



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, February 24, 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: Commissioner Davis
PLEDGE OF ALLEGIANCE**

- 1. APPROVAL OF MINUTES**
February 10, 2014
- 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA AS A PUBLIC HEARING ITEM**
- 3. REGULAR AGENDA ITEMS**

- 3a** Approval of a preliminary/final plat on Lots 1 & 2, Block 1, and Lots 1, 2, 3, & 4, Block 2, Pecan Park III Addition, located on 6113 Waller Lane, Case PC14-001
- 3b** Approval of a preliminary plat on 97 acres of 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 21, 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
Colleyville, Texas 76034
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Agenda Number	Agenda Date 02/24/2014	Number
Type Approval of Minutes		
Department Community Development		

Title

February 10, 2014

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - February 10, 2014



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
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Monday, February 10, 2014

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Vice-Chairman Knox on January 27, 2014 at 7:06 p.m.

Roll Call

Present: Commissioners Carel Tornes, Jim Gotcher, Don Davis, David Phelps and Vice-Chairman Larry Knox

Absent: Commissioner David Wheelwright and Chairman Byerly

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

1. APPROVAL OF MINUTES

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

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

Aye: 5 –Tornes, Gotcher, Davis, Phelps, and Knox

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

Mary Elliott presented the case and briefed the Commission.

Gordon Pulis, applicant, came forward on behalf of Braum's and

briefed the Commission.

Commissioner Gotcher questioned Mr. Pulis regarding whether there had been any issues with pedestrians walking down Mill Valley Drive and trying to cross State Highway 26 to access the restaurant. Mr. Pulis replied not that he was aware of.

Commissioner Phelps questioned Mr. Pulis regarding whether the proposed remodel would be contained within the existing footprint of the building. Mr. Pulis replied yes.

Commissioner Phelps questioned Mr. Pulis regarding whether he was aware of any contact with the Texas Department of Transportation regarding the relocation of the Braum's driveways. Mr. Pulis replied they have not been contacted regarding this matter by anyone.

Commissioner Phelps questioned Mr. Pulis regarding whether he would have any objections to being required to construct the Mill Valley Drive sidewalk. Mr. Pulis replied he did not believe there would be any objections to building the sidewalk along Mill Valley Drive, however, he believes there are some elevation issues in that location. Mr. Pulis further stated they would comply with any requirements the Commission approved.

Commissioner Gotcher questioned Mr. Pulis regarding whether he was in agreement with the interpretation that the remodel was valued at more than 50 percent of the property value, thus making the sidewalk a requirement. Mr. Pulis replied he agrees with the interpretation.

Commissioner Phelps made a motion to deny the waiver for the sidewalk located along Mill Valley Drive and to allow escrow for the sidewalk along State Highway 26 for Case GC14-002. Commissioner Gotcher seconded.

Discussion occurred amongst the Commission regarding a motion and which portions of a sidewalk should be constructed.

The motion to deny the waiver for the sidewalk located along Mill Valley Drive and to allow escrow for the sidewalk along State Highway 26 for Case GC14-002 failed by the following vote:

Aye: 2 – Gotcher and Phelps

Nay: 3 – Tornes, Davis, and Knox

Commissioner Tornes made a motion to deny Case GC14-002 with the condition that escrow be paid in lieu of construction. Commissioner Davis seconded.

The motion to deny Case GC14-002 with the condition that escrow be paid in lieu of construction carried by the following vote:

Aye: 4 – Tornes, Gotcher, Davis, and Knox

Nay: 1 - Phelps

- 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

Ron Ruthven stated staff recommends this item be continued to the next scheduled Planning and Zoning Commission meeting on February 24, 2014 at the recommendation of the City Attorney.

Commissioner Davis made a motion to continue Case PC13-027 to the next Planning and Zoning Commission meeting on February 24, 2014. Commissioner Gotcher seconded.

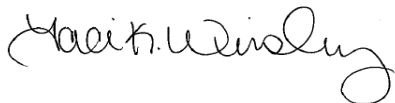
The motion to continue Case PC13-027 to the next Planning and Zoning Commission meeting on February 24, 2014 carried by the following vote:

Aye: 5 –Tornes, Gotcher, Davis, Phelps, and Knox

4. ADJOURNMENT

The meeting adjourned at 7:21 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on February 24, 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 02/24/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a preliminary/final plat on Lots 1 & 2, Block 1, and Lots 1, 2, 3, & 4, Block 2, Pecan Park III Addition, located on 6113 Waller Lane, Case PC14-001

Explanation

Matt Hibbitt with Spry Surveyors is requesting approval of a preliminary/final plat to create six single family lots on 4.538 acres, located at 6113 Waller Lane. The four lots that front Ponderosa Street are currently vacant. The two lots that front Waller Lane include a single family residence and an accessory structure. The owner intends to remove the existing structures.

Zoning. The subject property is zoned R-20-Single Family Residential district.

Lot Dimensions and Setbacks. The R-20-Single Family Residential zoning regulations require a minimum lot size of 20,000 square feet with a minimum lot width of 100 feet, and lot depth of 125 feet. Per Section 3.24 G, Schedule of District Regulations, the following residential zoning standards apply:

Minimum Front Yard Setback: 30 feet

Minimum Side Yard Setback: 10 feet

Minimum Rear Yard Setback: 25 feet

Maximum Lot Coverage: 30 percent

Street Design. Variable width right-of-way is being dedicated to connect the Ponderosa Street stub out to the north (50 foot wide) with the Ponderosa Street stub out (60 foot wide). Additional right-of-way is being dedicated to provide 50 feet of right-of-way for Waller Lane. These two (2) streets will be public streets and will meet the minimum requirements of the Land Development Code.

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

Development Fees. Park land dedication fees are required, in the amount of \$1,802 per residential lot, for the six (6) lots where new homes are proposed. 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.

Roadway impact fees are due in the amount of \$4,941 per residential lot, at the time of the building permit application, which will total \$29,646 for the proposed development.

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.

Trails and Sidewalk System Map and Colleyville Pathways Plan. This area is identified for improvements on the Trails and Sidewalk System Map. The proposed Hardage Cut-through Trail is included in the Colleyville Pathways Plan and intersects with the subject property.

The Hardage Cut-through Trail is a ten foot (10') wide trail extending from Ponderosa Street to Waller Lane that straddles the subject property and the properties to the south. The Colleyville Pathways Plan requires that a pedestrian access easement be dedicated for the five foot (5') wide portion of the trail that would intersect with the subject property.

Under the new amendments to the Land Development Code, Chapter 9, the applicant has the following options: 1) to build the trail, 2) to appeal to staff to dedicate the trail easement, and place money in escrow for future trail construction, or 3) to appeal the trail requirement to City Council. The escrow amount is \$14,290.

Drainage and Stormwater Runoff. As required by the Land Development Code, drainage and engineering plans have been submitted with the proposed plat. Water and sanitary sewer services will be installed as part of the development process. The developer is responsible for the extension of water and sewer service lines to the individual lots.

Summary. The Pecan Park III Addition final plat complies with the requirements of the Land Development Code. Staff recommends approval of the proposed plat. This plat only requires approval by the Planning and Zoning Commission.

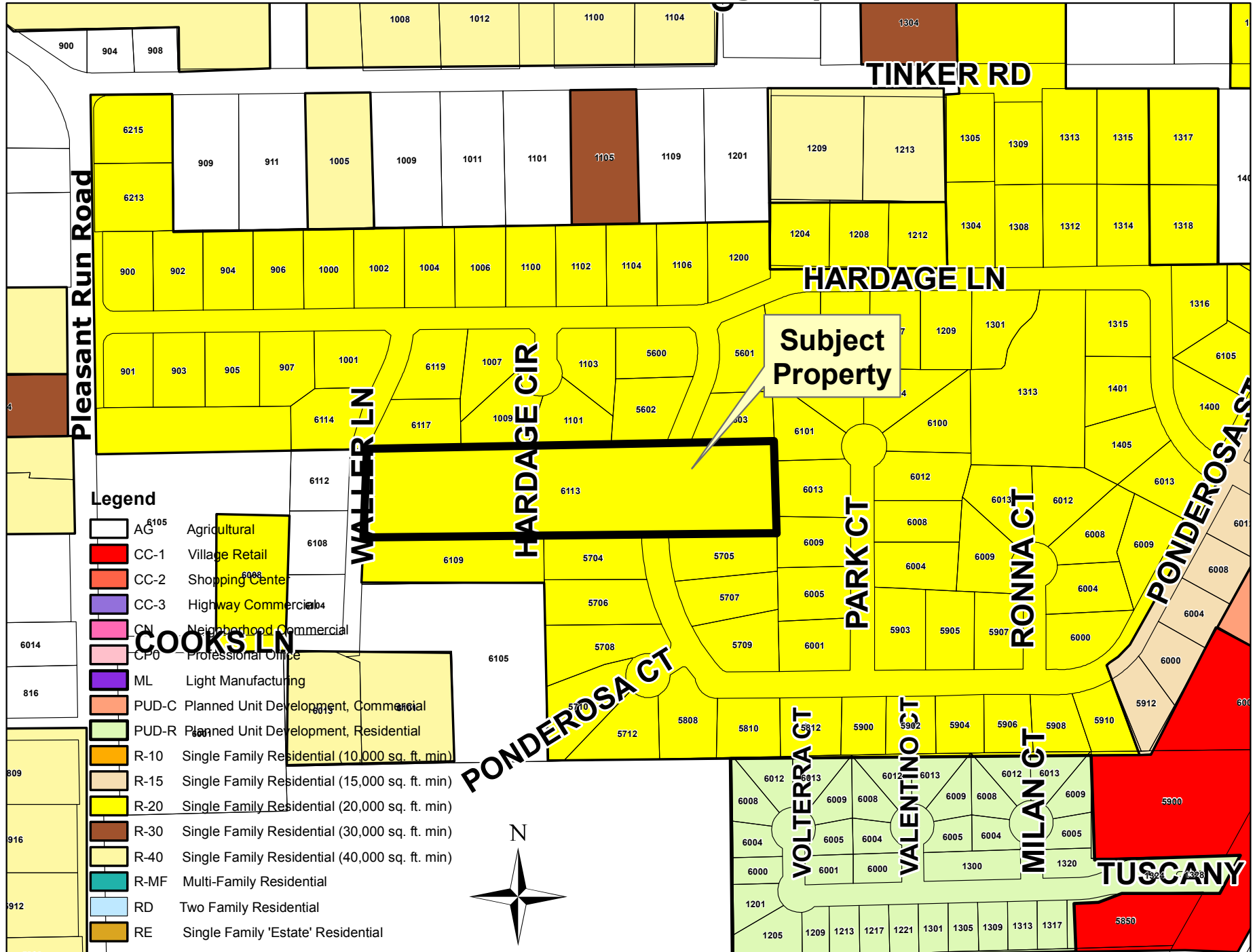
Recommendation

Approve

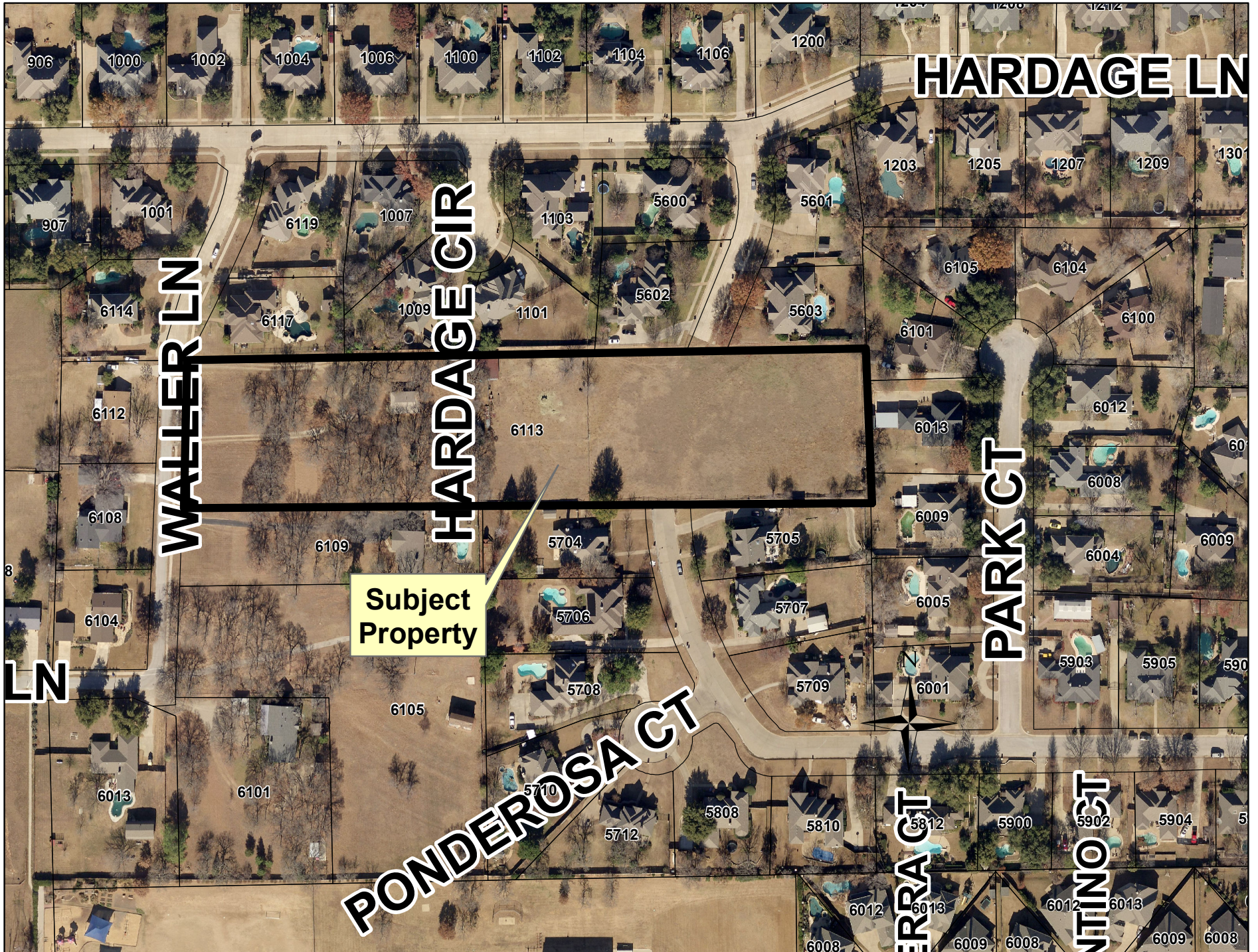
Attachments

1. Location and Zoning Map
2. Aerial
3. Plat Exhibit

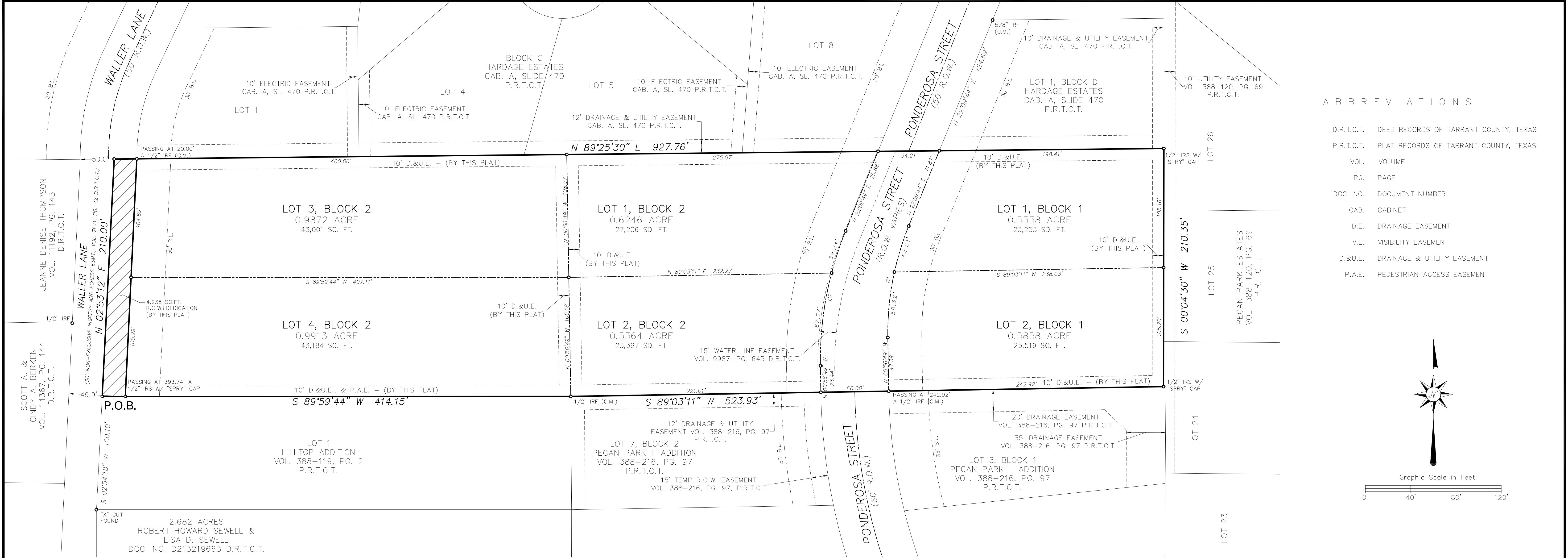
Location and Zoning Map



Aerial

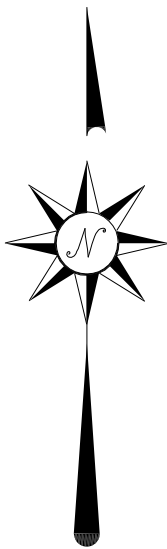


Plat Exhibit



ABBREVIATIONS

D.R.T.C.T.	DEED RECORDS OF TARRANT COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TARRANT COUNTY, TEXAS
VOL.	VOLUME
PG.	PAGE
DOC. NO.	DOCUMENT NUMBER
CAB.	CABINET
D.E.	DRAINAGE EASEMENT
V.E.	VISIBILITY EASEMENT
D.&U.E.	DRAINAGE & UTILITY EASEMENT
P.A.E.	PEDESTRIAN ACCESS EASEMENT



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	250.00'	100.83'	23°06'33"	N 10°36'28" E	100.15'
C2	302.50'	122.01'	121.18'	S 10°36'28" W	23°06'33"

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF TARRANT

Whereas, FLYING H PROPERTY COMPANY, LLC is the owner of all of the called 4.538 acre tract, by virtue of the deeds recorded in Document Number D_____ in the Deed Records of Tarrant County, Texas (D.R.T.C.T.), in the A. J. Caldwell Survey, A-311, City of Colleyville, Tarrant County, Texas, and being more particularly described by metes and bounds as follows (all bearings based on the most southerly line of Hardage Estates, an addition to the City of Colleyville, recorded in Cabinet A, Slide 470 in the Plat Records of Tarrant County, Texas (P.R.T.C.T.)):

BEGINNING at the southwest corner of the herein described tract, common to the northwest corner of Lot 1, Hilltop Addition, recorded in Volume 388-199, Page 2 P.R.T.C.T., from which an "X" in concrete found for the southwest corner of said Lot 1, Hilltop Addition, common to the most northerly northwest corner of the 2.682 acre tract described in the deed to Robert Howard Sewell and Lisa D. Sewell recorded in Document Number D213219663 D.R.T.C.T., bears South 02° 54' 18" West - 100.10', and in the east line of the 30' non-exclusive ingress and egress easement, recorded in Volume 761, Page 42 D.R.T.C.T., commonly known as Waller Lane;

THENCE North 02° 53' 12" East - 210.00' along the east line of said Waller Lane, to the northwest corner of the herein described tract, in the south line of said Hardage Estates;

THENCE North 89° 25' 30" East along the south line of Hardage Estates, passing at a distance of 20.00' a 1/2" iron rod found in the east right-of-way line of Waller Lane (50' R.O.W.), continuing for a total distance of - 927.76' to a 1/2" iron rod with a cap stamped "SPRY" set for the northeast corner of the herein described tract, common to the most southerly southeast corner of said Hardage Estates;

THENCE South 00° 04' 30" West - 210.35' to a 1/2" iron rod with a cap stamped "SRPY" set for the southeast corner of the herein described tract, in the north line of Pecan Park II Addition, recorded in Volume 388-216, Page 97 P.R.T.C.T.;

THENCE South 89° 03' 11" West along the north line of said Pecan Park II Addition, passing at a distance of 242.92' a 1/2" iron rod found in the east right-of-way line of Ponderosa Street (60' R.O.W.), continuing along said north line for a total distance of 523.93' to a 1/2" iron rod found for the northwest corner of said Pecan Park II Addition, common to the northeast corner of said Lot 1, Hilltop Addition;

THENCE South 89° 59' 44" West passing at a distance of 393.74' a 1/2" iron rod with a cap stamped "SPRY" set for the future east right-of-way line of said Waller Lane, continuing for a total distance of 414.15' to the POINT OF BEGINNING and containing 4.538 acres of land.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That FLYING H PROPERTY COMPANY, LLC, the Owner, does hereby adopt this plat designating the hereinbefore described property as Lots 1-2, Block 1, Lots 1-4, Block 2, Pecan Park III Addition, 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 plotting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

Witness our hands this _____ day of _____, 20_____.

_____, President

NOTARY CERTIFICATE

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the 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/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____, 20_____.

Notary Signature

SURVEYOR CERTIFICATE

That I, David Carlton Lewis, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land and the monuments shown hereon were found and/or placed under my personal supervision and in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Colleyville, Texas.

This document shall not be recorded for any purpose. This drawing shall be used for

REVIEW PURPOSES ONLY

David Carlton Lewis
R.P.L.S. No. 5647

Date: February 18, 2014

Surveyor's Signature

NOTES

- Unless otherwise noted, all corners shown hereon are 1/2" iron rods set with a cap stamped "SPRY".
- Selling a portion of this addition by metes and bounds is a violation of the city Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building permits.
- According to the Flood Insurance Rate Map No. 48439C0095 K, published by the Federal Emergency Management Agency, dated: September 25, 2009, the surveyed property shown hereon does not lie within any special flood hazard area inundated by the 100-year flood.



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

PURPOSE OF PLAT
The purpose of this plat is to develop the 4.538 acre tract into a six lot residential subdivision.

A PRELIMINARY / FINAL PLAT OF
LOTS 1-2, BLOCK 1, & LOTS 1-4, BLOCK 2
PECAN PARK III ADDITION

AN ADDITION TO THE CITY OF COLLEYVILLE,
WHICH IS 4.538 ACRES
IN THE A. J. CALDWELL SURVEY, A - 331
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

OWNER: Flying H Property Company, LLC
6617 Precinct Line Road, Ste 200
North Richland Hills, TX 76182
Phone: 214-268-0408

ENGINEER: Hamilton Duffy, P.C.
E.S.&C.M., Inc.
8241 Mid-Cities Blvd., Ste.100
North Richland Hills, TX 76182
Phone: 817-268-0408
Fax: 817-284-8408

SURVEYOR: Spry Surveyors
8241 Mid-Cities Blvd., Ste.100
North Richland Hills, TX 76182
Phone: 817-896-6150

SPRY PROJECT NO. 034-107-30
DATE: FEBRUARY 2014

THIS PLAT WAS FILED IN DOCUMENT NO. _____ ON DATE _____



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3b	Agenda Date 02/24/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a preliminary plat on 97 acres of 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 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 received 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 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 Transportation Plan. Given the technical non-compliance with the Master Transportation 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 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.

Parkland Dedication Fees. Parkland dedication fees are required, in the amount of \$1,802 per residential lot and \$800 per acre for commercial lots. Parkland 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 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 Planned Unit Development-Residential ordinances O-07-1645, O-13-1866, and 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 pattern shown on the Master Thoroughfare Plan." Therefore, staff recommends denial due to technical non-compliance with the Land Development Code. Since the plat involves a waiver request and involves more than one phase, the preliminary plat requires final approval by City Council.

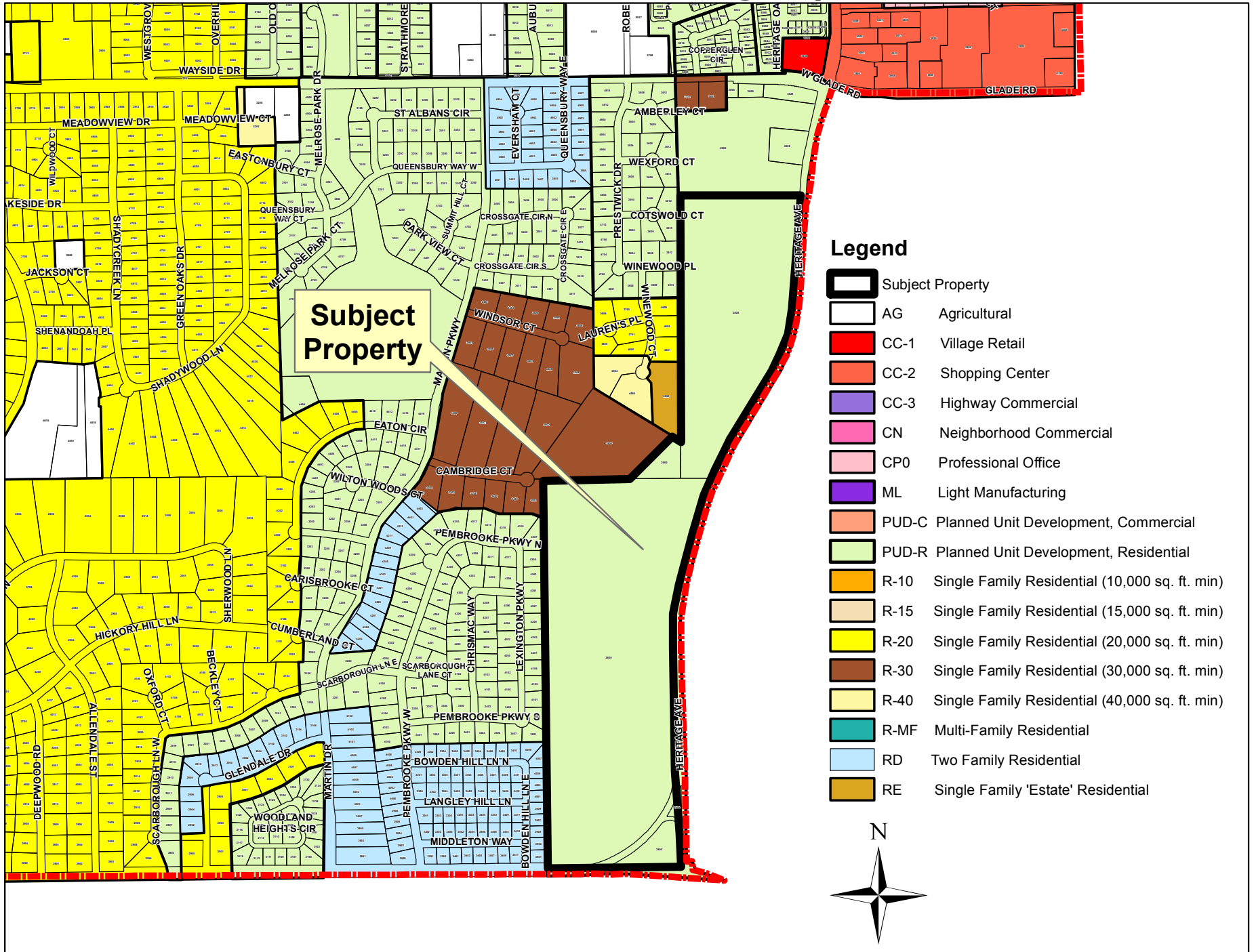
Recommendation

Denial

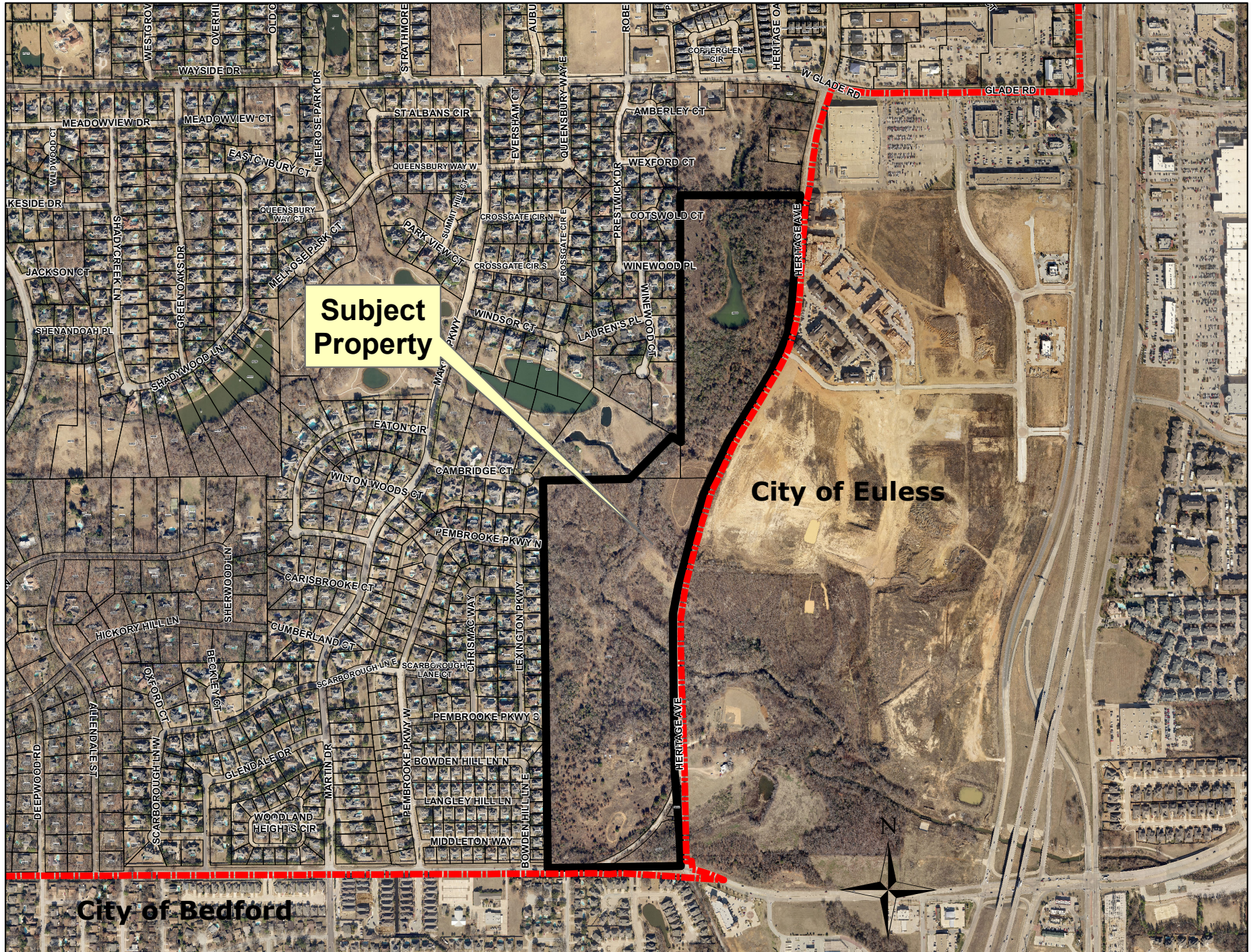
Attachments

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

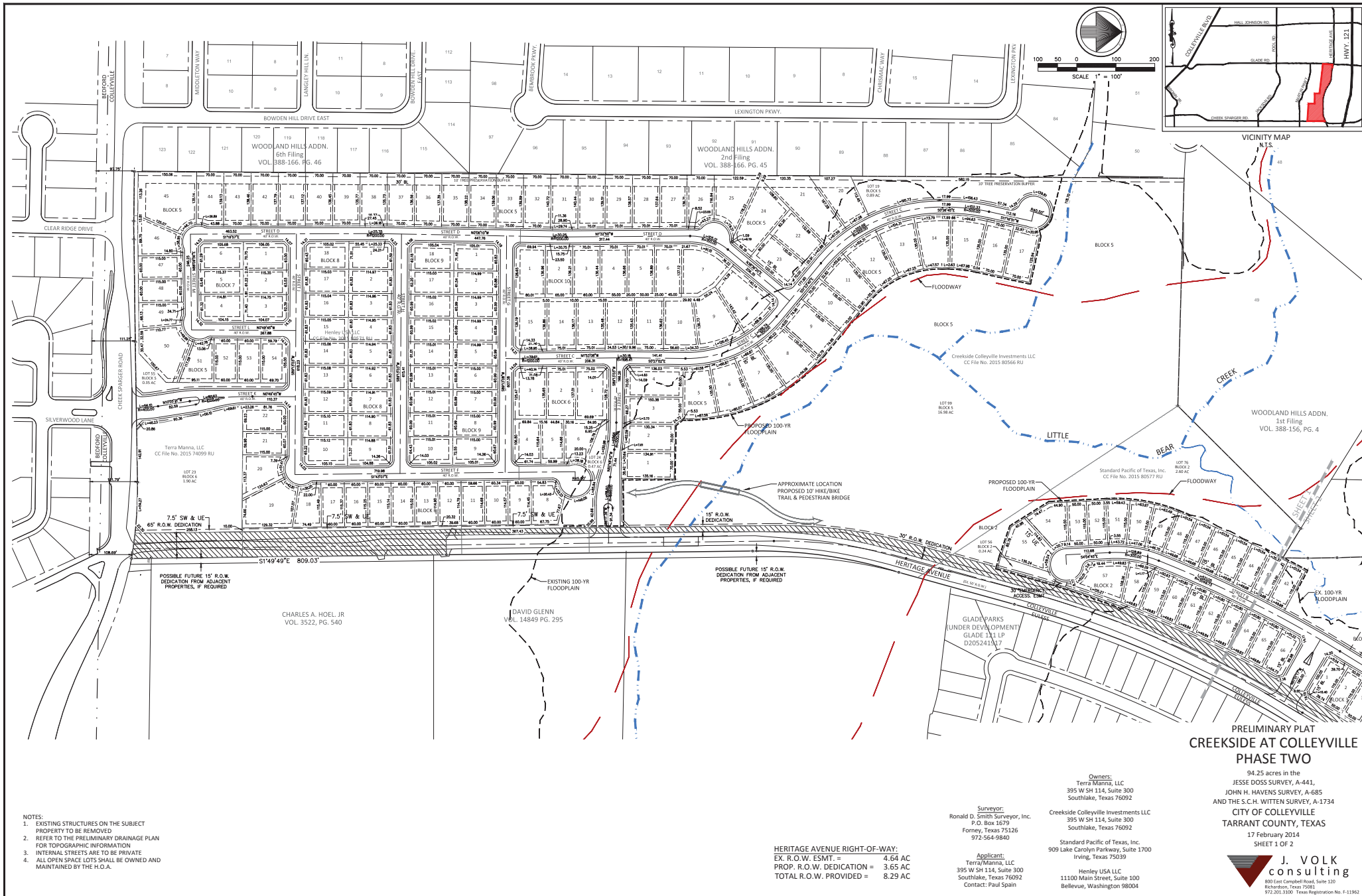
Location and Zoning Map



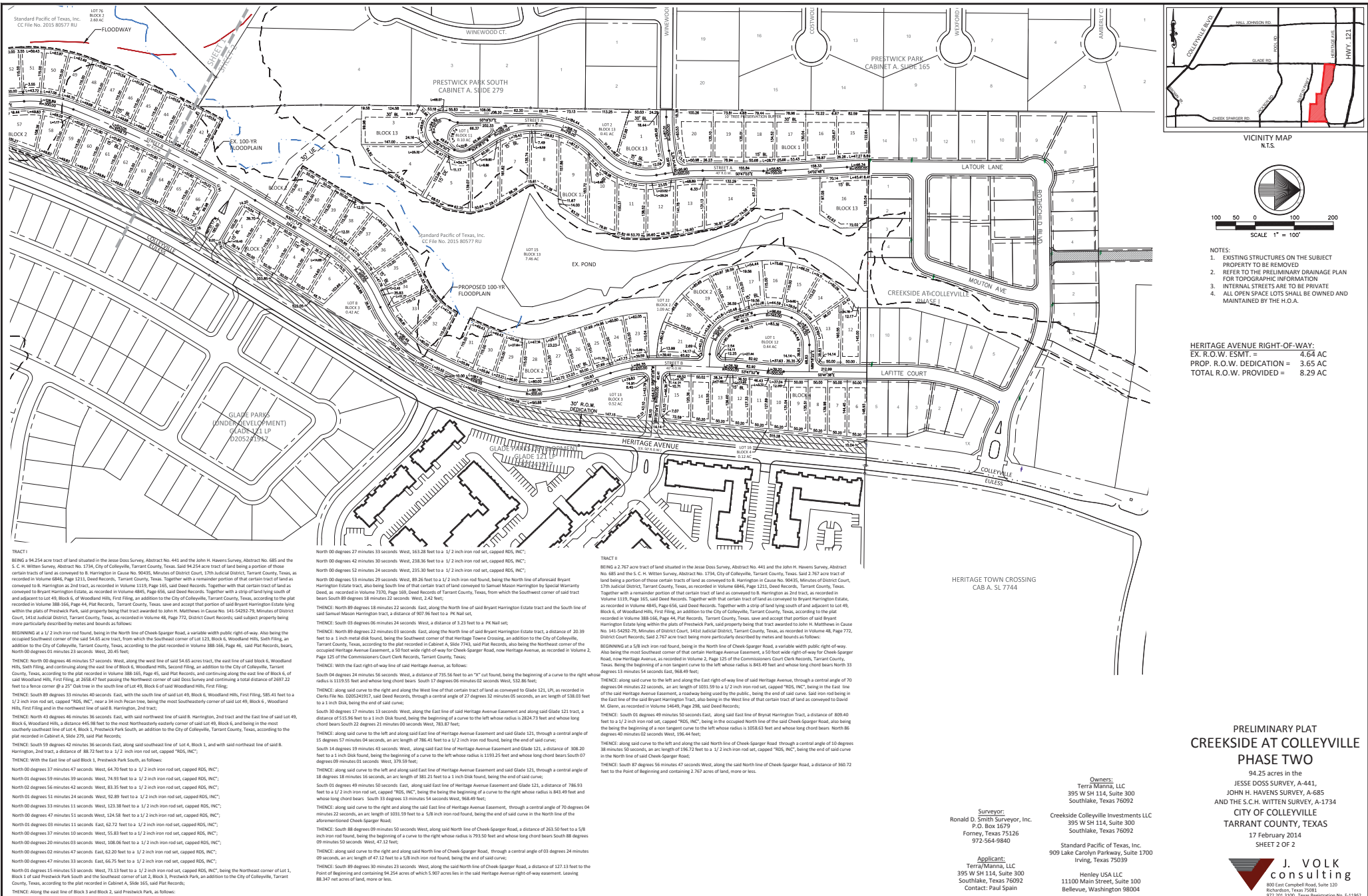
Aerial



Plat Exhibit-Sheet 1



Plat Exhibit-Sheet 2



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

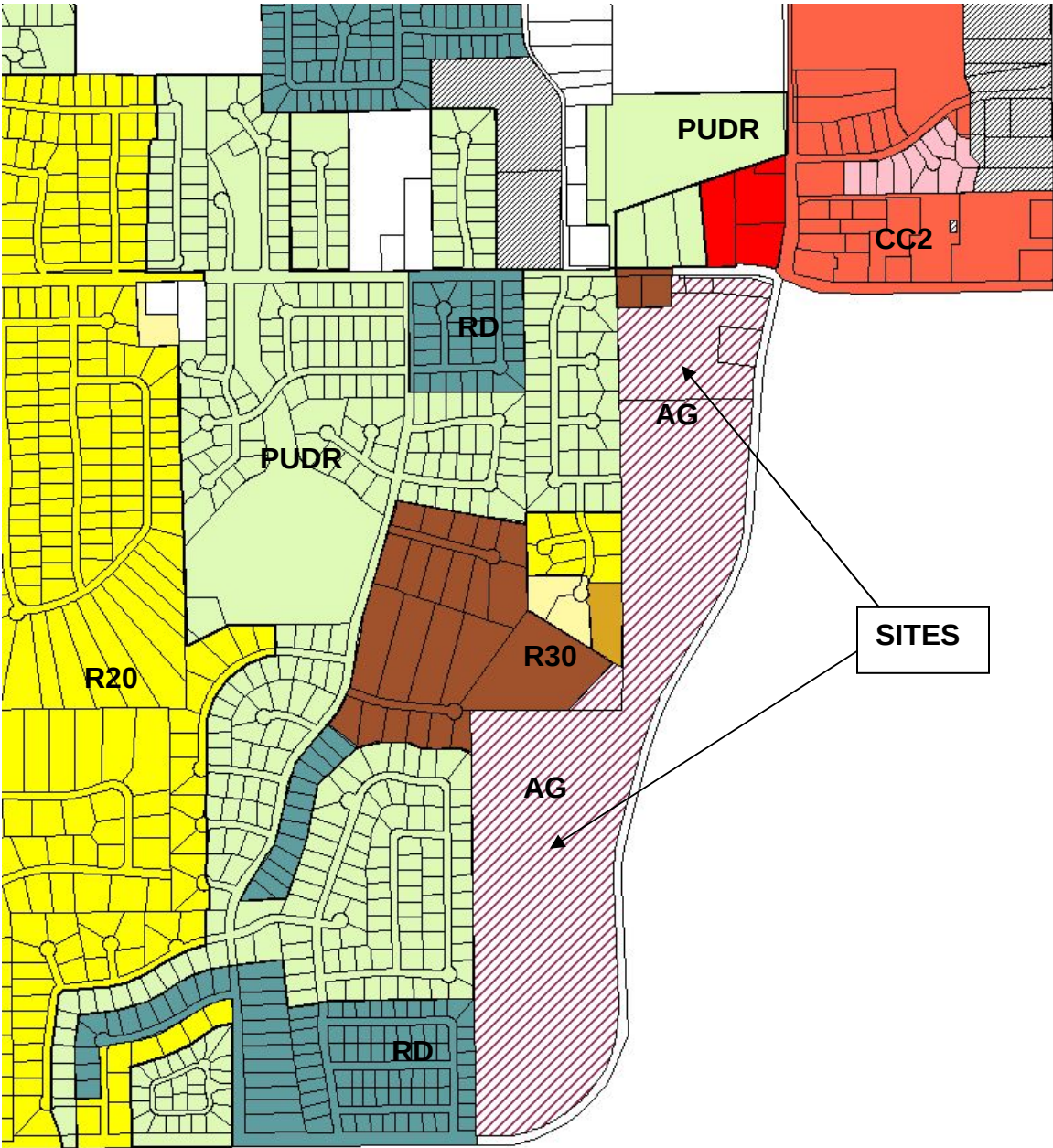


Exhibit "B" Legal Description

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;

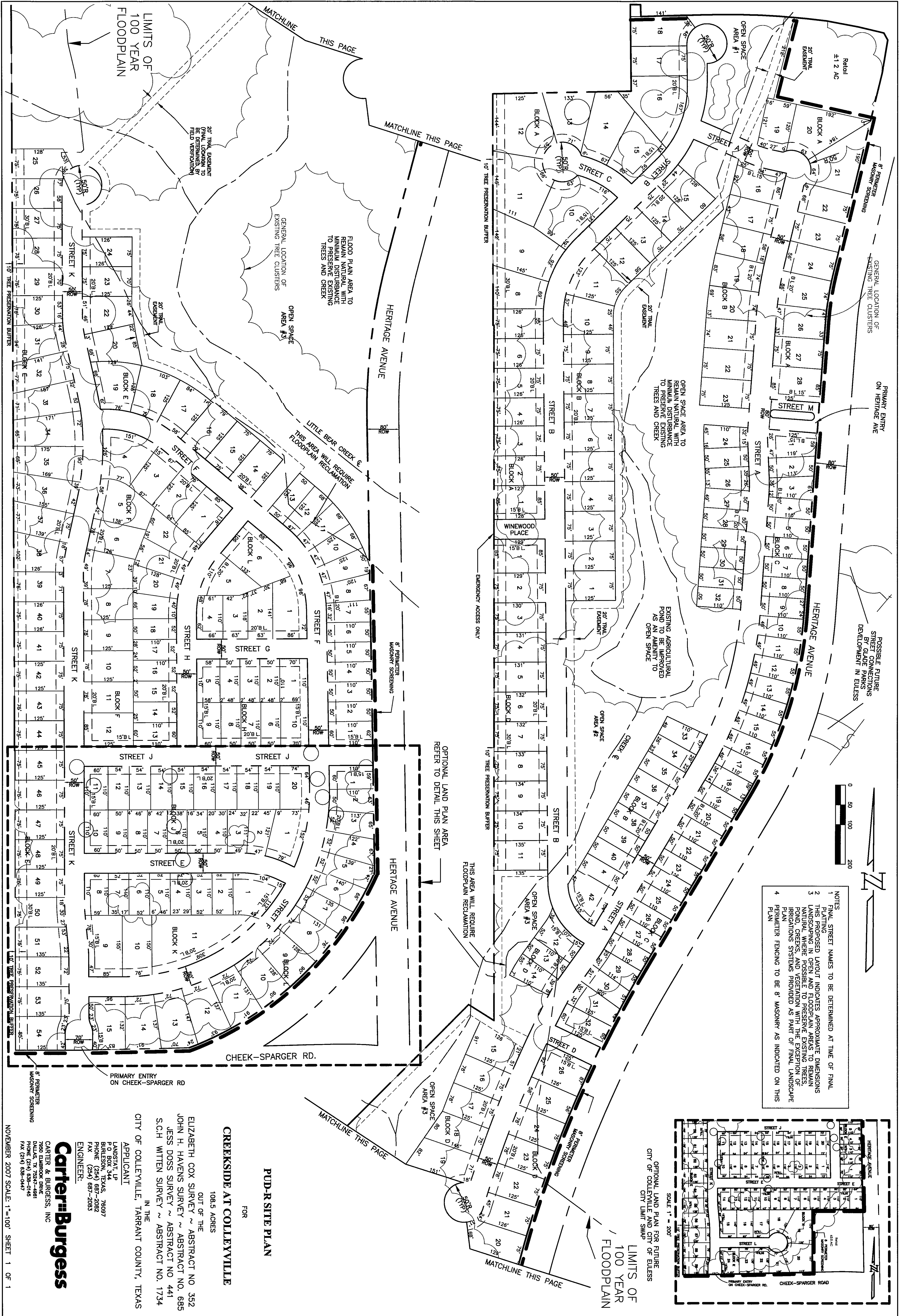
THENCE N 89°23'34" E, A DISTANCE OF 195.12 FEET TO A POINT FOR CORNER;

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;

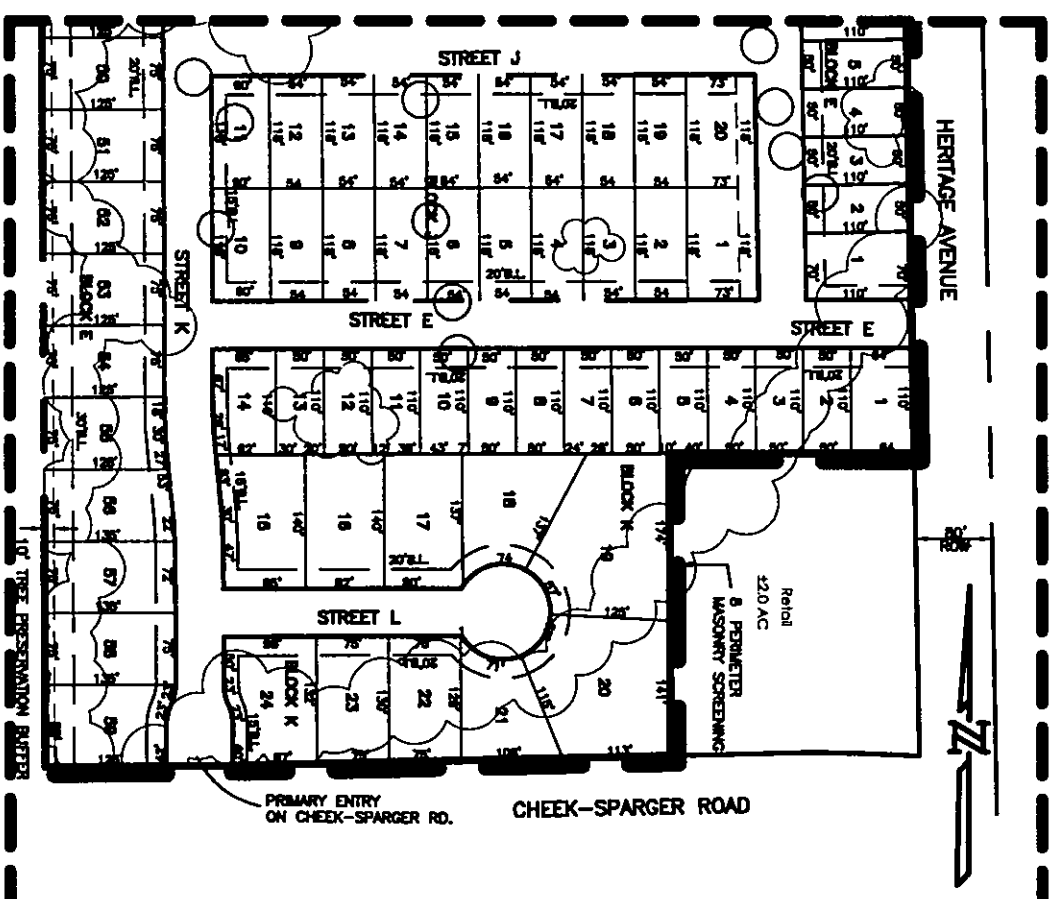
THENCE S 76°13'22" E, A DISTANCE OF 105.52 FEET TO THE POINT OF BEGINNING, AND CONTAINING 108.5 ACRES OF LAND, MORE OR LESS.

Exhibit "C" - Conceptual Site Plan

I:\SLD\02421300\GRA\Creekside@Colleyville\CatCVia02.dwg, 11/9/2007 10 10 AM, Marotz, Jake



- NOTES
1. FINAL STREET NAMES TO BE DETERMINED AT TIME OF FINAL PLATTING
 2. THIS PROPOSED LAYOUT INDICATES APPROXIMATE DIMENSIONS
 3. LANDSCAPING IN OPEN AND FLOODPLAIN AREAS TO REMAIN NATURAL WHERE POSSIBLE TO PRESERVE EXISTING TREES, POND, CREEKS, AND VEGETATION WITH THE EXCEPTION OF IRRIGATION SYSTEMS PROVIDED AS PART OF FINAL LANDSCAPE PLAN
 4. PERIMETER FENCING TO BE 8' MASONRY AS INDICATED ON THIS PLAN



Creekside at Colleyville

FOR
PUD-R SITE PLAN

106.5 ACRES

OUT OF THE
ELIZABETH COX SURVEY ~ ABSTRACT NO. 352
JOHN H. HAVENS SURVEY ~ ABSTRACT NO. 685
JESS DOSS SURVEY ~ ABSTRACT NO. 441
S.C.H. WITTEN SURVEY ~ ABSTRACT NO. 1734

IN THE
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

APPLICANT
LANDSTAT, LP
P.O. BOX 344
BURNESON, TEXAS, 76037
PHONE (254) 687-2082
FAX (254) 687-2083

ENGINEER:
Carter & Burgess, Inc.
7950 EUBANK DRIVE
DALLAS, TX 75247-4861
PHONE (214) 638-0145
FAX (214) 638-0447

NOVEMBER 2007 SCALE: 1"=100' SHEET 1 OF 1
PROJECT NO 0242130

CITY OF COLLEYVILLE ORDINANCE NO. O-12-1828
CITY OF EULESS ORDINANCE NO. _____
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 ____ day of _____, 2012.

CITY OF COLLEYVILLE, TEXAS

By: _____
David Kelly, Mayor

ATTEST:

By: _____
Cynthia Singleton, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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 ____ day of _____ 2012, by a vote of ____ ayes, ____ nays and ____ abstentions.

CITY OF EULESS

By: _____
Mary Lib Saleh, Mayor

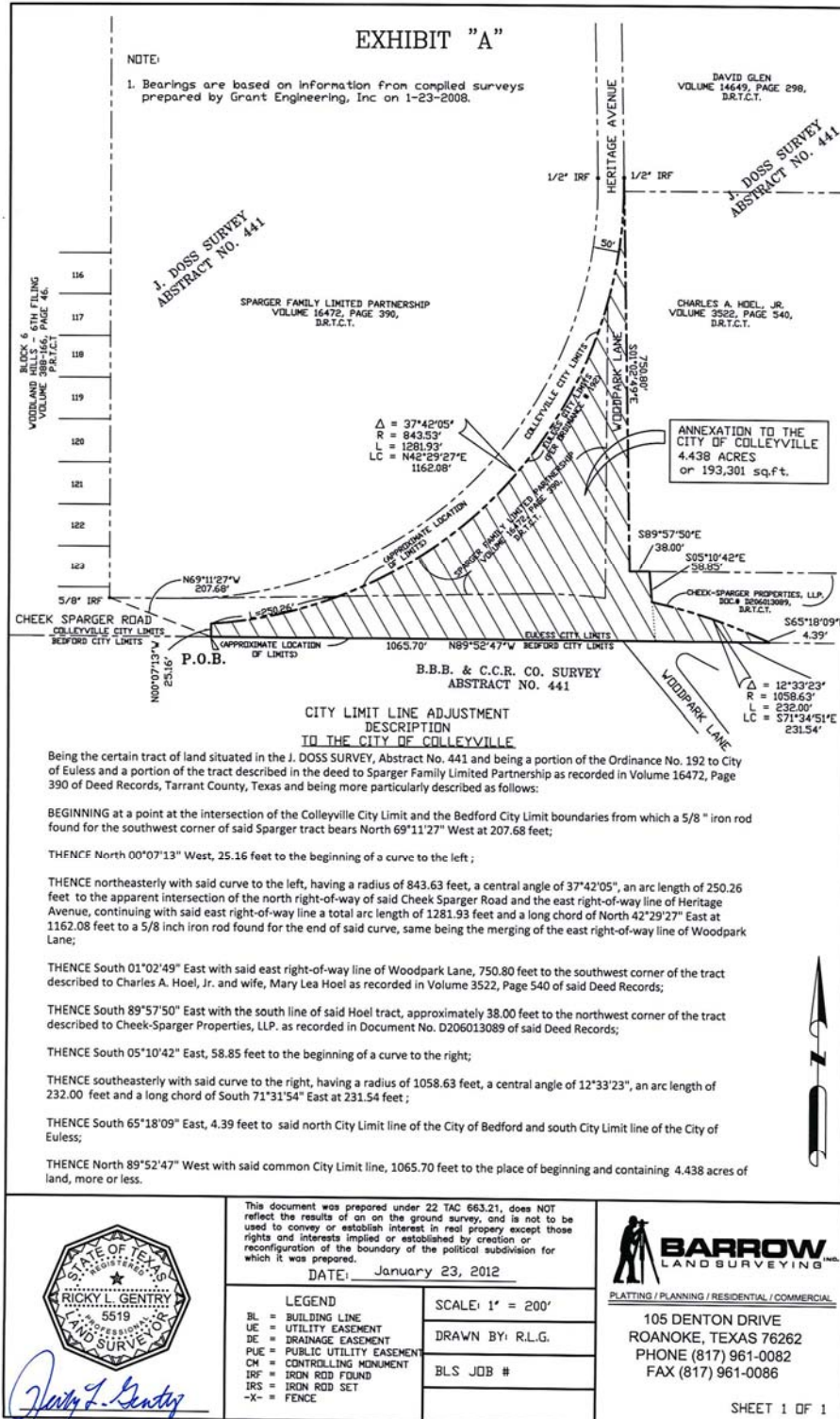
ATTEST:

By: _____
Kim Sutter, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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

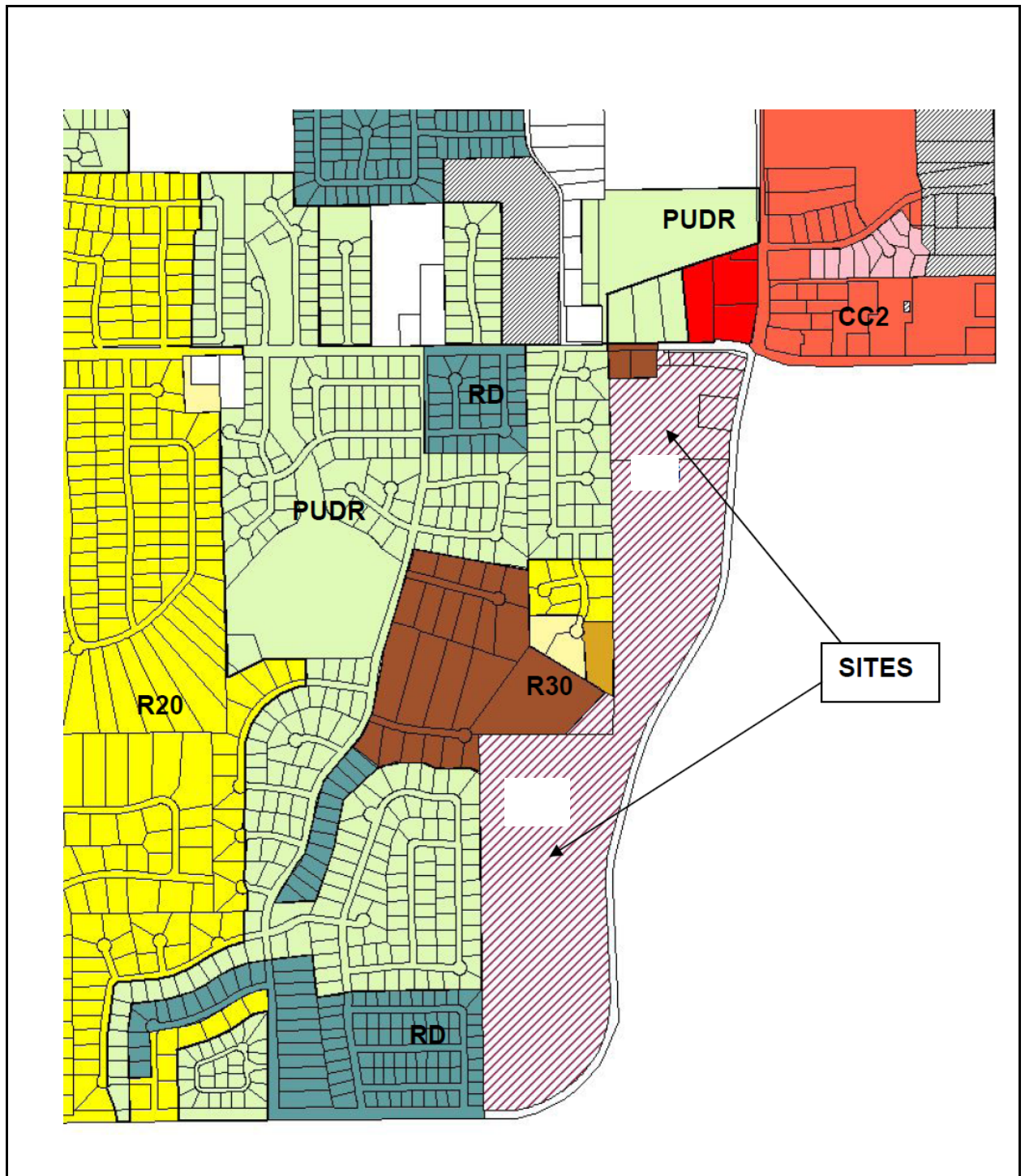
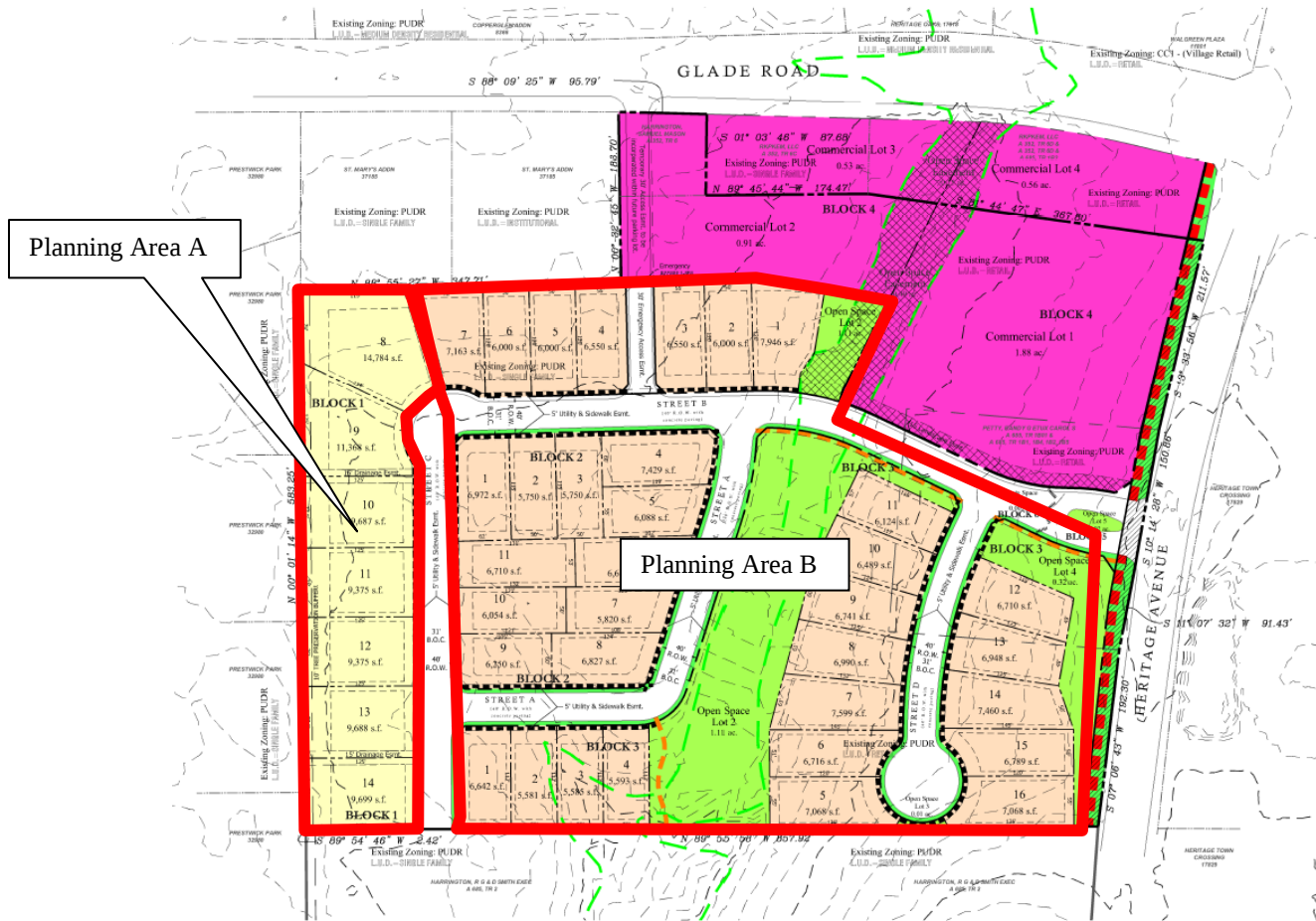


Exhibit “B” Detailed Site Plan



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

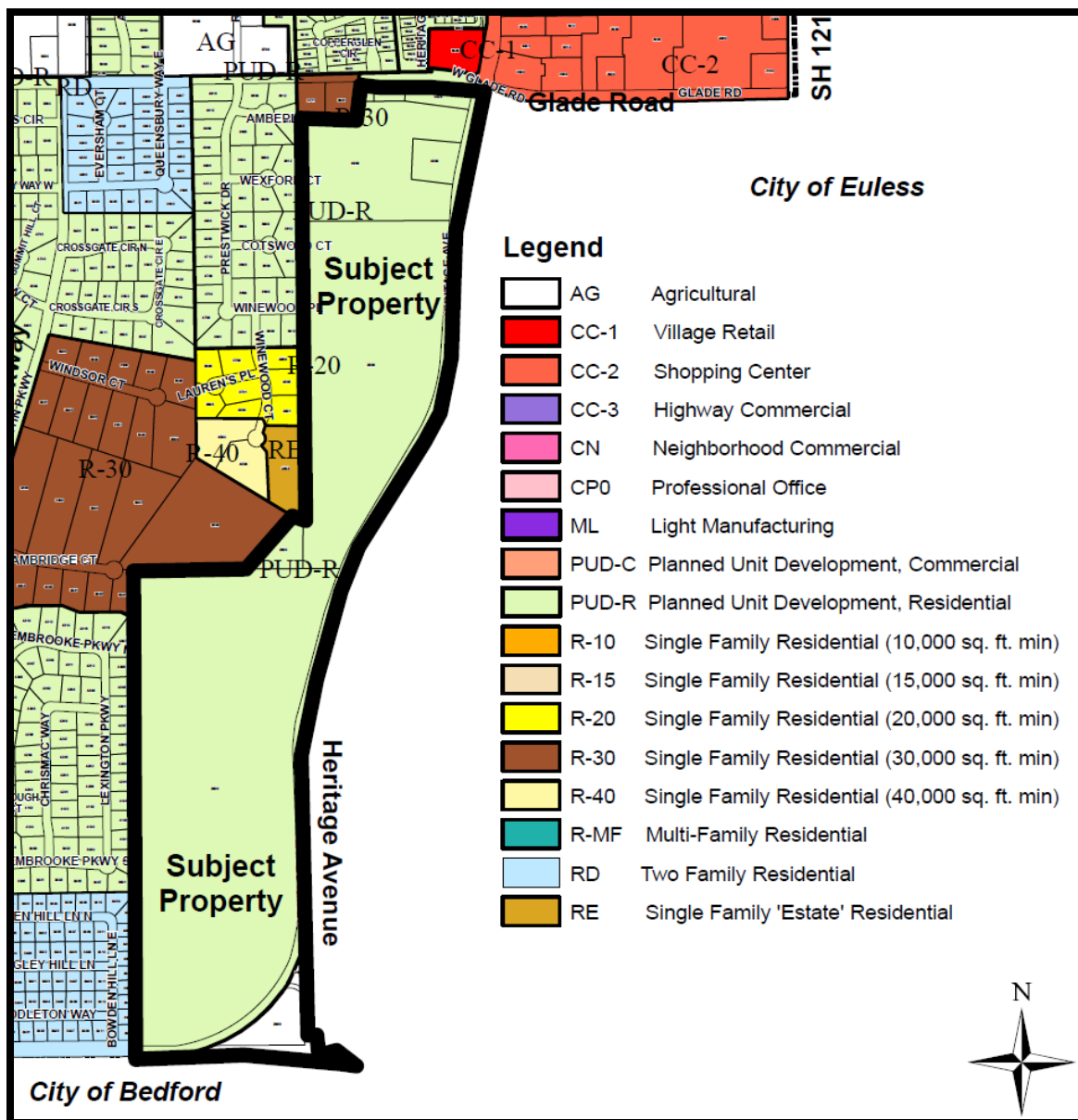


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

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 1



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

