



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, February 10, 2014

City Council Chambers

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

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

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

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

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

7:00 P.M. - REGULAR MEETING CALL TO ORDER AND ROLL INVOCATION: Chairman Byerly PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES

January 27, 2014

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

3. REGULAR AGENDA ITEMS

- 3a** Request for a sidewalk waiver for Lot 1, Block 1, of the Braums
Addition, located at 4500 Colleyville Boulevard, Case GC14-002

- 3b** Request for a preliminary plat on 97 acres of Abstract 441 of the Jesse Doss Survey, Abstract 685 of the John H. Havens Survey, and Abstract 1734 of the S. C. H. Witten Survey, located in the 4900 block of Heritage Avenue, Case PC13-027

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards February 7, 2014 by 5:00 p.m.

Taci Wrisley
Planning and Zoning Assistant

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

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

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



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
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Agenda Number	Agenda Date 02/10/2014	Number
Type Approval of Minutes		
Department Community Development		

Title

January 27, 2014

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - January 27, 2014



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
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Monday, January 27, 2014

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on January 27, 2014 at 7:10 p.m.

Roll Call

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

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

1. APPROVAL OF MINUTES

Commissioner Tornes made a motion to approve the minutes as corrected. Commissioner Phelps seconded.

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

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

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

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

3. REGULAR AGENDA ITEMS

- 3a** Request for a replat on 1.4 acres of Abstract 1248 of the Thomas J. Polson Survey and Tract A, Block 1, of the Kaybird Addition located at 4712 Colleyville Boulevard, Case PC13-029

Mary Elliott presented the case and briefed the Commission.

Commissioner Wheelwright questioned staff regarding if the street adjacent to the property was Colleyville Boulevard. Mary Elliott replied correct.

The applicant was not present to address questions or comments.

Commissioner Phelps made a motion to approve Case PC13-029. Commissioner Davis seconded.

The motion to approve Case PC13-029 carried by the following vote:

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

4. PUBLIC HEARING AGENDA ITEMS

- 4a** Request for a replat on 2.547 acres of Lot B1A, A1B, B3, and B2, Block 4, of the W. C. Newton Subdivision, located at 708 W. L. D. Lockett Road, Case PC13-030

Mary Elliott presented the case and briefed the Commission.

Commissioner Phelps questioned staff regarding whether the notification process was the same for a plat case as it is for a zoning case. Ron Ruthven replied the procedure is not the same for plat cases and zoning cases.

Commissioner Tornes questioned staff regarding whether a preliminary drainage study had been submitted to the City. Ron Ruthven replied correct.

The public hearing was opened at 7:22 p.m.

Peter Slover, applicant, came forward and briefed the Commission.

Commissioner Phelps questioned Mr. Slover regarding the proposed drainage plan. Mr. Slover described the flow of drainage of the development.

Discussion continued between the Commission and Mr. Slover regarding drainage.

Commissioner Tornes questioned staff regarding whether the developer would need approval to allow Lot 1 to drain to the adjacent subdivision's drainage pond. Mary Elliott replied no.

Commissioner Wheelwright questioned Mr. Slover regarding whether the elevation of Lot 4 would be built up because it is a lower elevation

than the rest of the property. Mr. Slover replied he believes they will move dirt from the high point of the property to even out the elevation of the lots.

There being no one else wishing to speak, the public hearing was closed at 7:26 p.m.

Commissioner Tornes questioned staff regarding whether anyone on staff was okay with the proposed drainage plan. Dan Hartman replied he believed it would work.

Commissioner Wheelwright questioned Dan Hartman regarding the direction drainage would flow from Lot 3 and Lot 4 in the proposed development. Dan Hartman replied the drainage will flow through the drainage easement between Lot 3 and Lot 4 to the drainage easement located to the East, in the Country Way Addition, and finally to W. L. D. Lockett Road.

Commissioner Davis made a motion to approve Case PC13-030. Commissioner Gotcher seconded.

The motion to approve Case PC13-030 carried by the following vote:

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

4b Consideration for approval of amendments to Section 3.27- Carport Regulations in the Land Development Code, Case GC13-026

Mary Elliott presented the case and briefed the Commission.

Commissioner Phelps questioned staff regarding whether other cities, that have carport regulations, use the same regulations for residential and non-residential. Mary Elliott replied correct. She further explained some cities handle carports as additional accessory buildings.

Commissioner Tornes questioned staff regarding whether the new carport regulations would have the same purpose as the architectural standards the City recently adopted. Ron Ruthven replied correct.

Commissioner Phelps questioned staff regarding if thought should be given to whether the carport would be attached or detached and is the location a plus or minus. Mary Elliott replied she believes this is a personal preference. Commissioner Phelps stated he wanted to avoid

carports being constructed to add points to their building score. Discussion continued regarding building score values and carports.

The public hearing was opened at 7:39 p.m.

There being no one wishing to speak, the public hearing was closed at 7:39 p.m.

Commissioner Phelps stated as part of the motion he would like to keep in mind the discussion from the pre-session to change the language of Section 2(e) regarding pave-stone or concrete to read all-weather surface.

Commissioner Knox made a motion to approve Case GC13-026 with the following condition: Section 2(e) of the proposed regulations shall be changed to read as follows: "Paving and Street Access" The parking area underneath a carport shall be paved with concrete, asphalt or pave-stone." Commissioner Tornes seconded.

Commissioner Gotcher stated he would like to add an amendment to the motion for Section 2(f)I with regards to language for the roof pitch requirements.

Discussion occurred amongst staff and the Commission regarding language options for the amendment to the roof pitch requirements.

Commissioner Gotcher stated he would like for the amendment to Section 2(f)I to include the language for attached carports to be consistent with the primary roof pitch of the primary structure.

Commissioner Knox and Commissioner Tornes both accepted the amendment.

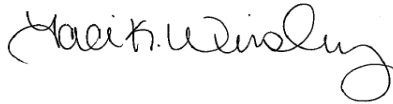
The motion to approve Case GC163-026 with the following conditions: 1) Section 2(e) of the proposed regulations shall be changed to read as follows: "The parking area underneath a carport shall be paved with concrete, asphalt or pave-stone." 2) Section 2(f)I of the proposed regulations shall be changed to read as follows: "Attached carports to be consistent with the primary roof pitch of the primary structure." carried by the following vote:

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

5. ADJOURNMENT

The meeting adjourned at 7:46 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on February 10, 2014 by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
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Agenda Number 3a	Agenda Date 02/10/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Request for a sidewalk waiver for Lot 1, Block 1, of the Braums Addition, located at 4500 Colleyville Boulevard, Case GC14-002

Explanation

Braum's is currently remodeling their existing business and is requesting a sidewalk waiver for sidewalks along Mill Valley Drive and Colleyville Boulevard. If the sidewalk waiver is approved, then funds will be placed in escrow in lieu of sidewalk construction.

Land Development Code. When an existing building is proposed for remodeling, alteration, addition, or expansion, and the proposed construction value exceeds fifty (50%) percent of the current appraised value of the existing structure, then sidewalk construction or escrow is required.

Escrow Amount. The total linear feet for the four (4') foot sidewalk along Mill Valley Drive is 173 feet; and the total linear feet for the five (5') foot sidewalk along Colleyville Boulevard (S.H. 26) is 149 feet. Therefore, if the sidewalk waiver is approved, then \$5,748.00 will need to be escrowed.

Proposed Sidewalk Amendments to the Land Development Code. This case will be the last sidewalk waiver considered by the Planning and Zoning Commission. The City Council is scheduled to vote on proposed amendments to Chapter 9-Subdivision Design and Public Facilities in the Land Development Code on February 18, 2014 returning final waiver authority for sidewalk construction requirements to the City Council. The Supplemental Sidewalk System Map was repealed at the February 4, 2014 City Council meeting. The proposed amendments will allow the City Engineer to determine where escrow in lieu of construction is allowed to due to current roadway design and/or future construction.

Recommendation. Given the proposed amendments to Chapter 9, the City Engineer's recommendation regarding the current waiver is that escrow be paid in lieu on construction. State Highway 26 (SH-26), Colleyville Boulevard, is part of a long-range plan for improvements by the Texas Department of Transportation (TxDOT); thus, major improvements to the right-of-way at this location are probable. Therefore, staff recommends that \$5,748.00 be paid into escrow as a condition of approval of the waiver.

Recommendation

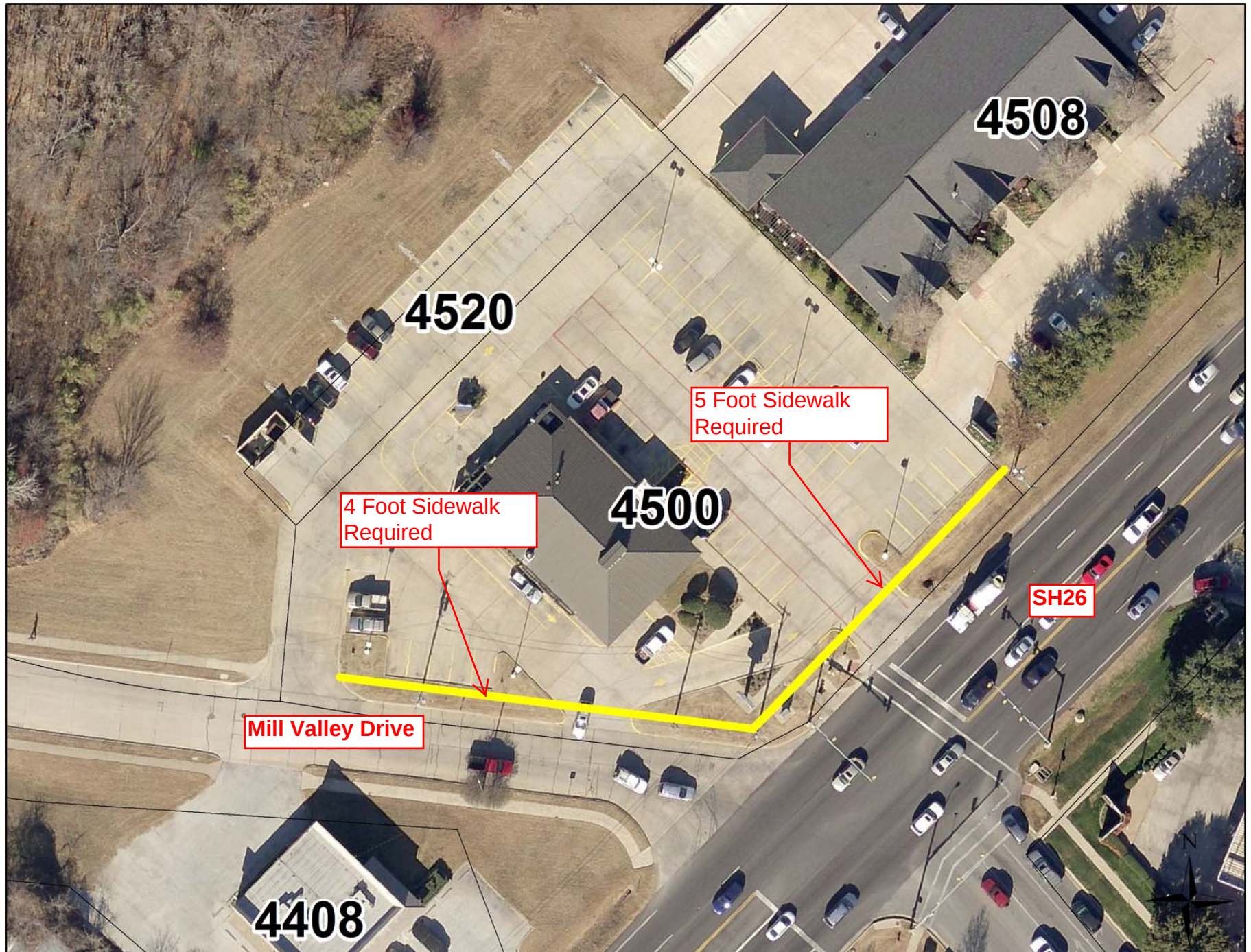
Approval with the following conditions:

That escrow in the amount of \$5,748.00 be paid in lieu of construction of the required sidewalk.

Attachments

1. Aerial
2. Existing Braums

Aerial



Existing Braums





City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
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Agenda Number 3b	Agenda Date 02/10/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Request for a preliminary plat on 97 acres of Abstract 441 of the Jesse Doss Survey, Abstract 685 of the John H. Havens Survey, and Abstract 1734 of the S. C. H. Witten Survey, located in the 4900 block of Heritage Avenue, Case PC13-027

Explanation

Bret Pedigo with Terra Manna, LLC, has submitted a request to approve the preliminary plat for phase two of Creekside at Colleyville, which includes 228 single family residential lots, 18 open space lots, and 1.9 acres of commercial property at the northwest corner of Heritage Avenue and Cheek Sparger Road.

Detailed Site Plan for Residential Uses. The phase two detailed site plan approved at City Council on December 17, 2013 under Ordinance O-13-1899 (attached) shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a (attached). A full size copy of the site plan will be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan will be kept in the plat file for this development. The phase two final plat shall be consistent with the attached phase two detailed site plan.

Detailed Site Plan for Commercial Uses. Prior to issuance of a building permit for the 1.9 acre commercial tract shown at the northwest corner of the development, the developer shall submit a detailed site plan. The detailed site plan shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

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

Ordinance O-07-1645 was amended by Ordinance O-13-1866 on March 5, 2013. Ordinance O-13-1866 provides a detailed site plan for phase one.

Ordinance O-07-1645 was amended by Ordinance O-13-1899 on December 17, 2013. Ordinance O-13-1899 provides a detailed site plan for phase two. Ordinance O-13-1899 also zoned the property at the northwest corner of Heritage Avenue and Cheek Sparger Road, which was incorporated into the city by boundary adjustment Ordinance O-12-1828.

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

Ordinance O-07-1645 also include requirements for commercial use. All commercial properties shall only allow uses permitted in the following zoning districts that are either: (1) State of Texas sales tax generating businesses, or (2) professional offices: CN-Neighborhood Commercial zoning district, the CC1-Village Retail zoning district, and the CC2-Shopping Center zoning district.

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

Right-of-Way Waiver Request. 80 feet of right-of-way is required for Heritage Avenue based on the recommendation of the Master Thoroughfare Plan. Heritage Avenue is classified as a Major Collector (four lane) on the plan. The applicant is requesting to dedicate only 65 feet of right-of-way along the southern portion of Heritage Avenue south of Little Bear Creek. The applicant states the following justification for the waiver request as provided in the applicant's response to the Development Review Committee Memo:

"Because the adjacent properties will have access to and receive the benefit of Heritage Avenue, the adjacent property in Euless ought to be obligated to provide their half of the ultimate right-of-way. However, north of the creek the adjacent properties are platted, developed or are under development. In this area we are absorbing the additional right-of-way with a 30-foot right-of-way dedication. South of the creek, we are dedicating 15 feet for a total of 65 feet. The remaining 15 feet can be acquired from the adjacent properties. If the roadway construction precedes development of these properties, the right-of-way can be acquired by the city at that time. Alternatively, we believe that the four-lane roadway could be accommodated within the 65-foot right-of-way we are providing."

The requested waiver can be approved as a waiver to the plat or as an amendment to the Master Thoroughfare Plan. Given the technical non-compliance with the Land Development Code, which requires all plats to be consistent with the Master Thoroughfare Plan, staff recommends denial.

Sidewalks and Trails. Four (4) foot sidewalks will be installed in front of each

residential lot within dedicated easements.

The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map will be constructed by the developer along the west side of Heritage Avenue, prior to the acceptance of public improvements. Trail 24 must connect to all other trails noted on the 2005 Colleyville Pathways Plan with the following exceptions:

The developer may escrow the cost of constructing the trail in lieu of actual construction only for the portion of the trail that traverses the Little Bear Creek floodplain. If the developer chooses to escrow said funds, the developer shall build a minimum four (4) foot wide sidewalk across Little Bear Creek that links the internal sidewalks in the portion of the development that is south of Little Bear Creek to the internal sidewalks in the portion of the development that is north of Little Bear Creek. Said sidewalk connection shall link to Trail 24 on both sides of Little Bear Creek within a public pedestrian access easement, which shall be dedicated on the final plat(s) for the development.

Drainage. The developer has submitted a preliminary drainage analysis of the site, which is under review by Engineering staff. According to the preliminary drainage analysis, the development will provide on-site detention.

Park land Dedication Fees. Parkland dedication fees are required, in the amount of \$1,802 per residential lot and \$800 per acre for commercial lots. Park land dedication fees are due at the time of final plat, and must be paid before the final plat is recorded with the County Clerk's office.

Perimeter Street Improvement Requirements. The developer may enter into a City/Developer Agreement with the City of Colleyville for any required public improvements, in conjunction with this development. Said agreement, if submitted, shall be approved and executed prior to the filing of the final plat for phase two of the development.

Perimeter street improvement fees are not due, since the developer will either be responsible for improving their half of Heritage Avenue where it is adjacent to the development or will enter into a city/developer agreement. These improvements must comply with the current standards of the Land Development Code and the Master Thoroughfare Plan at the time of development of the adjacent property.

Other Impact Fees. Water, sewer, and roadway impact fees are due at the time a building permit is issued. Fees will depend upon land use according to Chapter 13 of the Land Development Code.

Screening Walls and Fences. An eight (8) foot masonry wall shall be built between any commercial and residential lots. Perimeter fencing along Heritage Avenue will only

be required immediately adjacent to lots, and not be required where floodplain or open space is adjacent to Heritage Avenue. Perimeter fencing that currently exists along the west side of the proposed development will remain.

Ordinance O-13-1899 amended Ordinance O-07-1645, Section 4(7)b to read as follows: A six (6) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road and Cheek Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. Except as noted above, all fences shall be constructed per Exhibit D of Ordinance O-13-1899.

Landscaping and Tree Preservation. Trees not located within the right-of-way or within the pad site must be preserved during construction. Before construction begins on the site, protective fencing must be installed around the drip line of all preserved trees located outside the right-of-way. A preliminary tree survey has not been submitted at time of this preliminary plat. Approval of a tree survey and mitigation plan shall be required prior to the issuance of a Notice to Proceed letter from the Engineering Division of the Public Works Department. Within 60 days of the certificate of occupancy being issued, all lots must be fully irrigated.

Summary. The proposed development satisfies the requirements of PUD-R ordinances O-07-1645, O-13-1866, O-13-1899. However, given the right-of-way waiver request noted above, the plat does not comply with Section 8-135(N)1 of the Land Development Code, which states that "all subdivisions shall be designed to coordinate with the right-of-way widths and street patterns shown on the Master Thoroughfare Plan". Therefore staff recommends denial due to technical non-compliance with the Land Development Code. Since the plat contains more than four (4) lots, the preliminary plat requires approval by City Council.

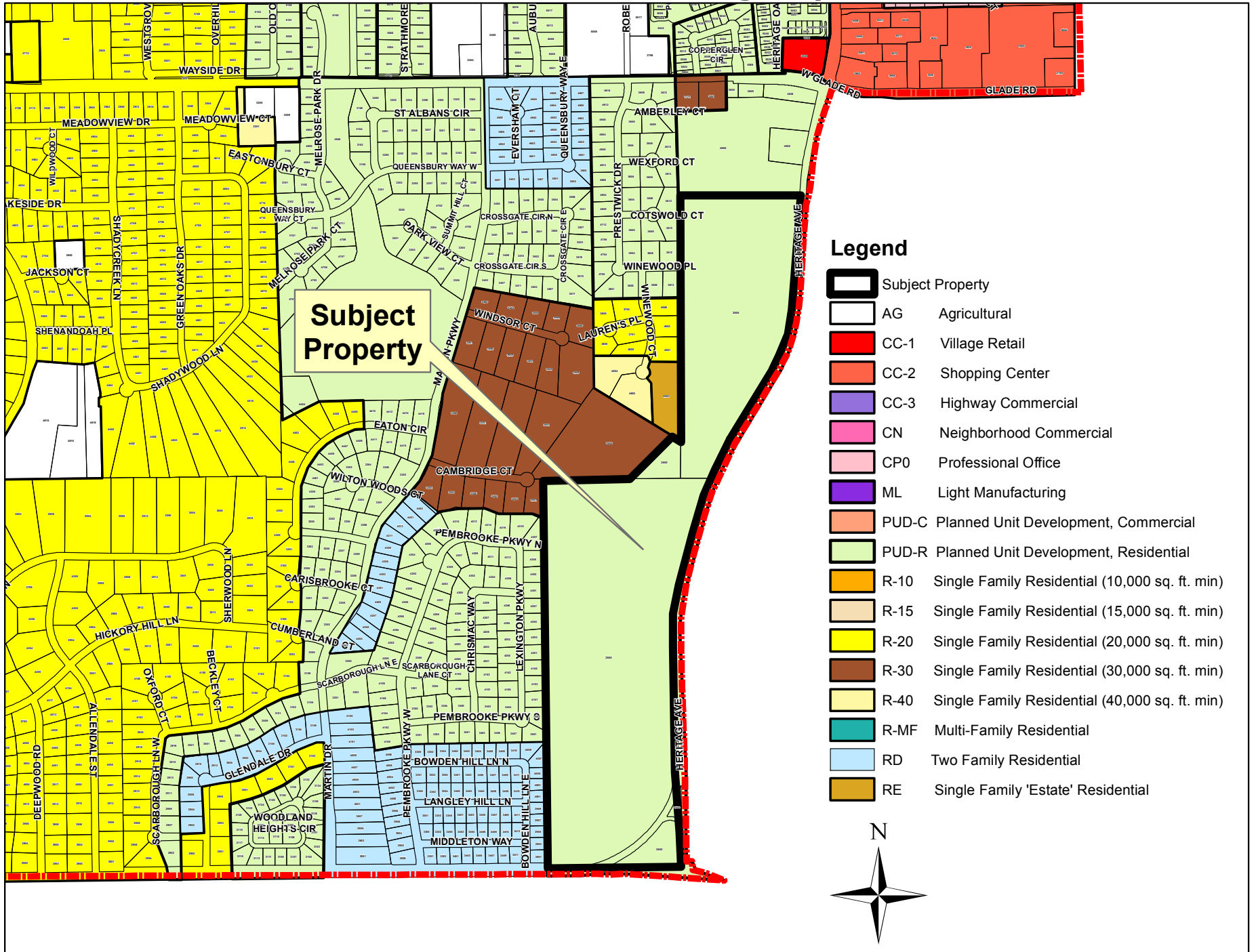
Recommendation

Denial

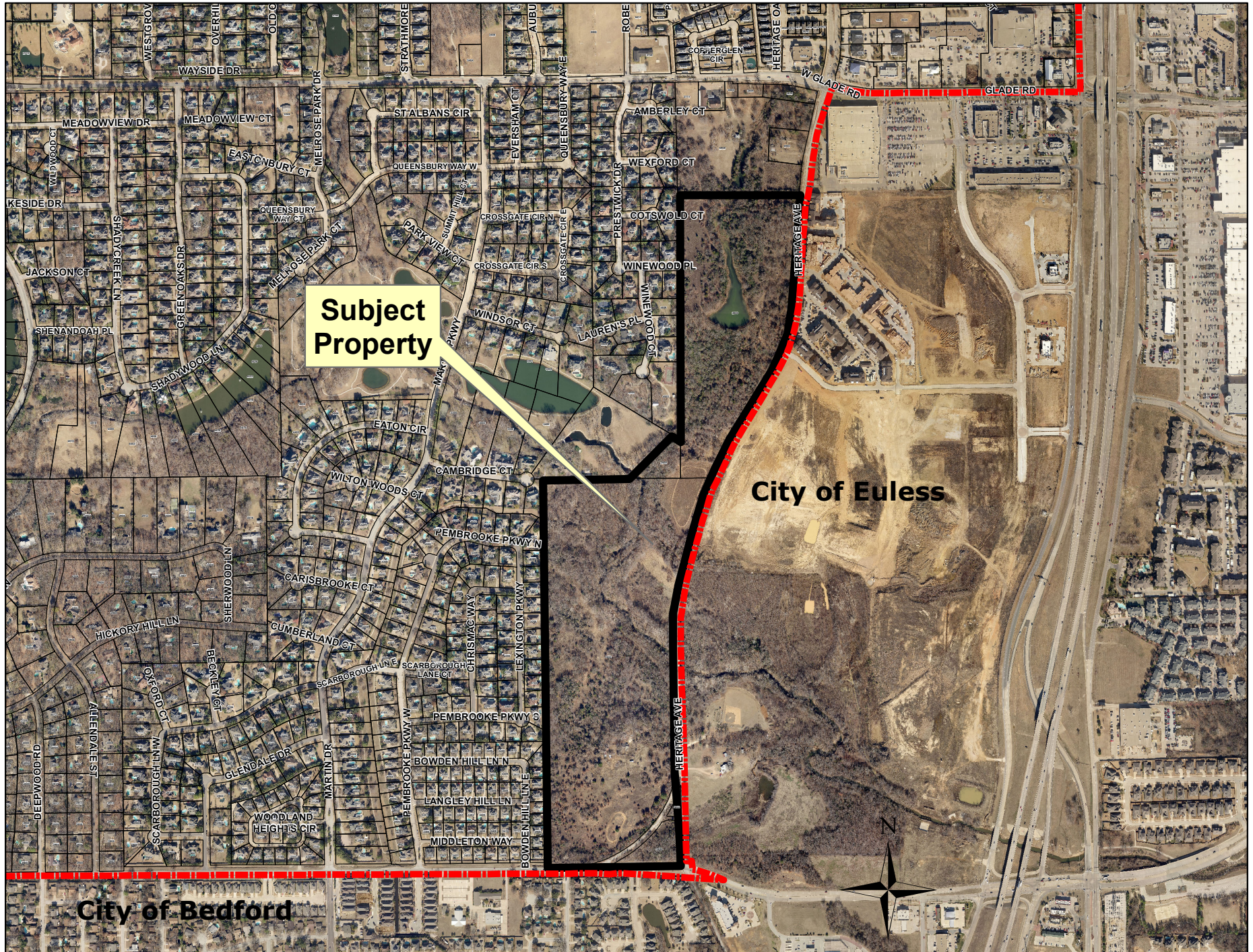
Attachments

1. Location and Zoning Map
2. Aerial
3. Plat Exhibit-Sheet 1
4. Plat Exhibit-Sheet 2
5. Ordinance O-07-1645
6. Ordinance O-12-1828
7. Ordinance O-13-1866
8. Ordinance O-13-1899

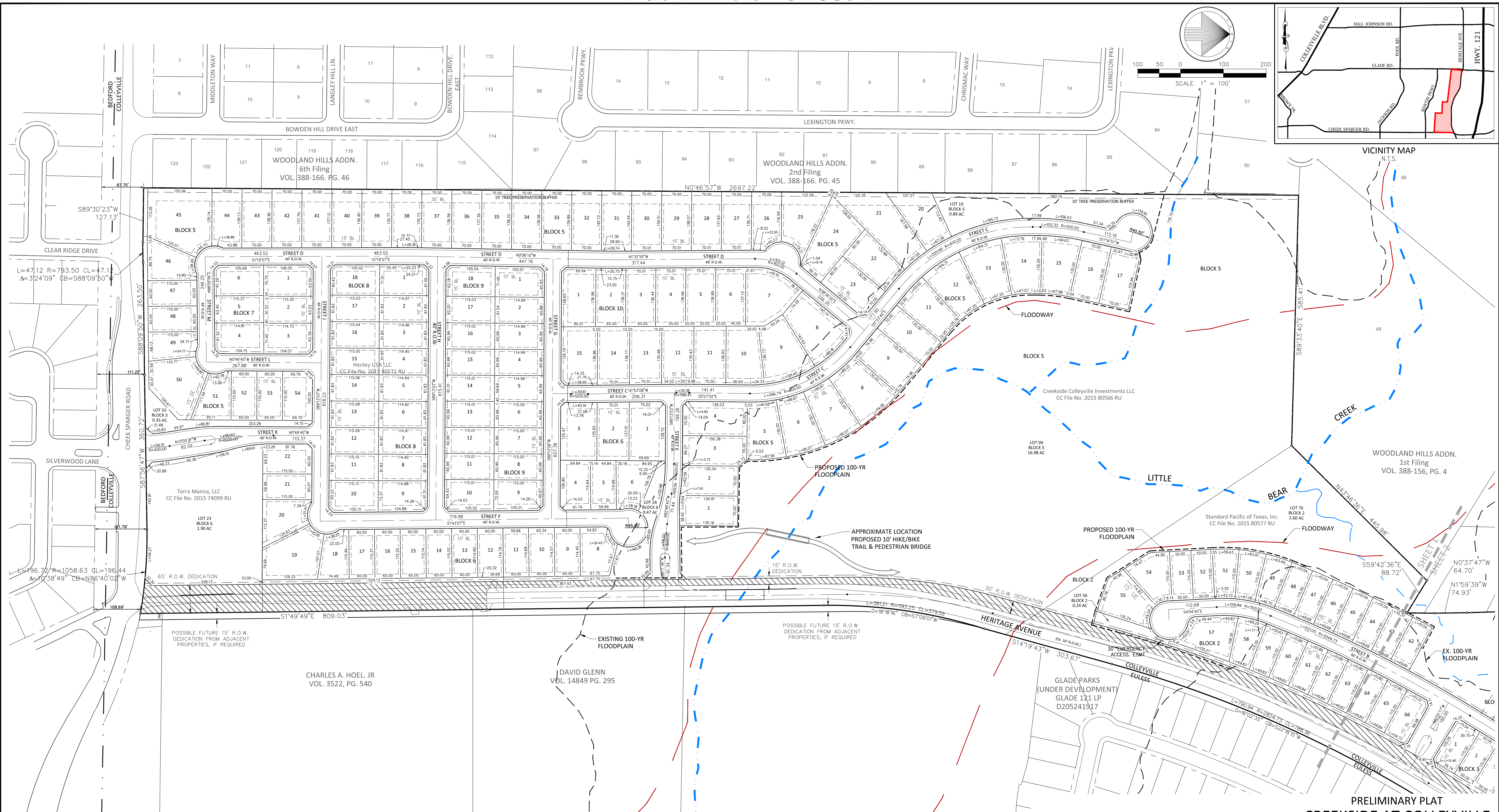
Location and Zoning Map



Aerial



Plat Exhibit - Sheet 1



- NOTES:
- EXISTING STRUCTURES ON THE SUBJECT PROPERTY TO BE REMOVED
 - REFER TO THE PRELIMINARY DRAINAGE PLAN FOR TOPOGRAPHIC INFORMATION
 - INTERNAL STREETS ARE TO BE PRIVATE
 - ALL OPEN SPACE LOTS SHALL BE OWNED AND MAINTAINED BY THE H.O.A.

HERITAGE AVENUE RIGHT-OF-WAY:
EX. R.O.W. ESMT. = 4.64 AC
PROP. R.O.W. DEDICATION = 3.65 AC
TOTAL R.O.W. PROVIDED = 8.29 AC

Surveyor:
Ronald D. Smith Surveyor, Inc.
P.O. Box 1679
Forney, Texas 75126
972-564-9840

Applicant:
Terra Manna, LLC
395 W SH 114, Suite 300
Southlake, Texas 76092
Contact: Paul Spain

Owners:
Terra Manna, LLC
395 W SH 114, Suite 300
Southlake, Texas 76092

Creekside Colleyville Investments LLC
395 W SH 114, Suite 300
Southlake, Texas 76092

Standard Pacific of Texas, Inc.
909 Lake Carolyn Parkway, Suite 1700
Irving, Texas 75039

Henley USA LLC
11100 Main Street, Suite 100
Bellevue, Washington 98004

PRELIMINARY PLAT CREEKSIDE AT COLLEYVILLE PHASE TWO

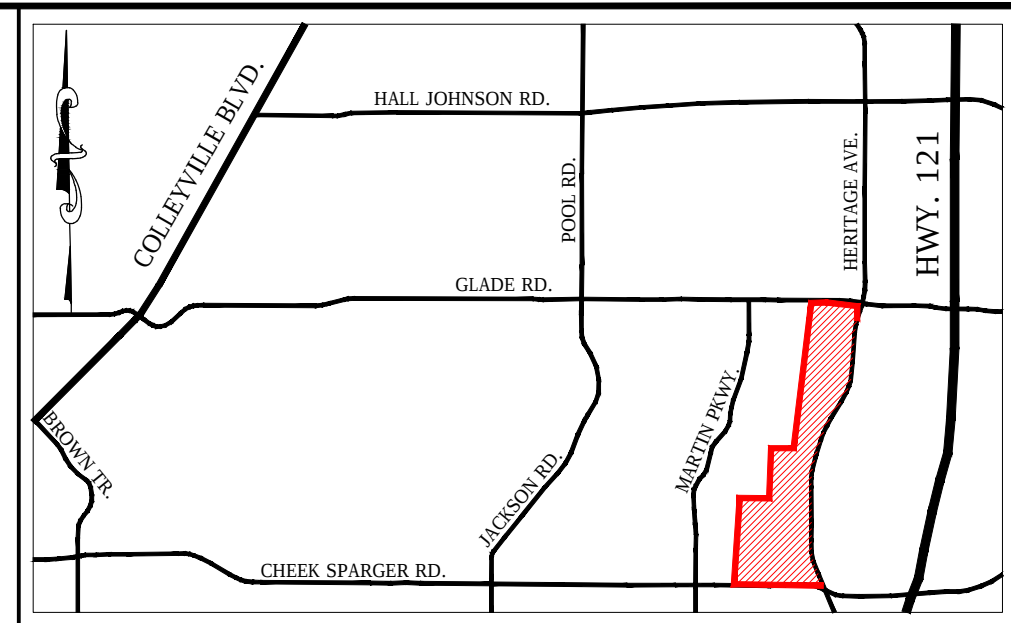
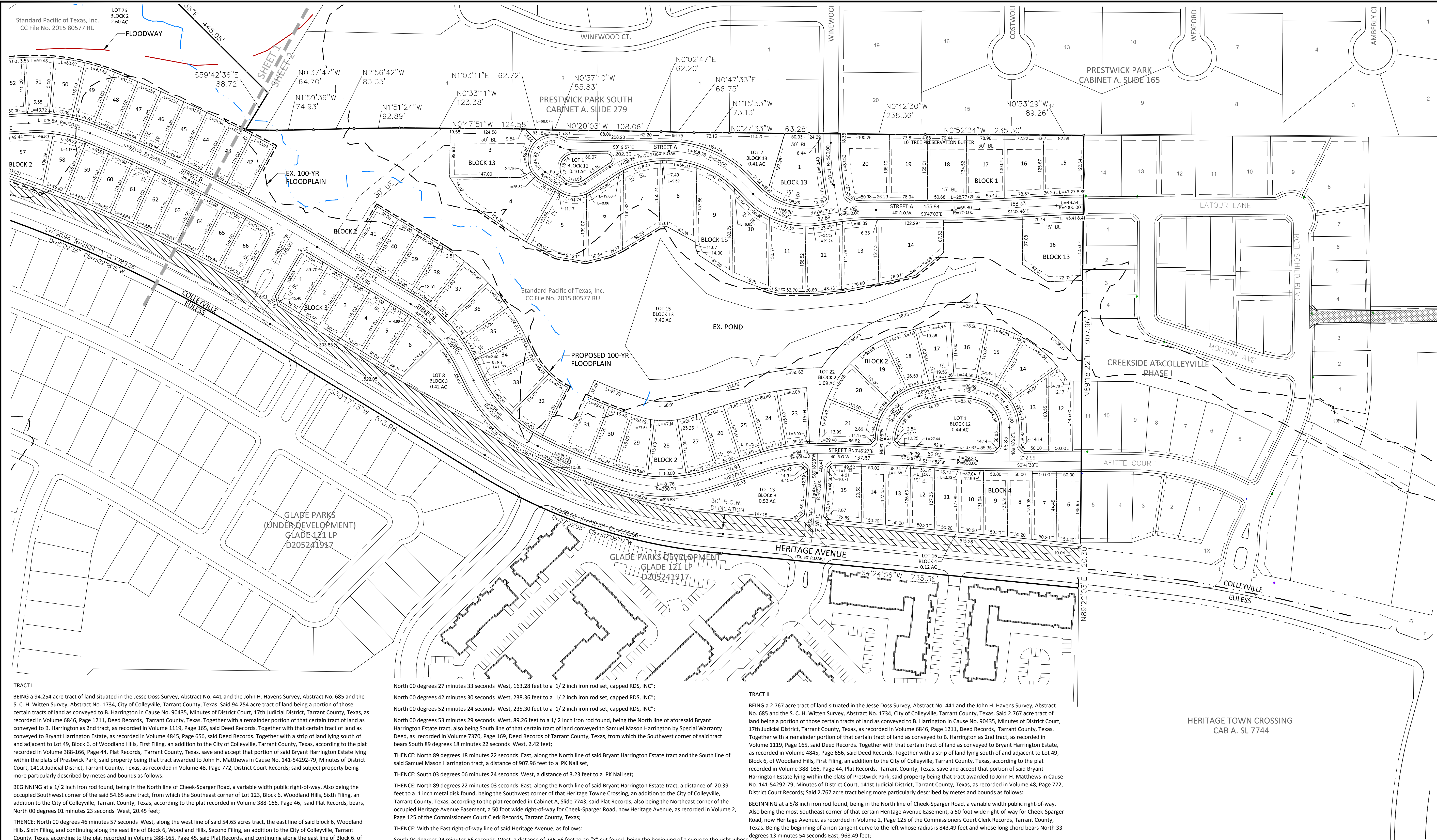
94.25 acres in the
JESSE DOSS SURVEY, A-441,
JOHN H. HAVENS SURVEY, A-685
AND THE S.C.H. WITTEN SURVEY, A-1734
CITY OF COLLEYVILLE
TARRANT COUNTY, TEXAS

6 December 2013

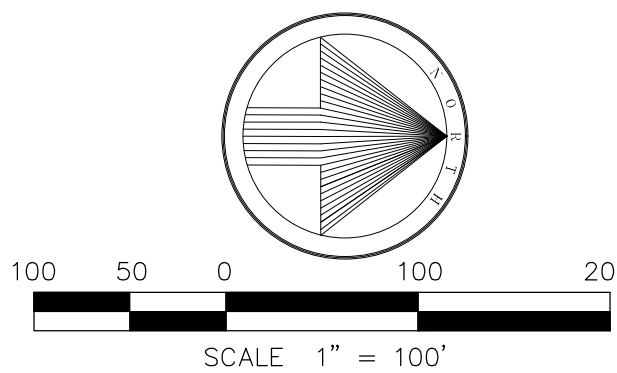
SHEET 1 OF 2

J. VOLK
consulting
800 East Campbell Road, Suite 120
Richardson, Texas 75081
972.201.3100 Texas Registration No. F-11962

Plat Exhibit-Sheet 2



VICINITY MAP
N.T.S.



- NOTES:
1. EXISTING STRUCTURES ON THE SUBJECT PROPERTY TO BE REMOVED
 2. REFER TO THE PRELIMINARY DRAINAGE PLAN FOR TOPOGRAPHIC INFORMATION
 3. INTERNAL STREETS ARE TO BE PRIVATE
 4. ALL OPEN SPACE LOTS SHALL BE OWNED AND MAINTAINED BY THE H.O.A.

HERITAGE AVENUE RIGHT-OF-WAY:
EX. R.O.W. ESMT. = 4.64 AC
PROP. R.O.W. DEDICATION = 3.65 AC
TOTAL R.O.W. PROVIDED = 8.29 AC

TRACT I

BEING a 94.254 acre tract of land situated in the Jesse Doss Survey, Abstract No. 441 and the John H. Havens Survey, Abstract No. 685 and the S. C. H. Witten Survey, Abstract No. 1734, City of Colleyville, Tarrant County, Texas. Said 94.254 acre tract of land being a portion of those certain tracts of land as conveyed to B. Harrington in Cause No. 90435, Minutes of District Court, 17th Judicial District, Tarrant County, Texas, as recorded in Volume 6846, Page 1211, Deed Records, Tarrant County, Texas. Together with a remainder portion of that certain tract of land as conveyed to B. Harrington as 2nd tract, as recorded in Volume 1119, Page 165, said Deed Records. Together with that certain tract of land as conveyed to Bryant Harrington Estate, as recorded in Volume 4845, Page 656, said Deed Records. Together with a strip of land lying south of and adjacent to Lot 49, Block 6, of Woodland Hills, First Filing, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Volume 388-166, Page 44, Plat Records, Tarrant County, Texas. save and accept that portion of said Bryant Harrington Estate lying within the plats of Prestwick Park, said property being that tract awarded to John H. Matthews in Cause No. 141-54292-79, Minutes of District Court, 141st Judicial District, Tarrant County, Texas, as recorded in Volume 48, Page 772, District Court Records; said subject property being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found, being in the North line of Cheek-Sparger Road, a variable width public right-of-way. Also being the occupied Southwest corner of the said 54.65 acre tract, from which the Southeast corner of Lot 123, Block 6, Woodland Hills, Sixth Filing, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Volume 388-166, Page 46, said Plat Records, bears North 00 degrees 01 minutes 23 seconds West, 20.45 feet;

THENCE: North 00 degrees 46 minutes 57 seconds West, along the west line of said 54.65 acres tract, the east line of said block 6, Woodland Hills, Sixth Filing, and continuing along the east line of Block 6, Woodland Hills, Second Filing, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Volume 388-165, Page 45, said Plat Records, and continuing along the east line of Block 6, of said Woodland Hills, First Filing, at 2658.47 feet passing the Northwest corner of said Doss Survey and continuing a total distance of 2697.22 feet to a fence corner @ a 25" Oak tree in the south line of Lot 49, Block 6 of said Woodland Hills, First Filing;

THENCE: South 89 degrees 33 minutes 40 seconds East, with the south line of said Lot 49, Block 6, Woodland Hills, First Filing, 585.41 feet to a 1/2 inch iron rod set, capped "RDS, INC", near a 34 inch Pecan tree, being the most Southeasterly corner of said Lot 49, Block 6, Woodland Hills, First Filing and in the northwest line of said B. Harrington, 2nd tract;

THENCE: North 43 degrees 46 minutes 36 seconds East, with said northwest line of said B. Harrington, 2nd tract and the East line of said Lot 49, Block 6, Woodland Hills, a distance 445.98 feet to the most Northeasterly easterly corner of said Lot 49, Block 6, and being in the most southerly southeast line of Lot 4, Block 1, Prestwick Park South, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 279, said Plat Records;

THENCE: South 59 degrees 42 minutes 36 seconds East, along said southeast line of Lot 4, Block 1, and with said northeast line of said B. Harrington, 2nd tract, a distance of 88.72 feet to a 1/2 inch iron rod set, capped "RDS, INC";

THENCE: With the East line of said Block 1, Prestwick Park South, as follows:

North 00 degrees 37 minutes 47 seconds West, 64.70 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 01 degrees 59 minutes 39 seconds West, 74.93 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 02 degrees 56 minutes 42 seconds West, 83.35 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 01 degrees 51 minutes 24 seconds West, 92.89 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 00 degrees 33 minutes 11 seconds West, 123.38 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 00 degrees 47 minutes 51 seconds West, 124.58 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 01 degrees 03 minutes 11 seconds East, 62.72 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 00 degrees 37 minutes 10 seconds West, 55.83 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 00 degrees 20 minutes 03 seconds West, 108.06 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 00 degrees 02 minutes 47 seconds East, 62.20 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 00 degrees 47 minutes 33 seconds East, 66.75 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 01 degrees 15 minutes 53 seconds West, 73.13 feet to a 1/2 inch iron rod set, capped RDS, INC", being the Northeast corner of Lot 1, Block 1 of said Prestwick Park South and the Southeast corner of Lot 2, Block 3, Prestwick Park, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 165, said Plat Records;

THENCE: Along the east line of Block 3 and Block 2, said Prestwick Park, as follows:

North 00 degrees 27 minutes 33 seconds West, 163.28 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 00 degrees 42 minutes 30 seconds West, 238.36 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 00 degrees 52 minutes 24 seconds West, 235.30 feet to a 1/2 inch iron rod set, capped RDS, INC";

North 00 degrees 53 minutes 29 seconds West, 89.25 feet to a 1/2 inch iron rod found, being the North line of aforesaid Bryant Harrington Estate tract, also being South line of that certain tract of land conveyed to Samuel Mason Harrington by Spauld Warrany Deed, as recorded in Volume 7370, Page 169, Deed Records of Tarrant County, Texas, from which the Southwest corner of said tract bears South 89 degrees 18 minutes 22 seconds West, 2.42 feet;

THENCE: North 89 degrees 18 minutes 22 seconds East, along the North line of said Bryant Harrington Estate tract and the South line of said Samuel Mason Harrington tract, a distance of 907.96 feet to a PK Nail set;

THENCE: South 03 degrees 06 minutes 24 seconds West, a distance of 3.23 feet to a PK Nail set;

THENCE: North 89 degrees 22 minutes 03 seconds East, along the North line of said Bryant Harrington Estate tract, a distance of 20.39 feet to a 1 inch metal disk found, being the Southwest corner of that Heritage Towne Crossing, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 7743, said Plat Records, also being the Northeast corner of the occupied Heritage Avenue Easement, a 50 foot wide right-of-way for Cheek-Sparger Road, now Heritage Avenue, as recorded in Volume 2, Page 125 of the Commissioners Court Clerk Records, Tarrant County, Texas;

THENCE: With the East right-of-way line of said Heritage Avenue, as follows:

South 04 degrees 24 minutes 56 seconds West, a distance of 735.56 feet to an "X" cut found, being the beginning of a curve to the right whose radius is 1119.55 feet and whose long chord bears South 17 degrees 06 minutes 02 seconds West, 532.86 feet;

THENCE: along said curve to the right and along the West line of that certain tract of land as conveyed to Glade 121, LPI, as recorded in Clerk's File No. D205241917, said Deed Records, through a central angle of 27 degrees 32 minutes 05 seconds, an arc length of 538.03 feet to a 1 inch Disk, being the end of said curve;

South 30 degrees 17 minutes 13 seconds West, along the East line of said Heritage Avenue Easement and along said Glade 121 tract, a distance of 515.96 feet to a 1 inch Disk found, being the beginning of a curve to the left whose radius is 2824.73 feet and whose long chord bears South 22 degrees 21 minutes 00 seconds West, 783.87 feet;

THENCE: along said curve to the left and along said East line of Heritage Avenue Easement and said Glade 121, through a central angle of 15 degrees 57 minutes 04 seconds, an arc length of 786.41 feet to a 1/2 inch iron rod found, being the end of said curve;

South 14 degrees 19 minutes 43 seconds West, along said East line of Heritage Avenue Easement and Glade 121, a distance of 308.20 feet to a 1 inch Disk found, being the beginning of a curve to the left whose radius is 1193.25 feet and whose long chord bears South 09 minutes 01 seconds West, 379.59 feet;

THENCE: along said curve to the left and along said East line of Heritage Avenue Easement and said Glade 121, through a central angle of 18 degrees 18 minutes 16 seconds, an arc length of 381.21 feet to a 1 inch Disk found, being the end of said curve;

South 01 degrees 49 minutes 50 seconds East, along said East line of Heritage Avenue Easement and Glade 121, a distance of 786.93 feet to a 1/2 inch iron rod set, capped "RDS, INC", being the beginning of a curve to the right whose radius is 843.49 feet and whose long chord bears South 33 degrees 13 minutes 54 seconds West, 968.49 feet;

THENCE: along said curve to the right and along the said East line of Heritage Avenue Easement, through a central angle of 70 degrees 04 minutes 22 seconds, an arc length of 1031.59 feet to a 5/8 inch iron rod found, being the end of said curve in the North line of the aforementioned Cheek-Sparger Road;

THENCE: South 88 degrees 09 minutes 50 seconds West, along said North line of Cheek-Sparger Road, a distance of 263.50 feet to a 5/8 inch iron rod found, being the beginning of a curve to the right whose radius is 793.50 feet and whose long chord bears South 88 degrees 09 minutes 50 seconds West, 47.12 feet;

THENCE: along said curve to the right and along said North line of Cheek-Sparger Road, through a central angle of 03 degrees 24 minutes 09 seconds, an arc length of 172.12 feet to a 5/8 inch iron rod found, being the end of said curve;

THENCE: South 89 degrees 30 minutes 23 seconds West, along the said North line of Cheek-Sparger Road, a distance of 127.13 feet to the Point of Beginning and containing 94.254 acres of which 5.907 acres lies in the said Heritage Avenue right-of-way easement. Leaving 88.347 net acres of land, more or less.

TRACT II

BEING a 2.767 acre tract of land situated in the Jesse Doss Survey, Abstract No. 441 and the John H. Havens Survey, Abstract No. 685 and the S. C. H. Witten Survey, Abstract No. 1734, City of Colleyville, Tarrant County, Texas. Said 2.767 acre tract of land being a portion of those certain tracts of land as conveyed to B. Harrington in Cause No. 90435, Minutes of District Court, 17th Judicial District, Tarrant County, Texas, as recorded in Volume 6846, Page 1211, Deed Records, Tarrant County, Texas. Together with a remainder portion of that certain tract of land as conveyed to B. Harrington as 2nd tract, as recorded in Volume 1119, Page 165, said Deed Records. Together with that certain tract of land as conveyed to Bryant Harrington Estate, as recorded in Volume 4845, Page 656, said Deed Records. Together with a strip of land lying south of and adjacent to Lot 49, Block 6, of Woodland Hills, First Filing, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat recorded in Volume 388-166, Page 44, Plat Records, Tarrant County, Texas. save and accept that portion of said Bryant Harrington Estate lying within the plats of Prestwick Park, said property being that tract awarded to John H. Matthews in Cause No. 141-54292-79, Minutes of District Court, 141st Judicial District, Tarrant County, Texas, as recorded in Volume 48, Page 772, District Court Records; Said 2.767 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found, being in the North line of Cheek-Sparger Road, a variable width public right-of-way. Also being the most Southeast corner of that certain Heritage Avenue Easement, a 50 foot wide right-of-way for Cheek-Sparger Road, now Heritage Avenue, as recorded in Volume 2, Page 125 of the Commissioners Court Clerk Records, Tarrant County, Texas. Being the beginning of a non tangent curve to the left whose radius is 843.49 feet and whose long chord bears North 33 degrees 13 minutes 54 seconds East, 968.49 feet;

THENCE: along said curve to the left and along the East right-of-way line of said Heritage Avenue, through a central angle of 70 degrees 04 minutes 22 seconds, an arc length of 1031.59 to a 1/2 inch iron rod set, capped "RDS, INC", being in the East line of the said Heritage Avenue Easement, a roadway being used by the public, being the end of said curve. Said iron rod being in the East line of the said Bryant Harrington Tract, also being in the West line of that certain tract of land as conveyed to David M. Glenn, as recorded in Volume 14649, Page 298, said Deed Records;

THENCE: South 01 degrees 49 minutes 50 seconds East, along said East line of Bryant Harrington Tract, a distance of 809.40 feet to a 1/2 inch iron rod set, capped "RDS, INC", being in the occupied North line of the said Cheek-Sparger Road, also being the beginning of a non tangent curve to the left whose radius is 1058.63 feet and whose long chord bears North 86 degrees 40 minutes 02 seconds West, 196.44 feet;

THENCE: along said curve to the left and along the said North line of Cheek-Sparger Road through a central angle of 10 degrees 38 minutes 50 seconds, an arc length of 196.72 feet to a 1/2 inch iron rod set, capped "RDS, INC", being the end of said curve in the North line of said Cheek-Sparger Road;

THENCE: South 87 degrees 56 minutes 47 seconds West, along the said North line of Cheek-Sparger Road, a distance of 360.72 feet to the Point of Beginning and containing 2.767 acres of land, more or less.

HERITAGE TOWN CROSSING
CAB A. SL 7744

Surveyor:
Ronald D. Smith Surveyor, Inc.
P.O. Box 1679
Forney, Texas 75126
972-564-9840

Applicant:
Terra/Manna, LLC
395 W SH 114, Suite 300
Southlake, Texas 76092
Contact: Paul Spain

Owners:
Terra Manna, LLC
395 W SH 114, Suite 300
Southlake, Texas 76092

Creekside Colleyville Investments LLC
395 W SH 114, Suite 300
Southlake, Texas 76092

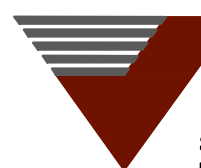
Standard Pacific of Texas, Inc.
909 Lake Carolyn Parkway, Suite 1700
Irving, Texas 75039

Henley USA LLC
11100 Main Street, Suite 100
Bellevue, Washington 98004

PRELIMINARY PLAT CREEKSIDE AT COLLEYVILLE PHASE TWO

94.25 acres in the
JESSE DOSS SURVEY, A-441,
JOHN H. HAVENS SURVEY, A-685
AND THE S.C.H. WITTEN SURVEY, A-1734
CITY OF COLLEYVILLE
TARRANT COUNTY, TEXAS

6 December 2013
SHEET 2 OF 2

 **J. VOLK**
consulting
800 East Campbell Road, Suite 120
Richardson, Texas 75081
972.201.3100 Texas Registration No. F-11962

ORDINANCE O-07-1645

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 108.5 ACRES OUT OF THE ELIZABETH COX SURVEY, ABSTRACT 352, THE JOHN H. HAVENS SURVEY, ABSTRACT 685, THE JESSE DOSS SURVEY, ABSTRACT 441, AND THE S.C.H. WITTEN SURVEY, ABSTRACT 1734, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO PUDR-PLANNED UNIT DEVELOPMENT RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. Z-07-008; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after

holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance by reference as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 from the AG-Agricultural zoning district to PUDR-Planned Unit Development Residential zoning district, as depicted on Exhibit "A" labeled Location and Zoning Map and as described on Exhibit "B" labeled Legal Description.
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUDR is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 2.4 dwelling units per acre.
- b. Commercial lots shall be permitted along the frontage of Heritage Avenue.
- c. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where specifically amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

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

- b. The developer shall submit and receive approval from the City, a Preliminary and Final Plat in accordance with the requirements of the Land Development Code prior to development of this PUDR.

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

Planning Area "A"

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

Planning Area "B"

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

- | | |
|----------------------------|---------|
| h. Maximum Building Height | 40 feet |
| i. Maximum Lot Coverage | 65% |

5. OPEN SPACE

- a. A 10 foot wide landscape buffer shall be designated along the entire western property line. No structures may be constructed within the landscape buffer. The landscape buffer shall be incorporated in the rear lots of Planning Area "A".
- b. Open space lots shall be maintained by the Homeowners Association.
- c. The following amenities are permitted in the open space lots: picnic tables, benches, playground equipment, concrete and crushed granite walking paths, a gazebo, an arbor, other garden type built elements including a fireplace, fountains, lights and a dock and pier. These amenities shall be owned and maintained by a homeowners association.

6. PRIVATE SIDEWALKS AND STREETS

- a. A ten (10) foot wide concrete trail approximately 1.2 miles long shall be constructed on-site along with all other public improvements as part of this development between Glade Road and Cheek Sparger Road. Such trail shall be consistent with the City's then existing Master Trail Plan.

7. SCREENING

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

8. OTHER

- a. Ingress and Egress from Winewood Place shall be restricted to access by emergency vehicles only.
- b. The number of lots allowed with frontage on a cul-de-sac street shall adhere to the requirements of the Land Development Code.
- c. The portion of the development located south of Little Bear Creek shall have a minimum of two (2) points of public vehicular ingress and

egress from Cheek Sparger Road and/or Heritage Avenue.

- d. There shall be no direct access onto Glade Road from this development.
- e. There shall be no single family uses allowed adjacent to Heritage Avenue where there are, as of the passage of this ordinance, existing commercial uses directly across Heritage Avenue within the City of Euless.
- f. Retaining walls that are adjacent to residential lots shall be constructed with a stone facade.

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

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the _____ day of _____ 2007.

The second reading and public hearing being conducted on the _____ day of _____ 2007.

ATTEST:

CITY OF COLLEYVILLE

Cynthia Singleton, TRMC, CMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" Location and Zoning Map

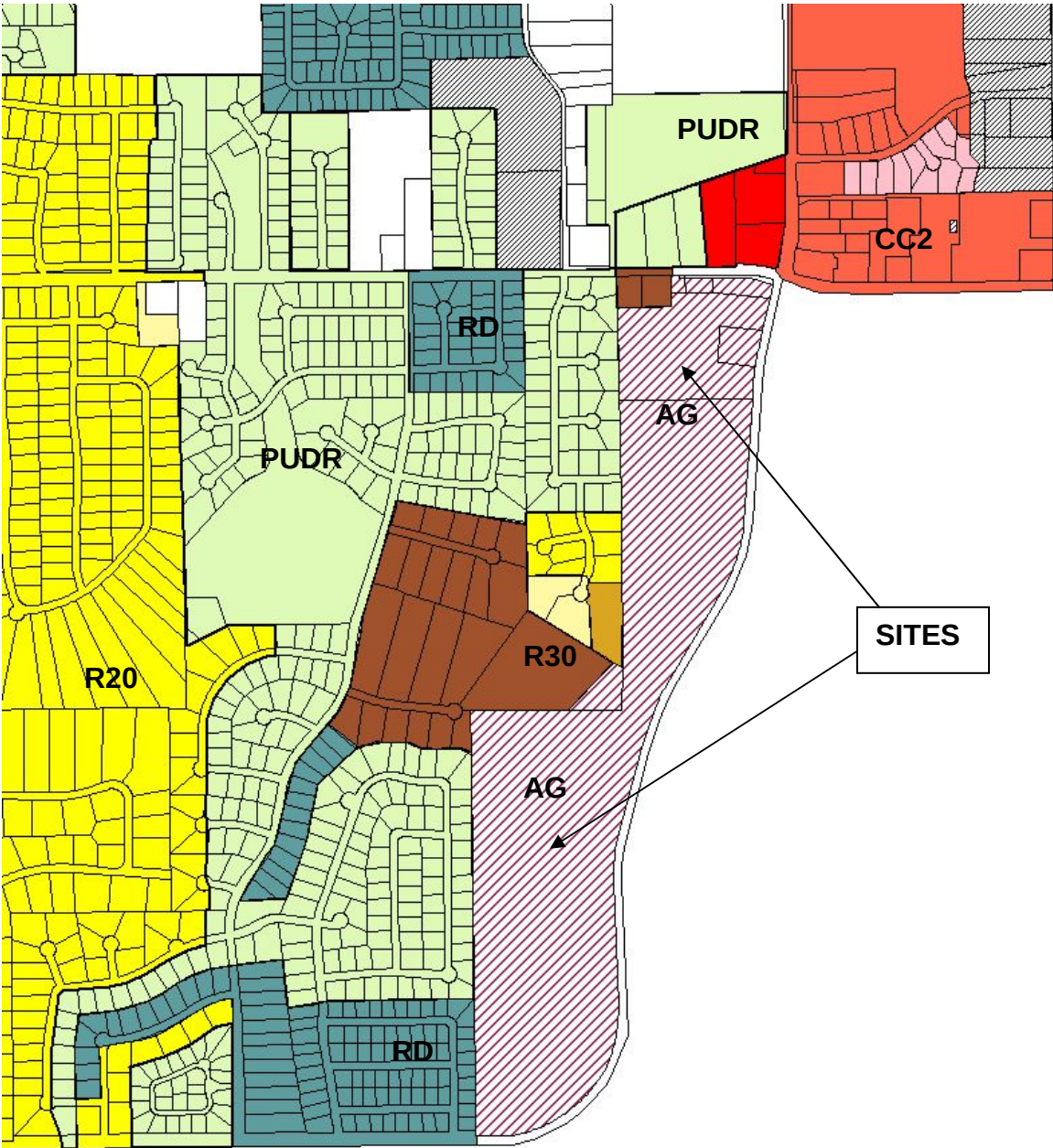


Exhibit "B" Legal Description

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECEIVED

FEB 06 2007

Per

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

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

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

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

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

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

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

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

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

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

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

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

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

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

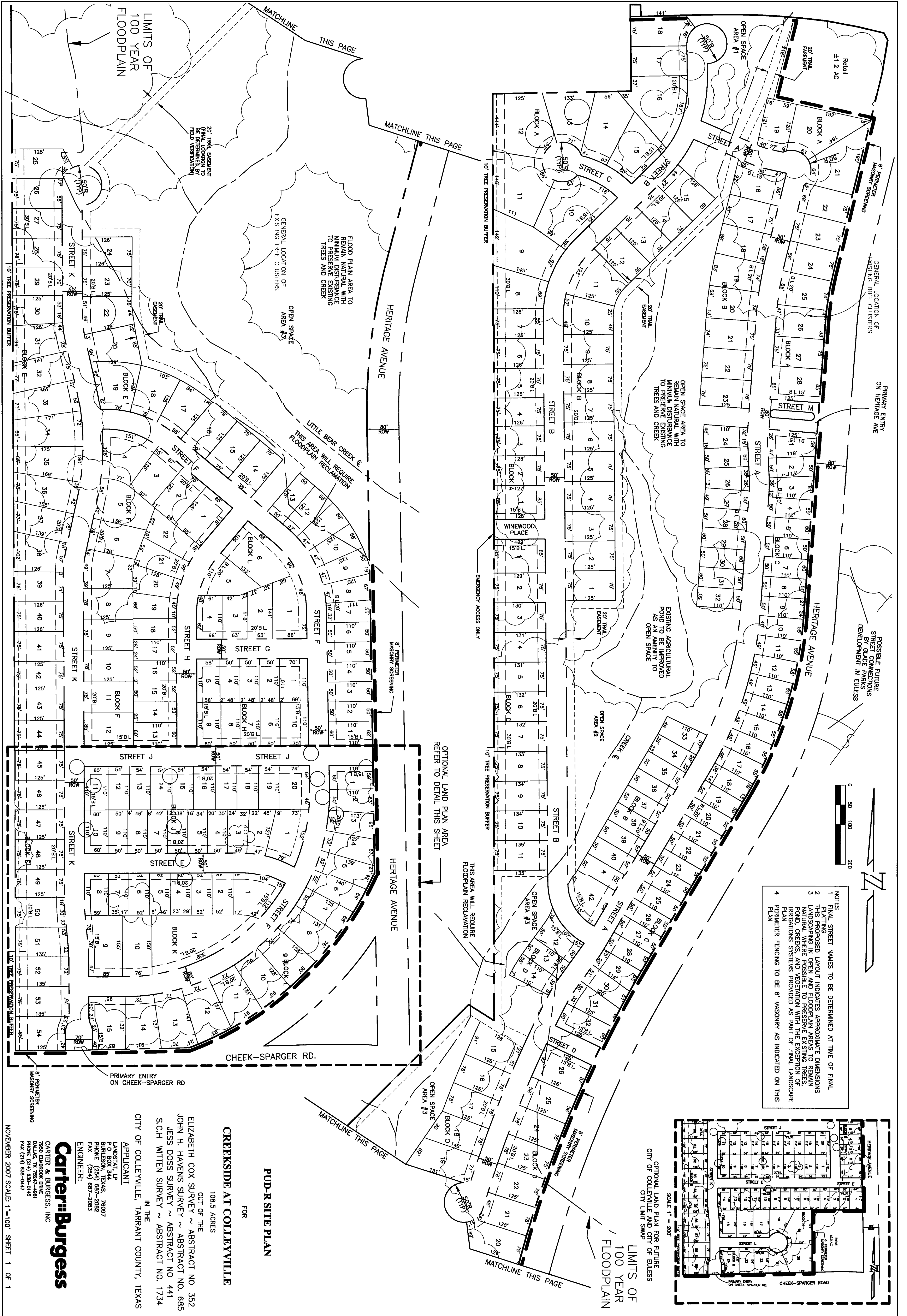
THENCE N 89°23'34" E, A DISTANCE OF 195.12 FEET TO A POINT FOR CORNER;

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

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

Exhibit "C" - Conceptual Site Plan

I:\SLD\02421300\GRA\Creekside@Colleyville\CatCVla02.dwg, 11/9/2007 10:10 AM, Marotz, Jake



CREEKSID AT COLLEYVILLE

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

STATE OF TEXAS §
§
COUNTY OF TARRANT §

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

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

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

WHEREAS, Colleyville and Euless are adjacent; and

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

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

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

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

SECTION 1.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

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

SECTION 11.

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

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

CITY OF COLLEYVILLE, TEXAS

By: David Kelly
David Kelly, Mayor

ATTEST:

By:

Cynthia Singleton, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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

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

CITY OF EULESS

By: Mary Lib Saleh
Mary Lib Saleh, Mayor

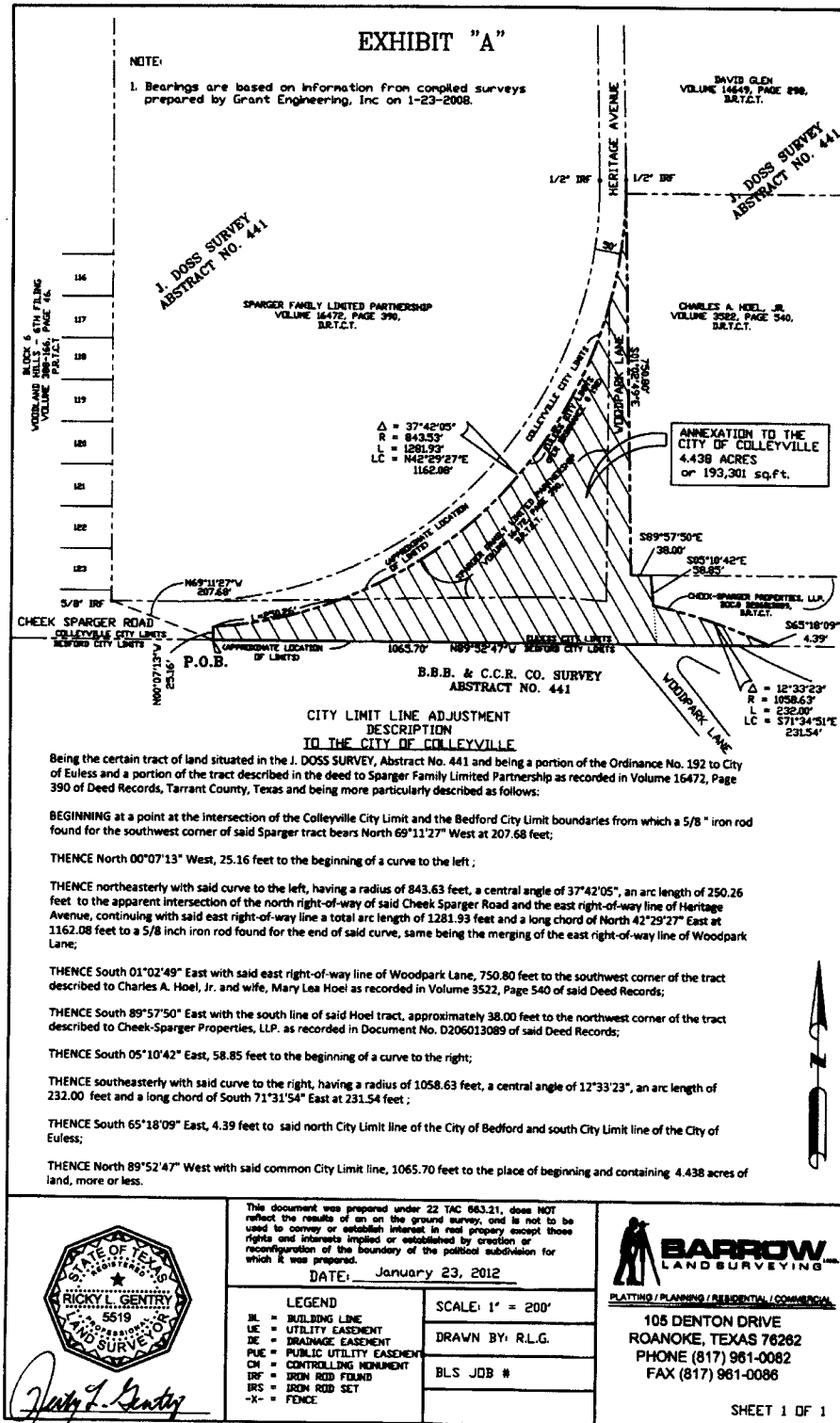
ATTEST:

By: Kim Sutter
Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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

EXHIBIT A "TRACT A"



ORDINANCE O-13-1866

AN ORDINANCE AMENDING ORDINANCE O-07-1645 CONDITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the applicant has requested an amendment to Ordinance O-07-1645 to further amend the commercial zoning requirements at the southwest corner of Glade Road and Heritage Avenue; to amend the trail location requirements within the development; and to submit a detailed site plan for 14.75 acres of the development per the requirements of Section 4(2)a under Ordinance O-07-1645, under Case ZC12-031; and

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-07-1645 conditions.
- Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending the zoning and development requirements on 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 as depicted on the attached Exhibit "A".
- Sec. 4. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 5. THAT the above described tract of land shall be subject to the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

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

2. GENERAL AMENDMENTS

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

- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT all provisions of Ordinance O-07-1645 and the Land Development Code shall remain in full force and effect, except where amended herein.
- Sec. 10. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 19th day of February 2013.

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

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

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit “A” –Location and Zoning Map

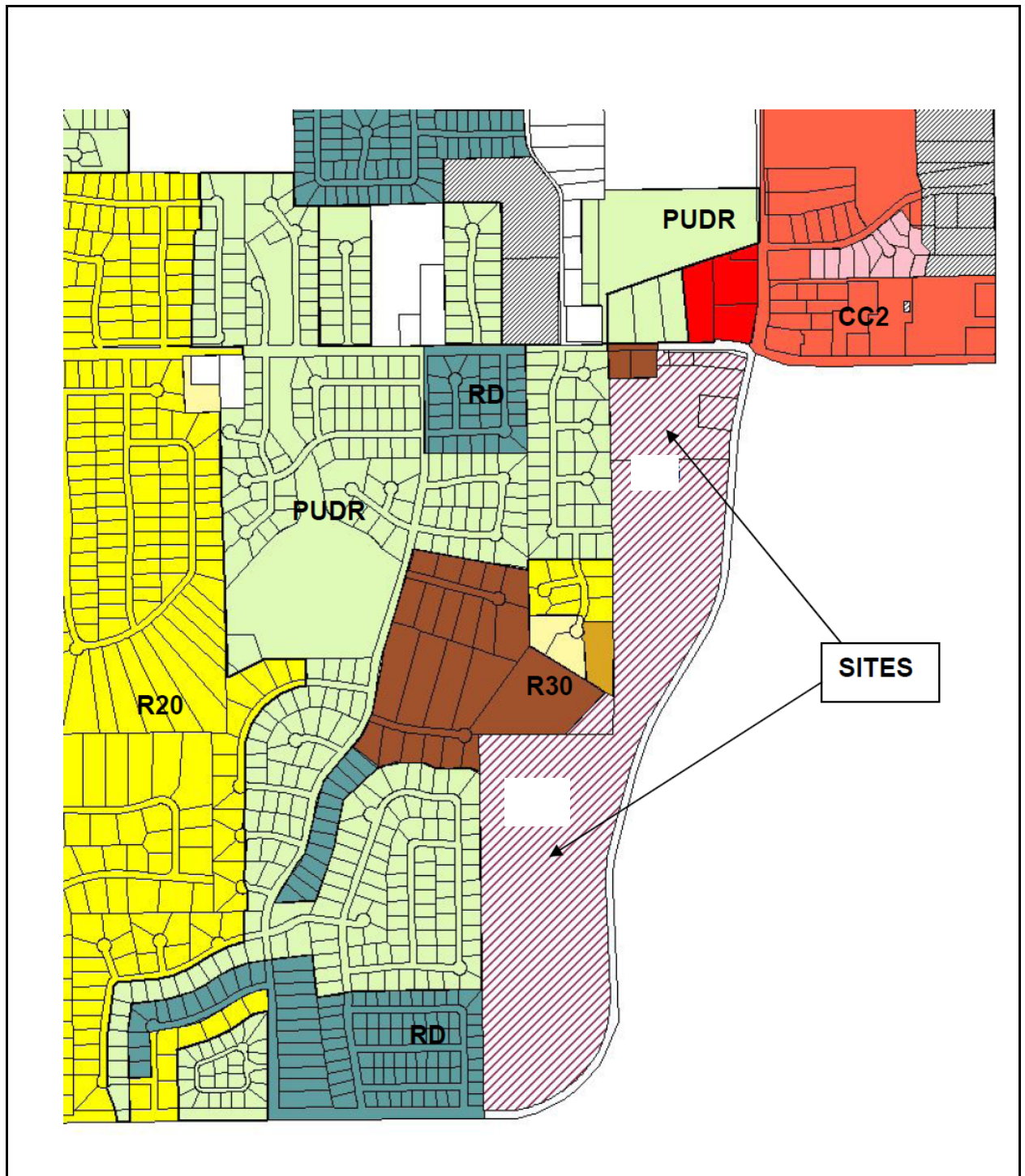
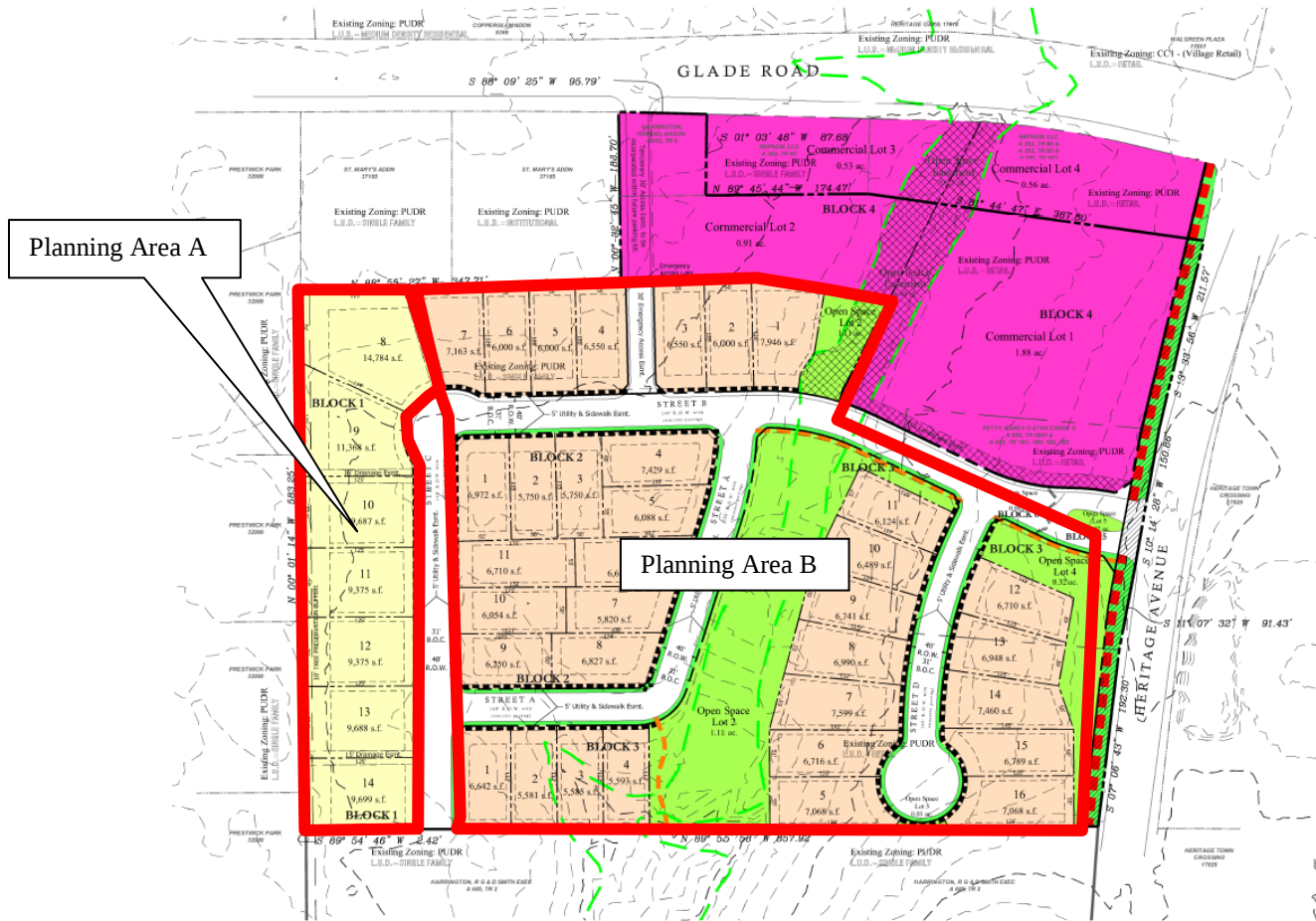


Exhibit "B" Detailed Site Plan



ORDINANCE O-13-1899

AN ORDINANCE AMENDING ORDINANCE O-07-1645 AND ORDINANCE O-13-1866 CONDITIONS AND AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 4.4 ACRES LOCATED IN THE JESSE DOSS SURVEY AT THE NORTHWEST CORNER OF CHEEK-SPARGER ROAD AND HERITAGE AVENUE FROM THE AG-AGRICULTURAL DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-07-1645 on November 27, 2007, to establish the zoning of 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 under case Z-07-008; and

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

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

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

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

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

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

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

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

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

Planned Unit Development Residential District, as depicted in the attached Exhibit "A" and described in Exhibit "B".

Sec. 4. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.

Sec. 5. THAT the above described tract of land shall be subject to the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

- a. Exhibit "C" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a and Ordinance O-13-1866 Section 5(1)b. A full size copy of the site plan shall be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan shall be kept in the plat file for this development. The phase two final plat shall be consistent with Exhibit "C".

2. GENERAL AMENDMENTS

- a. Section 5(2)e of Ordinance O-13-1866 is hereby deleted.
- b. The developer may enter into a City/Developer Agreement with the City of Colleyville for any required public improvements, in conjunction with this development. Said agreement, if submitted, shall be approved and executed prior to the filing of the final plat for phase two of the development.
- c. Prior to the issuance of a building permit for the 1.9 acre commercial tract shown at the southwest corner of the development on Exhibit C, the developer shall submit a detailed site plan which shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with Ordinance O-07-1645 and any subsequent amendments, and may also be required to show additional conditions provided in Section 3.23 M.b. of the Land Development Code. Further, such detailed site plan(s) shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

- d. Section 4(7)b of Ordinance O-07-1645 is hereby amended to read as follows: A six (6) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road and Cheek Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. The standards and detail for such wall shall be included as part of the detailed Site Plan and shall, otherwise, meet the requirements of the Land Development Code.
 - e. Except as noted in subsection “d” above and Section 4(7)a and “c” in Ordinance O-07-1645, all fences shall be constructed per Exhibit D.
 - f. Section 5(2)c of Ordinance O-13-1866 is hereby amended to read as follows: The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map shall be constructed by the developer along the west side of Heritage Avenue prior to the acceptance of public improvements and shall connect to all other trails noted on the 2005 Colleyville Pathways Plan with the following exceptions: The developer may escrow the cost of constructing the trail in lieu of actual construction only for the portion of the trail that traverses the Little Bear Creek floodplain. If the developer chooses to escrow said funds, the developer shall build a minimum four (4) foot wide sidewalk across Little Bear Creek that links the internal sidewalks in the portion of the development that is south of Little Bear Creek to the internal sidewalks in the portion of the development that is north of Little Bear Creek. Said sidewalk connection shall link to Trail 24 on both sides of Little Bear Creek within a public pedestrian access easement, which shall be dedicated on the final plat(s) for the development.
- Sec. 6. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 7. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

- Sec. 8. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 9. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 10. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.
- Sec. 11. THAT Ordinance O-07-1645 and Ordinance O-13-1866 shall remain in full force and effect, except where amended by this ordinance.

AND IT IS SO ORDERED.

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

The second reading and public hearing being conducted on the 17th day of December 2013.

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

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" –Location and Zoning Map

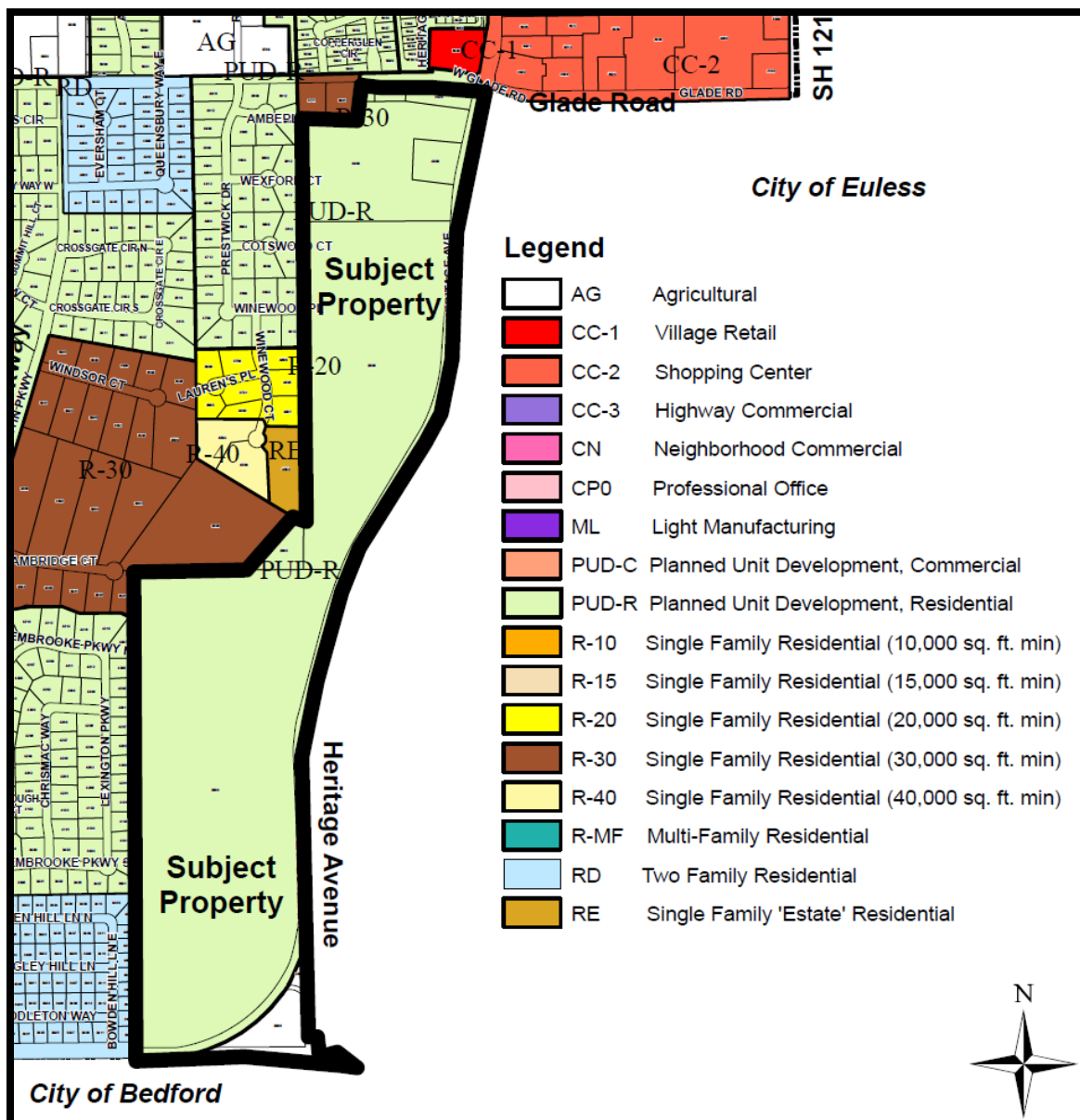


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

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

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

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

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

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

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

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

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

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

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

Exhibit "C" Detailed Site Plan – Page 2



Exhibit "D" Fencing Plan

- 6' Iron Fence
- 6' Masonry Wall
- 6' Wood Fence
- Retain Existing Fence
or New 6' Wood Fence
- 8' Masonry Wall

