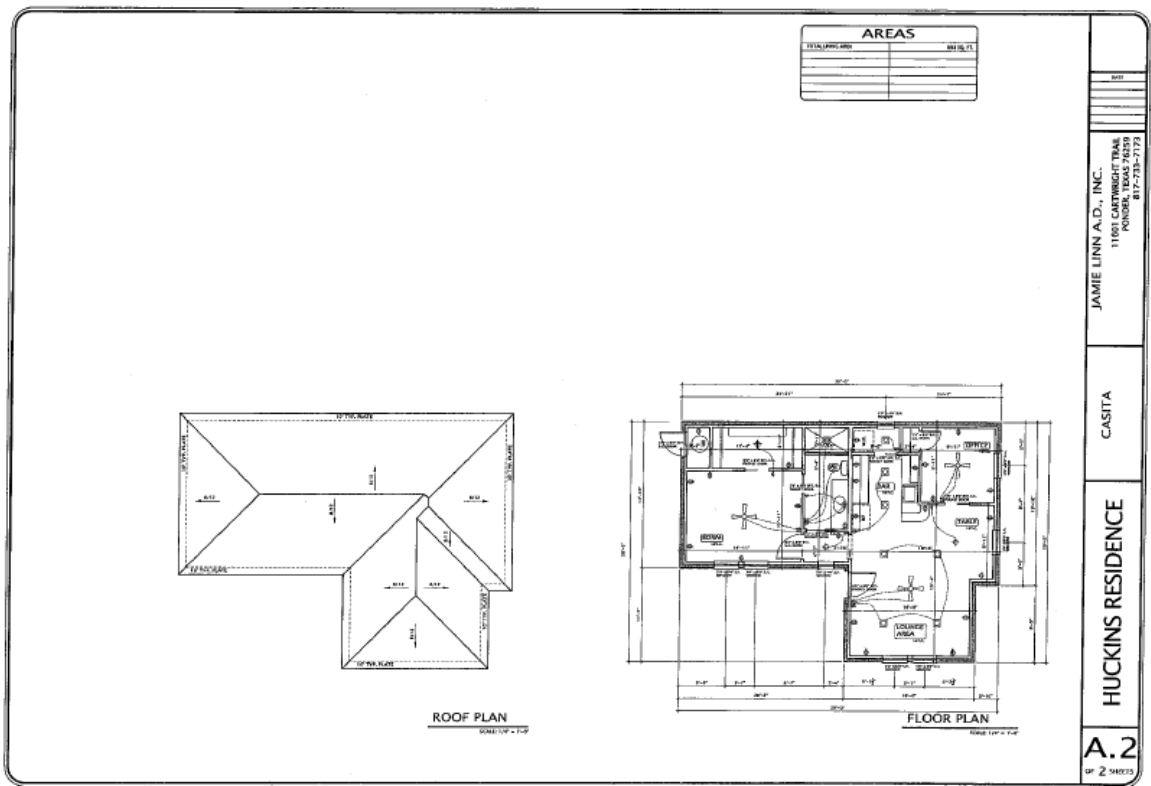


Exhibit "C" – Building Elevations



Exhibit D - Statement of Planning Objectives

Planning and Zoning Commission
City of Colleyville

November 13, 2013

Dear Commissioners:

We live in/own our home at 6212 Lantana Court in Colleyville and plan to hire Patrick Duffy of Patrick Custom Homes to be our general contractor to build a 900 square foot "casita" dwelling for us to use as a future pool house as well as to entertain our many out-of-town family and friends who come to visit. We have long desired to be able to offer separate accommodations for guests as well as have a self-contained area for our grandchildren to play and relax when they come to visit. Patrick Duffy is the original builder of the main structure which we purchased from him in 2008 and the plans for the casita have been drawn by the original architect. It is important to us that we maintain the integrity of the original structure by building the casita with the same level of construction quality and finish out. We feel that is best accomplished by utilizing the services of the original architect and builder. Once added, we believe the structure will add significant value and appeal to our home.

Sincerely,



Bruce and Brenda Huckins
6212 Lantana Court
Colleyville, TX 76034
817-577-7006
Bruce Cell 817-360-6500
Brenda Cell 817-781-5555



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 01/07/2014

Number Ordinance O-14-1904

Type Ordinance

Department Community Development

Title

Consideration of a request for a zoning change from the AG-Agricultural zoning district to the PUD-C-Planned Unit Development Commercial zoning district on 2.8 acres out of the J.L. Byas Survey, Abstract 180, located at 1603 and 1605 Hall-Johnson Road, Case ZC13-020

Explanation

First Reading and Public Hearing

Fred Monks is requesting to rezone 2.8 acres located at 1603 and 1605 Hall-Johnson Road from the AG-Agricultural district to the PUD-C Planned Unit Development Commercial district in order to allow the continued operation of a landscaping business on the property. There are no plans for future development of the property at this time.

Existing Conditions. The property is not platted and is currently occupied by a business named The Lawn Firm, which is described as follows on the company web page, www.thelawnfirm.com:

"The Lawn Firm provides landscaping, landscape lighting, lawn and landscape sprinklers, outdoor water features, stonework, patios, outdoor living areas, outdoor kitchens – and just about anything else that makes your outdoor space more attractive, more useable, or more enjoyable. Think of us as "Your Entire Outdoor Space Firm"."

The property is currently zoned AG-Agricultural, which does not allow for this type of land use. According to the applicant, the current business has been in operation on the subject property since the mid-1980's. However, there are no City records available to document when the current uses came into existence, including building permits and certificates of occupancy. This was recently brought to the attention of City staff when the applicant requested to add a temporary electric pole to the property and Onco would not approve the request without first obtaining City approval. Staff then informed the applicant of the non-conforming status of the property and gave the applicant the option of abandoning the business or rezoning the property to the proper zoning classification.

Staff is allowing the applicant to continue to operate the business pending the outcome of this rezoning request.

Proposed Rezoning Request. The applicant is requesting the rezoning to the PUD-C zoning district to provide the proper legal zoning for the uses that have been operating at this location. These uses include a landscaping business with outside storage of materials and equipment. The permitted land use that most closely matches the current business in the Schedule of Permitted Principal Uses in the Land Development Code is classified as “Contractor’s Office with Storage Yard”, which is allowed with a Special Use Permit in the CC3-Highway Commercial zoning district and the ML-Light Manufacturing zoning district. The applicant requests that the business be allowed to operate “as is” with no proposed changes.

Similar Zoning Requests. On October 21, 2003, the City Council approved Ordinance O-03-1416 (attached) that allowed Hodges Automotive to continue operating at 6521 Colleyville Boulevard. Hodges Automotive had been operating for many years as a non-conforming use with no record of any prior City approval. After being notified by the City, the applicant requested that the business be allowed to continue operating through the approval of a PUD-C-Planned Unit Development Commercial zoning district.

Current Non-Conforming Items on the Subject Property. Based on the current zoning of the property and all other applicable building and development codes, the following is a list of current non-conforming items as observed by City staff. This list should not be considered inclusive of all code requirements, as a comprehensive inspection of the site has not been performed:

- There is no required Certificate of Occupancy issued for this business.
- The current land use is not allowed in the AG-Agricultural zoning district. The subject property has always been zoned AG-Agricultural, the current land use has never been allowed in the AG-Agricultural zoning district, and there has never been any written approval of this business by the City, therefore, the current land use of the property is considered illegal and non-conforming regardless of the length of time the business has been operating.
- The building and site does not meet the minimum requirements of the American’s with Disabilities Act (ADA).
- The electrical supply and connections between and within buildings do not appear to meet minimum electrical code requirements.
- Required parking and loading areas are not paved with the required asphalt or concrete. Rather, they contain a dirt surface.
- Access to the site is limited to a single entrance through the Public Works Service Center property along a 25 foot road easement, and does not comply with any access, paving, and maneuvering requirements for fire apparatus equipment.

- Buildings do not comply with the building design and masonry requirements in the Land Development Code.
- There is no required screening and buffering between the site and adjacent residential properties.

Staff Recommendations. Given the code compliance issues noted above, staff recommends the following conditions as part of any approval of the applicant's request:

- No later than 60 days from the date of approval of the proposed ordinance, the applicant shall allow an independent, third party inspector, contracted by the City, to perform a comprehensive inspection of the site and buildings, and provide a detailed report of all outstanding code compliance issues. The cost of this inspection shall be paid by the applicant. All specific life/safety, fire, and ADA code issues identified in the report shall be addressed and brought into compliance with all current applicable City codes no later than 180 days from the approval date of the proposed ordinance. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a temporary Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of the ordinance.
- Notwithstanding any additional requirements in the proposed ordinance, no later than one year from the date of approval of the proposed ordinance, all site specific issues governed by the Land Development Code shall be brought into compliance with all current Land Development Code criteria, including but not limited to: platting, parking and paving, landscaping, screening and buffering, building setbacks, and building design. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a final Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of the ordinance.
- Outdoor storage of equipment, supplies and materials is hereby permitted provided all outdoor storage is kept a minimum of 25 feet from any adjacent properties zoned or used for residential or educational purposes. All outdoor storage shall be screened from the view of any adjacent properties zoned or used for residential or educational purposes by an approved screening material as listed in the Land Development Code. Outdoor storage of any hazardous materials shall meet all City and State requirements.
- The hours of operation for any business allowed on the subject property shall be limited to daylight hours only, Monday through Saturday.
- All lighting on site shall be directed away from adjacent residential properties and illumination shall not exceed 0.5 foot candles as measured at any adjacent residential property line.

Access. The property is accessed from a single 25 foot road easement that traverses Lot 1, Block 1, of the Public Works Service Center property and links the subject property to Hall-Johnson Road. While most of the access road is paved, the pavement ends approximately 200 feet north of the subject property. Staff recommends that the unpaved portion of the access drive on the property owned by the City of Colleyville be paved as part of the proposed site upgrades noted above, and be at the expense of the applicant.

Master Plan. The rezoning request is not consistent with the Colleyville Master Plan, adopted in 2004, which designates the subject property for future institutional uses.

Surrounding Properties. The properties to the north are developed as the City's Public Works Service Center and a City water tower and are zoned ML-Light Manufacturing and AG-Agricultural. Properties to the east are developed as single family homes and are zoned PUD-R-Planned Unit Development Residential. Properties to the south are developed as single family homes and are zoned R-20-Single Family Residential. The property to the west is developed as the Barbara Gordon Montessori School and zoned CC2-Shopping Center district with a Special Use Permit for a Private School.

Public Notification. Staff mailed notices to 16 adjacent property owners regarding this request and all homeowners' associations within 500 feet. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. No correspondence has been received regarding this request.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the December 9, 2013 meeting by a vote of 7-0 subject to the following conditions:

(1) Staff to provide clarification on Section 4(e) of the proposed ordinance as to who pays for the driveway extension.

(2) The following staff recommendations regarding compliance with the Land Development Code are hereby waived

- Landscaping
- Building location and setback requirements
- Building design standards
- Parking

(3) The site shall meet all fire lane requirements in the Land Development Code.

(4) The regulations for the CN-Neighborhood Commercial District shall be applicable to this PUD-C, except where modified by the provisions of this ordinance.

(5) If the property changes ownership or use, then a detailed site plan will be required and will include any new buildings, access easements, parking areas, landscape buffers, and other improvements being proposed in accordance with the Land Development Code.

The above recommendations have been added to the proposed ordinance.

Summary. The applicant is requesting to allow the current landscaping business on the subject property to continue operating “as is” as a legal conforming use through the proposed rezoning request. According to the applicant the business has been operating on the subject property since the mid-1980’s. There is no record of any formal approval of the business in any official City records. Although staff understands that the business is established in this area given the length of time it has been in operation, staff also recognizes the importance of ensuring the business is compliant with all applicable codes in promoting public and worker health and safety, neighborhood integrity, and community aesthetic standards.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. GENERAL

- a. The purpose of this PUD-C is for a landscaping business with outside storage named The Lawn Firm.
- b. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this ordinance.

2. BUILDING AND SITE COMPLIANCE PROVISIONS

- a. The developer shall submit and receive approval from the City, a minor plat, in accordance with the requirements of the Land Development Code prior to development of this PUD-C.
- b. No later than 60 days from the date of approval of this ordinance, the applicant shall allow an independent, third party inspector, contracted by the City, to perform a comprehensive inspection of the site and buildings and provide a detailed report of all outstanding code compliance issues. The cost of this inspection shall be paid by the applicant. All specific life/safety, fire, and ADA code issues identified in the report shall be addressed and brought into compliance with all current applicable City codes no later than 180 days from the approval date of this ordinance. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a temporary Certificate of Occupancy. Failure to meet the

requirements of this section shall be considered a violation of this ordinance.

c. Notwithstanding any additional requirements in this ordinance, no later than one year from the date of approval of this ordinance, all site specific issues governed by the Land Development Code shall be brought into compliance with all current Land Development Code requirements, except for the following chapters and provisions: The building location, setback and parking provisions of Chapter 3-Land Use, Chapter 4-Landscaping and Buffering, Chapter 6-Commercial Design Standards.

3. PERMITTED USES

a. The purpose of this PUD-C is for a landscaping contractor with outdoor storage as specifically allowed in this ordinance.

4. DEVELOPMENT CONDITIONS

a. Outdoor storage of equipment, supplies, and materials is hereby permitted provided all outdoor storage is kept a minimum of 25 feet away from any adjacent properties zoned or used for residential or educational purposes. All outdoor storage shall be screened from the view of any adjacent properties zoned or used for residential or educational purposes by an approved screening material as listed in the Land Development Code. This provision shall become effective no later than one year from the date of approval of this ordinance. Outdoor storage of any hazardous materials shall meet all City and State requirements effective upon the passage of this ordinance.

b. The regulations for the CN-Neighborhood Commercial District shall be applicable to this PUD-C, except where modified by the provisions of this ordinance.

c. The hours of operation for any business allowed on the subject property shall be limited to daylight hours only, Monday through Saturday.

d. All lighting on site shall be directed away from adjacent residential properties and illumination shall not exceed 0.5 foot candles as measured at any adjacent residential property line.

e. No later than one year from the date of approval of this ordinance, the unpaved portion of the access drive on the property owned by the City of Colleyville to north of the subject property shall be paved to match the width of the existing paved portion of said access drive up to the property line of the subject property. Said paving shall meet all City fire lane requirements with final approval by the Public Works Director and the Fire Marshal. The cost of said construction shall be paid by the owner of the subject property governed by this ordinance.

f. Notwithstanding the requirements of subsection "e" above, fire lane access to all structures on the subject property shall meet the minimum requirements of the Land

Development Code no later than one year from the date of approval of this ordinance with final approval required by the Fire Marshal.

g. If the property changes ownership or use, then a detailed site plan will be required and will include any new buildings, access easements, parking areas, landscape buffers and other improvements being proposed in accordance with the Land Development Code.

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Site Layout
6. Hodges Automotive Ordinance O-03-1416
7. Ordinance O-14-1904

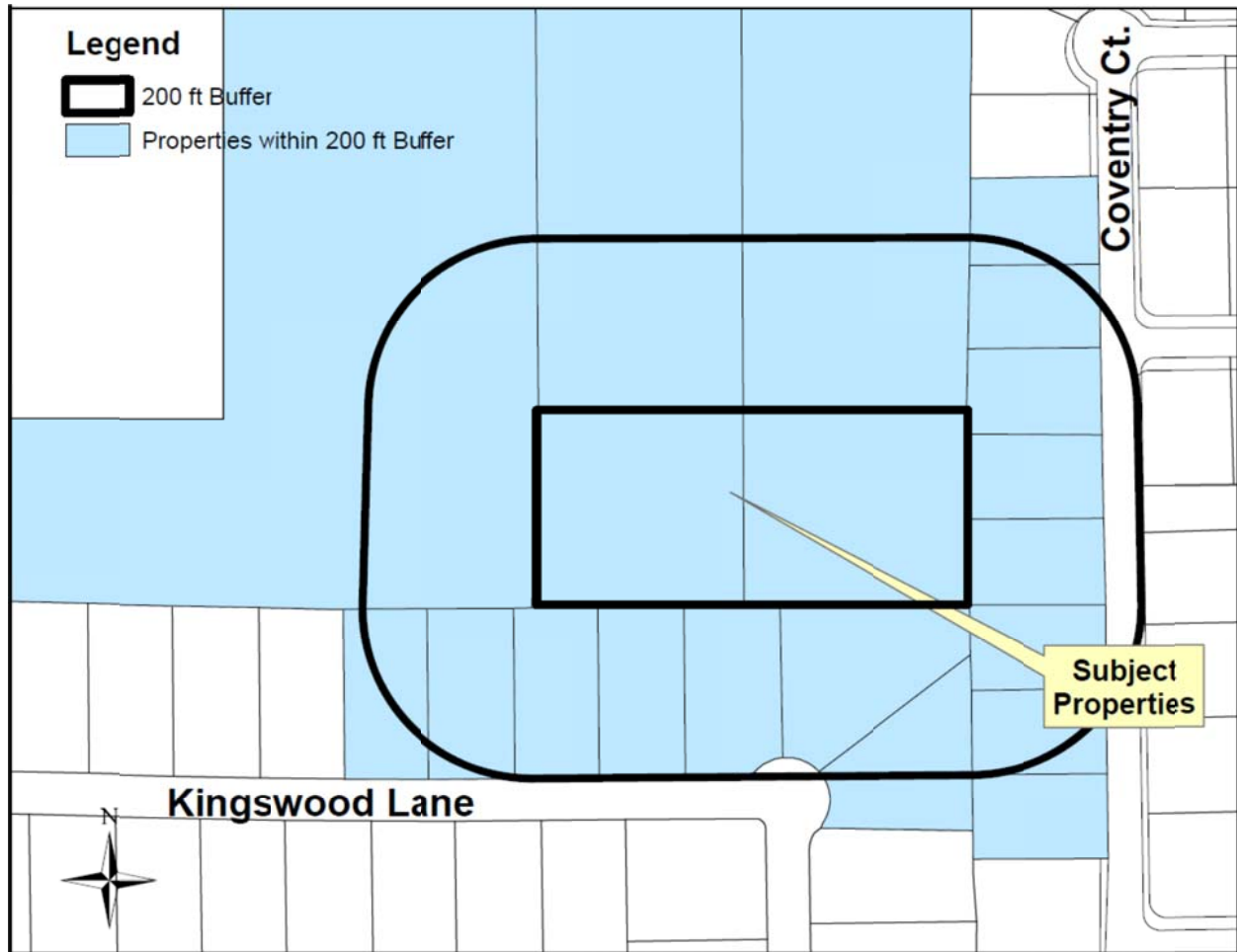
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Subject Property

Aerial



Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Barbara Gordon Montessori Schl	1513 Hall Johnson Rd	Colleyville	Texas	76034	1513 Hall Johnson Rd
Nelson, Michael Jay	5600 Coventry Ct	Colleyville	Texas	76034	5600 Coventry Ct
Annis, Barnard H Etux Claudine	5604 Coventry Ct	Colleyville	Texas	76034	5604 Coventry Ct
Roth, Thomas R Etux Eileen M	6909 Meade Dr	Colleyville	Texas	76034	5512 Coventry Ct
Crawford, David E Etux Lisa	5508 Coventry Ct	Colleyville	Texas	76034	5508 Coventry Ct
Hines, Brent A Etux Karen L	5504 Coventry Ct	Colleyville	Texas	76034	5504 Coventry Ct
Hendrix, Terry L Etux Anita Y	1610 Kingswood Ln	Colleyville	Texas	76034	1610 Kingswood Ln
Brown, Dana Kay	5500 Coventry Ct	Colleyville	Texas	76034	5500 Coventry Ct
Golden, Dennis A Etux Sherry M	1606 Kingswood Ln	Colleyville	Texas	76034	1606 Kingswood Ln
Rooyen, Daniel V Etux Gloria	1604 Kingswood Ln	Colleyville	Texas	76034	1604 Kingswood Ln
Cox, George B Etux Dawn R	1602 Kingswood Ln	Colleyville	Texas	76034	1602 Kingswood Ln
Saiyed, Farid Etux Raana	1600 Kingswood Ln	Colleyville	Texas	76034	1600 Kingswood Ln
Williamson, Jeff Etux Sandra	5509 Janet Ln	Colleyville	Texas	76034	5509 Janet Ln
Wilkison, Gregory S Eutx Jean	5412 Coventry Ct	Colleyville	Texas	76034	5412 Coventry Ct
Sanderson, Wilford Etux Kristi	5408 Coventry Ct	Colleyville	Texas	76034	5408 Coventry Ct
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
Stone Crest Estates HOA	1708 Gatehouse Court	Colleyville	Texas	76034	Courtesy Notice
Kingswood Estates HOA	1601 Royal Lane	Colleyville	Texas	76034	Courtesy Notice
Monks, Fred Sr & Thomas	1608 Kingswood Ln	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
Wed., Nov. 27, 2013 by Taci Wrisley

Site Layout



ORDINANCE O-03-1416

AN ORDINANCE AMENDING CHAPTER 3, LAND USE OF THE LAND DEVELOPMENT CODE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF A 4.3 ACRE TRACT OF LAND OUT OF THE A. J. LOTT SURVEY, ABSTRACT 963, FROM THE AG-AGRICULTURAL DISTRICT TO THE PUD-C PLANNED UNIT DEVELOPMENT COMMERCIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed by Mr. Craig Hodges on June 12, 2003, under Case No. Z-03-015; and

WHEREAS, the City of Colleyville has complied with the notification requirements of the Texas Local Government Code and the Colleyville Land Development Code; and

WHEREAS, the Planning and Zoning Commission has held a public hearing and made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning amendment is in the best interests of the City of Colleyville.

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

Sec. 1. THAT the Master Plan, the Land Development Code of the City of Colleyville, Texas, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Colleyville, Texas, as shown on the Zoning Map attached as Exhibit "A", and described by metes and bounds as shown on attached Exhibit "B", by changing the zoning of said property from the AG Agricultural district to the PUD-C Planned Unit Development Commercial district, including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

Sec. 2. THAT the PUD-C area shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-C is for automotive related uses as specifically allowed in this ordinance.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. PERMITTED USES

The following land uses shall be permitted within this Planned Unit Development, provided the use is limited to the specific sub-area identified as follows.

- a. Sub-area "A" – Automotive repair
- b. Sub-area "B" – Outside storage of recreational vehicles; access to this area shall only be allowed from Ross Downs Road through area "B" or "C"
- c. Sub-area "C" – Landscaping contractor with outside storage; access to this area shall only be allowed from Ross Downs Road through area "B" or "C"
- d. Sub-area "D" – Truck rental
- e. Sub-area "E" – Outside storage of boats, automobiles and vans, provided no vehicles exceeds seven (7) feet in height; only one row of vehicles shall be allowed adjacent to the landscape buffer located along the east property line
- f. Sub-area "F" – One single family residential unit
- g. Sub-area "G" – Open space

3. SITE PLANS AND PLATTING

- a. The site plan attached as Exhibit "C" shows the locations of the land uses authorized by this ordinance, including the existing primary and accessory buildings.
- b. No development permits for any additional structures within this PUD-C shall be approved until an amendment to this ordinance has been approved by the City Council in accordance with the procedures and requirements of the Colleyville Land Development Code.

Exception: One additional structure not to exceed 1,250 square feet in area nor to exceed twenty (20) feet in height shall be allowed for use as an auto repair bay, provided said structure is located on the west side of and adjacent to the existing primary auto repair building and that said structure complies with the permitting requirements of the City of Colleyville and the Building Design criteria contained in Chapter Six of the Colleyville Land Development Code.

- c. Prior to the issuance of any development permits for any additional structures within this PUD-C and as a condition to

the development of the subject property, the developer shall obtain approval of a final plat of the property in accordance with the procedures and requirements of the Colleyville Land Development Code and comply with the fire lane requirements of the Colleyville Fire Code.

4. OTHER

- a. Hours of operation: Except for the residents of the single family unit, the allowable hours of operation shall be 6:00 a.m. to 9:00 p.m. for landscaping and storage of recreational vehicles; 6:00 a.m. to 10:00 p.m. for other uses allowed in this Planned Unit Development.
- b. The regulations for the CC-2 District shall be applicable to this PUD-C, except where modified by the provisions of this ordinance.
- c. The location and width of all fire lanes shall be approved by the Fire Marshal.
- d. There shall be a landscape screen of evergreen shrubs planted within thirteen (13) feet of the common property line with the Ross Downs subdivision, as shown on the Site Plan, Exhibit "C". Said row of shrubs shall be spaced not less than five (5) feet on centers and shall not be less than six (6) feet in height within two (2) years from the date of this ordinance. Said row of shrubs shall be planted not later than 180 days from the date of approval of this ordinance.
- e. Within the landscape screening area required in paragraph d above, there shall be trees planted in accordance with a tree plan shown on Exhibit "D". Said trees shall be a minimum of three inch (3") caliper. Said trees shall be planted not later than 180 days from the date of approval of this ordinance.
- f. The parking areas for areas "B" and "C" may consist of crushed rock.
- g. The area within fifty (50) feet of the common property line with the Ross Downs subdivision shall be free of any trash or debris on the grounds and the grass shall be maintained at a height not to exceed twelve (12) inches.

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

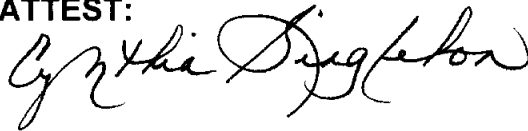
- Sec. 4. THAT the Land Development Code of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.
- Sec. 5. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.
- Sec. 6. THAT this ordinance shall become effective immediately upon publication.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of October 2003.

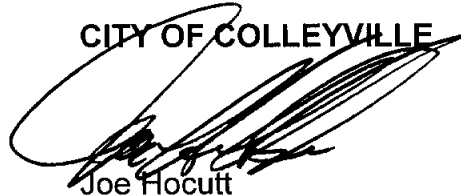
The second reading and public hearing being conducted on the 21st day of October 2003.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



Joe Hocutt
Mayor

APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster
City Attorney

EXHIBIT A – ZONING MAP

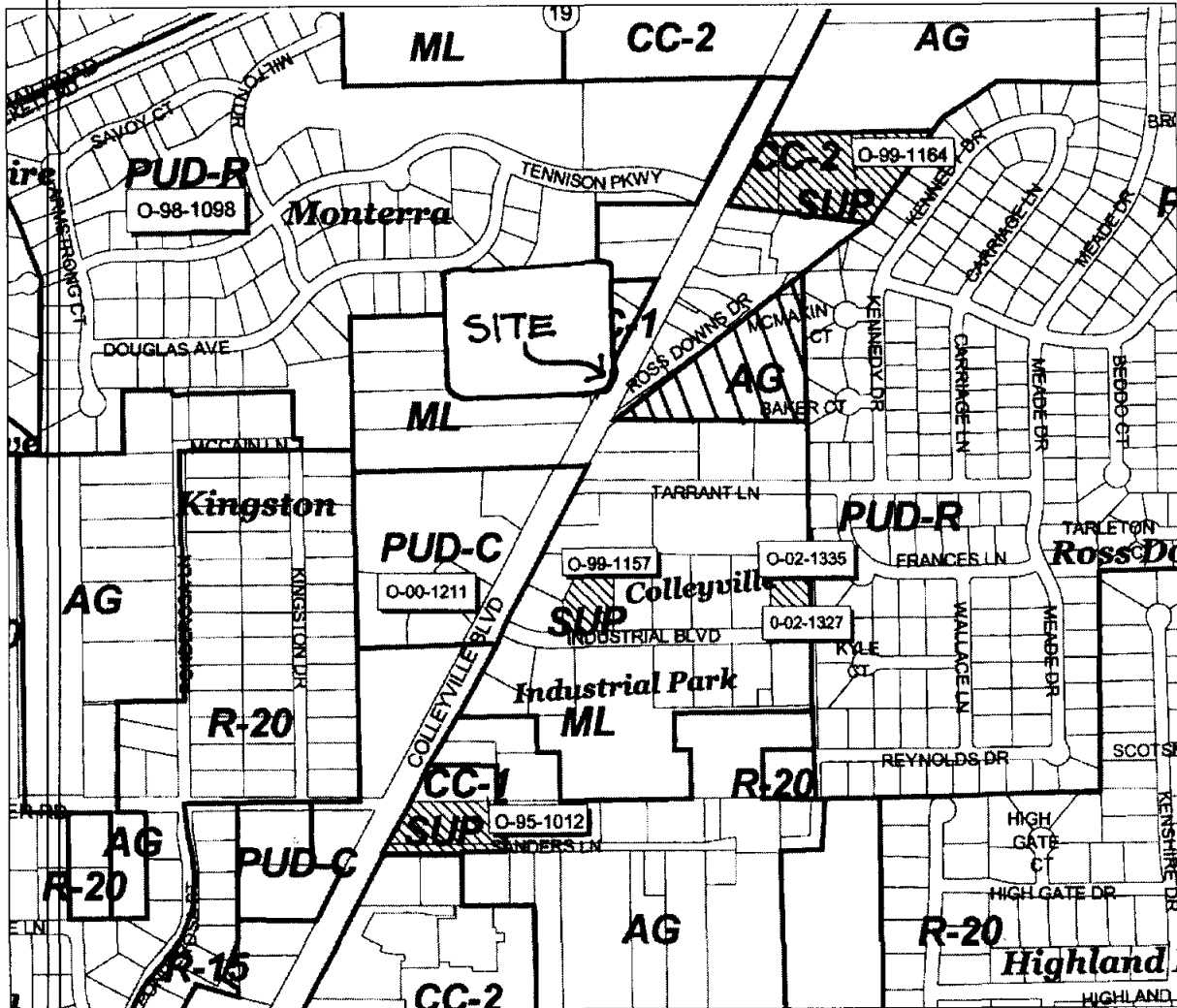


EXHIBIT B – METES AND BOUNDS DESCRIPTION

Being a tract of land out of the A.J. Lott Survey, Abstract No. 963, Tarrant County, Texas, and being the same tract of land as described in deed recorded in Volume 10003, Page 114, Deed Records, Tarrant County, Texas, and being described by metes and bounds as follows:

BEGINNING at a ½-inch iron pin found in the south line of Ross Downs Road for the northwest corner of tract being described, said point being the northwest corner of Lot 2, Block 1, C-D Subdivision, an Addition to the City of Colleyville, Tarrant County, Texas, and by deed being the northwest corner of a tract of land as described in deed recorded in Volume 5990, Page 188, Deed Records, Tarrant County, Texas;

THENCE North 52 degrees 49 minutes 31 seconds East 784.49 feet (deed call North 52 degrees 14 minutes 20 seconds East 781.92 feet) along the easterly line of said Ross Downs Road to a capped iron pin set for the most northerly northwest corner of tract being described;

THENCE South 89 degrees 34 minutes 33 seconds East 69.44 feet (deed call 76.28 feet) and continuing along the south line of said Ross Downs Road to a ½-inch iron pin found in the west line of Block 12, Ross Downs Estates II, an Addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 799, Plat Records, Tarrant County, Texas, for the northeast corner of tract being described;

THENCE South 01 degrees 32 minutes 00 seconds 478.92 feet (deed call 479.00 feet) along the west line of said Ross Downs Estates II to a ½ inch iron pin found for the southeast corner of tract being described, said point being the northeast corner of Lot 1R, Block 2, Ponce Addition, an Addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 1642, Plat Records, Tarrant County, Texas;

THENCE North 89 degrees 34 minutes 32 seconds West 707.35 feet (deed call West 707.26 feet) along the north line of said Block 2, Ponce Addition and the north line of said Lot 2, Block 1, C-D Subdivision to the POINT OF BEGINNING and containing 4.268 acres of land, more or less.

EXHIBIT C – SITE PLAN

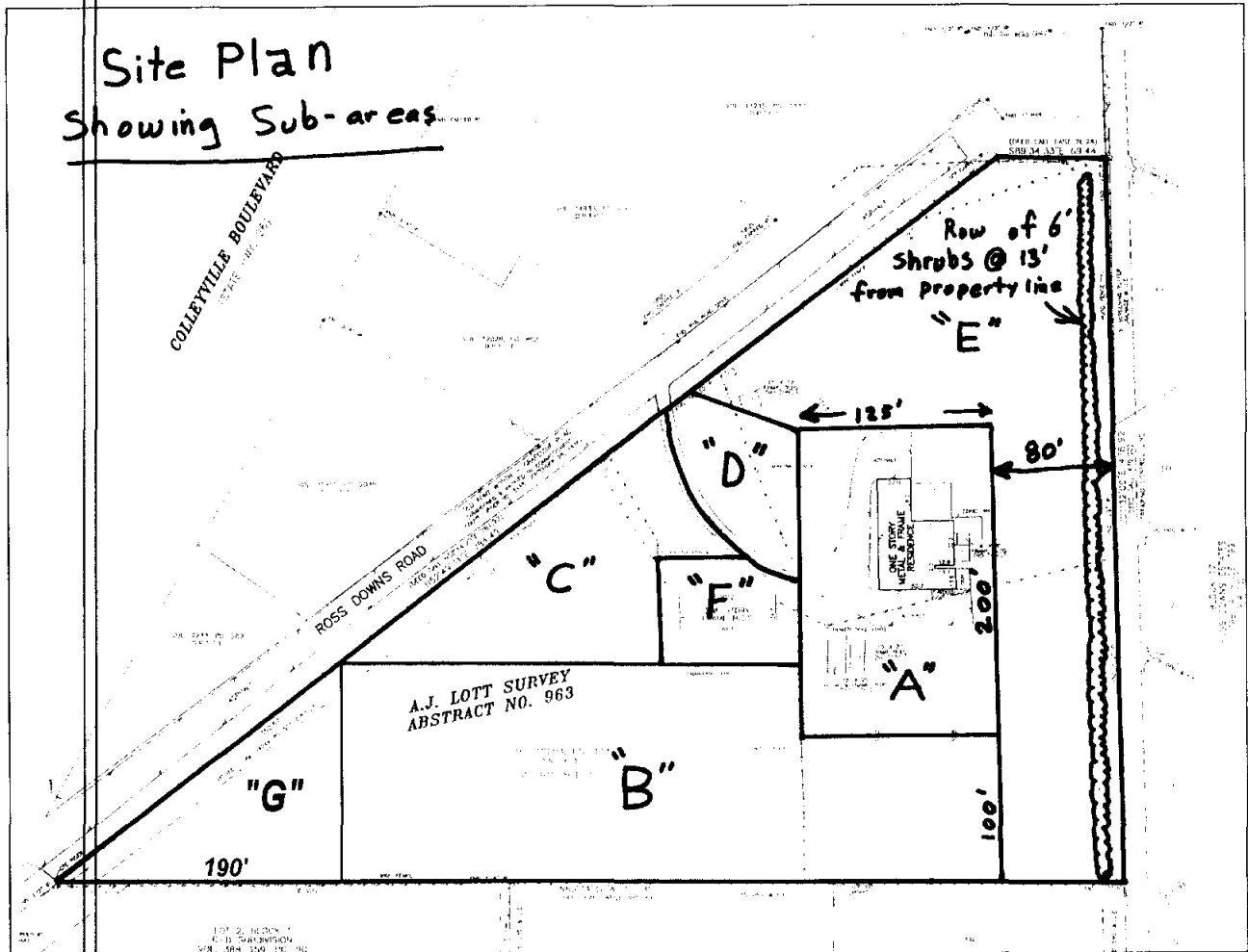
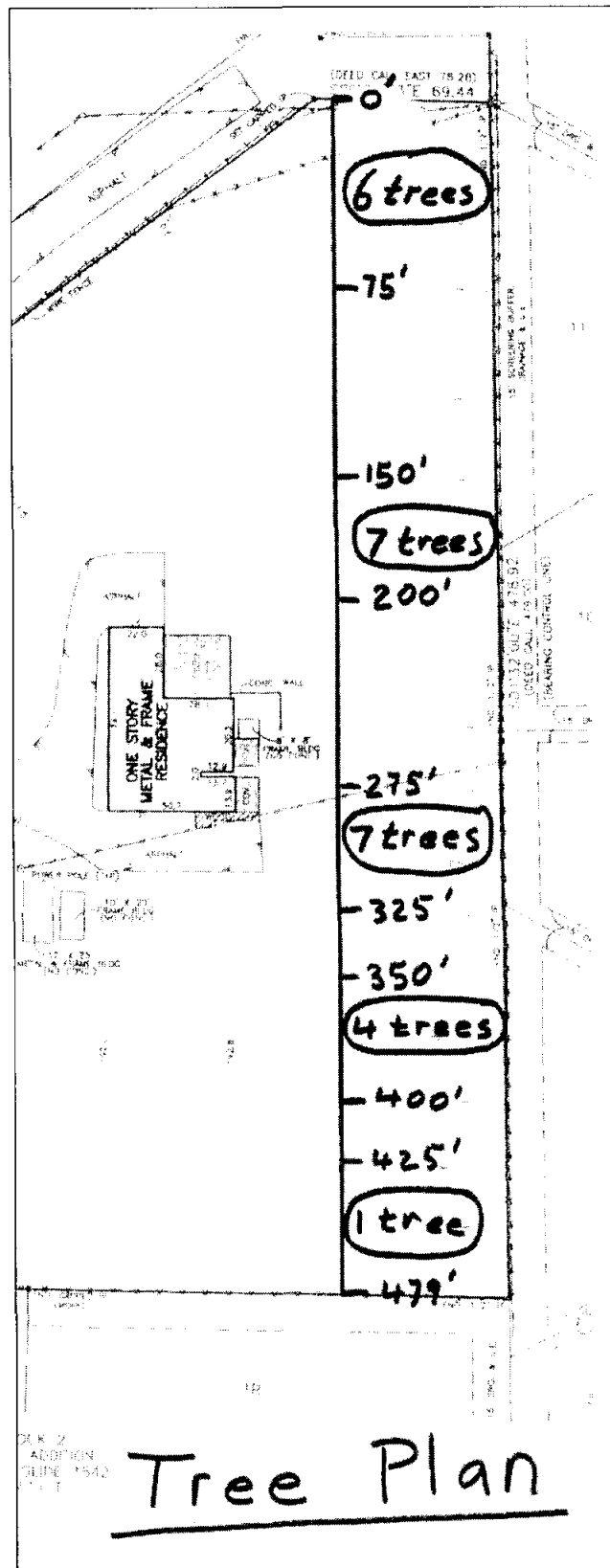


EXHIBIT D – TREE PLAN



ORDINANCE O-14-1904

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 2.8 ACRES LOCATED IN THE J.L. BYAS SURVEY, ABSTRACT 180, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC13-020; 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 2.8 acres located in the J.L. Byas Survey, Abstract 180, from the AG-Agricultural zoning district to the PUD-C-Planned Unit Development Commercial zoning district, as depicted in the attached Exhibit "A", 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-C is for a landscaping business with outside storage named *The Lawn Firm*.
- b. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this ordinance.

2. BUILDING AND SITE COMPLIANCE PROVISIONS

- a. The developer shall submit and receive approval from the City, a minor plat, in accordance with the requirements of the Land Development Code prior to development of this PUD-C.

- b. No later than 60 days from the date of approval of this ordinance, the applicant shall allow an independent, third party inspector, contracted by the City, to perform a comprehensive inspection of the site and buildings and provide a detailed report of all outstanding code compliance issues. The cost of this inspection shall be paid by the applicant. All specific life/safety, fire, and ADA code issues identified in the report shall be addressed and brought into compliance with all current applicable City codes no later than 180 days from the approval date of this ordinance. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a temporary Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of this ordinance.
- c. Notwithstanding any additional requirements in this ordinance, no later than one year from the date of approval of this ordinance, all site specific issues governed by the Land Development Code shall be brought into compliance with all current Land Development Code requirements except for the following chapters and provisions: The building location, setback, and parking provisions of Chapter 3-Land Use, Chapter 4-Landscaping and Buffering, Chapter 6-Commercial Design Standards.

3. PERMITTED USES

- a. The purpose of this PUD-C is for a landscaping contractor with outdoor storage as specifically allowed in this ordinance.

4. DEVELOPMENT CONDITIONS

- a. Outdoor storage of equipment, supplies and materials is hereby permitted provided all outdoor storage is kept a minimum of 25 feet away from any adjacent properties zoned or used for residential or educational purposes. All outdoor storage shall be screened from the view of any adjacent properties zoned or used for residential or educational purposes by an approved screening material as listed in the Land Development Code. This provision shall become effective no later than one year from the date of

approval of this ordinance. Outdoor storage of any hazardous materials shall meet all City and State requirements effective upon the passage of this ordinance.

- b. The regulations for the CN-Neighborhood Commercial District shall be applicable to this PUD-C, except where modified by the provisions of this ordinance.
- c. The hours of operation for any business allowed on the subject property shall be limited to daylight hours only, Monday through Saturday.
- d. All lighting on site shall be directed away from adjacent residential properties and illumination shall not exceed 0.5 foot candles as measured at any adjacent residential property line.
- e. No later than one year from the date of approval of this ordinance, the unpaved portion of the access drive on the property owned by the City of Colleyville to north of the subject property shall be paved to match the width of the existing paved portion of said access drive up to the property line of the subject property. Said paving shall meet all City fire lane requirements with final approval by the Public Works Director and the Fire Marshal. The cost of said construction shall be paid by the owner of the subject property governed by this ordinance.
- f. Notwithstanding the requirements of subsection “e” above, fire lane access to all structures on the subject property shall meet the minimum requirements of the Land Development Code no later than one year from the date of approval of this ordinance with final approval required by the Fire Marshal.
- g. If the property changes ownership or use, then a detailed site plan will be required and will include any new buildings access easements, parking areas, landscape buffers, and other improvements being proposed in accordance with the Land Development Code.

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 7th day of January 2014.

The second reading and public hearing being conducted on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

[illegible]

Exhibit B – Legal Description

Tract 1

BEING a tract of land out of the J. L. BYAS SURVEY, ABST. #180 in Tarrant County, Texas, and more particularly described as a portion of a 9.315 acre tract out of said survey recorded in the name of Joe B. Harrison in Vol. 2850, Page 467, Deed Records, Tarrant County, Texas and being described by metes and bounds as follows:

BEGINNING at a pipe, said pipe being the Southwest corner of said 9.315 acre tract;

THENCE North 00 deg. 18 min. East along the West line of said 9.315 acre tract 246.7 ft to an iron pin for corner;

THENCE South 89 deg. 45 min. East 241.2 ft to an iron pin for corner in the West line of a 4.965 acre tract of land recorded in the name of Ronald R. Robertson in Vol. 5398, Page 58, Deed Records, Tarrant County, Texas;

THENCE South 00 deg. 11 min. West along the West line of said 4.965 acre tract 246.7 ft to an iron pin for corner in the South line of said 9.315 acre tract;

THENCE North 89 deg. 45 min. West along the South line of said 9.315 acre tract and along a fence 241.7 feet to the POINT OF BEGINNING and containing 1.367 of land, more or less;

Tract 2

BEING 1.482 acres, more or less, situated in the J. L. BYAS SURVEY, ABSTRACT #180, Tarrant County, Texas, being a portion of a 4.965 acre tract described in Deed from Ronald R. Roberson to R. Sam Culbertson dated April 13, 1984, recorded in Volume 8382, Page 744 of the Deed Records of Tarrant County, Texas, SAVE AND EXCEPT 3.483 acre of said property as described in Partial Release of Lien executed by Lloyd Winsworth dated November 20, 1985, recorded in Volume 8382, Page 760 of the Deed Records of Tarrant County, Texas, all as more particularly described following:

BEING a 4.965 acre tract of land out of the J. L. BYAS SURVEY, ABSTRACT #180, Tarrant County, Texas, and being a part of a 9.315 acre tract of land conveyed to J. B. Harrison and wife by deed recorded in Volume 2850, Page 467, Deed Records of Tarrant County, Texas described by metes and bounds as follows:

BEGINNING at an iron pin at the Southeast corner of said 9.315 acre tract, said point being 216.67 feet North of the S.E. Corner of said J. L. Byas Survey;

THENCE West 271.0 feet to an iron pin for corner;

THENCE North 00 degrees 11 minutes E, 794.0 feet to an iron pin in the South ROW line of the Hall-Johnson Road;

THENCE along said ROW line S 88 degrees 45 minutes E, 43.73 feet, said point being the beginning of a curve to the left having a radius of 896.0 feet, and continuing along said curve a distance of 227.27 feet to an iron pin;

Exhibit B – Legal Description (Continued)

THENCE S 00 degrees 23 minutes E 828.5 feet to the place of beginning, containing 4.965 acres of land, more or less;

SAVE AND EXCEPT THE FOLLOWING:

Being a tract of land out of the J. L. BYAS SURVEY, ABSTRACT NO. 180 in Tarrant County, Texas, being part of a 9.315 acre tract of land conveyed to J. B. Harrison, et ux, recorded in Volume 2850, Page 467, Deed Records of Tarrant County, Texas;

BEGINNING at an iron pin 457.13 feet North and 270.23 feet West of the Southeast Corner of the J. L. Byas, Abstract No. 180 in Tarrant County, Texas;

THENCE North 0 degrees 11 minutes East 553.54 feet to an iron pin in the South line of the Hall Johnson Road;

THENCE with said South line, South 88 degrees 45 minutes East 43.73 feet to an iron pin at the beginning of a curve to the left;

THENCE with said curve to the left, with a radius of 2804.37 feet and a central angle of 4 degrees 42 minutes 15 seconds a distance of 230.06 feet to an iron pin;

THENCE South 0 degrees 33 minutes 55 seconds West 582.21 feet to an iron pin;

THENCE South 89 degrees 21 minutes 17 seconds West 267.44 feet to the place of beginning, containing 3.483 acres of land, more or less (151.73835 square feet).



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5c

Agenda Date 01/07/2014

Number Ordinance O-14-1905

Type Ordinance

Department Community Development

Title

Consideration for approval of amendments to Chapter 3 - Land Use, Section 3.26-Fences, Free Standing Walls, and Screening Materials, of the Land Development Code, Case GC13-021

Explanation

First Reading and Public Hearing

This item was presented to the City Council at the September 3, 2013 Pre Council meeting. Based on discussion at this meeting, staff proposes amendments to Section 3.26-Fences, Free Standing Walls, and Screening Materials in the Land Development Code. In April 2013, the City Council directed staff to review the specific construction and maintenance requirements for fences and walls in Section 3.26, and compare what other area cities require in comparison to Colleyville's existing standards.

Proposed Amendments. Attached is a comparison matrix of area city requirements with regard to fence maintenance and construction standards. Staff proposes the following amendments to Section 3.26-Fences, Free Standing Walls, and Screening Materials in the Land Development Code (the sections below are labeled and numbered just as they would appear in Section 3.26; staff comments are italicized):

C. Maintenance:

1. All fences erected as provided for in this section shall be maintained in good condition. *Existing requirement*
2. A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence. *New requirement*
3. The owner shall replace broken, damaged, removed, or missing parts of a fence within ten (10) days of the day the owner received notice from the Administrative Official, with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance. The Administrative Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Administrative Official shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time extension shall provide the Administrative Official a written scope

and schedule detailing materials and estimated time period of the completed replacement for approval. *New requirement*

4. A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s). *New requirement*

5. Property owners shall maintain fences, including those existing prior to the adoption of this ordinance, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame, and fastenings free from deterioration, termite infestation, rot, rust, or loosening, and able to withstand at all times the wind pressure for which they were designed. *New requirement*

6. Property owners shall regularly paint fence supports, gates, structural members, and exterior surfaces that are covered with paint to prevent rusting, peeling, or blistering surfaces. *New requirement*

7. Existing fences that were constructed prior to the adoption of this ordinance that were constructed with materials not currently permitted by this ordinance may be maintained as long as no part of the fence is, or becomes, unsafe, dilapidated, or a public nuisance. If the Administrative Official determines the fence is unsafe, dilapidated, or a public nuisance, the fence must be repaired with materials approved by this ordinance or be removed. *New requirement*

8. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the fence and an adjacent fence on a neighboring property, the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.

The above standards would provide detailed maintenance requirements for all fences and walls where none currently exist.

D. 14. General Construction Requirements for Wood Fences:

a. For commercial properties, all vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) and three-eighths (3/8") inch diameter, a minimum fifteen (15) gauge thickness, and set in a concrete footing. Picket fences, split rail fences, ranch style, or agricultural fences, or other types of decorative fences approved by the Building Official or his/her designee shall be permitted to use wood posts. *New requirement. This would effectively prohibit wooden posts for any wood fence over four feet in height for commercial properties only, which reflects the City Council's direction at the September 3, 2013 Pre Council meeting; this provision only applies to commercial properties.*

b. Concrete footings shall be a minimum of eight (8) inches in diameter. *New requirement*

- c. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24") inches deep. *New requirement*
- d. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36") inches deep. *New requirement*
- e. Fence posts attached to, or supported by, other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall. *New requirement*
- f. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism, and other sources of decay. *New requirement*
- g. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of two inches between the bottom of the pickets and the ground. Fences located within drainage easements must be approved by the Public Works Director per the requirements of Section 8-170 of the Land Development Code and shall be built such that required drainage and stormwater run-off is not impeded. *New requirement*
- h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay. *New requirement*

The above standards would provide detailed construction requirements for wood fences where none currently exist.

15. Sealed Plans Required for Masonry Walls, Columns, and Fences:

Staff proposes adding the following language to Section 3.26:

"For all masonry walls, columns, and fences authorized by this Section, required plans and specifications shall be prepared and sealed by a State of Texas registered engineer and shall consider the site's soil characteristics, wind loadings, and other environmental considerations. All field inspections and verifications for a new masonry wall, fence, and column must be approved by the design professional mentioned above or the professional's representative. Said inspection approval must be submitted to the Building Official in writing prior to the City's final inspection."

Sealed plans are not currently required for any fence construction. This would require all fence permits for masonry walls and/or columns to contain sealed plans from a registered professional engineer noted above. Similar to the current requirement that

retaining walls over four feet in height must be designed by a professional engineer, this would place the responsibility to ensure the structural integrity of the fence, wall, or column in the hands of an engineer. As discussed at the September 3, 2013 Pre Council meeting, the design professional has been specified to include a registered professional engineer only.

Regarding inspections of masonry walls, columns, and fences, the engineer would be required to submit to the City a copy of their field verification that the fence meets their criteria before the City performs a final inspection. Regarding inspections of wood fences, most cities (including all of the cities surveyed and Colleyville); only perform a final inspection for wood fences. Therefore, in order to ensure compliance with the proposed new standards, the Building Inspector would have the right to require the fence permit applicant to provide proof that the fence was constructed according to code at any point prior to the approval of the final inspection, either through verification from an independent third party professional, or through an on-site verification. Additionally, all fence permit applicants will be required to sign an acknowledgement of the City's requirements with the understanding that the fence will be built according to City standards.

Once adopted, a bulletin of the new standards will be posted on the City's website and included in all other communication vehicles in which the City uses. All contractors in the City will be notified as well.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the December 9, 2013 by a vote of 7-0 subject to the following conditions:

- (1) There shall be no changes to Section C(1) of Exhibit "A" in proposed Ordinance O-14-1905
- (2) Section C(2) of Exhibit "A" in proposed Ordinance O-14-1905 – Change "one inch" to "two inches".
- (3) There shall be no changes to Section C(3) of Exhibit "A" in proposed Ordinance O-14-1905
- (4) Sections C(4) through C(8) of Exhibit "A" in proposed Ordinance O-14-1905 are hereby deleted.
- (5) Sections 14 and 15 of Exhibit "A" in proposed Ordinance O-14-1905 shall only apply to commercial properties and perimeter subdivision fences/walls.

Because the proposed changes to Section 3.26 effectively mirror what was presented to the City Council on September 3, 2013 with a few minor changes, the above conditions from the Planning and Zoning Commission have not been added to proposed Ordinance O-14-1905. Should the City Council wish to adopt the Planning

and Zoning Commission recommendations, staff will modify proposed Ordinance O-14-1905 for the second reading of this item to include the Planning and Zoning Commission recommendations above.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Proposed Amendments to Section 3.26
2. City Comparison Matrix - Fence Construction and Maintenance Requirements
3. Ordinance O-14-1905

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

Section 3.26 Fences, Free Standing Walls, and Screening Materials

A. Scope

1. This section is to regulate fences, free standing walls and other screening material in a manner so as to promote safety, preserve property values, promote the general welfare of the City of Colleyville, and to enhance the aesthetic quality of the community.
2. No fence, screen, freestanding wall or other visual barrier shall be constructed or placed in such a manner as would endanger the health or safety of the general public.
3. For administrative purposes, all references to fences or walls shall be interpreted to apply to free standing structures.

B. Definitions

Perimeter Subdivision Fencing. A subdivision perimeter fence shall be construed to be any decorative or security fence along a substantial portion of the boundary or property line of any plat, replat or phase of a plat or replat or filing of a plat or replat as those terms are defined in *Chapter 2 – Definitions* of this Land Development Code, of any property (1) zoned other than CPO, CN, CC1, CC2, CC3, or ML and shown on an approved plat thereof , or (2) property that is zoned AG, RE, R40, R30, R20, R15, RD, RMF.

C. Maintenance

1. All fences erected as provided for in this section shall be maintained in good condition.
2. A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence.
3. The owner shall replace broken, damaged, removed or missing parts of a fence within ten (10) days of, the day the owner received notice from the Administrative Official, with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance. The Administrative Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Administrative Official shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time extension shall provide the Administrative Official a written scope and schedule detailing materials and estimated time period of the completed replacement for approval.
4. A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s).
5. Property owners shall maintain fences, including those existing prior to the adoption of this Ordinance, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.
6. Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces.
7. Existing fences that were constructed prior to the adoption of this Ordinance that were constructed with materials not currently permitted by this Ordinance may be maintained as long as no part of the fence is or becomes unsafe, dilapidated, or a public nuisance. If the Administrative Official determines the fence is unsafe, dilapidated, or a public nuisance the fence must be repaired with materials approved by this Ordinance or be removed.

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

8. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the fence and an adjacent fence on a neighboring property, the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.

~~Support columns and posts shall remain in an upright position and shall be generally perpendicular to the surrounding terrain. Masonry fences shall maintain their original aesthetic style and condition. Structurally unsound or substandard fences are considered unsafe and a nuisance and shall be repaired or replaced."~~

D. General Requirements/Prohibitions for all Fences and Free-standing Walls

1. *Screening Required in Residential Districts:*

- a. Nonresidential uses in a residential district shall be suitably screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use with a decorative masonry wall of not less than eight (8) feet in height. Said screening requirements shall not be mandatory for public schools, parks or churches, except where active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any non-residential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use with a decorative masonry wall of not less than (8) feet in height or a landscaped berm.
- b. Where a multifamily or mobile home use abuts a one or two family district, or where a mobile home use abuts a one, two or multifamily use or district, the side and rear property lines of said multifamily or mobile home use or district shall be suitably screened from view of any adjacent dissimilar residential dwelling or lot with a decorative masonry wall of not less than eight (8) feet in height or a landscaped berm.
- c. Nothing in this section shall restrict the fencing of tennis courts with traditional fencing material to a maximum of twelve (12) feet.

2. *Screening Required in Non-Residential Districts:*

- a. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened, with a decorative masonry wall, by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet.
- b. Where a district boundary separating a residential district from a nonresidential district is along a street, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.
- c. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height and shall be composed of decorative masonry material
- d. Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use with a decorative masonry wall of not less than eight feet in height or a landscaped berm.
- e. All roof mounted mechanical equipment and parapet wall structural supports shall be screened from view.
- f. All required screening between residential and commercial, institutional, multifamily and mobile home uses shall be maintained in good condition by the property owner of the commercial, institutional, multifamily and mobile home use.

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

3. *Screening Requirements for Waste, Garbage, Compacting and Recycling Containers:* The following regulations shall apply to all multifamily, mixed-use, institutional and commercial uses where large containers are utilized for the storage or compacting of waste, garbage or recycling materials for any properties where the building permit for the primary structure was issued on or after April 17, 2013:
 - a. All containers shall be fully enclosed by a decorative masonry wall.
 - b. Masonry materials shall match the masonry materials of the exterior wall of the primary structure on the property where the container is located.
 - c. The height of the screening wall shall be a minimum of six feet, or one foot above the height of the container/compactor, whichever is greater, and shall not exceed 10 feet in height.
 - d. The gate shall be composed of solid metal and shall be of a color that matches or compliments the masonry wall.
 - e. The gate shall remain closed at all times. Exception: gates for recycling bins that are accessible to the public may remain open provided all recycling material is completely stored within the container.
 - f. Where possible, gates shall be oriented away from the view of any roadway traffic.
 - g. All enclosures and containers shall be located behind all required building setbacks and shall be located a minimum of 25 feet from any properties zoned or used for non-multifamily residential purposes.
 - h. Unless subject to a different requirement as part of an SUP or PUD ordinance, for properties where the building permit for the primary structure was issued before April 17, 2013, the required enclosure and gate may be composed of wood or masonry materials to a minimum height of six feet and the gate must remain closed at all times. Otherwise, said properties shall be exempt from the other provisions of this section. However, loss of any legal-nonconforming status for any property and/or building as described in Section 3.7 in the Land Development Code shall require full compliance with this section.
 - i. The City shall have the right to remove any container in an enclosure that has been non-compliant with this sub-section for more than 30 days.
4. *Obstruction Prohibited:* No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed to be any fence, wall, hedge, shrubbery, etc., higher than thirty (30) inches above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven (7) feet above ground level. See Exhibit "3-1".

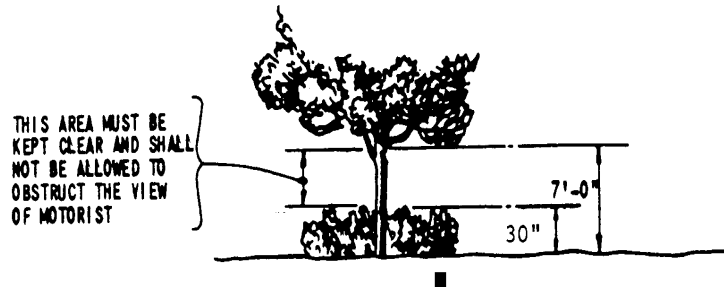


Exhibit "3-1"
Obstructions Prohibited

5. *Twenty-Five (25) Foot Visibility Triangle Required:* No fence, screen, wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25) feet back from the property corner along both streets. See Exhibit "3-2".

Proposed Amendments to Section 3.26

Colleyville, Texas, Land Development Code

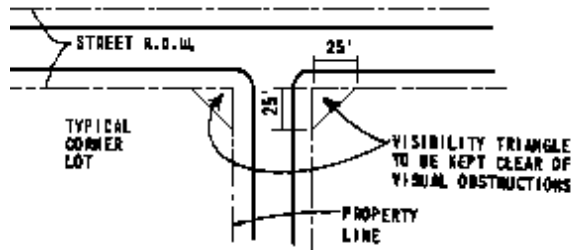


Exhibit "3-2"
Visibility Triangle

6. *Barbed Wire Prohibited:* Fences constructed of barbed wire and walls topped with broken glass or surfaced with any like material shall be prohibited except as provided below.

Barbed wire fences used in conjunction with permitted agricultural, livestock, and related activities, or in industrial districts are permitted without restrictions.

Barbed wire strands may be placed on the top of security fences in non-residential districts for the purpose of security from theft, entry and hazard such as around public utility substations and uses of a similar nature, provided the top strand is not higher than eight (8) feet nor the bottom strand lower than six (6) feet from the adjacent grade line.

7. *Electrical Fences:* Electrical fences and fence charging devices (Underwriters Laboratory approved) shall be plainly marked at a minimum of twenty-five (25) foot intervals as to the nature thereof.
8. *Eight (8) Foot Maximum Height:* No fence in a residential district shall exceed eight (8) feet in height above ground level at the fence line.
9. *Property Owners' Responsibility:* The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area defined between the extension of the property lines to the back of curb or edge of pavement free and clear of debris and high weeds. See Exhibit "3-3".

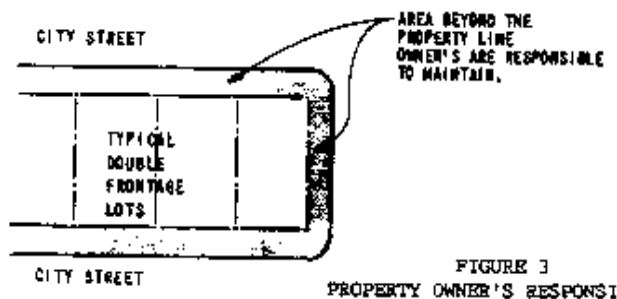


Exhibit "3-3"
Property Owner's Responsibility

10. *Public Property:* No fence, guy wire, brace or any post of such fence shall be constructed upon or cause to protrude over property that the City or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon drainage and utility easements which are permitted to be fenced.
11. *Floodway Permit Required:* The construction of a fence or wall in a floodway as shown on the most recent revision of the "Floodway - Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency (FEMA) shall require a development permit as currently required in the City's drainage policies.
12. *Swimming Pools:* All swimming pools shall be fenced. A solid or chain link type fence or a barrier at least four (4) feet in height shall completely enclose every swimming pool to be constructed. There shall be no openings, holes, or gaps bigger than four (4) inch spaces and no openings whatsoever on

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horizontal picket type fences. All gates allowing access to the pool area shall be self-closing with self-latching devices located in the upper quarter of the gate. All entrances to the swimming pool area must be able to be secured by a combination or key locking device. A dwelling house, accessory building, or apartment building may be used as part of such enclosure provided that all entrances to the swimming pool are equipped with gates as described herein. All fences should conform to local governmental codes and restrictions.

13. Pre-Formed Concrete: Pre-formed concrete is a permitted masonry material provided the texture adequately mimics the intended style match, be it wood, brick, stone, etc. Pre-formed concrete fences shall be maintained in good condition including any painted fences. The building official shall approve the final finished surface and reserves the right to deny a fence permit application if the surface does not adhere to these regulations.

14. General Construction Requirements for Wood Fences

- a. For commercial properties, all vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) and three-eighths (3/8^{ths}) inch diameter, a minimum fifteen (15) gauge thickness, and set in a concrete footing. Picket fences, split rail fences, ranch style or agricultural fences, or other types of decorative fences approved by the Building Official or his/her designee shall be permitted to use wood posts.
- b. Concrete footings shall be a minimum of eight (8) inches in diameter.
- c. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24") inches deep.
- d. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36") inches deep.
- e. Fence posts attached to or supported by other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall.
- f. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism and other sources of decay.
- g. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of two inches between the bottom of the pickets and the ground. Fences located within drainage easements must be approved by the Public Works Director per the requirements of Section 8-170 of the Land Development Code and shall be built such that required drainage and stormwater run-off is not impeded.
- h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay.

15. Sealed Plans Required for Masonry Walls, Columns and Fences:— For all masonry walls, columns and fences authorized by this Section, required plans and specifications shall be prepared and sealed by a State of Texas registered engineer and shall consider the site's soil characteristics, wind loadings, and other environmental considerations. All field inspections and verifications for a new masonry wall, fence, and column must be approved by the design professional mentioned above or the professional's representative. Said inspection approval must be submitted to the Building Official in writing prior to the City's final inspection.

E. Fence and Free Standing Wall Setback Requirements

1. *Front Yards:* No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid construction shall extend into the required yard on which the primary structure faces.

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- a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.
 - b. On a corner lot, a house shall be deemed to face on that street on which it has its least dimension unless otherwise determined by the Building Official.
 - c. Gate setback: Any gate shall be set back a sufficient distance from the property line to allow vehicle queuing space in order to maintain safety and to prevent backup along the street pavement. Sufficient distance shall be determined by the Building Official.
 - d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent solid construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. **This exception shall not apply to properties zoned as a PUD district.**
2. Corner Side Yards: Except where allowed elsewhere in this chapter, fences and walls within a required side yard adjacent to a street right of way shall meet the following setback standards:

A privacy fence or wall (which shall be defined as any fence or wall greater than thirty inches (30") in height or greater than 25 percent opaque construction) within a required street side yard shall be subject to whichever of the following provisions a) through d) shall yield the greatest setback:

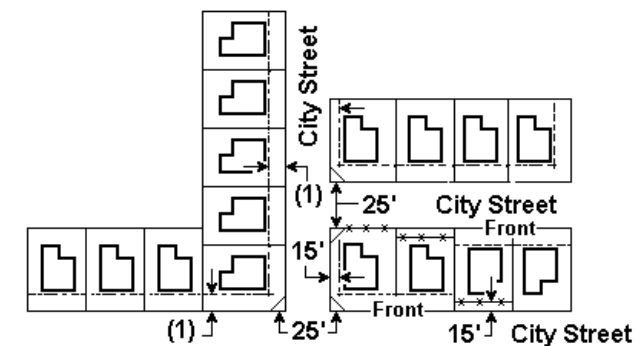
- a. If the subject lot has a street side yard which faces a dwelling front or lot front across the side street, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the property line, except on any lot having either a required side yard less than fifteen (15') feet or an existing primary structure setback less than fifteen (15') feet, then the fence or wall may be constructed with the same setback as the primary structure; or
- b. If the subject lot backs to the rear of another residential lot, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the side property line; or
- c. If the subject lot backs to the side of another residential lot, the side yard privacy fence or wall shall be located not closer to the side property line than the required front setback of the adjoining lot; or
- d. If the subject lot backs to an alley, the side yard privacy fence or wall shall be located not closer than fifteen feet (15') from the side property line.

A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding sections (a) through (d).

3. *Adjacent to Undeveloped Property:* Except for perimeter subdivision fencing meeting the requirements in paragraph "1.a" above, no fence or wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid masonry, shall be located less than fifteen (15) feet from the side property line adjacent to the street which leads into undeveloped property. See Exhibit "3-4".

Proposed Amendments to Section 3.26

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(1) Set-back established
by district regulations

Exhibit "3-4"
Typical 15'-0" Fence Setbacks

4. *Rear Fence and Free Standing Wall Setbacks:* Fences and walls meeting all of the construction requirements of paragraph "1.a" above and the Uniform Building Code may be erected on the rear property line except; however, lots whose rear property line abuts a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty (30) inches in height shall be located within fifteen (15) feet of the subject lots rear property line. See Exhibit "3-4".

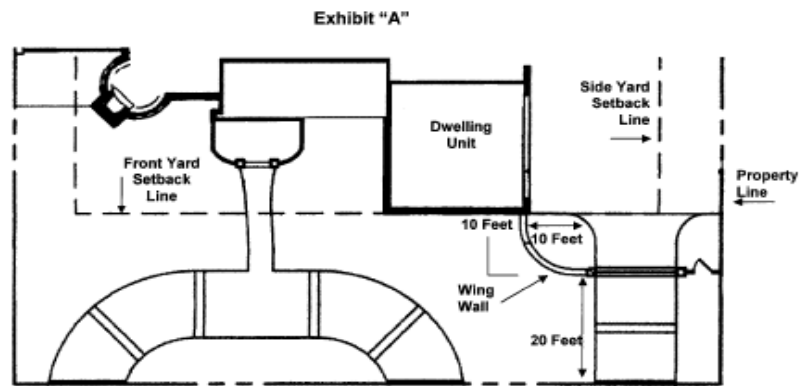
F. Security Gating Encroachments

A front yard fence or screening wall providing support for a security gate and not exceeding a maximum height of 6 feet, may encroach a maximum of 10-feet into the front yard setback of a residential lot when the fence or screening wall meets the following criteria and shown in Exhibit "A".:

1. The fence or screening wall shall attach to a gated entry across the driveway;
2. The fence or screening wall shall attach to the dwelling unit not more than 10 feet from the driveway and extend toward the driveway;
3. The fence or screening wall shall extend to the nearest side property line;
4. The fence or screening wall shall not extend beyond 10 feet into the setback from the dwelling unit;
5. The fence or screening wall shall not enclose nor extend across the entire front yard;
6. The gate and columns may not extend beyond one foot in height above the fence;
7. A minimum setback distance of 20 feet from the fence, screening wall and gate to the front property line shall be maintained.

Proposed Amendments to Section 3.26

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G. Administration

1. Fence Permit Required - It shall be unlawful for any individual, partnership, company or corporation to erect or have erected a fence or any part of a fence of permanent construction in the city limits without first obtaining a fence permit from the ~~Community Development Department~~ Office of Building Inspections.
2. Application for Permit - Any individual, partnership, company or corporation making application for a fence permit must sign an application for same showing the following information:
 - a. Applicants name, address, and in addition, if the applicant represents a company or corporation, the name and address of the supervisor or foreman of said company or corporation and the name of its president.
 - b. Name and owner of the property.
 - c. Local address where fence is proposed to be erected.
 - d. Materials and type of fence construction.
 - e. Height of fence.
 - f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
 - g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

H. Variances

1. Any variance to the provisions of this section shall be heard by the Zoning Board of Adjustment.

City Comparison Matrix - Fence Construction and Maintenance Requirements

	Grapevine	Eules	Bedford	Hurst	North Richland Hills	Keller	Southlake	Arlington	Frisco	Coppell	Flower Mound	Colleyville
Engineered Plans Required for Masonry Walls?	No	Yes	No	No	No	Yes	No	Yes*	No	No	No	No
Specific Construction Standards for Wood Fences?	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No
Detailed Maintenance Standards for Fences?	No	No	No	No	No	No	Yes	Yes	Yes	No	No	No

* A Registered Landscape Architect or Architect may also submit plans

ORDINANCE O-14-1905

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 3-LAND USE, SECTION 3.26 – FENCES, FREE STANDING WALLS, AND SCREENING MATERIALS 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 of Colleyville desires to amend Section 3.26 of the Land Development Code by amending the maintenance and construction standards for fences and free standing walls; 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 3-Land Use, Section 3.26* of the Land Development Code, is 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 7th day of January 2014.

The second reading and public hearing being conducted on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

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"

Colleyville, Texas, Land Development Code

Section 3.26 Fences, Free Standing Walls, and Screening Materials

A. Scope

1. This section is to regulate fences, free standing walls and other screening material in a manner so as to promote safety, preserve property values, promote the general welfare of the City of Colleyville, and to enhance the aesthetic quality of the community.
2. No fence, screen, freestanding wall or other visual barrier shall be constructed or placed in such a manner as would endanger the health or safety of the general public.
3. For administrative purposes, all references to fences or walls shall be interpreted to apply to free standing structures.

B. Definitions

Perimeter Subdivision Fencing. A subdivision perimeter fence shall be construed to be any decorative or security fence along a substantial portion of the boundary or property line of any plat, replat or phase of a plat or replat or filing of a plat or replat as those terms are defined in *Chapter 2 – Definitions* of this Land Development Code, of any property (1) zoned other than CPO, CN, CC1, CC2, CC3, or ML and shown on an approved plat thereof , or (2) property that is zoned AG, RE, R40, R30, R20, R15, RD, RMF.

C. Maintenance

1. All fences erected as provided for in this section shall be maintained in good condition.
2. A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence.
3. The owner shall replace broken, damaged, removed or missing parts of a fence within ten (10) days of, the day the owner received notice from the Administrative Official, with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance. The Administrative Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Administrative Official shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time extension shall provide the Administrative Official a written scope and schedule detailing materials and estimated time period of the completed replacement for approval.
4. A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s).
5. Property owners shall maintain fences, including those existing prior to the adoption of this Ordinance, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.
6. Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces.
7. Existing fences that were constructed prior to the adoption of this Ordinance that were constructed with materials not currently permitted by this Ordinance may be maintained as long as no part of the fence is or becomes unsafe, dilapidated, or a public nuisance. If the Administrative Official determines the fence is unsafe, dilapidated, or a public nuisance the fence must be repaired with materials approved by this Ordinance or be removed.

Exhibit "A"

Colleyville, Texas, Land Development Code

8. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the fence and an adjacent fence on a neighboring property, the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.

D. General Requirements/Prohibitions for all Fences and Free-standing Walls

1. *Screening Required in Residential Districts:*

- a. Nonresidential uses in a residential district shall be suitably screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use with a decorative masonry wall of not less than eight (8) feet in height. Said screening requirements shall not be mandatory for public schools, parks or churches, except where active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any non-residential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use with a decorative masonry wall of not less than (8) feet in height or a landscaped berm.
- b. Where a multifamily or mobile home use abuts a one or two family district, or where a mobile home use abuts a one, two or multifamily use or district, the side and rear property lines of said multifamily or mobile home use or district shall be suitably screened from view of any adjacent dissimilar residential dwelling or lot with a decorative masonry wall of not less than eight (8) feet in height or a landscaped berm.
- c. Nothing in this section shall restrict the fencing of tennis courts with traditional fencing material to a maximum of twelve (12) feet.

2. *Screening Required in Non-Residential Districts:*

- a. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened, with a decorative masonry wall, by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet.
- b. Where a district boundary separating a residential district from a nonresidential district is along a street, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.
- c. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height and shall be composed of decorative masonry material
- d. Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use with a decorative masonry wall of not less than eight feet in height or a landscaped berm.
- e. All roof mounted mechanical equipment and parapet wall structural supports shall be screened from view.
- f. All required screening between residential and commercial, institutional, multifamily and mobile home uses shall be maintained in good condition by the property owner of the commercial, institutional, multifamily and mobile home use.

3. *Screening Requirements for Waste, Garbage, Compacting and Recycling Containers:* The following regulations shall apply to all multifamily, mixed-use, institutional and commercial uses where large containers are utilized for the storage or compacting of waste, garbage or recycling materials for any properties where the building permit for the primary structure was issued on or after April 17, 2013:

- a. All containers shall be fully enclosed by a decorative masonry wall.

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- b. Masonry materials shall match the masonry materials of the exterior wall of the primary structure on the property where the container is located.
 - c. The height of the screening wall shall be a minimum of six feet, or one foot above the height of the container/compactor, whichever is greater, and shall not exceed 10 feet in height.
 - d. The gate shall be composed of solid metal and shall be of a color that matches or compliments the masonry wall.
 - e. The gate shall remain closed at all times. Exception: gates for recycling bins that are accessible to the public may remain open provided all recycling material is completely stored within the container.
 - f. Where possible, gates shall be oriented away from the view of any roadway traffic.
 - g. All enclosures and containers shall be located behind all required building setbacks and shall be located a minimum of 25 feet from any properties zoned or used for non-multifamily residential purposes.
 - h. Unless subject to a different requirement as part of an SUP or PUD ordinance, for properties where the building permit for the primary structure was issued before April 17, 2013, the required enclosure and gate may be composed of wood or masonry materials to a minimum height of six feet and the gate must remain closed at all times. Otherwise, said properties shall be exempt from the other provisions of this section. However, loss of any legal-nonconforming status for any property and/or building as described in Section 3.7 in the Land Development Code shall require full compliance with this section.
 - i. The City shall have the right to remove any container in an enclosure that has been non-compliant with this sub-section for more than 30 days.
4. **Obstruction Prohibited:** No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed to be any fence, wall, hedge, shrubbery, etc., higher than thirty (30) inches above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven (7) feet above ground level. See Exhibit "3-1".

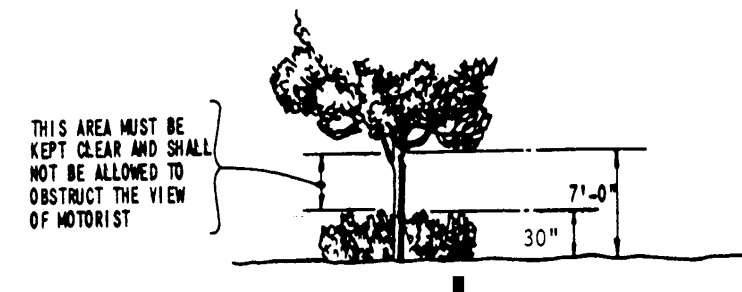


Exhibit "3-1"
Obstructions Prohibited

5. **Twenty-Five (25) Foot Visibility Triangle Required:** No fence, screen, wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25) feet back from the property corner along both streets. See Exhibit "3-2".

Exhibit "A"

Colleyville, Texas, Land Development Code

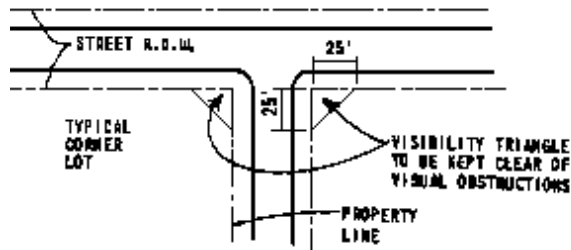


Exhibit "3-2"
Visibility Triangle

6. *Barbed Wire Prohibited:* Fences constructed of barbed wire and walls topped with broken glass or surfaced with any like material shall be prohibited except as provided below.

Barbed wire fences used in conjunction with permitted agricultural, livestock, and related activities, or in industrial districts are permitted without restrictions.

Barbed wire strands may be placed on the top of security fences in non-residential districts for the purpose of security from theft, entry and hazard such as around public utility substations and uses of a similar nature, provided the top strand is not higher than eight (8) feet nor the bottom strand lower than six (6) feet from the adjacent grade line.

7. *Electrical Fences:* Electrical fences and fence charging devices (Underwriters Laboratory approved) shall be plainly marked at a minimum of twenty-five (25) foot intervals as to the nature thereof.
8. *Eight (8) Foot Maximum Height:* No fence in a residential district shall exceed eight (8) feet in height above ground level at the fence line.
9. *Property Owners' Responsibility:* The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area defined between the extension of the property lines to the back of curb or edge of pavement free and clear of debris and high weeds. See Exhibit "3-3".

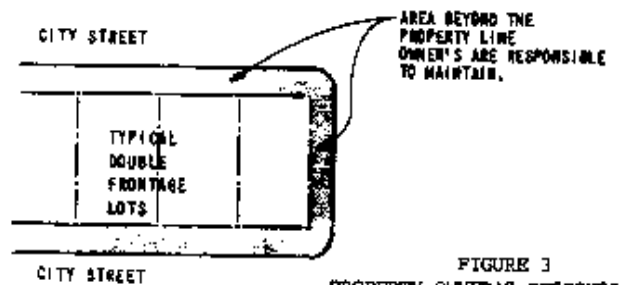


Exhibit "3-3"
Property Owner's Responsibility

10. *Public Property:* No fence, guy wire, brace or any post of such fence shall be constructed upon or cause to protrude over property that the City or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon drainage and utility easements which are permitted to be fenced.
11. *Floodway Permit Required:* The construction of a fence or wall in a floodway as shown on the most recent revision of the "Floodway - Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency (FEMA) shall require a development permit as currently required in the City's drainage policies.
12. *Swimming Pools:* All swimming pools shall be fenced. A solid or chain link type fence or a barrier at least four (4) feet in height shall completely enclose every swimming pool to be constructed. There shall be no openings, holes, or gaps bigger than four (4) inch spaces and no openings whatsoever on horizontal picket type fences. All gates allowing access to the pool area shall be self-closing with

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self-latching devices located in the upper quarter of the gate. All entrances to the swimming pool area must be able to be secured by a combination or key locking device. A dwelling house, accessory building, or apartment building may be used as part of such enclosure provided that all entrances to the swimming pool are equipped with gates as described herein. All fences should conform to local governmental codes and restrictions.

13. **Pre-Formed Concrete:** Pre-formed concrete is a permitted masonry material provided the texture adequately mimics the intended style match, be it wood, brick, stone, etc. Pre-formed concrete fences shall be maintained in good condition including any painted fences. The building official shall approve the final finished surface and reserves the right to deny a fence permit application if the surface does not adhere to these regulations.

14. **General Construction Requirements for Wood Fences**

- a. For commercial properties, all vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) and three-eighths (3/8") inch diameter, a minimum fifteen (15) gauge thickness, and set in a concrete footing. Picket fences, split rail fences, ranch style or agricultural fences, or other types of decorative fences approved by the Building Official or his/her designee shall be permitted to use wood posts.
 - b. Concrete footings shall be a minimum of eight (8) inches in diameter.
 - c. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24") inches deep.
 - d. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36") inches deep.
 - e. Fence posts attached to or supported by other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall.
 - f. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism and other sources of decay.
 - g. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of two inches between the bottom of the pickets and the ground. Fences located within drainage easements must be approved by the Public Works Director per the requirements of Section 8-170 of the Land Development Code and shall be built such that required drainage and stormwater run-off is not impeded.
 - h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay.
15. **Sealed Plans Required for Masonry Walls, Columns and Fences:** For all masonry walls, columns and fences authorized by this Section, required plans and specifications shall be prepared and sealed by a State of Texas registered engineer and shall consider the site's soil characteristics, wind loadings, and other environmental considerations. All field inspections and verifications for a new masonry wall, fence, and column must be approved by the design professional mentioned above or the professional's representative. Said inspection approval must be submitted to the Building Official in writing prior to the City's final inspection.

E. Fence and Free Standing Wall Setback Requirements

1. **Front Yards:** No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid construction shall extend into the required yard on which the primary structure faces.

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- a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.
 - b. On a corner lot, a house shall be deemed to face on that street on which it has its least dimension unless otherwise determined by the Building Official.
 - c. Gate setback: Any gate shall be set back a sufficient distance from the property line to allow vehicle queuing space in order to maintain safety and to prevent backup along the street pavement. Sufficient distance shall be determined by the Building Official.
 - d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent solid construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. **This exception shall not apply to properties zoned as a PUD district.**
2. Corner Side Yards: Except where allowed elsewhere in this chapter, fences and walls within a required side yard adjacent to a street right of way shall meet the following setback standards:

A privacy fence or wall (which shall be defined as any fence or wall greater than thirty inches (30") in height or greater than 25 percent opaque construction) within a required street side yard shall be subject to whichever of the following provisions a) through d) shall yield the greatest setback:

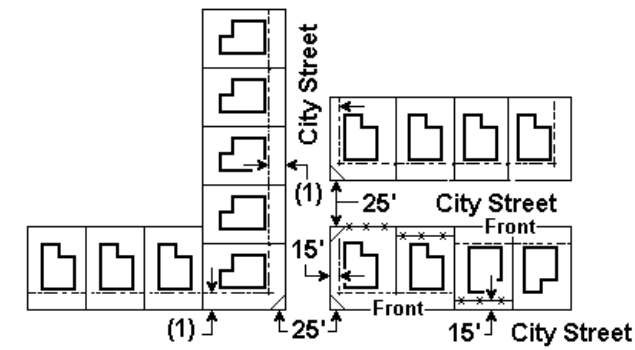
- a. If the subject lot has a street side yard which faces a dwelling front or lot front across the side street, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the property line, except on any lot having either a required side yard less than fifteen (15') feet or an existing primary structure setback less than fifteen (15') feet, then the fence or wall may be constructed with the same setback as the primary structure; or
- b. If the subject lot backs to the rear of another residential lot, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the side property line; or
- c. If the subject lot backs to the side of another residential lot, the side yard privacy fence or wall shall be located not closer to the side property line than the required front setback of the adjoining lot; or
- d. If the subject lot backs to an alley, the side yard privacy fence or wall shall be located not closer than fifteen feet (15') from the side property line.

A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding sections (a) through (d).

3. *Adjacent to Undeveloped Property:* Except for perimeter subdivision fencing meeting the requirements in paragraph "1.a" above, no fence or wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid masonry, shall be located less than fifteen (15) feet from the side property line adjacent to the street which leads into undeveloped property. See Exhibit "3-4".

Exhibit "A"

Colleyville, Texas, Land Development Code



(1) Set-back established
by district regulations

Exhibit "3-4"
Typical 15'-0" Fence Setbacks

4. *Rear Fence and Free Standing Wall Setbacks:* Fences and walls meeting all of the construction requirements of paragraph "1.a" above and the Uniform Building Code may be erected on the rear property line except; however, lots whose rear property line abuts a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty (30) inches in height shall be located within fifteen (15) feet of the subject lots rear property line. See Exhibit "3-4".

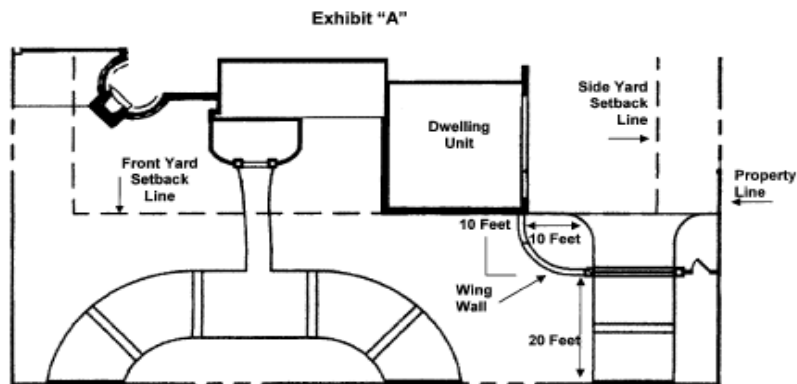
F. Security Gating Encroachments

A front yard fence or screening wall providing support for a security gate and not exceeding a maximum height of 6 feet, may encroach a maximum of 10-feet into the front yard setback of a residential lot when the fence or screening wall meets the following criteria and shown in Exhibit "A".:

1. The fence or screening wall shall attach to a gated entry across the driveway;
2. The fence or screening wall shall attach to the dwelling unit not more than 10 feet from the driveway and extend toward the driveway;
3. The fence or screening wall shall extend to the nearest side property line;
4. The fence or screening wall shall not extend beyond 10 feet into the setback from the dwelling unit;
5. The fence or screening wall shall not enclose nor extend across the entire front yard;
6. The gate and columns may not extend beyond one foot in height above the fence;
7. A minimum setback distance of 20 feet from the fence, screening wall and gate to the front property line shall be maintained.

Exhibit "A"

Colleyville, Texas, Land Development Code



G. Administration

1. Fence Permit Required - It shall be unlawful for any individual, partnership, company or corporation to erect or have erected a fence or any part of a fence of permanent construction in the city limits without first obtaining a fence permit from the Community Development Department.
2. Application for Permit - Any individual, partnership, company or corporation making application for a fence permit must sign an application for same showing the following information:
 - a. Applicants name, address, and in addition, if the applicant represents a company or corporation, the name and address of the supervisor or foreman of said company or corporation and the name of its president.
 - b. Name and owner of the property.
 - c. Local address where fence is proposed to be erected.
 - d. Materials and type of fence construction.
 - e. Height of fence.
 - f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
 - g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

H. Variances

1. Any variance to the provisions of this section shall be heard by the Zoning Board of Adjustment.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5d

Agenda Date 01/07/2014

Number Ordinance O-14-1906

Type Ordinance

Department Community Development

Title

Consideration for approval of amendments to Chapter 8-Plat Review Procedures of the Land Development Code, Case GC13-022

Explanation

First Reading and Public Hearing

This item was presented to the City Council at the September 3, 2013 Pre Council meeting. Based on discussion at this meeting, staff proposes amendments to Chapter 8-Plat Review Procedures in the Land Development Code. In May 2013, the City Council directed staff to review the procedures, specifically as they relate to the City Council's approval authority over subdivision plats. Staff was directed, where possible, to remove the requirement that the City Council approve plats.

Platting 101. Platting property is part of the development process. A subdivision plat is a map of specific land showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, and easements drawn to scale, which must be recorded in the Tarrant County Clerk's Office after it has received the requisite approvals from the City. Cities are given the authority to require and regulate plats from Chapter 212 of the Texas Local Government Code. The regulation of subdivision platting is based upon the City's legitimate interest in promoting orderly development; insuring that subdivisions are constructed safely; and protecting future owners from inadequate police and fire protection, inadequate drainage, and unsanitary conditions. The Texas Local Government Code allows the City Council to approve a subdivision plat or, if the City Council chooses, delegate the approval of a plat to the Planning and Zoning Commission. In the case of Amending and Minor Plats, Chapter 212 states that a City may delegate the approval authority of a plat to City staff.

Chapter 212 also requires cities to approve a plat that satisfies all applicable municipal regulations, which includes zoning regulations, PUD ordinance requirements, subdivision regulations, etc. This means that the applicable approving body (staff, the Planning and Zoning Commission, and/or the City Council) must approve the plat if it meets all City development requirements. The legal reference for the requirement that the approving body must approve a plat based on full compliance with City requirements is called a "ministerial" action. The plat may only be denied by the approving body if it does not comply with a particular City requirement. The legal reference for the instance when the approving body has the option to approve or deny the plat based on any non-compliance with a City ordinance is called a "legislative"

action.

A ministerial action, as it relates to a plat approval action, may be granted to City staff where allowed by local ordinance and the Texas Local Government Code, the Planning and Zoning Commission, and/or the City Council. A legislative action may only be granted to the Planning and Zoning Commission and the City Council with no option for staff approval.

Proposed Amendments. Given the platting information above and, based on the City Council's direction, staff has performed a thorough review of the City's platting procedures, as well as a review of the procedures of the seven cities that surround Colleyville (attached). Based on this review and the direction from the City Council, staff proposes the following amendments to Chapter 8-Plat Review Procedures in the Land Development Code, which are also attached as mark-ups to Chapter 8:

Changes to Plat Classifications

Staff proposes the addition of a Combination Preliminary/Final Plat to the plat classifications in the chapter. A Combination Preliminary/Final Plat would be allowed where a new subdivision that includes more than four lots, and includes a new street, will be developed in a single phase with no unplatted land left to be platted in a future phase of development. The fee would be the same as the fee for a final plat, which is \$350 plus \$7.50 per lot. The purpose of adding the new classification is based on the following reasons:

1. It reduces staff time spent on review of both a preliminary and then a final plat;
2. It streamlines the process for developers by allowing submission of a single combination plat as opposed to a separate preliminary and final plat;
3. Given the life cycle of the City, there are fewer large tracts of land available for development in the city that necessitate a multi-phase subdivision in the City.

For the purpose of making the procedures easier to read, staff has also created new sections for each plat classification in the chapter. Therefore, each plat classification will be coded and defined as follows:

- Preliminary Plats - Section 8-140. Definition of a Preliminary Plat: A map, drawing, or chart showing the proposed arrangement of streets, lots, easements, and other public spaces in the subdivision. A Preliminary Plat is used when a plat contains more than four lots, will create new street(s), or will be developed in more than one phase.

- Final Plats - Section 8-145. Definition of a Final Plat: A map, drawing, or chart prepared according to the provisions of this Land Development Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county. A Final Plat is the second step in the

platting process upon approval of the Preliminary Plat.

- Combination Preliminary/Final Plat - Section 8-150. Definition of a Combination Preliminary/Final Plat: A map, drawing, or chart prepared according to the provisions of this Land Development Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county. As proposed, a Combination Preliminary/Final Plat would be allowed where a new subdivision that includes more than four lots and/or includes a new street is to be developed in a single phase with no unplatted land left to be platted in a future phase of development.

- Minor Plat - Section 8-155. Definition of a Minor Plat: A subdivision of not more than four lots, which fronts on an existing street and does not require the creation of any new street, or the extension of municipal facilities, which allows a short form process that eliminates the need for a preliminary plat. A Minor Plat must contain all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.

- Replat - Section 8-160. Definition of a Replat: A replat is used when a previously platted property is proposed for redevelopment or an existing platted lot is proposed for further subdivision. A Replat may include an additional parcel of unplatted property when the size of the unplatted portion does not dictate the submittal of a Preliminary Plat.

- Amending Plat - Section 8-165. Definition of an Amending Plat: A map, drawing, or chart prepared to show a minor change of an existing subdivision to a lot line or correction of an error such that the changes are not substantive, and no new lots are created.

The definitions would be added to Chapter 2-Definitions in the Land Development Code concurrent with the adoption of any amendments to Chapter 8.

Changes to Plat Approval Authority

Per the attached table, staff proposes the following changes to the approval authority of plats by classification type:

1. Preliminary Plats - Changed to allow the Planning and Zoning Commission to have final approval authority of the plat. If the plat application includes a request for a waiver or modification of a platting regulation, then the City Council must also approve the request. Currently the City Council has the final approval authority for a Preliminary Plat. A waiver can include any waiver of a Land Development Code requirement that pertains specifically to a plat such as lot size, lot width, right-of-way dedication criteria, etc.

2. Final Plats - Changed to allow the Planning and Zoning Commission to have final approval authority of the plat. If the plat application includes a request for a waiver or modification of a platting regulation, then the City Council must also approve the request. Currently the City Council has the final approval authority for a Final Plat.
3. Combination Preliminary/Final Plats - This is a new classification. The Planning and Zoning Commission would have final approval authority of the plat. If the plat application includes a request for a waiver or modification of a platting regulation, then the City Council must also approve the request.
4. Minor Plat - Changed to allow the Community Development Director to have final approval authority of the plat. If the plat application includes a request for a waiver or modification of a platting regulation and/or is denied by the Community Development Director for any reason, then the Planning and Zoning Commission has final approval authority for the plat. If the Planning and Zoning Commission denies the plat, the applicant would have the ability to appeal the decision of the Commission to the City Council. Currently the Planning and Zoning Commission has the final approval authority for a Minor Plat. Chapter 212.0065 of the Texas Local Government Code allows cities to delegate approval of a Minor Plat to City staff.
5. Replat - No changes are proposed for Replats. Currently the Planning and Zoning Commission has final approval authority for Replats with the ability to appeal the plat for City Council approval, in the event of denial by the Planning and Zoning Commission.
6. Amending Plat - No changes are proposed for Amending Plats. Currently City staff has final approval authority for Amending Plats. "Staff" has been amended to read the "Community Development Director" for the purpose of consistency with the Minor Plat requirement. Per the current procedures for Amending Plats, if the plat application includes a request for a waiver or modification of a platting regulation and/or is denied by the Community Development Director for any reason, then the Planning and Zoning Commission has final approval authority for the plat. If the Planning and Zoning Commission denies the plat, the applicant would have the ability to appeal the decision of the Commission to the City Council. Chapter 212.0065 of the Texas Local Government Code allows cities to delegate approval of an Amending Plat to City staff.

The above approval authority conditions are shown on the attached table, which is also detailed in the Land Development Code attachment.

Other changes to the chapter include minor changes related to grammar, reference amendments, and structure.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the December 9, 2013 meeting by a vote of 7-0.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Proposed Amendments to Chapter 8
2. Proposed Subdivision Plat Approval Authority Table
3. Comparison of Plat Requirements for Cities that Surround Colleyville
4. Ordinance O-14-1906

Proposed Amendments to Chapter 8

Chapter 8 Plat Review Procedures

(Rev. 01/21/2014~~02/21/06~~)

Section 8 – 100 Purpose of This Chapter

The purpose of this Chapter is to establish regulations which describe the process for the review and approval of subdivision plats, but more specifically to:

- A. provide for the safe, orderly, and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community;
- B. encourage the orderly development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promoting in-fill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas;
- C. encourage appropriate protection to environmentally sensitive areas;
- D. ensure that public facilities and services are available; and
- E. establish procedures for the review and approval of subdivision plats.

Section 8 – 105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

- A. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
- B. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
- C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution and laws of the State of Texas.

Section 8 – 110 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 8 – 115 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Proposed Amendments to Chapter 8

Section 8 – 120 Plat Approval Required

It shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits of the City of Colleyville, Texas, or extraterritorial jurisdiction, to hereafter divide the same tract of land into two or more parts, to lay out a subdivision, to lay out a building lot, or to lay out a street, alley, square, park, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purpose of development without having a plat of the subdivision prepared and approved in accordance with this Chapter. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. The provisions of this Chapter shall apply to any development which is intended as a single lot, tract or parcel where a primary structure will be located. Furthermore, the following shall be applicable to all subdivisions of land:

- A. It shall be the policy of the City of Colleyville to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the Colleyville Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.
- B. The City has no obligation to extend water or sewer service to any lot, tract or parcel or land sold or created in violation of this Chapter.
- C. All plats and subdivisions shall conform to the rules and regulations set forth herein.
- D. This Chapter is not intended to repeal, abrogate, or impair any existing plans or ordinances. However, where the provisions of this Chapter and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.
- E. The provisions contained in this Chapter, shall be considered as the minimum requirements for review and approval of a subdivision plat.

Section 8 – 125 Plat Required for Building Permit

No building permit shall be approved for any lot, tract or parcel of land unless and until a plat has been approved in accordance with this Land Development Code, except as provided as follows:

- A. Residential Structures - A building permit for an addition to, or renovation of, an existing residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- B. Non-residential Structures - A building permit for an addition to, or renovation of, an existing non-residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- C. Platting Exemption for Certain Accessory Buildings - A building permit for an accessory structure may be issued on an un-platted lot in the Agricultural District.
- D. Public Facilities Available - No building permit for a primary building will be issued until all public facilities have been installed and have been approved and accepted by the City or provision, acceptable to the City, has been made by the developer for such public facilities.

Proposed Amendments to Chapter 8

Section 8 – 130 Approval Authority Over Subdivision Plats

- A. Approval of Plats Required —~~In accordance with Chapter 212.004 of the Local Government Code, the Planning and Zoning Commission shall approve all subdivision plats, provided said plat conforms to the requirements and specifications of this Land Development Code. In addition to the requirement of approval of subdivision plats by the Planning and Zoning Commission, the City Council shall also be required to approve subdivision plats, except for the approval of minor plats or amending plats. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail.~~ The approving body for all subdivision plats shall be in accordance with the following table:

Approving Body Responsible for Approving Plats			
Classification of Plat	Staff	P&Z	Council
<u>Combination Preliminary/Final Plat</u>	<u>no</u>	<u>yes</u>	<u>no</u>
Preliminary Plats	no	yes	<u>no</u> yes
Final Plats	no	yes	<u>no</u> yes
Minor Plats	<u>yes</u> <u>no</u>	<u>no</u> *yes	<u>no</u> No
<u>Replat</u>	<u>no</u>	<u>yes</u>	<u>no</u>
Amending Plats	yes	no *	no **

* The Planning and Zoning Commission shall have the authority to approve a Minor Plat and ~~an~~ Amending Plat which has not been approved by City Staff.

** ~~The Planning and Zoning Commission may additionally require the approval of an amending plat by the City Council.~~

- B. Preliminary, Final or Combination Preliminary/Final Plat Approval by the Planning and Zoning Commission - The Planning and Zoning Commission shall approve or disapprove a Preliminary, Final or Combination Preliminary/Final Plat. If the application includes a request for a waiver or modification of a platting regulation, the City Council must also approve the request.
- C. Replat Approval by the Planning and Zoning Commission - The Planning and Zoning Commission shall approve or disapprove a Replat. If the application includes a request for a waiver or modification of a platting regulation, the City Council may approve the request upon appeal by the applicant to the decision of the Planning and Zoning Commission.
- ~~DB.~~ Minor Plat Approval by ~~Planning and Zoning Commission~~Staff – The Community Development Director~~Planning and Zoning Commission~~ shall be authorized to approve ~~or disapprove~~ a Minor Plat, as defined by this Land Development Code provided said plat conforms to the requirements and specifications of this Land Development Code, without the additional approval of the Planning and Zoning Commission~~City Council~~. If the application includes a request for a waiver or modification of a platting regulation, the Planning and Zoning Commission shall ~~have the authority to~~ approve ~~or disapprove~~ the request. The City Council may approve the request upon appeal by the applicant to the decision of the Planning and Zoning Commission.~~The Planning and Zoning Commission may require the additional approval of any Minor Plat or waiver request by the City Council. The Community Development Director, may not disapprove a Minor Plat, but shall refer any Minor Plat which he/she refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.~~
- ~~EG.~~ Amending Plat Approval by Staff – The Community Development Director~~City Manager, or his designee,~~ shall be authorized to approve an Amending Plat as defined by the Local Government Code, provided said plat conforms to the requirements and specifications of this Land Development Code. If the

Proposed Amendments to Chapter 8

application includes a request for a waiver from the subdivision requirements, the Community Development Director~~the City Manager, or his designee~~, shall present the amending plat to the Planning and Zoning Commission for approval. The Planning and Zoning Commission shall have the authority to approve the Amending Plat. The Planning and Zoning Commission may require additional approval of any Amending Plat by the City Council.

The Community Development Director~~The City Manager, or his designee~~, may not disapprove an Amending Plat, but shall refer any Amending Plat which he refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.

~~FD.~~ Appeal Procedure – A subdivision plat that has been denied by the Planning and Zoning Commission may be appealed to the City Council for consideration at the next available public meeting. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City Council, the plat approved by the City Council shall prevail.

Section 8 – 135 Procedure for Approval of Subdivisions

- A. Time Period for Taking Action – The ~~Planning and Zoning Commission~~approving body shall approve or disapprove a subdivision application within thirty (30) days after the date the subdivision application is filed as provided in this Chapter. A subdivision application is considered approved if the ~~Planning and Zoning Commission~~approving body fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the ~~Planning and Zoning Commission~~approving body, provided said request is submitted in writing.
- B. Additional Time Period for City Council Approval – Where City Council action is required or requested on a subdivision application as provided in this Chapter, the action shall be taken no later than thirty (30) days after the date the subdivision application was considered by the Planning and Zoning Commission. A subdivision is considered approved if the City Council fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the City Council, provided said request is submitted in writing.
- C. Certificate of Compliance – In cases where the City fails to act on a subdivision application within the thirty day time period, the ~~Community Development Director~~Administrative Official, upon written request, shall issue a certificate of compliance stating the date the subdivision was filed and that the City failed to act on the subdivision application within the specified time.
- D. Authorization to Sign Plats – The approval of a plat by the approving body by the City Council, or in the case of a Minor or Amending plat by the staff or Planning and Zoning Commission, shall constitute authority for the Community Development Director or, the Chairman and Secretary of the Planning and Zoning Commission and/or the Mayor and City Secretary, ~~or staff~~ to execute said plat, and shall constitute approval for recording in the County Clerk's Office of Tarrant County.
- E. Modification of Conditions – Where the approving body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to these platting regulations so that substantial justice may be done and the public interest secured. Such a finding by the City shall not have the effect of nullifying the intent and purpose of these platting regulations.
- F. Completeness Determination – Every subdivision plat application shall be subject to a determination of completeness by the Administrative Official as provided for in this Section.
 - 1. No later than the tenth business day from the date the application is received, the Administrative Official shall make a written determination that all documents required by the Land Development Code for a subdivision plat submittal have been received.
 - 2. The applicant shall be provided written notice of any deficient documents no later than ten (10) business days from the date the application is received. The determination shall specify the

Proposed Amendments to Chapter 8

documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information are not provided. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided herein.

3. The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing,
 4. A determination of completeness by the Administrative Official shall not constitute a determination of compliance with the substantive requirements of the Land Development Code.
- G. Expiration of Application – If a subdivision plat application is not completed on or before the 45th day after the application is received by the Administrative Official for processing, the application will be deemed to have expired. Thereafter, a new subdivision plat application must be submitted, including payment of the applicable application fee. The City shall retain any fee paid for reviewing the original application for completeness.
- H. Incompleteness as Grounds for Denial – No subdivision plat application shall be scheduled for action by an approving body unless it is determined that the application is complete and all required items, studies and documents have been submitted to and received by the City, unless the applicant has provided a written request for a waiver or modification of said requirement. An incomplete subdivision application shall be grounds for denial or revocation of the application. No vesting right shall accrue from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.
- I. Official Plat Submittal Date – The date from which the statutory period requiring approval or disapproval of a subdivision plat application shall commence on the date the Administrative Official responsible for processing subdivision plat applications has determined the application to be complete and marked said date on the application and has scheduled said application for action by the approving body.
- J. Development Review Committee – The City Manager shall designate a Development Review Committee (DRC) which shall be an advisory committee to the Planning and Zoning Commission and have responsibility for providing comments and recommendations on subdivision applications. In addition, the Development Review Committee shall submit comments and recommendations on vacation of public rights-of-way or easements and site plan reviews required by this Code. The Administrative Official responsible for subdivision review shall coordinate the actions of the Development Review Committee.
- K. DRC Review – Copies of subdivision plat applications shall be distributed to the Development Review Committee (DRC) members for technical review. The DRC shall provide written comments and recommendations on the proposed development to the Administrative Official.
- The Administrative Official responsible for subdivision review shall compile a report of the written comments received from the DRC and provide a copy of said report to the subdivider within five (5) working days following the day of receipt of all staff comments. The subdivider shall submit revised copies of the subdivision application, which incorporates and fully satisfies the comments of the DRC or provide written response as to why such modification is not proposed.
- L. Consistency with Master Plans – No subdivision plat shall be approved which is not consistent with the Colleyville Master Plan, the Parks Development Plan, and trail systems plans of the City.
- M. Compliance with Zoning – No subdivision plat shall be approved that is not consistent with the existing zoning regulations applicable to the property being platted, unless a rezoning application is pending that will provide consistency with the proposed development.
- N. Public Facilities – No subdivision application shall be approved by the City unless the Director of Public Works has reviewed the construction plans for the proposed public improvements and has determined that the public facilities will be adequate to support and service the area of the proposed subdivision. To expedite the review process, the Director of Public Works may accept a written offer by the developer as satisfactory evidence that public improvement requirements of the Land Development Code will be satisfied. The Director of Public Works may require the applicant to submit sufficient information and data

Proposed Amendments to Chapter 8

to demonstrate that the existing public facilities are adequate to serve the proposed subdivision. Public facilities and services to be examined for adequacy shall include drainage facilities, roads, sewage, and water systems. Public facilities shall be designed and constructed in accordance with the requirements contained in this Land Development Code. Said proposed public improvements shall conform to and be properly related to the Colleyville Master Plan and all applicable capital improvement plans, including but not limited to the following:

1. Master Thoroughfare Plan – All subdivisions shall be designed to coordinate with the right-of-way widths and street patterns shown on the Master Thoroughfare Plan.
 2. Water System - All lots shall be served by a public water system capable of providing water for health and emergency purposes, including adequate fire protection. Proposed water system improvements shall be consistent with the Master Water System Plan.
 3. Wastewater Collection System - All lots shall be served by an approved means of wastewater collection and treatment. Proposed sewer system improvements shall be consistent with the Master Wastewater Collection System Plan.
 4. Storm Water Management - The Director of Public Works may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments. Any proposed drainage system improvements shall be consistent with the Master Storm Water Management Plan.
- O. Records Maintenance – The Administrative Official responsible for subdivision review shall maintain a record of each application submitted under this Chapter, and the action taken on the application.
- P. Dedication Offers – All streets, drainage ways, parks, and other rights-of-way or public easements shown within a subdivision plat and intended for public use shall be offered for dedication as part of the approval of a plat. Upon approval of the subdivision application by the City, the offers shall be deemed dedicated and available for acceptance by the City in accordance with the requirements of this Section.
1. Whenever a subdivision proposes the dedication of land for public use and the City finds that such land is not required or is not suitable for public use, the approving body shall either deny the subdivision application or require the rearrangement of lots to include such land.
 2. The approval of a subdivision plat by the City is not considered an acceptance of any dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City Council makes an actual appropriation of the dedicated parts by entry, use, or improvement.
 3. Disapproval of a plat shall be deemed a refusal by the City to accept the offered dedications shown thereon.
- Q. Nuisance Ordinances and Outstanding Liens – No subdivision plat shall be placed on the agenda for action by an approving body in which the Code Enforcement Officer has issued notice to the owner of the property being subdivided that the property being considered for development is in violation of a public nuisance ordinance of the City of Colleyville and the violation has not been abated prior to the subdivision application date. No subdivision plat shall be placed on the agenda for action by an approving body that has an outstanding delinquent lien payable to the City of Colleyville.
- R. Frontage on Public Access Required – Every lot shall have frontage on a public street right-of-way. Said frontage shall not be less than eighty percent (80%) of the minimum required lot width established for the zoning district. In non-residential areas, access to a lot with a public access easement that is acceptable by the City as meeting the minimum requirements to provide public ingress and egress and for adequate emergency vehicle access may be allowed in lieu of a public street right-of-way.
- S. Plats Straddling or Adjacent to Municipal Boundaries – Where access to a proposed subdivision is required across land in an adjacent city, the Administrative Official shall coordinate the review of the plat with the adjacent city and the ~~approving body~~Planning and Zoning Commission shall require written

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approval from the adjacent city.

- T. Official City Map – The Administrative Official responsible for subdivision review shall maintain an Official City Map, which shall indicate all subdivisions, lots and street rights-of-way. Subdivision plats hereafter approved shall be placed on the Official Map in a timely order and include the names of all streets and street suffix classifications. Where street name inconsistencies exist, from one subdivision to another, the Administrative Official shall place on the Official City Map the generally accepted street name, its proper spelling, and suffix classification. The Administrative Official responsible for subdivision review shall assign street address ranges for each block and coordinate these with the Office of the Fire Marshal and other emergency service providers.
- U. Enforcement of Chapter – In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Chapter by injunction issued by a court of competent jurisdiction.

Section 8 – 140 Preliminary Plats

- A. Preliminary Plat Classification – Submittal of a Preliminary Plat is the first of a two step process for approval of a subdivision plat. The Preliminary Plat procedure shall be used when the property proposed for development is not platted as defined in this Chapter, does not qualify as a minor plat, and will be platted in more than one phase. The purpose of the Preliminary Plat procedure is to allow a subdivider to submit an abbreviated subdivision proposal for approval to determine the feasibility of developing a parcel of land before proceeding to the final platting process where the development will involve more than one phase of construction.
- B. Platting all Land in Common Ownership – The Preliminary Plat shall include all contiguous holdings of the owner, including land in “common ownership” as defined in this Chapter, with an indication of the portion which is proposed for subdivision.
- C. Phasing of Preliminary Plat Phasings – ~~In the event that the property indicated is to be final platted in phases,~~ the Preliminary Plat shall clearly indicate the parcels of land to be included in the phasing. Subsequently, Final Plats shall generally comply with the phasing lines indicated on the Preliminary Plat. Significant departure from the phase lines indicated on the Preliminary Plat shall require an amendment to the Preliminary Plat prior to further final platting of property.
- D. Effect of Approval – Upon approval of the Preliminary Plat, a copy of the approved Preliminary Plat shall be signed by the Administrative Official and kept for public record. Said approved Preliminary Plat shall reflect any and all revisions to the original submitted Preliminary Plat as was directed by the Planning and Zoning Commission and/or City Council which were made a condition of approval. Approval of the Preliminary Plat shall not constitute final acceptance or approval of the subdivision nor shall the approval of the Preliminary Plat confer any vesting rights in the arrangement of lots, streets and other features on the Final Plat. Approval of the Preliminary Plat shall constitute authority to proceed with the Final Plat process as described in this Chapter.
- E. Expiration of Approval – Approval of a Preliminary Plat shall expire after twelve (12) months from the date of approval, unless a Final Plat is submitted for all or part of the area that has received Preliminary Plat approval. The approving body may approve a time extension upon written request from the developer or may waive the twelve month termination period when the Final Plat is determined to be consistent with the approved Preliminary Plat and no additional standards have been adopted by the City.
- F. Re-submittal of Preliminary Plat – When a Preliminary Plat is disapproved, the subdivider, at any time thereafter, may submit a new design for approval, following the same procedures as required for the original application, including the payment of application fees.
- G. Preliminary Plat Exhibits – The subdivider shall file an application for approval of a Preliminary Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

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1. *Preliminary Plat Application* – The application shall be on forms furnished by the Administrative Official. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Preliminary Plat Drawing* – The plat drawing shall contain the information listed in Section 8 - ~~18065~~ *Required Plat Information*, where applicable.
 3. *Preliminary Drainage Information* – The subdivider shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities, unless the Director of Public Works has determined that a Preliminary Drainage Analysis is not necessary at time of platting. The Preliminary Drainage Analysis shall be prepared in accordance with the drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. *Preliminary Utility Plan* – The subdivider shall submit preliminary construction drawings which shall indicate the general location and approximate sizes of all existing and proposed public utilities, unless the Director of Public Works has determined that no public utility improvements are necessary. The size of all proposed water and sewer lines shall be determined using the design criteria contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
 7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.
- H. *Grading Site Prior to Final Approval* – Following Preliminary Plat approval, the developer may apply for an earthwork permit and upon approval of said permit may commence construction to the grades and elevations required by the Preliminary Plat.

Section 8 – 145 Final Plats

- A. *Final Plat Classification* – Approval of a Final Plat is the second step in the process for approval of a subdivision plat. The Final Plat procedure shall be used when the property proposed for development has been previously approved as a Preliminary Plat, was not submitted as a Combination Preliminary/Final Plat and conforms to the requirements of this Chapter. The purpose of the Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision.
- ~~1. *Minor Plats:* A Minor Plat submittal shall be used when the property proposed for development is not platted, contains four (4) or fewer lots and will not create a new street. A Minor Plat is intended to allow a subdivider to combine the Preliminary and Final Plat procedures and thereby expedite the review and approval of a small subdivision where no new public street is created. Where applicable, the Minor Plat submittal shall contain the same exhibits as a Final Plat submittal.~~
 - ~~2. *Replats:* A Replat submittal shall be used when a previously platted property is proposed for redevelopment. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion does not dictate the submittal of a Preliminary Plat. The Administrative Official responsible for subdivision review shall review each Replat application and determine whether or the not the size of the un-platted portion of the proposed development warrants the submittal of a Preliminary Plat. Where applicable, the Replat submittal shall contain the same exhibits as a Final Plat submittal.~~

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~~3. **Additional Criteria for Replats:** The following additional criteria for approval shall apply in the re-subdivision of an existing plat, without vacating the immediate previous plat:~~

~~a. A public hearing shall be required on the Replat at which interested parties and citizens have an opportunity to be heard.~~

~~b. If any of the proposed area to be re-subdivided or re-platted, within the immediate preceding five years, was limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in advance in the following manner:~~

~~i. Publication at least 15 days before the date of the hearing in a newspaper of general circulation in the City.~~

~~ii. A written notice of the public hearing shall be forwarded no less than fifteen (15) days prior to the day of the hearing to the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediate preceding plat that are within 200 feet of the lots to be re-platted. The notice may be served by depositing it properly addressed and postage paid, in the United States post office.~~

~~c. If the proposed replat requires a waiver of a requirement and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission and/or City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the closing of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.~~

~~4. Compliance with paragraphs (2) & (3) is not required for approval of a replat or a portion of a prior plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.~~

B. **Final Plat Prerequisites** – Unless exempt from the requirements of Preliminary Plat approval, no Final Plat shall be placed on the agenda for action by the approving body until a Preliminary Plat of a subdivision has been previously approved in accordance with this Chapter. Upon approval of a Preliminary Plat, a subdivider may file an application for approval of a Final Plat. The Final Plat shall conform to the Preliminary Plat as approved and incorporate any and all changes, modifications, corrections and conditions imposed by the prior approval. A Final Plat will not be presented to the approving body for consideration, which fails to incorporate the recommendations of the Preliminary Plat approval.

C. **Final Plat Exhibits** – The subdivider shall file an application for approval of a Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. ***Final Plat Application*** – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.

2. ***Final Plat Drawing*** – The plat drawing shall contain the information contained in *Section 8 - 18065 Required Plat Information* of this Land Development Code.

3. ***Drainage Information*** – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.

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4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. These documents are not necessary if they have been submitted with the Preliminary Plat.
6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 150 Combination Preliminary/Final Plat

- A. Combination Preliminary/Final Plat Classification – Approval of a Combination Preliminary/Final Plat may occur when a plat is submitted that involves more than four lots and will include a new street but will not be phased but, instead, will be developed in a single phase. The purpose of the Combination Preliminary/Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision in a single application.
- B. Combination Preliminary/Final Plat Exhibits – The subdivider shall file an application for approval of a Combination Preliminary/Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. Combination Preliminary/Final Plat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. Plat Drawing – The plat drawing shall contain the information contained in Section 8 - 180 Required Plat Information of this Land Development Code.
 3. Drainage Information – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code.
 4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Combination Preliminary/Final Plat. The construction drawings shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.

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7. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official. The fee for a Combination Preliminary/Final Plat shall be the same as the fee for a Final Plat.

Section 8 – 155 Minor Plats

- A. Minor Plats: A Minor Plat submittal shall be used when the property proposed for development is not platted, contains four (4) or fewer lots and will not create a new street. A Minor Plat is intended to allow a subdivider to combine the Preliminary and Final Plat procedures and thereby expedite the review and approval of a small subdivision where no new public street is created. Where applicable, the Minor Plat submittal shall contain the same exhibits as a Final Plat submittal.
- B. Minor Plat Exhibits – The subdivider shall file an application for approval of a Minor Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. Minor Plat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. Plat Drawing – The plat drawing shall contain the information contained in Section 8 – 180 Required Plat Information of this Land Development Code.
 3. Drainage Information – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code.
 4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
 7. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 160 Replats

- A. Replats: A Replat submittal shall be used when a previously platted property is proposed for redevelopment. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion does not dictate the submittal of a Preliminary Plat. The Administrative Official responsible for subdivision review shall review each Replat application and determine whether or the not the size of the un-platted portion of the proposed development warrants the submittal of a Preliminary Plat. Where applicable, the Replat submittal shall contain the same exhibits as a Final Plat submittal.

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B. Additional Criteria for Replats: The following additional criteria for approval shall apply in the re-subdivision of an existing plat, without vacating the immediate previous plat:

1. A public hearing shall be required on the Replat at which interested parties and citizens have an opportunity to be heard.
2. If any of the proposed area to be re-subdivided or re-platted, within the immediate preceding five years, was limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in advance in the following manner:
 - a. Publication at least 15 days before the date of the hearing in a newspaper of general circulation in the City.
 - b. A written notice of the public hearing shall be forwarded no less than fifteen (15) days prior to the day of the hearing to the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediate preceding plat that are within 200 feet of the lots to be re-platted. The notice may be served by depositing it properly addressed and postage paid, in the United States post office.
3. If the proposed replat requires a waiver of a requirement and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission and/or City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the closing of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.

C. Compliance with paragraphs (a) & (b) is not required for approval of a replat or a portion of a prior plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

D. Replat Exhibits – The subdivider shall file an application for approval of a replat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. Replat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. Plat Drawing – The plat drawing shall contain the information contained in Section 8 - 180 Required Plat Information of this Land Development Code.
3. Drainage Information – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code.
4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in Chapter 14 – Engineering Design Standards of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

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5. Tree Survey – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
6. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - ~~16550~~ Amending Plats

- A. Amending Plat Classification – The Amending Plat procedure shall be used when making a minor change to an existing subdivision. These changes must not be substantive, nor create any new lots. Notice, public hearing, and the approval of other lot owners is not required for the approval of an Amending Plat.
- B. Amending Plat Procedures – The City is authorized to approve an Amending Plat which is signed by the property owners, and which is for one (1) or more of the purposes set forth in this Section, and such approval shall not require notice, hearing or approval of other lot owners. Amending Plats in accordance with the provisions of this Section shall be approved if the sole purpose of the Amending Plat is to:
 1. Correct an error in any course or distance shown on the prior plat;
 2. Add any course or distance that was omitted on the prior plat;
 3. Correct an error in the description of the real property shown on the prior plat;
 4. Indicate monuments set after death, disability or retirement from practice of the surveyor charged with the responsibilities for setting monuments;
 5. Show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
 6. Correct any other type of scrivener or clerical error or omission as previously approved by the City; such errors and omissions may include, but are not limited to, numbers, acreage, street names and identification of adjacent recorded plats;
 7. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment, and neither lot is abolished; provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
 8. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
 9. Relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions; or
 - b. Increase the number of lots; or
 - c. Remove or otherwise abandon any easement or right-of-way.
 10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if;
 - a. the changes do not affect applicable zoning and other regulations of the municipality;

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- b. the changes do not attempt to amend or remove any covenants or restrictions; and
 - c. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
11. To replat one or more lots fronting on an existing street if:
- a. the owners of those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions;
 - c. the amendment does not create or require creation of a new street or make necessary the extension of municipal facilities.
- C. Amending Plat Exhibits – The subdivider shall file an application for approval of an Amending Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
- 1. Amending Plat Application – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 - 2. Amending Plat Drawing – The plat drawing shall contain the information contained in *Section 8 - 165 Required Plat Information* of this Land Development Code, where applicable.
 - 3. Drainage Information – As determined by the Director of Public Works, the developer shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code
 - 4. Construction Drawings – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 - 5. Nuisance Compliance Certification – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances.
 - 6. Fees – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - ~~17055~~ Official Plat Recording

- A. Required Filing Documents – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office unless the following are complete:
- 1. The plat has been drawn on mylar reproducible film or other permanent material, contains all required signatures, including the signature of the Planning and Zoning Commission Chairman, and/or the Mayor, or City staff, as applicable; and
 - 2. All applicable fees have been received.

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- B. Construction Prior to Official Filing – No construction of public improvements shall be allowed and no permits for building construction shall be approved until the subdivision plat has been filed of record with the Tarrant County Clerk's Office.
- C. Maximum Approval Period – The approval of a subdivision plat shall expire one-hundred and eighty (180) days from the date of approval by the approving body, unless the subdivision plat has been filed of record with as provided in this Section.
- D. Re-approval Required – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office where the approval time period has expired, unless the approving body has approved a re-submittal of the plat application and payment of plat application fee.

Section 8 - ~~17569~~ Vacation of Plats

A plat may be vacated by the owners of the land covered by the plat at any time before a lot in the plat is sold. If lots have been sold, the plat or any part of the plat may be vacated upon the application of all the owners of lots in the plat and with the approval of the City obtained in the manner prescribed for the original plat.

Section 8 - ~~18065~~ Required Plat Information

The applicant requesting subdivision plat approval shall submit the required number of copies of a plat drawing as determined by the Administrative Official and which complies with this Section.

1. All plat drawings shall contain the following information where applicable:
 - a. *Owner / Subdivider* - The names and addresses of the subdivider and the current owner of record.
 - b. *Surveyor Name* - The name, address and telephone number of the surveyor responsible for the plat which shall contain the seal of a Texas Registered Professional Land Surveyor.
 - c. *Subdivision Name* - If the land to be platted is situated within or adjacent to an existing subdivision, that plat may take the name of the existing subdivision, subject to the approval of the City. The name of the proposed subdivision shall be clearly shown with large letters and shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the City. The plat drawing shall indicate whether the plat is a Preliminary Plat, Final Plat, Replat, or Amending Plat.
 - d. *Location Map* - A location map showing the tract by reference to streets or highways.
 - e. *Date* - The date the plat was prepared.
 - f. *Scale & North Arrow* - The plat shall be prepared at a numerical scale no greater than one (1) inch equals one hundred (100) feet unless approved by the Administrative Official responsible for subdivision review. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.
 - g. *Subdivision Boundary Lines* - The subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.
 - h. *Metes and Bounds Description* - A written metes and bounds description of the property shall be shown on the plat and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey, subdivision

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corner, or the Texas Coordinate System of 1983, North Central Zone. The legal description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary. The legal description shall contain information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

- i. *Adjacent Properties* - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision and extending one hundred (100) feet shall be shown with the names of the owners as shown on the most current Tax Assessor's files; if the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets are to be shown.
- j. *Street Rights-of-Way* - The width of all public street rights-of-way shall be shown on the plat. The general location and width shall be consistent with the Master Thoroughfare Plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street.
- k. *Permanent Structures* - The location and general outline of any existing permanent structures with sufficient dimensions to determine building line encroachments. Any permanent structures which encroach any building set-back lines that will remain after completion of the development shall be shown on the drawing with appropriate dimensions.
- l. *Building Set-back Lines* - Front building set-back lines shall be indicated by dashed lines on all lots in accordance with the requirements of the applicable zoning district. Side yard building set-back lines shall be indicated by dashed lines on the side yards of lots with side street frontage. Additional building set-back may be required by the City. Existing building set-back lines on adjacent properties shall be shown, where applicable.
- m. *City Limit Lines* - The general location of the city limit boundaries of the City of Colleyville and any adjacent city shall be shown on the plat and referenced per city maps, only.
- n. *Easements* - The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. General easements for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided along each side of all rear property lines. If necessary for the extension of water or sewer mains, storm drainage or other utilities, easements of greater width shall be required along lot lines or across large lots. In all cases, easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
- o. *Lot and Block Numbering* - All lots and blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an 'out-parcel' shall be numbered and designated on the plat with notation regarding any development restrictions.
- p. *Sheet Size* - Map sheets shall be of such size as are acceptable for filing in the Tarrant County Clerk's Office, and shall not exceed twenty-four by thirty-six (24"x 36") inches, but may be eighteen by twenty-four (18" x 24") inches, with a binding margin of not less than one and one-half inches on the left side of the sheets. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.
- q. *Plat Notes and Conditions* - When appropriate, the plat shall contain a listing of any Plat Notes and Plat Conditions in a readily identifiable location with each note numbered consecutively.

Proposed Amendments to Chapter 8

Land Development Code

City of Colleyville, Texas

- r. *Public Use Areas* - The location and dimensions of all property proposed to be set aside for public use or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- s. *Street Names* - All street names shall be shown on the plat. New street names shall be sufficiently different in sound and in spelling from other street names in the city to avoid confusion. The continuation of an existing street shall bear the same name.
- t. *Phasing of Plats* ~~— For Preliminary plats,~~ The plat drawing shall indicate any phasing of the proposed subdivision. Thereafter, plats of subsequent phases shall conform to the approved overall layout and phasing, unless a revised Preliminary Plat is submitted and approved in accordance with this Chapter. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.
- u. *Lot Dimensions* - The approximate dimensions of all lots shall be shown on a Preliminary Plat and the exact dimension shown on all other plats with accuracy to one-hundredth's of one foot. The dimensions shall be sufficient to verify compliance with the minimum requirements of the applicable zoning district.
- v. *Flood Plain Features* - The location of the 100-year flood limits, if applicable, shall be shown on the plat and contained within a drainage easement. If the subdivision, or a portion thereof, is located in the 100 year flood-prone area, the developer will be required to comply with the Flood Damage Prevention Ordinance.
- w. *Irregular Side Lot Lines* - Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.
- x. *Lot Areas* - The area for each lot expressed in square feet shall be shown on the plat.
- y. *Survey Notes* - The Final Plat shall be accompanied by one (1) set of surveyor's closure notes for the boundary of the subdivision. The notes shall be referenced in the same manner as the plat.
- z. *Certification Blocks* – All plats shall contain the appropriate certification blocks which shall be similar to those shown.

Planning and Zoning Commission Approval

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve this Plat.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

City Council Approval

Whereas the City Council of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve of this Plat.

Mayor, City of Colleyville

Attest: City Secretary

Proposed Amendments to Chapter 8

Land Development Code

City of Colleyville, Texas

Staff Approval Authority

This amending or minor plat is approved in accordance with Section 212.0065 of the Texas Local Government Code and the City of Colleyville Subdivision Regulations

Date

Community Development ~~Director~~ Manager

Director of Public Services

Surveyor's Certification

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

Signature

Date

(Affix Seal)

Dedication Certificate

WHEREAS, *(owners name)*, are the owners of a tract of land situated in the *(name)* Survey, Abstract N. *(#)*, Tarrant County, Texas, and being out of a *(#)* acre tract conveyed to them by *(deed reference)*, and being more particularly described as follows:

(metes and bounds description)

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That We, *(names)*, Owners, do hereby adopt this plat designating the hereinbefore described property as *(subdivision name)*, and addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness our hands this _____ day of _____, 20____.

Owners Name

STATE OF TEXAS

⌋

Proposed Amendments to Chapter 8

Land Development Code

City of Colleyville, Texas

COUNTY OF TARRANT	{
Before me, the undersigned Notary Public in and for said county and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.	
Given under my hand and seal of office this _____ day of _____, 20____.	
Notary Public in and for Tarrant County	_____
(affix seal)	_____
My printed name	_____
My commission expires:	_____

Section 8 – ~~18570~~ Easement and Right-of-Way Encroachments

(Ord. O-01-1280 / 08/08/01)

No building permit shall be issued for any structure that encroaches into or over a public drainage and/or utility easement or public right-of-way, unless an easement encroachment and joint use agreement has been approved in accordance with the procedures contained in this Section.

1. The applicant must submit a written application on forms furnished by the City, together with the appropriate filing fee, stating the reason for the proposed encroachment. Said application must contain the signature of the property owner or legal agent of the property owner where the encroachment is proposed or of the property that is adjacent to the right-of-way where the encroachment and joint use is proposed.
2. The applicant must provide a metes and bounds description indicating the exact location of the encroachment and a plot plan showing the nature of the improvements proposed within the encroachment area.
3. The application must include written documentation signed by all public utility companies, including the City of Colleyville ~~Public Works~~Engineering Department, indicating their consent to the encroachment and joint use of the easement or right-of-way. All public utility companies must approve the encroachment request before any consideration is given by the City of Colleyville.
4. No notification of adjacent properties is required unless, the City Manager, or designated official, determines that the encroachment or joint use has a direct impact on the adjacent properties.
5. An application requesting an easement encroachment may be approved by the City Manager or other designated official. Applications requesting a right-of-way encroachment require approval by the City Council.
6. Upon approval of the request, documents shall be filed in the Tarrant County Deed Records.
7. The application fee shall be set by separate ordinance approved by the City Council.

Section 8 – ~~19075~~ Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
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Proposed Amendments to Chapter 8

Land Development Code *City of Colleyville, Texas*

O-00-1261	12/19/00	Incomplete Submittals / DRC Review
O-01-1280	08/08/01	Easement & right-of-way encroachments
O-06-1566	02/21/06	Comprehensive Chapter Revisions
<u>Q-13-XXXX</u>	<u>01/21/2014</u>	<u>Revisions to Approval Authority and Plat Classifications</u>

Proposed Subdivision Plat Approval Authority Table

Approving Body Responsible for Approving Plats			
Classification of Plat	Staff	P&Z	Council
Combination Preliminary/Final Plat	no	yes	no
Preliminary Plats	no	yes	no
Final Plats	no	yes	no
Minor Plats	yes	no *	no
Replat	no	yes	no
Amending Plats	yes	no *	no

* The Planning and Zoning Commission shall have the authority to approve a Minor Plat and an Amending Plat which has not been approved by City Staff.

Comparison of Plat Requirements for Cities that Surround Colleyville



CITY OF COLLEYVILLE							
SUBDIVISION PROCESS BENCHMARK SURVEY 2013					LEGEND	● = YES	
						● = NO	
CITY		COLLEYVILLE					
Type of Plat		Preliminary	Final	Minor	Amending	Replat	
Staff		●	●	●	●	●	
P & Z		●	●	●	●	●	
City Council		●	●	●	●	● (If more than 4 lots, or if appealed)	
Process Comparison to Benchmark Cities							
	Preliminary	Same approving bodies in Grapevine, Hurst, and Southlake only					
	Final	Same approving bodies in Grapevine and North Richland Hills only					
	Minor	Unique to Colleyville					
	Amending	Same approving bodies in Bedford, Euless (For a Minor Amending Plat and Corrected Plat), Grapevine, Keller, North Richland Hills and Southlake					
	Replat	Same approving bodies in Bedford*, Euless, Grapevine**, North Richland Hills***, and Southlake****					
		* Four (4) or more lots and any municipal facilities requires P&Z Approval; Less than 4 lots requires staff approval only.					
		** Replats in Colleyville are only required to go to City Council if more than 4 lots or under appeal. Grapevine					
		passes through P&Z and City Council on the same night.					

Comparison of Plat Requirements for Cities that Surround Colleyville

		***Replats are required to go to City Council					
		****Replats are required to go to City Council					
Bedford, Euless, and Keller do not require any platting process to be heard at City Council							
Definitions (Unless otherwise noted):							
	Preliminary Plat - A plat showing the proposed arrangement of streets, lots, easements, and other public spaces in the						
	subdivision						
	Final Plat - A plat prepared according to the provisions of this Land Development Code, and containing all engineering						
	legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.						
	Minor Plat - A subdivision of not more than four (4) lots, which fronts on an existing street and does not require the creation						
	of any new street or the extension of municipal facilities, which allows a short form process that eliminates the need for						
	a preliminary plat.						
	Amending Plat - A minor change of an existing subdivision to a lot line or correction of an error such						
	that the changes are not substantive, and no new lots are created.						
	Replat - A plat that is different from, and is intended for, the replacement of an existing recorded						
	plat or parts thereof.						
CITY		BEDFORD					
Type of Plat		Preliminary	Short Form	Final	Replat:		
			Final	Final	4 or More Lots	Less than 4 Lots	Amending
Staff		•	•	•	•	•	•
P & Z		•	•	•	•	•	•
City Council		•	•	•	•	•	•
Definition:							

Comparison of Plat Requirements for Cities that Surround Colleyville

	Short Form Final - For properties located in certain zoning districts; Must not propose any vacation of public rights of way or easements; The extension of public facilities or drainage improvements must not be required for utilization of the property, except for minor extensions of existing water and sewer lines.							
	Amending - Same as Colleyville.							
CITY		EULESS						
Type of Plat		Preliminary	Final	Conveyance Plat	Major Amending Plat	Minor Amending Plat	Replat	Corrected
Staff		•	•	•	•	•	•	•
P & Z		•	•	•	•	• (If needed)	•	•
City Council		•	•	•	•	•	•	•
Definitions:								
	Conveyance Plat - May be used in lieu of a final plat to record the subdivision of property provided that no single lot created is less than five (5) acres and is not intended for immediate development.							
	Minor Amending Plat - The adjustment of street and alley alignments, lengths, and paving details; the addition or deletion of lots within 10 percent of the approved number and the adjustment of lot lines.							
	Major Amending Plat - Addition or deletion of more than 10 percent of the approved number of lots							
	Corrected Plat - See definition of Colleyville's "Amending Plat".							
CITY		GRAPEVINE						
Type of Plat		Preliminary	Final	Replat	Amending			
Staff		•	•	•	•			
P & Z **		•	•	•	•	** P&Z and City Council meetings are held jointly		
City Council **		•	•	•	•			

Comparison of Plat Requirements for Cities that Surround Colleyville

Definitions: Same as Colleyville								
CITY		HURST						
Type of Plat		Preliminary	Short Form	Final				
Staff		●	●	●				
P & Z		●	●	●				
City Council		●	●	●				
Definition:								
	Short Form Final - Property meeting certain conditions may be approved on final plat without the necessity of a							
	preliminary plat. See section 21-6 of the City of Hurst Land Development Code for specifics.							
CITY		KELLER						
Type of Plat		Preliminary	Minor Sub.	Major Sub.	Amending	Replat:		
Staff		●	●	●	●	●		
P & Z		●	●	●	●	●, ● (As needed)		
City Council		●	●	●	●	●		
Definitions:								
	Minor Subdivision Final Plat - See "Minor Plat" definition for City of Colleyville							
	Major Subdivision Final Plat - Involves the creation of new streets, the extension of municipal facilities or							
	the creation of four (4) or more lots. Preliminary plat required.							
	Amending Plat - Same as Colleyville							

Comparison of Plat Requirements for Cities that Surround Colleyville

	Replat - Same as Colleyville						
CITY		NORTH RICHLAND HILLS**					
		Preliminary	Final	Short Form	Replat	Amending	
				Final			
Staff		●	●	●	●	●	**No staff approvals with any plat
P & Z		●	●	●	●	●	process
City Council		●	●	●	●	●	
Definition:							
	Short Form Final - See City of Hurst above						
	Replat - Same as Colleyville						
	Amending Plat - Same as Colleyville						
CITY		SOUTHLAKE					
		Preliminary	Final	Plat Showing:		Amending	Replat
				Single Lot	Multi-lot		(Plat Revision)
Staff		●	●	●	●	●	●
P & Z		●	●	●	●	●	●
City Council		●	●	●	●	●	●
Definitions:							
	Plat Showing - When a tract or parcel of land has not been previously platted and recorded, the subdivider may elect						
	to combine the Preliminary Plat and Final Plats and submit a Plat Showing whenever the tract of land contains						
	less than 10 acres and involves four (4) or less lots and is to be subdivided without change of street location						

Comparison of Plat Requirements for Cities that Surround Colleyville

	or without substantial effect on City services, drainage, or adjacent properties. A subdivision involving more than	
	four (4) lots or which contains 10 or more acres of land can be considered as a Plat Showing by the Planning Director on	
	a case by case basis.	
	<u>Amending Plat</u> - Same as Colleyville	
	<u>Replat</u> - Same as Colleyville	

ORDINANCE O-14-1906

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 8-PLAT REVIEW PROCEDURES 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 of Colleyville desires to amend Chapter 8-Plat Review Procedures of the Land Development Code in its entirety in order to amend approval authority for plats and provide general updates; 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 8-Plat Review Procedures* of the Land Development Code, is hereby amended in its entirety 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 7th day of January 2014.

The second reading and public hearing being conducted on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

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"

Chapter 8 Plat Review Procedures

(Rev. 01/21/2014)

Section 8 – 100 Purpose of This Chapter

The purpose of this Chapter is to establish regulations which describe the process for the review and approval of subdivision plats, but more specifically to:

- A. provide for the safe, orderly, and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community;
- B. encourage the orderly development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promoting in-fill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas;
- C. encourage appropriate protection to environmentally sensitive areas;
- D. ensure that public facilities and services are available; and
- E. establish procedures for the review and approval of subdivision plats.

Section 8 – 105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

- A. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
- B. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
- C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution and laws of the State of Texas.

Section 8 – 110 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 8 – 115 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Exhibit "A"

Section 8 – 120 Plat Approval Required

It shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits of the City of Colleyville, Texas, or extraterritorial jurisdiction, to hereafter divide the same tract of land into two or more parts, to lay out a subdivision, to lay out a building lot, or to lay out a street, alley, square, park, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purpose of development without having a plat of the subdivision prepared and approved in accordance with this Chapter. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. The provisions of this Chapter shall apply to any development which is intended as a single lot, tract or parcel where a primary structure will be located. Furthermore, the following shall be applicable to all subdivisions of land:

- A. It shall be the policy of the City of Colleyville to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the Colleyville Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.
- B. The City has no obligation to extend water or sewer service to any lot, tract or parcel or land sold or created in violation of this Chapter.
- C. All plats and subdivisions shall conform to the rules and regulations set forth herein.
- D. This Chapter is not intended to repeal, abrogate, or impair any existing plans or ordinances. However, where the provisions of this Chapter and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.
- E. The provisions contained in this Chapter, shall be considered as the minimum requirements for review and approval of a subdivision plat.

Section 8 – 125 Plat Required for Building Permit

No building permit shall be approved for any lot, tract or parcel of land unless and until a plat has been approved in accordance with this Land Development Code, except as provided as follows:

- A. Residential Structures - A building permit for an addition to, or renovation of, an existing residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- B. Non-residential Structures - A building permit for an addition to, or renovation of, an existing non-residential structure may be issued on an un-platted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed fifty (50%) percent of the value of the existing structure, excluding the value of the land, as shown on the most current tax roll. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- C. Platting Exemption for Certain Accessory Buildings - A building permit for an accessory structure may be issued on an un-platted lot in the Agricultural District.
- D. Public Facilities Available - No building permit for a primary building will be issued until all public facilities have been installed and have been approved and accepted by the City or provision, acceptable to the City, has been made by the developer for such public facilities.

Exhibit "A"

Section 8 – 130 Approval Authority Over Subdivision Plats

- A. Approval of Plats Required –The approving body for all subdivision plats shall be in accordance with the following table:

Approving Body Responsible for Approving Plats			
Classification of Plat	Staff	P&Z	Council
Combination Preliminary/Final Plat	no	yes	no
Preliminary Plats	no	yes	no
Final Plats	no	yes	no
Minor Plats	yes	no *	no
Replat	no	yes	no
Amending Plats	yes	no *	no

* The Planning and Zoning Commission shall have the authority to approve a Minor Plat and an Amending Plat which has not been approved by City Staff.

- B. Preliminary, Final or Combination Preliminary/Final Plat Approval by the Planning and Zoning Commission - The Planning and Zoning Commission shall approve or disapprove a Preliminary, Final or Combination Preliminary/Final Plat. If the application includes a request for a waiver or modification of a platting regulation, the City Council must also approve the request.
- C. Replat Approval by the Planning and Zoning Commission - The Planning and Zoning Commission shall approve or disapprove a Replat. If the application includes a request for a waiver or modification of a platting regulation, the City Council may approve the request upon appeal by the applicant to the decision of the Planning and Zoning Commission.
- D. Minor Plat Approval by Staff – The Community Development Director shall be authorized to approve a Minor Plat, as defined by this Land Development Code provided said plat conforms to the requirements and specifications of this Land Development Code, without the additional approval of the Planning and Zoning Commission. If the application includes a request for a waiver or modification of a platting regulation, the Planning and Zoning Commission shall approve or disapprove the request. The City Council may approve the request upon appeal by the applicant to the decision of the Planning and Zoning Commission. The Community Development Director, may not disapprove a Minor Plat, but shall refer any Minor Plat which he/she refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.
- E. Amending Plat Approval by Staff – The Community Development Director shall be authorized to approve an Amending Plat as defined by the Local Government Code, provided said plat conforms to the requirements and specifications of this Land Development Code. If the application includes a request for a waiver from the subdivision requirements, the Community Development Director, shall present the amending plat to the Planning and Zoning Commission for approval. The Planning and Zoning Commission shall have the authority to approve the Amending Plat. The Planning and Zoning Commission may require additional approval of any Amending Plat by the City Council.

The Community Development Director, may not disapprove an Amending Plat, but shall refer any Amending Plat which he refuses to approve to the Planning and Zoning Commission within thirty (30) days after the date the plat is filed.

- F. Appeal Procedure – A subdivision plat that has been denied by the Planning and Zoning Commission may be appealed to the City Council for consideration at the next available public meeting. In the event of any discrepancy between a plat as approved by the Planning and Zoning Commission and the City

Exhibit "A"

Council, the plat approved by the City Council shall prevail.

Section 8 – 135 Procedure for Approval of Subdivisions

- A. Time Period for Taking Action – The approving body shall approve or disapprove a subdivision application within thirty (30) days after the date the subdivision application is filed as provided in this Chapter. A subdivision application is considered approved if the approving body fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the approving body, provided said request is submitted in writing.
- B. Additional Time Period for City Council Approval – Where City Council action is required or requested on a subdivision application as provided in this Chapter, the action shall be taken no later than thirty (30) days after the date the subdivision application was considered by the Planning and Zoning Commission. A subdivision is considered approved if the City Council fails to act on a plat within the prescribed period. Provided however, that the subdivider may request a deferral of action on the subdivision application, thereby waiving the thirty day time period for action by the City Council, provided said request is submitted in writing.
- C. Certificate of Compliance – In cases where the City fails to act on a subdivision application within the thirty day time period, the Community Development Director, upon written request, shall issue a certificate of compliance stating the date the subdivision was filed and that the City failed to act on the subdivision application within the specified time.
- D. Authorization to Sign Plats – The approval of a plat by the approving body, shall constitute authority for the, Community Development Director or, the Chairman and Secretary of the Planning and Zoning Commission and/or the Mayor and City Secretary, to execute said plat, and shall constitute approval for recording in the County Clerk's Office of Tarrant County.
- E. Modification of Conditions – Where the approving body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to these platting regulations so that substantial justice may be done and the public interest secured. Such a finding by the City shall not have the effect of nullifying the intent and purpose of these platting regulations.
- F. Completeness Determination – Every subdivision plat application shall be subject to a determination of completeness by the Administrative Official as provided for in this Section.
1. No later than the tenth business day from the date the application is received, the Administrative Official shall make a written determination that all documents required by the Land Development Code for a subdivision plat submittal have been received.
 2. The applicant shall be provided written notice of any deficient documents no later than ten (10) business days from the date the application is received. The determination shall specify the documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information are not provided. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided herein.
 3. The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing,
 4. A determination of completeness by the Administrative Official shall not constitute a determination of compliance with the substantive requirements of the Land Development Code.
- G. Expiration of Application – If a subdivision plat application is not completed on or before the 45th day after the application is received by the Administrative Official for processing, the application will be deemed to have expired. Thereafter, a new subdivision plat application must be submitted, including payment of the applicable application fee. The City shall retain any fee paid for reviewing the original application for completeness.

Exhibit "A"

- H. Incompleteness as Grounds for Denial – No subdivision plat application shall be scheduled for action by an approving body unless it is determined that the application is complete and all required items, studies and documents have been submitted to and received by the City, unless the applicant has provided a written request for a waiver or modification of said requirement. An incomplete subdivision application shall be grounds for denial or revocation of the application. No vesting right shall accrue from the filing of an application that has expired pursuant to this Section, or from the filing of a complete application that is subsequently denied.
- I. Official Plat Submittal Date – The date from which the statutory period requiring approval or disapproval of a subdivision plat application shall commence on the date the Administrative Official responsible for processing subdivision plat applications has determined the application to be complete and marked said date on the application and has scheduled said application for action by the approving body.
- J. Development Review Committee – The City Manager shall designate a Development Review Committee (DRC) which shall be an advisory committee to the Planning and Zoning Commission and have responsibility for providing comments and recommendations on subdivision applications. In addition, the Development Review Committee shall submit comments and recommendations on vacation of public rights-of-way or easements and site plan reviews required by this Code. The Administrative Official responsible for subdivision review shall coordinate the actions of the Development Review Committee.
- K. DRC Review – Copies of subdivision plat applications shall be distributed to the Development Review Committee (DRC) members for technical review. The DRC shall provide written comments and recommendations on the proposed development to the Administrative Official.

The Administrative Official responsible for subdivision review shall compile a report of the written comments received from the DRC and provide a copy of said report to the subdivider within five (5) working days following the day of receipt of all staff comments. The subdivider shall submit revised copies of the subdivision application, which incorporates and fully satisfies the comments of the DRC or provide written response as to why such modification is not proposed.

- L. Consistency with Master Plans – No subdivision plat shall be approved which is not consistent with the Colleyville Master Plan, the Parks Development Plan, and trail systems plans of the City.
- M. Compliance with Zoning – No subdivision plat shall be approved that is not consistent with the existing zoning regulations applicable to the property being platted, unless a rezoning application is pending that will provide consistency with the proposed development.
- N. Public Facilities – No subdivision application shall be approved by the City unless the Director of Public Works has reviewed the construction plans for the proposed public improvements and has determined that the public facilities will be adequate to support and service the area of the proposed subdivision. To expedite the review process, the Director of Public Works may accept a written offer by the developer as satisfactory evidence that public improvement requirements of the Land Development Code will be satisfied. The Director of Public Works may require the applicant to submit sufficient information and data to demonstrate that the existing public facilities are adequate to serve the proposed subdivision. Public facilities and services to be examined for adequacy shall include drainage facilities, roads, sewage, and water systems. Public facilities shall be designed and constructed in accordance with the requirements contained in this Land Development Code. Said proposed public improvements shall conform to and be properly related to the Colleyville Master Plan and all applicable capital improvement plans, including but not limited to the following:
 - 1. Master Thoroughfare Plan – All subdivisions shall be designed to coordinate with the right-of-way widths and street patterns shown on the Master Thoroughfare Plan.
 - 2. Water System - All lots shall be served by a public water system capable of providing water for health and emergency purposes, including adequate fire protection. Proposed water system improvements shall be consistent with the Master Water System Plan.
 - 3. Wastewater Collection System - All lots shall be served by an approved means of wastewater

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collection and treatment. Proposed sewer system improvements shall be consistent with the Master Wastewater Collection System Plan.

4. Storm Water Management - The Director of Public Works may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments. Any proposed drainage system improvements shall be consistent with the Master Storm Water Management Plan.
- O. Records Maintenance – The Administrative Official responsible for subdivision review shall maintain a record of each application submitted under this Chapter, and the action taken on the application.
- P. Dedication Offers – All streets, drainage ways, parks, and other rights-of-way or public easements shown within a subdivision plat and intended for public use shall be offered for dedication as part of the approval of a plat. Upon approval of the subdivision application by the City, the offers shall be deemed dedicated and available for acceptance by the City in accordance with the requirements of this Section.
 1. Whenever a subdivision proposes the dedication of land for public use and the City finds that such land is not required or is not suitable for public use, the approving body shall either deny the subdivision application or require the rearrangement of lots to include such land.
 2. The approval of a subdivision plat by the City is not considered an acceptance of any dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City Council makes an actual appropriation of the dedicated parts by entry, use, or improvement.
 3. Disapproval of a plat shall be deemed a refusal by the City to accept the offered dedications shown thereon.
- Q. Nuisance Ordinances and Outstanding Liens – No subdivision plat shall be placed on the agenda for action by an approving body in which the Code Enforcement Officer has issued notice to the owner of the property being subdivided that the property being considered for development is in violation of a public nuisance ordinance of the City of Colleyville and the violation has not been abated prior to the subdivision application date. No subdivision plat shall be placed on the agenda for action by an approving body that has an outstanding delinquent lien payable to the City of Colleyville.
- R. Frontage on Public Access Required – Every lot shall have frontage on a public street right-of-way. Said frontage shall not be less than eighty percent (80%) of the minimum required lot width established for the zoning district. In non-residential areas, access to a lot with a public access easement that is acceptable by the City as meeting the minimum requirements to provide public ingress and egress and for adequate emergency vehicle access may be allowed in lieu of a public street right-of-way.
- S. Plats Straddling or Adjacent to Municipal Boundaries – Where access to a proposed subdivision is required across land in an adjacent city, the Administrative Official shall coordinate the review of the plat with the adjacent city and the approving body shall require written approval from the adjacent city.
- T. Official City Map – The Administrative Official responsible for subdivision review shall maintain an Official City Map, which shall indicate all subdivisions, lots and street rights-of-way. Subdivision plats hereafter approved shall be placed on the Official Map in a timely order and include the names of all streets and street suffix classifications. Where street name inconsistencies exist, from one subdivision to another, the Administrative Official shall place on the Official City Map the generally accepted street name, its proper spelling, and suffix classification. The Administrative Official responsible for subdivision review shall assign street address ranges for each block and coordinate these with the Office of the Fire Marshal and other emergency service providers.
- U. Enforcement of Chapter – In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Chapter by injunction issued by a court of competent jurisdiction.

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Section 8 – 140 Preliminary Plats

- A. Preliminary Plat Classification – Submittal of a Preliminary Plat is the first of a two step process for approval of a subdivision plat. The Preliminary Plat procedure shall be used when the property proposed for development is not platted as defined in this Chapter, does not qualify as a minor plat, and will be platted in more than one phase. The purpose of the Preliminary Plat procedure is to allow a subdivider to submit an abbreviated subdivision proposal for approval to determine the feasibility of developing a parcel of land before proceeding to the final platting process where the development will involve more than one phase of construction.
- B. Platting all Land in Common Ownership – The Preliminary Plat shall include all contiguous holdings of the owner, including land in “common ownership” as defined in this Chapter, with an indication of the portion which is proposed for subdivision.
- C. Preliminary Plat Phasing – The Preliminary Plat shall clearly indicate the parcels of land to be included in the phasing. Subsequently, Final Plats shall generally comply with the phasing lines indicated on the Preliminary Plat. Significant departure from the phase lines indicated on the Preliminary Plat shall require an amendment to the Preliminary Plat prior to further final platting of property.
- D. Effect of Approval – Upon approval of the Preliminary Plat, a copy of the approved Preliminary Plat shall be signed by the Administrative Official and kept for public record. Said approved Preliminary Plat shall reflect any and all revisions to the original submitted Preliminary Plat as was directed by the Planning and Zoning Commission and/or City Council which were made a condition of approval. Approval of the Preliminary Plat shall not constitute final acceptance or approval of the subdivision nor shall the approval of the Preliminary Plat confer any vesting rights in the arrangement of lots, streets and other features on the Final Plat. Approval of the Preliminary Plat shall constitute authority to proceed with the Final Plat process as described in this Chapter.
- E. Expiration of Approval – Approval of a Preliminary Plat shall expire after twelve (12) months from the date of approval, unless a Final Plat is submitted for all or part of the area that has received Preliminary Plat approval. The approving body may approve a time extension upon written request from the developer or may waive the twelve month termination period when the Final Plat is determined to be consistent with the approved Preliminary Plat and no additional standards have been adopted by the City.
- F. Re-submittal of Preliminary Plat – When a Preliminary Plat is disapproved, the subdivider, at any time thereafter, may submit a new design for approval, following the same procedures as required for the original application, including the payment of application fees.
- G. Preliminary Plat Exhibits – The subdivider shall file an application for approval of a Preliminary Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 - 1. Preliminary Plat Application – The application shall be on forms furnished by the Administrative Official. If the applicant is not the official owner of record, written authorization from the property owner is required.
 - 2. Preliminary Plat Drawing – The plat drawing shall contain the information listed in *Section 8 - 180 Required Plat Information*, where applicable.
 - 3. Preliminary Drainage Information – The subdivider shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities, unless the Director of Public Works has determined that a Preliminary Drainage Analysis is not necessary at time of platting. The Preliminary Drainage Analysis shall be prepared in accordance with the drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 - 4. Preliminary Utility Plan – The subdivider shall submit preliminary construction drawings which shall indicate the general location and approximate sizes of all existing and proposed public utilities, unless the Director of Public Works has determined that no public utility improvements are necessary. The

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size of all proposed water and sewer lines shall be determined using the design criteria contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.

5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
 7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.
- H. Grading Site Prior to Final Approval – Following Preliminary Plat approval, the developer may apply for an earthwork permit and upon approval of said permit may commence construction to the grades and elevations required by the Preliminary Plat.

Section 8 – 145 Final Plats

- A. Final Plat Classification – Approval of a Final Plat is the second step in the process for approval of a subdivision plat. The Final Plat procedure shall be used when the property proposed for development has been previously approved as a Preliminary Plat, was not submitted as a Combination Preliminary/Final Plat and conforms to the requirements of this Chapter. The purpose of the Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision.
- B. Final Plat Prerequisites – Unless exempt from the requirements of Preliminary Plat approval, no Final Plat shall be placed on the agenda for action by the approving body until a Preliminary Plat of a subdivision has been previously approved in accordance with this Chapter. Upon approval of a Preliminary Plat, a subdivider may file an application for approval of a Final Plat. The Final Plat shall conform to the Preliminary Plat as approved and incorporate any and all changes, modifications, corrections and conditions imposed by the prior approval. A Final Plat will not be presented to the approving body for consideration, which fails to incorporate the recommendations of the Preliminary Plat approval.
- C. Final Plat Exhibits – The subdivider shall file an application for approval of a Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
1. *Final Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Final Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 - 180 Required Plat Information* of this Land Development Code.
 3. *Drainage Information* – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

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5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees. These documents are not necessary if they have been submitted with the Preliminary Plat.
6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 150 Combination Preliminary/Final Plat

- A. Combination Preliminary/Final Plat Classification – Approval of a Combination Preliminary/Final Plat may occur when a plat is submitted that involves more than four lots and will include a new street but will not be phased but, instead, will be developed in a single phase. The purpose of the Combination Preliminary/Final Plat procedure is to allow a subdivider to submit for approval all the documents necessary to fully develop the subdivision in a single application.
- B. Combination Preliminary/Final Plat Exhibits – The subdivider shall file an application for approval of a Combination Preliminary/Final Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. *Combination Preliminary/Final Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 - 180 Required Plat Information* of this Land Development Code.
 3. *Drainage Information* – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Combination Preliminary/Final Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
 7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official. The fee for a Combination Preliminary/Final Plat shall be the same as the fee for a Final Plat.

Section 8 – 155 Minor Plats

- A. *Minor Plats*: A Minor Plat submittal shall be used when the property proposed for development is not platted, contains four (4) or fewer lots and will not create a new street. A Minor Plat is intended to allow a

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subdivider to combine the Preliminary and Final Plat procedures and thereby expedite the review and approval of a small subdivision where no new public street is created. Where applicable, the Minor Plat submittal shall contain the same exhibits as a Final Plat submittal.

B. Minor Plat Exhibits – The subdivider shall file an application for approval of a Minor Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:

1. *Minor Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
2. *Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 – 180 Required Plat Information* of this Land Development Code.
3. *Drainage Information* – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 – 160 Replats

A. *Replats*: A Replat submittal shall be used when a previously platted property is proposed for redevelopment. A Replat may include an additional parcel of un-platted property when the size of the un-platted portion does not dictate the submittal of a Preliminary Plat. The Administrative Official responsible for subdivision review shall review each Replat application and determine whether or not the size of the un-platted portion of the proposed development warrants the submittal of a Preliminary Plat. Where applicable, the Replat submittal shall contain the same exhibits as a Final Plat submittal.

B. *Additional Criteria for Replats*: The following additional criteria for approval shall apply in the re-subdivision of an existing plat, without vacating the immediate previous plat:

1. A public hearing shall be required on the Replat at which interested parties and citizens have an opportunity to be heard.
2. If any of the proposed area to be re-subdivided or re-platted, within the immediate preceding five years, was limited by any interim or permanent zoning classification to residential use for not more than two residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in advance in the following manner:

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- a. Publication at least 15 days before the date of the hearing in a newspaper of general circulation in the City.
 - b. A written notice of the public hearing shall be forwarded no less than fifteen (15) days prior to the day of the hearing to the owners (as the ownership appears on the last approved ad valorem tax roll) of all lots in the immediate preceding plat that are within 200 feet of the lots to be re-platted. The notice may be served by depositing it properly addressed and postage paid, in the United States post office.
3. If the proposed replat requires a waiver of a requirement and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission and/or City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the closing of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.
- C. Compliance with paragraphs (a) & (b) is not required for approval of a replat or a portion of a prior plat if the area to be re-platted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- D. Replat Exhibits – The subdivider shall file an application for approval of a replat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. *Replat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Plat Drawing* – The plat drawing shall contain the information contained in *Section 8 - 180 Required Plat Information* of this Land Development Code.
 3. *Drainage Information* – The subdivider should discuss with the Director of Public Works the need to submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code.
 4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the Minor Plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. *Tree Survey* – Where a subdivision plat indicates a proposed public street, the subdivider shall submit a tree survey or an aerial photograph indicating the general coverage of trees.
 6. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances and outstanding liens payable to the City of Colleyville.
7. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - 165 Amending Plats

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- A. Amending Plat Classification – The Amending Plat procedure shall be used when making a minor change to an existing subdivision. These changes must not be substantive, nor create any new lots. Notice, public hearing, and the approval of other lot owners is not required for the approval of an Amending Plat.
- B. Amending Plat Procedures – The City is authorized to approve an Amending Plat which is signed by the property owners, and which is for one (1) or more of the purposes set forth in this Section, and such approval shall not require notice, hearing or approval of other lot owners. Amending Plats in accordance with the provisions of this Section shall be approved if the sole purpose of the Amending Plat is to:
1. Correct an error in any course or distance shown on the prior plat;
 2. Add any course or distance that was omitted on the prior plat;
 3. Correct an error in the description of the real property shown on the prior plat;
 4. Indicate monuments set after death, disability or retirement from practice of the surveyor charged with the responsibilities for setting monuments;
 5. Show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
 6. Correct any other type of scrivener or clerical error or omission as previously approved by the City; such errors and omissions may include, but are not limited to, numbers, acreage, street names and identification of adjacent recorded plats;
 7. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment, and neither lot is abolished; provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
 8. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
 9. Relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions; or
 - b. Increase the number of lots; or
 - c. Remove or otherwise abandon any easement or right-of-way.
 10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if;
 - a. the changes do not affect applicable zoning and other regulations of the municipality;
 - b. the changes do not attempt to amend or remove any covenants or restrictions; and
 - c. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
 11. To replat one or more lots fronting on an existing street if:
 - a. the owners of those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions;

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- c. the amendment does not create or require creation of a new street or make necessary the extension of municipal facilities.
- C. Amending Plat Exhibits – The subdivider shall file an application for approval of an Amending Plat with the Administrative Official responsible for subdivision review, which shall contain the following exhibits to be considered complete:
 1. *Amending Plat Application* – The application shall be on forms furnished by the Administrative Official responsible for subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 2. *Amending Plat Drawing* – The plat drawing plat contain the information contained in *Section 8 - 165 Required Plat Information* of this Land Development Code, where applicable.
 3. *Drainage Information* – As determined by the Director of Public Works, the developer shall submit a Preliminary Drainage Analysis or a Drainage Study. When drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with supporting documentation which shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code
 4. *Construction Drawings* – When the proposed development requires the construction of public improvements, the applicant shall submit construction plans with the plat. The construction drawings shall conform to the technical specifications contained in *Chapter 14 – Engineering Design Standards* of this Land Development Code and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.
 5. *Nuisance Compliance Certification* – The Code Enforcement Officer shall provide certification indicating the status of the property regarding public nuisances.
 6. *Fees* – The applicant shall pay the applicable plat application fee when the application is submitted to the Administrative Official.

Section 8 - 170 Official Plat Recording

- A. Required Filing Documents – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office unless the following are complete:
 1. The plat has been drawn on mylar reproducible film or other permanent material, contains all required signatures, including the signature of the Planning and Zoning Commission Chairman, and/or the Mayor, or City staff, as applicable; and
 2. All applicable fees have been received.
- B. Construction Prior to Official Filing – No construction of public improvements shall be allowed and no permits for building construction shall be approved until the subdivision plat has been filed of record with the Tarrant County Clerk's Office.
- C. Maximum Approval Period – The approval of a subdivision plat shall expire one-hundred and eighty (180) days from the date of approval by the approving body, unless the subdivision plat has been filed of record with as provided in this Section.
- D. Re-approval Required – No subdivision plat shall be filed of record with the Tarrant County Clerk's Office where the approval time period has expired, unless the approving body has approved a re-submittal of the plat application and payment of plat application fee.

Section 8 - 175 Vacation of Plats

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A plat may be vacated by the owners of the land covered by the plat at any time before a lot in the plat is sold. If lots have been sold, the plat or any part of the plat may be vacated upon the application of all the owners of lots in the plat and with the approval of the City obtained in the manner prescribed for the original plat.

Section 8 - 180 Required Plat Information

The applicant requesting subdivision plat approval shall submit the required number of copies of a plat drawing as determined by the Administrative Official and which complies with this Section.

1. All plat drawings shall contain the following information where applicable:
 - a. *Owner / Subdivider* - The names and addresses of the subdivider and the current owner of record.
 - b. *Surveyor Name* - The name, address and telephone number of the surveyor responsible for the plat which shall contain the seal of a Texas Registered Professional Land Surveyor.
 - c. *Subdivision Name* - If the land to be platted is situated within or adjacent to an existing subdivision, that plat may take the name of the existing subdivision, subject to the approval of the City. The name of the proposed subdivision shall be clearly shown with large letters and shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the City. The plat drawing shall indicate whether the plat is a Preliminary Plat, Final Plat, Replat, or Amending Plat.
 - d. *Location Map* - A location map showing the tract by reference to streets or highways.
 - e. *Date* - The date the plat was prepared.
 - f. *Scale & North Arrow* - The plat shall be prepared at a numerical scale no greater than one (1) inch equals one hundred (100) feet unless approved by the Administrative Official responsible for subdivision review. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.
 - g. *Subdivision Boundary Lines* - The subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.
 - h. *Metes and Bounds Description* - A written metes and bounds description of the property shall be shown on the plat and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey, subdivision corner, or the Texas Coordinate System of 1983, North Central Zone. The legal description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary. The legal description shall contain information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - i. *Adjacent Properties* - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision and extending one hundred (100) feet shall be shown with the names of the owners as shown on the most current Tax Assessor's files; if the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets are to be shown.
 - j. *Street Rights-of-Way* - The width of all public street rights-of-way shall be shown on the plat. The general location and width shall be consistent with the Master Thoroughfare Plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street.

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- k. *Permanent Structures* - The location and general outline of any existing permanent structures with sufficient dimensions to determine building line encroachments. Any permanent structures which encroach any building set-back lines that will remain after completion of the development shall be shown on the drawing with appropriate dimensions.
- l. *Building Set-back Lines* - Front building set-back lines shall be indicated by dashed lines on all lots in accordance with the requirements of the applicable zoning district. Side yard building set-back lines shall be indicated by dashed lines on the side yards of lots with side street frontage. Additional building set-back may be required by the City. Existing building set-back lines on adjacent properties shall be shown, where applicable.
- m. *City Limit Lines* - The general location of the city limit boundaries of the City of Colleyville and any adjacent city shall be shown on the plat and referenced per city maps, only.
- n. *Easements* - The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. General easements for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided along each side of all rear property lines. If necessary for the extension of water or sewer mains, storm drainage or other utilities, easements of greater width shall be required along lot lines or across large lots. In all cases, easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
- o. *Lot and Block Numbering* - All lots and blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an 'out-parcel' shall be numbered and designated on the plat with notation regarding any development restrictions.
- p. *Sheet Size* - Map sheets shall be of such size as are acceptable for filing in the Tarrant County Clerk's Office, and shall not exceed twenty-four by thirty-six (24"x 36") inches, but may be eighteen by twenty-four (18" x 24") inches, with a binding margin of not less than one and one-half inches on the left side of the sheets. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.
- q. *Plat Notes and Conditions* - When appropriate, the plat shall contain a listing of any Plat Notes and Plat Conditions in a readily identifiable location with each note numbered consecutively.
- r. *Public Use Areas* - The location and dimensions of all property proposed to be set aside for public use or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- s. *Street Names* - All street names shall be shown on the plat. New street names shall be sufficiently different in sound and in spelling from other street names in the city to avoid confusion. The continuation of an existing street shall bear the same name.
- t. *Phasing of Plats* - For Preliminary plats, the plat drawing shall indicate any phasing of the proposed subdivision. Thereafter, plats of subsequent phases shall conform to the approved overall layout and phasing, unless a revised Preliminary Plat is submitted and approved in accordance with this Chapter. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.
- u. *Lot Dimensions* - The approximate dimensions of all lots shall be shown on a Preliminary Plat and the exact dimension shown on all other plats with accuracy to one-hundredth's of one foot. The dimensions shall be sufficient to verify compliance with the minimum requirements of the applicable zoning district.

Exhibit "A"

- v. *Flood Plain Features* - The location of the 100-year flood limits, if applicable, shall be shown on the plat and contained within a drainage easement. If the subdivision, or a portion thereof, is located in the 100 year flood-prone area, the developer will be required to comply with the Flood Damage Prevention Ordinance.
- w. *Irregular Side Lot Lines* - Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.
- x. *Lot Areas* - The area for each lot expressed in square feet shall be shown on the plat.
- y. *Survey Notes* - The Final Plat shall be accompanied by one (1) set of surveyor's closure notes for the boundary of the subdivision. The notes shall be referenced in the same manner as the plat.
- z. *Certification Blocks* – All plats shall contain the appropriate certification blocks which shall be similar to those shown.

Planning and Zoning Commission Approval

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve this Plat.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

City Council Approval

Whereas the City Council of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20__, to approve of this Plat.

Mayor, City of Colleyville

Attest: City Secretary

Staff Approval Authority

This amending or minor plat is approved in accordance with Section 212.0065 of the Texas Local Government Code and the City of Colleyville Subdivision Regulations

Date

Community Development Director

Exhibit "A"

Surveyor's Certification

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

Signature

Date

(Affix Seal)

Dedication Certificate

WHEREAS, (owners name), are the owners of a tract of land situated in the (name) Survey, Abstract N. (#), Tarrant County, Texas, and being out of a (#) acre tract conveyed to them by (deed reference), and being more particularly described as follows:

(metes and bounds description)

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That We, (names), Owners, do hereby adopt this plat designating the hereinbefore described property as (subdivision name), and addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness our hands this _____ day of _____, 20____.

Owners Name

STATE OF TEXAS X

COUNTY OF TARRANT X

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

Given under my hand and seal of office this _____ day of _____, 20____.

Notary Public in and for Tarrant County

(affix seal)

My printed name

My commission expires:

Exhibit "A"

Section 8 – 185 Easement and Right-of-Way Encroachments

(Ord. O-01-1280 / 08/08/01)

No building permit shall be issued for any structure that encroaches into or over a public drainage and/or utility easement or public right-of-way, unless an easement encroachment and joint use agreement has been approved in accordance with the procedures contained in this Section.

1. The applicant must submit a written application on forms furnished by the City, together with the appropriate filing fee, stating the reason for the proposed encroachment. Said application must contain the signature of the property owner or legal agent of the property owner where the encroachment is proposed or of the property that is adjacent to the right-of-way where the encroachment and joint use is proposed.
2. The applicant must provide a metes and bounds description indicating the exact location of the encroachment and a plot plan showing the nature of the improvements proposed within the encroachment area.
3. The application must include written documentation signed by all public utility companies, including the City of Colleyville Public Works Department, indicating their consent to the encroachment and joint use of the easement or right-of-way. All public utility companies must approve the encroachment request before any consideration is given by the City of Colleyville.
4. No notification of adjacent properties is required unless, the City Manager, or designated official, determines that the encroachment or joint use has a direct impact on the adjacent properties.
5. An application requesting an easement encroachment may be approved by the City Manager or other designated official. Applications requesting a right-of-way encroachment require approval by the City Council.
6. Upon approval of the request, documents shall be filed in the Tarrant County Deed Records.
7. The application fee shall be set by separate ordinance approved by the City Council.

Section 8 – 190 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1261	12/19/00	Incomplete Submittals / DRC Review
O-01-1280	08/08/01	Easement & right-of-way encroachments
O-06-1566	02/21/06	Comprehensive Chapter Revisions
O-14-1906	01/21/2014	Revisions to Approval Authority and Plat Classifications

RESOLUTION R-14-3710

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR
CITY COUNCIL MEETING OF
JANUARY 7, 2014**

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 7TH DAY OF JANUARY 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor