



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, March 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 Phelps
PLEDGE OF ALLEGIANCE**

- 1. APPROVAL OF MINUTES**
February 24, 2014
- 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA AS A PUBLIC HEARING ITEM**
- 3. REGULAR AGENDA ITEMS**
- 4. PUBLIC HEARING AGENDA ITEMS**

- 4a** Request for a Special Use Permit for a wedding chapel on Lot 1R1, Block 1, of the Monterra Place Addition located at 1700 Tennison Parkway, ZC14-002
- 4b** Request for a Special Use Permit for a concrete batch plant on Tract 1G, Abstract 1038 of the Hall Medlin Survey and Tracts 1A02 & 1C, Abstract 295 of the William E Crooks Survey located at 7612 & 7624 Pleasant Run Road, Case ZC14-004
- 4c** Request for a Special Use Permit for a temporary concrete batch plant on an approximate 37,500 square foot portion 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, located at the northwest corner of Heritage Avenue and Cheek Sparger Road, Case ZC14-006
- 4d** Approval of amendments to Chapter 3 - Land Use, Section 3.24.B-Schedule of Permitted Uses and Section 3.24.D-Temporary Buildings and Uses in the Land Development Code, GC14-006

5. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards March 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 03/24/2014	Number
Type Approval of Minutes		
Department Community Development		

Title

February 24, 2014

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - February 24, 2014



City of Colleyville Planning and Zoning Commission Agenda

City Hall
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Monday, February 24, 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 February 24, 2014 at 7:20 p.m.

Roll Call

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

Absent: Commissioner David Phelps

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

1. APPROVAL OF MINUTES

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

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

Aye: 6 – Knox, Tornes, Wheelwright, Gotcher, Davis, 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 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

Mary Elliott presented the case and briefed the Commission.

Mark Howe, developer, came forward and briefed the Commission.

Commissioner Wheelwright questioned Mr. Howe regarding whether he had any thoughts on the Hardage cut-through trail. Mr. Howe replied they were just made aware of the requirement but have been given three (3) options but have not decided what they will do.

Commissioner Davis made a motion to approve Case PC14-001. Chairman Byerly seconded.

The motion to approve Case PC14-001 carried by the following vote:

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

- 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

Ron Ruthven presented the case and briefed the Commission.

Commissioner Knox questioned staff regarding what the width of the trail was. Ron Ruthven replied ten (10) feet.

Commissioner Gotcher questioned staff regarding the history of moving the trail from the interior of the development to the exterior along Heritage Avenue. Ron Ruthven gave a brief history of the decision made by City Council to move the trail to the exterior of the development.

Brett Pedigo, developer, came forward and briefed the Commission.

Commissioner Gotcher questioned Mr. Pedigo regarding the connection of the East to West trail from Heritage Avenue and why was it not indicated on the preliminary plat if that was the plan. Mr. Pedigo replied they are planning on connecting the trail and the sidewalks would be designed with the final plat.

Discussion occurred between Commissioner Knox and Mr. Pedigo regarding the street cross-sections of Heritage Avenue.

Commissioner Tornes questioned Mr. Pedigo regarding what would happen to the plat if the Commission decided to deny the case or required the full amount of Right-of-Way. Mr. Pedigo replied he would consult with his counsel and determine what would need to be done to

go to the City Council. He further explained it is his belief they were meeting all of the plat requirements.

Chairman Byerly questioned Mr. Pedigo regarding if they were reclaiming a substantial amount of the flood plain. Mr. Pedigo replied yes, they could not go any further.

Commissioner Tornes questioned Mr. Pedigo regarding whether the utilities would be under the sidewalk along Heritage Avenue. Mr. Pedigo replied because the water service would be constructed under the street inside the subdivision, the only utility that would be under the sidewalk along Heritage Avenue would be franchise utilities.

Mr. Pedigo asked staff for clarification regarding platting procedures. Ron Ruthven explained which types of cases are required to go to City Council.

Commissioner Tornes questioned Dale Crown regarding whether the City had given the okay for the utilities to be located within the subdivision. Dale Crown replied yes.

Commissioner Knox made a motion to approve Case PC13-027. Commissioner Tornes seconded.

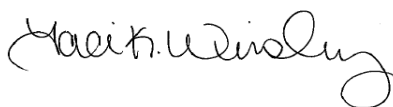
The motion to approve Case PC13-027 carried with the following vote:

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

4. ADJOURNMENT

The meeting adjourned at 8:01 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on March 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 03/24/2014	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a Special Use Permit for a wedding chapel on Lot 1R1, Block 1, of the Monterra Place Addition located at 1700 Tennison Parkway, ZC14-002

Explanation

Robin Scheuerman with Monarch Photographic Corporation has submitted a request for a Special Use Permit to add a wedding chapel to an existing photography studio at 1700 Tennison Parkway.

Existing Conditions and Zoning. The subject property contains an 8,946 square foot building, which is currently occupied by Monarch photography studio. The property is platted as Monterra Place Addition, Block 1, Lot 1R1. The site is zoned Planned Unit Development-Residential (PUD-R), which allows CC-1-Village Retail uses at this location. A wedding chapel is allowed in the CC-1-Village Retail zoning district with Special Use Permit approval.

Statement of Planning Objectives. The request is for a Special Use Permit for a wedding chapel that will host other small venue receptions. The applicant submitted a Statement of Planning Objectives (attached), which indicates that there will be two rooms, one for 65 people and the other for 45 people. The site will not exceed 125 people at one time.

Food will be catered to the site, so facilities for commercial food preparation will not be required. The owner will not hold a license to sell alcohol. Alcohol sales will require a separate Special Use Permit, if the owner chooses to sell alcohol at a later date. Six new employees will operate the facility to host events and to provide security.

Hours of Operation. Events will usually occur on weekend and week night schedules when the photography studio and adjacent businesses are not in operation. Hours of operation will be 7:00 a.m. to 10:00 p.m., Sunday through Thursday, and 7:00 a.m. to 12:00 a.m., Friday through Saturday. Outdoor events will occur 7:00 a.m. to 7:00 p.m., Sunday through Thursday, and 7:00 a.m. to 10:30 p.m., Friday through Saturday.

Parking and Access. The property is located along Tennison Parkway, which is a minor arterial. Tennison Parkway has four lanes and is divided by a landscaped

median. There is an opening in the median to accommodate traffic from the driveway.

There is not a specific number of parking spaces designated for this use. However, churches are also community spaces and require one space for every three seats. If both rooms are in use at the same time, then there would be about 125 people. Using the church ratio, 42 parking spaces would be required. The site provides 39 spaces, and the owner has a shared parking agreement for 35 spaces with the adjacent property owner.

Surrounding Land Uses and Zoning. The property to the north is zoned CC-2-Shopping Center district and is currently vacant. The property to the east is zoned Planned Unit Development-Residential (PUD-R) and is developed for various office and service uses. The property to the south is zoned Planned Unit Development-Residential and provides drainage and open space uses for the Monterra residential subdivision. On the hard corner of Tennison Parkway and Colleyville Boulevard is Lone Star Collision, zoned Light Manufacturing (ML) district. To the south and west of the subject property are single family residences and open space uses.

Master Plan. The Future Land Use Plan designates the subject property for retail uses. Retail and service uses are consistent with the Future Land Use Map and 2005 Comprehensive Plan.

Public Notification. Staff mailed notices to 11 adjacent property owners within 200 feet, as well as Homeowners Associations within 500 feet of the subject property regarding this request. Notice was published in the Fort Worth Star- Telegram as required by state law and the Land Development Code. Staff has received no correspondence regarding this request.

Summary. The existing photography studio can adapt to the proposed use with very minor alterations to the existing facility. In addition, the site has adequate parking spaces to accommodate the proposed use. With the median cut, the proposed use has access to Tennison Parkway in both directions. There are existing commercial and retail uses to the east of the property and open space as a buffer to the residential properties to the west. Taking these factors into account, staff recommends approval of the Special Use Permit for a wedding chapel.

Recommendation

Approval with the following conditions:

1. HOURS OF OPERATION

a. The hours of operation for indoor events shall be as follows:

Sunday	–	Thursday:	7:00	a.m.	–	10:00	p.m.
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Friday – Saturday: 7:00 a.m. – 12:00 a.m.

The hours of operation for outdoor events shall be as follows:

Sunday – Thursday: 7:00 a.m. – 7:00 pm

Friday – Saturday: 7:00 a.m. – 10:30 p.m.

b. This development shall be generally consistent with the Statement of Planning Objectives, attached as Exhibit “B”.

2. PERMITTED USES

a. The uses allowed by this Special Use Permit shall be for a wedding chapel. The following shall be acceptable accessory uses: birthday, graduation, anniversary or other special receptions, and conference center.

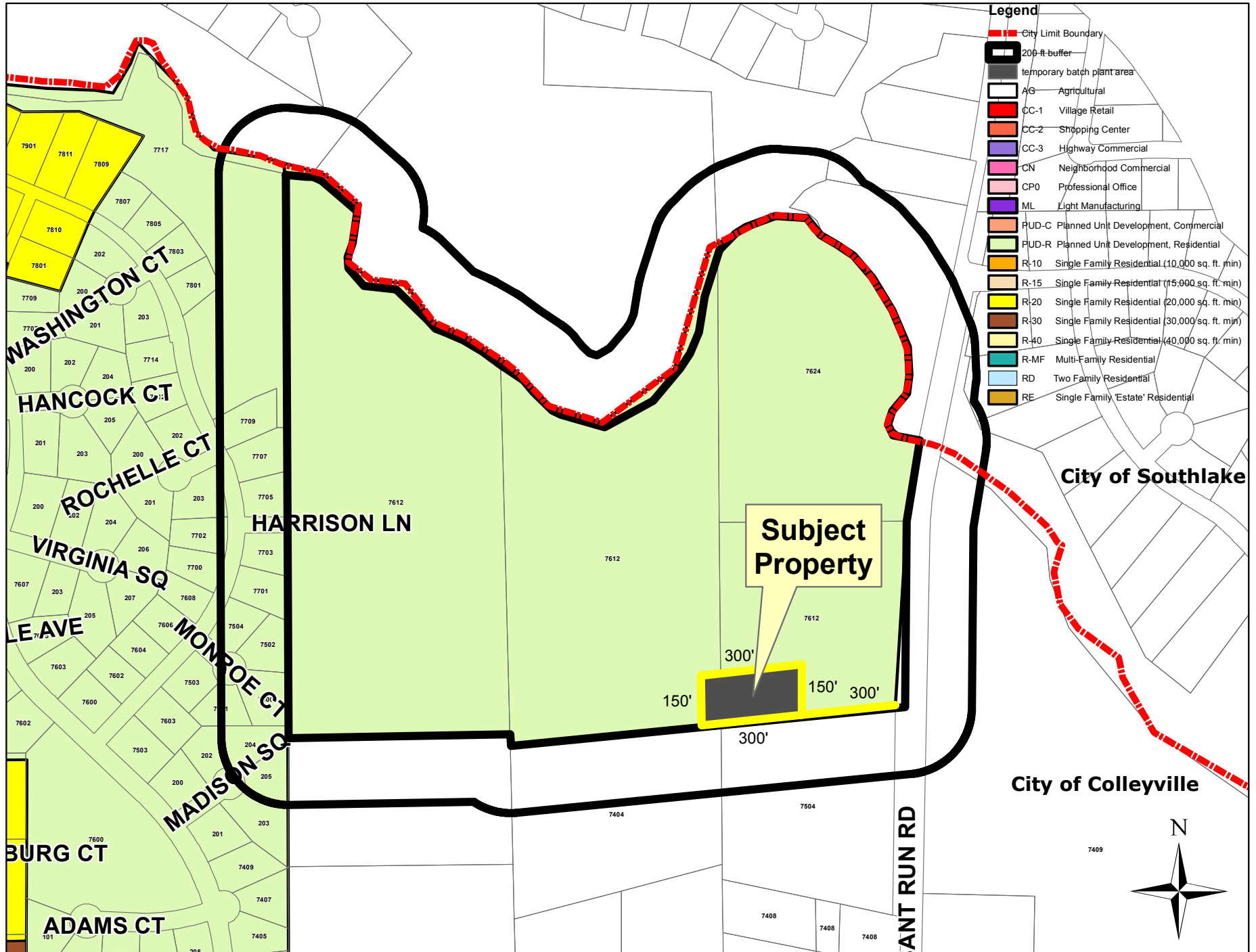
b. The Special Use Permit shall automatically expire upon the abandonment of the business; change in use or upon the expiration or termination of the Certificate of Occupancy for the wedding chapel.

c. The site and building layout of the wedding chapel shall generally conform to the attached, Exhibit “C” labeled as Site Plan and Floor Plan.

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Statement of Planning Objectives
6. Seating Layout and Outdoor Amenities
7. Street View
8. O-98-1098
9. O-14-XXXX

Location and Zoning Map



This aerial map displays a large, irregularly shaped property outlined in black, which is the 'Subject Property'. A red dashed line indicates the 'City Limit Boundary'. A thick black line represents a '200 ft buffer' around the subject property. A yellow rectangle within the subject property, labeled 'Subject Property', is further defined by a 150' x 300' dimension. A grey shaded area within this rectangle is labeled 'temporary batch plant area'. The map shows surrounding residential areas with streets such as Washington Ct, Hancock Ct, Rochelle Ct, Virginia Sq, Le Ave, Monroet Ct, Madison Sq, Adams Ct, and Ant Run Rd. The map also shows a large pond, a smaller pond, and a building. The map is oriented with North at the top, indicated by a compass rose. The map is labeled 'City of Southlake' and 'City of Colleyville'.

City Limit Boundary

200 ft buffer

temporary batch plant area

Subject Property

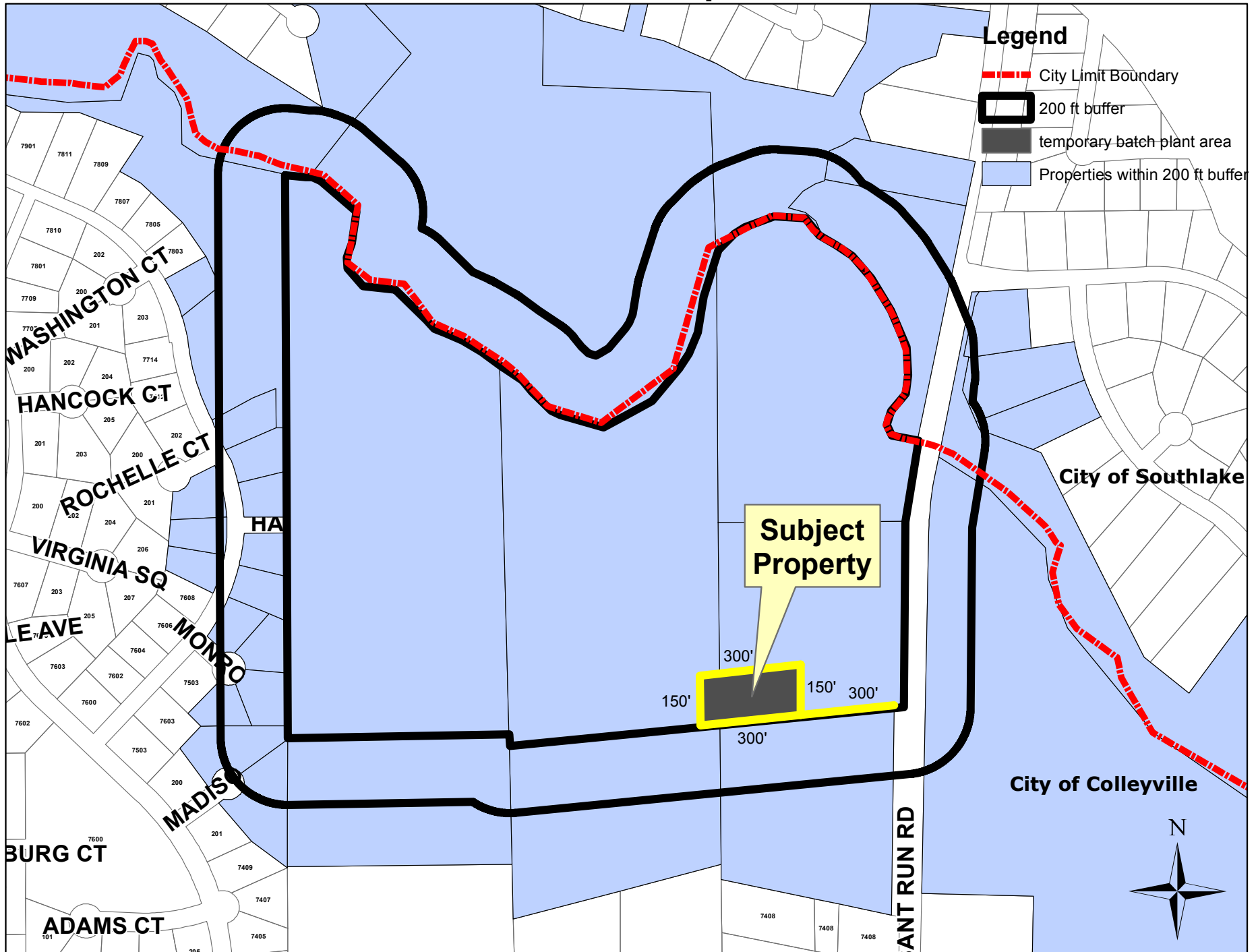


City of Southlake

City of Colleyville



Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
MONTERRA HOME OWNER'S ASSOC	6707 BRENTWOOD STR RD	FORT WORTH	TEXAS	76112	001799 TENNISON PKWY
FELLER-DAVIS ENTERPRISES LLC	3300 SPRING VALLEY DR	BEDFORD	TEXAS	76021	006900 COLLEYVILLE BLVD
LFP PROPERTIES INC	7505 GLENVIEW DR STE 150	RICHLAND HILLS	TEXAS	76180	001704 TENNISON PKWY
MONARCH PHOTOGRAPHIC CORP	1700 TENNISON PKWY	COLLEYVILLE	TEXAS	76034	001700 TENNISON PKWY
LFP PROPERTIES INC	7505 GLENVIEW DR STE 150	RICHLAND HILLS	TEXAS	76180	001706 TENNISON PKWY
MONTERRA HOME OWNER'S ASSO	6707 BRENTWOOD STAIR RD	FORT WORTH	TEXAS	76112	001690 TENNISON PKWY
CAIRNS, CRAIG ETUX NANCY	1617 DOUGLAS AVE	COLLEYVILLE	TEXAS	76034	001617 DOUGLAS AVE
CHESAPEAKE LAND DEV CO LLC	6100 N WESTERN AVE	OKLAHOMA CITY	OKLAHOMA	73118	001701 JOHN MCCAIN RD
CHESAPEAKE LAND DEV CO LLC	6100 N WESTERN AVE	OKLAHOMA CITY	OKLAHOMA	73118	006900 COLLEYVILLE BLVD
LONE STAR COLLISON LTD	6804 COLLYVILLE BLVD	COLLEYVILLE	TEXAS	76034	006804 COLLEYVILLE BLVD
MONTERRA HOME OWNER'S ASSOC	6707 BRENTWOOD STR RD	FORT WORTH	TEXAS	76112	001699 TENNISON PKWY
CTAJ LTD	6904 COLLYVILLE BLVD	COLLEYVILLE	TEXAS	76034	006904 COLLEYVILLE BLVD
GRAPEVINE-COLLEYVILLE ISD	3051 IRA E. WOODS AVE	GRAPEVINE	TEXAS	76051	COURTESY NOTICE
Monterra HOA, Daniel Swart	6811 MILTON DRIVE	COLLEYVILLE	TEXAS	76034	COURTESY NOTICE
Monterra HOA, Michelle Williams	4113 GATEWAY DRIVE #100	COLLEYVILLE	TEXAS	76034	COURTESY NOTICE
Robin Sheuerman, Applicant	1700 TENNISON PKWY	COLLEYVILLE	TEXAS	76034	APPLICANT

Public hearing notices were mailed
Fri., Mar. 7, 2014 by Taci Wrisley

Monarch Photographic Corp
1700 Tennison Parkway
Colleyville, TX 76034

MONTERRA PLACE SUP Statement of Planning Objectives

Concept

The Monarch Photographic Corporation currently operates the metroplex's largest facility at our **"Marcel's at Monterra"** studios, located along Bear Creek, one block west from Colleyville Boulevard on Tennison Parkway in the Monterra Place Addition. Our company has provided graduating senior photography services to school districts since 1962. The facility covers nearly 9000 sq. ft. on a 2 acre site on Bear Creek. Indoors, the studio is quite elegant complete with chandelier, 25 ft. ceiling, baby grand piano, dressing areas, sunroom and kitchenette on the west side. The east side space is utilized as overflow studio and additional proposed venue space. Our outdoor portrait park contains a half-acre wildflower garden, year round stream, gazebo, archways, terraces, waterfall, and large lawn to facilitate superior imaging. Because of the picturesque setting, we are often beset with requests to hold special events at this location from our clients, their families, and school groups seeking banquet locations.

Market Research

Citing a lack of small event venues in the City of Colleyville, our feedback from the public has been quite favorable. The location is far removed from both busy roads and residential neighborhoods, separated by a natural stream corridor, and is a pleasing respite for the passing motorists entering the Monterra subdivision. We foresee a highly sought after venue that will generate funding to to further develop the garden spot we have created.

Conversion Activity and Occupancy

With the SUP dual use designation, we will be converting space in two (of four) camera rooms. There will be no construction involved in the conversion of the rooms, other than rearranging of sets, screening those that remain, setting up tables and seating, and cleaning.

Including the hosts and support staff, proposed occupancy of the west side studio is 75 people. The east side space is event ready for parties of 55 (including support staff). The facility possesses 39 parking spaces and has secured shared arrangements with the adjacent property owner for 35 more. There is also additional streetside parking on the unnamed road at the rear of the complex.

Outdoor events will be available to the extent they do not interfere with our photographic sets. A proposed tent site is indicated at the rear of the building to minimize neighborhood noise and maximize privacy. Clients will be given their choice of sets (gazebo, waterfall, arch, or patio) for fair weather ceremonies. Maximum occupancy for the grounds is 125 people. Operation hours between 7:00 am and 10:30 pm comply with Code of Ordinances Article II, Section 42.27. We foresee early event preparations beginning from 11:00 -3:00, and evening events 4:30 -9:30. The facility will not apply for TABC licenses at this time, and will not offer alcoholic beverages. All catering, florist, and equipment services will be supplied from off-site contractors.

Economic Development

Operation of the facility will require the hiring of six new employees to set up/ tear down, host events, and provide security. Traffic through the facility will likely double, bringing the total number of visitors to Colleyville up to approximately 10,000 annually. Events will occur on weekend/ weeknight schedules when the studio and adjacent businesses are not in operation, so impacts on traffic will be nominal. Indoor events will be completed by 10:00 pm weeknights and 12:00 am on weekends. Once both venues are 100% utilized we estimate the additional revenues to the facility to generate \$16850 in additional sales tax revenues to the city (2%).

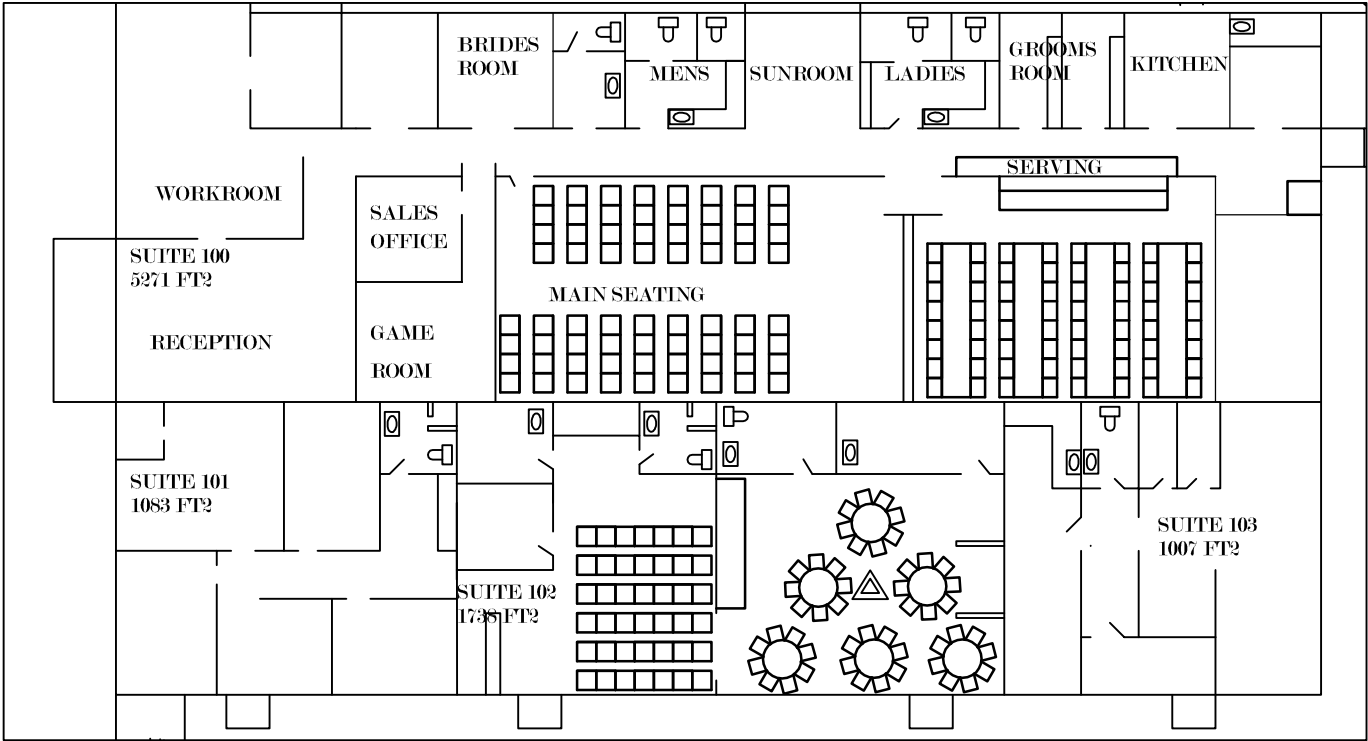
Seating Layout and Outdoor Amenities

MONTERRA PLACE SUP

2-14-14

SEATING LAYOUT

SCALE 1:20

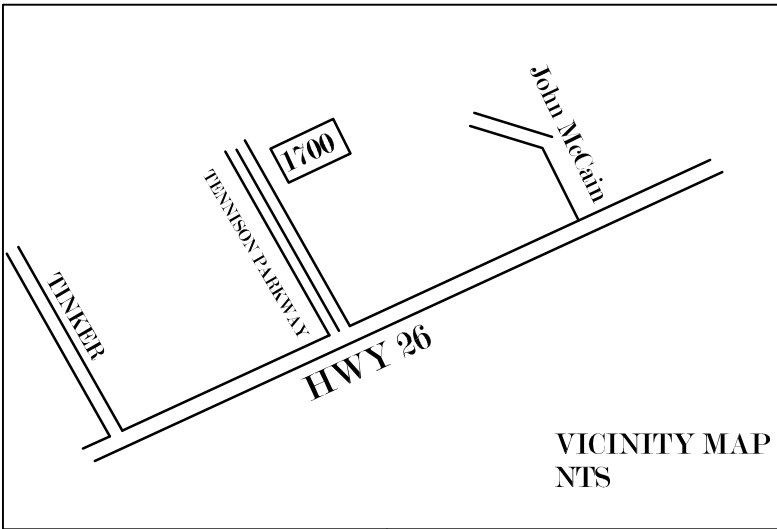
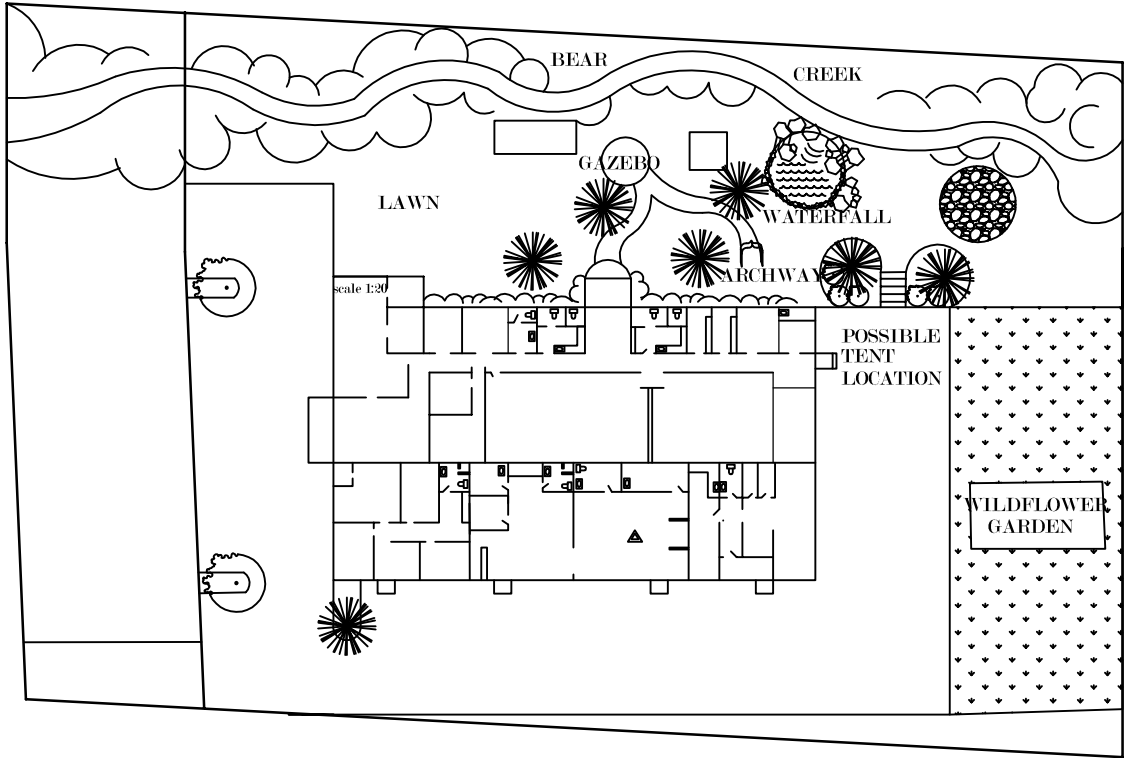


REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED
Monterra Gallery 2/14 RS				

LOT 1R1

scale 1:50

TENNISON PARKWAY





AVIAN
Landscape & Environmental Design & Consulting
2080 RAVENWOOD DR
ROANOKE, TX 76262
Contact: Robin Scheuerman
903-732-8426

Monterra Gallery SUP

1700 Tennison Parkway
Colleyville, TX 76034

SIZE B	FSCM NO.	DWG NO. PROPOSED	REV
SCALE 1:20	SHEET 1 of 1		

Street View



ORDINANCE 0-98-1098

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF 63.832 ACRES OUT OF THE HARRELL HUGHES SURVEY, ABSTRACT 656, TRACTS 2E, 2F AND 2, AND THE ABSALOM J. LOTT SURVEY, ABSTRACT 963, TRACTS 3A1, 2E AND 2F, IN THE CITY OF COLLEYVILLE, TEXAS FROM THE AG (AGRICULTURAL) AND ML (LIGHT MANUFACTURING) DISTRICTS TO THE PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) DISTRICT; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.

WHEREAS, an application for zoning change was filed by Don Allen, Carter & Burgess, Inc., on March 13, 1998 under Case No. Z-98-016; and,

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 10 days before such hearing; and,

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing; and,

WHEREAS, notices were posted on the subject land as provided by the zoning ordinance; and,

WHEREAS, public hearings to change the zoning and the Master Plan on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation; and,

WHEREAS, the City Council is of the opinion that the zoning change herein effectuated furthers the purpose of zoning as set forth in the Zoning Ordinance and is in the best interest of the citizens of the City of Colleyville;

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

Sec. 1. **THAT** the Master Plan, the Zoning Ordinance of the City of Colleyville, Texas, and the accompanying Zoning Map (as indicated in Exhibit A) are hereby amended insofar as they relate to certain land located in Colleyville, Texas, described by metes and bounds (Exhibit B) by changing the zoning of said property from the AG and ML districts to the PUD-R district together with all site plans, supporting documents, and other conditions and

restrictions imposed and approved by the Council which are incorporated herein by reference including, but not limited to the site plan which is Attachment 1 to this ordinance; the planning objectives which are Attachment 2 to this ordinance; the left turn lane detail conceptual plan which is Attachment 3 to this ordinance; the landscape concept plan which is Attachment 4 to this ordinance; and the preliminary drainage and utility plan which is Attachment 5 to this ordinance.

Sec. 2. Any person, firm or corporation violating any of the provisions of this ordinance as read together with the Zoning Ordinance of the City of Colleyville and accompanying official Zoning Map thereto shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Sec. 3. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

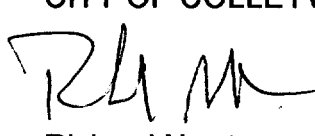
The first reading and public hearing being conducted on the 2nd day of June, 1998.

The second reading and public hearing being conducted on the 16th day of June, 1998. TABLED BY THE CITY COUNCIL ON JUNE 16, APPROVED BY THE CITY COUNCIL ON JULY 21, 1998, BY A VOTE OF 5-0-0.

ATTEST:

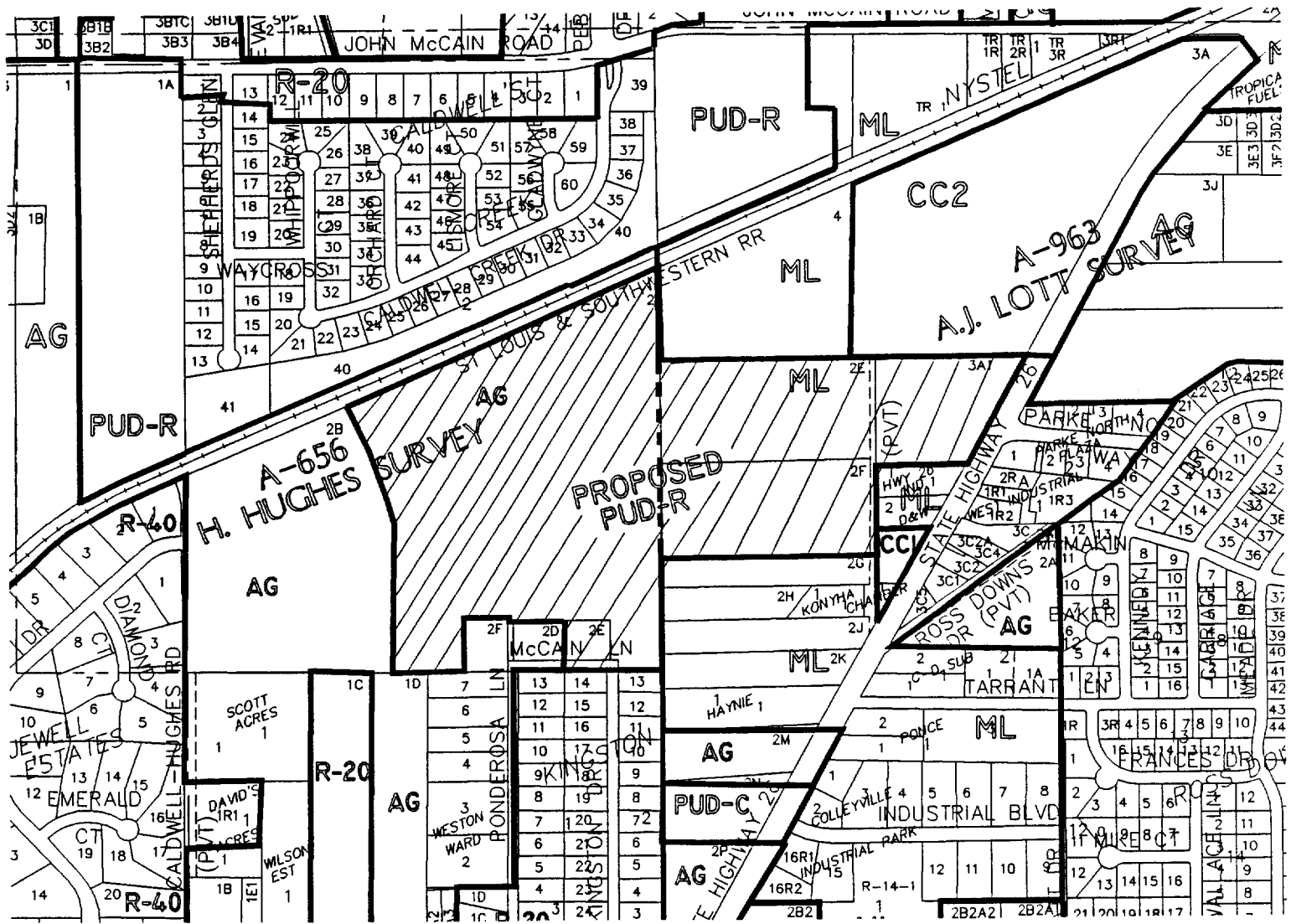
CITY OF COLLEYVILLE


Jean Harris, CMC
City Secretary


Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney



ORDINANCE O-98-1098
EXHIBIT "A"

BRENTWOOD MANOR PUD ZONING REQUEST

BOUNDARY DESCRIPTION

BEING a tract of land situated in the Harrell Hughes Survey, Abstract No. 656 and the Absalom J. Lott Survey, Abstract No. 963, in the City of Colleyville, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at a concrete monument found for corner, said point being the southeast corner of a tract of land as conveyed to Robert Weese and wife, Mary L. Weese by deed recorded in Volume 4047, Page 249 of the Deed Records of Tarrant County, Texas, said point also being 1186.30 feet west of the southeast corner of the above said Harrell Hughes Survey;

THENCE N. 00°15'23" W, 647.13 feet along the east line of the said Weese tract to a concrete monument found for corner;

THENCE N. 13°34'58" W., 200.74 feet continuing along the said east line of the Weese tract to a concrete monument found for corner;

THENCE N. 24°39'43" W., 364.93 feet continuing along the said east line of the Weese tract to a concrete monument found for corner on the southerly line of the Dart Rail Right-of-way as recorded in Volume 54, Page 609 of the Deed Records of Tarrant County, Texas;

THENCE N. 66°20'07" E., 1507.89 feet along the said southerly line of the Dart Rail Right-of-way to a concrete monument found for corner;

THENCE S. 00°12'24" E., 420.00 feet leaving the said southerly line of the Dart Rail Right-of-way to a ½" iron rod set for corner;

THENCE N. 89°47'36" E., 912.80 feet to a ½" iron rod found for corner;

THENCE N. 85°51'19" E., 691.72 feet to a ½" iron rod found for corner being on the west line of Colleyville Boulevard (a variable width right-of-way);

THENCE S. 28°22'54" W., 553.14 feet along the said west line of Colleyville Boulevard to a ½" iron rod set for corner;

THENCE S. 87°48'59" W., 409.85 feet leaving the said west line of Colleyville Boulevard to a ½" iron rod set for corner;

THENCE S. 02°12'24" E., 392.99;

THENCE S. 89°47'36" W., 942.31;

THENCE S. 00°12'24" E., 517.07;

THENCE S. 89°57'56" W., 187.84;

THENCE N. 00°07'52" W., 60.00 feet;

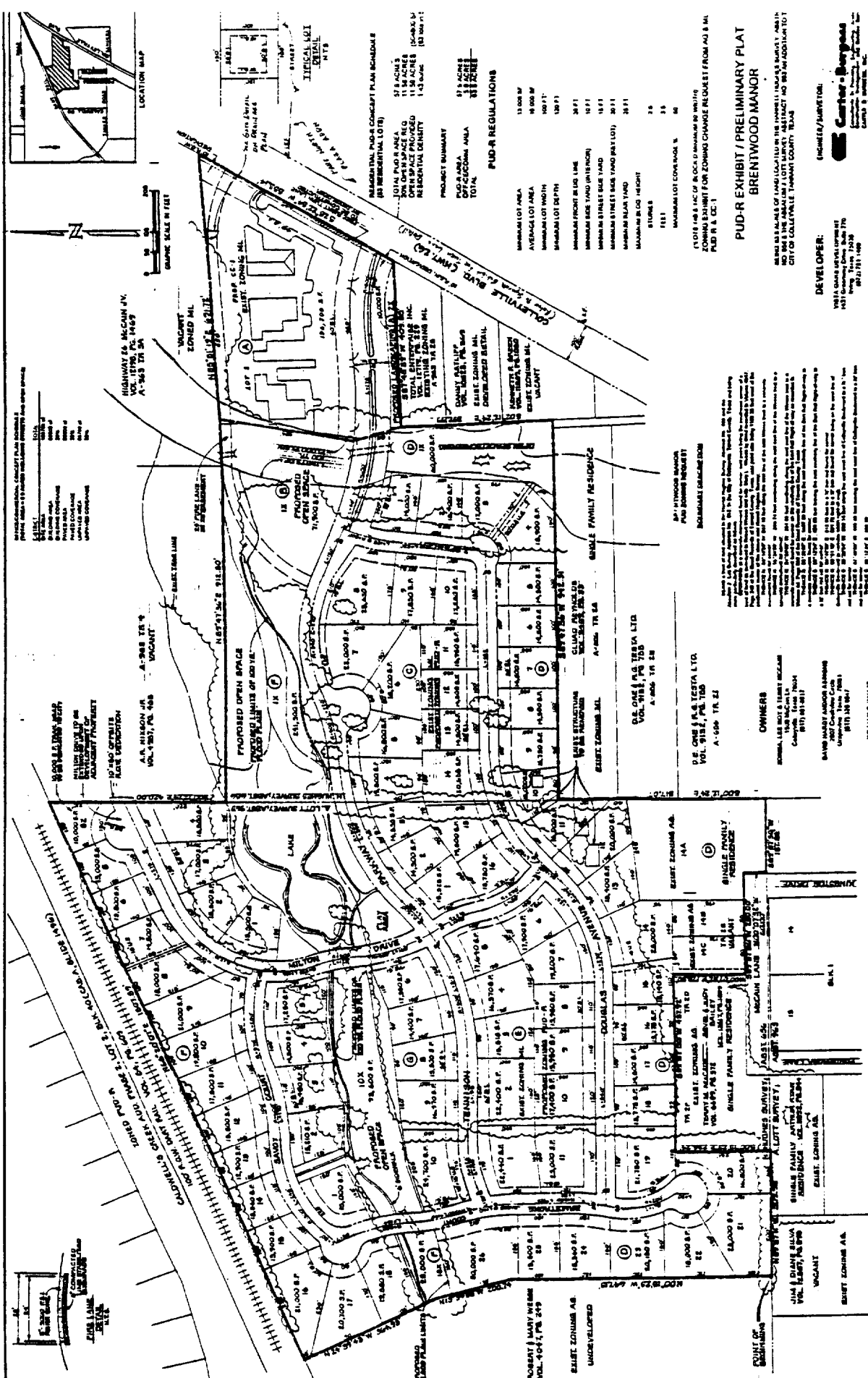
THENCE S. 89°57'56" W., 250 feet;

THENCE N. 00°07'52" W., 178.50 feet;

THENCE S. 89°57'56" W., 437.92 feet;

THENCE S 00°15'23" E., 235.24 feet to a ¼" iron rod found for corner, said point being on the north line of the Weston Ward Addition, an addition to the City of Colleyville as recorded in Volume 388-17, Page 397 of the Deed Records of Tarrant County, Texas;

THENCE N. 89°57'11" W., 309.96 feet along the said north line of Weston Ward Addition to the Point of Beginning and containing 63.832 acres of land.



BRENTWOOD MANOR PUD APPLICATION

Statement of Planning Objectives:

The primary objective of this PUD application is to establish a residential neighborhood. The lots will be an average of 16,000 sf with a minimum lot size of 13,000 sf. The existing creeks crossing the property will be preserved where possible, creating open spaces and responding the natural character of the land. The open spaces will be owned and maintained by a mandatory homeowners association made up of the residents of the community.

In addition, three community commercial lots will be created by this PUD, which will be in character with the adjacent uses along Colleyville Boulevard.

Development Schedule

The platting and engineering of this property will commence immediately upon approval of the PUD zoning. The development schedule anticipates having developed residential lots available for building permit by autumn of 1998.

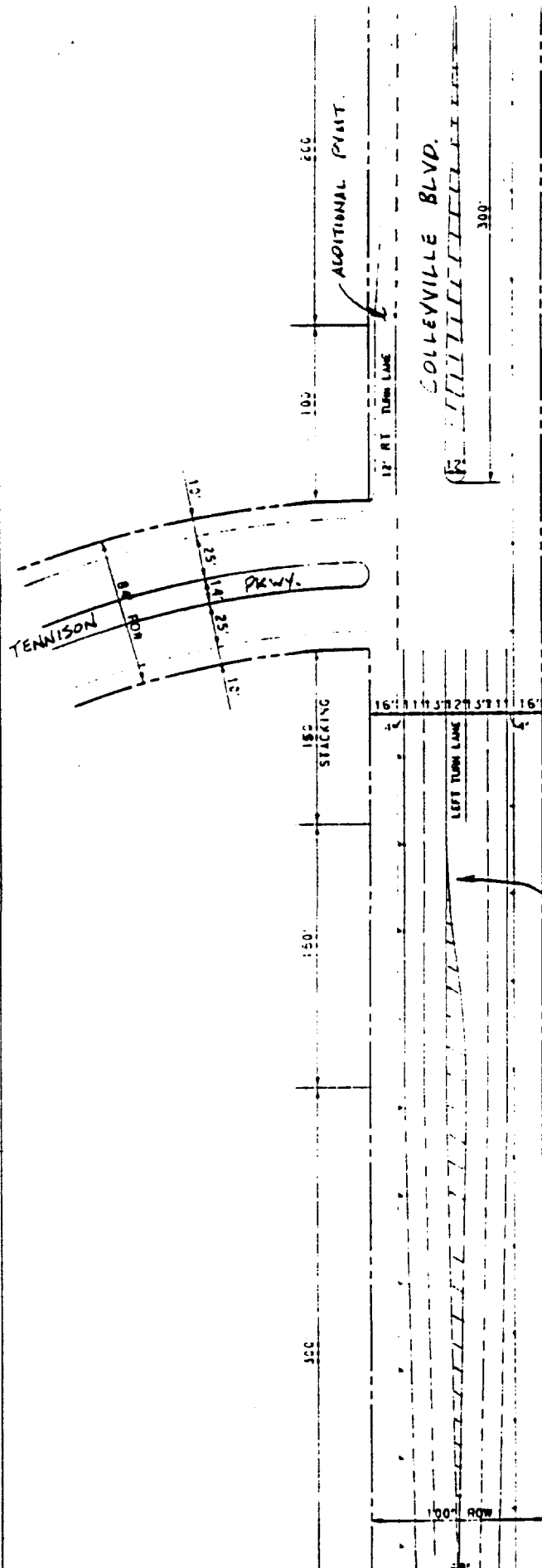
Statement of Proposed Ownership

These parcels are to be owned and developed by Vista Oaks Development, 1431 Greenway Drive, Suite 770, Irving, Texas 75038 (Steve Gee, President).

Statement of Utilities to be Provided

Water service to this site will be provided by connecting to an existing 12" water main in Colleyville Boulevard. A second water feed will be established by connecting to an existing main in McCain Lane.

Sewer service will be provided by constructing an offsite main north and east of the property, along the existing creek, to connect to City sewer mains at John McCain Road. The City staff has been working other parties regarding this sewer routing for several months in anticipation of development.



LEFT TURN LANE
DETAIL
(CONCEPT ONLY)

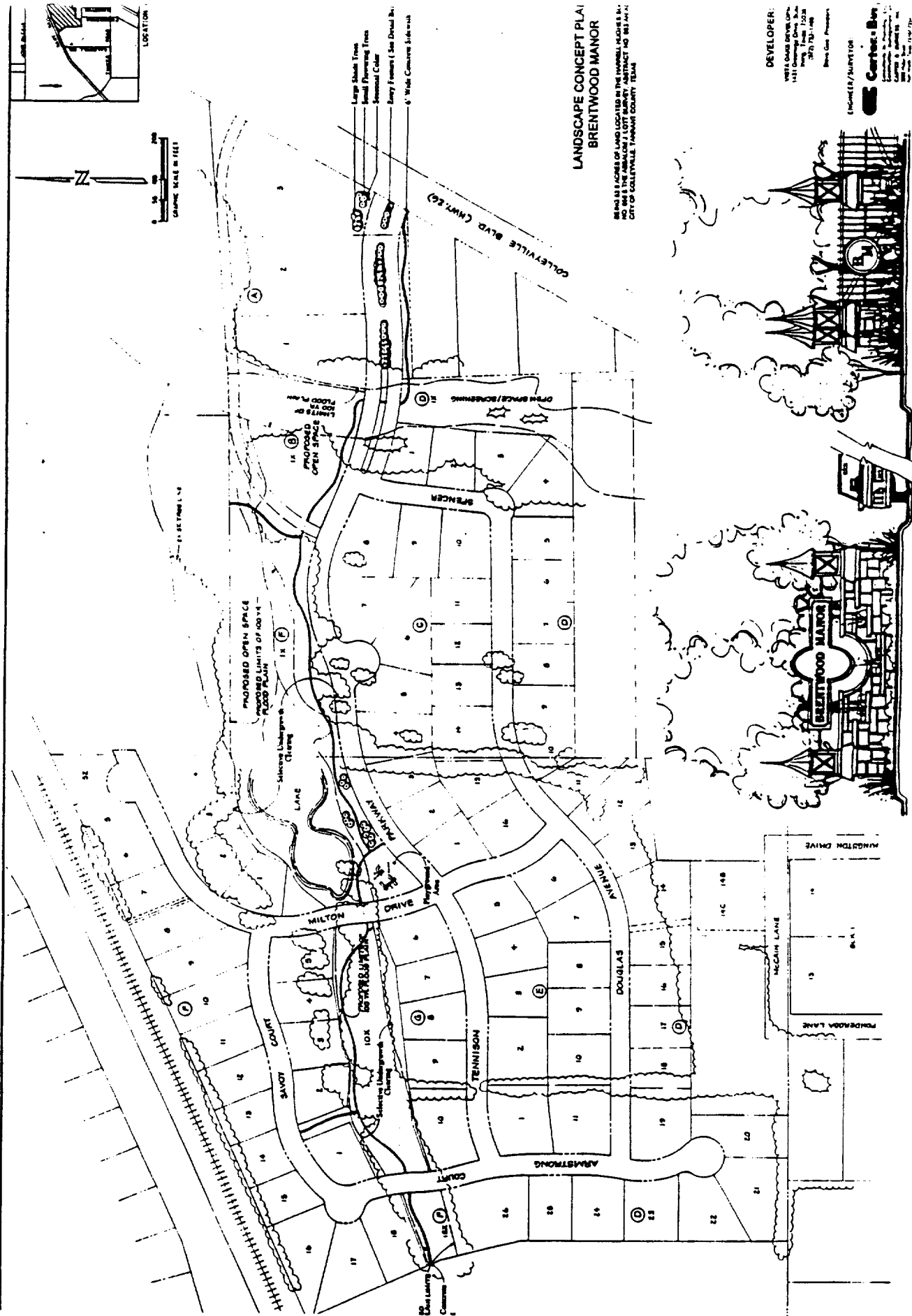
Carter-Burgess
CARTER & BURGESS, INC.
3000 Hudson Street
Brentwood, TN 37027-1750
(615) 730-0000 FAX (615) 730-0100
CARTER & BURGESS

DEVELOPER:
VISTA GROUP DEVELOPERS
1431 Overmyer Drive, Suite
1000, Toledo, OH 43606
(419) 751-1400
Steve Goss, President

McGraw-Hill
Carters - Box
 Located in Building 10
 Carters - Box 10
 1000 1st Ave. S.W.
 Atlanta, Ga. 30334
 Tel. 404-525-1100
 Telex 990000

LANDSCAPE CONCEPT PLAN
BRENTWOOD MANOR

BE 603 IS 8 ACRES OF LAND LOCATED IN THE MARSHALL PLACES & LA
NO 604 IS THE ABRAHAM J LOTT SURVEY, ABSTRACT NO 683 AN ADJ
CITY OF COLLETSVILLE, TARRANT COUNTY TEXAS

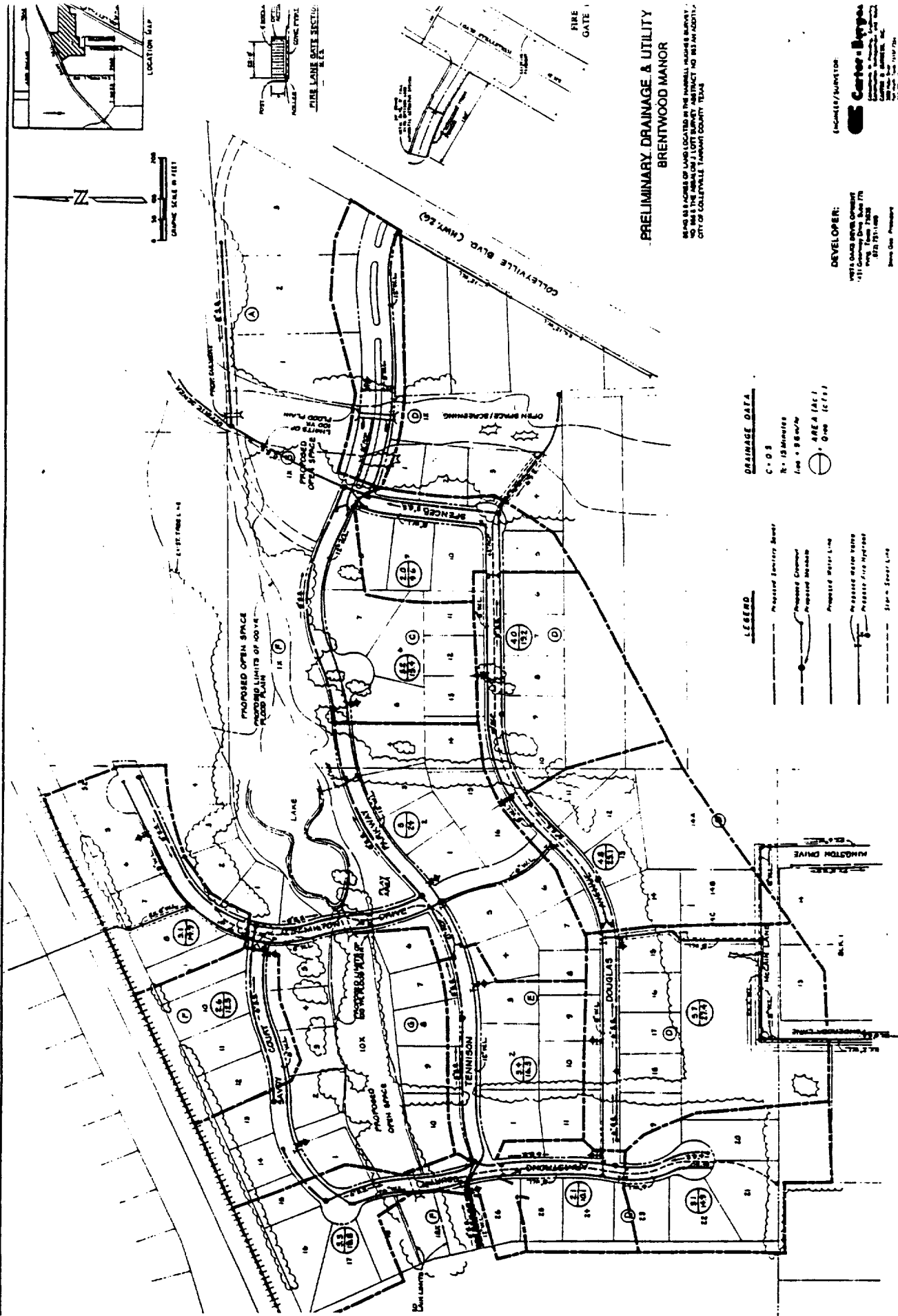


Entry Feature Elevation



Entry Feature Elevation

Not To Scale



ORDINANCE O-14-XXXX

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 1R1, BLOCK 1 OF THE MONTERRA PLACE ADDITION, LOCATED AT 1700 TENNISON PARKWAY, BY AUTHORIZING A SPECIAL USE PERMIT FOR A WEDDING CHAPEL; 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. ZC14-002; and

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

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 1R1, Block 1 of Monterra Place Addition, located at 1700 Tennison Parkway, by authorizing a Special Use Permit for a wedding chapel, as depicted on Exhibit "A," labeled as Location and Zoning Map.
- 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. HOURS OF OPERATION

- a. The hours of operation for indoor events shall be as follows:

Sunday – Thursday: 7:00 a.m. – 10:00 p.m.

Friday – Saturday: 7:00 a.m. – 12:00 a.m.

The hours of operation for outdoor events shall be as follows:

Sunday – Thursday: 7:00 a.m. – 7:00 pm

Friday – Saturday: 7:00 a.m. – 10:30 p.m.

- b. This development shall be generally consistent with the Statement of Planning Objectives, attached as Exhibit "B".

2. PERMITTED USES

- a. The uses allowed by this Special Use Permit shall be for a wedding chapel. The following shall be acceptable accessory uses: birthday, graduation, anniversary or other special receptions, and conference center.
 - b. The Special Use Permit shall automatically expire upon the abandonment of the business; change in use or upon the expiration or termination of the Certificate of Occupancy for the wedding chapel.
 - c. The site and building layout of the wedding chapel shall generally conform to the attached, Exhibit "C" labeled as Site Plan and Floor Plan.
- Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted by City Council on the 15th day of April 2014.

The second reading and public hearing being conducted by City Council on the 6th day of May 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit A –Location and Zoning Map

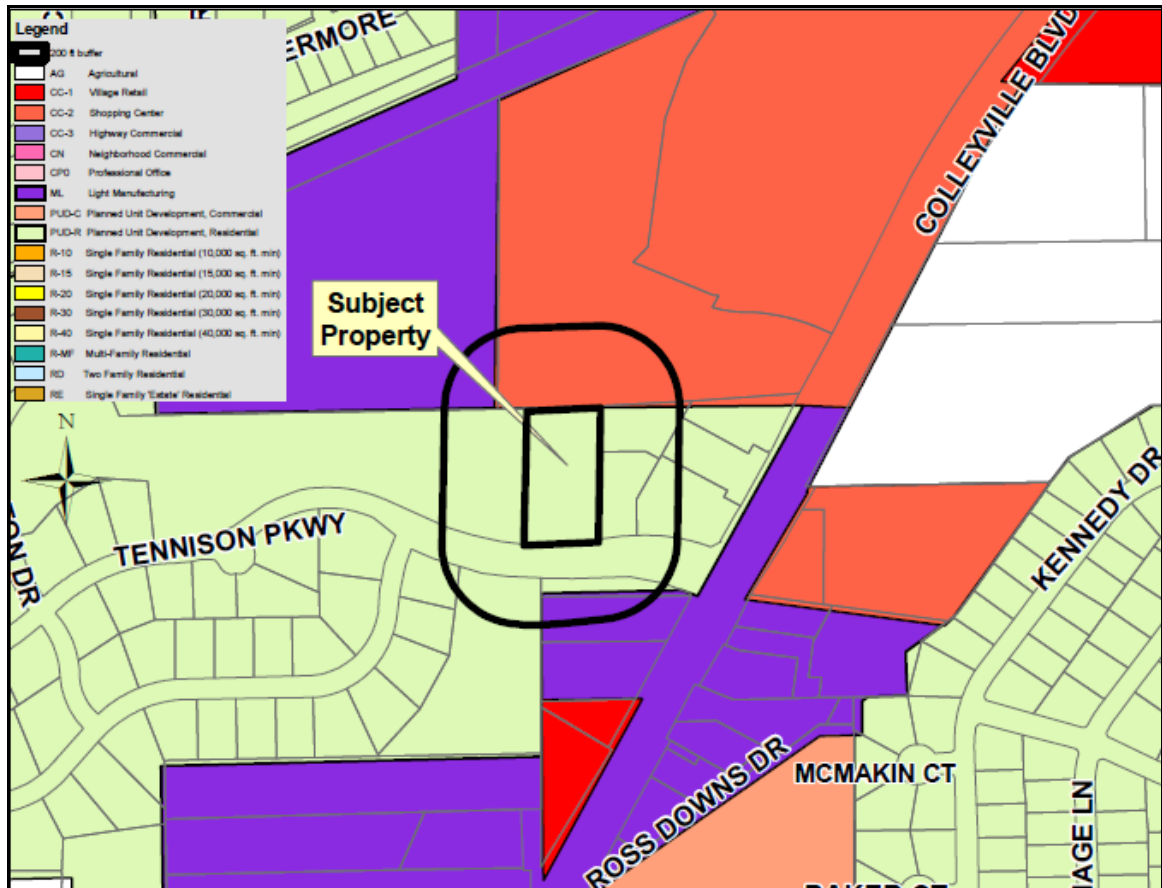


Exhibit B–Statement of Planning Objectives (1 of 2)

Concept

The Monarch Photographic Corporation currently operates the metroplex's largest facility at our **"Marcel's at Monterra"** studios, located along Bear Creek, one block west from Colleyville Boulevard on Tonnison Parkway in the Monterra Place Addition. Our company has provided graduating senior photography services to school districts since 1962. The facility covers nearly 9000 sq. ft. on a 2 acre site on Bear Creek. Indoors, the studio is quite elegant complete with chandelier, 25 ft. ceiling, baby grand piano, dressing areas, sunroom and kitchenette on the west side. The east side space is utilized as overflow studio and additional proposed venue space. Our outdoor portrait park contains a half-acre wildflower garden, year round stream, gazebo, archways, terraces, waterfall, and large lawn to facilitate superior imaging. Because of the picturesque setting, we are often beset with requests to hold special events at this location from our clients, their families, and school groups seeking banquet locations.

Market Research

Citing a lack of small event venues in the City of Colleyville, our feedback from the public has been quite favorable. The location is far removed from both busy roads and residential neighborhoods, separated by a natural stream corridor, and is a pleasing respite for the passing motorists entering the Monterra subdivision. We foresee a highly sought after venue that will generate funding to further develop the garden spot we have created.

Conversion Activity

With the SUP and dual use designation, we will be converting space in two (of four) camera rooms to hold events up to 65 seats for venues such as small weddings. All catering, florist, and equipment services will be supplied from off-site contractors. The east side space is event ready for parties of 45. The facility has no plans to apply for TABC licenses at this time.

There will be no construction involved in the conversion of the rooms, other than rearranging of sets, screening those that remain, setting up tables and seating, and cleaning. The facility has adequate parking available on-site (39 spaces) and has secured shared arrangements with the adjacent property owner (35 spaces). Outdoor events will also be made available to the extent they do not interfere with our photographic sets.

Exhibit B-Statement of Planning Objectives (2 of 2)

Economic Development

Operation of the facility will require the hiring of six new employees to set up/ tear down, host events, and provide security. Traffic through the facility will likely double, bringing the total number of visitors to Colleyville up to approximately 10,000 annually. Events will occur on weekend/ weeknight schedules when the studio and adjacent businesses are not in operation, so impacts on traffic will be nominal. Events will be completed by 10:00 pm weeknights and 12:00 am on weekends. Once both venues are 100% utilized we estimate the additional revenues to the facility to generate \$16850 in additional sales tax revenues to the city (2%).

Exhibit C – Site Plan and Floor Plan

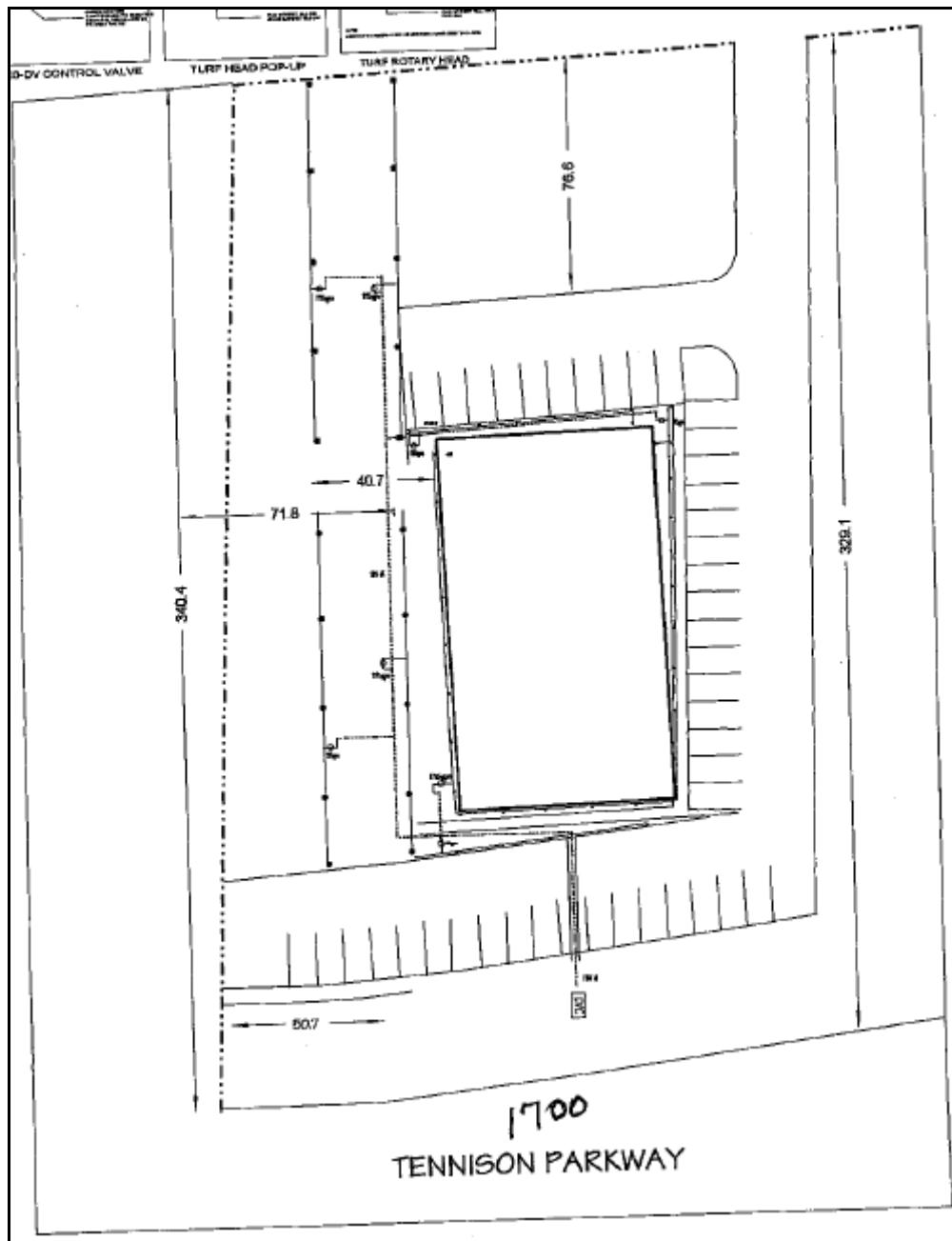
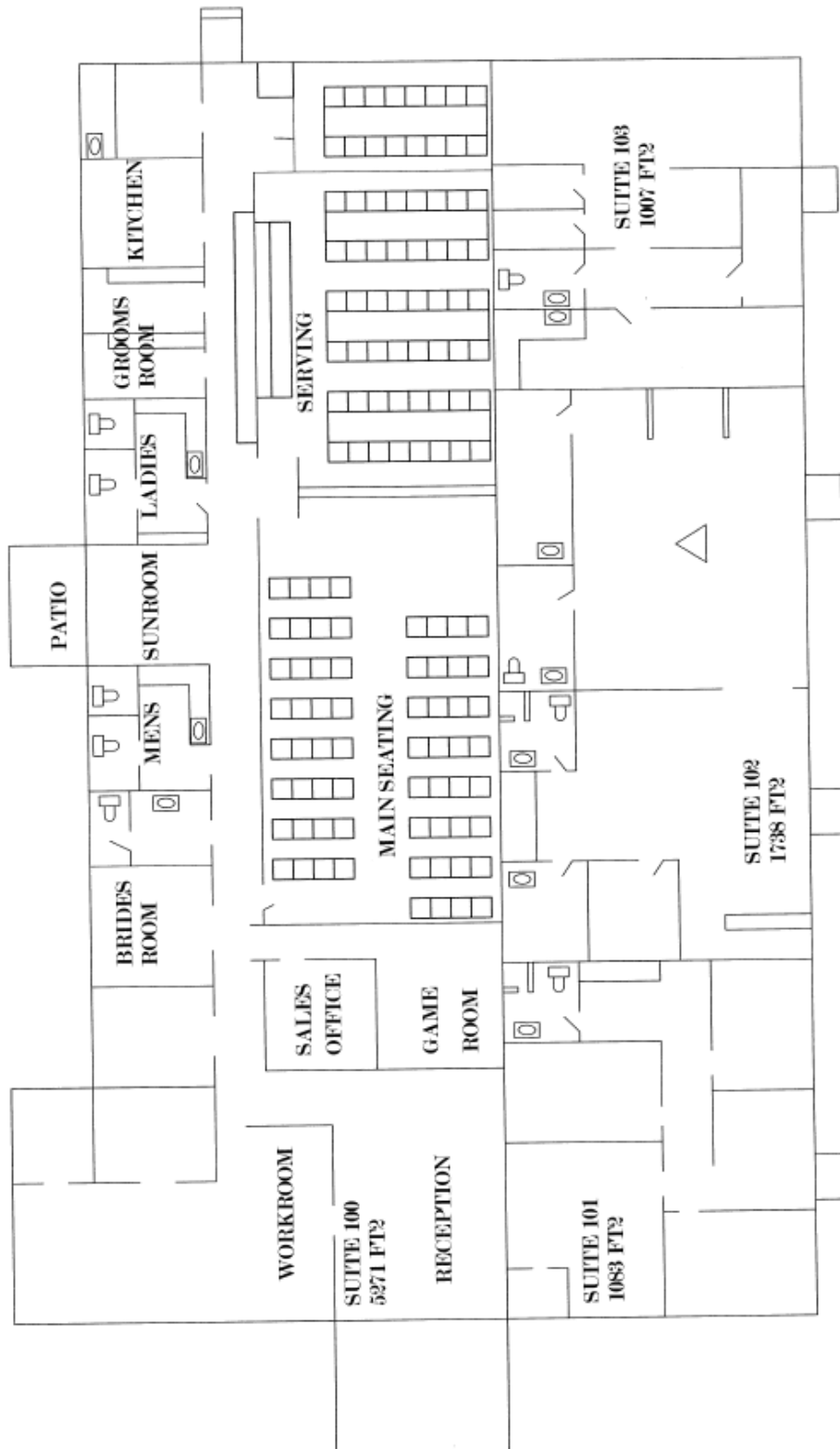


Exhibit C - Site Plan and Floor Plan





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 03/24/2014	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a Special Use Permit for a concrete batch plant on Tract 1G, Abstract 1038 of the Hall Medlin Survey and Tracts 1A02 & 1C, Abstract 295 of the William E Crooks Survey located at 7612 & 7624 Pleasant Run Road, Case ZC14-004

Explanation

Mark Leonard with Gilco Contracting submitted a request for a temporary concrete batch plant for a 45,000 square foot area, located west of Pleasant Run Road along the south boundary line of the Overlook at Big Bear Creek project. The temporary batch plant will be solely used to provide concrete for the Overlook at Big Bear Creek, approved under Ordinance O-13-1875 (attached).

Applicant's Request. The Overlook at Big Bear Creek is a proposed single family subdivision owned by the Wilbow-Overlook Development Corporation. The 53.2 acre site will include 73 single family residential lots and open space along Big Bear Creek.

The proposed temporary batch plant will be 300 feet west from the right-of-way for Pleasant Run Road. The area of the proposed use will be 45,000 square feet, which will be 150 feet by 300 feet. The applicant is requesting the temporary use for 21 days to construct the streets for the new subdivision. The batch plant's hours of operation will be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.

The closest habitable residences to the proposed temporary batch plant are 1,050 feet to the west; the closest habitable residences to the north are 1,800 feet; the closest habitable residences to the east are 1,200 feet; and the closest habitable residences to the south are 1,400 feet.

Parking and Access. Material delivery trucks will be instructed to travel south west on Highway 26 to John McCain Road; then travel west on John McCain Road to Pleasant Run Road; and travel north on Pleasant Run Road.

Federal and State Requirements. The applicant has submitted a standard permit to the Texas Air Control Board. A Storm Water Pollution Prevention Plan (SWPPP or SWP3) and Notice of Intent have also been prepared for the Texas Commission on Environmental Quality (TCEQ). These documents must be kept on the work site.

Summary. The temporary concrete batch plant would only be used to provide

concrete for the new development being constructed. Several benefits exist by utilizing a temporary batch plant on-site, including better quality control of the concrete being produced, and eliminating concrete mixer trucks that would use public streets to access the site.

For example, the Overlook at Big Bear Creek will require 25,000 cubic yards of concrete to pave. If a temporary batch plant was erected on site, then the only trucks entering and exiting the property would be the ones needed to haul sand and aggregates to produce on site. Without a batch plant, this will require 2,500 concrete trucks moving on city streets, just to pave the subdivision. The approval of the temporary batch plant will reduce deterioration of public streets.

Therefore, staff recommends approval of the temporary concrete batch plant for the Overlook at Big Bear Creek.

Recommendation

Approval with the following conditions:

1. HOURS OF OPERATION

a. The hours of operation for shall be as follows:

Monday – Saturday: 7:00 a.m. – 6:00 p.m.

b. The temporary concrete batch plant shall be in use for twenty-one (21) days from the date of issuance of the Notice of Intent.

2. PERMITTED USES

a. The temporary concrete batch plant allowed by this Special Use Permit must be permitted by the Texas Air Control Board.

b. The Special Use Permit shall meet all state and federal requirements for concrete batch plants. A copy of the Storm Water and Waste Water Pollution Prevention Plan (SWWPPP), and the Notice of Intent (NOI) must be posted on the premise.

c. The area boundaries of the temporary concrete batch plant shall generally conform to the attached, Exhibit "B" labeled as Zoning Exhibit.

d. The material delivery trucks will be instructed to travel southwest on Highway 26 to John McCain Road; then travel west on John McCain Road to Pleasant Run Road; and travel north on Pleasant Run Road.

e. The batch plant will be used to provide concrete for no other project(s) other than

the Overlook at Big Bear Creek.

f. The temporary concrete batch plant must be a minimum of 300 feet from any school or habitable residence.

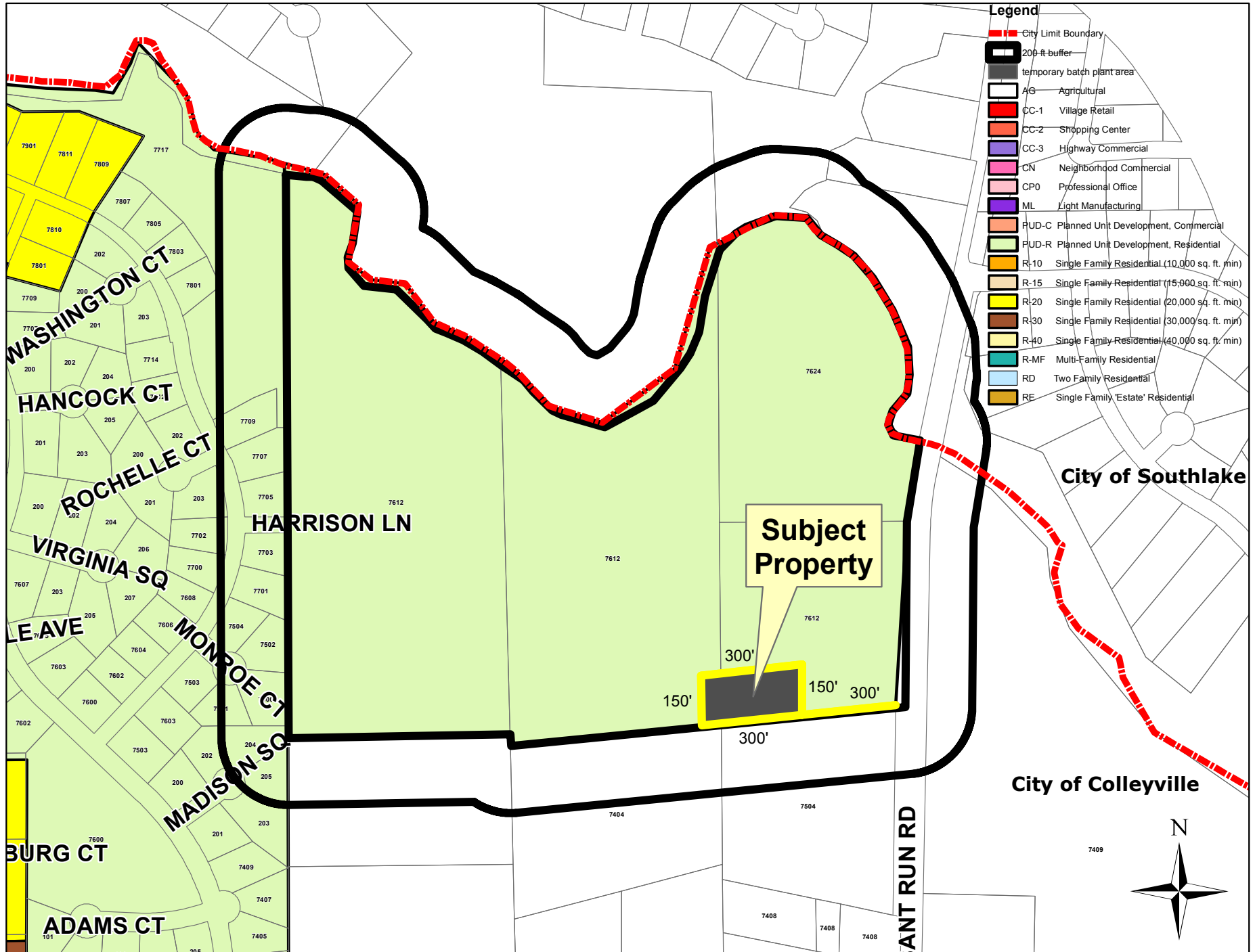
g. A notice to proceed will be issued by the Director of Public Works or designee. The letter will state that the batch plant shall only be allowed in conjunction with the construction site for which the permit is issued. This letter will be kept on site with the TCEQ documentation.

h. The Public Works Director or designee will determine if additional materials testing will be required. City staff will determine the testing personnel required and any cost of testing will be passed onto the applicant.

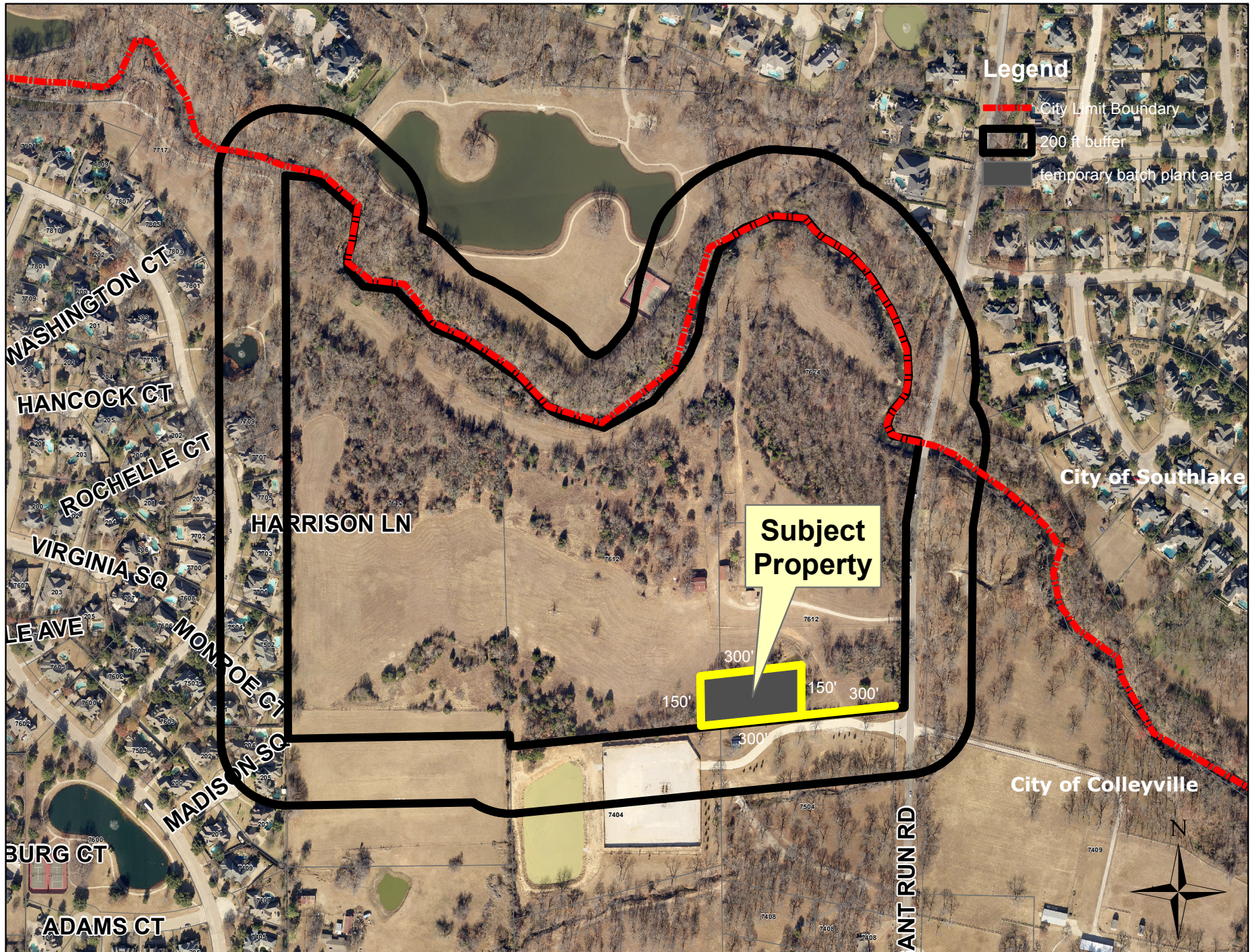
Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Zoning Exhibit
6. Application
7. Ordinance O-13-1875
8. Ordinance O-14-1912

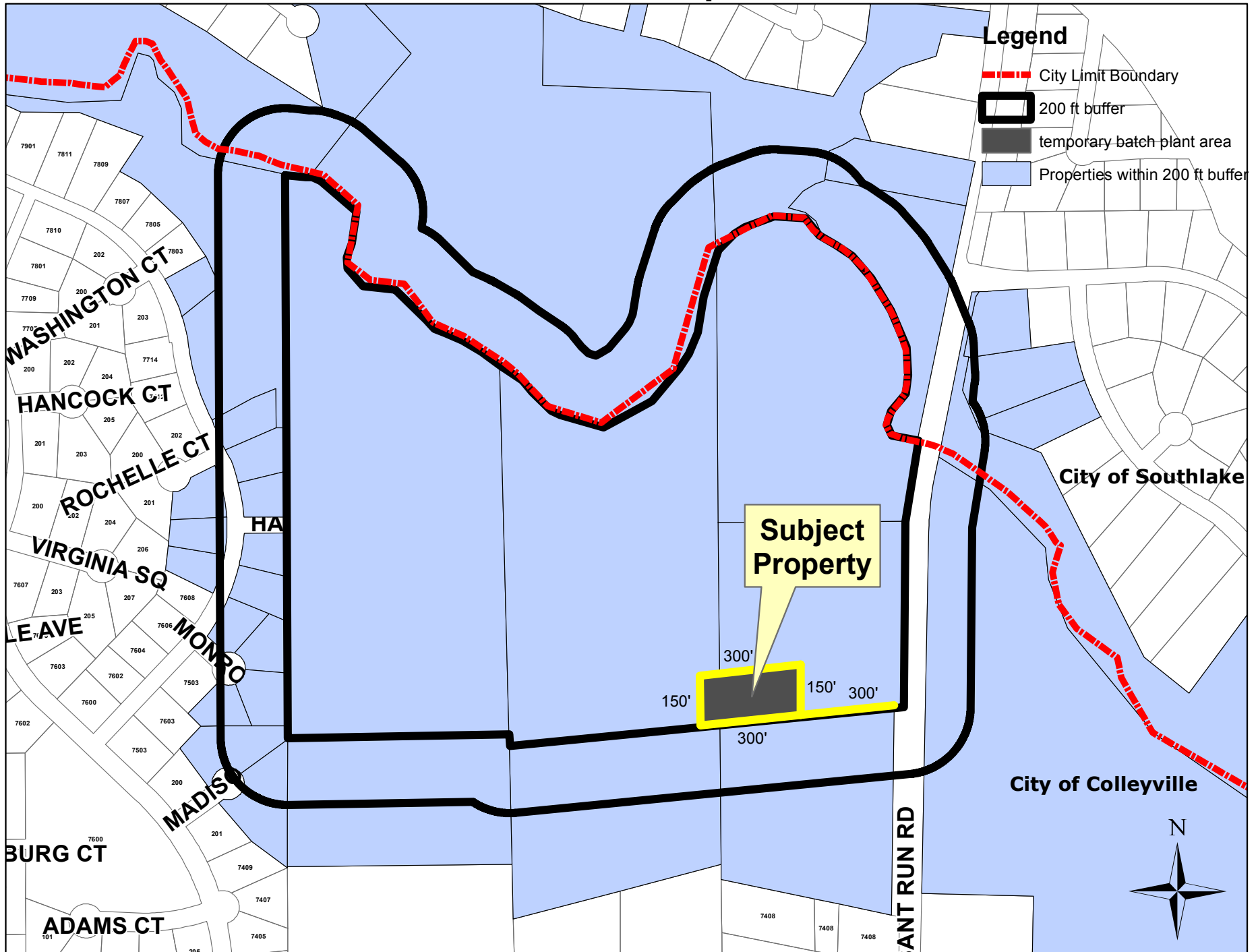
Location and Zoning Map



Aerial



Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
CHANG, WESLEY EN-TSE	203 MADISON SQ	COLLEYVILLE	TX	76034	000203 MADISON SQ
DAVIS, JERRY DON ETUX TOMA D	7801 JEFFERSON CIR	COLLEYVILLE	TX	76034	007801 JEFFERSON CIR
ESTES, STEVEN L ETUX RUTH	7701 JEFFERSON CIR	COLLEYVILLE	TX	76034	007701 JEFFERSON CIR
FAGAN, LAWRENCE JR ETUX SHARON	203 ROCHELLE CT	COLLEYVILLE	TX	76034	000203 ROCHELLE CT
FERRELL, GEORGE ETUX LINDA	7709 JEFFERSON CIR	COLLEYVILLE	TX	76034	007709 JEFFERSON CIR
GRILLO, DIANE	7502 MONROE CT	COLLEYVILLE	TX	76034	007502 MONROE CT
HAWKINS, VINCENT ETUX KIMBERLY	204 MADISON SQ	COLLEYVILLE	TX	76034	000204 MADISON SQ
HAYNES, MICHAEL E ETUX SONJA C	7705 JEFFERSON CIR	COLLEYVILLE	TX	76034	007705 JEFFERSON CIR
HIGHTOWER, SYDNEY MARY TR	3945 FM 273	BONHAM	TX	75418	000304 JOHN MCCAIN RD
JOHNSON, STUART ETUX CAROLE	7504 MONROE CT	COLLEYVILLE	TX	76034	007504 MONROE CT
LOWE, JONATHAN	7500 MONROE CT	COLLEYVILLE	TX	76034	007500 MONROE CT
MASON, DALE ETUX SHERRI	7702 JEFFERSON CIR	COLLEYVILLE	TX	76034	007702 JEFFERSON CIR
MONTICELLO HOMEOWNERS ASSN	1800 PRESTON PARK BLVD STE 101	PLANO	TX	75093	007717 JEFFERSON CIR
PLEASANT RUN COLLEYVILLE INC	4131 N CENTRAL EXPY	DALLAS	TX	75204	007612 PLEASANT RUN RD
ROSS, RAYMOND R	7700 JEFFERSON CIR	COLLEYVILLE	TX	76034	007700 JEFFERSON CIR
SHORT, JOSEPH T ETUX JULIE	7703 JEFFERSON CIR	COLLEYVILLE	TX	76034	007703 JEFFERSON CIR
STAAB, JAMES ETUX LANESE TURNE	205 MADISON SQ	COLLEYVILLE	TX	76034	000205 MADISON SQ
STEWART, BRET A ETUX DEE	7707 JEFFERSON CIR	COLLEYVILLE	TX	76034	007707 JEFFERSON CIR
THOMPSON, PHILIP K ETUX DANA E	7501 MONROE CT	COLLEYVILLE	TX	76034	007501 MONROE CT
TRINITY CHRIS CTR SANTA ANA	2442 MICHELLE DR	TUSTIN	CA	92780	007404 PLEASANT RUN RD
TUTTLE, ROBERT S ETUX BILLIE J	202 MADISON SQ	COLLEYVILLE	TX	76034	000202 MADISON SQ
Monticello HOA	308 Covington Way	COLLEYVILLE	TX	76034	COURTESY NOTICE
Grapevine-Colleyville ISD	3051 IRA E. WOODS. AVENUE	GRAPEVINE	TX	76051	COURTESY NOTICE
City of Southlake	1400 MAIN STREET	SOUTHLAKE	TX	76092	COURTESY NOTICE
GILCO CONTRACTING, INC.	6331 SOUTHWEST BLVD	BENBROOK	TX	76132	APPLICANT

Public hearing notice was mailed Friday,
March 14, 2014 by Taci Wrisley

Zoning Exhibit

Copy

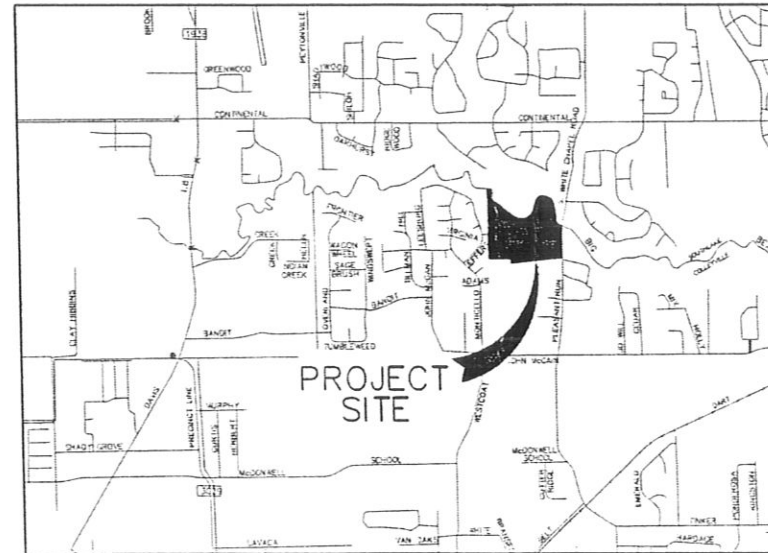
CONSTRUCTION PLANS FOR THE OVERLOOK AT BIG BEAR CREEK AN ADDITION TO THE CITY OF COLLEYVILLE TARRANT COUNTY, TEXAS

GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR BEING FAMILIAR WITH THE PLANS AND SPECIFICATIONS FOR THIS PROJECT, THE PROJECT AREA, AND ALL CODES, REGULATIONS OR LAWS APPLICABLE TO THE PROJECT.
2. ALL CONSTRUCTION SHALL BE PER CITY OF COLLEYVILLE STANDARDS FOR CONSTRUCTION.
3. OWNER SHALL DESIGNATE A STAGING AREA FOR THE CONTRACTOR. NO STORAGE OR EQUIPMENT OR MATERIALS SHALL BE PERMITTED WITHOUT PERMISSION OF THE OWNER.
4. CONTRACTOR SHALL MAINTAIN THE SITE IN A NEAT AND ORDERLY FASHION AND DISPOSE OF EXCESS MATERIALS AND DEBRIS BY LEGAL MEANS OFF SITE. NO DEBRIS SHALL BE BURIED ON SITE.
5. WORK IN THE RIGHT-OF-WAY SHALL BE COORDINATED WITH THE CITY. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TRAFFIC FLOW IN A SAFE MANNER IN ACCORDANCE WITH CITY REQUIREMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING APPROPRIATE PERMITS AND FOR PROVIDING ALL NECESSARY WARNINGS AND SAFETY DEVICES AS REQUIRED BY THE CITY.
6. UTILITIES SHOWN ARE AT APPROXIMATE LOCATIONS BASED ON AVAILABLE PLANS AND NOT ALL UTILITIES MAY BE SHOWN. CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO CONSTRUCTION.
7. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB, EDGE OF PAVEMENT, OR CENTERLINE OF PIPE/CHANNEL UNLESS OTHERWISE NOTED.
8. CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF EXISTING UTILITIES AND SITE FEATURES DURING CONSTRUCTION. CONTRACTOR SHALL REPAIR ANY DAMAGED UTILITIES OR SITE FEATURES TO A LIKE NEW CONDITION AT CONTRACTORS EXPENSE PRIOR TO FINAL APPROVAL OF THE CONSTRUCTION BY OWNER.

REVISIONS TO COLLEYVILLE STANDARD DETAILS - SEPT 10, 2013:

1. REVISE ALL SANITARY AND STORM DRAIN MANHOLES RING AND COVERS TO 30" DIAMETER.
2. MANHOLE COVERS TO SAY "COLLEYVILLE" AND "STORM DRAIN" OR "SANITARY SEWER" AS APPROPRIATE.
3. 4' X 4' CONCRETE PAD REQUIRED AROUND ALL MANHOLES NOT IN CONCRETE PAVING. (5' MINIMUM WITH NO. 4 AT 18" OC).
4. 2' X 2' CONCRETE PAD REQUIRED AROUND ALL GATE VALVE BOXES NOT IN CONCRETE PAVING. (5' MINIMUM WITH NO. 4 AT 18" OC).
5. 3' X 3' SPLASH PAD REQUIRED ON ALL FIRE HYDRANTS. (5' WITH #4 ON 18" OC).
6. BORE DETAIL W-11: RACI SPACERS NOT ALLOWED. MUST BE STAINLESS STEEL WITH RUBBER GROMMETS.
7. GATE VALVE DETAIL W-3: REVISE RISER FOR VALVE BOX TO DUCTILE IRON IN LIEU OF PVC.
8. TYPICAL RESIDENTIAL STREET WIDTH TO BE 31' BB.
9. SAND CUSHION WILL NOT BE ALLOWED FOR SIDEWALKS, DRIVEWAYS, OR OTHER CONCRETE FLATWORK.
10. IMPROVEMENTS TO BE CONSTRUCTED ON TREATED (WHERE SPECIFIED) AND COMPACTED SUBGRADE.
11. WHEELCHAIR RAMP DETAIL SHEET P-7: REPLACE WITH TXDOT PED 12-A.
12. STORM DRAIN SHALL BE TOP IN ROW. HOPE ALLOWED IN AREAS OF PRIVATE MAINTENANCE.



VICINITY MAP
N.T.S.

SHEET INDEX

- | | |
|-------|---|
| 1 | COVER SHEET |
| 2-3 | FINAL PLAT |
| 4-7 | GRADING PLAN |
| 8 | PAVING PLAN & PROFILE: FOREST MEADOW DRIVE - STA. 0+00 TO 9+00 |
| 9 | PAVING PLAN & PROFILE: FOREST MEADOW DRIVE - STA. 09+00 TO END |
| 10 | PAVING PLAN & PROFILE: WILD FLOWER WAY - STA. 0+00 TO END |
| 11 | PAVING PLAN & PROFILE: OVERLOOK DRIVE - STA. 1+00 TO 12+50 |
| 12 | PAVING PLAN & PROFILE: OVERLOOK DRIVE - STA. 12+50 TO END |
| 13 | PAVING PLAN & PROFILE: PRAIRIE VIEW COURT - STA. 0+00 TO END |
| | PAVING PLAN & PROFILE: HARRISON LANE - STA. 1+51 TO END |
| 14 | DRAINAGE AREA MAP |
| 15-16 | DRAINAGE CALCULATIONS |
| 17-20 | STORM SEWER PLAN & PROFILES |
| 21 | WATER & SANITARY SEWER PLAN |
| 22-24 | SANITARY SEWER PROFILES |
| 25 | STREET SIGN PLAN |
| 26 | EROSION CONTROL PLAN |
| 27-28 | PAVING DETAILS |
| 29 | WATER DETAILS |
| 30 | SANITARY SEWER DETAILS |
| 31 | DRAINAGE DETAILS |
| 32-33 | TXDOT SINGLE BOX CULVERTS DETAILS (SCC-3&4) |
| 34 | TXDOT CONCRETE HEADWALLS (CH-FW-0) |
| 35 | TXDOT CONCRETE HEADWALLS (CH-FW-30) |
| 36 | TXDOT CONCRETE HEADWALLS (FW-0) |
| 37 | TXDOT CONCRETE HEADWALLS (PW-0) |
| 38 | TXDOT PEDESTRIAN FACILITIES - CURB RAMPS - PED - 12A (SHEET 1 OF 4) |
| 39 | TXDOT PEDESTRIAN FACILITIES - CURB RAMPS - PED - 12A (SHEET 2 OF 4) |
| 40 | TXDOT PEDESTRIAN FACILITIES - CURB RAMPS - PED - 12A (SHEET 3 OF 4) |
| 41 | TXDOT PEDESTRIAN FACILITIES - CURB RAMPS - PED - 12A (SHEET 4 OF 4) |

FOR CONSTRUCTION

NOVEMBER 2013

MLA CONSULTING
ENGINEERS & PLANNERS

THE OVERLOOK AT BIG BEAR CREEK
COLLEYVILLE, TEXAS

CAUTION! EXISTING UTILITIES

CONTRACTOR SHOULD CALL 1-800-DIG-TESS PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES FOR EXISTING UTILITY LOCATIONS. EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY BOTH HORIZONTALLY AND VERTICALLY THE LOCATION OF ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION AND TO TAKE NECESSARY PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION.

BENCHMARK

CITY OF COLLEYVILLE, BENCHMARK 34
2" BRASS DISC IN TOP OF WEST WINGWALL ON PLEASANT RUN
LOCATED 361' NORTH OF THE CL OF JOHN MCCAIN ROAD 1 38.5'
SOUTH OF 4' PP ON THE WEST SIDE OF PLEASANT RUN.

PROJECT BENCHMARK

"X" CUT IN THE BACK OF CURB ON CREEKWAY BEND
N: 7020725.7337
E: 2380493.3640
ELEV: 599.334

MLA CONSULTING
ENGINEERS & PLANNERS
101 W. RENNER ROAD, SUITE 140, RICHARDSON, TEXAS 75082
972-578-9300 FAX: 214-242-2422 FIRM REG. #F-11959
WWW.MLA CONSULTINGLLC.COM

REVISIONS

DATE:	NOVEMBER 2013
PROJECT NO:	3600
DWG FILE NAME:	COVER SHEET

THIS DOCUMENT IS RELEASED FOR
THE PURPOSE OF CONSTRUCTION.
THE SEAL APPEARING ON THIS
DOCUMENT WAS AUTHORIZED BY
CRAIG M. MALAN, P.E. 34727

12/2/2013



Zoning Exhibit



Application

Community Development Services Application

City of Colleyville
100 Main Street
Colleyville TX 76034
817.503.1050

APPLICATION TYPE

PLEASE CHECK THE APPROPRIATE BOX BELOW.

- | | | |
|--|---|--|
| ☐ Zoning Change | ☐ Preliminary Plat | ☐ Zoning Variance (ZBA) |
| ☒ Special Use Permit | ☐ Final Plat | ☐ Sign Variance (SBA) |
| ☐ Planned Unit Development | ☐ Minor Plat | ☐ Sidewalk / General Waiver |
| ☐ Site & Landscape Plan | ☐ Amended Plat | ☐ Interpretation Appeal |

PROPERTY INFORMATION

Project Name: THE OVERLOOK AT BIG BEAR CREEK
Project Address (Location): WEST SIDE OF PLEASANT RUN RD. 1/2 MILE NORTH OF JOHN McLAN
Legal Description: BLOCK 1 LOT 445 WM & CROOKS SURVEY ABSTRACT NO. 275
Proposed Number of Lots: 4 Gross Acres: 1 Neighborhood District: _____
Existing Zoning: _____ Proposed Zoning: RESIDENTIAL
Existing Use: _____ Proposed Use: RESIDENTIAL

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal.
See appropriate checklist and fee schedule for minimum requirements. Incomplete applications will not be processed.

APPLICANT - OWNER INFORMATION

Applicant: MARK LEONARD Company: GILCO CONTRACTING
Address: 6331 SOUTHWEST BLVD. Tel: 817-735-1600 Fax: 817-735-1613
City: BEAUBROOK State: TX ZIP: 76132 Email: mark@gilcocontracting.com

Applicant's Status: (check one) ☐ Owner ☒ Representative ☐ Tenant ☐ Prospective Buyer

Property Owner: WILBOW-OVERLOOK DEVELOPMENT LLP Company: _____

Address: 4131 N. CENTRAL EXPRESSWAY Tel: 972 479 0697 Fax: 972 479 0397
City: DALLAS State: TX ZIP: 75204 Email: _____

Ownership Status: (check one) ☐ Individual ☐ Trust ☐ Partnership ☒ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: Mark L

Date: 3/6/14

MARK LEONARD

SIGNATURE OF PROPERTY OWNER (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: SEE ATTACHED OWNERSHIP LETTER

(Letter of authorization required if signature is other than property owner)

The property owner must sign the application or submit a notarized letter of authorization.

Rev: 5/10

For Departmental Use Only

Case #: 2014-004

Total Fee(s): \$505.00

Receipt #: R16028

Date Submitted: 3/7/14

Accepted By: H. W. Wiley

Public Hearing Date: 3/24/14

Leia@gilcocontracting.com

Application

internal separations of land use.

3. Show the building layout and the layout of proposed parking areas.

4. Show the proposed pedestrian walkways and sidewalks

5. Provide the following information on a schedule or table on the exhibit:

- a. gross area (acreage or square feet) of the property proposed for zoning change
- b. gross area and floor area of each separate building and its percentage of the total property area
- c. gross area of streets, sidewalks and other paved surfaces and its percentage of the total property area
- d. gross area of open space and its percentage of the total property area
- e. For residential uses (PUD, RD and R-MF), indicate the number of dwelling units per acre.
- f. For residential uses (PUD, RD and R-MF), indicate the number of each type of dwelling unit (i.e. Single Family, Duplex).

C. Supporting Documents for Applications for PUD, SUP, CPO, CN, CC1, CC2, CC3, ML, RD & R-MF Districts

- ☐ **STATEMENT OF PLANNING OBJECTIVES** Written statement of what is to be achieved in the development proposal for this property. The statement should be prepared as a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including the use and ownership of open spaces. This is the applicant's opportunity to describe what they want to do with the property and why. The applicant may also submit drawings, photographs, company information, etc. with the application.
- ☐ **DEVELOPMENT SCHEDULE** Indicate the approximate date(s) when construction of the proposed development, and subsequent stages or phases can be expected to begin and be completed, to the best of applicant's knowledge and belief.
- ☐ **ECONOMIC DEVELOPMENT INFORMATION** Provide the following data in table or spreadsheet format: ① total square feet of building area, ② estimated sales per square foot, ③ estimated sales per year, and ④ estimated ad valorem taxes per year.
- ☐ **TRAFFIC IMPACT ANALYSIS** Required when a proposed development is projected to generate more than 1,000 vehicle trips per day, as determined by the Director of Public Services. The purpose of the analysis is to determine the need for traffic mitigation measures such as additional right-of-way width, turning lanes, or traffic control devices.

D. Supporting Documents for Applications for PUDR and PUDC.

1. *Drainage Analysis* – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of the Land Development Code.
2. *Site Plan* – The Site Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:
 - a. Proposed layout, indicating the approximate size and dimensions of all residential and non-residential lots
 - b. Proposed land uses and building locations
 - c. General elevation drawings of all non-residential structures indicating building height
 - d. Landscaping, lighting, fencing and screening of common areas
 - e. General locations of existing tree clusters
 - f. Location and construction type of perimeter fencing
 - h. Design of ingress and egress with description of any special pavement treatments
 - i. Calculations and location of off-street parking and loading facilities
 - j. Location and type of all commercial signage and lighting, including pole heights, for parking lots and common areas
 - k. Location and description of subdivision signs and landscaping at entrance areas
 - l. Street names on all proposed streets

Exception: A Planned Unit Development application may be submitted and approved without a Site Plan, if the approving ordinance contains sufficient written detail to establish all site criteria.

** Refer to Section 3.23 PUD - Planned Unit Developments of the Land Development Code for detailed PUDR and PUDC development standards

Application *TCEQ Air Permit Relocation Notice*

Gilco Contracting, Inc.
6331 Southwest Boulevard
Benbrook, TX 76132
817-735-1600 EXT 302

February 26, 2014

Mr. Tony Walker
Air Program Manager
TCEQ
2309 Gravel Drive
Fort Worth, Texas 76118-6951

Re: Concrete Batch 2: Overlook @ Bear Creek
Serial Number: 020205
Registered Entity Number: RN102742749

Dear Mr. Walker:

Enclosed are the forms required to notify the TCEQ of the intent to locate a concrete batch plant (owned and operated by Gilco Contracting, Inc.) 1425 feet southeast from the intersection of Jefferson Circle and Harrison Lane on the Overlook @ Bear Creek project, located in the City of Colleyville. The plant is scheduled to be moved in approximately March 10, 2014 with operation to commence the next business day. The hours of operation will be as indicated on the Table 20. The plant should remain on-site until approximately March 24, 2014. The concrete produced at this location is for a public works project in Tarrant County and the plant will be located contiguous to proposed work.

Thank you for your assistance. Please advise of any further information required. Please direct communications regarding this application to me at the address and phone number shown above.

Sincerely,



Leia Hubbard
Operations Director

Enclosures: Regional Notification Form, Table 20, Table 11, Checklist, Plot Plan, Area Map, Permit Conditions

CERTIFIED MAIL 7013 2630 0000 5588 2257

Application



Notice of Intent (NOI) for Discharges from Concrete Batch Plants under TPDES General Permit TXG110000

IMPORTANT:

- Use the **INSTRUCTIONS** to fill out each question in this form.
- Use the **CHECKLIST** to make certain all you filled out all required information. Incomplete applications **WILL** delay approval or result in automatic denial.
- Once processed your permit can be viewed at http://www5.tceq.texas.gov/wq_dpa/

APPLICATION FEE:

- You must pay the **\$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses. See instructions for details.
- Did you know you can pay online?
 - Go to <https://www6.tceq.texas.gov/epay>
 - Select Fee Type: **GENERAL PERMIT WASTEWATER DISCHARGE APPLICATION**

Provide your payment information below, for verification of payment:

Mailed ☐ Check/Money Order No.: _____
Name Printed on Check: _____
EPAY ☒ Voucher No.: _____
• Is the Payment Voucher copy attached? ☐ Yes

Is this a Renewal of an existing General Permit Authorization?

- ☐ Yes The Permit number is: TXG11 _____
(If a permit number is not provided, a new number will be assigned.)
☒ No

d) OPERATOR (Applicant)

- a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN
at: <http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN 600434427

- b) What is the Legal Name of the entity (applicant) applying for this permit?
Gilco Contracting, Inc
(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)
- c) What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in TAC 305.44(a).
Prefix (Mr. Ms. Miss): Mr.
First/Last Name: Dale Gilreath Suffix: _____
Title: President Credential: _____

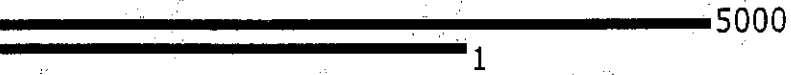
Application

Material Delivery



Google earth

feet
km



Material Delivery Route:

Material delivery trucks will be instructed to travel south west on Highway 26 to John McCain Road; then travel northwest on John McCain to Pleasant Run Rd.; and travel north on Pleasant Run Rd.

The Overlook at Big Bear Creek is located approximately 1/2mi north of John McCain on the west side of Pleasant Run Rd.

Application



Gilco Contracting, Inc.
6331 Southwest Blvd.
Benbrook, Texas 76132

Attn: Leia Hubbard

RE: Overlook at Big Bear Creek

Dear Ms. Hubbard,

Wilbow hereby grants Gilco Contracting, Inc. permission to setup and operate a temporary concrete batch plant on The Overlook at Big Bear Creek project. The plant is scheduled to move in on or about March 10, 2014 and should remain onsite until approximately April 10, 2014, assuming no weather and/or schedule delays beyond our control. This permission is granted with the understanding that all city and state provisions will be met, and the batch plant area shall be cleaned and returned to an acceptable condition.

Sincerely,

Jon Van De Voorde, PE. Vice President

Cc: Mr. Craig Knight, City of Colleyville

Wilbow Corporation Inc.
Fitzhugh Central Building
4131 N. Central Expressway
Suite 1140, Lockbox 13
Dallas, Texas 75204
Telephone: 972.479.0697
Facsimile: 972.479.0397

ORDINANCE O-13-1875

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 53.2 ACRES ON TRACTS 1F AND 1G, ABSTRACT 1038 OF THE HALL MEDLIN SURVEY AND TRACTS 1A02 AND 1C, ABSTRACT 295 OF THE WILLIAM E. CROOKS SURVEY LOCATED AT 7612 AND 7624 PLEASANT RUN ROAD FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC13-001; and

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 53.2 acres on Tracts 1F and 1G, Abstract 1038 of the Hall Medlin Survey and Tracts 1A02 and 1C, Abstract 295 of the William E. Crooks Survey located at 7612 and 7624 Pleasant Run Road from the AG-Agricultural zoning district to the PUD-R-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A" and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-R is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 1.4 dwelling units per acre as described in Exhibit "C". Exhibit "C" is attached herein for descriptive purposes only and shall not be referenced as a regulatory guide for the purpose of this ordinance.

- b. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this ordinance.

2. DEVELOPMENT PLAN AND PLATTING

- a. The development shall be generally consistent with the conceptual site plan, Exhibit "D", which shall not be considered the preliminary plat. The lot arrangement may differ from that shown on the conceptual site plan to accommodate topographic, drainage, or other conditions. The actual street layout shall be consistent with Exhibit "D".
- b. The developer shall submit and receive approval from the City, a preliminary and final plat, approved in one or more phases, in accordance with the requirements of the Land Development Code prior to development of this PUD-R.

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

- a. Residential lot requirements and setbacks shall comply with the following provisions:
 - 1. The minimum lot width shall be 90 feet and the minimum lot depth shall be 70 feet.
 - 2. The minimum lot size shall be 13,000 square feet, with an average lot size of 16,050 square feet.
 - 3. The minimum front yard setbacks shall be 20 feet for lots with side facing garages so long as the distance from the back of curb to the primary structure is at least 30 feet, and 30 feet for lots with front facing garages.
 - 4. The minimum rear yard setbacks shall be:

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

5. RESIDENTIAL DESIGN REQUIREMENTS

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

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

6. OPEN SPACE

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

7. RESIDENTIAL DENSITY REQUIREMENTS

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

8. FENCING, SCREENING, BUFFERING AND TREES

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

9. SIDEWALKS AND TRAILS

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

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

10. GENERAL

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

Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

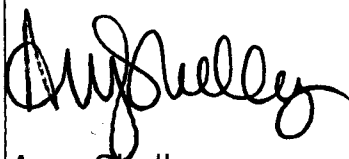
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two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

AND IT IS SO ORDERED.

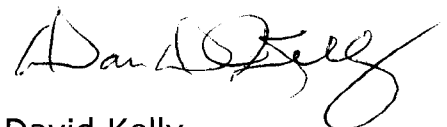
The first reading and public hearing being conducted on the 4th day of June 2013.

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

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

ATTEST:**CITY OF COLLEYVILLE**

Amy Shelley
City Secretary



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

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

for

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

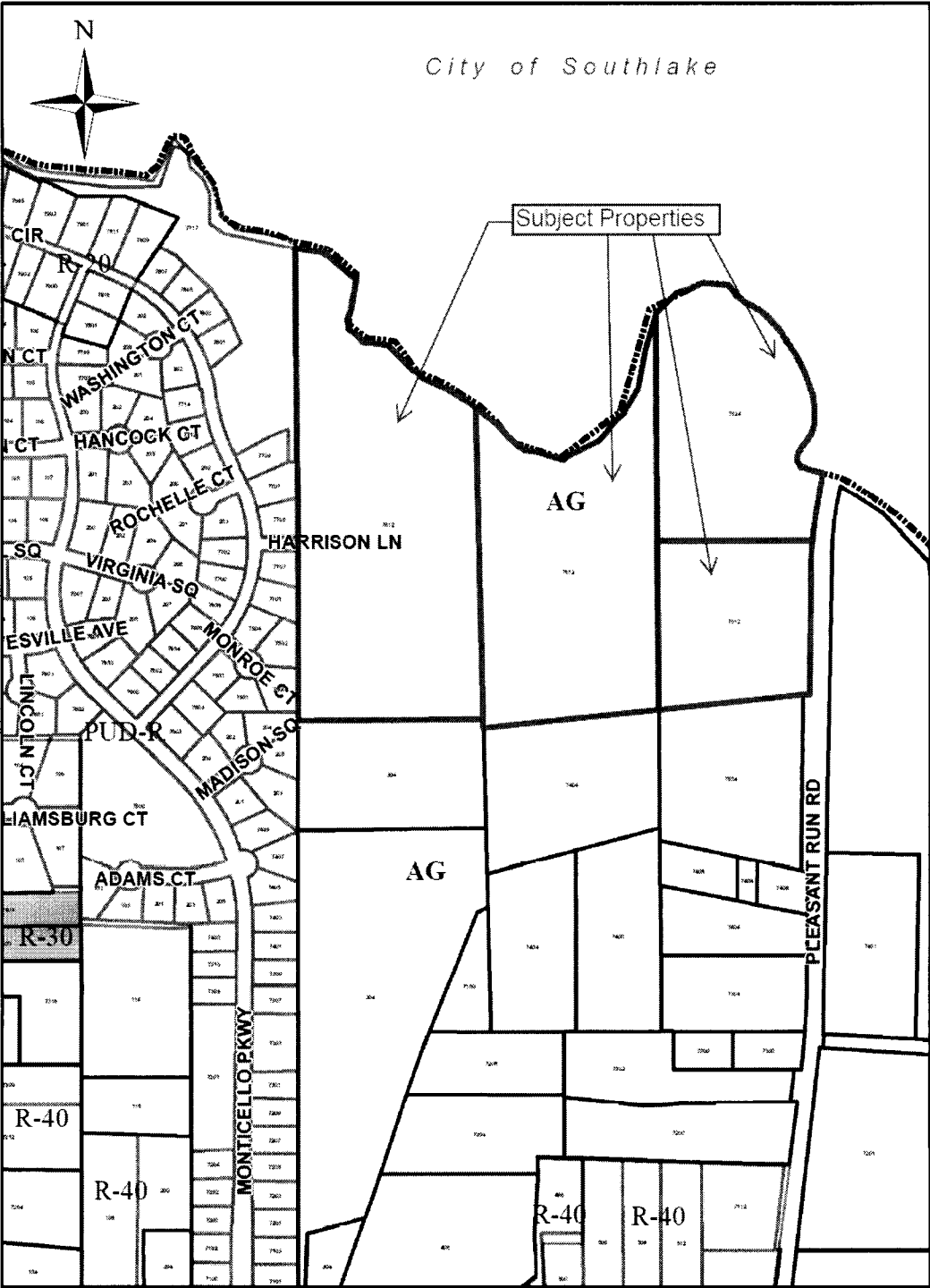


Exhibit "B" – Legal Description

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

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

THENCE N 00°11'48" W, WITH THE WEST LINE OF SAID QUENICHET TRACT, AT 1548.07 FEET A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, IN ALL 1648.07 FEET TO THE CENTERLINE OF BIG BEAR CREEK;

THENCE WITH THE CENTERLINE OF BIG BEAR CREEK THE FOLLOWING BEARINGS AND DISTANCES;

S 64°57'48" E, 130.00 FEET;
S 50°01'23" E, 140.00 FEET;
S 10°11'53" W, 174.00 FEET;
S 52°32'20" E, 86.00 FEET;
S 83°50'13" E, 104.00 FEET;
S 37°43'15" E, 143.00 FEET;
S 65°44'16" E, 104.00 FEET;
S 57°57'16" E, 140.00 FEET, THE NORTHWEST CORNER OF AFORESAID TRACT 3, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, BEARS 00°29" W, 100.00 FEET;
S 40°13'40" E, 146.00 FEET;
S 59°50'53" E, 67.00 FEET;
S 74°42'01" E, 67.00 FEET,
N 89°44'42" E, 115.00 FEET;
N 47°35'35" E, 213.00 FEET;
N 27°22'07" E, 102.00 FEET;
N 15°46'45" E, 122.00 FEET;
N 21°31'34"E, AT 155.7 FEET THE NORTHEAST CORNER OF SAID TRACT 3 AND THE NORTHWEST CORNER OF SAID TRACT 1, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, BEARS S 00°49" E, 100.00 FEET, IN ALL 171.00 FEET;
N 55°19'48" E, 100.00 FEET;
N 72°17'18" E, 100.00 FEET;
S 74°09'29" E, 75.00 FEET;
S 30°07'44" E, 69.00 FEET;
S 53°03'32" E, 180.00 FEET;
S 28°28'40" E, 170.00 FEET;
S 20°31'03" E, 105.00 FEET;
S 00°16'51" E, 80.00 FEET;
S 41°40'16" W, 109.00 FEET;
S 45°24'40" E, 115.00 FEET;

Exhibit "B" – Legal Description Continued

THENCE S 75°34'46" E, 61.00 FEET TO THE INTERSECTION OF SAID BIG BEAR CREEK AND THE APPROXIMATE CENTERLINE OF PLEASANT RUN ROAD (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE S 10°21'30" W, 160.00 FEET WITH SAID APPROXIMATE CENTERLINE, TO THE SOUTHEAST CORNER OF AFOREMENTIONED TRACT 1 AND THE NORTHEAST CORNER OF SAID TRACT 2, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, BEARS S 88°36" W, 100.00 FEET;

THENCE S 01°29'24" W, 612.63 FEET CONTINUING WITH SAID APPROXIMATE CENTERLINE TO THE SOUTHEAST CORNER OF SAID TRACT 2;

THENCE S 84°10'42" W, WITH THE SOUTH LINE OF SAID TRACT 2, AT 40.10 FEET THE NORTHEAST CORNER OF PARK PLACE ESTATES, AN ADDITION TO THE CITY OF COLLEYVILLE, RECORDED IN VOLUME 388-178, PAGE 14 OF SAID PLAT RECORDS, AT 100 FEET A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, IN ALL 558.48 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "JACOBS" SET, AT THE SOUTHWEST CORNER OF SAID TRACT 2 AND THE SOUTHEAST CORNER OF SAID TRACT 3;

THENCE S 84°37'58" W, 654.81 FEET WITH THE SOUTH LINE OF SAID TRACT 3 AND THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO TRINITY CHRISTIAN CENTER OF SANTA ANNA, INC., RECORDED IN VOLUME 9325, PAGE 1004 OF SAID COUNTY RECORDS, TO A 3/8 INCH IRON ROD, FOUND AND BEING THE SOUTHWEST CORNER OF SAID TRACT 3 IN THE EAST LINE OF THE AFOREMENTIONED HIGHTOWER TRACT;

THENCE N 01°58'48" W, 106.71 FEET, WITH THE WEST LINE OF SAID HIGHTOWER TRACT, TO A 5/8 INCH IRON ROD, FOUND AT THE SOUTHEAST CORNER OF AFOREMENTIONED QUENICHET TRACT RECORDED IN VOLUME 4957, PAGE 297 OF SAID COUNTY RECORDS;

THENCE N 89°57'05" W, 652.16 FEET, WITH THE NORTH LINE OF SAID HIGHTOWER TRACT AND THE SOUTH LINE OF SAID QUENICHET TRACT, TO THE POINT OF BEGINNING AND CONTAINING 2,318,598 SQUARE FEET OR 53.228 ACRES OF LAND MORE OR LESS.

Exhibit "C" – Statement of Planning Objectives

Planned Unit Development (PUD-R) for Overlook at Big Bear Creek Colleyville, Texas

HISTORY AND STATEMENT OF INTENT

Established in 1988, Wilbow Corporation, the Dallas based U.S. Operation, is a wholly-owned subsidiary of Wilbow Group Pty. Ltd. located in Melbourne, Australia. Wilbow is currently involved in numerous real estate developments in the Dallas/Fort Worth and Houston areas. Wilbow has been the recipient of numerous accolades and won Business and Industry Awards for Excellence in commercial property development including the Urban Design for Tribute at Mills Branch and the McSam award for Marketing of the Heritage residential community. Wilbow Corporation maintains an experienced and well-diversified professional staff with a combined 100 years of real estate development experience, and has consistently been ranked as one of north Texas' largest residential developers by the Dallas Business Journal. Wilbow's financial strength, experience and history of success mean that each development is thoughtfully planned and executed with efficiency and expertise that few other developers possess.

Wilbow Corporation, doing business as Pleasant Run Colleyville, Inc. (PRC), being the applicant and developer of the 53.2-acre "Overlook at Big Bear Creek" property, part of the Wm. E. Crooks Survey, Abstract No. 295, and part of the Hall Medlin Survey, Abstract No. 1038, hereby makes a request to rezone the property, currently zoned Agriculture (AG) per the August 2007 zoning map, to Planned Unit Development-Residential (PUD-R). With PUD-R zoning, the use will be consistent with the adjacent single-family zoning designations and Colleyville's Future Land Use Plan 2025 which designates the property as "Single Family Residential".

PROJECT LOCATION & DESCRIPTION

The Overlook at Big Bear Creek (The Overlook) is located along the north central Colleyville border with Southlake, adjacent to Pleasant Run Road on the east and the Monticello neighborhood to the west. The north property line generally follows the centerline of Big Bear Creek, the same being the municipal

Exhibit "C" – Statement of Planning Objectives (Continued)

boundary. The property is bordered on the south by the Titan well site and undeveloped agricultural land. The property is a generally rectangular, 53.228 acre tract that consists of four smaller parcels, each formally owned by John W. and Obum Quenichet. Overlook will be developed into approximately 73 single-family home sites and additional open space lots, for a density of **1.37 dwelling units per gross acre**, well below the allowed maximum residential density of 1.8 dwelling units per gross acre. Each home site shall be a minimum of 13,000 square feet however, the average lot size shall be approximately 16,000 square feet.

SITE ZONING AND PLANNED DEVELOPMENT STANDARDS

The zoning classification for The Overlook shall be Planned Unit Development-R "PUD-R" and shall be developed according to the following standards:

Item	PUD-R Zoning	Proposed Zoning
Minimum Lot Size	13,000 Square Feet	13,000 Square Feet
Average Lot Size	16,000 Square Feet	16,050 Square Feet
Minimum Lot Width	100 feet	90 feet
Minimum Front Yard	30 feet	20 feet
Minimum Side Yard	10 feet	9 feet
Minimum Rear Yard	25 feet	25 feet for main structure 10 feet for ancillary structures
Maximum Building Height	30 feet	35 feet measured from high point on lot to top of roof line

BUILDING SETBACK PROVISION

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

Exhibit "C" – Statement of Planning Objectives (Continued)

IMPACT FEES

Because the calculated portion of the City's Perimeter Street Fee is less than the per lot road impact fees generated by this project, PRC shall bear no cost associated with the City's Perimeter Street Fee. Instead, the per lot road impact fee of \$4941.00 shall be paid for by the builder at the time of each applicable building permit. In addition, water and wastewater impact fees shall be paid for at the time of building permit by the builder. There shall be no park impact fee paid for by PRC. No other impact fees shall be applicable.

PARKLAND DEDICATION

In lieu of Park Dedication Fees, we will dedicate via final plat approximately 17 acres of private parkland/open space within the development, which shall include a permanent surface trail system, benches, native and picnic areas. We may elect to dedicate a public access easement over and across the trail system for use by all residents of Colleyville. In addition, we will dedicate approximately 3 acres of private parkland/open space adjacent to Forest Meadow Drive within the development. This 3 acres alone represents approximately ten (10) percent of the developable area of the subdivision. All private parkland/open space will be maintained by the Home Owner's Association (HOA) for the development, which will be created for the purpose of owning, operating and maintaining the common features within the community.

HOMEOWNERS ASSOCIATION

All property owners within The Overlook shall be required to be members of the HOA which shall assume ownership and responsibility for the open space areas, entry features, landscaping, irrigation and all fencing within the open space areas created via the Final Plat. The HOA shall also be responsible for enforcement of all deed restrictions for the community. PRC, as Declarant, shall regulate and approve new home architecture and plot plans in conformity with the deed restrictions for the community.

SUBDIVISION DESIGN CONSIDERATIONS

Streets shall be 31 foot, back to back concrete with curb and gutter within a 50 foot Right of Way. Streets shall be dedicated to the City of Colleyville (City). Similarly, all water lines, sanitary and storm sewer shall be

Exhibit "C" – Statement of Planning Objectives (Continued)

designed and constructed to City standards. Upon construction and inspection by the City, such infrastructure shall be dedicated to the City for continued maintenance and operation.

DRAINAGE DESIGN CONSIDERATIONS

The site generally slopes from south to north and is heavily wooded along the north and east boundaries. Big Bear Creek and its 100-year floodplain traverses the property on the northern boundary receiving the natural runoff from the property. The drainage system for the community shall be designed so that the storm water runoff continues to be conveyed directly into Big Bear Creek. The development of the property will not have significant impact on the total amount of runoff in this reach of Big Bear Creek due to the low density, large lot size and the relatively small contributing area of the project in relation to the entire watershed conveyed by Big Bear Creek, and therefore, no detention shall be required for this project. See accompanying exhibit of offsite drainage area. A small portion of the developable area lies within the FEMA designated 100-year floodplain. PRC intends to mitigate the small areas intended to be developed within the floodplain by providing comparable storage volume elsewhere on-site. The plan for such comparable storage shall be submitted for administrative review and approval by Colleyville's Certified Floodplain Manager (CFM).

LANDSCAPE AND TREE MITIGATION

No tree survey or tree mitigation shall be required for open space areas shown on the attached Development Plan. Areas within proposed rights-of-way, proposed building pads, public and private easements shall also be exempt from tree mitigation requirements; however an inventory of protected trees within such areas shall be shown on a tree survey. Builder installed trees located in front and rear yards shall count towards any mitigation required as a result of the development process so long as the tree species conform to the City's tree mitigation requirements. PRC shall require a minimum of 2 (two) 3" caliper hardwood shade trees be installed by the builder on each lot.

SUBDIVISION TRAFFIC AND CIRCULATION

PRC shall provide a stub-through road to connect to existing Harrison Lane to the west. Wildflower Way

Exhibit "C" – Statement of Planning Objectives (Continued)

shall stub to the property immediately to the south in anticipation of future single-family development. No traffic impact analysis (TIA) shall be required since the development is not projected to generate in excess of 1,000 vehicle trips per day.

SIDEWALKS

PRC hereby requests a variance from the sidewalk requirements and as such, no sidewalks will be constructed along the streets within the development. This request is consistent with adjacent neighborhoods, among them and adjacent to this proposed development is Monticello, which does not contain sidewalks along the streets. Further there is no existing sidewalk or trail along Pleasant Run Road. Due to lack of connectivity and challenging topography, we request a variance from the sidewalk/trail requirement.

TRAIL MASTERPLAN

PRC hereby requests a modification to the Trails and Sidewalk System Masterplan dated October 18, 2005 which shows a trail system along Pleasant Run Road. Due to the natural topography and lack of connectivity to other such facilities along Pleasant Run Road, construction of a trail system here is not viable. In lieu of the roadside location, PRC shall construct a trail system as a continuation of the neighboring Monticello trail system within the private parkland/open space located wholly within the community.

SCREEN WALLS AND FENCES

The existing natural vegetation/trees will provide a natural live screen for the entire property frontage along Pleasant Run Road. Therefore, PRC intends to construct an entry feature and monumentation only at the main entry at Pleasant Run Road as shown on the attached Site Plan. The entry feature shall incorporate masonry, brick, stone and wrought iron fence as necessary to 'tie' back into existing vegetation.

Wrought iron fencing shall be allowed, but not required, along the side and rear property lines of each lot and adjacent to and within the 100-year floodplain. Privacy fences shall not be allowed within the 100-year floodplain.

Exhibit "C" – Statement of Planning Objectives (Continued)

DEVELOPMENT SCHEDULE

PRC intends to obtain approval of zoning by July 2013 with platting and engineering plans to follow immediately thereafter. Construction of the first phase of approximately 33-39 lots to commence immediately following approval of engineering plans. Construction shall take approximately 9 months. Concurrent with development of the first phase, entitlements to include final platting of the second phase will be underway. Upon completion of the first phase and formal approval of the Phase II final plat, PRC will commence construction on Phase II. We anticipate construction on Phase II to commence in the fall of 2014 and be completed by summer 2015. Construction of homes within the first phase shall commence immediately upon City acceptance of the Phase I infrastructure. PRC requests that each phase be given consideration for an early release grading permit upon preliminary plan approval and early release building permits upon substantial completion of paving, as determined by the City inspector during the initial infrastructure walkthrough.

BUILDER PRODUCT

Homes within this community are expected to range in the \$500k to \$1MM+ range. Typical lot pads shall be approximately 70' wide by 70' deep. Minimum house size shall be 3,000 square feet. Maximum height for each home shall not exceed 35' as measured from the highpoint of the lot to the top of the roof.

The surface area of the first floor exterior wall (exclusive of openings for windows and doors, gables over wood framing, areas under covered porches, box and bay windows and other architectural projections) and all second story walls (exclusive of openings for windows and doors, gables over wood framing, areas under covered porches, box and bay windows and other architectural projections) in the same vertical plane as the first floor wall shall be veneered with a minimum of 85% (eighty-five percent) coverage of unit masonry (defined below) or hand troweled, cement-based 3-coat stucco on the front elevation and 75% (seventy-five percent) unit masonry or hand-troweled, cement-based, 3-coat stucco on the side and rear elevations.

Unit Masonry shall mean brick, natural stone, or concrete cast stone (or combination of these materials) laid up by unit and set in mortar.

ECONOMIC DEVELOPMENT INFORMATION

Exhibit "C" – Statement of Planning Objectives (Continued)

As envisioned, The Overlook will generate substantial tax revenue for Tarrant County and the City of Colleyville. PRC estimates homes will be completed according to the following schedule:

<u>Year</u>	<u>Homes Completed</u>	<u>Total</u>
2014	5	5
2015	20	25
2016	20	45
2017	20	65
2018	8	73

Based on the 2010 ad valorum tax rate of \$2.28/\$100 and an average home price of \$750k, estimated ad valorum taxes are as follows:

<u>Year</u>	<u>Ad Valorum Tax</u>
2015	\$86,000
2016	\$428,000
2017	\$770,000
2018	\$1,111,000
2019	\$1,248,300
2020	\$1,248,300

Note: Tax estimate assume a flat rate based on 2010 values.

SUMMARY

The Overlook, when developed, will be a large lot up-scale development featuring 73 residential lots containing custom and semi-custom homes from \$500k on up. PRC believes that The Overlook will be a meaningful contribution to the City of Colleyville, and provide consistency with the adjacent neighborhoods while complying with the City's Future Land Use Plan. The home values will generate significant tax revenues for the City and protect surrounding home values. The requests of the PUD-R made herein are consistent with the PUD-R provisions and have been thoughtfully construed so as to protect surrounding home and community values, while upholding the guidelines created by the City's comprehensive zoning ordinance. PRC respectfully requests the City of Colleyville Planning and Zoning Commission and City Council approve this PUD-R and allow The Overlook to move forward as planned herein.

ORDINANCE O-14-1912

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF A 45,000 SQUARE FOOT PORTION OF TRACT 1F & 1G, ABSTRACT 1038 OF THE ALL MEDLIN SURVEY AND TRACTS 1A02 & 1C, ABSTRACT 295 OF THE WILLIAM E CROOKS SURVEY, LOCATED AT 7612 AND 7624 PLEASANT RUN ROAD, BY AUTHORIZING A SPECIAL USE PERMIT FOR A TEMPORARY CONCRETE BATCH PLANT; 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. ZC14-004; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance

Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on a 45,000 square foot portion of Tract 1F & 1G, Abstract 1038 of the Hall Medlin Survey and Tracts 1A02 & 1C, Abstract 295 of the William E. Crooks Survey, located at 7612 and 7624 Pleasant Run Road, by authorizing a Special Use Permit for a temporary concrete batch plant, as depicted on Exhibit "A," labeled as Location and Zoning Map.
- 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. HOURS OF OPERATION

- a. The hours of operation for shall be as follows:

Monday – Saturday: 7:00 a.m. – 6:00 p.m.

- b. The temporary concrete batch plant shall be in use for twenty-one (21) days from the date of issuance of the Notice of Intent.

2. PERMITTED USES

- a. The temporary concrete batch plant allowed by this Special Use Permit must be permitted by the Texas Air Control Board.

- b. The Special Use Permit shall meet all state and federal requirements for concrete batch plants. A copy of the Storm Water and Waste Water Pollution Prevention Plan (SWWPPP), and the Notice of Intent (NOI) must be posted on the premise.
 - c. The area boundaries of the temporary concrete batch plant shall generally conform to the attached, Exhibit "B" labeled as Zoning Exhibit.
 - d. The material delivery trucks will be instructed to travel southwest on Highway 26 to John McCain Road; then travel west on John McCain Road to Pleasant Run Road; and travel north on Pleasant Run Road.
 - e. The batch plant will be used to provide concrete for no other project(s) other than the Overlook at Big Bear Creek.
 - f. The temporary concrete batch plant must be a minimum of 300 feet from any school or habitable residence.
 - g. A notice to proceed will be issued by the Director of Public Works or designee. The letter will state that the batch plant shall only be allowed in conjunction with the construction site for which the permit is issued. This letter will be kept on site with the TCEQ documentation.
 - h. The Public Works Director or designee will determine if additional materials testing will be required. City staff will determine the testing personnel required and any cost of testing will be passed onto the applicant.
- Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted by City Council on the 1st day of April 2014.

The second reading and public hearing being conducted by City Council on the 15th day of April 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit A –Location and Zoning Map

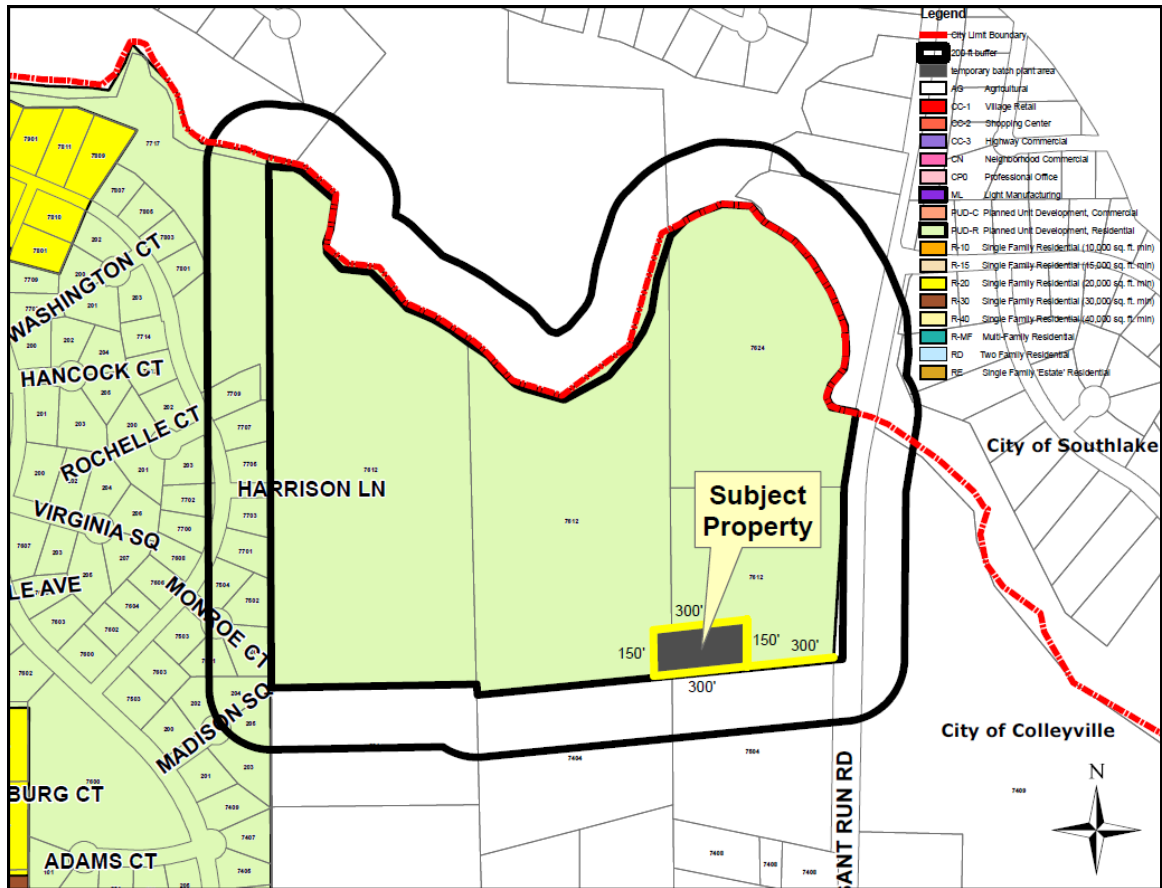


Exhibit B-Zoning Exhibit





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3c	Agenda Date 03/24/2014	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a Special Use Permit for a temporary concrete batch plant on an approximate 37,500 square foot portion 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, located at the northwest corner of Heritage Avenue and Cheek Sparger Road, Case ZC14-006

Explanation

Mark Leonard with Gilco Contracting submitted a request for a temporary concrete batch plant for a 37,500 square foot area, located west of Heritage Avenue along the south boundary line of the Creekside at Colleyville, Phase I project. The temporary batch plant will be solely used to provide concrete for Creekside at Colleyville, approved under Ordinances O-07-1645, O-13-1866 and O-13-1899 (attached)

Applicant's Request. Creekside at Colleyville is a proposed single family subdivision owned by Terra/Manna Creekside LLC. Phase I will impact 10.8 acres and 37 lots out of the 108.5 acre site, which will include 228 single family residential lots and open space along Little Bear Creek.

The proposed temporary batch plant will be 300 feet south of the intersection of Glade Road and Heritage Avenue, and 163 feet west of the Heritage Avenue right-of-way line. The area of the proposed use will be 37,500 square feet, which will be 150 feet by 250 feet. The applicant is requesting the temporary use for 21 days to construct streets for the new subdivision. The batch plant's hours of operation will be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.

The closest habitable residences to the proposed temporary batch plant are 600 feet to the west; the closest habitable residences to the north are 750 feet; the closest habitable residences to the east are 3,500 feet; and the closest habitable residences to the southeast are multi-family units that are 300 feet away from the proposed temporary batch plant.

Parking and Access. Material delivery trucks will be instructed to travel from Highway 121 west on Glade Road approximately 1,700 feet to Heritage Avenue; then, travel south along Heritage Avenue approximately 300 feet to the project entrance on

the west side of Heritage Avenue.

Federal and State Requirements. The applicant has submitted a standard permit to the Texas Air Control Board. A Storm Water Pollution Prevention Plan (SWPPP or SWP3) and Notice of Intent have also been prepared for the Texas Commission on Environmental Quality (TCEQ). These documents must be kept on the work site.

Summary. The temporary concrete batch plant would only be used to provide concrete for the new development being constructed. Several benefits exist by utilizing a temporary batch plant on-site, including better quality control of the concrete being produced, and eliminating concrete mixer trucks that would use public streets to access the site.

Therefore, staff recommends approval of the temporary concrete batch plant for Creekside at Colleyville, Phase I.

Recommendation

Approval with the following conditions:

1. HOURS OF OPERATION

a. The hours of operation for shall be as follows:

Monday – Saturday: 7:00 a.m. – 6:00 p.m.

b. The temporary concrete batch plant shall be in use for twenty-one (21) days from the date of issuance of the Notice of Intent.

2. PERMITTED USES

a. The temporary concrete batch plant allowed by this Special Use Permit must be permitted by the Texas Air Control Board.

b. The Special Use Permit shall meet all state and federal requirements for concrete batch plants. A copy of the Storm Water and Waste Water Pollution Prevention Plan (SWWPPP), and the Notice of Intent (NOI) must be posted on the premise.

c. The area boundaries of the temporary concrete batch plant shall generally conform to the attached, Exhibit "B" labeled as Zoning Exhibit.

d. The material delivery trucks will be instructed to travel west on Glade Road to Heritage Avenue; then south along Heritage Avenue approximately 300 feet to the project entrance on the west side of Heritage Avenue.

e. The batch plant will be used to provide concrete for no other project other than

Creekside at Colleyville, Phase I.

f. The temporary concrete batch plant must be a minimum of 300 feet from any school or habitable residence.

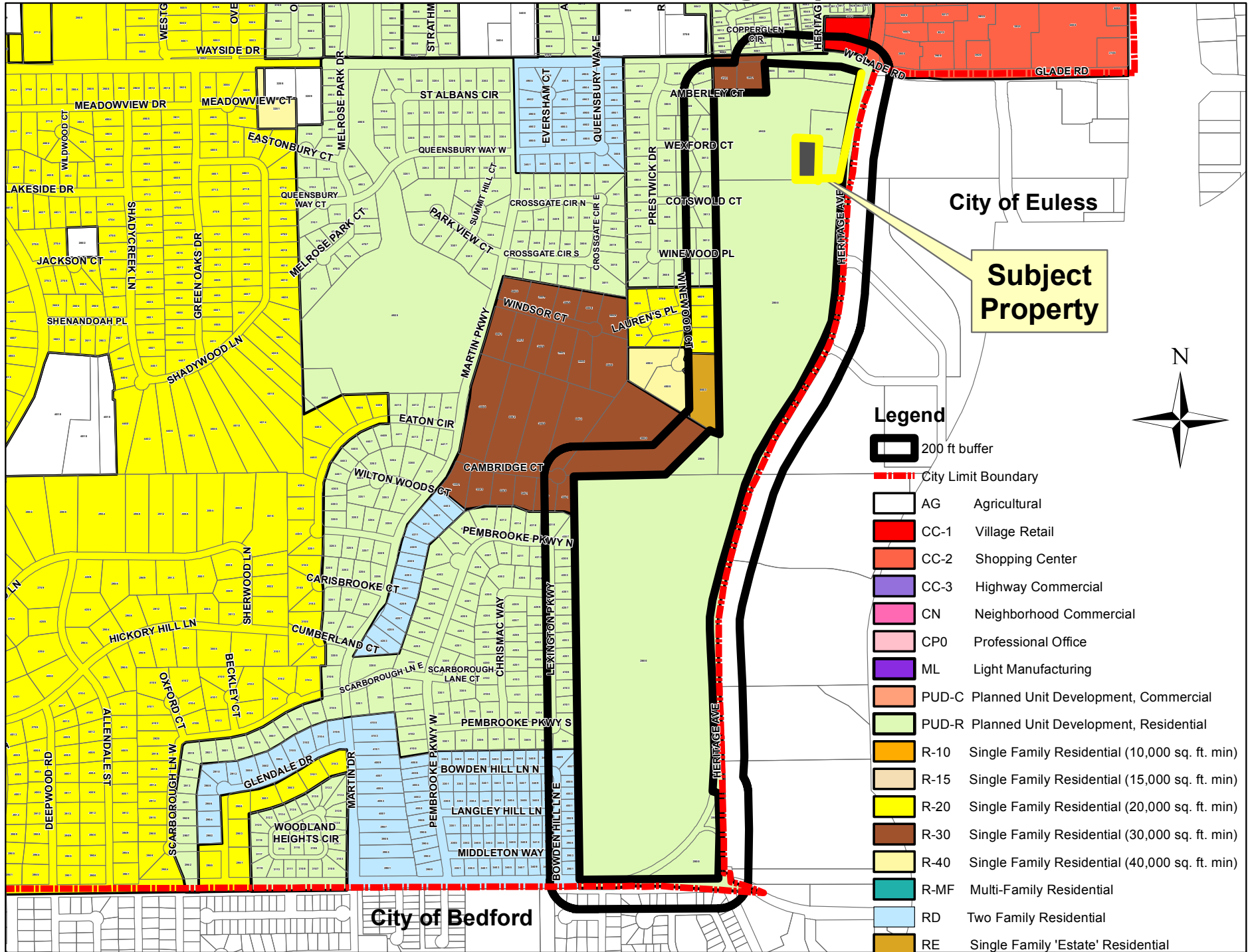
g. A notice to proceed will be issued by the Director of Public Works or designee. The letter will state that the batch plant shall only be allowed in conjunction with the construction site for which the permit is issued. This letter will be kept on site with the TCEQ documentation.

h. The Public Works Director or designee will determine if additional materials testing will be required. City staff will determine the testing personnel required and any cost of testing will be passed onto the applicant.

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Letter of Opposition
6. Zoning Exhibit
7. Application
8. Ordinance O-07-1645
9. Ordinance O-13-1899
10. Ordinance O-13-1866
11. Ordinance O-14-1913

Location and Zoning Map



This is an aerial map of a residential area in Euless, Texas. The map features a black outline representing the city limit boundary and a red dashed line indicating the 200-foot buffer around the subject property. The subject property is highlighted with a yellow rectangle. A legend in the bottom right corner identifies the symbols for the 200 ft buffer and the City Limit Boundary. A north arrow is also present. The map is labeled with 'City of Euless' and 'City of Bedford'. Numerous streets are labeled, including WAYSIDE DR, MEADOWVIEW DR, EASTONBURY CT, QUEENSBURY WAY W, ST ALBANS CIR, CROSSGATE CIR N, WEXFORD CT, COTSWOLD CT, WINEWOOD PL, LAUREN'S PL, WINDSOR CT, MARTIN PKWY, EATON CIR, WILTON WOODS CT, CAMBRIDGE CT, PEMBROOKE PKWY N, CARISBROOKE CT, CUMBERLAND CT, SCARBOROUGH LN E, SCARBOROUGH LANE CT, CHRISTMAC WAY, LEXINGTON PKWY, PEMBROOKE PKWY S, BOWDEN HILL LN N, LANGLEY HILL LN, MIDDLETON WAY, BOWDEN HILL LN E, WOODLAND HEIGHTS CIR, GLENDALE DR, MARTIN DR, PEMBROOKE PKWY W, SCARBOROUGH LN W, OXFORD CT, BECKLEY CT, SHERWOOD LN, HICKORY HILL LN, ALLENDALE ST, DEEPWOOD RD, JACKSON CT, SHENANDOAH PL, SHADYCREEK LN, GREEN OAKS DR, SHADYWOOD LN, WILD WOOD CT, LAKESIDE DR, WESTG OVE, MELROSE PARK DR, STRATHM, EVERSHAM CT, QUEENSBURY WAY E, CORPERGLEN CIR, HERITAGE, W GLADE RD, and GLADE RD. The map also shows several ponds and a large body of water in the center.

Subject Property

200 ft buffer

City Limit Boundary

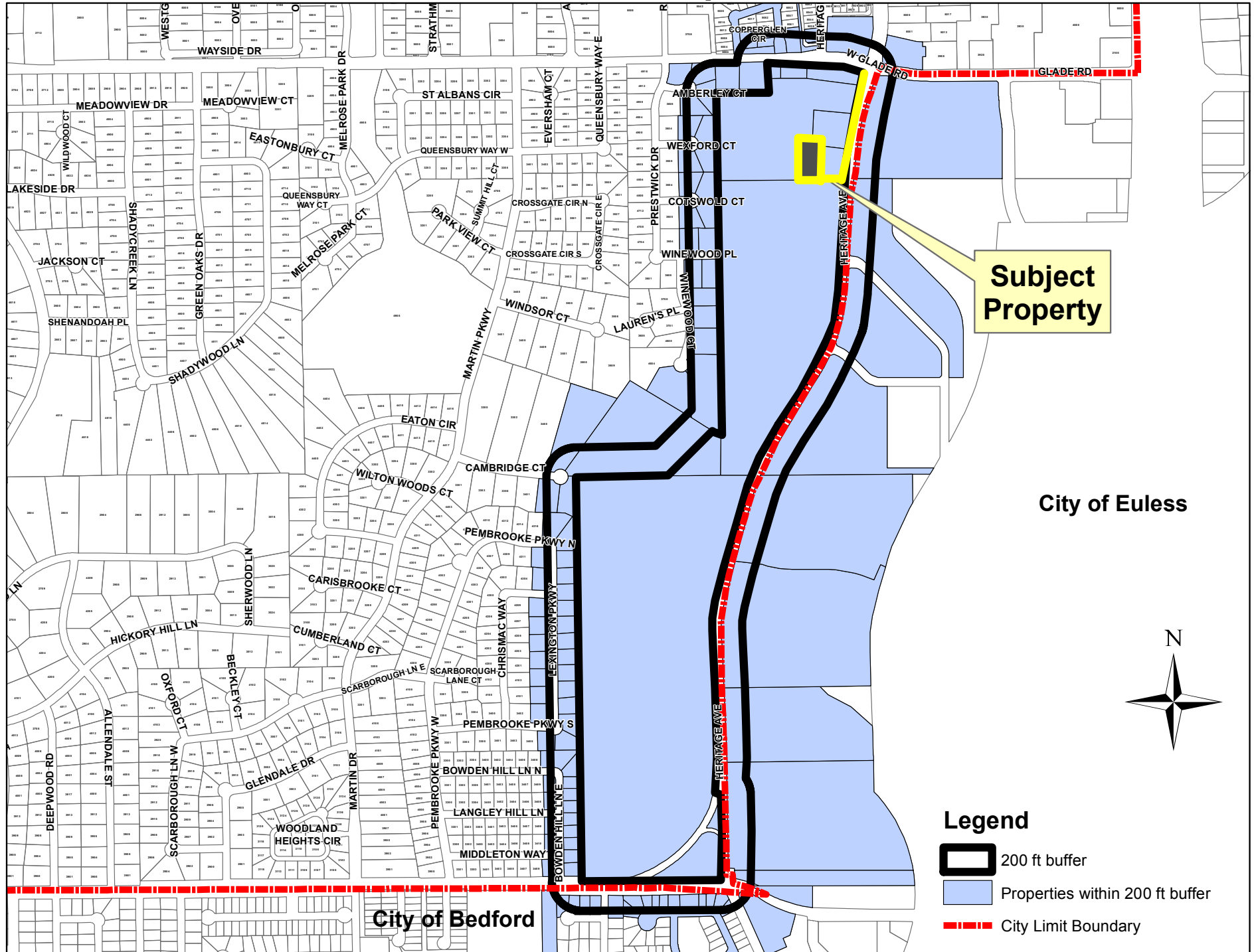
200 ft buffer

City Limit Boundary



City of Bedford

Buffer Map



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
3798 GLADE INVESTMENT LTD	PO BOX 1901	COLLEYVILLE	TX	76034	005064 COPPERGLEN CIR
AKERS, THOMAS R & DIANE AKERS	4003 BOWDEN HILL LN E	COLLEYVILLE	TX	76034	004003 BOWDEN HILL LN E
ALEXANDER, SCOTT ETUX BECKY	3411 LANGLEY HILL LN	COLLEYVILLE	TX	76034	003411 LANGLEY HILL LN
AMERSON, ALBERT E III ETUX STA	4206 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004206 LEXINGTON PKWY
ANDREWS, LANCE ETUX MARY	4001 BOWDEN HILL LN E	COLLEYVILLE	TX	76034	004001 BOWDEN HILL LN E
ARMS, JOHN W	3609 AMBERLEY CT	COLLEYVILLE	TX	76034	003609 AMBERLEY CT
BARNARD, WILLIAM H ETUX COLENE	3613 WEXFORD CT	COLLEYVILLE	TX	76034	003613 WEXFORD CT
BARNGROVER, CARL A ETUX	4205 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004205 LEXINGTON PKWY
BARON, DOUG ETUX SHARON K	3402 CAMBRIDGE CT	COLLEYVILLE	TX	76034	003402 CAMBRIDGE CT
BARR, TERRY ETUX THERESA	3612 COTSWOLD CT	COLLEYVILLE	TX	76034	003612 COTSWOLD CT
BOSTICK, JAMES D ETUX KRISTINA	3909 BOWDEN HILL LN E	COLLEYVILLE	TX	76034	003909 BOWDEN HILL LN E
BRADFORD, RICHARD H & LAVONNE	3209 WALKER PL	GRAPEVINE	TX	76051	005005 COPPERGLEN CIR
CARLISLE, VINECE ETVIR THOMAS	4306 CHRISMAC WAY	COLLEYVILLE	TX	76034	004306 CHRISMAC WAY
CHILES, STEPHEN ETUX L GREGORY	4202 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004202 LEXINGTON PKWY
CLEGG, FRANCIS L ETUX DORIS M	3403 CAMBRIDGE CT	COLLEYVILLE	TX	76034	003403 CAMBRIDGE CT
COHEN, ANDREW R ETUX MIRIAM A	3503 PEMBROOKE PKWY S	COLLEYVILLE	TX	76034	003503 PEMBROOKE PKWY S
COLLEYVILLE ASSOC HERITAGE OAK	545 E JOHN CARPENTER FWY #1500	IRVING	TX	75062	005030 HERITAGE OAKS DR
COPPERGLEN HOA INC	PO BOX 1901	COLLEYVILLE	TX	76034	005001 COPPERGLEN CIR
CRUMP, EDWARD J ETUX KAY M	3404 PEMBROOKE PKWY S	COLLEYVILLE	TX	76034	003404 PEMBROOKE PKWY S
DANA, FARID	3501 PEMBROOKE PKWY S	COLLEYVILLE	TX	76034	003501 PEMBROOKE PKWY S
DANNER, DELYLE JE ETUX REBECCA	4005 BOWDEN HILL LN E	COLLEYVILLE	TX	76034	004005 BOWDEN HILL LN E
DUCIC, KIMBERLY A	5065 COPPERGLEN CIR	COLLEYVILLE	TX	76034	005065 COPPERGLEN CIR
ELDRIDGE, DEAN	4102 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004102 LEXINGTON PKWY
FROST, HOWARD M ETUX RENA	5009 COPPERGLEN CIR	COLLEYVILLE	TX	76034	005009 COPPERGLEN CIR
GAUNTT, JANICE A	4105 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004105 LEXINGTON PKWY
GAVALAK, K A ETUX GLADYS M	4203 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004203 LEXINGTON PKWY
GODBEY, NEIL A	9249 DICKSON RD	FORT WORTH	TX	76179	003612 WEXFORD CT
GREENWAY GLADE PARTNERS LP	2808 FAIRMOUNT ST STE 100	DALLAS	TX	75201	003900 GLADE RD
HARLOW, KATHRYN ETVIR FLOYD	4007 BOWDEN HILL LN E	COLLEYVILLE	TX	76034	004007 BOWDEN HILL LN E
HARRINGTON, R G & D SMITH EXEC	4000 HERITAGE AVE	COLLEYVILLE	TX	76034	002800 HERITAGE AVE
HARRINGTON, R G & DOROTHY EXEC	4000 HERITAGE AVE	COLLEYVILLE	TX	76034	002800 HERITAGE AVE
HARTNETT, STEPHEN P EST	1301 MUNICIPAL WAY STE 250	GRAPEVINE	TX	76051	004500 WINEWOOD CT
HEAD, RODNEY ETUX GINA M	3613 WINEWOOD PL	COLLEYVILLE	TX	76034	003613 WINEWOOD PL
HOHERTZ, MICHAEL ETUX MARIE	3411 BOWDEN HILL LN N	COLLEYVILLE	TX	76034	003411 BOWDEN HILL LN N
HUBER, EMERY C ETUX ANASTASIA	3501 CAMBRIDGE CT	COLLEYVILLE	TX	76034	003501 CAMBRIDGE CT
JACKSON, PAUL K ETUX KRISTINE	4204 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004204 LEXINGTON PKWY
JUDKINS, STEPHEN ETUX MARIE R	4305 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004305 LEXINGTON PKWY
KENZIE, NATALIE A ETVIR JOHN W	4207 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004207 LEXINGTON PKWY
LAPPO, CYNTHIA L	3903 BOWDEN HILL LN E	COLLEYVILLE	TX	76034	003903 BOWDEN HILL LN E
LENAMON, PAMELA ANN	4318 PEMBROOKE PKWY N	COLLEYVILLE	TX	76034	004318 PEMBROOKE PKWY N
LI, HAICHUAN ETUX MEI HAN	4313 PEMBROOKE PKWY N	COLLEYVILLE	TX	76034	004313 PEMBROOKE PKWY N
LINCOLN, KATHLEEN K	4101 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004101 LEXINGTON PKWY
MALONE, SUSAN FRAN	4605 WINEWOOD CT	COLLEYVILLE	TX	76034	004605 WINEWOOD CT
MALONE, SUSAN GENTRY	4605 WINEWOOD CT	COLLEYVILLE	TX	76034	004605 WINEWOOD CT
MCCLUNEY, C & AMOS MCCLUNEY	4200 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004200 LEXINGTON PKWY
MCKINNEY, JAMES E ETUX DEANNA	4303 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004303 LEXINGTON PKWY
MILLER, DEBRA	5028 HERITAGE OAKS DR	COLLEYVILLE	TX	76034	005028 HERITAGE OAKS DR
MILLER, MICHAEL B ETUX SHANNON	3609 WEXFORD CT	COLLEYVILLE	TX	76034	003609 WEXFORD CT
OTTO, CLEMENT W ETUX MARY P	3412 MIDDLETON WAY	COLLEYVILLE	TX	76034	003412 MIDDLETON WAY
PITTS, WALLACE J ETUX SHARI G	3612 AMBERLEY CT	COLLEYVILLE	TX	76034	003612 AMBERLEY CT
RALEY RAILROAD LLC	3500 CAMBRIDGE CT	COLLEYVILLE	TX	76034	003500 CAMBRIDGE CT
RAMSEY, ROBERT RAY	4100 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004100 LEXINGTON PKWY
RKPKEM LLC	2030 GLADE RD STE 204	GRAPEVINE	TX	76051	003809 GLADE RD
ROUTEN, RODNEY C ETUX PATRICIA	3609 COTSWOLD CT	COLLEYVILLE	TX	76034	003609 COTSWOLD CT
SAINT MARY'S ROMANIAN ORTH CH	3801 GLADE RD	COLLEYVILLE	TX	76034	003801 GLADE RD
SCHEU, DENNIS J ETUX CATHY	3608 WINEWOOD PL	COLLEYVILLE	TX	76034	003608 WINEWOOD PL
SCHIDE, JAMES ETUX SHARON	PO BOX 697	COLLEYVILLE	TX	76034	004201 LEXINGTON PKWY
SCOTT, LARRY P & LAURIE A LLC	1915 YORKSHIRE CT	LINCOLN	NE	68506	003830 GLADE RD
SHUTTLE CONSULTING LIMITED	3612 WINEWOOD PL	COLLEYVILLE	TX	76034	003612 WINEWOOD PL
SILVERMAN, DONALD ETUX JOY	PO BOX 610735	DALLAS	TX	75261	003411 MIDDLETON WAY
SOHN, TAESIK ETUX KYU NAM SOHN	3608 AMBERLEY CT	COLLEYVILLE	TX	76034	003608 AMBERLEY CT
SPEIGHT CONSTRUCTION LTD	5137 DAVIS BLVD	NORTH RICHLAND HILLS	TX	76180	005060 COPPERGLEN CIR
STOVALL, SCOTT ETUX CHRISTI P	3905 BOWDEN HILL LN E	COLLEYVILLE	TX	76034	003905 BOWDEN HILL LN E
STUMPF, JOHN ETUX DENISE	3609 WINEWOOD PL	COLLEYVILLE	TX	76034	003609 WINEWOOD PL
SUBLETT, CHAS L ETUX DELORES C	3608 WEXFORD CT	COLLEYVILLE	TX	76034	003608 WEXFORD CT
TAYLOR, JANA AKERS	3608 COTSWOLD CT	COLLEYVILLE	TX	76034	003608 COTSWOLD CT
TAYLOR, MARY ETVIR KENNETH RAY	4307 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004307 LEXINGTON PKWY
TERRA MANNA CREEKSIDE LLC	395 STATE HWY 114 STE 300	SOUTHLAKE	TX	76092	003805 GLADE RD
THEISS, EDWARD ETUX PATRICIA	4103 LEXINGTON PKWY	COLLEYVILLE	TX	76034	004103 LEXINGTON PKWY

Notification List

TORBATIAN, EBRAHIM ETUX J	1305 CHESAPEAKE DR	PLANO	TX	75093	004301 LEXINGTON PKWY
TRAN, TAM THI	3613 AMBERLEY CT	COLLEYVILLE	TX	76034	003613 AMBERLEY CT
VON STORCH, KENNETH ETUX DEBRA	5005 OVERHILL DR	COLLEYVILLE	TX	76034	004009 BOWDEN HILL LN E
VOTAW, ROBERT B & INKYUNG SONG	5032 HERITAGE OAKS DR	COLLEYVILLE	TX	76034	005032 HERITAGE OAKS DR
WATSON, RICHARD A & STEPHANIE	3410 BOWDEN HILL LN N	COLLEYVILLE	TX	76034	003410 BOWDEN HILL LN N
WITT, ROBERT A ETUX LAURIE E	4601 WINEWOOD CT	COLLEYVILLE	TX	76034	004601 WINEWOOD CT
WITT, ROBERT ETUX LAURIE	4601 WINEWOOD CT	COLLEYVILLE	TX	76034	004503 WINEWOOD CT
WOEHRLE, SANDRA	3907 BOWDEN HILL LN E	COLLEYVILLE	TX	76034	003907 BOWDEN HILL LN E
WOOD, JERRY W EST & MAURINE	5520 DAVIS BLVD	NORTH RICHLAND HILLS	TX	76180	003613 COTSWOLD CT
WRIGHT, DAVID R ETUX SELDA	3407 PEMBROOKE PKWY S	COLLEYVILLE	TX	76034	003407 PEMBROOKE PKWY S
YU, CHIAO-CHIN MARK ETUX YUEN	3901 BOWDEN HILL LN E	COLLEYVILLE	TX	76034	003901 BOWDEN HILL LN E
ZIEGLER, DAVID C ETUX BLANCHE	3410 LANGLEY HILL LN	COLLEYVILLE	TX	76034	003410 LANGLEY HILL LN
WOODLAND HILLS HOA	4100 OXFORD COURT	COLLEYVILLE	TX	76034	Courtesy Notice
PRESTWICK PARK HOA	4912 PRESTWICK DRIVE	COLLEYVILLE	TX	76034	Courtesy Notice
Grapevine-Colleyville ISD	3051 IRA E. WOODS AVENUE	GRAPEVINE	TX	76092	COURTESY NOTICE
City of Euless	201 N. ECTOR DRIVE	EULESS	TX	76039	COURTESY NOTICE
City of Bedford	2000 FOREST RIDGE	BEDFORD	TX	76021	COURTESY NOTICE
GILCO CONTRACTING, INC.	6331 SOUTHWEST BLVD	BENBROOK	TX	76132	APPLICANT

Public hearing notices were mailed
Fri., March 14, 2014 by Taci Wrisley

Letter of Opposition

To Community Development Department
City of Colleyville
100 Main Street
Colleyville, Tx 76034

From: Mr. & Mrs. Richard Bradford
3209 Walker Place
Grapevine, Tx 76051

Future Home under construction
Within the 200'
5005 Copperglen Circle
Colleyville, Tx 76034

Dear Sir:

We protest the installation of the temporary concrete batch plant proposed on the site near Heritage and Glade Rd. The dust alone created by such a plant is enough for people to protest for health reasons. The constant traffic of concrete trucks is also a big factor. The development it will serve will take at least 2 years to develop and that is a long time, with dust from the trucks that supply the plant, the trucks that take the finished concrete to the different sites, and the noise from the plant itself. Bringing concrete in from another site is also problematic, but does not create as much dust and noise as a plant on site.

Therefore we protest the concrete batch plant no matter how temporary.

Sincerely,
Mr. & Mrs, Richard Bradford

Zoning Exhibit

WATER, SEWER, STORM DRAIN AND PAVING IMPROVEMENTS FOR CREEKSIDE AT COLLEYVILLE

TARRANT COUNTY
COLLEYVILLE, TX
OCTOBER 2013

Mayor
DAVID KELLY

Mayor Pro Tem
MIKE TAYLOR

City Council Members
CAROL WOLLIN
CHUCK MOGGED
STAN HALL
JODY SHORT
TOM HART

City Manager
JENNIFER FADDEN

Assistant City Manager
TERRY LEAKE

Director of Public
Works
ROBERT D. LOWRY,
PE

City Engineer
JEREMY HUTT, PE



LOCATION MAP

SHEET INDEX

SHT NO. DESCRIPTION

C-00	COVER
C-01	FINAL PLAT
C-02	GENERAL NOTES
C-11	DRAINAGE AREA MAP
C-12	DRAINAGE CALCULATIONS
C-21	GRADING PLAN-WEST
C-22	GRADING PLAN-EAST
C-31	WATER PLAN
C-32	WATER PLAN & PROFILE
C-33	WATER PLAN & PROFILE
C-40	OVERALL SEWER PLAN
C-41	SEWER PLAN & PROFILE
C-42	SEWER PLAN & PROFILE
C-43	SEWER PLAN & PROFILE
C-44	SEWER PLAN & PROFILE
C-45	SEWER PLAN & PROFILE
C-47	SEWER SERVICE TABLE
C-48	FORCE MAIN PLAN
C-50	OVERALL STORM PLAN
C-51	STORM DRAIN PLAN & PROFILE
C-52	STORM DRAIN PLAN & PROFILE
C-53	STORM DRAIN PLAN & PROFILE
C-54	STORM DRAIN PLAN & PROFILE
C-55	WEIR PLAN
C-56	CONCRETE HEADWALL
C-57	CONCRETE HEADWALL
C-60	OVERALL PAVING PLAN
C-61	PAVING PLAN & PROFILE
C-62	PAVING PLAN & PROFILE
C-63	PAVING PLAN & PROFILE
C-64	PAVING PLAN & PROFILE
C-65	PAVING PLAN & PROFILE
C-66	PAVING PLAN & PROFILE
C-67	PAVING PLAN & PROFILE
C-68	OVERALL SIDEWALK PLAN
C-69	EMERGENCY FIRE LANE
C-71	TREE PROTECTION PLAN
C-72	TREE PROTECTION PLAN
C-73	EROSION CONTROL PLAN
C-81	WATER DETAILS
C-82	WATER DETAILS
C-83	SEWER DETAILS
C-84	LIFT STATION DETAIL
C-84E	LIFT STATION ELECTRICAL PLAN
C-85	STORM DRAIN DETAILS
C-86	STORM DRAIN DETAILS
C-87	GABION SPECS & DETAILS
C-88	PAVING DETAILS
C-89	PAVING DETAILS
C-810	SEWER DETAILS
C-811	EROSION CONTROL DETAILS
C-812	TREE PROTECTION DETAILS

THIS DOCUMENT IS FOR INTERIM REVIEW
AND IS NOT INTENDED FOR CONSTRUCTION,
BIDDING OR PERMIT PURPOSES.
BY: [Signature]
Reg. No. 57497
Date: 10/20/13

REVISIONS			
REV.	DESCRIPTION	DATE	BY
1			
2			
3			
4			
5			

DRAWN BY

TERRA MANNA, L.L.C.
101 W. NORTHGATE PARKWAY, SUITE 300
SOUTH LAKE, TX 76092
(817) 410-9201

CHECKED BY

THE LAND SURVEYING, INC.
801 HILDEBRANDT DRIVE, SUITE C
FUTHER, TX 76044
(817) 410-9201

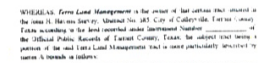
PREPARED FOR:
TERRAMANNA, L.L.C.
395 W. NORTHWEST PARKWAY, SUITE 300
SOUTH LAKE, TEXAS 76092
CONTACT: BOBBY HARRELL
PHONE: (817) 410-9201

DEOITE, INC.
CIVIL ENGINEERING
10100 W. 15th Street, Suite 100
Southlake, Texas 76092
Phone: 817 410-9201

201111100 - IMPROVEMENTS FOR CREEKSIDE - WATER, SEWER, STORM DRAIN AND PAVING COLLEYVILLE, TX

BID PLANS 10.18.13

 Project Limits - Plant site DLOCK-
lots 5-9



10. *THESE* wrote 40 Chapters in Minutes of Synods. Most, with the last one of the second Mission Chapter, being a list of 192, in fact containing in the Place of Chapter and distribution of total of 10,849 votes: 87,764 a square inch.

10 NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS

South 09 Degrees 17 Minutes 21 seconds. Met. with the north line in the end of Samuel Mason's [Harrington] road, and, indeed, is a transition line with the west line of the lot in the end to the City of Harrington. Estate in Volume 6857, Page 354 in the end of the said David Acworth, showing a distance of 57.70 feet a valid corner of Lot 14, Black. [Harrington] of Frederick Park recorded in Calicut A. Slide 165 at the Plaza Republic of Tarrat County, Texas from which a thread 162 inches displaced either straight "Great line, 4315" bears west 3.79 inch, and continuing on said course, a read distance of 360.12 feet to a 1/2 inch red line at a corrected corner of Lot 14.

THENCE North 66 Degrees 49 Minutes 50 Seconds West, with the east line of and Frontview Park, a distance of 562.91 feet to a 5/8 inch copper wire stamped TLF RPLS 12377 found at the northwest corner of a Mary's addition recorded in Calvert A, Slide 1516 of the said Plat Records.

North 88 Degrees 11 Minutes 04 seconds East, with the north line of said St. Mary's Addition, passing at a distance of 144.97 feet to a 5/8 inch copper rebar stamped "T.L.T. R.P.S. 1217" fixed at the southeast corner of St. Mary's Addition, and continuing on said course, and through the interior of the tract described in the deed to Texas Live Management recorded under Instrument Number 8855 of the Official

commencing through the interior of the Tets Lead Management wa-

1. In a southeasterly direction, with the arc of said tangent curve through a central angle of 20 degrees 38 minutes 43 seconds, a length of 142.90 feet to the end of the tangent curve;

2. SOUTH 26 degrees 20 minutes 34 seconds WEST, a distance of 106.57 feet;
3. SOUTH 16 degrees 30 minutes 59 seconds WEST, a distance of 15.00 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 270.00 feet;

4. In a southeasterly direction, with the arc of the said oversteep curve, an arc length of 41.19 feet (a chord bearing of SOUTH degrees 03 minutes 32 seconds EAST, a chord distance of 41.19 feet) to the end of the said oversteep curve;

6. In a westerly direction, with the arc of the said tangent curve through a central angle of 25 degrees 19 minutes 15 seconds.

are length of 90.15 feet to the beginning of a reverse curve concave to the south having a radius of 250.00 feet;

7. In a southeast direction, with the arc of the said reverse curve through a central angle of 10 degrees 40 minutes 21 seconds, are length of 16.58 feet to the end of the reverse curve;

8. SOUTH 76 degrees 51 minutes 08 seconds EAST, a distance
6.28 feet;

10. NORTH 10 degrees 08 minutes 52 seconds EAST, a distance of 31.74 feet.

11. NORTH 13 degrees 04 minutes 33 seconds EAST, a distance of 219.71 feet to a 1/2 inch dapped rebar stamped "TPI L. Surveying" set in the ground the exact described in the deed.

THEENCE NORTH 82 degrees 30 minutes 19 seconds EAST, with the said
line of the RKPNE LLC tract, a distance of 17.38 feet to a 1/2
corner stake at the most easterly southeasterly corner of the said lot

FIGURE South 12 Degrees 51 Minutes 25 Seconds West, with the east line the Samuel Mason Hattigages tract, a distance of 211.35 feet in each corner toward the southeast corner of the tract described is closed by Lundy G. Perry is wife, Carol A. Perry executed in Utah County, about 475, of said David Reynolds.

THEYCH
South 09 Degrees 10 Minutes 33 Seconds West, with the east in the Petty tract, a distance of 150.77 feet to a 1/2 inch corner in a center of the Petty tract.

THEYCH
South 10 Degrees 23 Minutes 57 Seconds West, continuing east from the Petty tract, a distance of 31.10 feet to a 1/2 inch

and that in the early 1990s, a number of the police officers involved in the riot were arrested and charged with various crimes. The riot was also the subject of a report by the House of Commons Select Committee on the Police (1992).

[illegible]

Witness our lawful hand _____ day of _____ 2013

Notary Public
for the State of Texas

Donor's Representative

STATE OF TEXAS §
COUNTY OF TARRANT §

Before me, the undersigned Notary Public in and for said county and State on this _____ day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on the foregoing day and the contents thereof expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2013.

Notary Public in and for the State of Texas My commission expires _____

Signature of Notary

I, Jerald Chadd, a Registered Professional Land Surveyor of the State of Texas, hereby state, to the best of my knowledge and belief, this plat was prepared by me or my duly-authorized agent or the land and the interest thereon are listed as set

Perligence: this document is not to be awarded to any outside

WHEREAS the Planning and Zoning Commission of the City of Colleyville, Texas, viewed affirmatively as this ____ day of _____, 2013, to approve this plan;

Chairman, Planning and Control Committee

WHEREAS the City Council of the City of Colleyville, Texas, voted affirmatively on this _____ day of _____, 2015, to approve this year

Final Plat

Creekside
10 849 Acres
situated at the
avens Survey, Abstract No. 685
County of Colfax, Nevada

City of Conneville
Tarrant County, Texas
All Residential Lots To Open Space Lots
Ordinary under easement No. 10 _____ OF THE

Chlorine #	Age	Height	Weight	Chlorine Points	Chlorine Status
C1	14.00	220.00	100.00	100.00	100.00
C2	14.00	210.00	90.00	90.00	90.00
C3	14.00	200.00	80.00	80.00	80.00
C4	13.00	190.00	70.00	70.00	70.00
C5	13.00	180.00	60.00	60.00	60.00
C6	12.00	170.00	50.00	50.00	50.00
C7	11.00	160.00	40.00	40.00	40.00
C8	10.00	150.00	30.00	30.00	30.00
C9	9.00	140.00	20.00	20.00	20.00
C10	8.00	130.00	10.00	10.00	10.00
C11	7.00	120.00	0.00	0.00	0.00
C12	6.00	110.00	-10.00	-10.00	-10.00
C13	5.00	100.00	-20.00	-20.00	-20.00
C14	4.00	90.00	-30.00	-30.00	-30.00
C15	3.00	80.00	-40.00	-40.00	-40.00
C16	2.00	70.00	-50.00	-50.00	-50.00
C17	1.00	60.00	-60.00	-60.00	-60.00
C18	0.00	50.00	-70.00	-70.00	-70.00

[illegible]

1. According to the Fiscal Insurance Rate Map (FIRM) in Taxmap Center (Taxes and Insurance Pages 1-3 of 49), Map Number 4409C1913, some taxpayers (3, 1049) in part of the Federal Savings Administration Agency (FSA) area, which also has an urban neighborhood, are outside the 4.2 percent urban renewal tax.
2. Measurements are taken, unless noted as E/W or N/S.
3. Districts 1, 2, 4, 6, and 9 are in the North American Urban Council of 1968 (NAU/CU). All other districts are in the South American Urban Council of 1968 (SAU/CU).
4. Any occurrence of buildings with square window openings in a residential structure, no matter how small, is used for this test.
5. The following are used as "other urban adjacent areas":

VICINITY MAP
NOT TO SCALE



October 1, 2013

FINAL PLAT

Creekside

10.842 Acres

John H. Havens Survey, Abstract No. 685
City of Colleyville
Tarrant County, Texas

This post accepted under agreement No. Q _____ Q P & C. I

Application

	Community Development Services Application	City of Colleyville 100 Main Street Colleyville TX 76034 817.503.1050
--	---	--

APPLICATION TYPE

PLEASE CHECK THE APPROPRIATE BOX BELOW.

- | | | |
|---|---|--|
| ☐ Zoning Change | ☐ Preliminary Plat | ☐ Zoning Variance (ZBA) |
| ☐ Special Use Permit | ☐ Final Plat | ☐ Sign Variance (SBA) |
| ☐ Planned Unit Development | ☐ Minor Plat | ☐ Sidewalk / General Waiver |
| ☐ Site & Landscape Plan | ☐ Amended Plat | ☐ Interpretation Appeal |

PROPERTY INFORMATION

Project Name: Creekside at Colleyville
Project Address (Location): West side of Heritage Ave 1/10 Tami South Glade
Legal Description: Block 3; Lots 5-9; John H. Havens Survey, Abstract No. 685
Proposed Number of Lots: 4 Gross Acres: 1 Neighborhood District: _____
Existing Zoning: _____ Proposed Zoning: Residential
Existing Use: _____ Proposed Use: Residential

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal.
See appropriate checklist and fee schedule for minimum requirements. Incomplete applications will not be processed.

APPLICANT - OWNER INFORMATION

Applicant: Leia Hubbard Company: Gilco Contracting, Inc.
Address: 6331 Southwest Blvd Tel: 817-735-1600 Fax: 817-735-1613
City: Benbrook State: TX ZIP: 76132 Email: _____

Applicant's Status: (check one) ☐ Owner ☒ Representative ☐ Tenant ☐ Prospective Buyer

Property Owner: Robert Poole Company: Manna Land LLC
Address: 395 W. Northwest Parkway Ste 300 Tel: 817-410-9201 Fax: _____
City: South Lake State: TX ZIP: 76092 Email: _____
Ownership Status: (check one) ☐ Individual ☐ Trust ☐ Partnership ☐ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: Leia HubbardDate: 3/13/14

SIGNATURE OF PROPERTY OWNER (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: See Attached letter

(Letter of authorization required if signature is other than property owner)

The property owner must sign the application or submit a notarized letter of authorization.

Rev: 5/10

For Departmental Use Only

Case #: _____

Total Fee(s): _____

Receipt #: _____

Date Submitted: _____

Accepted By: _____

Public Hearing Date: _____

Application

_____ internal separations of land use.

_____ 3. Show the building layout and the layout of proposed parking areas.

_____ 4. Show the proposed pedestrian walkways and sidewalks

_____ 5. Provide the following information on a schedule or table on the exhibit:

- a. gross area (acreage or square feet) of the property proposed for zoning change
- b. gross area and floor area of each separate building and its percentage of the total property area
- c. gross area of streets, sidewalks and other paved surfaces and its percentage of the total property area
- d. gross area of open space and its percentage of the total property area
- e. For residential uses (PUD, RD and R-MF), indicate the number of dwelling units per acre.
- f. For residential uses (PUD, RD and R-MF), indicate the number of each type of dwelling unit (i.e. Single Family, Duplex).

C. Supporting Documents for Applications for PUD, SUP, CPO, CN, CC1, CC2, CC3, ML, RD & R-MF Districts

- ☐ **STATEMENT OF PLANNING OBJECTIVES** Written statement of what is to be achieved in the development proposal for this property. The statement should be prepared as a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including the use and ownership of open spaces. This is the applicant's opportunity to describe what they want to do with the property and why. The applicant may also submit drawings, photographs, company information, etc. with the application.
- ☐ **DEVELOPMENT SCHEDULE** Indicate the approximate date(s) when construction of the proposed development, and subsequent stages or phases can be expected to begin and be completed, to the best of applicant's knowledge and belief.
- ☐ **ECONOMIC DEVELOPMENT INFORMATION** Provide the following data in table or spreadsheet format: ① total square feet of building area, ② estimated sales per square foot, ③ estimated sales per year, and ④ estimated ad valorem taxes per year.
- ☐ **TRAFFIC IMPACT ANALYSIS** Required when a proposed development is projected to generate more than 1,000 vehicle trips per day, as determined by the Director of Public Services. The purpose of the analysis is to determine the need for traffic mitigation measures such as additional right-of-way width, turning lanes, or traffic control devices.

D. Supporting Documents for Applications for PUDR and PUDC

- 1. *Drainage Analysis* – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of the Land Development Code.
- _____ 2. *Site Plan* – The Site Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:
 - a. Proposed layout, indicating the approximate size and dimensions of all residential and non-residential lots
 - b. Proposed land uses and building locations
 - c. General elevation drawings of all non-residential structures indicating building height
 - d. Landscaping, lighting, fencing and screening of common areas
 - e. General locations of existing tree clusters
 - f. Location and construction type of perimeter fencing
 - h. Design of ingress and egress with description of any special pavement treatments
 - i. Calculations and location of off-street parking and loading facilities
 - j. Location and type of all commercial signage and lighting, including pole heights, for parking lots and common areas
 - k. Location and description of subdivision signs and landscaping at entrance areas
 - l. Street names on all proposed streets

Exception: A Planned Unit Development application may be submitted and approved without a Site Plan, if the approving ordinance contains sufficient written detail to establish all site criteria.

** Refer to Section 3.23 PUD - Planned Unit Developments of the Land Development Code for detailed PUDR and PUDC development standards

Application

**Gilco Contracting, Inc.
6331 Southwest Boulevard
Benbrook, TX 76132
817-735-1600 EXT 302**

January 28, 2014

Mr. Tony Walker
Air Program Manager
TCEQ
2309 Gravel Drive
Fort Worth, Texas 76118-6951

Re: Concrete Batch Plant BP-07: Creekside @ Colleyville
SN: MO11206
Registered Entity Number: RN106725294

Dear Mr. Walker:

Enclosed are the forms required to notify the TCEQ of the intent to locate a concrete batch plant (owned and operated by Gilco Contracting, Inc.) 1170 feet southwest from the intersection of Glade Rd and Heritage Ave on the Creekside @ Colleyville project, in the City of Colleyville. The plant is scheduled to be moved in approximately March 1, 2014 with operation to commence the next business day. The hours of operation will be as indicated on the Table 20. The plant should remain on-site until approximately March 24, 2014. The concrete produced at this location is for a public works project in Tarrant County and the plant will be located contiguous to proposed work.

Thank you for your assistance. Please advise of any further information required. Please direct communications regarding this application to me at the address and phone number shown above.

Sincerely,



Lela Hubbard
Operations Director

Enclosure: Regional Notification Form, Table 20, Table 11, Checklist, Plot Plan, Area Map, Permit Conditions

CERTIFIED MAIL 7013 2630 0000 5588 8914

Application



Notice of Intent (NOI) for Discharges from Concrete Batch Plants under TPDES General Permit TXG110000

IMPORTANT:

- Use the **INSTRUCTIONS** to fill out each question in this form.
- Use the **CHECKLIST** to make certain all you filled out all required information. Incomplete applications **WILL** delay approval or result in automatic denial.
- Once processed your permit can be viewed at http://www5.tceq.texas.gov/wq_dpa/

APPLICATION FEE:

- You must pay the **\$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses. See instructions for details.
- Did you know you can pay online?
 - Go to <https://www6.tceq.texas.gov/epay>
 - Select Fee Type: GENERAL PERMIT WASTEWATER DISCHARGE APPLICATION
- **Provide your payment information below, for verification of payment:**
 - Mailed ☐ Check/Money Order No.: _____
Name Printed on Check: _____
 - EPAY ☒ Voucher No.: _____
 - Is the Payment Voucher copy attached? ☐ Yes

RENEWAL: Is this NOI a Renewal of an existing General Permit Authorization?

- ☐ Yes The Permit number is: TXG11 _____
(If a permit number is not provided, a new number will be assigned.)
- ☒ No

1) OPERATOR (Applicant)

- a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at: <http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN 600434427

- b) What is the Legal Name of the entity (applicant) applying for this permit?

Gilco Contracting, Inc

(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal document forming the entity.)

- c) What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in TAC 305.44(a).

Prefix (Mr. Ms. Miss): Mr.

First/Last Name: Dale Gilreath Suffix: _____

Title: President Credential: _____

Application

X · Demolished House
X · Plant site



Google earth

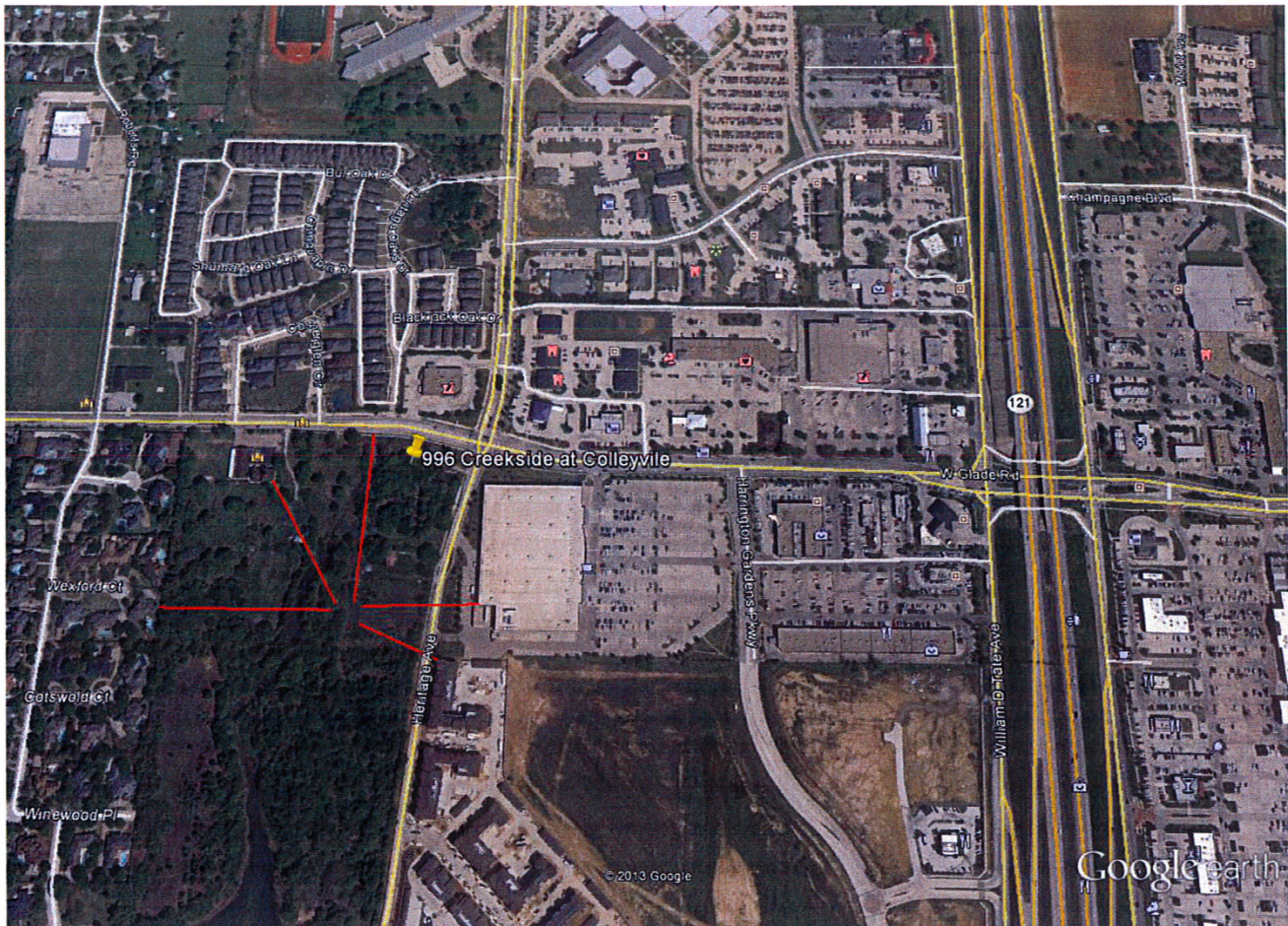
feet
meters

1000

400



Application



Google earth

feet
meters

2000
600



MATERIAL DELIVERY ROUTE

Project: Creekside at Colleyville

Driving Directions:

From Highway 121 trucks will exit Glade Rd. and travel west approximately 1700 feet to Heritage Ave; travel south along Heritage Ave approximately 300 feet to the project entrance on the west side of Heritage Ave.

Application

TERRA/MANNA CREEKSIDE, LLC

Gilco Contracting, Inc.
6331 Southwest Blvd.
Benbrook, Texas 76132

Attn: Leia Hubbard

RE: Creekside at Colleyville

Dear Ms. Hubbard,

Terra/Manna Creekside, LLC hereby grants Gilco Contracting, Inc. permission to setup and operate a temporary concrete batch plant on the Creekside at Colleyville project. The plant is scheduled to move in on or about April 25, 2014 and should remain onsite until approximately May 16, 2014, assuming no weather and/or schedule delays beyond our control. This permission is granted with the understanding that all city and state provisions will be met, and the batch plant area shall be cleaned and returned to an acceptable condition.

Sincerely,



Bret Pedigo

Terra/Manna Creekside, LLC

** 395 W. State Highway 114, Suite 300 * Southlake, Texas 76092 * Ph 817-410-9201 **

ORDINANCE O-07-1645

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

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

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

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

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

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

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

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

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

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

1. GENERAL

- a. The purpose of this PUDR is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 2.4 dwelling units per acre. There shall be no more than 269 single-family residential lots.
- b. Commercial lots shall be permitted along the frontage of Heritage Avenue.
- c. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where specifically amended by this Ordinance.

2. CONCEPTUAL PLAN, SITE PLAN, AND PLATTING

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

considered a plat. The developer shall submit and receive approval from the City for any amendment to the Site Plan in accordance with the phasing of the development of any portion of this PUDR. A detailed Site Plan submission shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with this Ordinance, and may also be required to show additional conditions provided in Section 3.23 M.b. of the Land Development Code. Further, such detailed site plan(s) shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

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

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

Planning Area "A"

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

Planning Area "B"

a. Average Lot Size	5,500 square feet
b. Minimum Lot Size	5,000 square feet
c. Minimum Lot Width	50 feet
d. Minimum Lot Depth	105 feet
e. Front Building Line	20 feet; or 15 feet for a front swing garage
f. Side Building Line	0, 1 or 9 feet with a 10 foot minimum between buildings
g. Rear Building Line	10 feet
h. Maximum Building Height	40 feet
i. Maximum Lot Coverage	65%

5. OPEN SPACE AND LANDSCAPE BUFFER

- a. A 10 foot wide landscape buffer shall be designated along the entire western property line. No structures may be constructed within the landscape buffer. The landscape buffer shall be incorporated in the rear lots of Planning Area "A". Such landscape buffer shall is not an open space lot. Chapter 5 of the Land Development Code applies to this landscape buffer in particular and the development as a whole. In addition, the Section 5.9 Tree Replacement Requirements shall apply to any replacement tree greater than three (3) inches in diameter which is substantially damaged or which dies within two (2) years of final inspection.
- b. Open space lots shall be maintained by the Homeowners Association.
- c. The following amenities are permitted in the open space lots: picnic tables, benches, playground equipment, concrete and crushed granite walking paths, a gazebo, an arbor, other garden type built elements including a fireplace, fountains, lights and a dock and pier. These amenities shall be owned and maintained by a homeowners association.

6. PRIVATE SIDEWALKS AND STREETS

- a. A ten (10) foot wide concrete trail approximately 1.2 miles long shall be constructed on-site along with all other public improvements as part of this development between Glade Road and Cheek Sparger Road and prior to the time of Final Plat. The City Manager or his designee may approve a reduced trail width of eight (8) feet if necessary based upon topographic, landscape, or other issues. Such trail shall be included as part of any Site Plan submittal, and shall be consistent with the City's then existing Master Trail Plan.

7. SCREENING

- a. An eight (8) foot masonry wall shall be built between any commercial and residential lots.
- b. An eight (8) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road and Cheek Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. The standards and detail for such wall shall be included as part of the detailed Site Plan.
- c. Perimeter fencing along Heritage Avenue shall only be required immediately adjacent to lots, and not be required along where floodplain or open space is adjacent to Heritage Avenue.

8. OTHER

- a. Ingress and Egress from Winewood Place shall be restricted to access by emergency vehicles only.
- b. The number of lots allowed with frontage on a cul-de-sac street shall adhere to the requirements of the Land Development Code.
- c. The portion of the development located south of Little Bear Creek shall have a minimum of two (2) points of public vehicular ingress and egress from Cheek Sparger Road and/or Heritage Avenue.
- d. There shall be no direct access onto Glade Road from this development.
- e. There shall be no single family uses allowed adjacent to Heritage Avenue where there are, as of the passage of this ordinance, existing commercial uses directly across Heritage Avenue within the City of Eules.
- f. Retaining walls that are adjacent to residential lots shall be constructed with a stone facade.

Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as specifically amended herein.

Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of

this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16th day of October 2007.

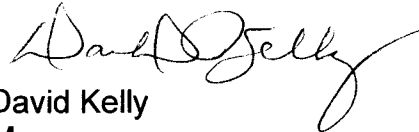
The second reading and public hearing being conducted on the 6th day of September 2007.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" Location and Zoning Map

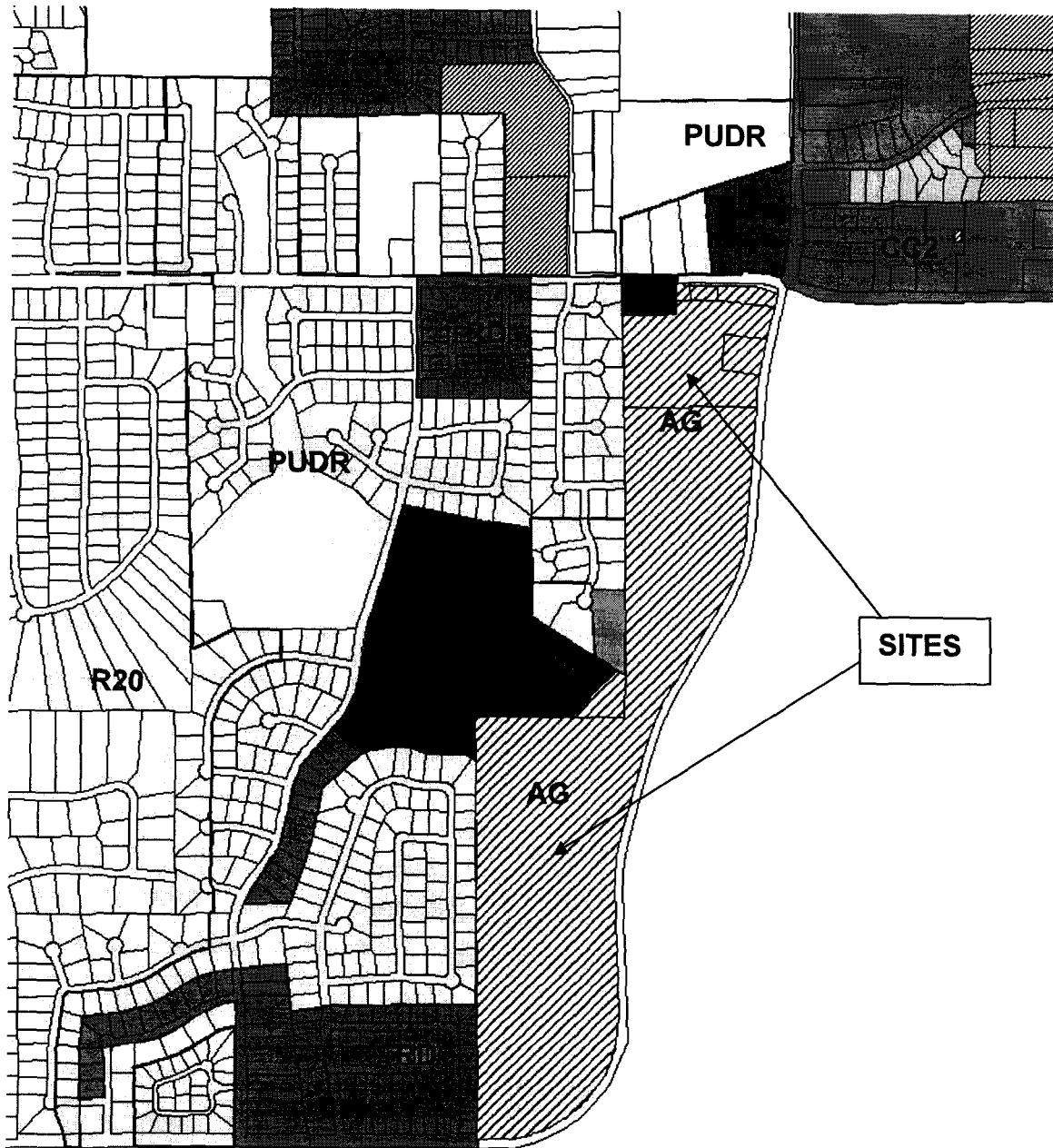


Exhibit "B" Legal Description

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECEIVED

FEB 06 2007

Per

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

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

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

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

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

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

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

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

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

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

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

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

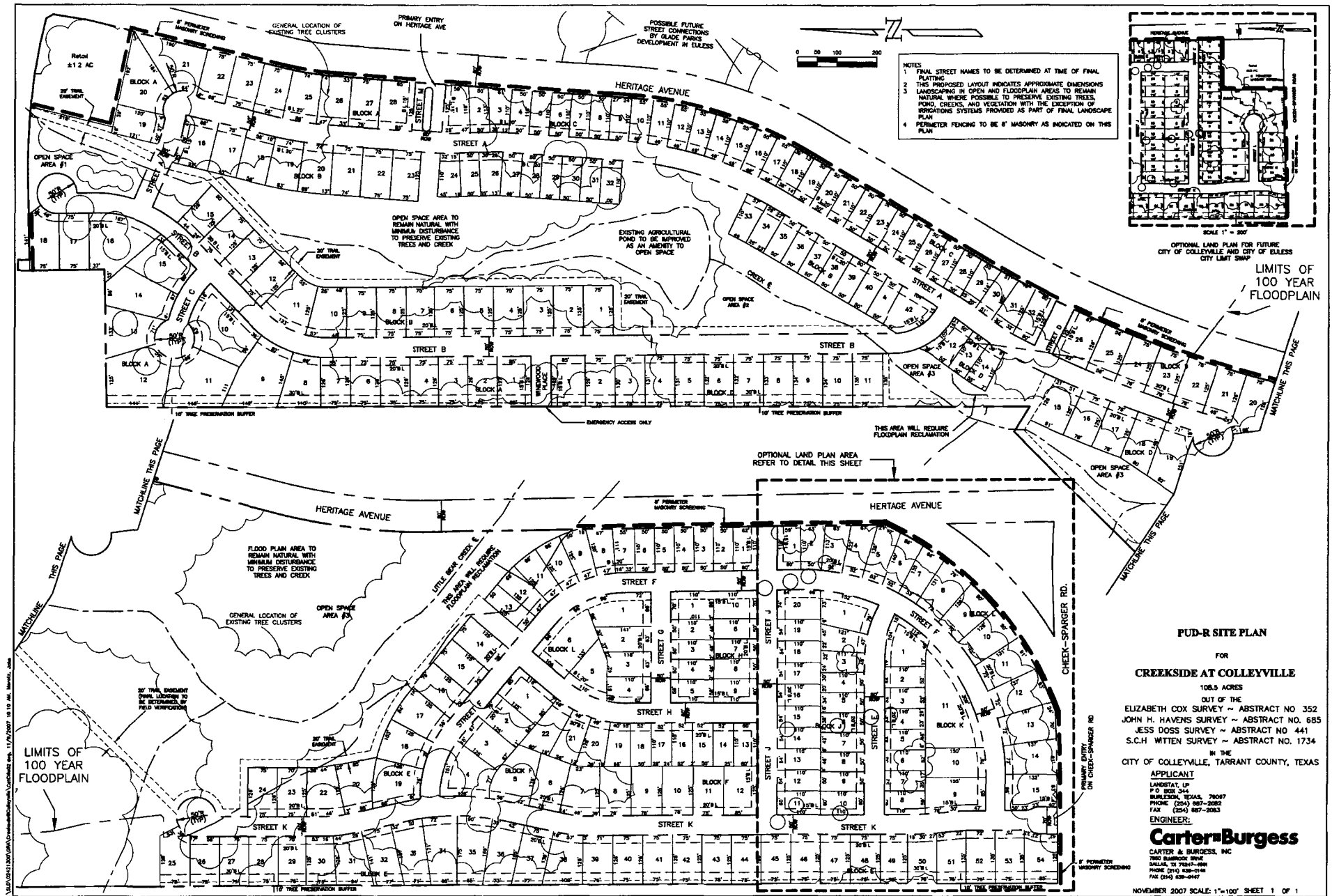
THENCE N 88°42'20" E, A DISTANCE OF 22.07 FEET TO A POINT FOR CORNER;

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

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

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

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



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.

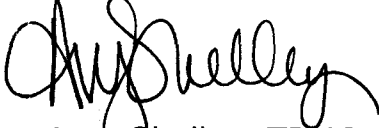
AND IT IS SO ORDERED.

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

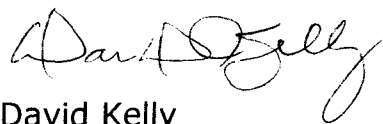
The second reading and public hearing being conducted on the 17th day of December 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 17th day of December 2013.

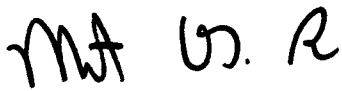
ATTEST:


Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:


Matthew C. G. Boyle
City Attorney

City of Euless

City of Bedford

Subject Property

Subject Property

Heritage Avenue

Glade Road

SH 121

Legend

AG	Agricultural
CC-1	Village Retail
CC-2	Shopping Center
CC-3	Highway Commercial
CN	Neighborhood Commercial
CP0	Professional Office
ML	Light Manufacturing
PUD-C	Planned Unit Development, Commercial
PUD-R	Planned Unit Development, Residential
R-10	Single Family Residential (10,000 sq. ft. min)
R-15	Single Family Residential (15,000 sq. ft. min)
R-20	Single Family Residential (20,000 sq. ft. min)
R-30	Single Family Residential (30,000 sq. ft. min)
R-40	Single Family Residential (40,000 sq. ft. min)
R-MF	Multi-Family Residential
RD	Two Family Residential
RE	Single Family 'Estate' Residential

N

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;

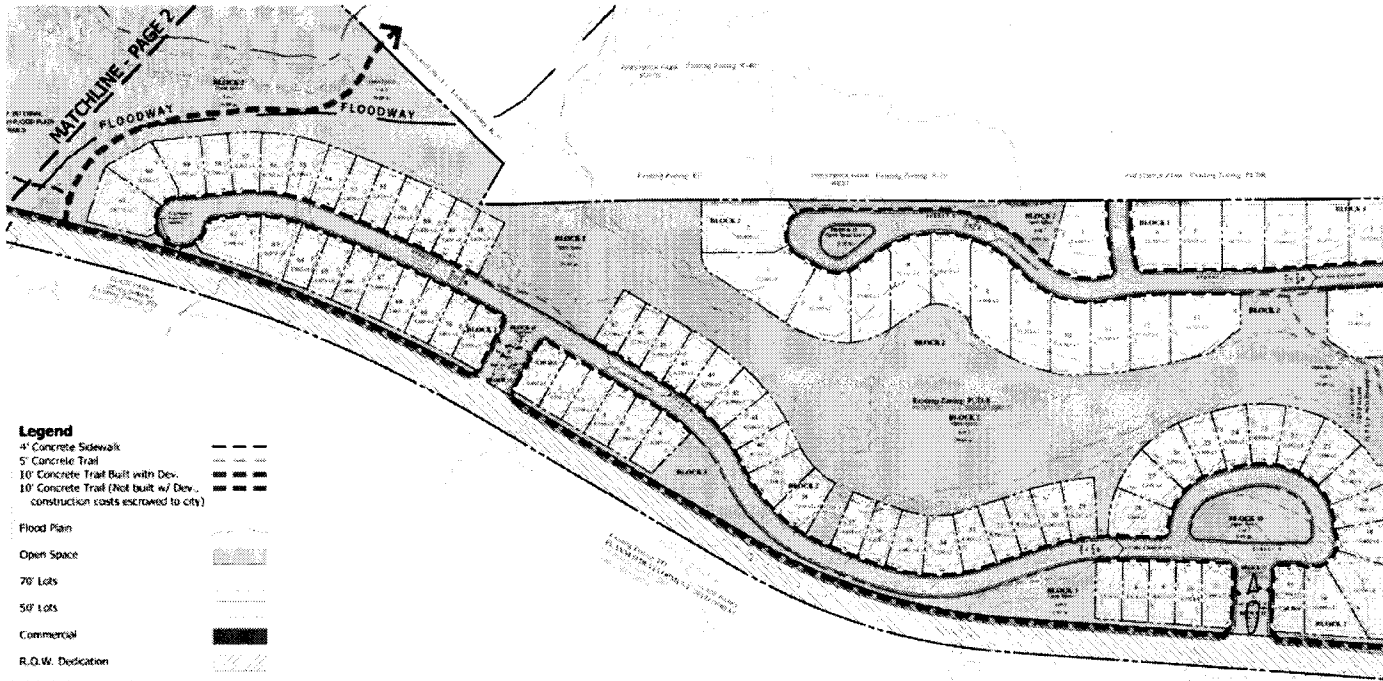
THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

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.



- Legend**
- 4" Concrete Sidewalk
 - 5" Concrete Trail
 - 10" Concrete Trail Built with Dev.
 - 10" Concrete Trail (Not built w/ Dev. - construction costs escrowed to city)
 - Flood Plan
 - Open Space
 - 70' Lots
 - 50' Lots
 - Commercial
 - R.O.W. Dedication

FOR LEGAL DESCRIPTION OF PROPERTY, SEE ATTACHED FILE

Owner:
Harrington Family
7000 Cherry Bark Lane
North Richland Hills, TX 76182

Applicant:
Terri / Manna, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner:
SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Central Ave., Ste. 200
Southlake, Texas 76092
TEL: 817-424-2626

Site Data Summary Chart

Single Family Residential Lots	228
Commercial Lots	1
Common Areas	17
COMMERCIAL	
Commercial Sites	1.90 ac.
RESIDENTIAL	
Residential Lots	41.50 ac.
Open Space	30.51 ac.
R.O.W.	13.19 ac.
R.O.W. Dedication (on Heritage)	7.24 ac.
Total Residential	94.44 ac.
GROSS AREA	96.36 AC

Residential Lot Summary

Residential Lots	228
Minimum Building Lot Area	5,000 s.f.
Average Building Lot Area	8,311 s.f.
Common Areas	17

L.U.D. / Zoning

Existing Zoning:	PUD-R
Proposed Zoning:	PUD-R

Notes:

- Planning Area A - Front Setbacks are 20', or 15' with a swing garage
- Planning Area A - Rear Setbacks are 30' Typical
- Planning Area A - Side Setbacks are 5'
- Planning Area B - Front Setbacks are 20', or 15' with a swing garage
- Planning Area B - Rear Setbacks are 10' Typical
- Planning Area B - Side Setbacks can be a center-load 5' sidewalk, 9'12' or 10'10'. (10' total, minimum between structures)
- There will be no outside storage onsite
- Open space lots & landscape easements will be maintained by the Homeowners Association (HOA).

Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC13-017

Zoning Case #ZC13-017



Phase 2 Development Plan

Creekside at Colleyville

Legend

- 4" Concrete Sidewalk
- 5" Concrete Trail
- 10" Concrete Trail Built with Dev.
- 10" Concrete Trail (Not built w/ Dev., construction costs increased to city)
- Flood Plain
- Open Space
- 20' Lots
- 50' Lots
- Commercial
- R.O.W. Dedication

Site Data Summary Chart

Single Family Residential Lots	228
Commercial Lots	1
Common Areas	17
COMMERCIAL	
Commercial Sites	1.90 ac.
RESIDENTIAL	
Residential Lots	43.50 ac.
Open Space	30.51 ac.
R.O.W. Dedication (on Heritage)	7.24 ac.
Total Residential	94.44 ac.
GROSS AREA	96.36 AC

Residential Lot Summary

Residential Lots	228
Minimum Building Lot Area	5,000 s.f.
Average Building Lot Area	8,311 s.f.
Common Areas	17

L.U.D. / Zoning

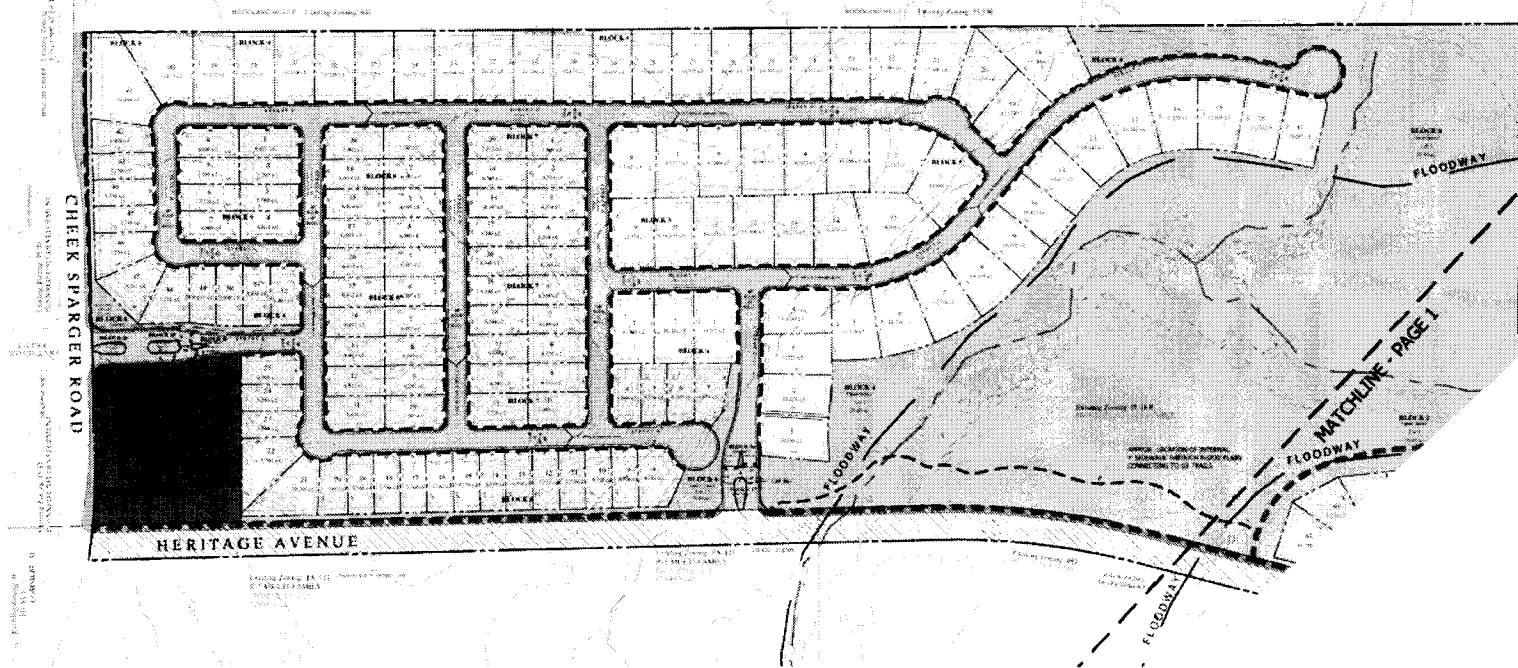
Existing Zoning	PUD-R
Proposed Zoning	PUD-R

Notes:

- Planning Area A - Front Setbacks are 20', or 15' with a swing garage.
- Planning Area A - Rear Setbacks are 30' Typical
- Planning Area A - Side Setbacks are 5'
- Planning Area B - Front Setbacks are 20', or 15' with a swing garage.
- Planning Area B - Rear Setbacks are 10' Typical
- Planning Area B - Side Setbacks can be a center-load 5' sideyard, 9'1" or 10'10" (10' total, minimum between structures).
- There will be no outside storage onsite.
- Open space lots & landscape easements will be maintained by the Homeowners Association (HOA).

Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC13-017

Zoning Case #ZC13-017



Applicant:
Terra / Manna, L.L.C.
395 W. Skote Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Span

Planner:
SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Corns Ave., Ste. 200
Southlake, Texas 76092
TEL: 817-424-2626

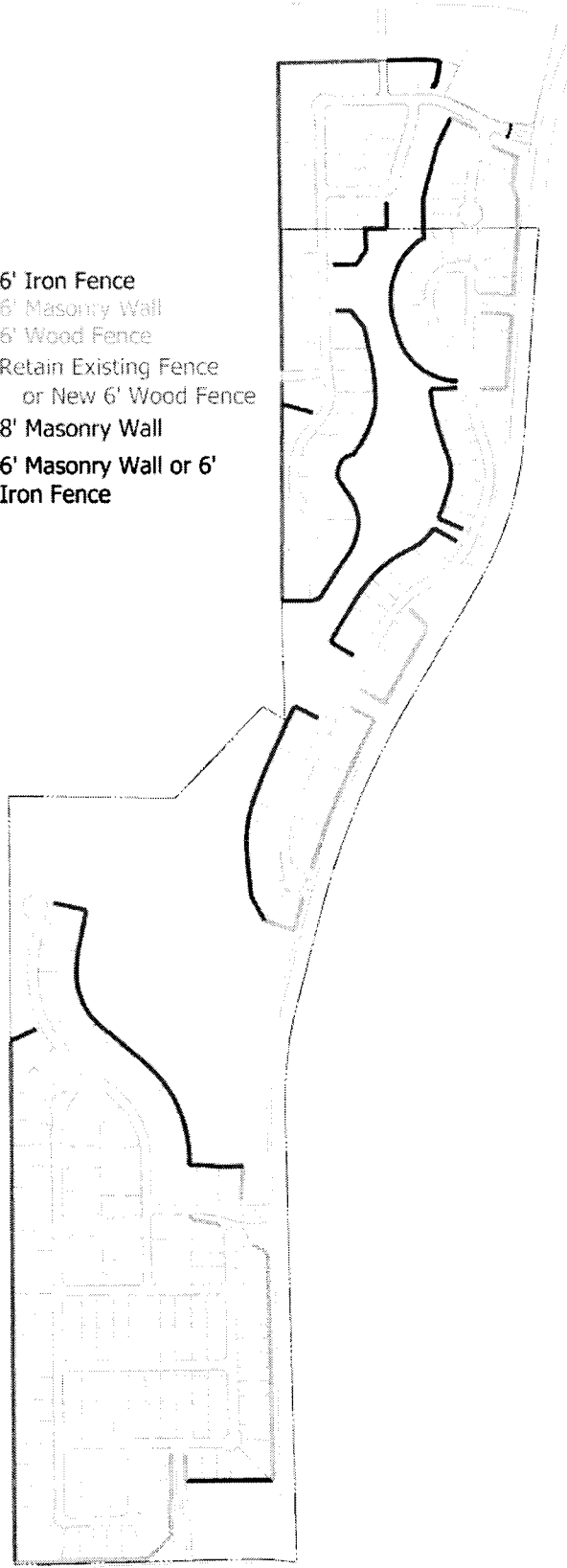


Phase 2 Development Plan

Creekside at Colleyville

Exhibit 'D'

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



Owner:
Harrington Family
7000 Cherry Bark Lane
North Richland Hills, TX 76182

Applicant:
Terra / Manna, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner:
SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
TEL: 817-424-2526

18 DEC 13



1" = 400'



Wall/Fence Diagram

ORDINANCE O-13-1866

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

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

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

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

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

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

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

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

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

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

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

1. DETAILED SITE PLAN REQUIREMENT

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

2. GENERAL AMENDMENTS

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

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

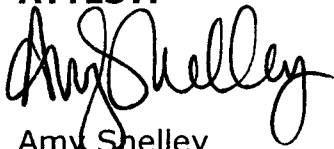
AND IT IS SO ORDERED.

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

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

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 5th day of March 2013.

ATTEST:



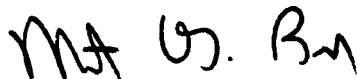
Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" -Location and Zoning Map

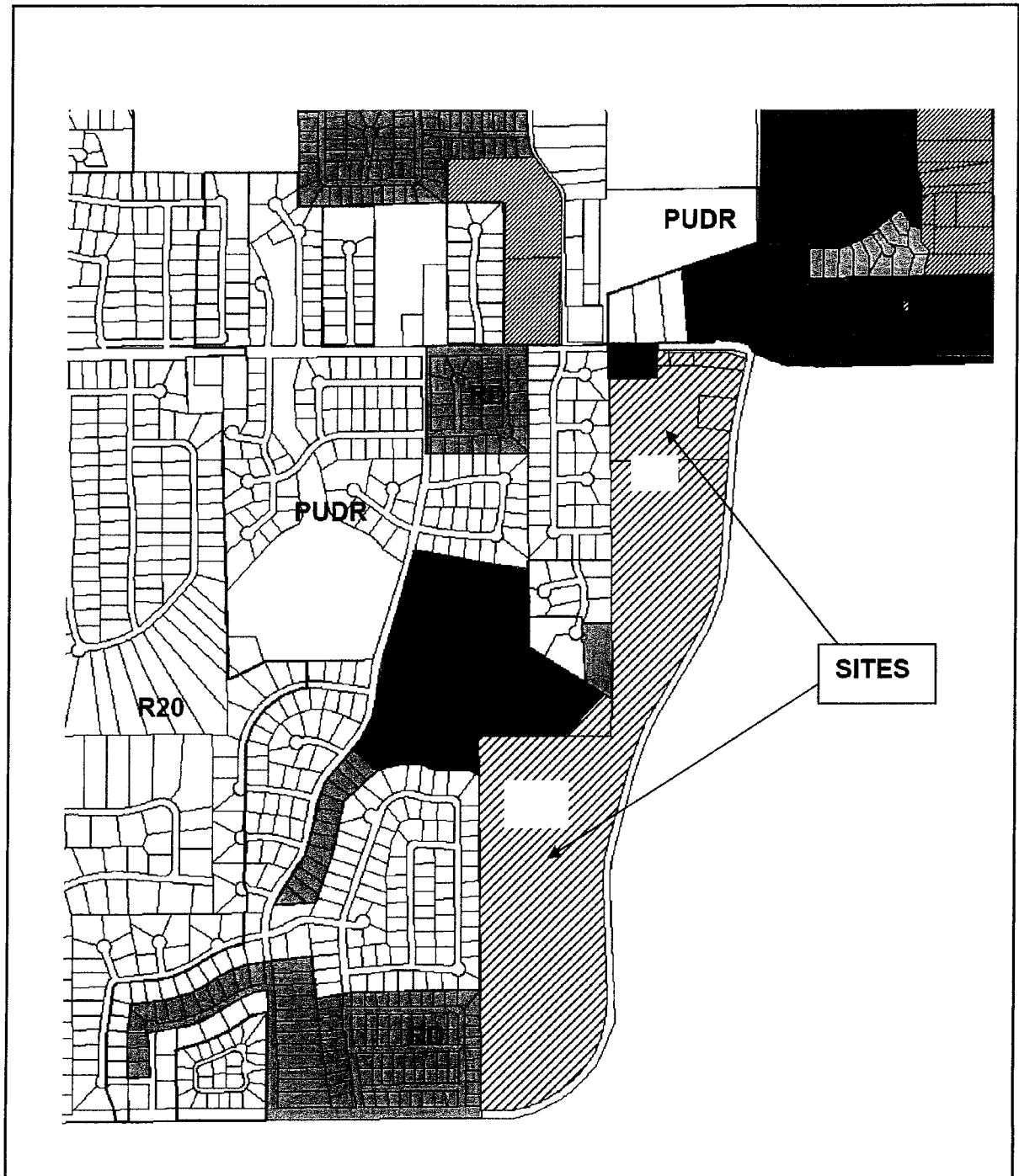
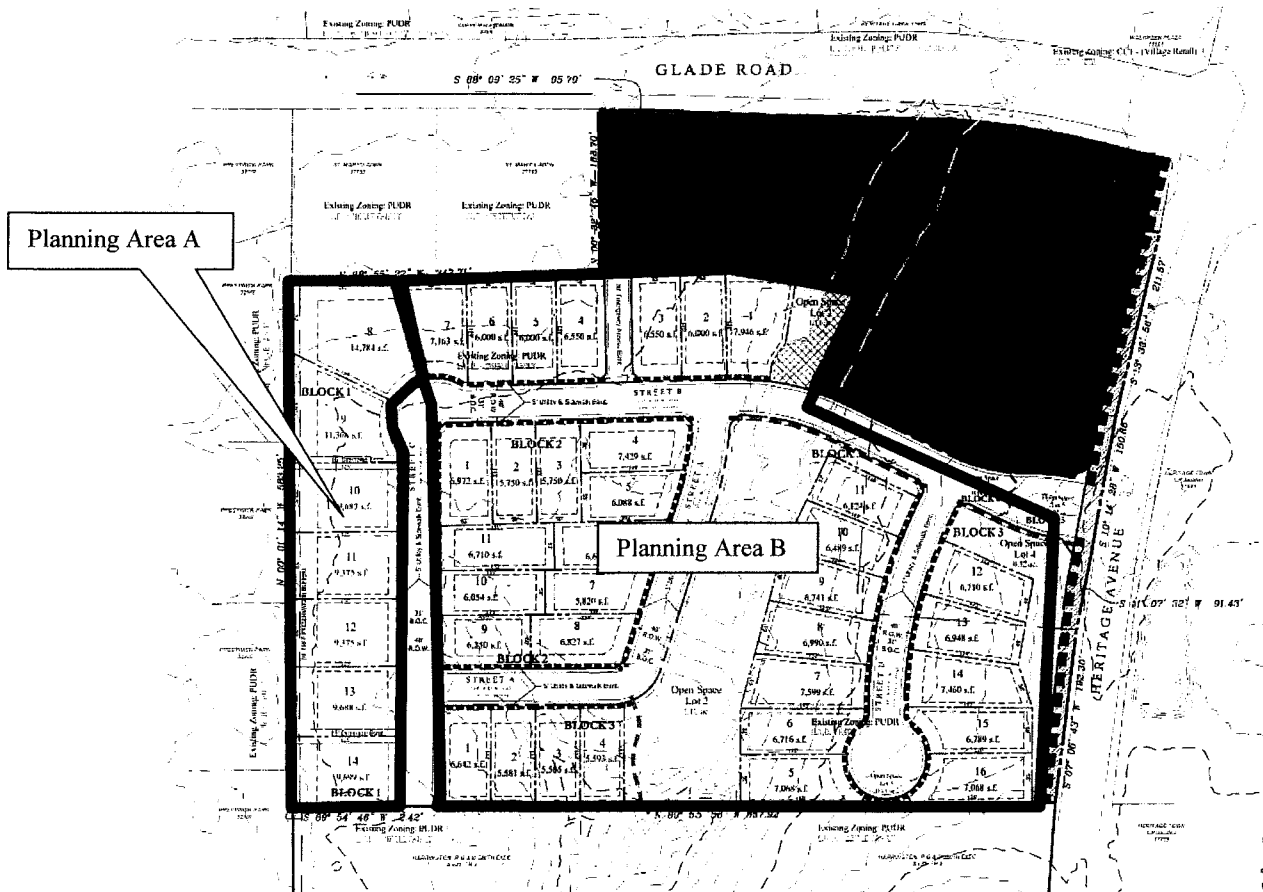


Exhibit "B" Detailed Site Plan



ORDINANCE O-14-1913

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF A 37,500 SQUARE FOOT PORTION 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, LOCATED AT THE NORTHWEST CORNER OF HERITAGE AVENUE AND CHEEK SPARGER ROAD, BY AUTHORIZING A SPECIAL USE PERMIT FOR A TEMPORARY CONCRETE BATCH PLANT; 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. ZC14-006; and

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on a 37,500 square foot portion 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, located at the northwest corner of Heritage Avenue and Cheek Sparger Road, by authorizing a Special Use Permit for a temporary concrete batch plant, as depicted on Exhibit "A," labeled as Location and Zoning Map.
- 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. HOURS OF OPERATION

- a. The hours of operation for shall be as follows:

Monday – Saturday: 7:00 a.m. – 6:00 p.m.

- b. The temporary concrete batch plant shall be in use for twenty-one (21) days from the date of issuance of the Notice of Intent.

2. PERMITTED USES

- a. The temporary concrete batch plant allowed by this Special Use Permit must be permitted by the Texas Air Control Board.
- b. The Special Use Permit shall meet all state and federal requirements for concrete batch plants. A copy of the Storm Water and Waste Water Pollution Prevention Plan (SWWPPP), and the Notice of Intent (NOI) must be posted on the premise.
- c. The area boundaries of the temporary concrete batch plant shall generally conform to the attached, Exhibit "B" labeled as Zoning Exhibit.
- d. The material delivery trucks will be instructed to travel west on Glade Road to Heritage Avenue; then south along Heritage Avenue approximately 300 feet to the project entrance on the west side of Heritage Avenue.
- e. The batch plant will be used to provide concrete for no other project other than Creekside at Colleyville, Phase I.
- f. The temporary concrete batch plant must be a minimum of 300 feet from any school or habitable residence.
- g. A notice to proceed will be issued by the Director of Public Works or designee. The letter will state that the batch plant shall only be allowed in conjunction with the construction site for which the permit is issued. This letter will be kept on site with the TCEQ documentation.
- h. The Public Works Director or designee will determine if additional materials testing will be required. City staff will determine the testing personnel required and any cost of testing will be passed onto the applicant.

Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

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

AND IT IS SO ORDERED.

The first reading and public hearing being conducted by City Council on the 1st day of April 2014.

The second reading and public hearing being conducted by City Council on the 15th day of April 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

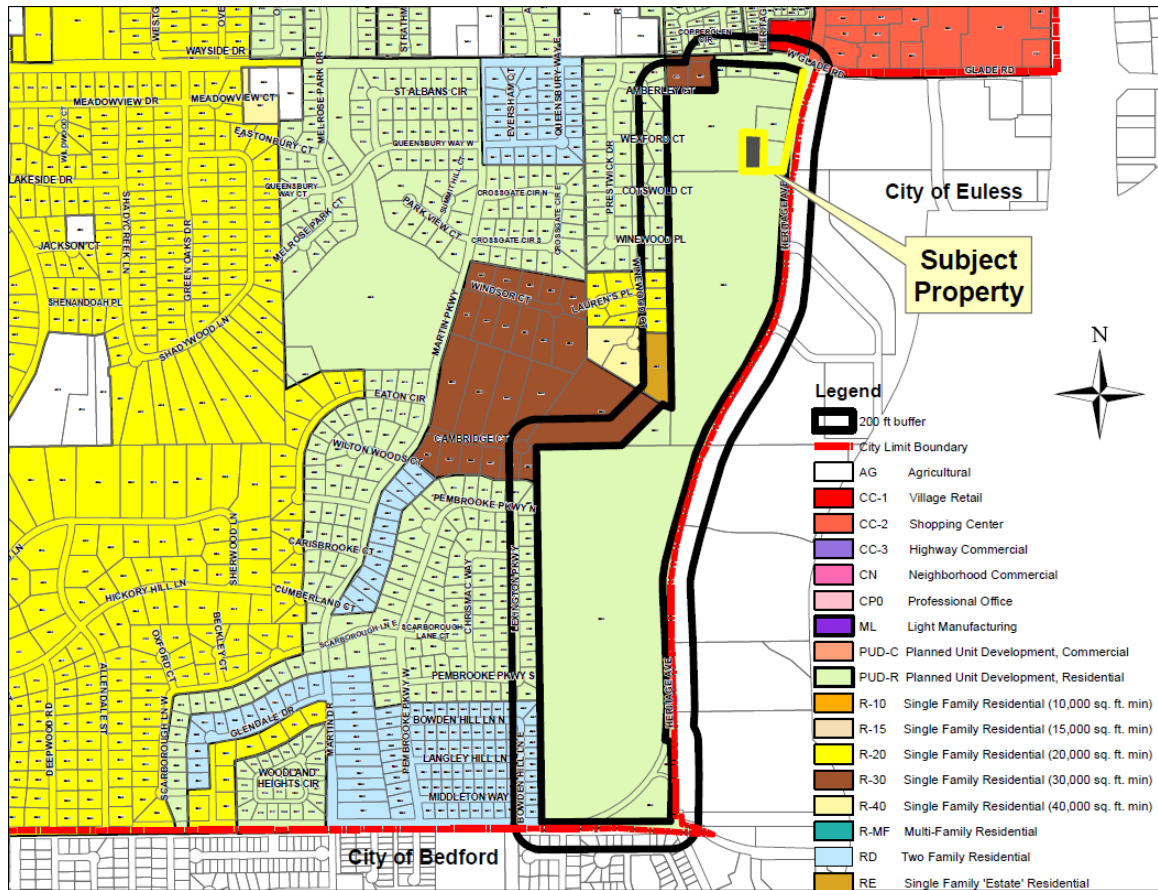
Amy Shelley
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit A –Location and Zoning Map





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3d	Agenda Date 03/24/2014	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Approval of amendments to Chapter 3 - Land Use, Section 3.24.B-Schedule of Permitted Uses and Section 3.24.D-Temporary Buildings and Uses in the Land Development Code, GC14-006

Explanation

Staff proposes amendments to Chapter 3 - Land Use, Section 3.24-Schedule of Permitted Uses in the Land Development Code. Currently, temporary asphalt or concrete batch plants are allowed in all zoning districts with approval of a Special Use Permit. The last temporary concrete batch plant was processed in 2007, since that time, state and federal standards and regulations for temporary batch plants have changed. Thus, staff recommends reviewing current ordinance provisions and amending the regulations and processes to reflect current conditions.

State and Federal Requirements. The Texas Commission on Environmental Quality (TCEQ) issues the TPDES Construction General Permit relating to discharges associated with construction activities. The TPDES Construction General Permit requires a Storm Water Pollution Prevention Plan (SWPPP or SWP3) for construction activity that disturbs one acre or more of land; or disturbs less than one acre of land and is part of a common plan of development that disturbs one acre or more of land. Requirements for the SWP3 are in Part III of the TPDES Construction General Permit. Currently, the Environmental Protection Agency (EPA) provides SWP3 guidance, templates, and examples for preparing a SWP3. The most recent revisions were issued by the EPA in December 2009.

Because of the changes in state and federal regulations, Gilco Contracting, the applicant for both temporary batch plant requests hired Stormcon LLC to formulate the SWP3s. Stormcon LLC handles all areas of compliance with the TPDES Construction General Permit with a focus on the residential construction industry. Best Management Practices are incorporated into the SWP3s to reduce or eliminate potential sources of pollution. By handling concrete mixing on site, the numbers of construction vehicles are greatly reduced on the roadways, the quality of the materials can be more readily ensured, and the site can be easily restored to its original or better condition.

Temporary concrete batch plants also require an Air Quality Standard Permit to ensure compliance with the state's Standard Implementation Plan (SIP) as required by the federal Clean Air Act. The Texas Commission on Environmental Quality is authorized to

issue the standard permit for these facilities based on the Texas Health and Safety Code. The most recent amendments were approved December 2012, and account for additional emission factors, address 24-hour particulate matter, and include engine requirements as promulgated by the EPA.

Survey of Other Cities. Attached is a survey of area city requirements with regard to temporary asphalt or concrete batch plants. Out of the seven cities that are adjacent to Colleyville, only two require City Council approval regardless of duration of the batch plant. The City of North Richland Hills requires a Special Use Permit for all temporary batch plants, and only allows this use in commercial zoning districts. The last SUP ordinance was approved in 2002. Euless is the other city that requires City Council approval of all temporary batch plants as temporary use permits.

Two area cities allow administrative review of temporary batch plants, the Cities of Hurst and Bedford. Both cities require that the batch plants must be used for the specific project on the site where they are proposed. Both cities also require that temporary batch plants comply with all state and federal requirements, and that they supply staff with all associated plans, permits and notices.

The City of Southlake makes a determination on process based on the number of days that the batch plant will operate. If the batch plant will operate less than 90 days, then the temporary use is processed as a building permit and must comply with the Southlake Erosion and Sediment Control Manual. The City of Grapevine also makes a process determination based on the number of days that the batch plant will operate. If the time limit is less than 30 days, then it is processed as a temporary use permit and may be approved administratively. If the duration is more than 30 days, then the temporary use permit may be approved by City Council. The City of Keller may administratively approve a temporary batch plant, subject to certain conditions. Any exceptions to these conditions require approval from the City Council by resolution.

Proposed Amendments. Since temporary asphalt or concrete batch plants are closely regulated by state and federal requirements, staff recommends that temporary batch plants be processed as temporary use permits when the duration of operation is less than 90 days. Any requests that deviate from the conditions for approval or will operate for more than 90 days will require City Council approval by resolution. The conditions for approval are as follows:

Section 3.24.D.6. Temporary Asphalt or Concrete Batch Plant – The Building Official may approve a permit for a temporary asphalt or concrete batch plant to provide construction materials for the site on which the temporary batch plant is located during the construction phase of a permanent building or new subdivision, provided such temporary use comply with the following requirements:

a. The temporary batch plant must receive an air quality permit from the Texas Air Control Board, a board associated with the Texas Commission on Environmental

Quality, and evidence must be presented at the time of application for building permit.

b. The temporary batch plant must follow Texas Commission on Environmental Quality requirements for a Storm Water Pollution Prevention Plan (SWPPP or SWP3, TXG110,000) and Notice of Intent (NOI). A copy of both of these documents must be on the site of the temporary batch plant at all times.

c. A location map must be provided indicating the closest habitable residences and churches. The minimum distances shall be 300 feet measured in a direct line.

d. The material delivery route must be provided indicating routes for raw material delivery.

e. The hours of operation will follow the construction hours of operation as required in the Code of Ordinances.

f. A letter of permission must be provided by the property owner stating that the temporary batch plant will be used to provide concrete for the same site where it is located and no other project(s). The letter must also state that the site will be left in good or better condition.

g. The application must state the amount of time that the temporary batch plant will be in operation. The duration cannot exceed 90 days without City Council approval. Any deviation from Section 3.24.D.6 will require City Council approval.

h. A notice to proceed will be issued by the Director of Public Works or designee. The letter will state that the batch plant shall only be allowed in conjunction with the construction site for which the permit is issued. The letter will be kept on site with the TCEQ documentation.

i. The Public Works Director or designee will determine if additional materials testing will be required. City staff will determine the testing personnel required and any cost of testing will be passed onto the applicant.

Communication. Once adopted, a bulletin of the new standards will be posted on the City's website and included in all other communication vehicles in which the City uses. All contractors in the City will be notified as well.

Recommendation

Approve

Attachments

1. Survey of Other Cities
2. Proposed Changes - LDC Chapter 3, Section 3.24

3. Ordinance O-14-1914

Survey of Other Cities

1. **Southlake** – Staff makes a determination on process based on the number of days that the batch plant will operate. If the batch plant will operate less than 90 days, then the concrete batch plant is processed the same as any other building permit. It is also submitted as part of the Erosion Control Submittal Packet. If the batch plant will operate more than 90 days, then the use must go through City Council for approval.

2. **Keller** – A temporary batch plant may be approved by the Development Review Committee, subject to certain conditions. Any exceptions to these conditions require approval of the City Council (by resolution). The conditions are as follows: 1) follow state and federal regulations, 2) not located within 600 feet of a residence, 3) Hours of operation may be Monday through Friday, 7:00 am to 7:00 pm, Saturday, 9:00 am to 5:00 pm, and no hauling on Sunday, 4) cannot encroach on public street, 5) can only furnish concrete for the specific project for which the temporary permit is issued, 6) must operate in a way that eliminates nuisances (dust, noise, etc.), 7) clear of all equipment upon completion of project, 8) repair all public improvements damaged by plant operations, and 9) upon expiration of the permit, Director of Public Works shall walk site to verify compliance.

3. **North Richland Hills** – The city has not approved a batch plant since 2002, but it still has the requirements in the code. A temporary batch plant requires a Special Use Permit, and is only allowed in commercial districts: C-1, C-2, LI, MI, U (institutional), or AG. The last SUP ordinance had the following provisions: 1) erosion control fencing, 2) compliance with TNRCC requirements (predates TCEQ), 3) time limit (24 months), 4) site plan that shows where equipment will be placed on site, and 5) hours of operation. The hours of operation were Monday through Friday, 7:00 am to 5:00 pm.

4. **Grapevine** – Staff makes a determination on process by the number of days that the batch plant will operate. If the time limit is less than 30 days, then the temporary use is treated as a building permit and reviewed administratively. If the time limit is more than 30 days, then the temporary use is reviewed by City Council. If the temporary batch plant is approved, then it is passed by resolution. The permit must meet all Texas Commission on Environmental Quality (TCEQ) standards regardless of process.

5. **Hurst** – Temporary concrete batch plants are not in their use charts. The Building Official said there has not been a request for one in a very long time. If an application was submitted today, he would probably treat it as a temporary use permit and take to the Development Review Committee for review, since this use is heavily regulated by TCEQ.

6. **Bedford** - Temporary concrete batch plants are allowed, and are processed as part of the civil plans. Temporary batch plants must be used for the specific project on the site where they are proposed. Permanent batch plants are not in their use charts, so they would tell an applicant that permanent asphalt or concrete batch plants are not allowed in the city.

7. **Eules** – The city council may approve the operation of temporary uses on any property for a specific period of time. Such temporary uses are typically associated with an already existing use and are subject to review to ensure adequate facilities exist or will be provided to serve the public and employees of the temporary use. A permit is required and must be obtained from City Council. No temporary use permit shall be valid for more than 90 consecutive days and shall be subject to all restrictions and requirements established by city council. Restrictions and requirements may include, but are not limited to, hours of operation, duration of the use, parking, setbacks, signage and any other requirements deemed necessary to protect the general welfare of the community.

Proposed Changes - LDC Chapter 3, Section 3.24

Colleyville, Texas, Land Development Code

Section 3.24 Schedule of Permitted Uses

- A. General Requirement and Symbols Used – Land and buildings may be used in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses* and the additional requirements of this section. The following symbols are used in Table 3.24.C, *Schedule of Permitted Principal Uses*:
1. *Permitted Uses* – A “P” in a cell indicates that the use is allowed by right as the principal use in the applicable zoning district in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses*.
 2. *Specific Uses* – An “S” in a cell indicates that the use may be allowed with the approval by the City Council of a Special Use Permit following the applicable review and approval procedures.
 3. *Prohibited Uses* – An empty cell indicates that the land use is prohibited in the applicable zoning district, unless otherwise allowed with the approval by the City Council of an ordinance establishing a Planned Unit Development District, or authorized by a Special Use Permit, or in conformance with the provisions contained in Section 3.6.B-*Classification of New and Unlisted Uses*.

Proposed Changes - LDC Chapter 3, Section 3.24

Colleyville, Texas, Land Development Code

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Auto Parts and Accessory Stores												P	P	P		13	7	
Auto, Truck or Trailer Rental														S	S	13	8	
Auto Upholstery Shops														P	P	13	9	
Auto Parking Lots and Garages (free standing)										S	S	S	S	S	S		n.a.	
Auto Repair Shop													S	S	S	13	9	
Boat and Water-craft Sales and Service													S	S	S	13	8	
Bus or Passenger Train Stations												S	S	S	S		24	
Car Wash (self service and automatic)														S	P		9	
Commuter Transit Stations												S	S	S	S		24	
Gasoline Service Stations														S	S	13	7	
LPG / CNG Dispensing Stations														S	S		24	
Motorcycle Sales and Service														S	S	13	8	
Paint and Body Shops														S	S	13	9	
Park and Ride Facilities												S	S	S	S		24	
Railroad or Motor Freight Terminals													S	S	S		24	
Recreational Vehicle Sales and Service														S	S	13	8	
Tire and Battery Stores													S	S	S	13	7	
Truck and Heavy Equipment Sales and Service														S	S	13	8	
Vehicle Storage Yards or Facilities												S	S	S	S		24	
J. HEAVY COMMERCIAL, INDUSTRIAL & MANUFACTURING USES																		
Asphalt or Concrete Batching (temporary)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	
Appliance Repair Shops														S	S		8	
Building Material Sales with outside storage														S	P		7	

Proposed Changes - LDC Chapter 3, Section 3.24

Colleyville, Texas, Land Development Code

- b. A temporary use permit for a portable storage structure shall be obtained from the Community Development Department prior to placement for any portable storage structure.
- c. There shall be no more than one (1) portable storage structure per property.
- d. The portable storage structure shall be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.
- e. Notwithstanding the requirements of sub-sections “k” and “l” below, a portable storage structure shall not remain at a property in any zoning district in excess of thirty (30) consecutive days, and shall not be placed at any one property in a zoning district in excess of thirty (30) days in any calendar year.
- f. The portable storage structure shall be set back a minimum of five (5) feet from all property lines.
- g. The portable storage structure shall be set back a minimum of five (5) feet from the nearest wall of a building.
- h. Where a side facing garage or a garage that is located behind the principal structure exists, the portable storage structure shall be located behind the front line of the principal structure.
- i. The portable storage structure shall be placed on an asphalt or concrete surface. A gravel surface is permitted if the portable storage structure is located behind the principal structure.
- j. The portable storage structure shall not be placed upon any street or within any rights-of-way. Exception: Portable storage structures located in mixed-use, townhome, multifamily, or similar residential developments may locate within existing, striped on-street parking spaces provided there are no public safety or vehicular traffic issues caused by the location of the structure.
- k. Portable storage structures associated with construction of a new principal building at a site where a new building permit has been issued are permitted for the duration of construction and shall be removed from the site within fourteen (14) days of the end of construction. Portable storage structures associated with new construction are exempt from the aforementioned conditions.
- l. Portable storage structures associated with any construction that is not part of the construction of a new principal building, and only in conjunction with the issuance of a building permit, may be placed for a maximum period of 180 days or upon completion of construction, whichever occurs first. The fee assessment for a portable storage structure associated with this sub-section shall be as follows:

0 to 30 days:	standard fee
30 to 60 days:	double the standard fee
60 to 90 days:	three times the standard fee
90 to 120 days:	four times the standard fee
120 to 180 days:	six times the standard fee
- m. Any waivers to the conditions of this section shall be considered by the Zoning Board of Adjustment in accordance with Chapter One of the Land Development Code.

D. Temporary Buildings and Uses (O-04-1497 / 12/21/04)

1. Temporary Use Permit – The Building Official may approve a permit for a temporary use specified in this Section for limited periods of time, provided evidence is furnished by the applicant that adequate measures are taken to satisfy public safety concerns and related site criteria concerns. All temporary uses shall be subject to the regulations contained in this Section. The building official may recommend a temporary use permit application be considered by the City Council where it has been determined by the building official that the proposed temporary use may have significant public interests. A temporary use permit, as herein prescribed, shall not be required for neighborhood block parties held in conjunction with the annual National Night Out neighborhood celebration or for events

Proposed Changes - LDC Chapter 3, Section 3.24

Colleyville, Texas, Land Development Code

approved by a municipal department where said event is conducted on municipally owned property.

- a. *Revocation:* The Building Official may revoke a temporary use permit if determined that:
 - i. The applicant has misrepresented any material fact on the application, or supporting materials.
 - ii. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit.
 - iii. The operation of the temporary use violates any statute, law, ordinance or regulation.
 - iv. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety or general welfare of the public.
2. Permit Conditions – The Building Official is hereby authorized to prescribe reasonable conditions upon a temporary use permit to protect the public health, safety, and general welfare of the community, with particular attention to areas adjacent to or in the vicinity of the permitted temporary use. Such conditions may include specific performance standards, noise mitigation measures, lighting restrictions, limitation on hours of operation, odor control measures, off-street parking requirements, traffic restrictions, or other standards designed to minimize adverse impacts on surrounding properties. In the event that a sponsor is dissatisfied with the Building Official's decision, the sponsor may appeal the decision to the City Council.
3. Construction Offices and Sales Offices – The Building Official may approve a permit for a temporary building for use as a construction office or a sales office for new home or lot sales in any zoning district during the construction phase of a permanent building or new subdivision, provided such temporary buildings comply with the following requirements:
 - a. No temporary used as a construction office or a sales office shall encroach within five (5) feet of a property line or encroach within the visibility triangle required in Section 3.26 of this Land Development Code.
 - b. A temporary building used as a construction office during the construction of a permanent building shall be removed within ten (10) days after the issuance of the certificate of occupancy of the permanent building, weather permitting, weather permitting.
 - c. A temporary building used as a real estate sales office shall be removed within ten (10) days after ninety (90%) percent of the lots within the subdivision have been sold.
 - d. A temporary construction office or real estate sales office shall sit on a blocked foundation acceptable to the Building Official. No temporary construction office or real estate sales office shall be used that rests only on the wheels.
 - e. A model home may be used as a temporary real estate sales office and shall be exempt from paragraphs a, b, c, and d above.
4. Community Special Events – Outdoor events of public interest which are anticipated to attract less than 500 persons in attendance at any one time for a period of eight consecutive hours or more, such as carnivals, circuses, and similar temporary events or special fund-raising events sponsored by a public entity, civic or non-profit organization located within the City.
5. Tents – A temporary use or special event which includes the use of a tent shall require a separate permit in accordance with the standards contained in the Colleyville Fire Code.
6. Temporary Asphalt or Concrete Batch Plant – The Building Official may approve a permit for a temporary asphalt or concrete batch plant to provide construction materials for the site on which the temporary batch plant is located during the construction phase of a permanent building or new subdivision, provided such temporary use comply with the following requirements:
 - a. The temporary batch plant must receive an air quality permit from the Texas Air Control Board, a board associated with the Texas Commission on Environmental Quality, and evidence must be presented at the time of application for building permit.

Proposed Changes - LDC Chapter 3, Section 3.24

Colleyville, Texas, Land Development Code

- b. The temporary batch plant must follow Texas Commission on Environmental Quality requirements for a Storm Water Pollution Prevention Plan (SWPPP or SWP3, TXG110,000) and Notice of Intent (NOI). A copy of both of these documents must be on the site of the temporary batch plant at all times.
- c. A location map must be provided indicating the closest habitable residences and churches. The minimum distances shall be 300 feet measured in a direct line.
- d. The material delivery route must be provided indicating routes for raw material delivery.
- e. The hours of operation will follow the construction hours of operation as required in the Code of Ordinances.
- f. A letter of permission must be provided by the property owner stating that the temporary batch plant will be used to provide concrete for the same site where it is located and no other project(s). The letter must also state that the site will be left in good or better condition.
- g. The application must state the amount of time that the temporary batch plant will be in operation. The duration cannot exceed 90 days without City Council approval. Any deviation from Section 3.24.D.6 will require City Council approval.
- h. A notice to proceed will be issued by the Director of Public Works or designee. The letter will state that the batch plant shall only be allowed in conjunction with the construction site for which the permit is issued. The letter will be kept on site with the TCEQ documentation.
- i. The Public Works Director or designee will determine if additional materials testing will be required. City staff will determine the testing personnel required and any cost of testing will be passed onto the applicant.

E Outdoor Storage; Screening and Hours of Operations

Zoning Districts		Outdoor Storage Allowed	Screening Requirements Adjacent to Single Family	Hours of Operation	Commercial Building Design Standards
CPO	Professional Office Commercial	No	8'	Daytime only	30 pts.
CN	Neighborhood Commercial	No	8'	Daytime only	30 pts.
CC1	Village Retail	No	8'	24 hours	30 pts.
CC2	Shopping Center	No	8'	24 hours	30 pts.
CC3	Highway Commercial	Yes	8'	24 hours	30 pts.
ML	Light Manufacturing - Industrial	Yes	8'	24 hours	30 pts.

F. District Regulation Notes

- A. Where abutting a lot zoned or used for residential purposes (RE through MH) maximum building height shall not exceed requirements shown in Figure 1 "Height Zones for Commercial Districts Adjoining Residential Districts". The roofline within that 50 feet shall have a maximum height of 16' at the eave and the roof design shall be of a residential style.
- B. No structure shall be erected in any zoning district in excess of the specified maximum building height either in the number of stories or feet, whichever is less, unless an exception to said maximum building height is contained in this Chapter, except as noted in note "C" below.
- C. Heights of four (4) stories may be permitted in CC2 (Shopping Center) district if combined with a Planned Unit Development (PUD).
- D. To achieve the "urban village" design, front yards may be varied to as little as 10' from the front property line if required parking is setback not less than forty feet (40') from the front property line.

ORDINANCE O-14-1914

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 3-LAND USE, SECTION 3.24 – SCHEDULE OF PERMITTED USES OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Section 3.24 of the Land Development Code by providing regulations for temporary asphalt or concrete batch plants; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

- Sec. 1. THAT *Chapter 3-Land Use, Section 3.24* of the Land Development Code, is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all

violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage.

Sec. 6. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 1st day of April 2014.

The second reading and public hearing being conducted on the 15th day of April 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Appendix "A"

Colleyville, Texas, Land Development Code

Section 3.24 Schedule of Permitted Uses

- A. General Requirement and Symbols Used – Land and buildings may be used in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses* and the additional requirements of this section. The following symbols are used in Table 3.24.C, *Schedule of Permitted Principal Uses*:
1. *Permitted Uses* – A "P" in a cell indicates that the use is allowed by right as the principal use in the applicable zoning district in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses*.
 2. *Specific Uses* – An "S" in a cell indicates that the use may be allowed with the approval by the City Council of a Special Use Permit following the applicable review and approval procedures.
 3. *Prohibited Uses* – An empty cell indicates that the land use is prohibited in the applicable zoning district, unless otherwise allowed with the approval by the City Council of an ordinance establishing a Planned Unit Development District, or authorized by a Special Use Permit, or in conformance with the provisions contained in Section 3.6.B-*Classification of New and Unlisted Uses*.

Appendix "A"

Colleyville, Texas, Land Development Code

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Auto Parts and Accessory Stores												P	P	P		13	7	
Auto, Truck or Trailer Rental														S	S	13	8	
Auto Upholstery Shops														P	P	13	9	
Auto Parking Lots and Garages (free standing)											S	S	S	S	S		n.a.	
Auto Repair Shop													S	S	S	13	9	
Boat and Water-craft Sales and Service													S	S	S	13	8	
Bus or Passenger Train Stations												S	S	S	S		24	
Car Wash (self service and automatic)														S	P		9	
Commuter Transit Stations												S	S	S	S		24	
Gasoline Service Stations														S	S	13	7	
LPG / CNG Dispensing Stations														S	S		24	
Motorcycle Sales and Service														S	S	13	8	
Paint and Body Shops														S	S	13	9	
Park and Ride Facilities												S	S	S	S		24	
Railroad or Motor Freight Terminals													S	S	S		24	
Recreational Vehicle Sales and Service														S	S	13	8	
Tire and Battery Stores													S	S	S	13	7	
Truck and Heavy Equipment Sales and Service														S	S	13	8	
Vehicle Storage Yards or Facilities												S	S	S	S		24	
J. HEAVY COMMERCIAL, INDUSTRIAL & MANUFACTURING USES																		
Appliance Repair Shops														S	S		8	
Building Material Sales with outside storage														S	P		7	

Appendix "A"

Colleyville, Texas, Land Development Code

- b. A temporary use permit for a portable storage structure shall be obtained from the Community Development Department prior to placement for any portable storage structure.
- c. There shall be no more than one (1) portable storage structure per property.
- d. The portable storage structure shall be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.
- e. Notwithstanding the requirements of sub-sections "k" and "l" below, a portable storage structure shall not remain at a property in any zoning district in excess of thirty (30) consecutive days, and shall not be placed at any one property in a zoning district in excess of thirty (30) days in any calendar year.
- f. The portable storage structure shall be set back a minimum of five (5) feet from all property lines.
- g. The portable storage structure shall be set back a minimum of five (5) feet from the nearest wall of a building.
- h. Where a side facing garage or a garage that is located behind the principal structure exists, the portable storage structure shall be located behind the front line of the principal structure.
- i. The portable storage structure shall be placed on an asphalt or concrete surface. A gravel surface is permitted if the portable storage structure is located behind the principal structure.
- j. The portable storage structure shall not be placed upon any street or within any rights-of-way. Exception: Portable storage structures located in mixed-use, townhome, multifamily, or similar residential developments may locate within existing, striped on-street parking spaces provided there are no public safety or vehicular traffic issues caused by the location of the structure.
- k. Portable storage structures associated with construction of a new principal building at a site where a new building permit has been issued are permitted for the duration of construction and shall be removed from the site within fourteen (14) days of the end of construction. Portable storage structures associated with new construction are exempt from the aforementioned conditions.
- l. Portable storage structures associated with any construction that is not part of the construction of a new principal building, and only in conjunction with the issuance of a building permit, may be placed for a maximum period of 180 days or upon completion of construction, whichever occurs first. The fee assessment for a portable storage structure associated with this sub-section shall be as follows:

0 to 30 days:	standard fee
30 to 60 days:	double the standard fee
60 to 90 days:	three times the standard fee
90 to 120 days:	four times the standard fee
120 to 180 days:	six times the standard fee
- m. Any waivers to the conditions of this section shall be considered by the Zoning Board of Adjustment in accordance with Chapter One of the Land Development Code.

D. Temporary Buildings and Uses (O-04-1497 / 12/21/04)

1. Temporary Use Permit – The Building Official may approve a permit for a temporary use specified in this Section for limited periods of time, provided evidence is furnished by the applicant that adequate measures are taken to satisfy public safety concerns and related site criteria concerns. All temporary uses shall be subject to the regulations contained in this Section. The building official may recommend a temporary use permit application be considered by the City Council where it has been determined by the building official that the proposed temporary use may have significant public interests. A temporary use permit, as herein prescribed, shall not be required for neighborhood block parties held in conjunction with the annual National Night Out neighborhood celebration or for events

Appendix "A"

Colleyville, Texas, Land Development Code

approved by a municipal department where said event is conducted on municipally owned property.

- a. *Revocation:* The Building Official may revoke a temporary use permit if determined that:
 - i. The applicant has misrepresented any material fact on the application, or supporting materials.
 - ii. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit.
 - iii. The operation of the temporary use violates any statute, law, ordinance or regulation.
 - iv. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety or general welfare of the public.
2. Permit Conditions – The Building Official is hereby authorized to prescribe reasonable conditions upon a temporary use permit to protect the public health, safety, and general welfare of the community, with particular attention to areas adjacent to or in the vicinity of the permitted temporary use. Such conditions may include specific performance standards, noise mitigation measures, lighting restrictions, limitation on hours of operation, odor control measures, off-street parking requirements, traffic restrictions, or other standards designed to minimize adverse impacts on surrounding properties. In the event that a sponsor is dissatisfied with the Building Official's decision, the sponsor may appeal the decision to the City Council.
3. Construction Offices and Sales Offices – The Building Official may approve a permit for a temporary building for use as a construction office or a sales office for new home or lot sales in any zoning district during the construction phase of a permanent building or new subdivision, provided such temporary buildings comply with the following requirements:
 - a. No temporary used as a construction office or a sales office shall encroach within five (5) feet of a property line or encroach within the visibility triangle required in Section 3.26 of this Land Development Code.
 - b. A temporary building used as a construction office during the construction of a permanent building shall be removed within ten (10) days after the issuance of the certificate of occupancy of the permanent building, weather permitting, weather permitting.
 - c. A temporary building used as a real estate sales office shall be removed within ten (10) days after ninety (90%) percent of the lots within the subdivision have been sold.
 - d. A temporary construction office or real estate sales office shall sit on a blocked foundation acceptable to the Building Official. No temporary construction office or real estate sales office shall be used that rests only on the wheels.
 - e. A model home may be used as a temporary real estate sales office and shall be exempt from paragraphs a, b, c, and d above.
4. Community Special Events – Outdoor events of public interest which are anticipated to attract less than 500 persons in attendance at any one time for a period of eight consecutive hours or more, such as carnivals, circuses, and similar temporary events or special fund-raising events sponsored by a public entity, civic or non-profit organization located within the City.
5. Tents – A temporary use or special event which includes the use of a tent shall require a separate permit in accordance with the standards contained in the Colleyville Fire Code.
6. Temporary Asphalt or Concrete Batch Plant – The Building Official may approve a permit for a temporary asphalt or concrete batch plant to provide construction materials for the site on which the temporary batch plant is located during the construction phase of a permanent building or new subdivision, provided such temporary use comply with the following requirements:
 - a. The temporary batch plant must receive an air quality permit from the Texas Air Control Board, a board associated with the Texas Commission on Environmental Quality, and evidence must be presented at the time of application for building permit.

Appendix "A"

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- b. The temporary batch plant must follow Texas Commission on Environmental Quality requirements for a Storm Water Pollution Prevention Plan (SWPPP or SWP3, TXG110,000) and Notice of Intent (NOI). A copy of both of these documents must be on the site of the temporary batch plant at all times.
- c. A location map must be provided indicating the closest habitable residences and churches. The minimum distances shall be 300 feet measured in a direct line.
- d. The material delivery route must be provided indicating routes for raw material delivery.
- e. The hours of operation will follow the construction hours of operation as required in the Code of Ordinances.
- f. A letter of permission must be provided by the property owner stating that the temporary batch plant will be used to provide concrete for the same site where it is located and no other project(s). The letter must also state that the site will be left in good or better condition.
- g. The application must state the amount of time that the temporary batch plant will be in operation. The duration cannot exceed 90 days without City Council approval. Any deviation from Section 3.24.D.6 will require City Council approval.
- h. A notice to proceed will be issued by the Director of Public Works or designee. The letter will state that the batch plant shall only be allowed in conjunction with the construction site for which the permit is issued. The letter will be kept on site with the TCEQ documentation.
- i. The Public Works Director or designee will determine if additional materials testing will be required. City staff will determine the testing personnel required and any cost of testing will be passed onto the applicant.

E Outdoor Storage; Screening and Hours of Operations

Zoning Districts		Outdoor Storage Allowed	Screening Requirements Adjacent to Single Family	Hours of Operation	Commercial Building Design Standards
CPO	Professional Office Commercial	No	8'	Daytime only	30 pts.
CN	Neighborhood Commercial	No	8'	Daytime only	30 pts.
CC1	Village Retail	No	8'	24 hours	30 pts.
CC2	Shopping Center	No	8'	24 hours	30 pts.
CC3	Highway Commercial	Yes	8'	24 hours	30 pts.
ML	Light Manufacturing - Industrial	Yes	8'	24 hours	30 pts.

F. District Regulation Notes

- A. Where abutting a lot zoned or used for residential purposes (RE through MH) maximum building height shall not exceed requirements shown in Figure 1 "Height Zones for Commercial Districts Adjoining Residential Districts". The roofline within that 50 feet shall have a maximum height of 16' at the eave and the roof design shall be of a residential style.
- B. No structure shall be erected in any zoning district in excess of the specified maximum building height either in the number of stories or feet, whichever is less, unless an exception to said maximum building height is contained in this Chapter, except as noted in note "C" below.
- C. Heights of four (4) stories may be permitted in CC2 (Shopping Center) district if combined with a Planned Unit Development (PUD).
- D. To achieve the "urban village" design, front yards may be varied to as little as 10' from the front property line if required parking is setback not less than forty feet (40') from the front property line.