



City of Colleyville City Council Agenda

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

Tuesday, April 1, 2014

City Council Chambers

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

CALL TO ORDER

- PC-1** Discussion and review of the City's tree preservation regulations located in Chapter 5-Tree Preservation, of the Land Development Code
- PC-2** Discussion of a Facility Naming Policy
- PC-3** Discussion of the April 1, 2014, City Council regular agenda items

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

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

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

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

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

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

INVOCATION: Pastor Dave Jung, Crown of Life Church

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-14-3735

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

Proclamation in recognition of Keep America Beautiful and Keep Colleyville Beautiful Great American Cleanup and Arbor Day in Colleyville, April 5, 2014 - Brenda Ritz, Chairman, Keep Colleyville Beautiful Committee

Recognition of 2014 Warrant Round-Up Participants

Presentation of the Administrative Excellence in Government or Public Service Award for Core 24 Admin Awards to Joyceinne Williams - Mayor David Kelly

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-14-3736

4a Approval of the minutes of the regular City Council meeting of March 18, 2014

4b Approval of a City/Developer Agreement for the Country Way and Park Place Additions, located in the 700 block of L.D. Lockett Road, and authorizing the city manager to execute the agreement

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

5a Ordinance O-14-1911

Approval of an amendment to the Code of Ordinances, Part II, Appendix A, Water and Sewer Policy and Procedures Manual, relating to the rates for use of fire hydrant meters

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

6a Ordinance O-14-1912

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

6b Ordinance O-14-1913

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

6c Ordinance O-14-1914

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

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

8. REPORTS

Colleyville Events Steering Committee Meeting Minutes - October 23, 2013
Planning and Zoning Commission Meeting Minutes - February 24, 2014

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR APRIL 1, 2014 - Reading and Public Hearing - Resolution R-14-3737

10. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, March 28, 2014 by 5:00 p.m.

Amy Shelley, TRMC
City Secretary

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

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



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-1

Agenda Date 04/01/2014

Type Pre Council

Department Community Development

Title

Discussion and review of the City's tree preservation regulations located in Chapter 5-Tree Preservation, of the Land Development Code

Explanation

Given increased land development activity over the past year, staff has noted several portions of the City's tree regulations that may require amending. Therefore, this item provides an opportunity for the City Council to review the City's tree preservation regulations, and to discuss and provide direction to staff regarding any potential changes.

The City's tree preservation regulations are contained in Chapter 5-Tree Preservation in the Land Development Code (attached). This chapter was last amended by the City Council on November 4, 2009. Those amendments were the culmination of a comprehensive year-long review of the City's tree preservation regulations, which included a review of the regulations by Burditt Consultants, LLC. The review also involved two workshops with an ad-hoc tree preservation subcommittee that included City Council members, Planning and Zoning Commissioners, Tree Board members, Parks and Recreation Advisory Board members, as well as citizens, and developers. The final report from Burditt Consultants, LLC, dated October 3, 2008 is also attached.

Current Development Conditions Related to Tree Preservation. Currently, 428 lots are under development in various stages of construction on over 300 acres in the City. Considering all developments combined, there are approximately 9,300 trees that are considered "protected" under the City's tree preservation regulations on these properties. Approximately 6,000 of these trees will be removed per the provisions of the tree preservation regulations, given their location in exempted areas such as building envelopes, easements, rights-of-way, and commercial building pads.

Review of Surrounding Cities. Also attached is a current review of the tree preservation requirements of the seven cities that surround Colleyville. Including Colleyville with the seven cities, only Southlake and Colleyville contain minimum preservation requirements whereby a minimum number of pre-developed trees must remain on site and for which mitigation is not allowed. Colleyville also has the highest mitigation fees of any city in the survey. For most of the other cities, the fee is flexible and is based on the current material and planting cost for a three inch caliper tree. In terms of enforcement resources, only Southlake maintains a dedicated full-time staff member to enforce tree preservation regulations. All other cities, including Colleyville,

use a mix of existing staff to enforce their regulations. While a mix of City development staff perform site inspections for tree preservation compliance, Colleyville currently utilizes a third-party landscape architecture firm to perform reviews and verifications of the required tree survey submitted prior to issuance of the building permit or notice to proceed. This cost is passed onto the contractor/developer.

Possible Amendments to Chapter 5-Tree Preservation. The following are areas that staff has identified for potential amendments in Chapter 5-Tree Preservation:

-Section 5.7(A & B): Explore the addition of a graduated tree removal permit fee based on the size and scope of the development in order to better recover the proportionately large administrative costs in reviewing plans and enforcing the regulations. An example of a possible graduated fee structure is as follows:

\$50.00 - Tree Removal Permit for existing single family lot less than one acre in size where a protected tree is proposed for removal

\$500.00 - Tree Removal Permit for new commercial construction

\$1,000.00 - Tree Removal Permit for new residential subdivision less than five acres in size

\$2,000.00 - Tree Removal Permit for new residential subdivision greater than five acres in size

-Section 5.7(I): Appeals - Either allow an appeal option to the City Council by removing final decision authority from Planning and Zoning Commission, or give the City Council sole appeal and waiver authority.

-Section 5.8(1): Further clarification of the minimum preservation requirements. Further explanation is needed on how a tree canopy is calculated and exceptions need to be provided for the minimum coverage requirement. For example, if only one tree exists on an undeveloped lot, currently that tree could not be removed without the approval of a waiver. Also, possibly require a specific tree conservation plan prior to approval of any new development which would seek to compliment any new development with the existing tree coverage and would possibly require final City Council approval.

-Section 5.8(C): Clarify exempted areas and potentially reduce what areas are exempt in residential subdivisions, such as rights-of-way. For larger residential properties that may be subdivided, possibly remove the exemption for a resident in order to disallow a single family resident, who is currently exempt from the tree preservation requirements and who lives on a large tract of land, from clear cutting the property in anticipation of subdividing the property.

-Section 5.10: Add mitigation fees to the actual violation, in addition to the existing misdemeanor fine of up to \$2,000.00 per day.

Based on City Council direction regarding this item, staff will bring forward amendments to Chapter 5-Tree Preservation for consideration at a future meeting.

Attachments

1. Chapter 5-Tree Preservation
2. Findings and Recommendations for Colleyville Tree Preservation - Dated October 3, 2008, Burditt Consultants, LLC
3. Summary of Surrounding Cities Tree Preservation Requirements

Chapter 5

Tree Preservation

(11/04/2009)

Section 5.1 Purpose of This Chapter

The intent of this Chapter is to encourage site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary. It is the further intent of this Chapter to achieve the following broader objectives:

Protect healthy trees and preserve the natural ecological environmental and aesthetic qualities of the City.

Protect and increase the value of residential and commercial properties within the City.

Prohibit the indiscriminate clear cutting of property.

Section 5.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. This Chapter is also adopted under the authority of the *Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 5.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 5.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 5.5 Tree Removal Permit

No person directly or indirectly shall cut down, destroy, remove, move, or effectively destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this Chapter without first obtaining a tree removal permit, unless otherwise exempted by the provisions of this Chapter.

Section 5.6 Applicability

The terms and provisions of this Chapter shall apply to real properties, persons and trees as follows:

- A. Properties which are regulated by this Chapter:
 - 1. Any real property upon which any protected tree is located.
 - 2. Any property for which a final plat has not been submitted on the date of this Chapter.
 - 3. Any property for which construction plans have not been submitted on the effective date of this Chapter.
 - 4. All municipal / public domain property.

Section 5.7 Submittal, Review and Approval Process and Administrative Procedures

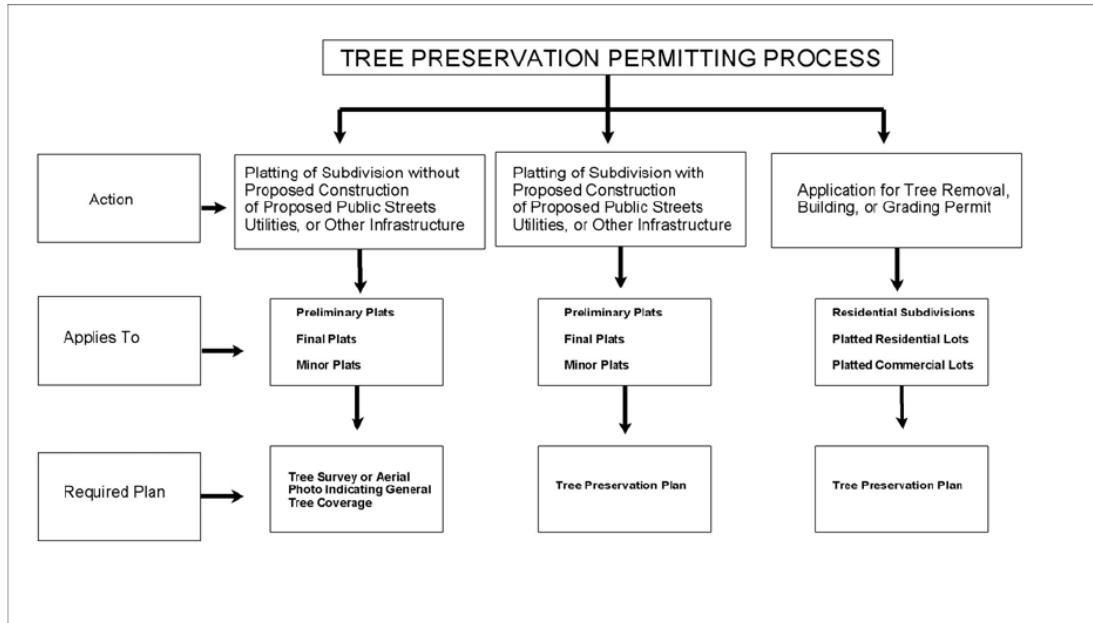
The Administrative Official is responsible for the review and approval or disapproval of all requests for tree removal permits. The request shall be submitted in accordance with the requirements specified herein.

- A. Tree Removal Permit: A request for a tree removal permit must be submitted and approved prior to the removal of any tree. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a tree removal permit has been issued.
- B. Fees: All tree removal permits shall be accompanied by a check made payable to the City of Colleyville in the amount established by the schedule of fees approved by the City Council.
- C. An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.
- D. Aerial photographs interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors and golf courses, at the discretion of the Administrative Official.
- E. Any tree removal permit request that requires the removal of a protected tree shall be accompanied by a tree preservation plan.
- F. The items required on a tree preservation plan shall include but not be necessarily limited to:
 - 1. Title Block: includes street address; legal description (lot and block, subdivision name); date or revised date, north arrow; graphic (and written) scale; name, address, telephone number of owner and of person preparing the exhibit.
 - 2. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setback, easements and service connections, all properly dimensioned and referenced to property lines,

3. Existing and proposed site elevations, grades and major contours. Construction details of permanent grade changes around all trees.
 4. Location of trunks and canopies of all existing trees, graphically differentiating between the trees to remain and those to be removed. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration.
 5. Proposed general areas or locations of the replacement trees.
 6. Locations of all critical root zones as defined in Chapter 2 - Definitions.
- G. Tree information required shall be summarized in tabular form on the preservation plan (see example below) and shall include:
1. The list of trees to be removed.
 2. The total diameter of trees to be removed.
 3. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 5.13 for replacement tree list.)

Example of Tree Survey and Mitigation Table to Be Inserted on Preservation Plan							
Tree Species	Number of Trees on Site	Total Caliper Inches	Number of Exempt Trees Removed	Caliper Inches Exempt to be Removed	Number of Non-Exempt Trees Removed	Caliper Inches Non-Exempt to be Removed	Replacement Trees to be Planted (3" Caliper)
Red Oak	12	108	3	42	1	12	4
Post Oak	35	350	18	168	2	24	8
Cedar	10	89	1	12	0	0	0
Pecan	5	75	0	0	5	75	25
TOTAL	62	622	22	222	8	111	37

- H. Tree protection notes and details shall be included on site plans, subdivision plans or landscape plans and always included with the bid documents given to the contractor. (See Section 5.12)
- I. Appeals: Any decision made by the Administrative Official with regard to a request for a tree removal permit may be appealed by any party to the Planning and Zoning Commission. All actions of the Commission shall be final.
- J. Permit Validity: Permits for tree removal issued in connection with a building permit, subdivision plan and site plan shall be valid for the period of that building permit's or site plan's validity. Permits for tree removal not issued in connection with a building permit, subdivision or a site plan shall become void ninety (90) days after the issue date on the permit.



Section 5.8 Tree Preservation Requirements

- A. Minimum Existing Tree Preservation Requirements: When any new construction occurs, there shall be a minimum number of trees protected on the property. For new residential subdivisions, the entire boundary of the subdivision shall be considered as one property for the purpose of this section. The chart below shall be used to determine the minimum protection requirements:

Existing Tree Coverage Preservation Requirements:

<i>Percentage of existing protected tree coverage</i>	<i>Minimum percentage of the existing protected tree coverage to be preserved</i>
0% – 20%	70%
20.1 – 40%	60%
40.1% - 60%	50%
60.1% - 80%	40%
80.1% - 100%	30%

Protected trees located within any of the exempted areas specified in section C below may be credited toward the minimum existing preservation coverage requirements in the above table such that no more than 50% of the existing protected trees may be credited within an exempt area. NOTE: The minimum preservation coverage requirements listed above may not be mitigated for as described in Section 5.10.

- B. Preservation of Heritage Trees: Heritage Trees, as defined in Chapter 2 - Definitions, may not be classified as exempted trees, regardless of whether or not they are located in an exempted area as defined in the sections below.
- C. Exempted Areas, Persons and Tree Species from preservation requirements:
1. New Residential Subdivisions with Street Dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Rights-of-way of newly dedicated streets

- b. Easements
 - c. Residential setback envelope
 - d. NOTE: When submitting a new residential subdivision plat, the Planning and Zoning Commission may evaluate whether an alternate street layout and grading plan which complies with all City subdivision standards would result in substantially greater tree preservation. In the event such an alternate layout is determined by the Commission to be a reasonable use of the land then the applicant may substitute said alternative plan without being required to submit a new Preliminary Plat application. If, however, the applicant does not substitute said alternate layout or another acceptable plat to the Commission, failure of the applicant to do so shall be a basis for denial of the applicant's application.
- 2. Platted Residential Lots: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Residential setback envelope
 - 3. Platted Commercial Lots: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Trees located within the new commercial building footprint.
 - 4. Exempted Tree Species: The following tree species shall be exempt from the tree preservation requirements of this chapter:
 - a. Mesquite
 - b. Hackberry
 - c. Chinese Tallow
 - 5. Exempted Persons: The following persons are exempt from the provisions of this Chapter only to the extent of their control over the particular class of properties and trees described below. Persons exempt from the provisions shall not be required to obtain tree removal permits.
 - a. An employee of the City of Colleyville, a public utility or an authorized contractor working in a dedicated public right-of way may in the course of business, remove or prune that portion of a tree which prohibits the safe construction, repair or maintenance of a service line or facility.
 - b. The resident of a single family home may remove all or a portion of a tree which exists on the lot of record on which the single family home is built.
 - c. A property owner or his authorized contractor, employee or tenant may remove a tree which has become severely diseased or damaged to the extent that it is beyond the point of recovery or is in danger of falling, as determined by the Administrative Official.
 - d. All landscape nurserymen shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the nursery premises which are planted and grown for the sale or intended sale to the general public.

- e. Any person may remove all or a portion of a tree which has disrupted a public utility service due to tornado, storm, flood, or other act of God, but only that portion of the tree which is necessary to safely restore normal utility service.
- f. The following persons shall be exempt from the tree replacement provisions of this Chapter. However, such persons shall provide tree protection and replacements as per this Chapter for all remaining trees in non-exempt areas.
 - (1) A person performing work authorized by a building permit in the residential buildable area.
 - (2) A person performing work authorized by an approved site plan in the commercial building footprint.
 - (3) A person performing work authorized by the approved grading and drainage plan in the residential setback envelope.
 - (4) An employee of the City of Colleyville, a public utility or a person performing work authorized by an approved subdivision plat or a separate dedication instrument in a dedicated public right-of-way, drainage or utility easement.

Section 5.9 Tree Protection

A major purpose of this Chapter is to protect all trees which are not removed and to allow approved construction to occur. The following procedures shall apply to all types of construction projects which involve development around trees.

The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the Administrative Official.

- A. Prohibited Activities: The following activities shall be prohibited within the limits of the critical root zone of any tree which is subject to the requirements of this Chapter.
 - 1. Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any tree.
 - 2. Equipment Cleaning / liquid disposal: No equipment may be cleaned or other liquids deposited within the limits of the critical root zone of a tree. This would include but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
 - 3. Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
 - 4. Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the critical root zone of trees.
- B. Pre-Construction: The ensuing procedures shall be followed prior to construction.
 - 1. Tree Flagging: All trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk at a height of four feet (4') or more such that the tape is visible to workers on foot or driving equipment.
 - 2. Protective Fencing: All protected trees shall have protective fencing located at the tree's critical root zone. The protective fencing may be comprised of snow fencing, orange vinyl construction fencing, chain link fence or other similar fencing with a four-

foot (4') approximate height. The protective fencing may be located within the critical root zone of the specimen tree for approved construction only. The fencing shall follow the delineation of the approved construction. In order to protect the trunk, the trunks of all protected trees shall be wrapped with orange vinyl construction fencing such that the trunk will be easily visible during construction activities.

3. Bark Protection: in situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.
4. Construction Pruning: In a case where a low hanging limb may be broken during the course of construction, the obtrusive limb may be cut. The limb shall be cut either flush to the trunk on or at the next joint of the limb. The wound shall then be sealed with pruning paint.

In no instance shall pruning involve a portion of the trunk or thirty percent (30%) of the entire canopy without the Administrative Official's prior approval.

- C. Improvement within the Critical Root Zone of a Tree: Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone, as defined in Chapter 2 - Definitions. The following is the minimum design criteria, which is allowed within the critical root zone of a tree. Development exceeding the criteria would put the tree at risk and therefore no longer be considered a preserved tree. In such a case replacement trees shall also be required.

1. Grade Changes: In the event that grade changes must be made around a tree or group of trees, the following shall be implemented in order to maintain oxygen and water exchange within the tree's critical root zone.
 - a. A minimum of seventy-five percent (75%) of the critical root zone must be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a preserved tree.
 - b. No cut or fill greater than two inches (2") shall be located closer to the tree trunk than one half (1/2) of the radius of the critical root zone radius distance.
 - c. Increase Grade: Provide an aeration system just outside the tree's critical root zone. A dry well located a minimum of one-half (1/2) of the radius of the critical root zone.
 - d. Decrease Grade: Provide retaining walls outside the critical root zone to mitigate cuts.
2. Boring of Utilities: May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight inches (48").
3. Trenching: irrigation systems shall be designed to avoid trenching across the critical root zone of any tree.
4. Paving: A maximum of twenty five percent (25%) of the critical root zone of a tree may be covered with impervious paving. The pavement and the cut and fill for the pavement is to not exceed one-half (1/2) of the critical root zone radius distance.

Section 5.10 Mitigation and Violations

Any protected tree which is six inches (6") or greater that is removed, destroyed or more than 50% damaged and does not meet the exemption provisions of this chapter shall be mitigated per the requirements of this section. In the event that the loss of a protected tree requires mitigation, the party responsible for mitigation shall either replace the protected tree(s) by planting new trees, pay a mitigation fee or a combination of both. For the purpose of this Chapter, trees removed within any City right-of-way or other City owned property by anyone not exempted by Section 5.8(C)5 shall be mitigated per the requirements of this section and other applicable City ordinances.

The mitigation authorized by this section is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives which could save more existing trees have been evaluated.

A. Mitigation Through Planting New Replacement Trees: A sufficient number and diameter of replacement trees shall be planted in order to equal the total diameter inches or fraction thereof of trees six inches (6") or greater and slated for removal.

1. Replacement trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight feet (8') in height when planted.

Examples-

- a. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter trees.
 - b. A total of 19" diameter to be removed shall be replaced with 7 – 3" trees or 5 – 3", trees and 1-4" tree.
2. All replacement trees shall be a species listed on the replacement tree list and guaranteed for one year from the date of the final inspection and acceptance of the project.
 3. The location of replacement trees is restricted from utility easements and rights-of-way. The location shall not be in an area such that the mature canopy of the tree will interfere with overhead utility lines. No trees shall be planted within ten feet (10') of a fire hydrant.
 4. Replacement trees should be planted on the site from which existing trees are to be removed. If this is not feasible, an applicant may initiate a proposal to plant trees off-site. This may be approved if the planting site is no more than one-half mile from the site where the original trees were removed.
 5. Replacement trees shall be planted prior to the issuance of the certificate of Occupancy or project release. Optimum planting times do not always correspond to project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a one (1) year guarantee, plus fifteen percent (15%) to cover administrative cost.

B. Mitigation Through Payment of Fee: A monetary fee of \$250.00 per diameter inch of the tree(s) removed or damaged shall be assessed and paid to the City of Colleyville. All mitigation fees shall be deposited into the City's Tree Preservation Fund.

- C. Mitigation of Heritage Trees: Heritage Trees, as defined in Chapter 2 – Definitions and noted in Section 5.8:
1. A monetary fee of \$500.00 per diameter inch of the Heritage Tree removed or damaged shall be assessed and paid to the City of Colleyville and deposited into the City's Tree Preservation Fund, or;
 2. If replacement trees are to be planted, the total amount of replacement inches to be planted shall be in an amount that is twice the diameter inches of the Heritage Tree(s) removed and shall, otherwise, meet the requirements of Section A above.
- D. Colleyville Tree Preservation Fund: All mitigation fees shall be paid into the Colleyville Tree Preservation Fund. The fund shall be administered by the City Manager or his/her designee and shall only be used for the planting of new trees on City owned or leased properties, rights-of-way and other public properties such as public schools, county and State properties located within the City of Colleyville.
- E. Penalty for Violation: Any person violating or failing to comply with any provision or requirement of this Chapter, including but not limited to the mitigation requirements of this section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined the maximum amount of \$2,000.00. A separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.
- F. If any protected tree dies within three (3) years of the issuance of the certificate of occupancy, final inspection or acceptance of public improvements and is brought to the attention of the city manager or his/her designee, the original permit applicant shall be subject to the replacement/mitigation requirements for protected trees per this section.

Section 5.11 Replacement Tree List

The following is the list of appropriate and approved replacement trees which have been selected on the basis of their suitability in the urban environment of North East Tarrant County.

REPLACEMENT TREE LIST			
<u>SCREENING TREES</u>	<u>ORNAMENTAL TREES</u>	<u>MEDIUM AND LARGE TREES</u>	<u>PALMS</u>
ARBORVITAE	BLUE POINT JUNIPER	AMERICAN ELM	CALIFORNIA FAN PALM
BLUE POINT JUNIPER	CAROLINA BUCKTHORN	ARISTOCRAT PEAR	MEXICAN FAN PALM
CHINESE PHOTINIA	CAROLINA CHERRY LAUREL	ARIZONA CYPRESS	NEEDLE PALM
CAROLINA CHERRY LAUREL	CRAPE MYRTLE	BALD CYPRESS	SABAL PALM
EAST PALATKA HOLLY	DECIDUOUS HOLLY	BOIS D' ARC	WINDMILL PALM
EASTERN RED CEDAR	DESERT WILLOW	BUR OAK	
LITTLE GEM MAGNOLIA	EAST PALATKA HOLLY	CEDAR ELM	
NELLIE R. STEVENS HOLLY	FIG	CHINESE PISTACHE	
SAVANNAH HOLLY	ITALIAN CYPRESS	CHINQUAPIN OAK	
WAX MYRTLE	JAPANESE MAPLE	DEODAR CEDAR	
YAUPON HOLLY	LACEY OAK	EASTERN RED CEDAR	
	MEXICAN BUCKEYE	EVE'S NECKLACE	
	NELLIE R. STEVENS HOLLY	FOREST PANSY REDBUD	
	OKLAHOMA REDBUD	GINKGO BILOBA	

	SAVANNAH HOLLY	LACEBARK ELM	
	SUMAC	LITTLE GEM MAGNOLIA	
	TEXAS MOUNTAIN LAUREL	LIVE OAK	
	VITEX	PECAN	
	WAX MYRTLE	PERSIMMON	
	YAUPON HOLLY	SHANTUNG MAPLE	
		SHUMARD RED OAK	
		SOUTHERN MAGNOLIA	

Section 5.12 Construction Plan Requirements

The following notes shall be required as a part of all construction plans.

1. All trees shown on this plan to be preserved shall be protected during construction with temporary fencing. Tree protection fences shall be installed prior to the commencement of any site preparation work (clearing, grubbing or grading).
2. Fences shall completely surround the tree or clusters of trees. The fence shall be located at the outermost limits of the tree branches or critical root zone. The fence will be maintained throughout the construction project in order to prevent the following.
 - A. Soil compaction in the critical root zone resulting from vehicular traffic or storage of equipment or materials.
 - B. Critical root zone disturbances due to grade changes greater than two inches (2") cut or fill or boring which was not authorized by the City.
 - C. Wounds to the trunk, limbs or exposed roots by mechanical equipment.
 - D. Other activities detrimental to trees such as chemical storage, cement trunk cleaning, and fires.
3. In cases of area constraints where the protective fence is closer to the trunk than four feet (4'), the trunk must be protected with strapped-on planking to a height of eight feet (8') or to the limits of the lower branching.
4. All grading within critical root zones of protected trees shall be performed by hand or small equipment to minimize damage. Prior to grading, relocate the protective fencing to two feet (2') behind the grade change area.
5. Trees most heavily impacted by construction activities should be watered deeply once a week during periods of hot and dry weather. Tree crowns should be sprayed with water periodically to reduce dust accumulation on the leaves.
6. Trenching for landscape irrigation shall be located as far from the existing trunks as possible.
7. Pruning to provide clearance for structures, vehicular traffic and equipment shall take place before construction begins.

Section 5.13 Amendments

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1214	4-18-00	Adoption of Tree Preservation in Land Development Code
O-09-1734	11-4-09	Amendments to Chapter 5 based on recommendations of consultant

FINDINGS AND RECOMMENDATIONS FOR COLLEYVILLE TREE PRESERVATION



SUBMITTED TO:

Mr. Ron Ruthven, AICP
Director of Community Development
City of Colleyville, Texas

Submitted By:

 **BURDITT**
Consultants, LLC

P. O. Box 1424
Conroe, Texas 77305

October 3, 2008



October 3, 2008

Mr. Ron Ruthven, AICP
Director of Community Development
City of Colleyville, TX
100 Main Street
Colleyville, Texas 76034

RE: Findings and Recommendations – Tree Preservation Code Revisions

Dear Mr. Ruthven:

We have completed our review of the tree preservation components of the City of Colleyville's *Land Development Code*. The attached Findings and Recommendations Report details the goals and intentions derived from interviews with City staff and input gathered from the public participation session, as well as our observations from code review. Implementing the recommendations herein should significantly increase tree preservation during development while maintaining a clear, easy to understand permitting process.

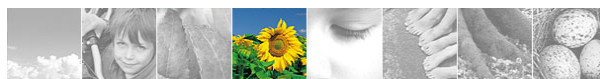
Please review the attached report and feel free to comment with any questions or concerns you may have. We look forward to your response and are ready to present the findings to the Planning & Zoning/City Council group work session when your team is ready.

Sincerely,

A handwritten signature in black ink that reads "Paul S. Howard".

Paul S. Howard
Project Manager

/psh
Attachment





Executive Summary

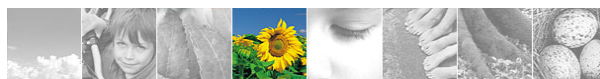
The current *Land Development Code; Chapter 5 – Tree Preservation* has both strengths and weaknesses in its provisions for tree preservation during development, and the City has identified the need to revise the current code to achieve higher levels of tree preservation and quality development. In order to meet this goal, the City hired a consultant to review the code, and collect input from City staff, concerned citizens, and members of the development community and make recommendations for revisions.

Analysis of input gathered from interviews with the City staff and public participation session have yielded some guiding goals for the code revision process. These goals represent the core issues Colleyville faces with regards to tree preservation.

1. The Code should require some minimum level of tree preservation requirements to eliminate clearcutting of land during development.
2. The Code should clearly define the permitting process and submittal requirements.
3. The Code and overall urban forestry program should provide for increased enforcement of the tree preservation requirements after permit approval.
4. The Code should provide higher standards for tree preservation planning, plan implementation, and replacement planting.
5. The Code should seek a balance between tree preservation and economic development within the City.

With these goals in mind, following are some of the key changes recommended for the Code and overall urban forestry program:

1. Focus on preservation of trees 6" in diameter or greater.
2. Employ a minimum preservation requirement of 50% of the trees within non-exempt areas.
3. Create and fund a permanent position on City staff for an Urban Forester to administer the Code and further develop the urban forestry program.
4. Provide for the preservation of large trees by requiring replacement at a higher ratio.

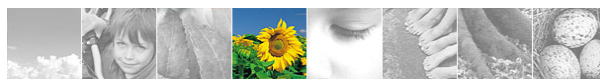




5. Eliminate undesirable species from the tree preservation requirements.
6. Increase mitigation fees and fines for violation of the Code. Develop separate definitions for these fiduciary mechanisms.
7. Strengthen tree removal permitting through required *Tree Preservation Plan*.
8. Clarified tree removal permitting process.
9. Definition of the Colleyville Tree Fund, its administration, and approved tree fund expenditures.
10. Improved *Replacement Tree List* to encourage species diversity.
11. Inclusion of tree preservation treatment specifications within a separate criteria manual maintained by the City.

The following are the collective observations from analysis of the staff interviews, the public participation session, and review of the current code and permitting process within the *Land Development Code*.

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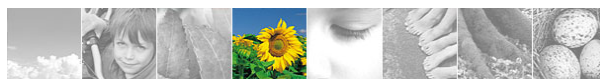




Staff Participation

When evaluating a tree preservation ordinance, it is important to solicit input from City staff, as they usually have a more intimate knowledge of policies and processes and a unique perspective on the daily issues regarding tree preservation. In order to understand the how City staff interact with these issues, select staff members from a range of departments were interviewed in a group meeting. The following are the most significant concerns of City staff regarding tree preservation:

1. Enforcement of the Code is ineffective. This is largely due to insufficient staffing to address the inspection of properties. Oftentimes the *Tree Protection Plan* submitted for permitting is not implemented properly in the field. This suggests the need to add a dedicated staff member to the planning team to administer the Code.
2. The Code needs a minimum tree preservation threshold. The current code allows for the removal of 100% of the trees on site through mitigation payments into the *Tree Fund*.
3. The current tree preservation permitting process is vague and needs to be clarified. Specifically, it is difficult to determine when the tree preservation planning process should begin.
4. The current code requires protection or mitigation of all trees 3" or larger in diameter that are within applicable areas of the property. It may be prudent to consider what size trees are protected in other cities.
5. Larger trees are difficult, if not impossible to replace. Larger trees should have a higher preservation requirement or some incentive for their preservation.
6. The current fees for mitigation are set at \$100 per diameter inch removed. This value should be increased to the level of current tree replacement costs in the industry. Additionally, this value is not seen as a deterrent to tree removal by the development community.

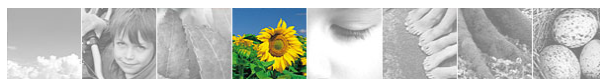




Public Participation

A primary catalyst to the City's decision to consider revising the current tree preservation code has been the significant concern among citizens that current policies are not adequately preserving trees during development. In order to have a balanced understanding of these concerns, stakeholders from the community were invited to participate in a workshop to discuss their concerns. Participants included members of the development community, City Council, homeowner's associations, and the general citizenry. The forum for this workshop was an open discussion of the strengths and weaknesses they have experienced with the current code. The following are the most significant points of discussion:

1. More enforcement is needed. The tree protection treatments are not adequately being implemented and/or maintained after permit approval.
2. There is no minimum tree preservation requirement; therefore a property can be clearcut. This has the most visual impact on a development.
3. Mitigation fees are inadequate, as they do not deter the clearcutting of land.
4. Code needs to clearly define when tree removal permitting is triggered.
5. The City needs a dedicated enforcement officer to administer the tree preservation components of the Code. This person should be an urban forester, landscape architect, horticulturalist, or other qualified professional.
6. Some species are considered undesirable and should not be protected by the Code. Species may include: Mesquite, Cottonwood, Hackberry, & Chinese Tallow.
7. Larger trees should be protected at a higher rate. These trees are not easily replaced. Incentives should be available to encourage their preservation.
8. The City of Colleyville should lead by example and adhere to the same tree preservation requirements as private development.





Findings and Recommendations

The City of Colleyville's *Land Development Code* was reviewed extensively to identify ways to enhance preservation of trees during development. The primary focus during the review process was on *Chapter 5 – Tree Preservation*, however many other chapters were evaluated to ensure that forthcoming recommendations would not conflict with other components of the Code. The following are our findings and recommendations as a result of review of stakeholder input and the current code:

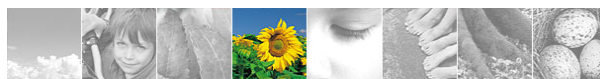
1. **Finding:** The current code requires accounting for all trees 3" and larger in diameter within the applicable areas the property. Most cities usually require preservation of trees that are more difficult to replace such as 6" or 8" and larger in diameter. Trees less than 6" are generally easily replaced at a cost that is often less than the cost of implementing tree protection treatments. The plan review process for tree preservation, and site inspections for compliance, can be cumbersome when dealing with large numbers of small trees less than 6" in diameter. Increasing the requirement to 6" will reduce plan review and inspection time substantially for City staff.

Recommendation: Focus preservation efforts on trees 6" and larger in diameter. Additionally, this will reduce costs to developers and likely encourage more tree preservation. Sections of the code where this must be adjusted include: *Section 5.9, 5.9.A, & Chapter 2 – Definitions [Tree]*.

2. **Finding:** In addition to adjusting the tree preservation requirement to that of trees 6" and larger in diameter, the applicable trees should be formally regarded as "Protected Trees". Sections 5.6.A.1 and 5.10.B.2, 5.12.B, & 5.14.4 refer to applicable trees as "designated trees" and "specimen trees" respectively. These sections should be adjusted to reflect the "Protected Tree" definition. Additionally, the definition for *Tree* in *Chapter 2 – Definitions* should be adjusted to define "Protected Tree".

Recommendation: Revise the definition *Tree* within *Chapter 2 Definitions* to define a "Protected Tree" (see *Finding and Recommendation #6* below).

3. **Finding:** The current code has no minimum requirement for tree preservation during development. This is the most significant weakness of the current code. Such a threshold will provide for increased tree preservation while still offering design flexibility. Additional flexibility may be achieved by offering credit for preservation of trees within the buildable areas of the property. For most cities, the figure chosen as the minimum





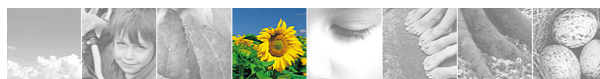
percentage for tree preservation is arbitrary, but must be reasonable given the allowable land use. As the Code only requires preservation of trees within non-buildable areas, as much as 50% could be preserved without unfairly penalizing developers.

Recommendation: Establish a minimum tree preservation requirement. This value should be stated as a percentage of total diameter inches within the applicable areas of the property. The new tree preservation requirement should be inserted into a newly created section of *Chapter 5 – Tree Preservation* titled *Section 5.x Tree Preservation Requirements*.

4. **Finding:** Enforcement of the Code has been reported by City staff and the public as being inadequate due to lack of available personnel. Discussions with City staff indicate that there is a great need to have a dedicated professional to administer the tree preservation code on a daily basis. Ideally, this person should be a degreed professional with at least 4 years experience in the field of Urban Forestry, Landscape Architecture, Horticulture, or Landscape Administration. The position should given the authority to administer the code an make decisions at a staff level when conflicts arise to fulfill the intent of the code to the best available end.

Recommendation: Create and fund a permanent position within the Community Development Department for a City Urban Forester. This person will be responsible for the day-to-day administration of the tree preservation components of the code. The successful applicant should have experience in plan review, working with tree preservation ordinances, and tree preservation techniques. The following is a list of foreseeable duties the position will entail:

- Participate in the development and implementation of policies and procedures; make recommendations for changes and improvements to existing standards and procedures; recommend and assist in the implementation of goals and objectives.
- Respond to questions and inquiries from the general public regarding the planting and maintenance of City trees and shrubs; educates the public on City codes and regulations governing the protection of trees and investigate violations of City codes; investigate and prepare responses to citizen complaints, suggestions, and requests.
- Provide advice regarding City planning issues and the possible effect on trees and surrounding vegetation; make recommendations for appropriate plant and landscaping as required; confer with contractors and developers performing construction or maintenance work near City

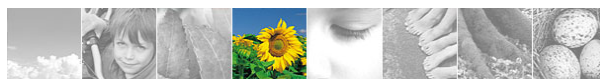




trees and tree roots; explain City codes and regulations and department standards and procedures.

- Participate in the preparation and administration of the assigned program budget; submit budget recommendations; monitor expenditures. Plan, coordinate, and manage tree related programs such as Arbor Day, Tree City USA, Christmas Tree Recycling Program, and tree planting programs; coordinate efforts of volunteers, business groups, school groups, city staff, and staff from other government entities to ensure tree programs' success.
 - Represent the Community Development Department on advisory boards, professional organizations, and committees; make presentations concerning tree related programs to elected officials, civic organizations, home owners associations and the general public; stay abreast of new trends and innovations in the field of urban forestry.
5. **Finding:** Public and staff input suggest the need to preserve larger, older trees at a higher rate. These trees are difficult, if not impossible, to replace in the landscape. Many cities classify trees that are above a certain species and size as "heritage trees" or "specimen trees" (i.e. *all trees of x,y,z species that are 18" or larger in diameter*). These trees are often required to be preserved or replaced with a higher number of diameter inches (i.e. 1" specimen tree diameter = 2" replacement tree diameter). Other cities use the Texas Forest Service's *Big Tree Registry* as a guideline for identifying specimen or heritage trees. In these ordinances, a tree that is at least 50% of the diameter of its representative species on the *Big Tree Registry* must be preserved or replaced at a significantly higher ratio. The *Big Tree Registry* is a list of the largest recorded trees of each species in Texas. A copy of this document is attached for reference.

Recommendation: Identify the most desirable approach to increasing the preservation requirements for specimen/heritage trees. If using a species and size approach, decide upon a diameter threshold that will determine a tree's classification. The City's current code has an acceptable table of tree species that could be used with this method. This new tree classification will require a definition to be added to *Chapter 2 – Definitions* within the *Land Development Code*. Additionally, *Section 5.9 Tree Replacement Requirements* should include a statement indicating the increased replacement ratio for "Specimen/Heritage Trees" (i.e. *If a Specimen Tree must be removed from a non-exempt area, replacement trees must be planted at a ratio of 2:1*).

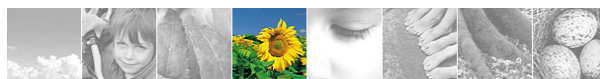


6. **Finding:** Stakeholders have described some tree species as being “trash trees” that are not desirable in the landscape. Many cities make a clear distinction between undesirable and desirable species within their code; and either have reduced preservation requirements or no preservation requirements. Suggested species that are considered undesirable include: Mesquite, Bois D’ Arc, Cottonwood, Chinese Tallow, Hackberry, and Locust. Arguments in favor of continued preservation requirements for these species cite the environmental and shade benefits of all tree species. Proponents for their exemption cite that a developer should not be required to preserve a tree species that he/she is not allowed to plant in accordance with the approved *Replacement Tree List*.

Recommendation: Consider the following species as “exempt” from the tree preservation code: Mesquite, Cottonwood, Bois D’ Arc, Chinese Tallow, Hackberry, and Locust. This exemption would be made by revising the recommended “Protected Tree” definition in *Chapter 2 Definitions* to reflect this (i.e. *Protected Tree - A self-supporting woody perennial plant, not of the species: Mesquite, Bois D’ Arc, Hackberry, Cottonwood, Chinese Tallow or Locust, which has attained a trunk diameter of six (6) inches or more when measured at a point four and one-half (4½) feet above the surrounding grade and normally having an overall height of at least fifteen (15) feet at maturity, usually with a single elongated main stem with few or no branches on its lower part.*).

7. **Finding:** When addressing platted residential lots, the current definition for “Buildable Area” describes an area between the front setback and the rear property line and the area underneath the driveway. This leaves no protection for trees in the backyard areas. Given the constraints with many small residential lots, there may not be an opportunity for requiring preservation of trees outside this envelope. An alternative to establish requirements would be to offer credit for preservation of existing trees within the buildable areas. Such credit could be applied towards tree preservation and replacement requirements within the non-exempt areas. This would effectively allow a developer/builder to “trade” a protected tree in a non-exempt area for a equivalent tree or number of trees within the buildable area. This credit may reduce loss of additional trees and allow for some flexibility in design.

Recommendation: Offer credit towards minimum tree preservation requirements and replacement requirements for preservation of trees within the exempted buildable area. This would be added as a 3rd item within *Section 5.7.B* of the code.





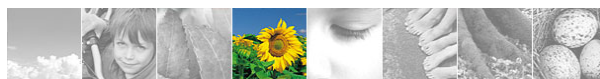
8. **Finding:** Mitigation fees are not explicitly defined within the code. It appears that the current practice is to levy fees according to the defined civil penalties within *Section 5.12 Violations*. This effectively charges allowable mitigation through payment as if it were a misdemeanor. Additionally, there is not a clear statement indicating that such fees are paid into a dedicated Tree Fund. It would be prudent to make a clear statement of where such funds will be placed.

Recommendation: Establish a new section within the code title *Mitigation* for description of mitigation options when replacement planting is not feasible. This section should include a description of the mitigation fees and the payment of these fees into a dedicated Tree Fund.

9. **Finding:** Mitigation fees should be increased to level that adequately reflects the cost of replacement trees per diameter inch. Current industry standards, and the most common value for mitigation fees in other cities, are approximately \$250.00 per diameter inch. With this increase in fees, there should also be an increase in fines for violation of the code per *Section 5.12 Violations*. Fines should be set at a rate that is higher than the mitigation fees.

Recommendation: Increase mitigation fees to \$250.00 per diameter inch to reflect current cost of tree replacement per diameter inch. This fee should be described in the newly created *Section 5.x Mitigation* as described in recommendation #7. Increase fines for violation of provisions within *Chapter 5* as described in *Section 5.12 Violations*. *Texas Local Government Code Ch. 54* states a maximum penalty of \$500 per offense for violation of a rule, ordinance, or police regulation. However, with a unified development code, violation of any component of the *Land Development Code* might be considered in violation of "zoning" and thereby have a maximum penalty of \$2,000. This matter should be addressed with City Legal prior to adoption.

10. **Finding:** Applications for *Tree Removal Permits* currently require a submittal of an exhibit that details the location of existing and proposed features, existing trees, replacement trees, and tree protection notes. This exhibit should be formally named as a *Tree Preservation Plan*, and be required as a component of the construction documents for all projects. Although valuable in its current form, this plan should have more defined graphic standards that require the location of proposed tree protection treatments such as fencing, root pruning, maintenance pruning, mulching, bark protection, washout areas, and vehicle access. Inclusion of these items will aid significantly in the plan review and inspection process. *Section 5.14 Construction Plan Requirements* indicates that tree





protection treatments must be in place prior to construction, however these features should be graphically shown on the construction plan. In order to eliminate confusion between the construction plan and the submittal for *Tree Removal Permit*, it may be prudent to merge the features into the *Tree Preservation Plan*.

Recommendation: Revise *Section 5.8 Submittal Requirements* to refer to submittal exhibit as a *Tree Preservation Plan*. Revise *Section 5.8.E* to require plan to indicate the location of tree protection treatments as described above. Join the components of *Section 5.8.E* and *Section 5.14 Construction Plan Requirements* into a single section titled *Tree Preservation Plan Requirements*.

11. **Finding:** *Section 5.8 Submittal Requirements* requires plan exhibits to indicate the tree canopy for each tree. Tree canopies/driplines do not adequately reflect the area of a tree's root system that must be protected during construction (known as the Critical Root Zone). A minimum of 75 % of a tree's Critical Root Zone must remain undisturbed in order to ensure survival of the tree and viability in the future landscape. The Critical Root zone can generally be defined by the following formula: 1" trunk diameter = 1' of CRZ radius. All *Tree Preservation Plans* should indicate the Critical Root Zone for each tree to be preserved. This will allow the plan reviewer to decide whether proposed tree protection treatments will be adequate for preserving the tree in question.

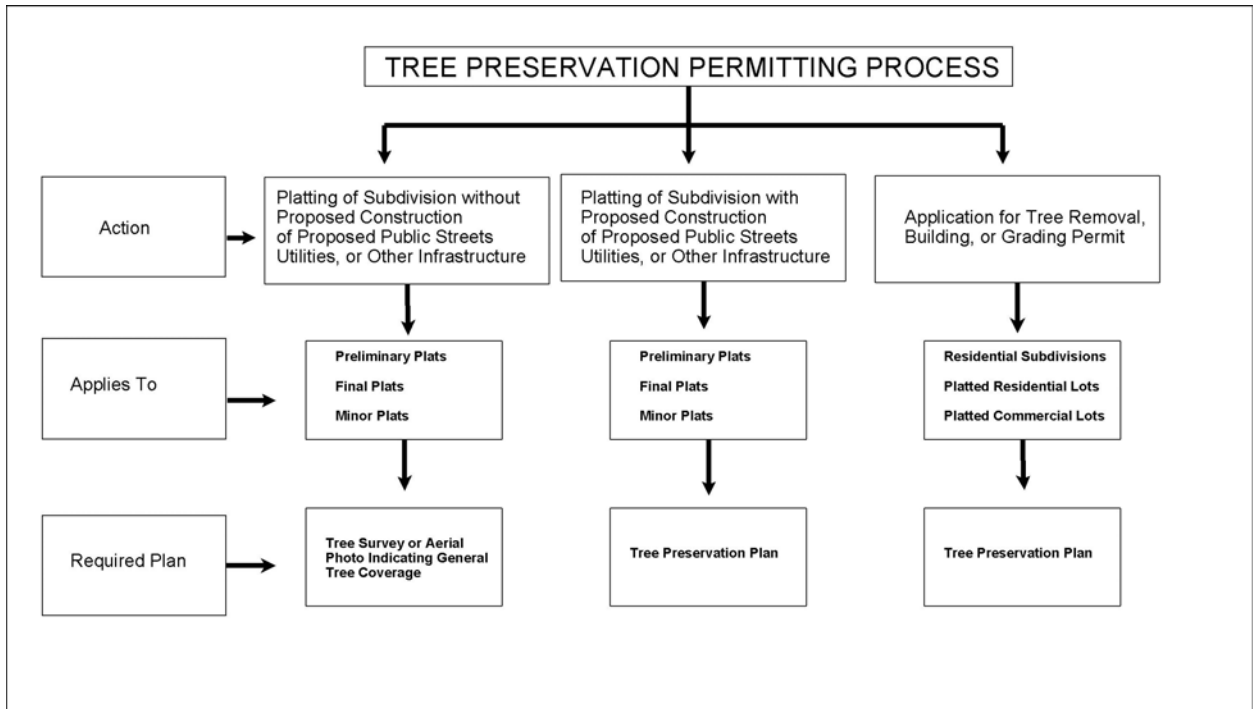
Recommendation: Revise *Section 5.8 Submittal Requirements* to require location of the tree Critical Root Zone and the location of proposed tree protection treatments. The definition of the Critical Root Zone should be revised within *Chapter 2 Definitions* as well. The following definition is recommended:

"Critical Root Zone - The area of undisturbed natural soil around a tree defined by a concentric circle with a radius in feet equal to the number of inches of trunk diameter. The area within this circle is referred to as the CRZ. The CRZ is used by plan reviewers to determine compliance with design standards and construction specifications, and is considered the minimum portion of a tree's extensive root system that must be protected during construction."

12. **Finding:** Stakeholders have indicated that the current tree removal permitting process is difficult to understand. Primary confusion is regarding when the tree preservation code is triggered during the development process. The use of a graphic flowchart can aid in the user-friendliness of the code.



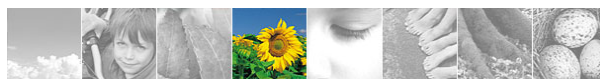
Recommendation: The following flowchart should be inserted into *Chapter 5 Tree Preservation* in order to guide developers through permitting effectively.



13. Finding: The fines for mitigation when trees are removed and cannot be replaced are currently placed into a Tree Fund. This fund should be defined within the tree preservation code and include a description of the purpose of the fund, who administers the fund, and how expenditures of these funds may be used. The following is an example of how this may be described.

Tree Fund Expenditures

1. *Funds collected from mitigation fees and penalties for noncompliance with this Subchapter will be placed into a dedicated account known as the Colleyville Tree Fund.*
2. *The Colleyville Tree Fund may be utilized to fund preservation and replacement of the City's tree canopy cover under the administration of the City Urban Forester. The City Urban Forester will submit quarterly budget requests to City Council for approval of all Tree Fund expenditures.*





3. *Funds collected from mitigation fees and penalties for noncompliance with this Subsection may be utilized as follows:*

a) *Purchasing, planting and maintenance of trees on rights-of-way, public park land or any other City-owned property.*

b) *Purchase of forested properties for perpetual preservation and passive recreational use.*

c) *Funding of a City-wide tree inventory and an urban forest management plan for all public properties.*

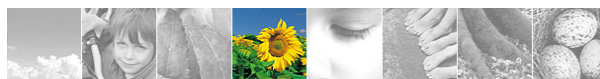
d) *Associated administration costs.*

Recommendation: Create a new section within the code that details the purpose of the Tree Fund, who will administer the fund, and how expenditures of these funds may be used.

14. Finding: Participants from the public participation session have requested an enhanced list of recommended tree species for replacement plantings. Species diversity is important in maintaining a healthy urban forest and reducing the possibility of catastrophic tree losses due to disease or insect epidemics. *Section 5.13 Replacement Tree List* should be revised with a new, expanded list of available species for planting.

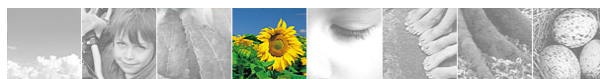
Recommendation: Replace the *Replacement Tree List* with the following table of recommended tree species. This table is categorized by size/use and has additional information regarding potential problems for some species. Tree species in this list are generally well-adapted to North Central Texas.

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Replacement Tree List			
SCREENING TREES	ORNAMENTAL TREES	MEDIUM TREES LARGE TREES	PALMS
ARBORVITAE		ARISTOCRAT PEAR	CALIFORNIA FAN PALM *
BLUE POINT JUNIPER	BLUE POINT JUNIPER	CHINESE PISTACHE *	MEXICAN FAN PALM *
CHINESE PHOTINIA	CAROLINA BUCKTHORN	EASTERN RED CEDAR	NEEDLE PALM
CAROLINA CHERRY LAUREL	CAROLINA CHERRY LAUREL	EVE'S NECKLACE *	SABAL PALM
EAST PALATKA HOLLY *	CREPE MYRTLE	FOREST PANSY REDBUD	WINDMILL PALM
EASTERN RED CEDAR	DECIDUOUS HOLLY	GINKGO BILOBA *	
LITTLE GEM MAGNOLIA *	DESERT WILLOW	LITTLE GEM MAGNOLIA *	
NELLIE R. STEVENS HOLLY	EAST PALATKA HOLLY *	SHANTUNG MAPLE *	
SAVANNAH HOLLY *	FIG	AMERICAN ELM	
WAX MYRTLE	ITALIAN CYPRESS *	ARIZONA CYPRESS	
YAUPON HOLLY	JAPANESE MAPLE	BALD CYPRESS	
	LACEY OAK	BOIS D' ARC	
	MEXICAN BUCKEYE	BUR OAK	
	NELLIE R. STEVENS HOLLY	CEDAR ELM	
	OKLAHOMA REDBUD	CHINQUAPIN OAK	
	SAVANNAH HOLLY	DEODAR CEDAR	
	SUMAC	LACEBARK ELM *	
	TEXAS MOUNTAIN LAUREL *	LIVE OAK *	
	VITEX	PECAN *	
	WAX MYRTLE *	PERSIMMON	
	YAUPON HOLLY	SHUMARD RED OAK *	
		SOUTHERN MAGNOLIA *	
*POTENTIAL ISSUES WITH SELECTED SPECIES OR MAINTENANCE			
California Fan Palm: Can suffer from freeze damage in severe winters.			
Chinese Pistache: Girdling roots can often be a problem due to being growing in a container. But this is true for all container grown trees. Listed as an invasive species.			
East Palatka Holly: Not a native tree, but seems to perform quite well. Growth can be poor and foliage can be chlorotic in alkaline soil. See http://hort.ufl.edu/trees/ILEATTA.pdf for more information.			
Eve's Necklace: Grows very slowly, sensitive to poorly drained or over-watered soils.			
Ginkgo Biloba: Grows very slowly, recommended not to plant the female due to its foul smelling fruit.			
Italian Cypress: Prefers full sunlight; also spider mites and fungal infections can be a problem and can suffer from freeze damage in severe winters.			
Lacebark Elm: Sensitive to poorly drained or over-watered soils, very susceptible to Cotton Root Rot and borers.			
Little Gem Magnolia: Prefers full sunlight, sensitive to poorly drained or over-watered soils.			
Live Oak: Susceptible to Oak Wilt disease.			
Mexican Fan Palm: Can suffer from freeze damage in severe winters.			
Pecan: Extremely large tree, significant litter problem.			
Savannah Holly: Prefers full sunlight, sensitive to poorly drained or over-watered soils.			
Shantung Maple: Sensitive to poorly drained or over-watered soils. The tree has not been in our landscape for an extended period of time, so there is some question of possible long term problems. But so far, it is doing very well and seems to be adapted to our alkaline soils.			
Shumard Red Oak: Susceptible to Oak Wilt disease, sensitive to poorly drained or over-watered soils.			
Southern Magnolia: Develops very visible surface roots, sensitive to poorly drained or over-watered soils, foliage can be chlorotic in alkaline soil.			
Texas Mountain Laurel: Grows very slowly, prefers full sunlight, sensitive to poorly drained or over-watered soils.			





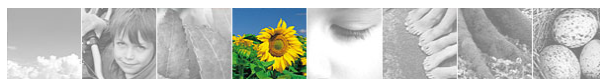
15. Finding: The current code requires tree protection measures during construction that are generally effective. However, in order to ensure that treatments such as tree protection fencing, maintenance pruning, utility boring, demolition, root pruning, etc. are implemented correctly; it is best to have treatment specifications to guide contractors during this process. These specifications are usually provided in a separate criteria manual maintained by the City. Maintaining the specifications in a separate manual from the Code will allow staff to periodically update/revise them without going through a formal Code revision process. Ideally, the City should endeavor to create an entire technical manual for tree preservation and maintenance. The specifications should be referenced within the Code as a required component of the submitted *Tree Preservation Plan*.

Recommendation: Establish a requirement within the Code for all *Tree Preservation Plans* to include tree preservation treatment specifications and details. Maintain these specifications within a separate criteria manual for use by contractors and developers. Plan for the creation of an urban forest technical manual detailing guidelines for tree preservation and maintenance. Recommended tree preservation treatment specifications are provided in the *Appendix*.

16. Finding: The public has expressed a desire to see the City lead by example with regards to tree preservation. *Section 5.6 Applicability* currently states that the Code applies to all municipal and public domain property. The Code should include a statement within *Section 5.7 Approval and Administrative Procedures* indicating that Capital Improvement Projects will be required to submit a *Tree Preservation Plan*.

Recommendation: Revise *Sections 5.6 and 5.7* to require City construction projects to include a *Tree Preservation Plan*.

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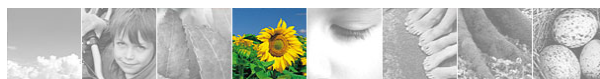




APPENDIX

Recommended Tree Preservation and Treatment Specifications

Texas Forest Service *Big Tree Registry*



Recommended Tree Preservation and Treatment Specifications

RECOMMENDED TREE PRESERVATION AND TREATMENT SPECIFICATIONS

PART 1 – GENERAL

1.1 SUMMARY

- A. Work includes:
 - 1. Removal operation.
 - 2. Maintenance pruning.
 - 3. Fertilization treatment.
 - 4. Tree protection fencing installation.
 - 5. Mulching operation.
 - 6. Root pruning operation.
 - 7. Root pruning/chemical barrier operation.
 - 8. Utility boring operation.
 - 9. Zero curb cut operation
 - 10. Transplant operation.
 - 11. Replacement Planting
 - 12. Repair/replacement operation.
 - 13. Special Demolition Procedures (New Driveway Construction/Replacement)
- B. All Contractors shall meet with the Urban Forester or Owner's Representative to review the Tree Preservation Plan for the site before startup of site work.
- C. No site construction shall begin in any areas where tree preservation and treatment measures have not been implemented and approved.
- D. Tree preservation and treatment measures shall be reviewed and approved by the Urban Forester or Owner's Representative prior to and immediately following installation.
- E. Contractor shall be responsible for compliance to and maintenance of the Tree Preservation Plan.
- F. The areas protected by the tree protection fencing are the tree preservation areas. No access to these areas shall be permitted during the construction period without first consulting with the Urban Forester or Owner's Representative.
- G. Any roots of preservation trees exposed by construction activity shall be covered with a layer of light topsoil or 10 mil. polyethylene sheeting to prevent desiccation and loss of exposed roots.
- H. Any work, excavation, or grading required by construction within the tree preservation areas shall be limited to 2' cut or fill with no roots over ½" being cut. This work shall be by hand or with approved equipment and root protection.

- I. When possible all shallow excavation (less than 2' deep) within the Critical Root Zone (as defined by the tree canopy area) shall be conducted using AIR-SPADE® air excavation tool or equivalent.
- J. Trees damaged or lost due to Contractor's negligence during the construction period shall be appraised by the Urban Forester or Owner's Representative and the Owner compensated.

PART 2 – PRODUCTS

2.1 MATERIALS

- A. Fertilizer – “XL Injecto Feed” (32-7-7), a product of Dogget Corporation, Lebanon, NJ, (800) 448-1862.
- B. Mycorrhizal Fungi – MycorTree Ecto-Injectable, a product of Plant Health Care, Inc., (800) 421-9051.
- C. Tree Protection Fencing:
 - 1. 4' tall plastic, 1" mesh fence.
 - 2. Iron T-bar posts, 6' tall.
 - 3. Wire, 16 gauge ties.
- D. Polyethylene Sheeting: minimum 10 mil. thickness, clear.
- E. Mulch: First run mulch or site generated mulch.
- F. Products of the same type from other sources shall not be excluded, provided they have like physical and functional characteristics and are approved by the Urban Forester or Owner's Representative.
- G. Every effort shall be made to utilize chemicals of an organic or biodegradable nature in order to offer the least impact to the environment.

PART 3 – IMPLEMENTATION

3.1 TREATMENTS

- A. Removal Operation: (Treatment A).
 - 1. Trees designated to be removed by hand on the Tree Preservation Plan shall be painted with an “X” by the Urban Forester or Owner's Representative.
 - 2. Designated removal trees shall be replaced on an inch for inch basis for the total diameter inches removed.
 - 3. Plant replacement trees as near as possible to their original location (See planting procedure).

4. All tree removals shall be done by a certified Arborist by hand work.
5. All wood and debris from tree removal shall be removed from the site immediately.
6. All stumps shall be ground down to 12" below grade.
7. Any damage to preservation trees occurring during the removal operation shall be repaired.

B. Maintenance Pruning: (Treatment B).

1. Trees to be pruned are designated on the Tree Preservation Plan and will be identified by the Urban Forester or Owner's Representative.
2. All maintenance pruning work shall be done by a certified Arborist.
3. A listing of the preservation trees and treatments will be provided.
4. Pruning shall consist of the following method:
 - (a) Pruning as defined by the American National Standard for Tree Care Operations – Tree Shrub and Other Woody Plant Maintenance Standards. This would include:
 - (1) Crown raising or clearance pruning shall consist of the removal of the lower branches of a tree to provide clearance for streets and sidewalks while maintaining a balanced form.
 - (b) All pruning cuts on Oak trees shall be covered with a thin coat of water-based black paint approved by Urban Forester or Owner's Representative if pruning is to occur in April, May, or June.
 - (c) All wood and debris from pruning operations shall be removed from the site.

C. Fertilization Treatment – (Treatment C).

1. Preservation trees shall be treated as designated on the Tree Treatment Schedule.
2. Injection of the fertilizer into the root zone of a tree shall consist of the following methods:
 - (a) Mix in a tank with agitation capability:
 - (1) Fertilizer – 9 pounds by weight per 100 gallons water.
 - (2) Mycorrhizal Fungi – 1 lb. per 100 gallons water.
 - (b) Inject the Mixture on a 2.5 ft. square grid at 1/2 gallon of mix per hole or 8 gallons per 100 square feet.
 - (c) Injection pressure shall be 100-150 PSI as soil conditions warrant.
 - (d) Depth of injection shall be 6 – 12 inches.
 - (e) Inject the root zone areas, where possible, in the available canopy areas plus 10 feet beyond dripline, but not in root loss zone.

- (f) Contractor is responsible for mixing, applying and disposal of all chemicals in accordance with strict adherence to manufacturer's directions and/or State and Federal Regulations.

D. Tree Protection Fencing Installation (Treatment D – refer to Tree Preservation Details).

- 1. Tree protection fencing is designated in the Tree Preservation Plan.
- 2. Fencing as follows:
 - (a) Fabric, 4' tall plastic fence.
 - (b) Iron T-bar posts, 6' tall, placed 8' – 0" on center, 24" into the ground.
 - (c) Fence is to be attached to posts with wire ties placed every 24" on center.
 - (d) Fence is to be placed a minimum of 1 foot from all root prune lines.
- 3. No access to fenced areas shall be permitted without prior approval of the Urban Forester or Owner's Representative.
- 4. Contractor shall provide for maintenance and repair of fencing during site work construction.
- 5. Contractor shall remove fence after completion of the site work unless otherwise notified by the Owner.

E. Mulching Operations (Treatment E).

- 1. A 4" layer of mulch shall be placed in the canopy area of trees where exposed soil or roots are present.
- 2. Approved access through the canopy areas for construction equipment or vehicles shall be covered with 6" of mulch covered by ¾" plywood.

F. Root Pruning Operation (Treatment F – refer to Tree Preservation Details).

- 1. Trenching areas are designated in the Tree Preservation Plan and exact locations will be marked in the field by the Urban Forester or Owner's Representative.
- 2. All encroachments located in the canopy of trees shall have the tree side of the excavation root pruned before excavation.
- 3. Trenching depth shall be 2 ft. minimum, not to exceed 6" in width.
- 4. Trenching shall be backfilled and compacted immediately after trenching.
- 5. All excavated material shall be placed outside the canopy of the tree or on plywood cover under the canopy of the tree to protect the root zone area.
- 6. Topsoil should be kept aside so as not to mix with sub grade material and placed back in the pit on the top of the backfill.

G. Root Pruning/Chemical Barrier Installation (Treatment G-refer to Tree Treatment Details).

1. Root Pruning Chemical barrier, barrier shall be installed where root pruning is scheduled to be done at the back of the new sidewalk edge for the new sidewalk installation, or as otherwise shown in the TREE PRESERVATION PLAN.
 2. All specifications for root pruning trenching shall apply to this installation with the following additional requirements:
 - (a) 10 mil Polyethylene sheeting shall be placed in the trench to the bottom of the trench.
 - (b) Anchor sheeting at the top of the trench in order to backfill the trench.
 - (c) Cover the top of the sheeting so that no sheeting is exposed.
- H. Utility Boring (Treatment H).
1. All utilities will be bored through the Critical Root Zone (CRZ) of all protected trees.
 2. Bore pits will be outside the CRZ of each protected tree.
 3. Bore layout must be approved in the field by the Urban Forester or Owner's Representative.
 4. Any necessary excavations within the CRZ of protected trees will require the approval of the Urban Forester or Owner's Representative.
- I. Zero Curb Cut Operation (Treatment I-refer to Tree Treatment Details).
1. Removal of the old curb located within the canopy area of preservation trees will be done in the following manner:
 - (a) Dig out the existing street in front of curb to the bottom of existing curb.
 - (b) Remove existing curb by pulling it into the street excavation without digging or clawing behind the curb.
 - (c) Cover the exposed soil and roots immediately with 10 mil clear plastic to prevent desiccation of roots.
 - (d) Anchor the plastic cover with wooden stakes driven into the soil (avoiding tree roots) behind the old curb edge.
 - (e) Plastic shall remain in place until backfill operations are in progress. Plastic shall be removed at the same time as backfill is being placed so that the roots are not exposed to air.
 - (f) New curb installation shall be formed and poured without disturbance or damage to the exposed roots located at the edge of the old removed curb.
 - (g) Where necessary, backfill between the old and new curb area shall consist of:
 - (1) Backfill void up to within 6" of the top of the curb with a material acceptable to engineering standards. This material shall be clean and free of rocks, debris, or chemical residues that pose a threat to root environment.
 - (2) The remaining 6" of fill behind the curb shall be of the specified topsoil mix.
 - (h) Backfill behind the old curb area (Tree Preservation Area) shall consist of the specified topsoil mix. This mix shall be applied in depths of no greater than 3" to the critical root zones of the protected trees by hand.

J. Transplant Operation (Treatment J refer to Tree Treatment Details).

1. Trees designated for transplanting are designated in the Tree Preservation Plan.
2. Transplants are to be relocated to a location determined by the Urban Forester or Owner's Representative.
3. Contractor shall be responsible for proper relocation, planting, and maintenance of the transplanted trees for one (1) year.

K. Replacement Planting (Refer to Tree Treatment Details).

1. Replacement tree planting locations shall be indicated by the owner's representative.
2. Contractor is responsible for verifying locations of underground utilities prior to construction.
3. Trees shall be planted at least five (5') feet from any utility line, curb or sidewalk and outside all utility easements.
4. All plant material shall be maintained in a healthy growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed, diseased, or removed.
5. Measurement: Dimensions of trees and shrubs shall conform to the American Standard for Nursery Stock, latest edition (ANSI Z-60).
6. All trees shall be staked and secured according to accepted industry practice and details.
7. Each newly planted tree and shrub shall be pruned in accordance with the American Association of Nurserymen Standards or as directed by owner's representative to preserve the natural character of the plant. All dead wood, sucker, and broken or badly bruised branches shall be removed.
8. Guarantee: All plant material shall be guaranteed by the contractor for one full year from the date of installation. The owner shall be responsible for maintenance unless otherwise agreed with contractor. It shall be the contractor's responsibility to monitor the project during the guarantee period and inform the owner if problems develop with the plant material. A plant shall be considered dead if 25% or more of the crown, or main leader has died.

L. Repair/Replacement Operations

1. If any damage to preservation trees should occur beyond what is expected during the construction period, the Urban Forester or Owner's Representative shall appraise the damage and order the repair by the contractor or responsible party.
2. Trees other than those designated for removal that are destroyed or irreparably damaged as a result of construction operations, shall be removed and replaced with the same size species and variety up to and including 8 inches in diameter.

Trees larger than 8 inches in diameter shall be replaced with an 8-inch diameter tree of the same species and variety and total contract amount will be reduced as determined by a qualified appraiser using the Guide for Plant Appraisal published by the International Society of Arboriculture (9th Edition 2000).

3. Owner shall be compensated for all costs involved in mitigation of damages and the appraisal thereof by the Urban Forester or Owner's Representative.

M. Special Demolition Procedures (New Driveway Construction/Replacement)

1. All site demolition work proposed in the canopy of site trees (including driveway replacement) must be reviewed and approved by the Owner's Representative and the Urban Forester prior to actual work.
2. All demolition work within the canopy of site trees shall be by hand work to minimize disturbance of the root zone area.
3. Uncovered root zone areas shall be covered with 2" of sand or 4" of mulch to protect exposed roots from desiccation or damage.

Texas Forest Service *Big Tree Registry*

Texas Big Tree Registry										
A list of the largest trees in Texas Sponsored by Texas Forest Service										
Champion List for Species Native or Naturalized to Texas: Updated 5/13/2008										
Status	Common Name	Latin Name	County	Diameter "	Circumference"	Height'	Crown Spread'	Tree Index	Last Measured	Nominator
	acacia, blackbrush	<i>Acacia rigidula</i>	Hidalgo	3.18	10	16	9	28	9/25/2007	Joe Ideker
	acacia, Gregg (catclaw acacia,	<i>Acacia greggii</i> var. <i>greggii</i>			NO CURRENT CHAMP					
*	acacia, Wright (Wright catclaw)	<i>Acacia greggii</i> var. <i>wrightii</i>	Uvalde	28.98	91	33	41	134	9/20/2006	John K. Berry
	alder, hazel	<i>Alnus serrulata</i>			NO CURRENT CHAMP					
*	anacahuita (anacahuite, Mexican olive)	<i>Cordia boissieri</i>	Hidalgo	23.89	75	25	38	110	4/22/2002	William MacWhorter
*	anacua (anaqua, knockaway)	<i>Ehretia anacua</i>	Hidalgo	44.90	141	55	46	207	8/3/2007	James Sherrill
*	anacua (anaqua, knockaway)	<i>Ehretia anacua</i>	DeWitt	46.50	146	42	59	203	6/19/2007	Pat Dolan
	anacua (anaqua, knockaway)	<i>Ehretia anacua</i>	Victoria	47.13	148	42	46	202	6/19/2007	Bob McVey
	ash, Carolina	<i>Fraxinus caroliniana</i>			NO CURRENT CHAMP					
	ash, Chihuahuan	<i>Fraxinus papillosa</i>			NO CURRENT CHAMP					
	ash, fragrant	<i>Fraxinus cuspidata</i>			NO CURRENT CHAMP					
	ash, green	<i>Fraxinus pennsylvanica</i>	Caldwell	76.75	241	63	89	326	12/10/1999	Mark Duff
	ash, Gregg (Littleleaf ash)	<i>Fraxinus greggii</i>	Brewster	3.50	11	23	11	37	12/8/2005	Pete Smith
*	ash, Mexican (Berlandier ash)	<i>Fraxinus berlandieriana</i>	Cameron	80.25	252	48	72	318	3/1/2003	Brian Sichel
*	ash, Texas	<i>Fraxinus texensis</i>	Bandera	24.20	76	72	67	165	10/16/2000	Billy Walker
	ash, velvet (Arizona ash)	<i>Fraxinus velutina</i>	El Paso	44.59	140	60	72	218	11/1/1995	Oscar Mestas
	ash, white	<i>Fraxinus americana</i>	Polk	47.77	150	116	66	283	8/23/1968	Hollis Battise
(P)	aspen, quaking	<i>Populus tremuloides</i>	Brewster	14.97	47	44	24	97	9/1/1982	James E. Liles
	aspen, quaking	<i>Populus tremuloides</i>	Culberson	9.55	30	48	15	82	10/4/2007	Fred Armstrong
	baccharis, eastern	<i>Baccharis halimifolia</i>			NO CURRENT CHAMP					
	baldcypress	<i>Taxodium distichum</i>	Real	139.49	438	96	112	562	6/5/2003	Mark Peterson
*	baldcypress, Montezuma	<i>Taxodium mucronatum</i>	Cameron	95.86	301	68	99	394	9/26/2007	Sue Griffin
*	barreta (baretta)	<i>Helietta parvifolia</i>	Hidalgo	5.41	17	24	16	45	9/27/2007	Terry Rossignol
	basswood, Carolina	<i>Tilia americana</i> var. <i>caroliniana</i>	Nacogdoches	37.90	119	85	57	218	10/1/2001	Matt Welch
	bay, swamp	<i>Persea palustris</i>			NO CURRENT CHAMP					
	bayberry, evergreen	<i>Morella caroliniensis</i>			NO CURRENT CHAMP					
	beech, American	<i>Fagus grandifolia</i>	Sabine	47.77	150	132	66	299	11/30/1970	C.J. Saboites
	birch, river	<i>Betula nigra</i>	Lamar	37.58	118	65	69	200	4/23/2005	William Godwin
	birch, river	<i>Betula nigra</i>	Red River	31.21	98	80	66	195	5/31/2007	Gary W. Cheatwood
*	blackgum (black tupelo)	<i>Nyssa sylvatica</i>	Wood	73.89	232	110	81	362	5/29/2000	William Godwin
	blackhaw (blackhaw viburnum)	<i>Viburnum prunifolium</i>			NO CURRENT CHAMP					
(P)	blackhaw, rusty	<i>Viburnum rufidulum</i>	Houston	7.96	25	27	15	56	10/29/1984	Edward C. Fritz
(P)	blackhaw, rusty	<i>Viburnum rufidulum</i>	Harris	6.37	20	15	19	40	3/29/2008	David Petersen
*	bluewood, Brazilian (brasil)	<i>Condalia hookeri</i>	Hidalgo	27.07	85	29	28	121	9/25/2007	Joe Ideker
	boxelder (ashleaf maple)	<i>Acer negundo</i>	Wise	35.67	112	55	63	183	8/19/2006	J.R. Masters
	brushholly	<i>Xylosma flexuosa</i>	Cameron	3.18	10	13	15	27	2/10/1989	Lindley Lentz
*	buckeye, Mexican	<i>Ungnadia speciosa</i>	Tarrant	3.82	12	22	17	38	8/12/2002	Steve Houser
	buckeye, Ohio	<i>Aesculus glabra</i> var. <i>glabra</i>			NO CURRENT CHAMP					
	buckeye, red	<i>Aesculus pavia</i> var. <i>pavia</i>	Dallas	11.15	35	23	30	66	4/3/2007	Steve Houser
*	buckeye, Texas (white buckeye)	<i>Aesculus glabra</i> var. <i>arguta</i>	Gillespie	18.79	59	39	35	107	8/23/2005	Robert Edmonson
	buckeye, yellow woolly	<i>Aesculus pavia</i> var. <i>flavescens</i>			NO CURRENT CHAMP					
	buckthorn, birchleaf (beechleaf	<i>Frangula betulifolia</i>			NO CURRENT CHAMP					
	buckthorn, Carolina	<i>Frangula caroliniana</i>	Angelina	8.28	26	32	13	61	12/20/1996	Gregory Dean Stockton
	bully, buckthorn (buckthorn	<i>Sideroxylon lycioides</i>			NO CURRENT CHAMP					

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*	bully, gum (gum bumelia)	<i>Sideroxylon lanuginosum</i>	Tarrant	27.71	87	55	56	156	10/1/2007	Matthew & Michael Blevi
	burningbush (eastern wahoo)	<i>Euonymus atropurpureus</i>			NO CURRENT CHAMP					
	buttonbush, common	<i>Cephalanthus occidentalis</i>	Presidio	10.83	34	17	11	53	10/24/2000	Jeff Moore
	buttonbush, Mexican	<i>Cephalanthus salicifolius</i>			NO CURRENT CHAMP					
	camellia, silky (Virginia stewartia)	<i>Stewartia malacodendron</i>			NO CURRENT CHAMP					
Δ	camphortree	<i>Cinnamomum camphora</i>	Orange	63.38	199	60	69	276	8/18/2006	Dalton Woodard
Δ	catalpa, northern	<i>Catalpa speciosa</i>	Wood	69.11	217	64	66	298	8/1/1972	G.C. Adrian
Δ	catalpa, southern	<i>Catalpa bignonioides</i>	Dallas	84.39	265	56	71	339	8/2/2005	Nancy Nelson
	catclaw, roundflower (Roemer	<i>Acacia roemeriana</i>			NO CURRENT CHAMP					
* Δ	chastetree, lilac (vitex)	<i>Vitex agnus-castus</i>	Blanco	35.35	111	26	37	146	8/13/2002	Robert Edmonson
	cherry, black	<i>Prunus serotina</i> var. <i>serotina</i>	Harrison	59.87	188	67	77	274	3/17/2008	Fort Staggers
**	cherry, escarpment	<i>Prunus serotina</i> var. <i>eximia</i>	Real	32.48	102	51	53	166	10/3/2002	Lee Haile
**	cherry, escarpment	<i>Prunus serotina</i> var. <i>eximia</i>	Kerr	32.48	102	51	53	166	12/3/1998	Mark Duff
	cherry, southwestern black	<i>Prunus serotina</i> var. <i>rufula</i>	Jeff Davis	35.35	111	40	46	163	5/1/2002	Oscar Mestas
Δ	chinaberry	<i>Melia azedarach</i>	San Augustine	37.26	117	53	46	182	11/20/2002	Ronnie Jones
	chinkapin	<i>Castanea pumila</i>	Tyler	16.56	52	48	39	110	7/1/1991	Kevin Darland
	chokecherry	<i>Prunus virginiana</i>			NO CURRENT CHAMP					
	chokecherry, southwestern	<i>Prunus serotina</i> var. <i>virens</i>			NO CURRENT CHAMP					
	corkbean (redcardinal)	<i>Erythrina herbacea</i>			NO CURRENT CHAMP					
	corkwood	<i>Leitneria floridana</i>			NO CURRENT CHAMP					
	cottonwood, eastern	<i>Populus deltoides</i> ssp. <i>deltoides</i>	Bandera	118.47	372	80	100	477	1/1/1984	Mark Peterson
*	cottonwood)	<i>Populus fremontii</i> ssp. <i>mesetae</i>	Brewster	67.20	211	49	84	281	12/8/2005	James E. Liles
	cottonwood, narrowleaf	<i>Populus angustifolia</i>			NO CURRENT CHAMP					
	cottonwood, plains	<i>Populus deltoides</i> ssp. <i>monilifera</i>	Armstrong	78.98	248	96	93	367	1/10/2008	Dianne and Mike Ollinger
*	cottonwood, Rio Grande	<i>Populus deltoides</i> ssp. <i>wislizeni</i>	Jeff Davis	116.88	367	92	118	488	10/25/2000	Steve Runnels
	crabapple, southern	<i>Malus angustifolia</i>			NO CURRENT CHAMP					
	crabapple, Texas (Blanco	<i>Malus ioensis</i> var. <i>texana</i>	Blanco	4.14	13	12	14	29	5/6/2003	Susan Sander
	crown-of-thorns (allthorn)	<i>Koeberlinia spinosa</i>	Upton	7.96	25	13	14	42	3/17/1989	Stanley T. Smith
	crown-of-thorns (allthorn)	<i>Koeberlinia spinosa</i>	Starr	8.28	26	11	14	41	5/10/1989	Lindley Lentz
	cypress, Arizona	<i>Cupressus arizonica</i> ssp. <i>arizonica</i>	Brewster	42.68	134	91	33	233	3/1/2006	James E. Liles
	desert-willow	<i>Chilopsis linearis</i>	El Paso	25.16	79	44	40	133	7/21/1992	Oscar Mestas
	devil's-walkingstick	<i>Aralia spinosa</i>	San Augustine	5.41	17	45	24	68	3/30/1991	Edward C. Fritz
	dogwood, flowering	<i>Cornus florida</i>	Rusk	22.93	72	34	41	116	6/30/2000	Johnny Ellis
	dogwood, roughleaf	<i>Cornus drummondii</i>	Gillespie	7.01	22	21	20	48	11/18/2006	Eric Beckers
	dogwood, stiff (swamp dogwood)	<i>Cornus foemina</i>			NO CURRENT CHAMP					
	Douglas-fir, Rocky Mountain	<i>Pseudotsuga menziesii</i> var. <i>glauca</i>	Culberson	38.22	120	98	29	225	8/26/2005	Dave Bieri
*	ebony, Texas	<i>Ebenopsis ebano</i>	Hidalgo	54.46	171	50	64	237	11/1/2002	Joe Ideker
	elder, blue	<i>Sambucus nigra</i> ssp. <i>cerulea</i>			NO CURRENT CHAMP					
	elderberry, common	<i>Sambucus nigra</i> ssp. <i>canadensis</i>			NO CURRENT CHAMP					
	elm, American	<i>Ulmus americana</i>	Cherokee	81.53	256	80	110	364	11/20/2006	Carol Staton
	elm, cedar	<i>Ulmus crassifolia</i>	Kendall	41.72	131	73	72	222	6/4/2003	Joe Pase
(P)	elm, slippery	<i>Ulmus rubra</i>	Ellis	27.07	85	90	67	192	6/5/2006	Michael Cutchins
	elm, winged	<i>Ulmus alata</i>	Bowie	47.77	150	78	100	253	5/30/2007	Ronald W. Pippen
**	farkleberry (tree sparkleberry)	<i>Vaccinium arboreum</i>	Houston	19.75	62	18	31	88	6/2/2004	Waymon Vest

Texas Big Tree Registry										
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	fiddlewood, Berlandier's	<i>Citharexylum berlandieri</i>		NO CURRENT CHAMP						
	fringetree, white	<i>Chionanthus virginicus</i>	Newton	6.69	21	46	19	72	8/10/2004	Buddy Hollis
	gallberry, large	<i>Ilex coriacea</i>	Hardin	3.82	12	30	11	45	7/29/2004	Buddy Hollis
**	guajillo (Berlandier acacia)	<i>Acacia berlandieri</i>	Uvalde	5.73	18	20	25	44	9/20/2006	John K. Berry
*	guayacan (Texas lignum-vitae)	<i>Guajacum angustifolium</i>	Hidalgo	9.87	31	27	15	62	7/3/2003	Terry Fears
	hackberry, common	<i>Celtis occidentalis</i>	Titus	43.63	137	79	59	231	9/19/2001	Rosa Cardenas
	hackberry, dwarf (Georgia	<i>Celtis tenuifolia</i>	Somervell	7.96	25	22	28	54	12/20/2006	Gregg and Carol Lee
	hackberry, Lindheimer's	<i>Celtis lindheimeri</i>		NO CURRENT CHAMP						
	hackberry, netleaf	<i>Celtis laevigata</i> var. <i>reticulata</i>	Culberson	24.20	76	30	52	119	8/25/2005	Jim Ed Miller
	hackberry, spiny	<i>Celtis pallida</i> (<i>Celtis ehrenbergiana</i>)	Hidalgo	3.50	11	27	16	42	1/11/1991	Joe Ideker
	hawthorn, barberry	<i>Crataegus berberifolia</i>		NO CURRENT CHAMP						
*	hawthorn, blueberry	<i>Crataegus brachyacantha</i>	Nacogdoches	30.25	95	42	35	146	7/27/2007	Keith Cook
	hawthorn, cockspur	<i>Crataegus crus-galli</i>		NO CURRENT CHAMP						
	hawthorn, downy	<i>Crataegus mollis</i>		NO CURRENT CHAMP						
	hawthorn, dwarf (oneflower	<i>Crataegus uniflora</i>		NO CURRENT CHAMP						
	hawthorn, green	<i>Crataegus viridis</i>	Tarrant	15.92	50	38	33	96	8/12/2002	Steve Houser
	hawthorn, Gregg's	<i>Crataegus greggiana</i>		NO CURRENT CHAMP						
	hawthorn, littlehip	<i>Crataegus spathulata</i>	Sabine	6.69	21	37	23	64	4/9/1992	Raymond Edgar
	hawthorn, parsley	<i>Crataegus marshallii</i>	Tyler	10.51	33	32	16	69	7/31/1996	Charles "Boo" Walker
	hawthorn, pear	<i>Crataegus calpodendron</i>		NO CURRENT CHAMP						
	hawthorn, Reverchon's	<i>Crataegus reverchonii</i>	Dallas	3.50	11	9	6	21	8/12/2002	Steve Houser
	hawthorn, riverflat (mayhaw)	<i>Crataegus opaca</i>	Angelina	9.87	31	43	19	79	12/20/1996	Edward C. Fritz
*	hawthorn, Texas	<i>Crataegus texana</i>	Harris	8.92	28	25	28	60	3/25/2003	Lynn Lowrey
*	hawthorn, Tracy's (mountain hawthorn)	<i>Crataegus tracyi</i>	Jeff Davis	13.38	42	27	26	76	6/24/2003	Thomas R. Mangren
	Hercules-club	<i>Zanthoxylum clava-herculis</i>	Wood	15.92	50	66	25	122	5/29/2000	William Godwin
*	Hercules-club, Texas	<i>Zanthoxylum hirsutum</i>	Tarrant	10.51	33	41	18	79	10/1/2007	Geoff Sherman
	hickory, bitternut	<i>Carya cordiformis</i>	Tyler	44.59	140	133	110	301	8/14/1973	Edward C. Fritz
*	hickory, black	<i>Carya texana</i>	Sabine	37.58	118	127	70	263	12/12/2000	Edward C. Fritz
	hickory, mockernut	<i>Carya alba</i>		NO CURRENT CHAMP						
	hickory, nutmeg	<i>Carya myristiciformis</i>	Franklin	35.35	111	115	66	243	1/19/1979	Jim Yantis
	hickory, pignut	<i>Carya glabra</i>	Liberty	40.13	126	97	57	237	10/12/2004	Stuart Marcus
	hickory, shagbark	<i>Carya ovata</i>	Polk	32.17	101	127	71	246	9/15/1967	Hollis Battise
	hickory, water	<i>Carya aquatica</i>	Harrison	42.36	133	113	76	265	6/28/1973	Thomas F. Brantley
*	holdback, Mexican (Mexican poinciana)	<i>Caesalpinia mexicana</i>	Hidalgo	15.29	48	45	60	108	3/1/2003	Joe Ideker
	holly, American	<i>Ilex opaca</i>	Houston	40.13	126	53	57	193	12/10/2002	John Dodson
	holly, Carolina	<i>Ilex ambigua</i>		NO CURRENT CHAMP						
	holly, Georgia	<i>Ilex longipes</i>		NO CURRENT CHAMP						
	honeylocust	<i>Gleditsia triacanthos</i>	Montgomery	30.57	96	93	50	202	5/24/1975	Charles Thompson
	honeylocust, Texas	<i>Gleditsia x texana</i>		NO CURRENT CHAMP						
*	hophornbeam, Chisos	<i>Ostrya virginiana</i> var. <i>chisosensis</i>	Brewster	8.60	27	30	20	62	12/7/2005	James E. Liles
	hophornbeam, eastern	<i>Ostrya virginiana</i> var. <i>virginiana</i>	Liberty	16.88	53	49	43	113	10/12/2004	Stuart Marcus
	hophornbeam, Knowlton's	<i>Ostrya knowltonii</i>	Culberson	10.83	34	42	31	84	8/26/2005	Pete Smith
	hoptree, common (wafer-ash)	<i>Ptelea trifoliata</i>		NO CURRENT CHAMP						
	hornbeam, American	<i>Carpinus caroliniana</i>	Jasper	24.84	78	52	58	144	7/18/2002	Rich Dottellis

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	huajillo	<i>Havardia pallens</i>	Hidalgo	2.55	8	21	13	32	7/3/2003	Joe Ideker
*	huisache (sweet acacia)	<i>Acacia farnesiana</i>	Atascosa	50.96	160	29	43	200	9/1/2005	David Soward
	huisachillo (twisted acacia,	<i>Acacia schaffneri</i> var. <i>bravoensis</i>	Hidalgo	2.87	9	14	21	28	8/6/1995	Joe Ideker
	Jerusalem-thorn (retama)	<i>Parkinsonia aculeata</i>	Harris	18.47	58	33	36	100	1/12/2001	Brad Hendricks
*	esenbeckia)	<i>Esenbeckia berlandieri</i>	Cameron	13.06	41	24	21	70	6/4/2003	Guy Huddleston
Δ	jujube, common	<i>Ziziphus zizyphus</i>	Tarrant	20.38	64	46	36	119	11/17/1997	John A. Haislet
	juniper, alligator	<i>Juniperus deppeana</i>	Culberson	65.29	205	17	22	228	8/25/2005	Dave Bieri
*	juniper, Ashe (mountain cedar)	<i>Juniperus ashei</i>	Comal	44.27	139	41	49	192	12/8/2005	Mark Peterson
**	juniper, drooping	<i>Juniperus flaccida</i>	Brewster	35.03	110	28	36	147	10/31/2006	James E. Liles
**	juniper, drooping	<i>Juniperus flaccida</i>	Brewster	32.80	103	35	34	147	3/2/2006	James E. Liles
	juniper, oneseed	<i>Juniperus monosperma</i>	Potter	11.78	37	25	22	68	7/5/2007	Aleksandar Dozic
*	juniper, Pinchot (redberry juniper)	<i>Juniperus pinchotii</i>	Brewster	43.95	138	28	33	174	6/25/2003	Frank T. Callahan
	juniper, Rocky Mountain	<i>Juniperus scopulorum</i>	Hudspeth	33.76	106	31	48	149	10/8/1971	Nelson Puett
	juniper, rose-fruited	<i>Juniperus coahuilensis</i>			NO CURRENT CHAMP					
	kidneywood, Texas	<i>Eysenhardtia texana</i>			NO CURRENT CHAMP					
*	laurelcherry, Carolina	<i>Prunus caroliniana</i>	Harris	42.04	132	48	46	191	4/29/2003	Paul C. Kisel
	leadtree, goldenball (littleleaf	<i>Leucaena retusa</i>			NO CURRENT CHAMP					
*	leadtree, great (tepeguaje)	<i>Leucaena pulverulenta</i>	Cameron	10.51	33	27	26	67	5/8/2002	Joe Ideker
Δ	leadtree, white	<i>Leucaena leucocephala</i>			NO CURRENT CHAMP					
Δ	locust, black	<i>Robinia pseudoacacia</i>	Bastrop	20.38	64	58	40	132	2/29/2000	John McPhaul
Δ	locust, black	<i>Robinia pseudoacacia</i>	Dallas	28.34	89	33	37	131	4/4/2007	Steve Houser
	locust, New Mexico	<i>Robinia neomexicana</i>			NO CURRENT CHAMP					
	lotebush	<i>Ziziphus obtusifolia</i>	Hidalgo	4.46	14	14	9	30	5/10/1989	Lindley Lentz
	madrone, Texas	<i>Arbutus xalapensis</i>	Uvalde	37.58	118	41	48	171	9/19/2006	Matt Hixon
	magnolia, pyramid	<i>Magnolia pyramidata</i>	Newton	9.24	29	53	12	85	7/24/2003	Buddy Hollis
	magnolia, southern	<i>Magnolia grandiflora</i>	Smith	71.02	223	67	90	312	9/26/2000	James R. Leistra
	mangrove, black	<i>Avicennia germinans</i>			NO CURRENT CHAMP					
	maple, bigtooth (canyon maple)	<i>Acer grandidentatum</i>	Bandera	27.07	85	40	45	136	10/2/2006	Mark Duff
	maple, chalk	<i>Acer leucoderme</i>			NO CURRENT CHAMP					
	maple, Florida (southern sugar	<i>Acer barbatum</i>	Tyler	39.81	125	43	55	182	10/2/2006	Leroy E. Swift
	maple, red	<i>Acer rubrum</i>	Morris	33.44	105	79	60	199	5/1/2006	Dennis Townsend
	maple, sugar	<i>Acer saccharum</i>			NO CURRENT CHAMP					
**	mescalbean (Texas mountain-laurel)	<i>Sophora secundiflora</i>	Uvalde	15.92	50	35	18	90	9/20/2006	Sky Lewey
**	mescalbean (Texas mountain-laurel)	<i>Sophora secundiflora</i>	Bexar	19.11	60	19	27	86	12/9/2005	Ben McPherson
*	mesquite, honey	<i>Prosopis glandulosa</i> var. <i>glandulosa</i>	Real	54.78	172	55	89	249	8/25/2000	Ronnie W. Pendley
	mesquite, screwbean	<i>Prosopis pubescens</i>			NO CURRENT CHAMP					
	mesquite, western honey	<i>Prosopis glandulosa</i> var. <i>torreyana</i>			NO CURRENT CHAMP					
Δ	mimosa (silktree)	<i>Albizia julibrissin</i>	Red River	41.40	130	31	82	182	5/31/2007	G. Sandy Rose
	mountain-mahogany, hairy (hairy	<i>Cercocarpus montanus</i> var. <i>paucidentatus</i>			NO CURRENT CHAMP					
	mountain-mahogany, silver	<i>Cercocarpus montanus</i> var. <i>argenteus</i>			NO CURRENT CHAMP					
	mountain-mahogany, smooth	<i>Cercocarpus montanus</i> var. <i>glaber</i>			NO CURRENT CHAMP					
Δ	mulberry, black	<i>Morus nigra</i>			NO CURRENT CHAMP					
Δ	mulberry, paper	<i>Broussonetia papyrifera</i>			NO CURRENT CHAMP					
	mulberry, red	<i>Morus rubra</i>	Dallas	58.60	184	52	52	249	2/7/2008	Courtney Blevins

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	mulberry, Texas	<i>Morus microphylla</i>	Presidio	31.85	100	30	48	142	10/25/2000	Oscar Mestas
Δ	mulberry, white	<i>Morus alba</i>	Wilbarger	76.43	240	36	36	285	6/4/1976	M.D. Turner
	oak, Arizona white	<i>Quercus arizonica</i>	El Paso	28.66	90	41	38	141	8/21/2001	George Carlstrom
	oak, Arkansas	<i>Quercus arkansana</i>	Jasper	28.34	89	65	59	169	10/1/2001	Robert Wilson
	oak, black	<i>Quercus velutina</i>	Wood	64.97	204	79	94	307	6/7/2007	Paul Hawkins
	oak, blackjack	<i>Quercus marilandica</i>	Franklin	35.99	113	57	65	186	5/31/2006	William Godwin
**	oak, bluejack	<i>Quercus incana</i>	Cherokee	26.43	83	68	45	162	8/1/2000	Gregory Dean Stockton
**	oak, bluejack	<i>Quercus incana</i>	Wood	27.71	87	61	45	159	1/25/2002	William Godwin
	oak, bottomland post	<i>Quercus similis</i>	NO CURRENT CHAMP							
	oak, bur	<i>Quercus macrocarpa</i>	Tarrant	69.43	218	81	105	325	5/23/2006	Britton Dow & Tess Neal
	oak, cherrybark	<i>Quercus pagoda</i>	Panola	77.07	242	118	124	391	7/1/1996	William G. Warf
	oak, chinkapin	<i>Quercus muehlenbergii</i>	Bandera	49.68	156	45	74	220	10/2/2006	Mark Duff
*	oak, Chisos	<i>Quercus graciliformis</i>	Brewster	17.83	56	34	43	101	12/8/2005	Oscar Mestas
*	oak, Chisos red (Graves oak)	<i>Quercus gravesii</i>	Brewster	19.75	62	39	43	112	11/23/2004	Don Sharlow
	oak, Compton's	<i>Quercus x comptoniae</i>	Newton	75.80	238	88	120	356	9/18/2003	J.D. Miller
	oak, Darlington (coast laurel oak)	<i>Quercus hemisphaerica</i>	NO CURRENT CHAMP							
	oak, Durand (bastard oak)	<i>Quercus sinuata</i> var. <i>sinuata</i>	Liberty	45.22	142	75	56	231	7/14/2006	Andy Sipocz
	oak, Emory	<i>Quercus emoryi</i>	Jeff Davis	44.27	139	61	66	217	1/15/2004	Alice Stevens
	oak, Gambel	<i>Quercus gambelii</i>	NO CURRENT CHAMP							
	oak, gray	<i>Quercus grisea</i>	Presidio	46.50	146	41	66	204	10/25/2000	Oscar Mestas
*	oak, Havard (shin oak)	<i>Quercus havardii</i>	Yoakum	18.47	58	33	30	99	8/27/2005	Helen Thompson
*	oak, Lacey	<i>Quercus laceyi</i>	Comal	36.31	114	53	74	185	6/27/2003	David Vaughn
	oak, lateleaf	<i>Quercus tardifolia</i>	NO CURRENT CHAMP							
(P)	oak, laurel	<i>Quercus laurifolia</i>	Jasper	66.88	210	62	81	292	5/2/2007	Alicia Smith
	oak, laurel	<i>Quercus laurifolia</i>	San Jacinto	49.04	154	96	85	271	1/6/1990	James Jackson
	oak, live	<i>Quercus virginiana</i>	Brazoria	122.93	386	67	100	478	1/29/2003	Michael Lange
	oak, Mexican blue	<i>Quercus oblongifolia</i>	Presidio	18.79	59	28	20	92	9/27/1976	Benny Simpson
	oak, Mexican white (netleaf white)	<i>Quercus polymorpha</i>	Val Verde	28.98	91	57	57	162	9/18/2000	Mark Duff
	oak, Mohr	<i>Quercus mohriana</i>	Culberson	11.78	37	21	22	64	10/5/2007	Tim Buchanan
	oak, netleaf	<i>Quercus rugosa</i>	Brewster	17.52	55	40	27	102	11/21/2002	James E. Liles
	oak, Nuttall	<i>Quercus texana</i>	Cass	56.37	177	140	111	345	10/30/2000	Tommy Drake
	oak, overcup	<i>Quercus lyrata</i>	Wood	56.05	176	134	88	332	10/18/2001	Edward C. Fritz
	oak, post	<i>Quercus stellata</i>	Bowie	66.24	208	92	104	326	8/20/2002	Charles Snowden
	oak, pungent (sandpaper oak)	<i>Quercus pungens</i>	NO CURRENT CHAMP							
	oak, robust	<i>Quercus x robusta</i>	NO CURRENT CHAMP							
	oak, sand post (runner oak)	<i>Quercus margarettiae</i>	NO CURRENT CHAMP							
	oak, Shumard	<i>Quercus shumardii</i>	Tarrant	53.50	168	69	95	261	7/28/2006	Michael Cutchins
	oak, silverleaf	<i>Quercus hypoleucoides</i>	Jeff Davis	23.89	75	47	36	131	5/17/2006	Oscar Mestas
	oak, Sonoran scrub (Turbinella)	<i>Quercus turbinella</i>	NO CURRENT CHAMP							
	oak, southern red	<i>Quercus falcata</i>	Shelby	85.35	268	87	68	372	6/19/2002	Mark Stanford
	oak, swamp chestnut	<i>Quercus michauxii</i>	Tyler	57.96	182	110	80	312	2/5/2002	Rich Dottellis
*	oak, Texas (Buckley oak)	<i>Quercus buckleyi</i>	Tarrant	63.06	198	70	82	289	6/11/2003	Matthew & Michael Blevi
*	live oak)	<i>Quercus fusiformis</i>	Young	113.69	357	48	80	425	2/14/2002	Jay Burkett
	oak, Toumey	<i>Quercus toumeyi</i>	NO CURRENT CHAMP							

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*	oak, Vasey	<i>Quercus vaseyana</i>	Brewster	19.11	60	33	34	102	11/1/2006	Pete Smith
	oak, water	<i>Quercus nigra</i>	Freestone	75.80	238	75	108	340	7/11/2003	Cecil Bell
	oak, white	<i>Quercus alba</i>	Newton	64.97	204	110	69	331	9/7/2001	James Whaley
*	oak, white shin (Bigelow oak)	<i>Quercus sinuata</i> var. <i>breviloba</i>	Travis	38.54	121	45	72	184	10/29/2007	Jim Houser
	oak, willow	<i>Quercus phellos</i>	Bowie	74.84	235	78	85	334	5/30/2007	David Jones
Δ	orange, hardy (trifoliolate orange)	<i>Poncirus trifoliata</i>			NO CURRENT CHAMP					
	orchidtree, Anacacho	<i>Bauhinia lunarioides</i>			NO CURRENT CHAMP					
	osage-orange (bois d'arc)	<i>Maclura pomifera</i>	Bowie	78.66	247	45	77	311	5/31/2007	Jimmy Hull
**	palmetto, dwarf	<i>Sabal minor</i>	Brazoria	13.69	43	28	13	74	1/22/2003	Mickey Merritt
**	palmetto, dwarf	<i>Sabal minor</i>	Brazoria	13.38	42	24	12	69	1/22/2003	Edward C. Fritz
**	palmetto, Rio Grande (Texas sabal palm)	<i>Sabal mexicana</i>	Hidalgo	19.43	61	50	11	114	9/25/2007	Joe Ideker
**	palmetto, Rio Grande (Texas sabal palm)	<i>Sabal mexicana</i>	Cameron	18.79	59	48	18	112	9/26/2007	Sue Griffin
	paloverde, Texas	<i>Parkinsonia texana</i>			NO CURRENT CHAMP					
	pawpaw	<i>Asimina triloba</i>	San Augustine	6.37	20	41		67	4/9/1991	Edward C. Fritz
	pawpaw, smallflower (dwarf	<i>Asimina parviflora</i>			NO CURRENT CHAMP					
Δ	peach	<i>Prunus persica</i>	Dallas	19.43	61	21	34	91	2/7/2008	Steve Houser
Δ	pear, common	<i>Pyrus communis</i>			NO CURRENT CHAMP					
	pecan	<i>Carya illinoensis</i>	Parker	82.17	258	91	117	378	2/20/2004	Lyn Cole
Δ	peppertree, Brazilian	<i>Schinus terebinthifolius</i>			NO CURRENT CHAMP					
Δ	peppertree, Peruvian	<i>Schinus molle</i>			NO CURRENT CHAMP					
	persimmon, common	<i>Diospyros virginiana</i>	Cass	25.16	79	80	50	172	5/9/2005	Russell Lykins
*	persimmon, Texas	<i>Diospyros texana</i>	Uvalde	22.61	71	25	36	105	9/19/2006	Bill Graves
	pine, Arizona	<i>Pinus arizonica</i> var. <i>stormiae</i>	Brewster	35.03	110	94	47	216	11/1/2006	James E. Liles
	pine, Japanese black	<i>Pinus thunbergii</i>	Tarrant	21.97	69	42	39	121	11/18/2007	Geoff Sherman
	pine, loblolly	<i>Pinus taeda</i>	Rusk	52.87	166	135	60	316	8/28/2007	Fred Spivey
	pine, longleaf	<i>Pinus palustris</i>	Sabine	37.26	117	115	33	240	5/28/2003	Clay Bales
	pine, longleaf	<i>Pinus palustris</i>	Sabine	39.17	123	102	44	236	5/28/2003	Andy Snyder
	pine, Rocky Mountain ponderosa	<i>Pinus ponderosa</i> var. <i>scopulorum</i>	Jeff Davis	42.68	134	110	46	256	5/17/2006	Colin Shackelford
**	pine, shortleaf	<i>Pinus echinata</i>	Smith	48.09	151	91	68	259	9/26/2005	Larry Jones
	pine, southwestern white	<i>Pinus strobiformis</i>	Jeff Davis	31.21	98	86	43	195	5/17/2006	Oscar Mestas
**	pinyon, Mexican (Mexican pinyon pine)	<i>Pinus cembroides</i>	Brewster	21.34	67	57	40	134	12/7/2005	James E. Liles
**	pinyon, Mexican (Mexican pinyon pine)	<i>Pinus cembroides</i>	Brewster	23.57	74	49	37	132	12/7/2005	Robert Edmonson
	pinyon, papershell (remote pinyon	<i>Pinus remota</i>			NO CURRENT CHAMP					
	pinyon, twoneedle (pinyon pine)	<i>Pinus edulis</i>	Hudspeth	22.61	71	40	39	121	11/22/1996	
*	pistachio, American (Texas pistache)	<i>Pistacia mexicana</i>	Val Verde	10.19	32	21	31	61	8/24/2005	Mark Duff
	planertree (water elm)	<i>Planera aquatica</i>	Houston	38.54	121	36	55	171	9/10/1976	Larry D. Hendrick
	plum, Chickasaw	<i>Prunus angustifolia</i>	Lubbock	7.32	23	18	28	48	9/21/1989	Courtney Blevins
	plum, flatwoods	<i>Prunus umbellata</i>			NO CURRENT CHAMP					
**	plum, Mexican	<i>Prunus mexicana</i>	Harris	20.70	65	21	31	94	7/29/2003	Mickey Merritt
**	plum, Mexican	<i>Prunus mexicana</i>	Hood	21.66	68	17	17	89	8/8/2003	Frank L. Saffarrans
*	plum, wild goose	<i>Prunus munsoniana</i>	Dallas	7.96	25	36	35	70	5/14/2002	Steve Houser
	possumhaw (deciduous holly)	<i>Ilex decidua</i>	Lee	4.46	14	32	14	50	12/20/2004	Hugh Brown
*	potatotree (mullein nightshade)	<i>Solanum elaeagnifolium</i>	Hidalgo	6.69	21	24	26	52	9/25/2007	William MacWhorter
	pricklyash, Lime	<i>Zanthoxylum tagara</i>	Bee	5.73	18	15	30	41	8/8/1975	Ernest E. Miller

Texas Big Tree Registry										
A list of the largest trees in Texas Sponsored by Texas Forest Service										
Champion List for Species Native or Naturalized to Texas: Updated 5/13/2008										
Status	Common Name	Latin Name	County	Diameter "	Circumference"	Height'	Crown Spread'	Tree Index	Last Measured	Nominator
Δ	pride-of-Barbados (flowerfence,	Caesalpinia pulcherrima			NO CURRENT CHAMP					
Δ	princesstree (royal paulownia)	Paulownia tomentosa	Collin	16.24	51	28	36	88	5/14/2002	Steve Houser
Δ	privet, Chinese	Ligustrum sinense	Tarrant	11.46	36	23	24	65	9/26/2007	Geoff Sherman
Δ	privet, Japanese	Ligustrum japonicum	Nacogdoches	7.96	25	35	38	70	1/5/2005	Eric Hall
	redbay	Persea borbonia	Montgomery	36.94	116	52	49	180	4/21/1978	Ralph Childs
	redbud, eastern	Cercis canadensis var. canadensis	Upshur	24.84	78	42	40	130	4/7/1997	Marie Johnson
	redbud, Mexican	Cercis canadensis var. mexicana			NO CURRENT CHAMP					
*	redbud, Texas	Cercis canadensis var. texensis	Parker	25.80	81	20	39	111	6/10/2005	Judy Ratzlaff
	redcedar, eastern	Juniperus virginiana var. virginiana	San Augustine	59.55	187	78	47	277	5/29/2003	Floyd E. Boyett
	redcedar, southern	Juniperus virginiana var. silicicola	Montgomery	39.17	123	68	46	203	4/20/1992	Sam & Dorothy Robinson
	rosewood, slimleaf (Chisos)	Vauquelinia corymbosa ssp. angustifolia			NO CURRENT CHAMP					
Δ	Russian-olive	Elaeagnus angustifolia	Lubbock	26.11	82	39	39	131	8/28/1989	Courtney Blevins
*	saffron plum (coma)	Sideroxylon celastrinum	Hidalgo	18.47	58	27	39	95	10/5/2007	William MacWhorter
Δ	saltcedar	Tamarix ramosissima			NO CURRENT CHAMP					
	sassafras	Sassafras albidum	San Augustine	66.24	208	64	68	289	9/30/1992	Andy Snyder
	serviceberry, common	Amelanchier arborea			NO CURRENT CHAMP					
	serviceberry, Utah	Amelanchier utahensis			NO CURRENT CHAMP					
	silverbell, two-wing	Halesia diptera	Jasper	17.52	55	43	33	106	7/16/1996	D.A. Horn
	smoketree, American	Cotinus obovatus	Gillespie	12.42	39	12	18	55	8/23/2007	Robert Edmonson
	snowbell, American	Styrax americanus			NO CURRENT CHAMP					
	snowbell, bigleaf	Styrax grandifolius			NO CURRENT CHAMP					
	snowbell, sycamoreleaf	Styrax plataniifolius			NO CURRENT CHAMP					
*	soapberry, western	Sapindus saponaria var. drummondii	Aransas	34.39	108	61	65	185	12/17/2002	Karl Bartels
*	sophora, Texas (Eve's necklacepod)	Sophora affinis (Styphnolobium affine)	Real	23.57	74	41	44	126	10/28/2005	Mike Weathers & Steven
	spicebush, northern	Lindera benzoin	Nacogdoches	3.50	11	25	25	42	10/31/1993	Edward C. Fritz
	sugarberry (sugar hackberry)	Celtis laevigata var. laevigata	Nacogdoches	51.59	162	92	79	274	10/30/2001	Eric Hall
	sugarberry, Texan	Celtis laevigata var. texana			NO CURRENT CHAMP					
**	sumac, evergreen	Rhus virens var. virens	Uvalde	11.78	37	15	16	56	9/19/2006	Bill Graves
**	sumac, evergreen	Rhus virens var. virens	Comal	9.87	31	14	27	52	11/1/2005	William Schumann
	sumac, littleleaf	Rhus microphylla			NO CURRENT CHAMP					
	sumac, Mearns	Rhus virens var. choriophylla			NO CURRENT CHAMP					
	sumac, poison	Toxicodendron vernix			NO CURRENT CHAMP					
*	sumac, prairie (flameleaf sumac)	Rhus lanceolata	Gillespie	22.61	71	26	45	108	8/23/2005	Raymond C. Doggett
	sumac, smooth	Rhus glabra			NO CURRENT CHAMP					
	sumac, winged (shining sumac)	Rhus copallinum	Walker	3.50	11	23	10	37	9/25/2007	Eunice Hinson
	swamp-privet, eastern	Forestiera acuminata			NO CURRENT CHAMP					
	swamp-privet, Texas	Forestiera angustifolia			NO CURRENT CHAMP					
	sweetbay (sweetbay magnolia)	Magnolia virginiana	Hardin	37.58	118	94	52	225	2/21/2003	Edward C. Fritz
	sweetgum	Liquidambar styraciflua	Van Zandt	77.71	244	91	96	359	11/21/2006	Lillian Jones
	sweetleaf, common	Symplocos tinctoria	Newton	10.51	33	59	23	98	5/28/2001	Buddy Hollis
	sycamore, American	Platanus occidentalis	Houston	106.05	333	82	84	436	2/6/1986	Robert Grisham
(P)Δ	tallowtree (Chinese tallow)	Triadica sebifera	Harris	32.17	101	44	36	154	4/27/2008	David Petersen
Δ	tamarisk, African	Tamarix africana			NO CURRENT CHAMP					
Δ	tamarisk, athel	Tamarix aphylla			NO CURRENT CHAMP					

Texas Big Tree Registry										
A list of the largest trees in Texas Sponsored by Texas Forest Service										
Champion List for Species Native or Naturalized to Texas: Updated 5/13/2008										
Status	Common Name	Latin Name	County	Diameter "	Circumference"	Height'	Crown Spread'	Tree Index	Last Measured	Nominator
Δ	tamarisk, Chinese (five-stamen)	<i>Tamarix chinensis</i>			NO CURRENT CHAMP					
Δ	tamarisk, French	<i>Tamarix gallica</i>			NO CURRENT CHAMP					
Δ	tamarisk, smallflower	<i>Tamarix parviflora</i>			NO CURRENT CHAMP					
	titi, swamp (swamp cyrilla)	<i>Cyrilla racemiflora</i>	Hardin	5.73	18	32	21	55	6/3/1996	Edward C. Fritz
Δ	tobacco, tree	<i>Nicotiana glauca</i>			NO CURRENT CHAMP					
	torchwood, mountain (Sierra)	<i>Amyris madrensis</i>	Hidalgo	3.82	12	18	20	35	8/13/1995	Joe Ideker
Δ	tree-of-heaven (ailanthus)	<i>Ailanthus altissima</i>	Bexar	47.45	149	45	43	205	9/27/2003	Mark Peterson
	trumpetbush, yellow	<i>Tecoma stans</i>			NO CURRENT CHAMP					
	tupelo, swamp	<i>Nyssa biflora</i>			NO CURRENT CHAMP					
	tupelo, water	<i>Nyssa aquatica</i>	Jasper	48.09	151	110	61	276	7/23/2003	William Godwin
	viburnum, possumhaw	<i>Viburnum nudum</i>			NO CURRENT CHAMP					
	walnut, Arizona	<i>Juglans major</i>	Blanco	53.82	169	78	76	266	4/18/1989	John D. Weber
	walnut, black	<i>Juglans nigra</i>	Bowie	54.46	171	77	117	277	5/30/2007	Ronald W. Pippen
	walnut, little (Texas walnut)	<i>Juglans microcarpa</i>	Jeff Davis	43.63	137	48	56	199	5/17/2006	Oscar Mestas
	waterlocust (water honeylocust)	<i>Gleditsia aquatica</i>	Madison	26.75	84	63	47	159	6/30/1972	Elray S. Nixon
	waxmyrtle (southern bayberry)	<i>Morella cerifera</i>	Gregg	5.41	17	29	18	51	7/9/2006	Dencil Marsh
	willow, arroyo	<i>Salix lasiolepis</i>			NO CURRENT CHAMP					
	willow, black	<i>Salix nigra</i>	Dallas	72.93	229	45	58	289	4/22/2005	Kassandra McLaughlin
	willow, coastal plain	<i>Salix caroliniana</i>			NO CURRENT CHAMP					
	willow, Goodding's	<i>Salix gooddingii</i>			NO CURRENT CHAMP					
	willow, narrowleaf (sandbar)	<i>Salix exigua</i>	Hidalgo	6.05	19	39	16	62	7/23/1992	Joe Ideker
	willow, peachleaf	<i>Salix amygdaloides</i>			NO CURRENT CHAMP					
	willow, yewleaf	<i>Salix taxifolia</i>	Presidio	23.57	74	27	33	109	10/25/2000	Oscar Mestas
	witchhazel, American	<i>Hamamelis virginiana</i>	Tyler	1.91	6	26	10	35	8/14/1973	Edward C. Fritz
	yaupon	<i>Ilex vomitoria</i>	Hardin	10.19	32	21	24	59	6/23/2004	Frank Roberts
(P)	yaupon	<i>Ilex vomitoria</i>	Tarrant	9.55	30	20	24	56	9/26/2007	Geoff Sherman
(P)	yaupon	<i>Ilex vomitoria</i>	Dallas	7.01	22	27	21	54	4/15/2008	Bryan White
**	yucca, Faxon (Eve's-needle)	<i>Yucca faxoniana</i>	Brewster	22.93	72	23	10	97	12/13/2006	Oscar Mestas
**	yucca, Faxon (Eve's-needle)	<i>Yucca faxoniana</i>	Jeff Davis	23.25	73	19	7	94	7/21/2006	Oscar Mestas
	yucca, soaptree	<i>Yucca elata</i>			NO CURRENT CHAMP					
	yucca, Thompson (beaked yucca)	<i>Yucca thompsoniana</i>	Pecos	31.21	98	17	18	120	12/10/2007	Daniel Goodspeed
	yucca, Torrey	<i>Yucca torreyi</i>			NO CURRENT CHAMP					
	yucca, Trecul (Don Quixote's-lace)	<i>Yucca treculeana</i>			NO CURRENT CHAMP					

* National Champion ** National Co-Champion

(P) Pending measurement confirmation Δ Naturalized species

Web address: <http://texasforests.tamu.edu/>

Summary of Surrounding Cities Tree Preservation Requirements

	Eules	Bedford	Hurst	N. Richland Hills	Keller	Southlake	Grapevine	Colleyville
Mitigation Requirements	N/A	replant, inch-for-inch	replant, inch-for-inch; or pay at \$60 per caliper inch	replant, inch-for-inch; or pay at market rate per caliper inch	replant, inch-for-inch; or pay at \$100 minimum per caliper inch	replant, inch-for-inch; or pay at market rate per caliper inch	replant, inch-for-inch; or pay at market rate per caliper inch	replant, inch-for-inch; or pay at \$250 or \$500 per caliper inch
Minimum Preservation Requirements	N/A	no	no	no	no	yes	no	yes
Exempted Areas								
<i>Residential</i>	N/A	determined by building official	setback envelope, ROW, easements	setback envelope, ROW, easements, fire lanes	setback envelope, ROW, easements	per tree conservation plan for the property	setback envelope, ROW, easements	setback envelope, ROW, easements
<i>Commercial</i>	N/A	determined by building official	building footprint	building footprint	setback envelope, ROW, easements	per tree conservation plan for the property	building footprint	building footprint
Penalty for Violation	N/A	up to \$2,000 per day	up to \$2,000 per day plus \$100 per inch	up to \$500 per day or \$100 per inch	up to \$500 per day plus \$250 per inch	up to \$2,000 per day plus \$200 per inch	up to \$2,000 per day	up to \$2,000 per day
Exemptions from Preservation Requirements	N/A	city, utilities, staff determination	homeowner/ resident, city, utilities	homeowner/ resident, city, utilities	homeowner, city, utilities	homeowner/ resident, city, utilities	resident, city, utilities	resident, city, utilities
Enforcement Resources	N/A	building inspector	building inspector	code enforcement, building inspector	code enforcement, building/public works inspector	arborist/landscape architect	code enforcement, building inspector	third party consultant; mix of current development staff
Appeal Process	N/A	Building Commission	P&Z, then City Council	City Council	Tree Board	Tree Board; P&Z, then City Council	City Council	P&Z



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-2

Agenda Date 04/01/2014

Type Pre Council

Department City Manager

Title

Discussion of a Facility Naming Policy

Explanation

On November 16, 2004, through attached Resolution R-04-2470, the City Council approved a policy for naming and renaming park lands and facilities, which was recommended by the Parks and Recreation Advisory Board on November 1, 2004. At this time, the policy for naming and renaming park lands and facilities is the only naming policy in place for the City of Colleyville.

Staff recommends expanding the current policy to also include City facilities, park lands and facilities, street names, and other types of recognition. Establishing a broader, more comprehensive policy, will better ensure that consistent criteria and procedures are followed, regardless of the type of City facility. A proposed Facility Naming Policy, which has been expanded to include the items mentioned above, is attached for City Council discussion and consideration. The procedures relating to park lands and facilities, and guidelines for the manner in which facilities should be named, are unchanged from the current policy; additional sections, however, have been added. The guidelines for naming or renaming state that facilities should be named in the following manner: in honor of individuals who donate land or funds for park space, in honor of historical events, in honor of deceased national or state heroes, in honor of deceased community leaders, in relation to predominant characteristics or physical features of the land, in relation to subdivisions within the City, in relation to streets adjacent to the park, or in recognition of an individual due to special circumstances or events. Should the City Council wish to move forward with these changes, staff will bring forward this expanded policy for adoption at a future City Council meeting.

Attachments

1. Resolution R-04-2470
2. City of Colleyville Parks and Recreation Department Policy for Naming and Renaming Park Lands and Facilities
3. Proposed Facility Naming Policy

RESOLUTION R-04-2470

**A RESOLUTION APPROVING COUNCIL ACTION
UNDER CONSENT ITEMS AT THE REGULAR
COUNCIL MEETING NOVEMBER 16, 2004**

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

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

- Sec. 1. THAT the agenda decisions approved by Council action under Consent Items as follows are hereby adopted:
- a. THAT the minutes of the regular City Council meeting of November 3, 2004, are hereby approved.
 - b. THAT the minutes of the Joint City Council and Ethics Commission Worksession of October 27, 2004, are hereby approved.
 - c. THAT the donation of an oak tree from Goodacre Limited Partnership to be planted at Fire Station Number 3, is hereby approved.
 - d. That the Policy for naming and renaming park lands and facilities, are hereby approved.
 - e. THAT the approval to vacate a 10-foot wide water easement on Lot 1, Block 1, Brown Trail, located at 4109 and 4201 Brown Trail, is hereby approved.

AND IT IS SO RESOLVED.

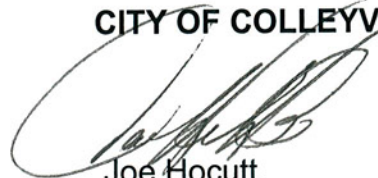
APPROVED ON THIS THE 16th DAY OF November 2004, BY A VOTE OF 5 AYES, 0 NAYS AND 0 ABSTENTIONS.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



Joe Hocutt
Mayor

**CITY OF COLLEYVILLE
PARKS AND RECREATION DEPARTMENT**

POLICY FOR NAMING AND RENAMING PARK LANDS AND FACILITIES

A. PROCEDURE FOR NAMING AND RENAMING PARK LANDS AND FACILITIES

1. All requests for naming and renaming park land and facilities shall be made in writing to the Colleyville Parks and Recreation Advisory Board
2. The Chairman of the Colleyville Parks and Recreation Advisory Board shall name a committee that will be responsible for recommending a name for all park lands and facilities to the Board.
3. The committee shall be responsible for research, study and recommendation of a proposed name to the Advisory Board. Rationale for the selection of the recommended name shall be given in writing.
4. The Parks and Recreation Advisory Board shall approve or disapprove of the name recommended by the committee.
5. If the committee's recommendation is disapproved by the Advisory Board, then the matter may be referred back to the committee for further action.
6. Upon approval, the recommended name will be forwarded to the City Council for their final consideration and action.

B. GUIDELINES FOR NAMING OR RENAMING PARK LANDS AND FACILITIES

1. Park lands and facilities shall be named within sixty days after acquisition, construction completion or at the earliest possible time.
2. Park lands and facilities shall be named in the following manner:
 - a. In honor of individuals who donate land or funds for park space;
 - b. In honor of historical events;
 - c. In honor of deceased national or state heroes;
 - d. In honor of deceased community leaders;
 - e. In relation to predominant characteristics or physical features (lake, trees, stream, river) of the land;
 - f. In relation to sub-divisions within the City;
 - g. In relation to streets adjacent to the park;
 - h. In recognition of an individual due to special circumstances or events.
3. Facilities that are a part of or lie within the boundaries of a park will normally bear the name of that park unless otherwise determined by the Parks and Recreation Advisory Board and/or City Council.

Proposed

CITY OF COLLEYVILLE

FACILITY NAMING POLICY

I. PROCEDURE FOR NAMING AND RENAMING

A. FACILITIES

1. All requests for naming and renaming City facilities shall be made in writing to the Colleyville City Council, with a stated justification for the particular recommendation.
2. Following a review of recommendations, suggestions, and public comments, the City Council shall determine the name for City facilities.

B. PARK LANDS AND FACILITIES

Note: Facilities that are a part of, or lie within the boundaries of a park, will normally bear the name of that park, unless otherwise determined by the Parks and Recreation Advisory Board and/or City Council.

1. All requests for naming and renaming park land and facilities shall be made in writing to the Colleyville Parks and Recreation Advisory Board.
2. The chair of the Colleyville Parks and Recreation Advisory Board shall name a committee that will be responsible for recommending a name for all park lands and facilities to the Advisory Board.
3. The committee shall be responsible for research, study, and recommendation of a proposed name to the Advisory Board. Rationale for the selection of the recommended name shall be given in writing.
4. The Parks and Recreation Advisory Board shall approve or disapprove of the name recommended by the committee.
5. If the committee's recommendation is disapproved by the Advisory Board, then the matter may be referred back to the committee for further action.
6. Upon approval, the recommended name will be forwarded to the City Council for their final consideration and action.

C. STREET NAMES

1. Proposed street names shall be submitted by the developer to the Community Development Director for approval.
2. Proposed changes to existing street names shall be submitted to the Community Development Director, but must be approved by the City Council.

D. OTHER RECOGNITION

1. The City of Colleyville Facility Naming Policy does not preclude additional opportunities for recognition. For example, the City Council may honor an individual or event with a memorial or permanent marker at a City facility or park. Donations made by individuals or businesses may also be recognized on a donor wall or other appropriate manner.

II. GUIDELINES FOR NAMING OR RENAMING

A. Facilities shall be named within sixty days after acquisition, construction completion, or at the earliest possible time.

B. Once adopted, name changes should occur on an exceptional basis only and must follow the same criteria for naming new facilities.

C. Facilities shall be named in the following manner:

1. In honor of individuals who donate land or funds for park space;
2. In honor of historical events;
3. In honor of deceased national or state heroes;
4. In honor of deceased community leaders;
5. In relation to predominant characteristics or physical features (lake, trees, stream, river) of the land;
6. In relation to subdivisions within the City;
7. In relation to streets adjacent to the park;
8. In recognition of an individual due to special circumstances or events.

D. Streets shall be named in the following manner:

1. Based on the recommendation of the developer and approval by the Community Development Director.
2. In general, every effort should be made to avoid using the same name on more than one street, even if the name would vary by designation as a Street, Lane, Circle, Drive, etc.



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-3

Agenda Date 04/01/2014

Type Pre Council

Department City Secretary

Title

Discussion of the April 1, 2014, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

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

Agenda Number 1

Agenda Date 04/01/2014

Type Executive Session

Department City Secretary

Title

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

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

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

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

Attachments

RESOLUTION R-14-3735

**A RESOLUTION APPROVING CITY COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF APRIL 1, 2014**

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

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

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

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 1ST DAY OF APRIL 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 3

Agenda Date 04/01/2014

Type Announcements, Proclamations and Presentations

Department City Council

Title

Proclamation in recognition of Keep America Beautiful and Keep Colleyville Beautiful Great American Cleanup and Arbor Day in Colleyville, April 5, 2014 - Brenda Ritz, Chairman, Keep Colleyville Beautiful Committee

Recognition of 2014 Warrant Round-Up Participants

Presentation of the Administrative Excellence in Government or Public Service Award for Core 24 Admin Awards to Joyceinne Williams - Mayor David Kelly

Attachments

1. Proclamation in recognition of Keep America Beautiful and Keep Colleyville Beautiful Great American Cleanup and Arbor Day in Colleyville

Proclamation

CITY OF

Colleyville,
Texas

WHEREAS: Keep America Beautiful, Inc., a national not-for-profit organization dedicated to helping individuals improve their community environment, established the Great American Cleanup as the signature national effort for involving American citizens in environmental stewardship; and

WHEREAS, the City of Colleyville is proud of its natural resources and neighborhoods and seeks to protect and improve our community through the action of citizens, schools, governments, and businesses working together; and

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees reduce the erosion of precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife and Arbor Day is observed throughout the world and has become a day dedicated to the beauty, usefulness and preservation of trees; and

WHEREAS, the City of Colleyville is celebrating their 16th year of being designated a Tree City USA community.

NOW, THEREFORE, I, DAVID KELLY, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the Colleyville City Council do hereby proclaim April 5, 2014 as the

**KEEP AMERICA BEAUTIFUL AND KEEP COLLEYVILLE BEAUTIFUL
GREAT AMERICAN CLEANUP AND ARBOR DAY IN COLLEYVILLE**

and call upon our citizens to join in the activities that promote responsible environmental stewardship and help us renew our commitment to building a better world today and for future generations.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville, Texas, affixed this 1st day of April 2014.




Mayor



RESOLUTION R-14-3736

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
APRIL 1, 2014**

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

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of March 18, 2014
 - b. Approval of a City/Developer Agreement for the Country Way and Park Place Additions, located in the 700 block of L.D. Lockett Road, and authorizing the city manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 1ST DAY OF APRIL 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Minutes - Draft

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

Tuesday, March 18, 2014

City Council Chambers

Mayor David Kelly called the Pre Council meeting of the Colleyville City Council to order on March 18, 2014, at 5:30 p.m.

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

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

PC-1 Presentation of the 2014 Citizen Survey results

Strategic Services Manager Adrienne Lothery presented this item and briefed City Council. Andrea Thomas with National Service Research was also present to answer City Council questions regarding the survey results.

Mayor Kelly stated the demographics of the persons who responded may have an influence on the results of some of the questions, such as Q1b specifically to the mobile apps. Ms. Thomas concurred.

Councilmember Mogged questioned staff regarding if this question would compare to the 2012 survey. Manager Lothery explained this is a new question for the 2014 survey.

Mayor Kelly stated the respondents filled out paper surveys, but the survey results indicate they prefer online. Councilmember Short concurred.

Councilmember Hart questioned staff regarding question Q1c. Ms. Thomas replied that the respondents prefer for the survey to be "send it to me directly, I don't want to have to go to a link." She added they prefer to take the survey online.

Councilmember Mogged questioned staff regarding if question Q4 has the streets listed in the frequency of comment order. Ms. Thomas replied not exactly. She further added she does have a chart with the percentages listed. Councilmember Mogged stated he would like to see the chart.

Mayor Pro Tem Taylor questioned staff regarding if the streets are ranked in the order in which they scored. Ms. Thomas replied not exactly.

Mayor Kelly questioned Ms. Thomas regarding if everyone responded to this question. Ms. Thomas replied no. She stated there were 408 total mentions of traffic control, and Glade Road was number one at nine percent. She stated there were several mentions of SH26, but they would also mention SH26/John McCain, SH26/Hardage, and SH26/Tinker. She further explained the streets and percentages.

Mayor Kelly stated the total number of respondents for each street would be beneficial to compare the relationship. Ms. Thomas stated it can be provided.

Mayor Pro Tem Taylor questioned Ms. Thomas regarding if there was a higher than nine percent response for question Q4. Ms. Thomas replied not on the traffic issues.

Mayor Pro Tem Taylor questioned Ms. Thomas regarding the "more trail connections to other trails," percentage? Ms. Thomas replied 18.5 percent.

Mayor Pro Tem Taylor stated he automatically thought the listings were ranked from highest to lowest.

Mayor Pro Tem Taylor stated the 98 percent seems extremely high for the overall quality of life in Colleyville in question Q7a. He further referenced the technical notes. Ms. Thomas replied City Council can be 95 percent confident that the results are accurate, within a plus or minus of three percent.

Mayor Pro Tem Taylor questioned staff regarding a previous discussion at the City Council Candidate Orientation. City Manager Jennifer Fadden explained this is not a random sample survey.

Councilmember Hall stated the margin of error is three percent. Ms. Thomas stated the response rate was also very high and that the "No Opinion" responses were included.

City Manager Jennifer Fadden questioned Ms. Thomas regarding what the difference may be if it were a random sample. Ms. Thomas replied it would be the same, however it depends on the number of responses.

Mayor Pro Tem Taylor questioned Ms. Thomas regarding if the higher number of responses received by this survey are comparable to a smaller random sample. Ms. Thomas replied yes. She further explained using an exhibit for the respondents. Mayor Pro Tem Taylor stated everyone needs to see this exhibit. Ms. Thomas stated she would provide this information to everyone.

Councilmember Wollin questioned Ms. Thomas regarding what were the other metroplex cities, as referred to in question Q7c. Ms. Thomas replied cities such as Grapevine and Fort Worth.

Mayor Pro Tem Taylor questioned staff regarding if the respondents are satisfied with athletic fields, or is there a change in the demographics of the City that there is no longer a need for them? Manager Lothery stated it is a little bit of both. Mayor Kelly concurred, and stated the higher age and the demographics of the respondents speak to that, they are not using those athletic fields.

Mayor Pro Tem Taylor stated the answers, to some of the other questions, add to that too, in that the respondents want more passive improvements to the park facilities.

Councilmember Short added some of the demographics could be drilled down a little to know better the age of the respondents.

Councilmember Mogged stated especially as it relates to playing versus practice fields. Ms. Thomas stated there were open ended questions from respondents asking, "Why can't we use parks for practice?"

Mayor Pro Tem Taylor concurred, every year that is a concern for most, especially the select teams. He stated accommodations cannot be made for everyone.

Ms. Thomas stated she could provide the specific comments about each park.

Councilmember Wollin questioned staff regarding if there were any comments about the splash pad. Ms. Thomas replied some were a little upset about the watering restrictions with the splash pad.

Mayor Kelly questioned staff regarding if question Q11a is a new question. Manager Lothery replied yes.

Councilmember Wollin stated people do not receive medical attention monthly, as seen in question Q11a. Manager Lothery explained that there may be some other comparison data.

Mayor Pro Tem Taylor questioned staff regarding what types of big box retailers. Ms. Thomas replied those such as Lowes and Home Depot.

Mayor Kelly questioned staff regarding if question Q12 should be "what types of retail are needed," or "what types are more or additionally needed?" Manager Lothery replied it can be interpreted as being more; however, they may be responding since Whole Foods is not yet there.

Councilmember Mogged stated the confusion is there, either "we need what we have, or we need to get more."

Mayor Kelly stated the respondents stated there is a high need for additional trails and sidewalks; however, when asked to prioritize the needs, additional trails and sidewalks were lower on the list.

Mayor Pro Tem Taylor questioned staff regarding what was the purpose in the separation of trails and sidewalks, as listed as numbers five and six on question Q14b? Manager Lothery stated in order to show the importance of trail connection versus the standard sidewalks. Mayor Pro Tem Taylor stated they are both needed.

Councilmember Mogged questioned Ms. Thomas regarding if those two items would move up in the list if they had been listed as one item versus two. Ms. Thomas stated she would have to review it to get the exact counts. She stated she did not feel there would be a significant difference.

Mayor Pro Tem Taylor questioned Ms. Thomas regarding "slow down traffic in neighborhoods for question Q14b, were any particular streets or neighborhoods listed? Ms. Thomas replied no.

Mayor Pro Tem Taylor questioned Ms. Thomas regarding the number of respondents for that question. Ms. Thomas replied 1,325.

Councilmember Wollin questioned Ms. Thomas regarding if number one was weighted more heavily than the second in question Q14b. Ms. Thomas replied no, they were equal.

Councilmember Short questioned staff regarding the demographics of the respondents from previous years. Manager Lothery used an exhibit to show the 2010 census data versus the 2014 survey respondents. Ms. Thomas stated the census data includes the entire population, including children under the age of 18. She stated if the head of household age was reflected, the comparisons on the chart would be very similar. Manager Lothery explained 7.5 percent of the citizens of Colleyville are between the ages of 20-34.

Councilmember Short stated it appears that there is about a 10 year shift between folks on the ground versus the respondents. Manager Lothery stated the age groups, for example 35-44, and the differences in the respondents are not that different.

Councilmember Mogged stated the older population responded. Ms. Thomas stated 13 percent responded of having college age students living at home.

PC-2 Discussion of second story window requirements for new residential construction

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

Mayor Pro Tem Taylor stated there have been a number of projects where the requirement is that there shall be no windows on the second floor or sides. He stated long term it affects the resale of the property; it no longer has the same opportunities as other properties. He stated he would rather the standards be set higher. He stated there are public safety issues involved.

Mayor Kelly stated currently, windows can be placed in the bedroom area, at least one. He stated if it is a PUD situation, they have to ask for a waiver to this requirement.

Mayor Kelly questioned staff regarding what happens if there is a bedroom where they have been exempted windows. Director Ruthven stated the building code overrides any PUD requirement; therefore they could not put in a bedroom, it would then be classified as storage, but not a bedroom. He stated this issue has been covered with the building inspectors.

Councilmember Short stated the applicant could opt to not put in a bedroom on the second floor. Director Ruthven concurred.

Mayor Pro Tem Taylor stated City Council faces these issues only when a developer comes in and the adjacent property owners do not want the second floor windows. Director Ruthven concurred.

Mayor Kelly explained that the developer is only requesting the "no windows" when the neighbors are requesting the developer to not put in any windows.

Councilmember Mogged questioned staff regarding if we restrict one side, they still have the option to place the windows on the other sides, unless the other sides are limited.

Mayor Pro Tem Taylor stated there have been instances where the structures are close together. He stated the problem becomes when someone wants to remodel their structure.

Mayor Kelly questioned staff regarding if any provisions are such that they cannot be waived. Director Ruthven stated there is nothing in the code, other than the building code, that would prevent a waiver to be requested.

Mayor Kelly stated there are no windows on the back side of his home; however, there are windows in the bedrooms. He stated every side of the house should not be so that each side has a window.

Mayor Pro Tem Taylor stated being uncomfortable with there being no windows in the bedrooms.

Councilmember Short stated there needs to be something in place to protect the privacy of the folks who already exist. Mayor Pro Tem Taylor concurred.

Councilmember Short stated the differentiation may be that the prospect of having one single family home, rather than three single family homes, adjacent to the property, is impacted by those multiple homes versus just the one.

Councilmember Hall stated he has seen windows blacked-out for media rooms.

Mayor Pro Tem Taylor stated there are times when kids are sleeping over with friends and they sleep in the media room.

Mayor Kelly stated it is incumbent upon City Council to make those proper decisions.

Councilmember Hart stated this only effects a few platted developments.

Mayor Pro Tem Taylor stated this goes back to property rights.

Councilmember Short stated if the homes are comparable in size and set-back an equal distance, we have an obligation to protect the existing neighbors.

Councilmember Mogged stated elevation plays into this as well, especially if one home sits higher than another.

Mayor Pro Tem Taylor stated they should use obscure glass, and natural sunlight is needed for efficient homes. He stated the perspective has to be considered.

PC-3 Update and discussion on the SH26/Colleyville Boulevard Reconstruction Project, and the Tinker Road/Oak Pointe Drive and SH26 Intersection

City Engineer Jeremy Hutt presented this item and briefed City Council.

Councilmember Hall questioned staff regarding the March 2015 date. Engineer Hutt replied it is for Phase I.

Councilmember Mogged questioned staff regarding if the \$270,000 would be for the temporary road. Engineer Hutt replied yes, a temporary road and signal with no use.

Councilmember Mogged questioned staff regarding how much would be wasted, not applicable down the road, due to the final configuration. Engineer Hutt replied approximately \$440,000 would be the transitional pavement, and an additional \$300,000 for drainage between Hall-Johnson Road and Tinker Road.

Councilmember Hall questioned staff regarding the timing for option five for a complete road re-build. Engineer Hutt replied the next phase of construction, which is Brown Trail to Hall-Johnson Road, is to be let in December. He added this option would not necessarily be constructed at the same time, depending on the contractor.

Councilmember Hall questioned staff regarding how long to complete the middle section, if done by itself? Engineer Hutt replied the plans are almost ready, and once the funding was identified, within 12 months.

Mayor Kelly stated the decision which needs to be made is, what to do with the balance of SH26. Councilmember Hall stated the Tinker Road intersection needs to be addressed.

Mayor Kelly stated there are options, such as going through the business complex adjacent to this development.

Mayor Pro Tem Taylor questioned staff regarding if there is any news on the TxDOT pass through, which may take care of this problem. City Manager Jennifer Fadden replied that there is no additional news, at this time.

Mayor Pro Tem Taylor stated being sure the residents want this to be done correctly.

Councilmember Short stated it appears options one and two can be done within 12 months; however, everything else is outside of that timeframe.

Mayor Kelly stated those residents knew this was going to be considered with future adjustments to this intersection.

Mayor Pro Tem Taylor questioned City Council regarding if these residents have spoken to the residents of Broughton to use as access. Councilmember Mogged stated the Broughton Homeowners Association did not go for that option.

Mayor Kelly stated there are other remedies; he added he would not want to use capital funds for this particular project.

Councilmember Hart questioned staff regarding if an additional 30 days is needed. City Manager Jennifer Fadden explained that Councilmember Mogged has requested this item be on the agenda, monthly, in which to discuss it. She stated there may be times when staff does not have a lot of information in addition to the reports being sent. She stated as soon as she has an update from TxDOT, she will provide that to City Council. She stated TxDOT does, however, need an answer by July 1 on whether or not the City wants to proceed with constructing this phase.

Councilmember Hall questioned staff regarding if it would cost a lot to improve Wyatt Drive. Engineer Hutt replied it would cost approximately \$50,000 to rehabilitate the existing pavement.

Mayor Pro Tem Taylor questioned staff regarding the vehicular traffic from Oak Pointe Drive. Engineer Hutt replied he did not have that number. Councilmember Mogged stated there are about 300 trips per day.

Councilmember Mogged questioned staff regarding if there are any options for a grant for safety situations. Engineer Hutt replied there are, however, they take a lot of time and effort to acquire. He stated the focus is currently on the entire SH26 corridor, as a whole. City Manager Jennifer Fadden stated there is a current call for project from TxDOT. She stated currently the City has engaged an engineer to help us with that application for this particular intersection. She stated since she does not know what the odds are for receiving this, she does not want City Council to expect to rely on the grant.

Mayor Kelly stated there have been options since day one, therefore solutions are in the future.

Mayor Pro Tem Taylor stated there is other information needed.

PC-4 Discussion of a date to conduct a worksession for the Glade Road Project and Development Review Process

City Manager Jennifer Fadden presented this item and briefed City Council. Councilmembers expressed that April 16 would be good for a worksession at 6:00.

PC-5 Presentation of the Monthly Financial Report - February 2014

There was no discussion of this item.

PC-6 Discussion of the March 18, 2014, City Council regular agenda items

Mayor Kelly adjourned the Pre Council meeting at 7:01 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Kelly at 7:43 p.m.

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

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Parks and Recreation and Library Director Mary Rodne, Human Resources Director Michelle Reyes, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Planning and Development Coordinator Mary Elliott, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Parks Superintendent Tim Hightshoe, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley.

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

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

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

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

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

Mayor Kelly explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. The meeting was recessed at 7:01 p.m. and reconvened at 7:02 p.m.

INVOCATION: Pastor Brandon Beard, Compass Christian Church

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-14-3726

Mayor Kelly read Resolution R-14-3726 in its entirety.

Mayor Kelly opened the public hearing at 7:44 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 7:44 p.m.

Councilmember Hart moved to approve Resolution R-14-3726. Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

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

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS
Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition

Councilmember Hall stated the Citizens on Patrol convention held last Saturday, March 15, was a great success.

Mayor Kelly announced the Colleyville Fire Department is accepting applications for the Citizens Fire Academy. This is a six-week program with classes every Thursday evening. Classes are conducted from 6:30 to 9:30 p.m. and at least half of each class is a hands-on, interactive experience in firefighting. This year's Academy runs from March 27 through May 1. The free program is available to Colleyville residents and those who work in Colleyville, and is open to both men

and women. The class is offered free of charge as a service to those who live and/or work in Colleyville. The Colleyville Fire Department's Citizens Fire Academy is offered only once each year. Class size is limited to 12. Participants must be 18 or older. Applications are available at the Central Fire Station or online. Applications must be received by March 21. He further explained the class schedule for each week.

City Manager Jennifer Fadden announced Standard & Poor's Ratings Services has upgraded the City's waterworks and sewer system bonds from AA-plus to AAA. The upgrade reflects the system's "very strong" coverage and liquidity levels, coupled with a rapid debt amortization schedule. Standard & Poor's also cited the low debt burden and bond provisions—all emblematic of sound, financial management—as further reasoning for the upgrade. This is the City's third AAA rating; the others are for general obligation (ad valorem tax) bonds and drainage utility bonds—giving the City an AAA trifecta. According to Jim Sabonis of First Southwest, the City's Financial Advisor, Colleyville may be the only city in the State of Texas to carry AAA ratings on three types of bonds.

She expressed her congratulations to the Mayor and City Council for setting and guiding the community's high financial expectations, and of course to Terry Leake, who has been our consistent, tenacious steward of the City's finances for now more than 23 years.

Presentation from the Viva La Run race series with Costa Vida and Brooks Shoes, sponsored by Luke's Locker, 5505 Colleyville Boulevard, Suite 102 - Mark Murphy and Paul Hudson - Mayor David Kelly and Economic Development Director Marty Wieder

Mark Murphy, Luke's Lockers presented the City of Colleyville with an \$812.00 check from proceeds of the participation in the Viva La Run race series with Costa Vida and Brooks Shoes, sponsored by Luke's Locker, for the sidewalks and trails fund. Mayor David Kelly and Economic Development Director Marty Wieder expressed their appreciation to Mr. Murphy.

In recognition of Colleyville's featured business - HOOKS U Salsa, P.O. Box 124, Colleyville, Zoubida Hooks, Owner/Creator - Mayor David Kelly and Economic Development Director Marty Wieder

Mayor David Kelly and Economic Development Director Marty Wieder recognized Zoubida Hooks, Owner/Creator of HOOKS U Salsa, as the featured business. Ms. Hooks expressed her appreciation to Mayor David Kelly and Economic Development Director Marty Wieder.

Recognition of employees' years of service

Mayor Kelly recognized the following employees for years of service.

Police Officer Andrew Bray, Youth Services Assistant Dayle Callender-Aggor, Police Officer Micah Hayman, Strategic Services Manager Adrienne Lothery, City Manager Jennifer Fadden, Police Officer John Retzos, Pump Maintenance Operator Scott Ham, Administrative Secretary Kathy Moore, and School Resources Officer Gary Moore, for their years of service.

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-14-3727

- 4a** Approval of the minutes of the regular City Council meeting of February 18, 2014
- 4b** Approval of the minutes of the City Council Worksession of March 3, 2014
- 4c** Approval of a Toshiba Business Solutions Lease and Maintenance Agreement for multi-function photocopiers, for a period of 63 months, and authorizing the city manager to execute the agreement
- 4d** Approval of a construction contract with JLB Contracting, LLC, for the Fiscal Year 2014 Street Reclamation and Miscellaneous HMAC Project, in an amount not to exceed \$1,967,150, with an option to renew four additional years, and authorize the city manager to execute the contract

Mayor Kelly read Resolution R-14-3727 in its entirety.

Mayor Kelly opened the public hearing at 8:04 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:04 p.m.

Mayor Pro Tem Taylor questioned staff regarding if an inventory has been done for the entire City. Strategic Services Manager Adrienne Lothery replied yes, and she further explained the inventory process.

Mayor Pro Tem Taylor questioned staff regarding if the inventory included areas in which there is heavy traffic for one copier versus another. Manager Lothery replied yes, and an additional multi-function copier has been added for that reason.

Mayor Kelly questioned staff regarding if an inventory had been done in the past. City Manager Jennifer Fadden briefly explained the past inventory and Manager Lothery added with an end result in the reduction of 27 desktop printers.

Mayor Pro Tem Taylor questioned staff regarding if this contract will allow for cubic allotments of materials. Engineer Hutt replied yes, to use throughout the City as needed.

Councilmember Mogged questioned staff regarding last year's contract versus this year's contract, are there any issues related to the quality or timeliness, or is this strictly a price change? Engineer Hutt replied there were scheduling conflicts with the Interlocal Agreement from last year, especially since Colleyville was not the primary holder of the contract.

Councilmember Mogged questioned staff regarding if there will be an improvement with the timeliness and the economics of it as well. Engineer Hutt concurred.

Councilmember Mogged questioned staff regarding if 100 percent of the allocation was spent last year. Engineer Hutt replied about the same dollar amount on asphalt construction, however, there was carry-over from 2012, therefore this is about twice what has been done on an annual basis to account for those needs appearing on major arterials that cannot be performed in-house.

Councilmember Wollin moved to approve Resolution R-14-3727. Councilmember Hall seconded the motion.

The motion to approve carried by the following vote:

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

5. CONTINUED: READING AND PUBLIC HEARING

5a Ordinance O-14-1908

Approval of amendments to Chapter 3 - Land Use, Section 3.27-Carport Regulations in the Land Development Code, Case GC13-026

Mayor Kelly read the caption of Ordinance O-14-1908 in its entirety.

Planning and Development Coordinator Mary Elliott presented the item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:13 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:13 p.m.

Mayor Kelly stated the maximum of 600 square feet, with four parking spaces was the previously allowed; however, the revision will allow for six parking spaces but any number above six would require approval by the Planning and Zoning Commission.

Councilmember Hall questioned staff regarding if the existing carports would be legal non-conforming. Coordinator Elliott replied correct, and with reconstruction, they would have to comply with the code requirements.

Mayor Kelly questioned staff regarding what would happen if the material coverings are damaged by the weather. Director Ruthven stated those are considered tents, therefore they would not be allowed to be reconstructed as they currently exist.

Mayor Pro Tem Taylor questioned staff regarding if those can be reconstructed. Director Ruthven replied no.

Councilmember Hart moved to approve Ordinance O-14-1908. Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

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

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

6a Ordinance O-14-1911

Approval of an amendment to the Code of Ordinances, Part II, Appendix A, Water and Sewer Policy and Procedures Manual, relating to the rates for use of fire hydrant meters

Mayor Kelly read the caption of Ordinance O-14-1911 in its entirety.

Public Works Director Bob Lowry presented the item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:19 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:19 p.m.

Mayor Kelly questioned staff regarding if the ordinance will allow for the future rate increases for the Trinity River Authority (TRA). Director Lowry replied yes, it will automatically adjust with the annual rate increases. City Attorney Matthew Boyle concurred.

This is the first reading of this item; therefore, City Council did not take any action on this item during this meeting.

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-14-3728

Consideration of appointments to the Colleyville Center Advisory Committee

Mayor Kelly read Resolution R-14-3728 in its entirety.

Mayor Kelly opened the public hearing at 8:21 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:21 p.m.

Mayor Kelly moved to approve Resolution R-14-3728, appointing Judith Goodwin and Tevon Taylor to at-large positions, to a term expiring December 2015. Mayor Pro Tem Taylor seconded the motion.

The motion to approve carried by the following vote:

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

7b Resolution R-14-3729

Consideration of appointments to the Colleyville Tree Board

Mayor Kelly read Resolution R-14-3729 in its entirety.

Mayor Kelly opened the public hearing at 8:22 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:22 p.m.

Councilmember Short moved to approve Resolution R-14-3729, appointing Ajit Purandare, representing the Parks and Recreation Advisory Board, Brenda Ritz, Nancy Coplen, and Natalie Genco,

representing Keep Colleyville Beautiful, to serve a term to December 2015, concurrent with their terms on the Parks and Recreation Advisory Board, and Keep Colleyville Beautiful. Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

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

7c Resolution R-14-3730

Consideration of appointments to the Park Land Dedication Committee

Mayor Kelly read Resolution R-14-3730 in its entirety.

Mayor Kelly opened the public hearing at 8:24 p.m.

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

Councilmember Wollin moved to approve Resolution R-14-3730, appointing Leti Carson, to serve with a term expiring December 2015 and Suzanne Hughes, to serve with a term expiring December 2014. Mayor Pro Tem Taylor seconded the motion.

The motion to approve carried by the following vote:

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

7d Resolution R-14-3731

A resolution authorizing participation in, and acceptance of, non-matching grant funding for the mobile crime scene unit, and designating the city manager as the authorized official

Mayor Kelly read Resolution R-14-3731 in its entirety.

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

Mayor Kelly opened the public hearing at 8:28 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:28 p.m.

Councilmember Mogged questioned staff regarding how this would have helped given the recent incident on Lexington. Chief Holder replied this could not be discussed given the current investigation; however, with a major crime scene, outside agencies are relied upon, with a significant time delay. He stated moving forward is difficult when working with other agency timeframes. He stated if this is done in-house, the time can be cut by a third.

Mayor Pro Tem Taylor questioned staff regarding if training is included with this grant. Chief Holder replied the officers are currently in the process of training the detectives, and some are already highly trained officers. He added there will be cross training to take place as well.

Mayor Pro Tem Taylor questioned staff regarding if there is a benefit to having another agency assist with crime scene investigations. Chief Holder replied not necessarily. He added he would rather control the scene so that the liability, in the vast majority of cases, is controlled within the department policies.

Mayor Kelly questioned staff regarding if this training will include the Colleyville CSI team. Chief Holder replied they will be a part of the crash team.

Mayor Pro Tem Taylor questioned staff regarding not seeing an amount. Chief Holder stated it is capped at \$84,000, and not specific to a vendor.

Councilmember Hart moved to approve Resolution R-14-3731. Councilmember Hall seconded the motion.

The motion to approve carried by the following vote:

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

7e Resolution R-14-3732

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

Mayor Kelly read Resolution R-14-3732 in its entirety.

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

Mayor Kelly opened the public hearing at 8:37 p.m.

Bret Pedigo, Terra/Manna, presented this item and briefed City Council.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:39 p.m.

Mayor Kelly questioned staff regarding if the Master Thoroughfare Plan designates Heritage Avenue as a four lane, divided street. Director Ruthven replied correct.

Mayor Kelly questioned staff regarding if this plat will accommodate the 65 foot right-of-way, the 10 foot trail, and any additional needs for drainage. Director Ruthven replied yes.

Mayor Kelly moved to approve Resolution R-14-3732. Councilmember Short seconded the motion.

The motion to approve carried by the following vote:

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

7f Resolution R-14-3733

Consideration of a waiver request to Section 42-27(13)c(8) of the Colleyville Code of Ordinances regarding restrictions on construction working hours

Mayor Kelly read Resolution R-14-3733 in its entirety.

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

Mayor Kelly opened the public hearing at 8:43 p.m.

Scott Woodruff, Centennial Real Estate Management, presented this item and briefed City Council.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:44 p.m.

Mayor Kelly questioned Mr. Woodruff regarding if any trucks will be working in the back of the center with the extended work hours. Mr. Woodruff replied nothing other than the staging of the materials, which will be picked up through the backside of the Whole Foods area.

Mayor Kelly stated the only concern is noise from movement on Sunday.

Councilmember Hall questioned Mr. Woodruff regarding if the planned opening day is July 8. Mr. Woodruff replied yes.

Mayor Pro Tem Taylor stated not having an issue with the extended work hours; however, the extended work hours on the weekends, with the hard construction noises, is really an issue. Mr. Woodruff stated most of the work is being done on the front side of the building. He stated the backside of the building will be painted. He stated the backside work will be completed during the normal work hours.

Mayor Kelly stated this will help them to move along with completing the project.

Councilmember Short questioned staff regarding what has been the past experience with the contractor following the rules. Director Ruthven replied they were given a warning by the Police Department that is why they are requesting this extension of the work hours.

Councilmember Hall stated there are others who are currently violating this ordinance.

Councilmember Wollin questioned staff regarding how the sound noise will be monitored. Director Ruthven replied it would be taken strictly on a complaint basis, if the residents call it in and complain.

Mayor Kelly stated hopefully the contractor will follow these standards.

City Manager Jennifer Fadden recommended citizens to call 9-1-1 or the non-emergency number for dispatch if they witness an event with construction noise. She stated an officer will then be dispatched as the workload will allow.

Councilmember Hall moved to approve Resolution R-14-3733 with the amendment to allow Monday through Friday only extended operating hours until 8:00 p.m., with an expiration of this waiver on July 8, 2014. This motion died for the lack of a second.

Mayor Pro Tem Taylor stated he would like the extended hours to apply to Sunday, and apply to the same requirements, to the street and inside.

Mayor Pro Tem Taylor moved to approve Resolution R-14-3733 with the additional amendment to extend the Monday through Saturday work hours by two hours, with the same requirements as the Sunday consideration in this resolution.

Councilmember Wollin stated the times for Sunday were not mentioned specifically in the motion. Mayor Pro Tem Taylor stated he thought it was until 6:00 p.m. Councilmember Wollin stated it was not specific to the time.

Mayor Pro Tem Taylor questioned Mr. Woodruff regarding if Saturday and Sunday, 8:00 a.m. to 6:00 p.m., would work. Mr. Woodruff replied yes.

Mayor Pro Tem Taylor questioned Mr. Woodruff regarding if Monday through Friday, 7:00 a.m. to 8:00 p.m. would work. Mr. Woodruff replied yes.

City Manager Jennifer Fadden clarified the request is for work hours to be Monday through Saturday, 7:00 a.m. to 8:00 p.m.

Councilmember Hall seconded the motion.

The motion to approve carried by the following vote:

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

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

Trudie Troublefield, 405 Eventide Way, spoke regarding her charitable cause.

9. REPORTS

Parks and Recreation Advisory Board Meeting Minutes - October 21, 2013
Planning and Zoning Commission Meeting Minutes - February 10, 2014

There was no discussion of this item.

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR MARCH 18, 2014 - Reading and Public Hearing - Resolution R-14-3734

This resolution was not needed.

11. ADJOURNMENT

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

The motion carried by the following vote:

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

Mayor Kelly adjourned the City Council meeting at 8:57 p.m.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 1ST DAY OF April 2014.

Minutes taken and prepared by:

Amy Shelley, TRMC
City Secretary



City of Colleyville

City Council

Agenda Briefing

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

Agenda Number 4b

Agenda Date 04/01/2014

Number Resolution R-14-3736

Type Resolution

Department Public Works

Title

Approval of a City/Developer Agreement for the Country Way and Park Place Additions, located in the 700 block of L.D. Lockett Road, and authorizing the city manager to execute the agreement

Explanation

Reading and Public Hearing

The City Council approved Resolution R-14-3716, on February 4, 2014, which adopted the final plat for the Country Way Addition as well as case PC13-030, which was approved by the Planning and Zoning Commission on January 27, 2014, adopting the final plat for the Park Place Addition. The purpose of this item is to approve the attached City/Developer Agreement (CDA) for construction of the offsite drainage improvements that have been requested by the City.

During the review of the civil plans for the Country Way Addition and the Park Place Addition, staff identified an opportunity to address a long standing issue with existing drainage infrastructure. The proposed new residential developments will be constructing new roads, water lines, sewer lines, and drainage systems for their respective subdivisions. The new developments' proposed drainage systems will tie into the existing system along L.D. Lockett Road. The existing system along L.D. Lockett Road is substandard and currently does not handle a 100 year rainfall event.

City staff has requested that the developer design a solution to address their developments' needs and to also complete the drainage system downstream of the proposed developments. The developer is able to construct the proposed developments utilizing an open bar ditch, however, due to the size and depth of the ditch, staff recommends that this system be constructed with a closed storm sewer system. There is a cost to the City associated with extending the closed drainage system downstream to the existing drainage system. The CDA that is presented for the City Council's consideration allows for the developer to construct the requested offsite improvements and to be reimbursed by the City of Colleyville for the cost of such. The "Offsite Drainage Improvements" include the installation of a 48" concrete pipe along the bar ditch and connecting it to the existing 48" pipe. The pipe will be buried, which will eliminate the existing deep bar ditch along L.D. Lockett Road. This plan will also allow for the 100 year storm event to be contained within the pipe system. This plan was developed through the coordination of City staff and the developer's design engineer.

Six trees have been identified that will conflict with the installation of the proposed improvements. The trees are within in the L.D. Lockett right-of-way and will be required to be removed in order to construct the proposed improvements. The six trees that will be removed for the installation of the "Offsite Drainage Improvements" are exempt in accordance with the current tree preservation ordinance, as they are within in the L.D. Lockett right-of-way. The parkway will be reestablished with vegetation after the completion of the storm drain.

If the City were to construct the improvements associated with the CDA at a later date, it would cost more than the amount included in the agreement to be reimbursed. Additional expenses that would be incurred by the City if done at a later date include survey design, advertisement, bidding, project management, and additional construction costs.

Financial Impact

The total reimbursement of \$74,083.49 for offsite improvements made by the owner/developer will be funded from two different sources. Upon the completion of the construction of the "Offsite Drainage Improvements", the City will reimburse the owner/developer \$29,614.49, which will be funded with available drainage bond funds. The remaining reimbursement (not to exceed \$44,469) will have no fiscal impact to the City, as this will be a credit of the roadway impact fees that will be paid by the builder at the time of building permitting.

Recommendation

Approve

Attachments

1. Resolution R-14-3716
2. Proposed City/Developer Agreement

RESOLUTION R-14-3716

**A RESOLUTION APPROVING A FINAL PLAT FOR
COUNTRY WAY ADDITION**

WHEREAS, the Planning and Zoning Commission recommended approval of the final plat for Country Way Addition on January 13, 2014.

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

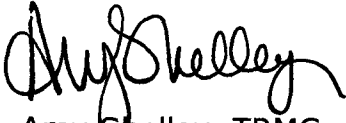
Sec. 1. THAT the final plat for Country Way Addition, attached as Exhibit "A", is hereby approved subject to the following conditions:

- a. A waiver to the minimum lot width requirement is hereby approved for Lots 1, 2 and 3, Block A, provided the minimum lot width is not less than 95 feet.

AND IT IS SO RESOLVED.

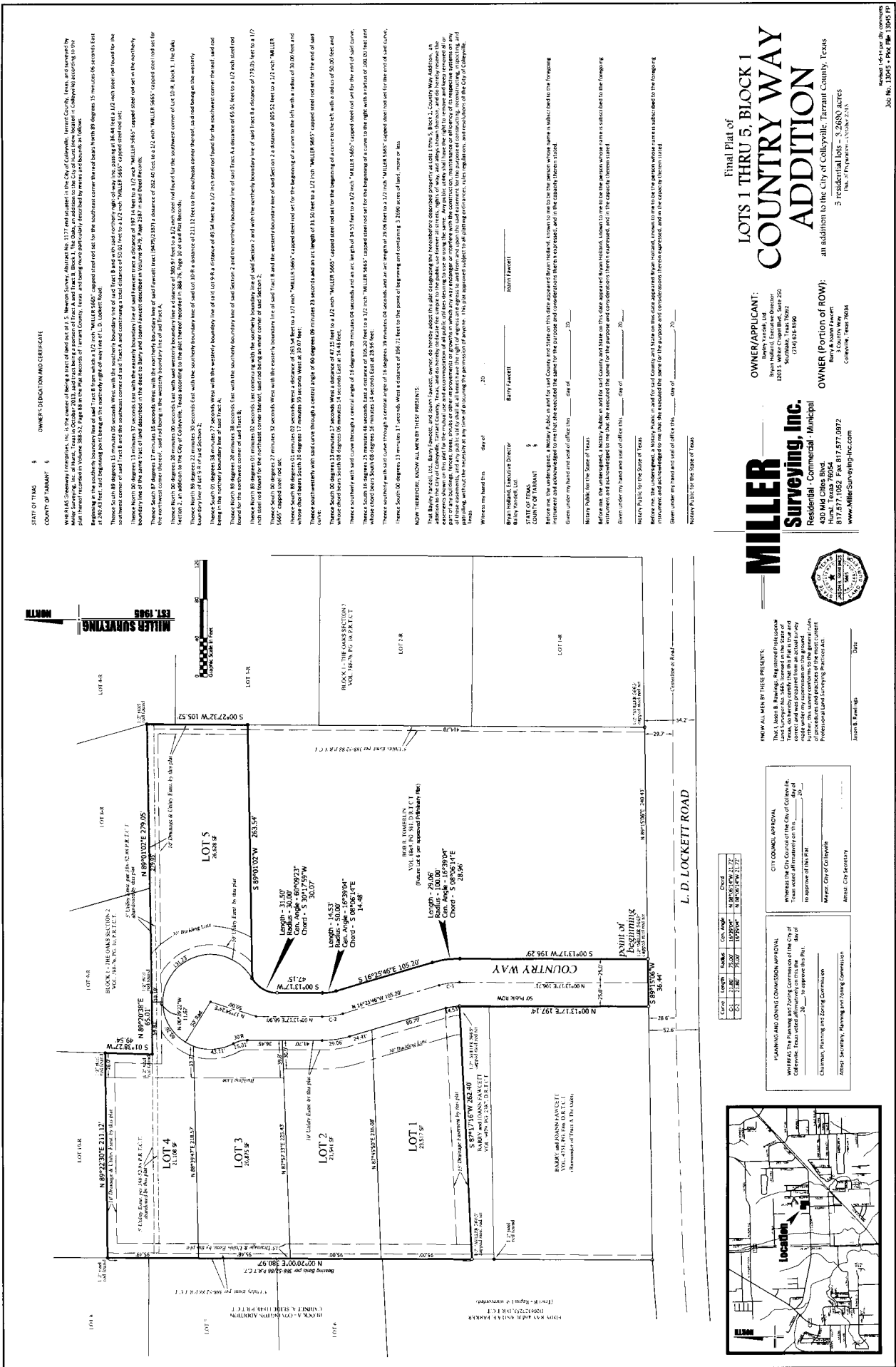
PASSED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS
THE 4TH DAY OF FEBRUARY 2014.

ATTEST:


Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor



MILLER SURVEYING
EST. 1988
NORTH

Curve	Length	Radius	Con. Angle	Chord
C-1	21.80'	75.00'	16°39'04"	N 08°06'14"W 21.72'
C-2	21.80'	75.00'	16°39'04"	N 08°06'14"W 21.72'

City of Colleyville
City/Developer Agreement
Country Way Development

STATE OF TEXAS

COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

That CARROLL PARKER, LLC, a Texas limited liability company organized under the laws of The State of Texas (and any assigns thereto), hereafter called "Owner/Developer", and the CITY OF COLLEYVILLE, Tarrant County, Texas, hereafter called "City", enter into the following agreement ("The Agreement").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, in consideration of the mutual covenants herein contained, and for the purpose of developing the Country Way and Park Place Additions (collectively the "Subdivision"), Owner/Developer and the City agree as follows:

1. The Owner/Developer will construct, pursuant to the Final Plans, and all applicable local, state, and federal ordinances, codes, and regulations, public improvements for the development of the Subdivision. The Final Plans generally include an underground storm drain system (the "Offsite Drainage Improvements") designed to capture storm water from the outflow structure at Covington Estates, and sheet flows from Covington Estates and Parker Oaks Estates, and carry said storm water and sheet flows underground in the Improvements within the boundaries of easements granted by the Owner/Developer and approved by the City, along Owner/Developer's property to LD Lockett Road where the Improvements will then go east along LD Lockett Road (all underground) in the LD Lockett right-of-way and tie into the existing underground storm sewer system located at the southwest corner of the intersection of Hunter Trail and LD Lockett Road. Nothing expressed or agreed to in this City/Developer Agreement shall modify the Final Plans.
2. The Owner/Developer submitted plans and specifications (collectively the "Original Plans") for the Improvements to the City for its review and approval prior to commencing construction on the Improvements. The City reviewed the Plans and suggested certain changes beyond what was technically necessary to serve the Property, in an effort to improve the overall drainage in this area of the City.
3. The Owner/Developer and the City have now agreed upon the design and the plans and specifications have been completed by Evolving Texas, Ltd. dated February 24, 2014 (collectively the "Final Plans"). The City accepts and approves of the Final Plans and has determined the Final Plans to be in compliance with all City ordinances, codes, and regulations. Therefore, the City has issued a letter approving the Final Plans dated March 17, 2014 signed by the City Engineer indicating the City's acceptance of the Final Plans and authorizing Owner/Developer to commence construction of the improvements contemplated by the Final Plans.
4. The Owner/Developer shall contract for the Improvements using reputable contractors. The contract documents will require a two-year maintenance bond in the amount of 10% of the construction cost.
5. In consideration of Owner/Developer's construction of the "Offsite Drainage Improvements" pursuant to the Final Plans and due to the extraordinary cost of the "Offsite Drainage Improvements", some of which would not otherwise be necessary and have specifically been requested by the City, the City and Owner/Developer agree as follows:

- a. The City agrees to collect standard City water, sanitary sewer and roadway impact fees (collectively the "Impact Fees") from any homebuilder (the "Builder") building in the Subdivision as they request building permits. The fees collected will be consistent with EXHIBIT "A"
 - b. Upon completion of the construction of the "Offsite Drainage Improvements," the Owner/Developer will provide the City with As-Built drawings.
 - c. The items set forth on EXHIBIT "B" attached hereto, are specific components of the "Offsite Drainage Improvements" to be constructed pursuant to the Final Plans. City and Owner/Developer agree that the estimated costs on Exhibit "B" are a reasonable estimation of the costs to be incurred by Owner/Developer in the course of constructing the "Offsite Drainage Improvements."
 - d. The City agrees to reimburse the Owner/Developer for actual expenses incurred for the construction of the "Offsite Drainage Improvements."
 - e. The Owner/Developer will be reimbursed only for actual expenses incurred to complete the "Offsite Drainage Improvements." All reimbursements must be applied for by the Owner/Developer and proof of payment is required prior to the issuance of any reimbursement by the City.
 - f. The City agrees to provide reimbursement upon the completion of the construction of the "Offsite Drainage Improvements" in an amount not to exceed \$29,614.49.
 - g. The City agrees to credit roadway impact fees for all expenses incurred by the Owner/Developer for the purposes of constructing the "Offsite Drainage Improvements" in an amount not to exceed \$44,469. The credits shall apply upon the issuance of the building permit for each home in the development until the credit threshold of \$44,469 is attained.
 - h. The Owner/Developer agrees that the total amount of reimbursement and/or credit will be capped at the amount of total \$74,083.49 (based on the estimated costs on Exhibit "B")
 - i. The City agrees to relocate any City owned utilities that in the way of the proposed "Offsite Drainage Improvements" at no cost to the Owner/Developer.
 - j. The Owner/Developer agrees the physical improvements shall become the property of the City of Colleyville only after completion of the work, final acceptance issued by the City of Colleyville, and submission of the aforementioned maintenance bonds, and when all of the facilities are constructed.
6. The City acknowledges that construction of the "Offsite Drainage Improvements" falls under the City Franchise Utility Agreement.
 7. This City/Developer Agreement shall not be amended, modified or in any way changed except on the express written agreement of both Owner/Developer and the City
 8. Termination. This Agreement shall terminate upon the following:
 - a. By written agreement of the parties;

- b. Such breach remains uncured for a period of sixty (60) days after written notice by either party in the event the other party breaches the Agreement and thereof, or
 - c. Upon an Event of Bankruptcy or Insolvency.
- 9. Remedies. If a party defaults hereunder, then the non-defaulting party shall have the right to enforce specific performance of the defaulting party's obligations and/or seek other available remedies at law or in equity against such defaulting party.
- 10. Notice. All notices required by this Agreement shall be in writing and addressed to the following, or such other party or address as either party designates in writing, by certified mail, postage prepaid, facsimile with receipt as proof of transmittal, or by hand delivery.

If intended for Owner/Developer, to:

Carroll Parker, LLC
Attn: Bryan Holland
1203 S. White Chapel Blvd., Suite 250
Southlake, Texas 76092
(214) 626-8590, X109
(817) 545-1455 FAX

If intended for City, to:

City of Colleyville
Attn: City Manager
100 Main Street
Colleyville, TX 76034
(817) 503-1059 (Fax)

With copy to:

Boyle & Lowry, LLP
Attention: Matthew Boyle
4201 Wingren Plaza, Suite 108
Irving, TX 75062
(972) 650-7105 (FAX)

- 11. Successors and Assigns. This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns. If for any reason the ownership of the Subdivision should change prior to the acceptance by the City of the Improvements, it is agreed that this City/Developer Agreement and all covenants and obligations hereunder shall become the obligation of the new owner of the Subdivision, who shall acknowledge and agree in writing to be bound by this City/Developer Agreement to the same extent as Owner/Developer.
- 12. Severability. In the event any section, subsection, paragraph, sentence, phrase or word herein is held invalid, illegal or unconstitutional, the remainder of this City/Developer Agreement shall be enforceable and shall be enforced as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.
- 13. Governing Law. The validity of this City/Developer Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this City/Developer Agreement shall be in State District Court of Tarrant County, Texas.
- 14. Entire Agreement. This City/Developer Agreement embodies the complete agreement of the parties hereto; superseding all oral or written, previous and contemporary agreements between the parties relating

to the matters in this City/Developer Agreement cannot be modified without written agreement of the parties.

15. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

16. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

EXECUTED this the ____ day of _____, 2014.

CITY:

CITY OF COLLEYVILLE, TEXAS

By:

City Manager

APPROVED AS TO FORM:

By:

City Attorney

ATTEST:

By:

City Secretary

OWNER/DEVELOPER:

CARROLL PARKER, LLC, a Texas limited liability company
1203 S. White Chapel Blvd., Suite 250
Southlake, TX 75092

By:_____

EXHIBIT A

Fee	Amount Per Lot	Number of Lots	Total
Water Impact Fee	\$2,491	9	\$22,419
Sewer Impact Fee	\$643	9	\$5,787
Roadway Impact Fee	\$4,941	9	\$44,469
Park Land Fees	\$1,802	9	\$16,218
Total:	\$9,877	9	\$88,893

EXHIBIT B

Description	Unit	Approx Quantity	Unit Price	Total
48" R.C.P.	LF	371	\$ 112.00	\$41,552.00
48" x 60" WYE	EA	1	\$ 4,750.00	\$ 4,750.00
48" x 24" 60 Degree Inlet	EA	1	\$ 4,250.00	\$ 4,250.00
2' x 2' Grate Inlet	EA	1	\$ 500.00	\$ 500.00
Remove Existing Headwall & Construct Concrete Collar to Connect to Ex 48" HDPE	LS	1	\$ 750.00	\$ 750.00
Trench Safety	LF	371	\$ 0.50	\$ 185.50
Tree Removal in LD Lockett	LS	6	\$ 350.00	\$ 2,100.00
Temporary Fence Removal & Relocation	LF	371	\$ 3.50	\$ 1,298.50
Remove & Replace Existing 4' Dia Manhole In LD Lockett	EA	1	\$ 5,250.00	\$ 5,250.00
Remove & Replace Asphalt Surrounding Manhole	TON	3	\$ 450.00	\$ 1,350.00
Traffic Control	LS	1	\$ 3,500.00	\$ 3,500.00
Prorata Share of Perform & Maint Bond	%	\$62,087.50	3%	\$ 1,862.63
Subtotal:				\$67,348.63
Contingency	%	\$67,348.63	10%	\$ 6,734.86
Estimated Total:				\$74,083.49



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 04/01/2014

Number Ordinance O-14-1911

Type Ordinance

Department Public Works

Title

Approval of an amendment to the Code of Ordinances, Part II, Appendix A, Water and Sewer Policy and Procedures Manual, relating to the rates for use of fire hydrant meters

Explanation

Second Reading and Public Hearing

There were no speakers regarding this item at the March 18, 2014 City Council meeting.

First Reading and Public Hearing

Ordinance O-07-1650 established procedures for the use of fire hydrant water meters and rates for water usage when using them. Fire hydrant meters are used primarily by contractors who use large amounts of water in roadway construction. Water is critical for the construction of roads to ensure the moisture content of the soil is at the level necessary to ensure proper compaction and provide the highest quality of subgrade underneath the pavement.

The current rate for fire hydrant meter usage, as established by the ordinance, is set at a minimum of \$60.00 for the first 20,000 gallons, which equates to a rate of \$3.00 per 1,000 gallons. The current rate for in-City water users is established at a minimum rate of \$12.74 per month (0-2,000 gallons), and \$3.85 per month for usage between 2,001 and 20,000 gallons. This equates to a cost of \$82.04 per month for the first 20,000 gallons of water for customers with permanent meters.

As the current rate for fire hydrant meters is lower than the rate for all other City users, staff is recommending the rate be changed as follows:

"The minimum monthly bill for water usage for a fire hydrant meter shall be \$50.00 for the first 2,000 gallons of water used each month, and the tier five rate (over 50,000 gallons of usage) shall be charged for all usage in excess of 2,000 gallons."

This change would result in a cost for users of fire hydrant meters of \$159.62 for the first 20,000 gallons of water used, and based on the current rate schedule, an additional charge of \$6.09 for each additional 1,000 gallons of usage. The \$50.00 base rate charge also covers a handling charge for time incurred by staff to read the meters

and clean and maintain them when they are returned.

During calendar year 2013 the number of fire hydrant meters in use, at any given time, ranged from a low of four, to a high of 11; currently 12 meters are in use. If this ordinance is approved, all customers, currently using fire hydrant meters, will be sent a letter notifying them of this change, and all new users will be notified at the time of application for a fire hydrant meter. This ordinance change, if approved, will become effective on May 1, 2014.

The attached ordinance amends Ordinance O-07-1650 to reflect these changes.

Financial Impact

The proposed ordinance, if approved, would result in an increase of revenues in the water utility account. Based on actual water usage for 2013 and the proposed new rate, there would be an increase in revenues to the Utility Fund of \$ 3,272.45.

Recommendation

Approve

Attachments

1. Ordinance O-07-1650
2. Ordinance O-14-1911

ORDINANCE O-07-1650

AN ORDINANCE AMENDING THE WATER AND SEWER POLICY AND PROCEDURES MANUAL OF THE CITY OF COLLEYVILLE RELATIVE TO FIRE HYDRANT METER USE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the purpose of the fire hydrant meter is to provide for the temporary use of large volumes of water necessary for utility and street construction; and

WHEREAS, in some cases, the temporary use of the fire hydrant meter has been extended significantly after construction in violation of the letter and spirit of City policy which prohibits the permanent or semi-permanent use of such meters; and

WHEREAS, the City Council reaffirms its policy that fire hydrant meters shall not be used on either a permanent or semi-permanent basis; and

WHEREAS, the City Council desires to revise the City's policy and procedures for the use of fire hydrant meters within the City.

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

Sec. 1. THAT Section 3A of the Water and Sewer Policy and Procedure Manual of the City of Colleyville, Texas, which is "Appendix A" to Chapter 11 of the Colleyville Code, be amended to read as follows:

Rates for fire hydrant meters

The use of fire hydrant meters shall only be used within the Colleyville city limits. The use of the fire hydrant meters shall be limited to a period of no more than ninety (90) cumulative calendar days. Under special conditions, a customer may submit a written request to the Public Works Department for use of a fire hydrant meter for a period longer than ninety (90) cumulative calendar days subject to Public Works Director approval. In considering special condition(s), the Public Works Director shall not consider requests which may relieve a self-created or personal hardship, failure of performance by a contractor, nor for financial reasons. In considering the customer request, the Public Works Director shall solicit the recommendation by the Fire Chief and Fire Marshal in consideration of the request. Further, the Public Works Director shall consider alternative means available to the customer; providing a continued use of the meter if required. If special condition(s) are approved by the Public Works Director, in no case shall the meter be used for more than an additional thirty (30) calendar days. The Public Works Director shall provide a

written ruling within fifteen (15) working days of receipt of the customer's written request.

In the event a request for special condition(s) is denied by the Public Works Director, customer shall, within fourteen (14) calendar days, make written appeal to the City Manager of the Public Works Director's decision. The City Manager shall render a written decision within thirty (30) working days of receipt of the customer's appeal. Such decision by the City Manager shall be final and not appealable to the City Council.

For purposes of this ordinance, written communication shall be considered that deposited with the United States Postal Service for delivery.

The user must submit in writing, the location of where the meter will be used and such meter shall be used exclusively at the location on record with the City. For purposes of this ordinance, the use of a meter shall be allowed cumulatively for only one location within an individual subdivision and or development.

For a period of ninety (90) cumulative calendar days after a meter is returned and read by the City, a user shall not be permitted to check out another meter for use at the same designated location, as defined herein.

The minimum bill for the water usage for a fire hydrant meter is \$60.00 for the first 20,000 gallons of water used.

The customer shall be in possession of and responsible for the meter. The customer will be responsible for bringing the meter to the City Hall or Public Works Service Center by the 20th of the month for reading. The customer is required to use a proper fire hydrant wrench for operation of the fire hydrant. The customer shall be responsible for any damage and repair, as reasonably determined by the City, to the fire hydrant by the use of a temporary water meter.

The customer will be required to provide for any backflow device necessary to meet the current City ordinance for protection of the City's drinking water supply.

The City of Colleyville, Tarrant County and Texas Department of Transportation (TxDOT) shall be exempt from the provisions of this policy.

Sec. 2. THAT this ordinance will become effective immediately upon approval of the City Council.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 18th day of December 2007.

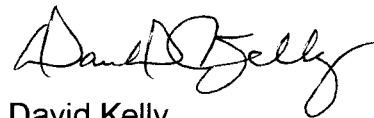
The second reading and public hearing being conducted on the 8th day of January 2008.

ATTEST:



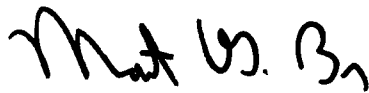
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

ORDINANCE O-14-1911

AMENDING ORDINANCE O-07-1650 RELATING TO THE WATER AND SEWER POLICY AND PROCEDURES MANUAL OF THE CITY OF COLLEYVILLE RELATIVE TO FIRE HYDRANT METER USE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in January, 2008, City Council approved Ordinance O-07-1650 amending the Water and Sewer Policy and Procedures Manual of the City of Colleyville relative to fire hydrant meter use; and

WHEREAS, the purpose of the fire hydrant meter is to provide for the temporary use of large volumes of water necessary for utility and street construction; and

WHEREAS, in some cases, the temporary use of the fire hydrant meter has been extended significantly after construction, in violation of the letter and spirit of City policy, which prohibits the permanent or semi-permanent use of such meters; and

WHEREAS, the City Council reaffirms its policy that fire hydrant meters shall not be used on either a permanent or semi-permanent basis; and

WHEREAS the City Council desires to revise the minimum monthly bill for water usage for a fire hydrant meter.

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

Sec. 1. THAT Section 3A of the Water and Sewer Policy and Procedure Manual of the City of Colleyville, Texas, which is "Appendix A" of the Colleyville Code, Rates for fire hydrant meters, be established as Section 3E and be amended to read as follows:

Rates for fire hydrant meters

The use of fire hydrant meters shall only be used within the Colleyville city limits. The use of the fire hydrant meters shall be limited to a period of no more than ninety (90) cumulative calendar days. Under special conditions, a customer may submit a written request to the Public Works Department for use of a fire hydrant meter for a period longer than ninety (90) cumulative calendar days, subject to Public Works Director approval. In considering special condition(s), the Public Works Director shall

not consider requests, which may relieve a self-created or personal hardship, failure of performance by a contractor, nor for financial reasons. In considering the customer request, the Public Works Director shall solicit the recommendation of the Fire Chief and Fire Marshal in consideration of the request. Further, the Public Works Director shall consider alternative means available to the customer; providing a continued use of the meter if required. If special condition(s) are approved by the Public Works Director, in no case shall the meter be used for more than an additional thirty (30) calendar days. The Public Works Director shall provide a written ruling within fifteen (15) working days of receipt of the customer's written request.

In the event a request for special condition(s) is denied by the Public Works Director, customer shall, within fourteen (14) calendar days, make written appeal to the city manager of the Public Works Director's decision. The city manager shall render a written decision within thirty (30) working days of receipt of the customer's appeal. Such decision by the city manager shall be final and not appealable to the City Council.

For purposes of this ordinance, written communication shall be considered communication, which is deposited with the United States Postal Service for delivery.

The user must submit in writing, the location of where the meter will be used and such meter shall be used exclusively at the location on record with the City. For purposes of this ordinance, the use of a meter shall be allowed cumulatively for only one location within an individual subdivision and/or development.

For a period of ninety (90) cumulative calendar days after a meter is returned and read by the City, a user shall not be permitted to check out another meter for use at the same designated location, as defined herein.

The minimum monthly bill for water usage for a fire hydrant meter shall be \$50.00 for the first 2,000 gallons of water used each month and the tier five rate (over 50,000 gallons of usage) shall be charged for all usage in excess of 2,000 gallons. If the

cost of water used during any month is less than \$50.00; the minimum charge for that month shall be \$50.00.

The customer shall be in possession of and responsible for the meter. The customer will be responsible for bringing the meter to the Public Works Service Center by the 20th of each month for reading. The customer is required to use a proper fire hydrant wrench for operation of the fire hydrant. The customer shall be responsible for any damage and repair, as reasonably determined by the City, to the fire hydrant or the fire hydrant meter by the use of a temporary water meter.

The customer will be required to provide for any backflow device necessary to meet the current City ordinance for protection of the City's drinking water supply.

The City of Colleyville, Tarrant County, and Texas Department of Transportation (TxDOT) shall be exempt from the provisions of this policy.

Sec. 2. THAT the effective date of this ordinance shall be May 1, 2014.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 18th day of March 2014.

The second reading and public hearing being conducted on the 1st 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



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 04/01/2014

Number Ordinance O-14-1912

Type Ordinance

Department Community Development

Title

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

Explanation

First Reading and Public Hearing

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.

Zoning. The property is currently zoned PUD-R-Planned Unit Development-Residential, as approved by attached Ordinance O-13-1875. Asphalt or Concrete Batching (temporary) is currently allowed in all zoning districts with approval of a Special Use Permit.

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 consecutive calendar 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, which complies with the construction hours designated in the Colleyville Code of Ordinances.

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

Parking and Access. Material delivery trucks will be instructed to travel southwest on SH26 to John McCain Road; then travel west on John McCain Road to Pleasant Run

Road; and travel north on Pleasant Run Road. Truck drivers who hold a commercial license must comply with the designated routes or risk termination of contract or liability for damage.

Staff is proposing an amendment to the material delivery route as follows. Trucks will be instructed to travel southwest on SH26 to Tinker Road; then travel west on Tinker Road to Pleasant Run Road; and travel north on Pleasant Run Road.

Federal and State Requirements. The applicant has an approved air quality permit with the Texas Commission on Environmental Quality (TCEQ). The applicant has received administrative approval and has been logged into the Regional Database for the DFW Region Office Air Program. An air quality approval letter from the TCEQ is not required for this location at this time.

A Storm Water Pollution Prevention Plan (SWPPP or SWP3,110000) and Notice of Intent have also been prepared for the TCEQ. These documents must be kept on the work site.

Public Notification. Staff mailed notices to 21 adjacent property owners regarding this request and all homeowners' associations within 500 feet. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Three letters of opposition from the same person and two letters of support have been received regarding this request.

Planning and Zoning Recommendation. The Planning and Zoning Commission recommended approval of this request at the March 24, 2014 meeting by a vote of 6-0, subject to the following conditions:

1. Staff review the proposed vehicle route to ensure least impact.
2. Staff review the "21 day" maximum time limit requirement to determine if it includes Sundays.

The ordinance has been revised to include "21 consecutive calendar days" to clarify that the duration includes Sunday.

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 is erected on site, the only trucks entering and exiting the property will be the ones needed to haul sand and aggregates. 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 the number of truck trips to about 250 trips and will also reduce deterioration of public streets.

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

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. HOURS OF OPERATION

a. The hours of operation shall be as follows:

Monday - Saturday: 7:00 a.m. to 6:00 p.m.

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

2. PERMITTED USES

a. The temporary concrete batch plant allowed by the Special Use Permit must be permitted by the Texas Commission on Environmental Quality.

b. The Special Use Permit shall meet all state and federal requirements for concrete batch plants. A copy of the Storm Water Pollution Prevention Plan (SWPPP or SWP3, 110000), 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 SH26 to Tinker Road; then travel west on Tinker 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 habitable residence.

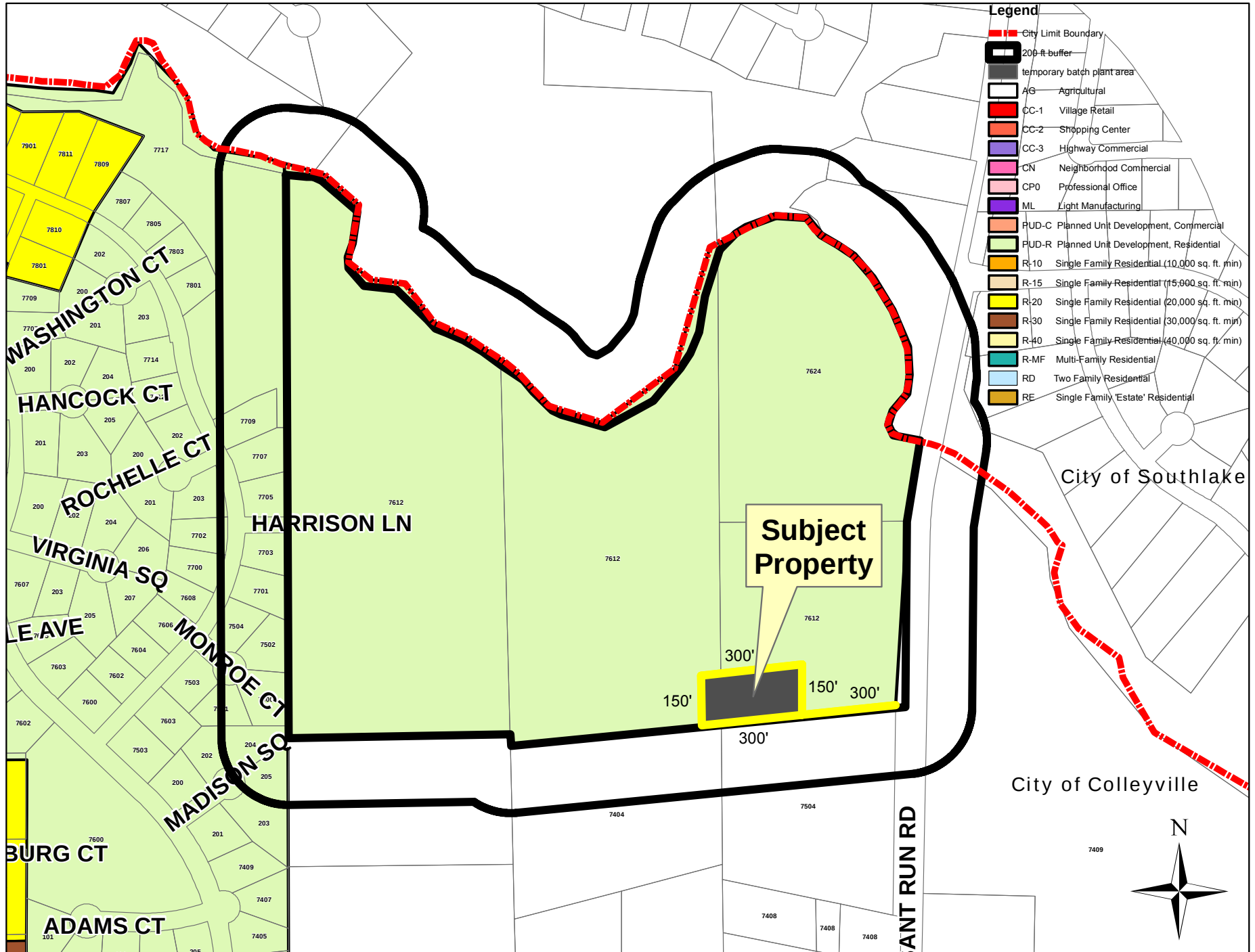
g. A notice to proceed will be issued by the Director of Public Works or designee. The letter will state that the batch plant shall only be allowed in conjunction with the construction site for which the permit is issued. This letter will be kept on site with the TCEQ documentation.

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 on to the applicant.

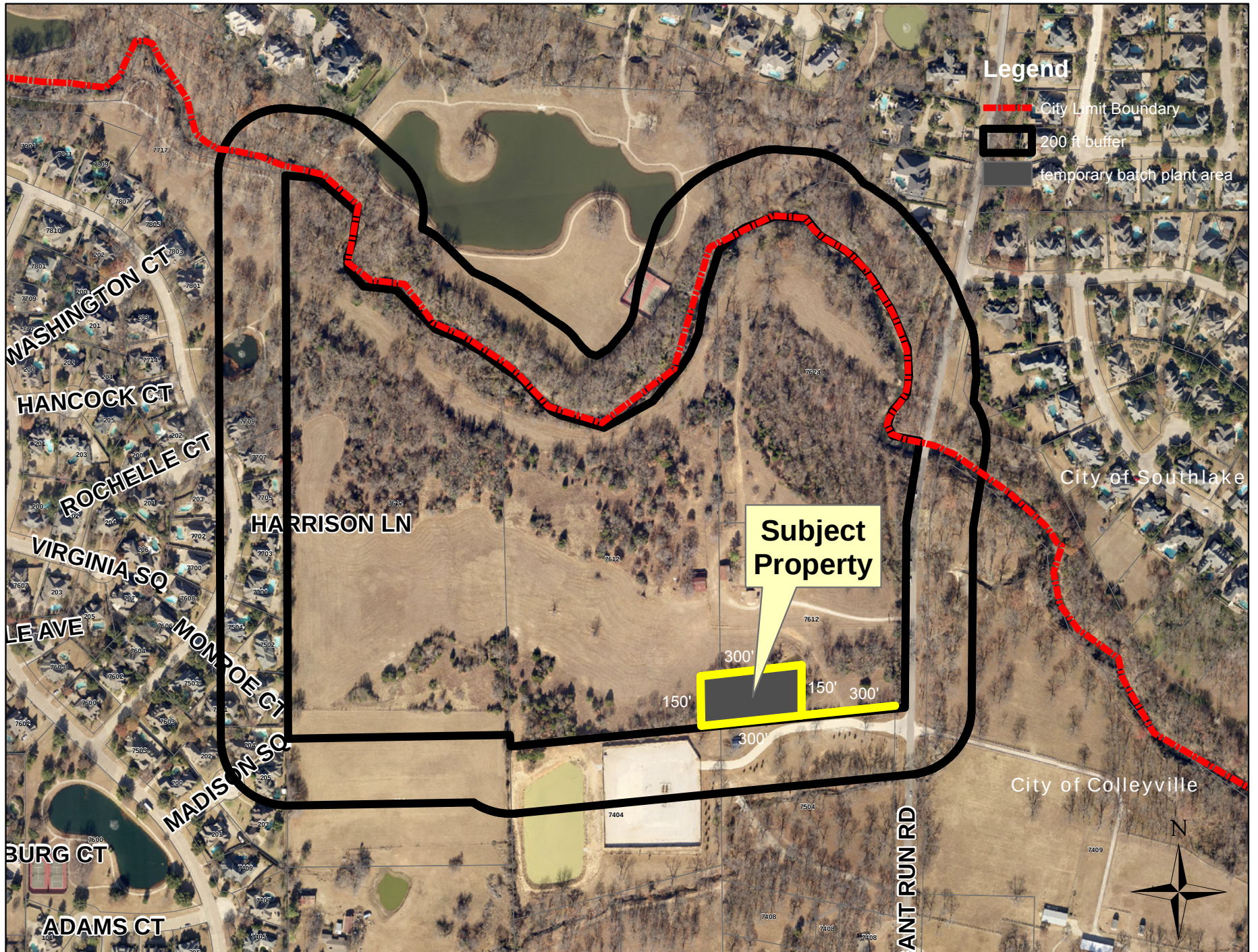
Attachments

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

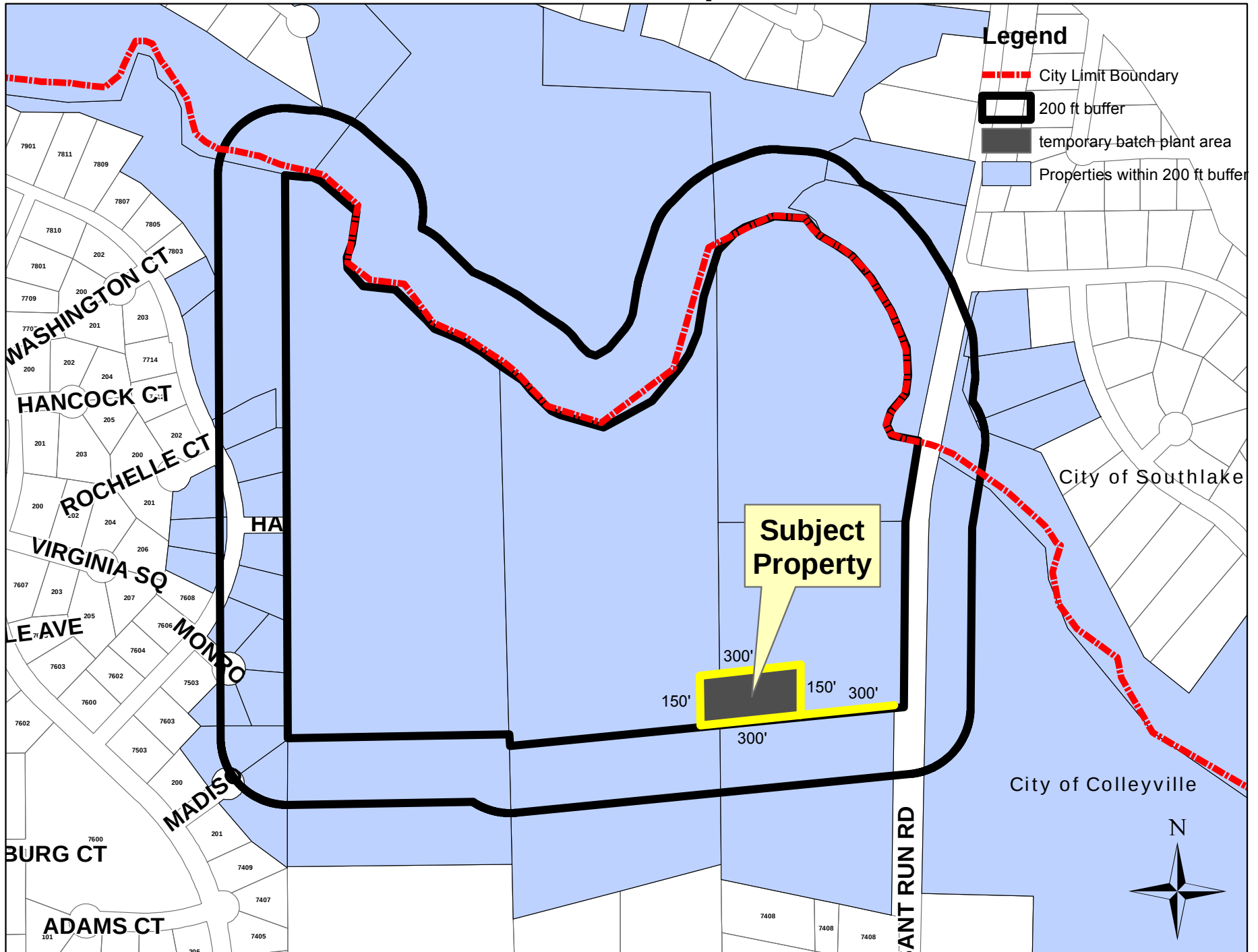
Location and Zoning Map



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

Letters of Opposition

From: [Chris Monroe](#)
To: [Ron Ruthven](#)
Cc: [Taci Wrisley](#)
Subject: ZC14-004 Written Protest
Date: Monday, March 24, 2014 11:41:46 AM
Attachments: [Colleyville ZC14-004 Letter of Opposition to Concrete Plant.pdf](#)

Ron – Please see the attached written protest to a temporary concrete batch plant. I've tried calling the number on the notice to get more info, but there is no answer. I'm not sure why a temporary plant is necessary, but in general, I don't want a concrete plant behind my house.

Please confirm back to me today that this email and attachment will be sufficient notice for this protest and be forwarded to the P&Z to be part of the hearing record.

Thanks,

-Chris

Confidentiality Notice: The information contained in this electronic mail is privileged and confidential and is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this electronic mail is strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and delete all copies from your systems.

Letters of Opposition

Chris Monroe

1500 S. White Chapel Blvd.
Southlake, TX 76092

March 24, 2014

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

Re: Zoning Case Number ZC14-004
Gilco Contracting, Inc.
7612 & 7624 Pleasant Run Rd.
Special Use Permit for a temporary concrete batch plant

In regards to the concrete plant above, please note that I am in opposition to the application for this Special Use Permit. As a property owner within the 200 foot notification area, please consider this my written protest.

Sincerely,

Chris Monroe

Letters of Opposition

Date: <u>3/24/14</u>		SPEAKER CARD	
☐ I will speak In Support of this item.			
☒ I will speak In Opposition to this item.			
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition			
Agenda Item Number: <u>3b</u>			
Name: <u>Chris Monroe</u>			
Address: <u>1500 S. White Chapel Blvd.</u>			
City: <u>Southlake</u>		State: <u>TX</u>	Zip Code: <u>76092</u>
Telephone Number: <u>8174166699</u>		Representing: <u>Self</u> (organization/self)	
<i>I understand I am limited to speaking for five minutes.</i>			
<i>For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.</i>			
Signed: <u>Cer</u>			
This information is a Public Record.			

Letters of Support

Date: 3/24/14

SPEAKER CARD

☒ I will speak **In Support** of this item.
☐ I will speak **In Opposition** to this item.
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 3b, 3c

Name: MARK LEONARD

Address: 6331 SOUTHWEST BLVD.

City: BURLESON State: TX Zip Code: 76132

Telephone Number: 917-991-8233 Representing: GILCO CONTRACTING
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Mark Leonard

This information is a Public Record.

Date: March 24 2014

SPEAKER CARD

☒ I will speak **In Support** of this item.
☐ I will speak **In Opposition** to this item.
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 3B, 3C

Name: Thomas Schneider

Address: 3400 Steven drive

City: Plano State: Tx Zip Code: 75023

Telephone Number: 972 998-2901 Representing: Stormcon LLC
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Thomas Schneider

This information is a Public Record.

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

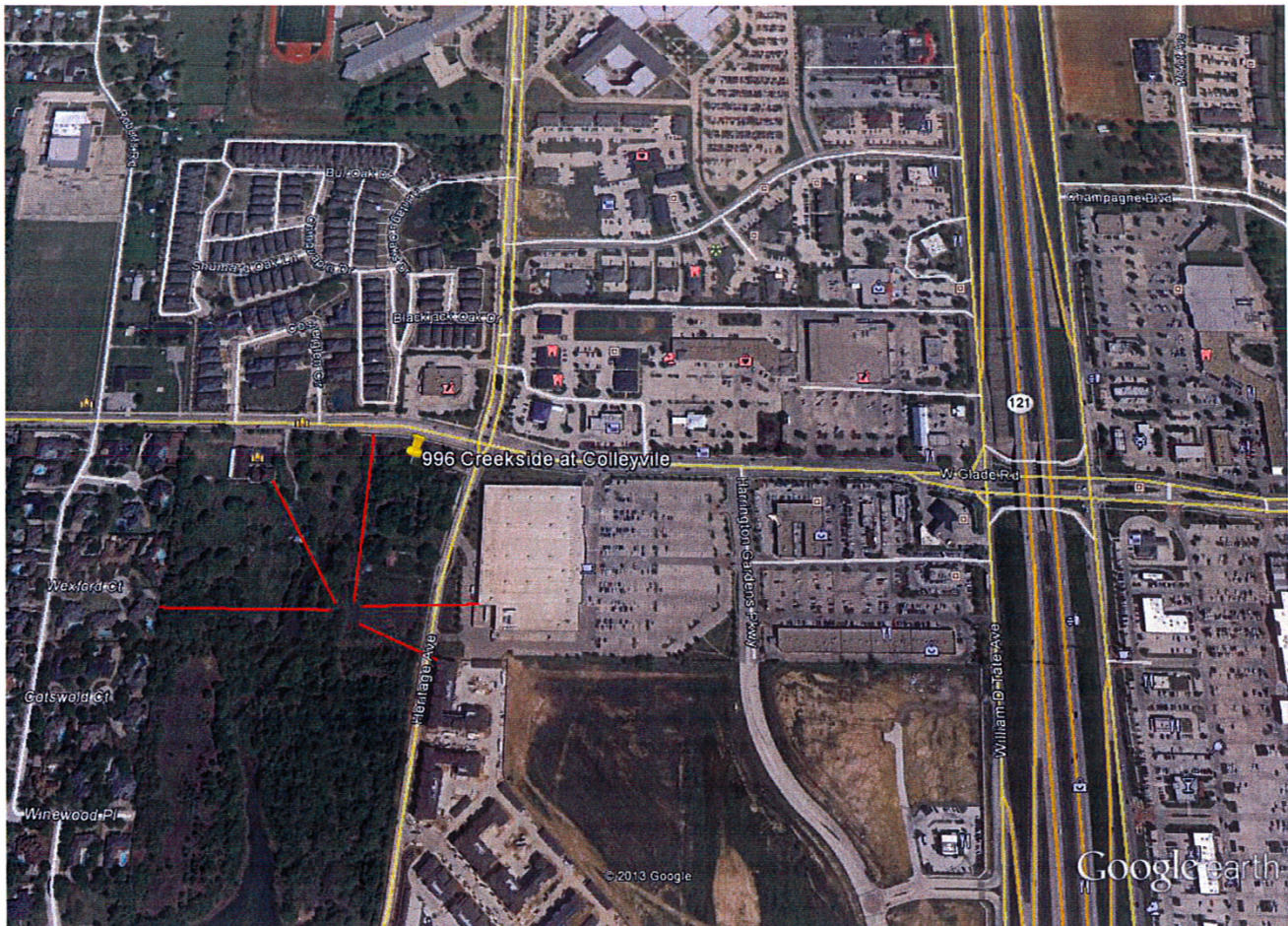
feet
meters

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-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.

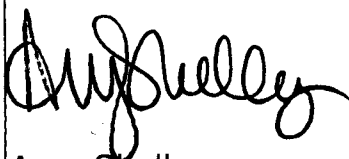
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two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

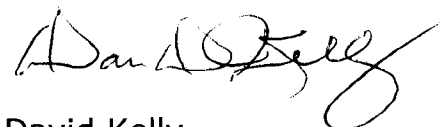
The first reading and public hearing being conducted on the 4th day of June 2013.

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:

Colby Cunningham

for Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

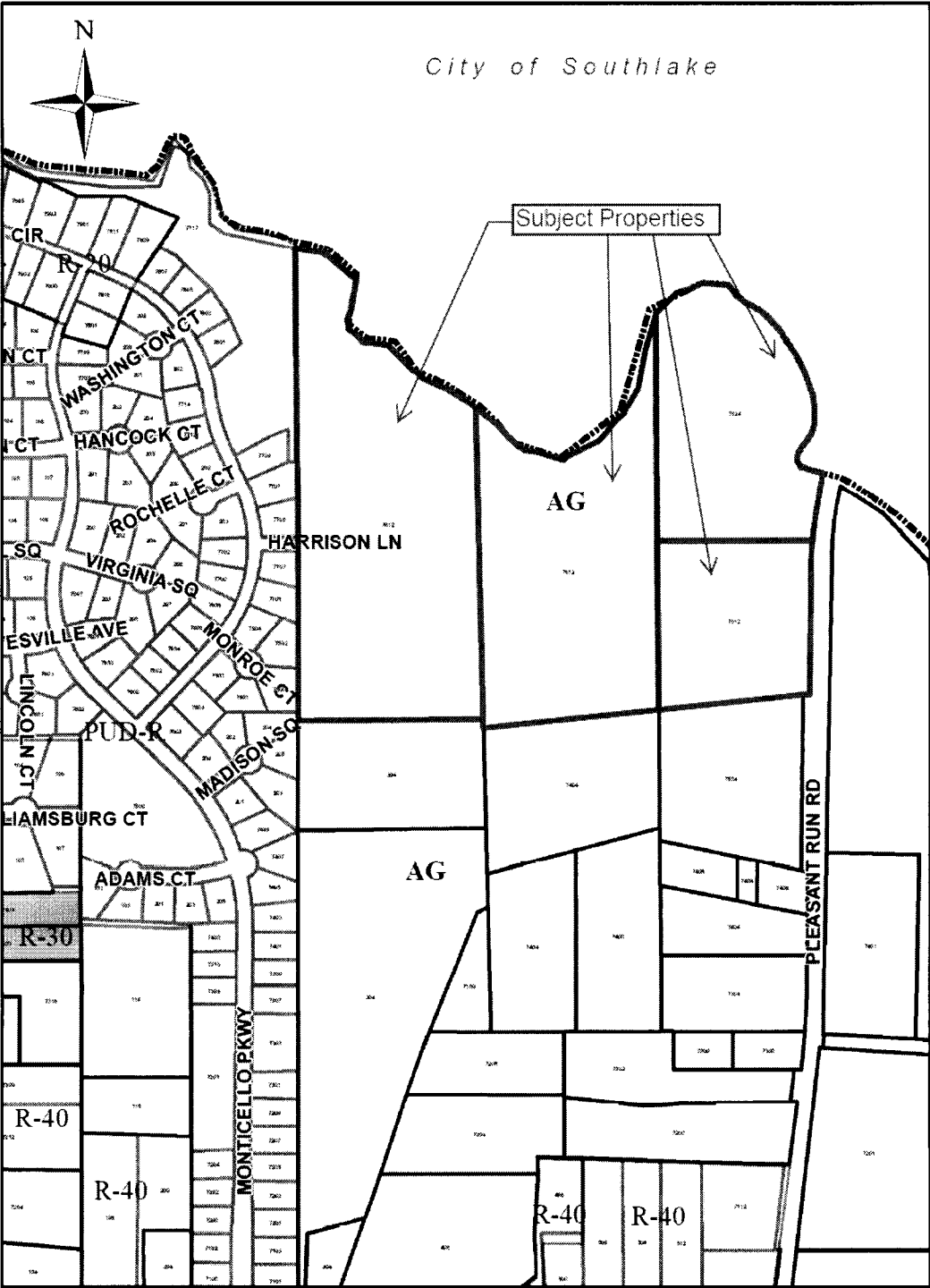


Exhibit "B" – Legal Description

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 OBUEN 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 Oburn 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 valorem tax rate of \$2.28/\$100 and an average home price of \$750k, estimated ad valorem taxes are as follows:

<u>Year</u>	<u>Ad Valorem 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.

Exhibit "D"- Conceptual Site Plan



ORDINANCE O-14-1912

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING OF A 45,000 SQUARE FOOT PORTION OF 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, BY AUTHORIZING A SPECIAL USE PERMIT FOR A TEMPORARY CONCRETE BATCH PLANT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); 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 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, 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 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) consecutive calendar 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 Commission on Environmental Quality (TCEQ) for an air quality permit.
- b. The Special Use Permit shall meet all state and federal

requirements for concrete batch plants. A copy of the Storm Water Pollution Prevention Plan (SWPPP or SWP3, 110000), and the Notice of Intent (NOI) must be kept 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 SH26 to Tinker Road; then travel west on Tinker 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 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 on to 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, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit A –Location and Zoning Map

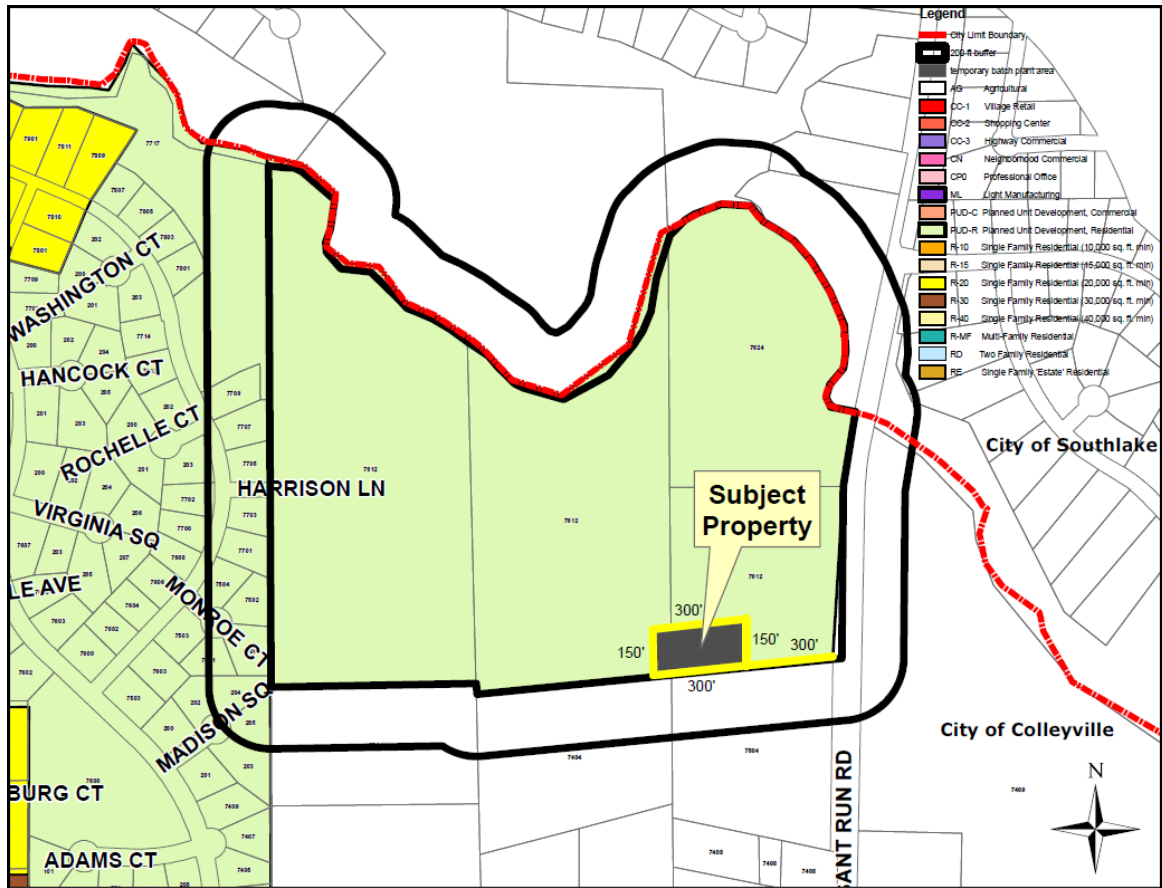


Exhibit B-Zoning Exhibit





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6b

Agenda Date 04/01/2014

Number Ordinance O-14-1913

Type Ordinance

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

First Reading and Public Hearing

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.

Zoning. The property is currently zoned PUD-R-Planned Unit Development-Residential. The zoning designation was approved through attached Ordinance O-07-1645, approved November 6, 2007; Ordinance O-13-1866, approved March 5, 2013; and Ordinance O-13-1899, approved December 17, 2013. Asphalt or Concrete Batching (temporary) is currently allowed in all zoning districts with approval of a Special Use Permit.

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 consecutive calendar 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, which complies with the construction hours designated in the Colleyville Code of Ordinances.

The closest habitable residences to the proposed temporary batch plant are 600 feet to

the west; 750 feet to the north; 3,500 feet to the east; and multi-family units that are 300 feet to the southeast.

Parking and Access. Material delivery trucks will be instructed to travel from SH121 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. Truck drivers who hold a commercial license must comply with the designated routes or risk termination of contract or liability for damage.

Federal and State Requirements. The applicant has an approved air quality permit with the Texas Commission on Environmental Quality (TCEQ). The applicant has received administrative approval and has been logged into the Regional Database for the DFW Region Office Air Program. An air quality approval letter from the TCEQ is not required for this location at this time.

A Storm Water Pollution Prevention Plan (SWPPP or SWP3,110000) and Notice of Intent have also been prepared for the TCEQ. These documents must be kept on the work site.

Public Notification. Staff mailed notices to 81 adjacent property owners regarding this request and all homeowners' associations within 500 feet. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. One letter of opposition, and one letter of support has been received regarding this request.

Planning and Zoning Recommendation. The Planning and Zoning Commission recommended approval of this request at the March 24, 2014 meeting by a vote of 6-0, subject to the following condition:

1. Staff review the "21 day" maximum time limit requirement to determine if it includes Sundays.

The ordinance has been revised to "21 consecutive calendar days" to clarify that the duration does include Sundays.

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.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. HOURS OF OPERATION

a. The hours of operation 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) consecutive calendar 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 Commission on Environmental Quality (TCEQ) for an air quality permit.

b. The Special Use Permit shall meet all state and federal requirements for concrete batch plants. A copy of the Storm Water Pollution Prevention Plan (SWPPP or SWP3, 110000), and the Notice of Intent (NOI) must be kept 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 habitable residence, church, or school.

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.

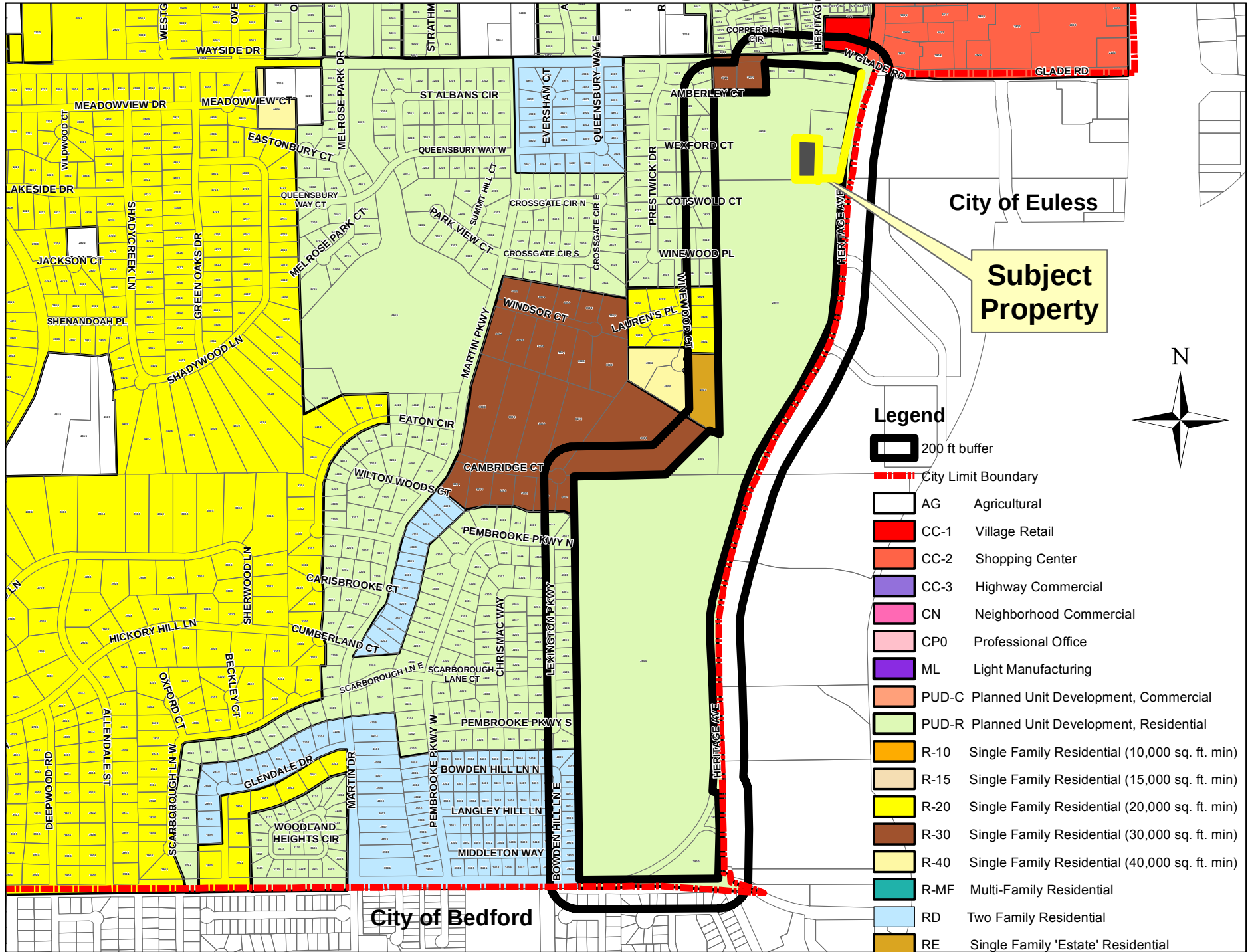
h. The Public Works Director or designee will determine if additional materials testing

will be required. City staff will determine the testing personnel required and any cost of testing will be passed on to the applicant.

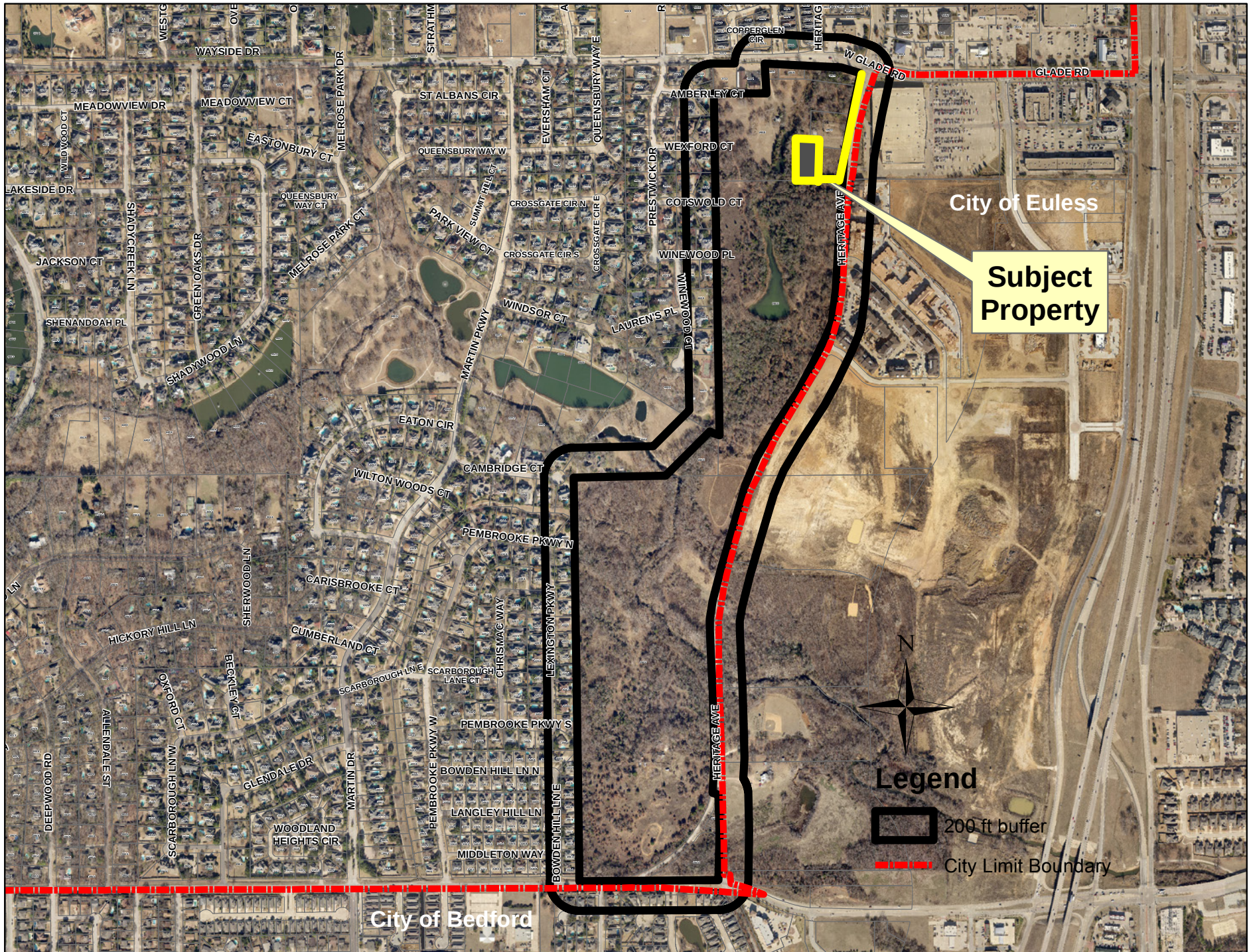
Attachments

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

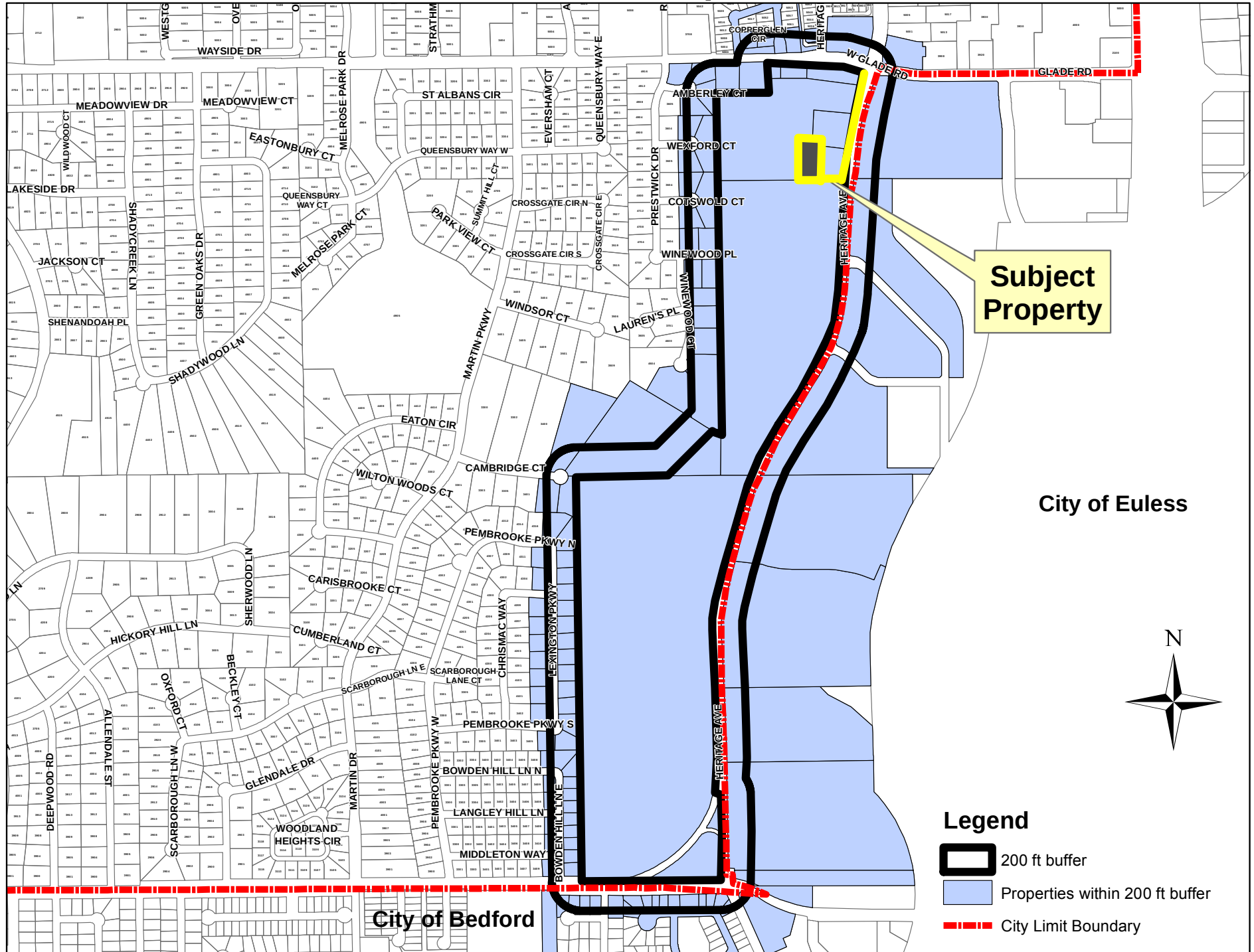
Location and Zoning Map



Aerial



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, HAOCHUAN 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 Support

Date: 3/24/14

SPEAKER CARD

X I will speak **In Support** of this item.

 I will speak **In Opposition** to this item.

 I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 3b, 3c

Name: MARK LEONARD

Address: 6331 SOUTHWEST BLVD.

City: BURLESON

State: TX

Zip Code: 76132

Telephone Number: 817-991-8233

Representing: GILCO CONTRACTING
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: Mark Leonard

This information is a Public Record.

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

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



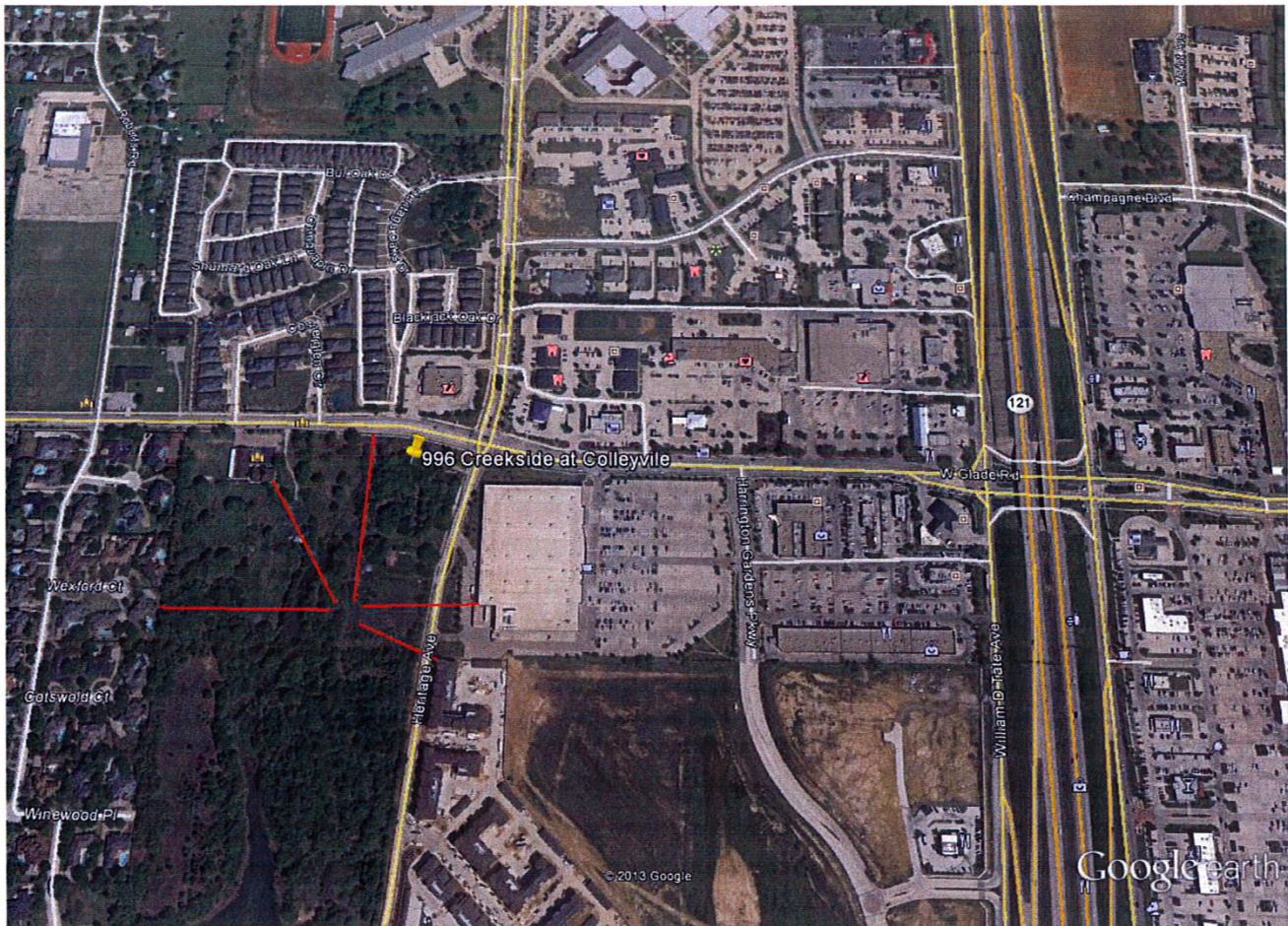
Google earth

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.

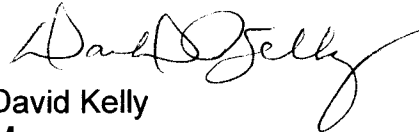
The second reading and public hearing being conducted on the 6th day of September 2007.

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

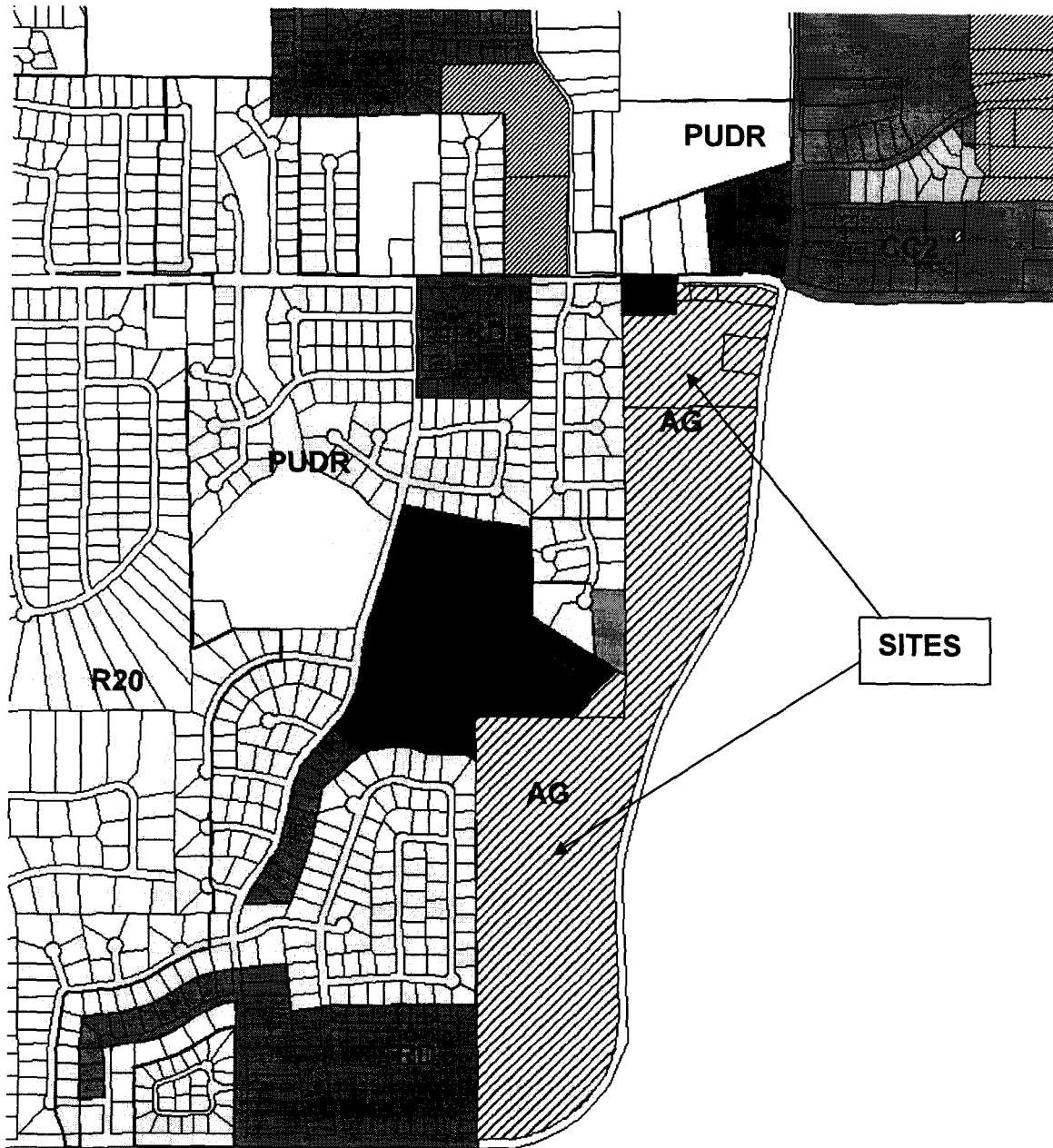


Exhibit "B" Legal Description

**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;

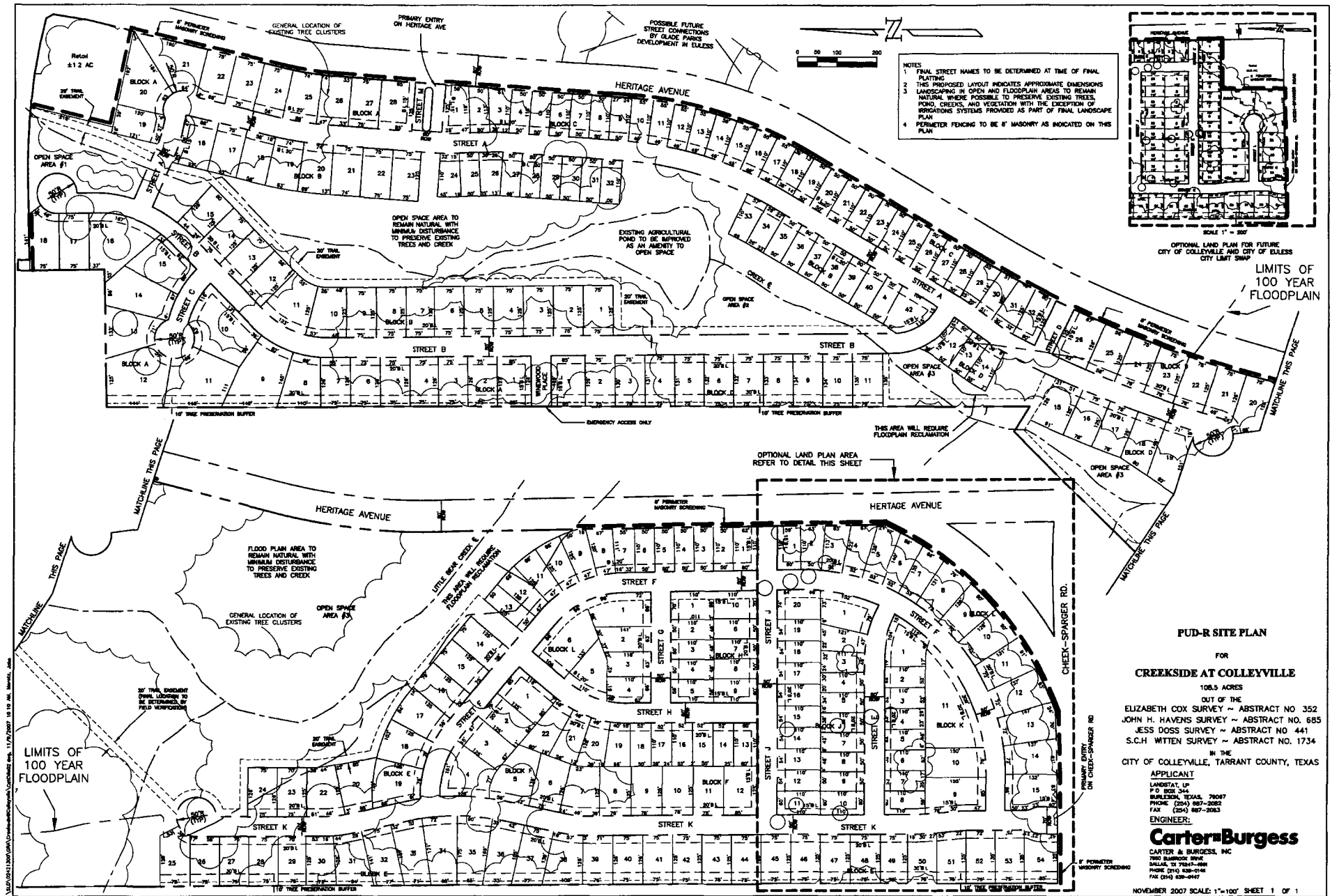
THENCE N 88°42'20" E, A DISTANCE OF 22.07 FEET TO A POINT FOR CORNER;

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-13-1866

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.

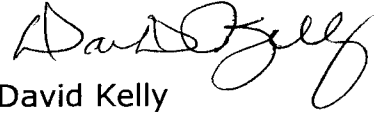
PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 5th day of March 2013.

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

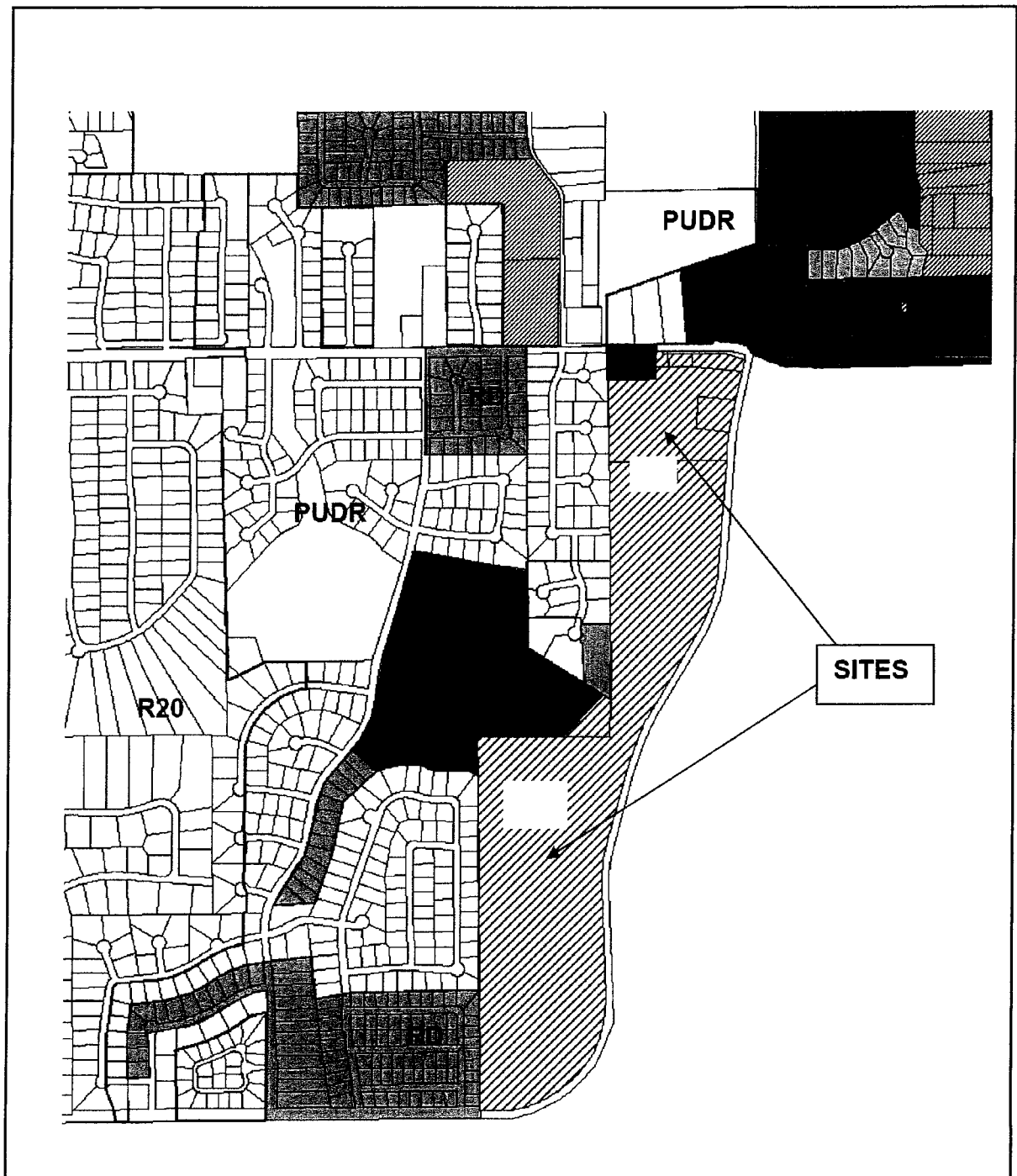
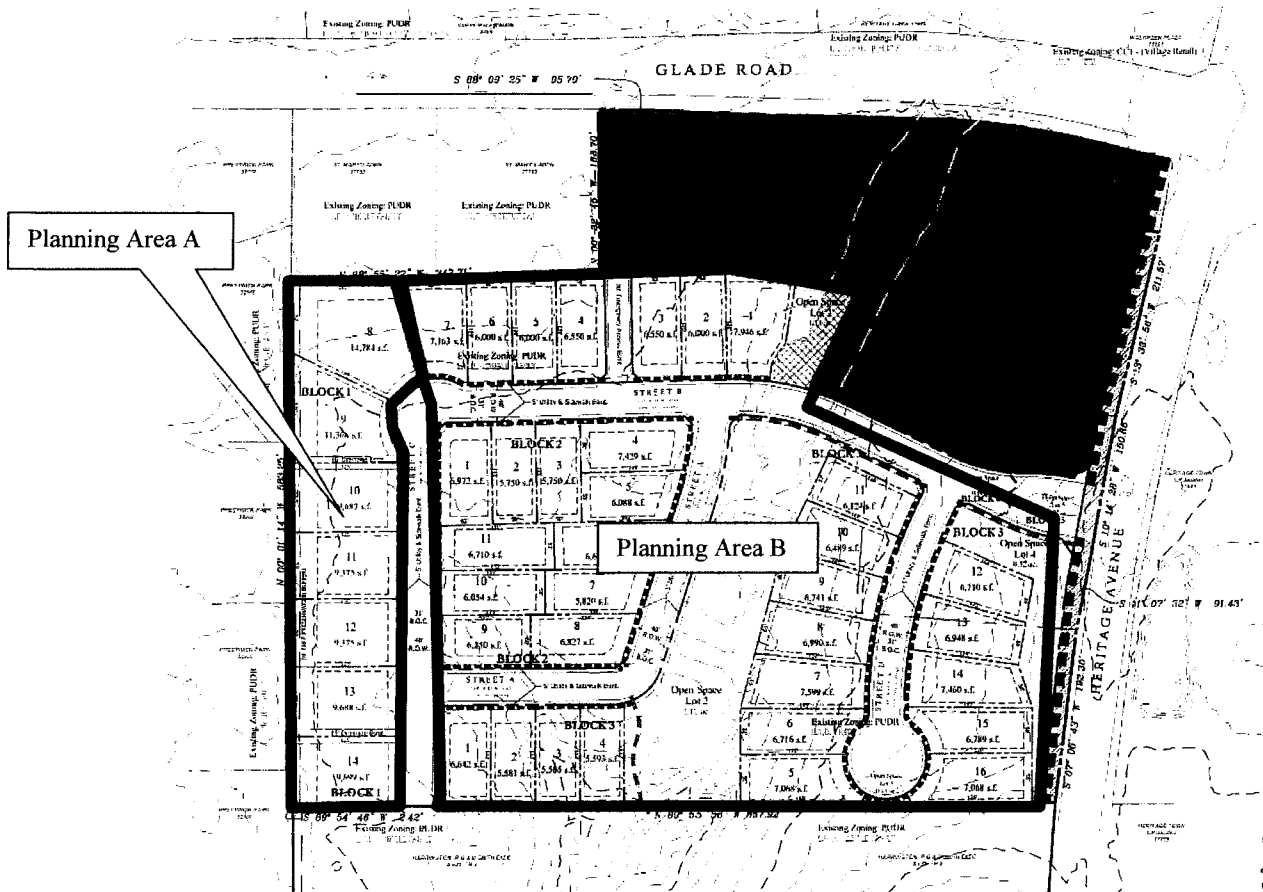


Exhibit "B" Detailed Site Plan



ORDINANCE O-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.

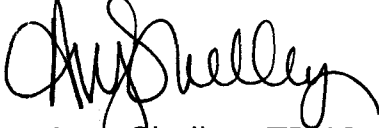
AND IT IS SO ORDERED.

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

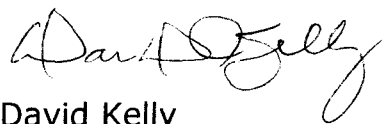
The second reading and public hearing being conducted on the 17th day of December 2013.

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:

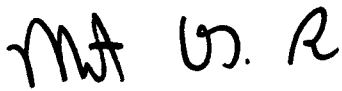

Matthew C. G. Boyle
City Attorney

Exhibit "A" –Location and Zoning Map

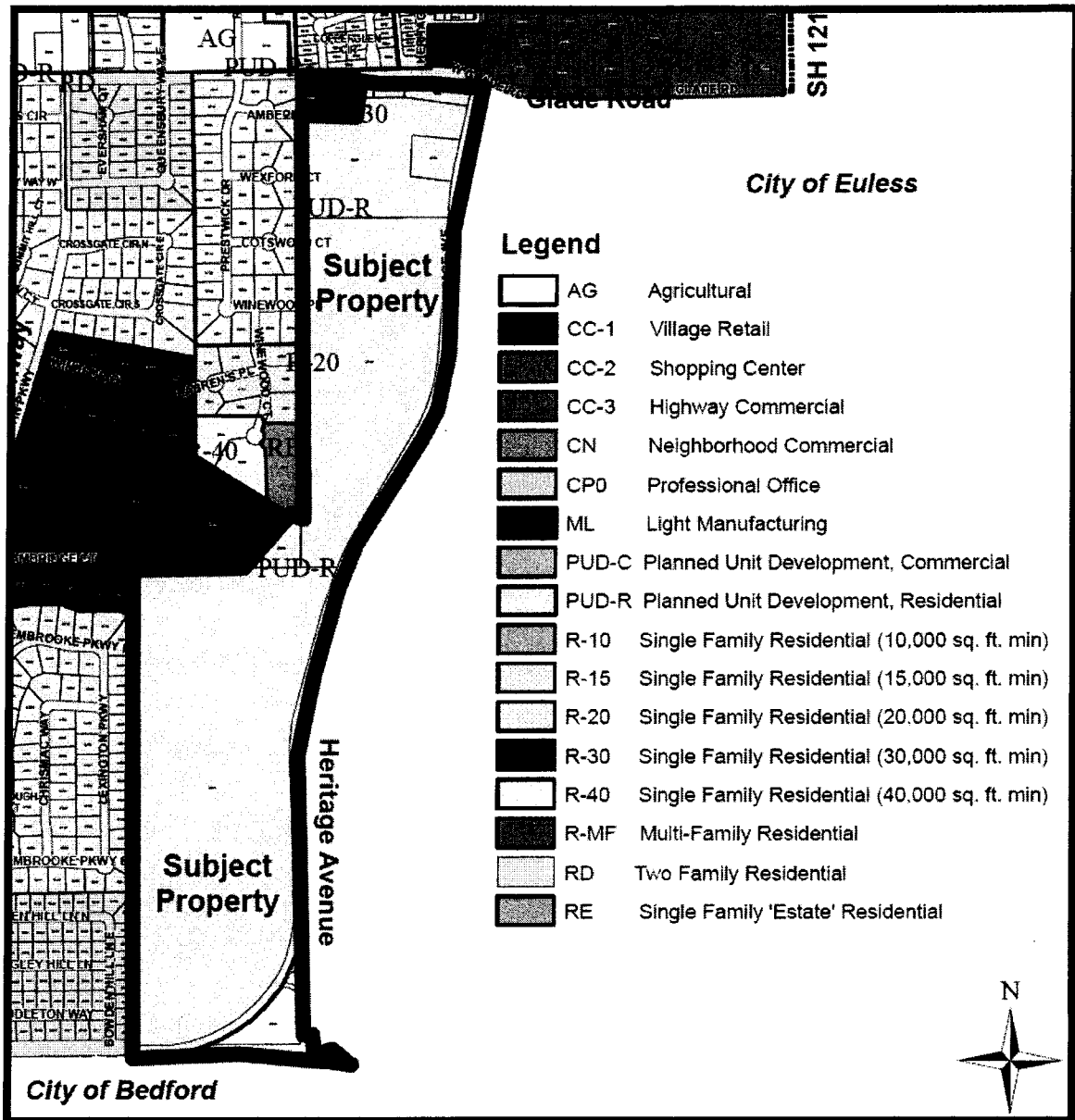


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

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

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

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

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

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

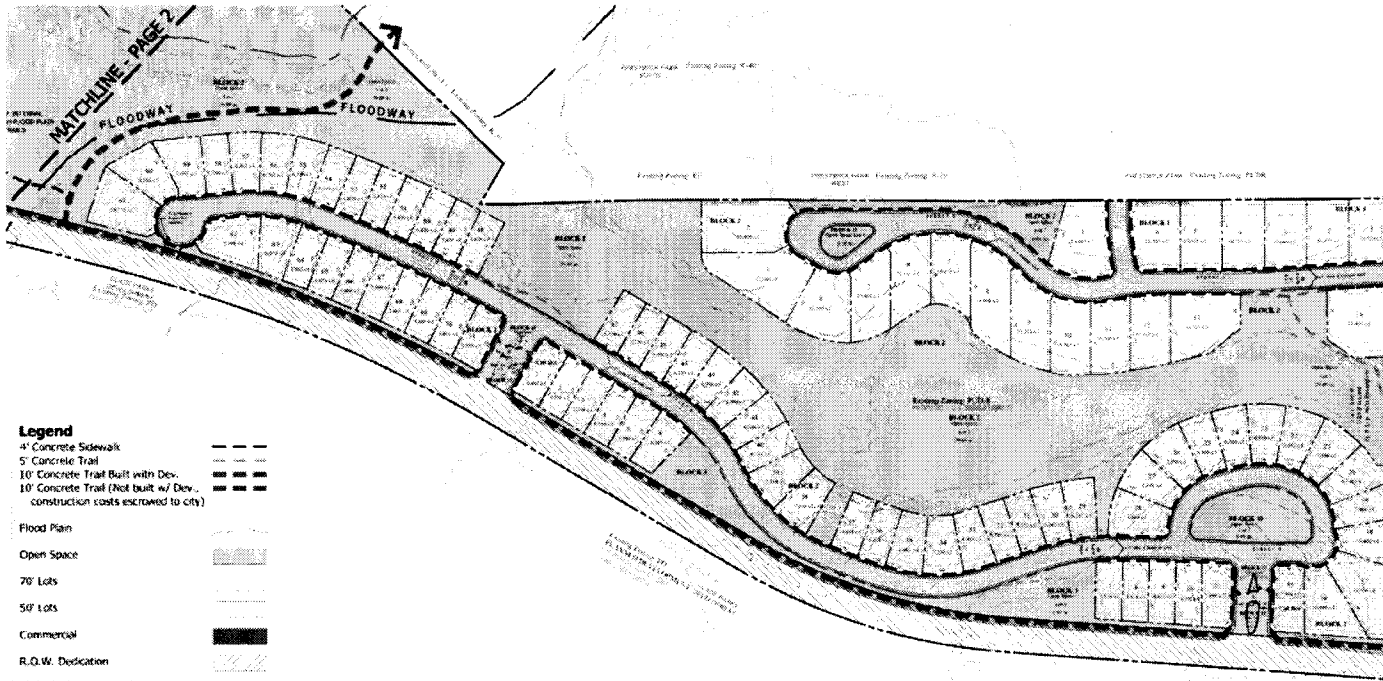
THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

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

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

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

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



- 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 Plain
 - Open Space
 - 70' Lots
 - 50' Lots
 - Commercial
 - R.O.W. Dedication

FOR LEGAL DESCRIPTION OF PROPERTY, SEE ATTACHED FILE

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

Applicant:
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).

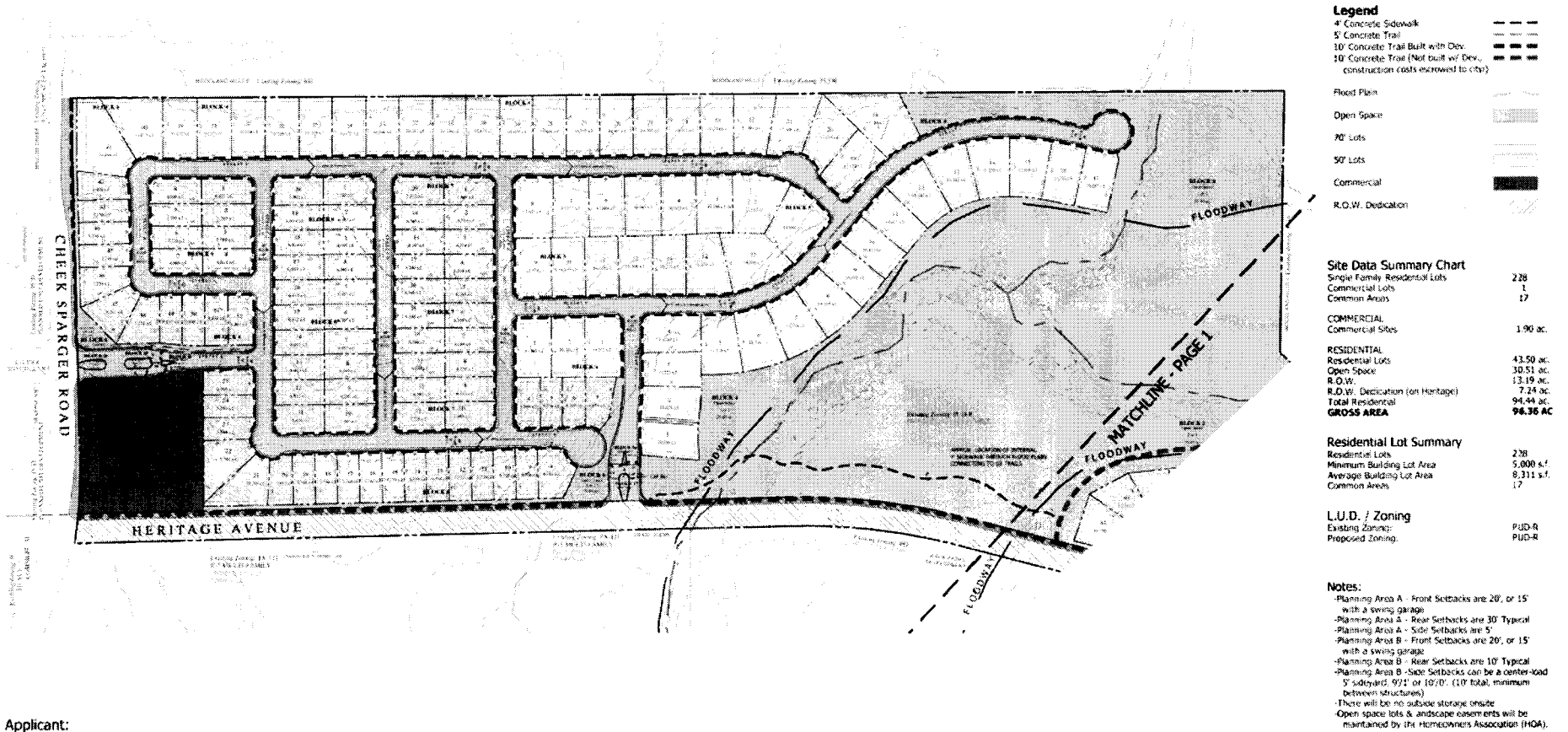
Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC13-017

Zoning Case #ZC13-017



Phase 2 Development Plan

Creekside at Colleyville



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. Central Ave., Ste. 200
Southlake, Texas 76092
TEL: 817-424-2626

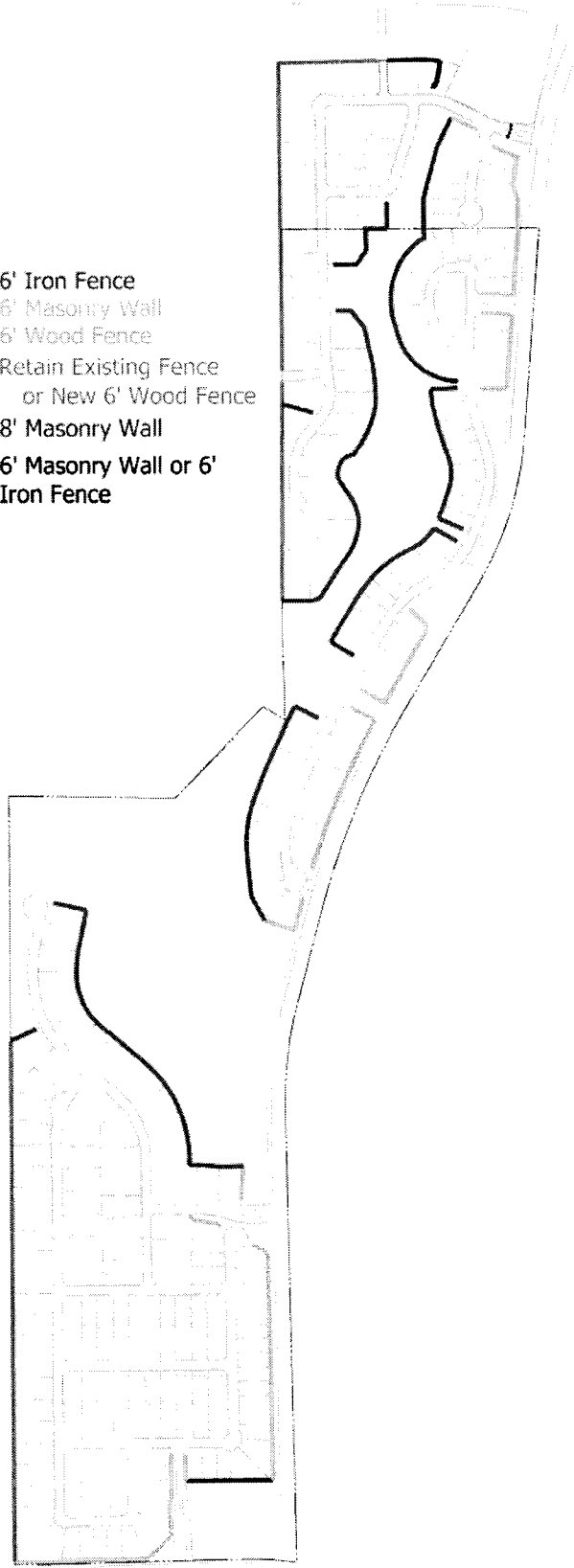


Phase 2 Development Plan

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-14-1913

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, 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 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); 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 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) consecutive calendar 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 Commission on

Environmental Quality for an air quality permit.

- b. The Special Use Permit shall meet all state and federal requirements for concrete batch plants. A copy of the Storm Water Pollution Prevention Plan (SWPPP or SWP3, 110000), and the Notice of Intent (NOI) must be kept 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 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 on to 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, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

[illegible]



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6c

Agenda Date 04/01/2014

Number Ordinance O-14-1914

Type Ordinance

Department Community Development

Title

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

Explanation

First Reading and Public Hearing

Staff proposes amendments to Chapter 3 - Land Use, Section 3.24(B)-Schedule of Permitted Principal Uses and Section 3.24(D)-Temporary Buildings and 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 authorized in 2007. Given a review of requirements in the cities that surround Colleyville and the temporary nature of the batch plants, staff recommends amending the regulations as follows.

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. Staff proposes removing the use of temporary batch plant from the schedule of permitted principal uses and, instead, allowing it as a temporary use. 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 given the type of development. Additionally, 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 provided the duration of operation is 30 days or less. Any requests that deviate from the conditions for approval or will operate for more than 30 days, would require City Council approval by resolution. The current fee for a temporary use permit is \$100.00. The conditions proposed in the Land Development Code for a temporary batch plant are as follows:

"Section 3.24.D.6. Temporary Asphalt or Concrete Batch Plant – The Building Official shall 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, new residential subdivision or other project as authorized by the city manager, provided such temporary use complies with the following requirements:

a. The temporary batch plant shall receive an approved air quality permit from the State of Texas, and evidence must be presented at the time of application for the temporary use permit.

b. The temporary batch plant shall follow all State of Texas storm water run-off requirements. A copy of any required State documents must be on the site of the temporary batch plant at all times.

c. A location map, drawn to scale, shall be provided and indicate the following: the location of the batch plant on the subject property along with a defined plant boundary, the location of all related equipment including but not limited to batching equipment and containers, storage areas, hazardous materials storage if applicable. Another drawing, drawn to scale, shall be provided showing the closest habitable residences, schools and religious institutions. The minimum distances shall be 300 feet measured in a direct line from the boundary of the temporary batch plant, as indicated on the application, to the property boundary of the protected use.

d. The material delivery route shall be provided indicating routes for raw material delivery with details on the type and numbers of trucks per day. Said route shall require final approval by the City Manager or his/her designee.

e. The hours of operation shall follow the construction hours of operation as required in

the Colleyville Code of Ordinances.

f. A letter of permission shall be provided by the property owner stating that the temporary batch plant will be used to provide concrete/asphalt 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 permit duration shall not exceed 30 days from the date of issuance. Only one permit may be issued for a given parcel of property within a 12 month period.

i. The Public Works Director shall determine if additional materials testing is required and may determine the testing personnel required. Any cost of testing shall be paid by the applicant.

j. The batch plant shall not be used as a batching facility for any other site other than the site on which it is located and no concrete, asphalt and any raw materials may be sold from said plant.

k. Any appeal or waiver from the requirements of this section shall require final approval by the City Council. "

Planning and Zoning Recommendation. The Planning and Zoning Commission recommended approval of this request at the March 24, 2014 meeting by a vote of 6-0, subject to the following conditions:

1. Staff will clarify the distance requirements from residential and religious uses, and will add schools to the distance requirements.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Survey of Other Cities
2. Proposed Amendments to Section 3.24(B) and (D)
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 Amendments to Section 3.24(B) and (D)

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 Amendments to Section 3.24(B) and (D)

Colleyville, Texas, 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 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.

Proposed Amendments to Section 3.24(B) and (D)

Colleyville, Texas, Land Development Code

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 shall 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, new residential subdivision or other project as authorized by the city manager, provided such temporary use complies with the following requirements:
 - a. The temporary batch plant shall receive an approved air quality permit from the State of Texas, and evidence must be presented at the time of application for the temporary use permit.
 - b. The temporary batch plant shall follow all State of Texas storm water run-off requirements. A copy of any required State documents must be on the site of the temporary batch plant at all times.
 - c. A location map, drawn to scale, shall be provided and indicate the following: the location of the batch plant on the subject property along with a defined plant boundary, the location of all related equipment including but not limited to batching equipment and containers, storage areas, hazardous materials storage if applicable. Another drawing, drawn to scale, shall be provided showing the closest habitable residences, schools and religious institutions. The minimum distances shall be 300 feet measured in a direct line from the boundary of the temporary batch plant, as indicated on the application, to the property boundary of the protected use.
 - d. The material delivery route shall be provided indicating routes for raw material delivery with details on the type and numbers of trucks per day. Said route shall require final approval by the City Manager or his/her designee.
 - e. The hours of operation shall follow the construction hours of operation as required in the Colleyville Code of Ordinances.
 - f. A letter of permission shall be provided by the property owner stating that the temporary batch plant will be used to provide concrete/asphalt 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 permit duration shall not exceed 30 days from the date of issuance. Only one permit may be issued for a given parcel of property within a 12 month period.
 - i. The Public Works Director shall determine if additional materials testing is required and may determine the testing personnel required. Any cost of testing shall be paid by the applicant.
 - j. The batch plant shall not be used as a batching facility for any other site other than the site on which it is located and no concrete, asphalt and any raw materials may be sold from said plant.
 - k. Any appeal or waiver from the requirements of this section shall require final approval by the City Council.

ORDINANCE O-14-1914

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 3-LAND USE, SECTION 3.24(B) – SCHEDULE OF PERMITTED PRINCIPAL USES AND SECTION 3.24(D) – TEMPORARY BUILDINGS AND USES OF THE LAND DEVELOPMENT CODE; 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(B) and (D) of the Land Development Code by removing the use of asphalt or concrete batching (temporary) from the Schedule of Permitted Principal Uses and providing regulations for temporary asphalt or concrete batch plants under Temporary Buildings and Uses; 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(B) Schedule of Permitted Principal Uses* of the Land Development Code, is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT *Chapter 3-Land Use, Section 3.24(D) Temporary Buildings and Uses* of the Land Development Code, is hereby amended to read as depicted in the attached Exhibit "B".
- Sec. 3. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

- Sec. 4. THAT 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. 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

Exhibit "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 or Section Ref.	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
A. RESIDENTIAL ACCOMODATIONUSES																		
Single Family Detached Dw elling	P	P	P	P	P	P		S								8	3	
Duplex – Attached Dw elling							P									8	2	
Tow nhome – Attached Dw ellings								P								8	4	
Multi-family – Attached Dw ellings								P								8	4	
HUD Code Manufactured Housing									P							8	2	
Assisted Living Facilities	PUD only															2	17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S								1,8	18	
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P							9	5	
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P							Sec. 3.27	n.a.	
Carport	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.	
Home Occupations Uses	P	P	P	P	P	P	P	P	P							8	n.a.	
Servants or Caretakers Quarters	P	P	S	S	S										S	16	1	
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S														17	25	
Crop Farming	P	P															n.a.	
Livestock raising and breeding	P	P														12	n.a.	
Private horse stables for domestic use	P	P	P	S	S												n.a.	
Roadside produce stands (year round)	S	S	S	S	S	S	S	S	S								n.a.	
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		21	
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	

Exhibit "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		
Solid Waste Disposal Sites															S		24
Telecommunications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3	21
Water Pumping Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24
Wind Driven Generators	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		n.a.
E. PUBLIC AND INSTITUTIONAL USES																	
Colleges or Universities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		12
Community Centers or Recreation Centers	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		5
Government Buildings, Offices and Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		8
Fire Stations / Police Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		16
Golf Courses – Public Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		22
Government Maintenance Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Libraries										P	P	P	P	P	P		9
Museums										P	P	P	P	P	P		8
Post Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		10
Parks and Open Space Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Public Maintenance and Storage Buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		25
Private Schools – Elementary and Secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		13
Private Schools – High School	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		14
Public Schools – Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		13
Public Schools – High School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		14
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		18
F. OFFICE USES																	
Accountant's Offices										P	P	P	P	P			8

Exhibit "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			
Advertising Agencies											P	P	P	P	P			8
Attorney Offices											P	P	P	P	P			8
Chiropractic Clinics											P		P	P	P			8
Emergency Clinic (24 hrs.)													S	P	P		10	6
Engineering, Architect's, and Surveyor's Offices											P	P	P	P	P			8
General Business Offices not elsewhere listed											P	P	P	P	P			8
Insurance Agencies											P	P	P	P	P			8
Management and Public Relations Services Offices											P	P	P	P	P			8
Optometrist Office											P		P	P	P			8
Psychologist Offices											P	P	P	P	P			8
Physician's or Dentist's Offices											P		P	P			5	7
Real Estate Agency Offices											P	P	P	P	P			8
Security Broker Offices											P	P	P	P	P			8
Telemarketing Offices													P	P	P			5
Title Abstract Offices											P	P	P	P	P			8
Trade or Business Schools													S	S	S	P		15
Travel Agency / Airline Ticket Offices											P	P	P	P	P			8
G. RETAIL AND SERVICE USES																		
Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption													S	S	S		13	n.a.
Alcoholic Beverage Sales – On-premises Consumption													S	S	S		13	n.a.
Package Store Sales – Off-premises Consumption													S	S	S		13	n.a.
Alcohol or Drug Treatment Center											S	S	S	S	S	S		24
Antique Stores													P	P				7

Exhibit "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			
Apparel and Accessory Stores												P	P				7	
Arts and Crafts Stores and Hobby Shops												P	P				7	
Bakery Stores												P	P				7	
Banks, Credit Unions and Financial Institutions											P	P	P				8	
Barber Shops, Beauty Shops and Day Spas											P	P	P			10	7	
Bicycle Shops												P	P				7	
Book, Stationary or Greeting Card Shops												P	P	P			7	
Camera or Music Stores												P	P				7	
Carnivals and Circuses												S	S				24	
Cemeteries or Mausoleums										S	S	S	S	S	S		24	
Charitable Donation Station												S	S	S			24	
Civic, Social or Fraternal Organizations										S	S	P	P				7	
Convenience Stores w ith gasoline sales												S	S	S	S		7	
Copy Centers/Print Shops										S	S	P	P	P	P		7	
Dance Studios and Martial Arts Studios										S	S	P	P				7	
Day Care Centers										S	S	S	S	S		17	11	
Department Stores												P	P				7	
Dry Cleaner Pick-up Stations											S	P	P				7	
Dry Cleaners (up to 5,000 s. f. w /on-site laundry)												P	P				7	
Equipment Rental and Leasing Stores														S	P		7	
Florist Shops											P	P	P				7	
Food Catering													P	P			8	
Funeral Homes												S	S	S			24	
Furniture and Appliance Stores												P	P	P			9	

Exhibit "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			
Grocery Stores												P	P			18	7	
Hardware, electrical & plumbing w/o outside display											P	P	P	P				
Hardware, electrical & plumbing with outside display													S	P	P			
Hospitals												S	S	S			24	
Hotels and Motels													P	P			19	
Interior Decoration Stores										P	P	P	P				7	
Jewelry Stores											P	P	P				7	
Locksmiths											S	S	P	P			8	
Mailing and Shipping Stores											P	P	P	P			7	
Meat or Fish Market												P	P	P			7	
Nurseries and Greenhouses with outside display													S	P	P		16	
Pawn Shops															P		7	
Pet Stores												P	P				7	
Pharmacy											S	P	P	P			7	
Photography Studios										P	P	P	P	P	P		8	
Purchasing and/or resale of precious metals including jewelry, gemstones, gold, silver, and platinum and not licensed as a Pawn Shop by the State of Texas												S	S	S			7	
Restaurants, Cafes and Cafeterias												P	P	P			5	
Restaurants with drive-in or drive-thru service													P	P			5	
Second hand goods shop												S	S	S			7	
Self-service Laundries											S	S	S	S			7	
Second hand goods shop												S	S	S			7	
Self-service Laundries											S	S	S	S			7	

Exhibit "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			
Shoe Repair Shops											P	P	P	P			8	
Tailor and Alteration Shops											P	P	P	P			8	
Veterinarian Clinic with indoor kennels													P	P	P	4	8	
Veterinarian Clinic with outdoor kennels													S	P	P		8	
Video Rental and Sales Stores												P	P	P			7	
Wedding Chapels												S	S	S			24	
H. RECREATIONAL AND ENTERTAINMENT USES																		
Adult Entertainment Establishments	See section 22-5 Code of Ordinances																5	
Amusement Centers (indoors)												S	S				24	
Archery and Firearms Ranges														S	S	6	24	
Billiard Parlors												S	S			17	23	
Commercial Recreation (outdoor)	S										S	S	S	S	S		24	
Fitness Centers												P	P	P			7	
Golf Courses – Privately Owned										P	P	P	P	P	P		22	
Golf Driving Ranges												P	P				22	
Miniature Golf Courses												P	P				20	
Roller or Ice Skating Rinks													S	S			24	
Theaters												P	P			7	18	
I. AUTOMOTIVE AND TRANSPORTATION USES																		
Airports and Heliports	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	
Auto Alarm / Stereo / Window Tinting Stores													P	P	P	13	7	
Auto Lube Shops													S	P	P	13	9	
Automotive and Motor Vehicle Sales													S	S	S	13	8	

Exhibit "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	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 w ith outside storage														S	P		7	
Table 3.24.B- - Schedule of Permitted Principal Uses																		

Exhibit "A"

Colleyville, Texas, Land Development Code

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			
Commercial Laundry														S	S		24	
Contractor Office with storage yard														S	S		24	
Contactar Office w ithout storage yard														P	P		8	
Electronic Assembly or Manufacturing															P		25	
Exterminator Shop														S	S		24	
Food Packaging and Manufacturing															S		24	
Furniture and Cabinet Manufacturing															P		25	
Office Show room															P		25	
Oil and Gas Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Ch. 3.1	24	
Plumbing, HVAC and Electrical Trades Shops														P	P		8	
Printing and Publishing - Commercial															P		8	
Plumbing, HVAC and Electrical Trades Shops														P	P		8	
Printing and Publishing - Commercial															P		8	
Research and Development Labs															P		8	
Scientific Instrument Assembly and Manufacturing															P		8	
Self Storage Facilities (mini-w arehouse)															S		24	
Upholstery and Furniture Repair Shops														P	P		8	
Warehouse and Distribution Facilities															S		24	
Wood, Paper or Leather Products															P		25	
Manufacturing not elsew here listed															S		24	
Welding or Machine Shop															P		25	

Exhibit "B"

Colleyville, Texas, 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 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.

Exhibit "B"

Colleyville, Texas, Land Development Code

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 shall 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, new residential subdivision or other project as authorized by the city manager, provided such temporary use complies with the following requirements:
 - a. The temporary batch plant shall receive an approved air quality permit from the State of Texas, and evidence must be presented at the time of application for the temporary use permit.
 - b. The temporary batch plant shall follow all State of Texas storm water run-off requirements. A copy of any required State documents must be on the site of the temporary batch plant at all times.
 - c. A location map, drawn to scale, shall be provided and indicate the following: the location of the batch plant on the subject property along with a defined plant boundary, the location of all related equipment including but not limited to batching equipment and containers, storage areas, hazardous materials storage if applicable. Another drawing, drawn to scale, shall be provided showing the closest habitable residences, schools and religious institutions. The minimum distances shall be 300 feet measured in a direct line from the boundary of the temporary batch plant, as indicated on the application, to the property boundary of the protected use.
 - d. The material delivery route shall be provided indicating routes for raw material delivery with details on the type and numbers of trucks per day. Said route shall require final approval by the City Manager or his/her designee.
 - e. The hours of operation shall follow the construction hours of operation as required in the Colleyville Code of Ordinances.
 - f. A letter of permission shall be provided by the property owner stating that the temporary batch plant will be used to provide concrete/asphalt 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 permit duration shall not exceed 30 days from the date of issuance. Only one permit may be issued for a given parcel of property within a 12 month period.
 - i. The Public Works Director shall determine if additional materials testing is required and may determine the testing personnel required. Any cost of testing shall be paid by the applicant.
 - j. The batch plant shall not be used as a batching facility for any other site other than the site on which it is located and no concrete, asphalt and any raw materials may be sold from said plant.
 - k. Any appeal or waiver from the requirements of this section shall require final approval by the City Council.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8

Agenda Date 04/01/2014

Type Report

Department City Secretary

Title

Colleyville Events Steering Committee Meeting Minutes - October 23, 2013
Planning and Zoning Commission Meeting Minutes - February 24, 2014

Attachments

1. Colleyville Events Steering Committee Meeting Minutes - October 23, 2013
2. Planning and Zoning Commission Meeting Minutes - February 24, 2014



City of Colleyville

Colleyville Events Steering Committee Minutes

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

Wednesday, October 23, 2013
4:30 p.m.

Colleyville Public Library
110 Main Street

1. CALL TO ORDER

Chairperson Amy Redfearn called the meeting of the Colleyville Events Steering Committee to order at 4:40 p.m.

Roll Call

Present: Chair Amy Redfearn, Manjiri Joshi, Kristen Isensee, Linda Salisbury and Patti Tanaka. Staff present: Mary Rodne, Lisa Escobedo, and Kathy Moore

Absent: J. Walt Mills

2. APPROVAL OF MINUTES

May 22, 2013

A motion was made by Manjiri Joshi and seconded by Linda Salisbury to approve the May 22, 2013 minutes as presented. The motion carried with a unanimous vote.

3. REGULAR AGENDA ITEMS

3a Post Event Discussion of Red, White and Sousa

In the interest of time restraints for one Committee member this item was skipped.

3b Discussion of the City of Colleyville Special Events FY2014 Budget Report

Director Rodne updated the Committee on the Special Events FY2014 budget and stated that City Council had approved a budget of \$87,000 for special events in FY2014. It was noted that the budget included \$15,000 for the Old Tyme Bar-B-Q, \$36,000 for Holly Colley and \$36,000 for Red, White and Sousa. Rodne added that the budget had a slight increase from FY2013.

3c Discussion of the Location for FY2014 City Special Events

Rodne informed the Committee that Holly Colley will be held at the Colleyville Center, and explained that staff was working on a layout to address safety concerns with the ponds.

3d Discussion of the Holly Colley Holiday Event

Director Mary Rodne stated that the community tree lighting ceremony would remain at City Hall and updated the Committee on various timelines for tree delivery and decorating. It was noted that the big tree will be decorated by staff on November 18.

Rodne also noted that the tree lighting was scheduled for December 3 at 6:15-6:30 pm, between City Council meetings. She added that the Library will host a holiday open house in conjunction with the tree lighting ceremony and that the event would include refreshments and various activities. Additionally, Santa would be in attendance and available for photos.

Kristi Isbell distributed the entertainment schedule for Holly Colley and a list of the community tree sponsors and noted that she was still working with both the entertainment and sponsor groups on confirmations. Mary Rodne stated that she was currently working with Leslie Hill at the Colleyville Center to coordinate a timeline for the set-up of the Holly Colley Holiday event. Rodne added that she plans to focus more on the entertainment.

Committee members agreed that with the absence of the tree lighting at the new location, the event needed something to draw everyone together as a community. Director Rodne stated that the arrival of Santa could possibly be used to create something "special" at the beginning of the event; a lengthy discussion ensued on possible ways to create something "special" for the event and a finale.

Discussions continued with Committee members voicing concerns on the logistics of the layout and safety concerns with the pond and geese. Director Rodne presented her current layout plan to the group and stated that staff would address the safety issues, and update the Committee at their next meeting.

Rodne concluded with an overview of the event, and stated that staff planned to increase the number of photo scenes and inflatable rides, along with new frame games. Additionally, she stated that the event would include carriage rides, food trucks and the Colleyville Lions Club photos with Santa.

3e Discussion of Items for Future Agendas

The Committee tentatively agreed to meet again on November 20, 2013; staff will send out reminder notices the week before to ensure that a quorum would be met.

Amy Redfearn informed staff that National Charity League (NCL) was interested in some volunteer opportunities with the City's upcoming events. Rodne noted that Lisa Escobedo was in charge of volunteers for the Holly Colley event, and that she had been in contact with the NCL organization.

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

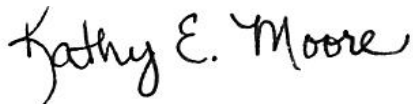
There were no citizen's comments/presentations regarding items not on the agenda.

5. ADJOURNMENT

A motion was made by Patti Tanaka and seconded by Linda Salisbury to adjourn the meeting. Motion approved. The meeting of the Colleyville Events Steering Committee was adjourned at 5:20 p.m.

*APPROVED BY A VOTE OF 5 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 26th DAY OF **February**, 2014.*

Minutes taken and prepared by:



Kathy Moore
Administrative Secretary



City of Colleyville Planning and Zoning Commission Minutes

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

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.

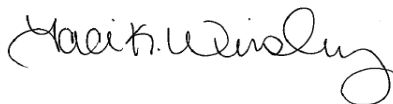
The motion to approve Case PC13-027 carried by the following vote:

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 6-0.

RESOLUTION R-14-3737

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR
CITY COUNCIL MEETING OF
APRIL 1, 2014**

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

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

Sec. 1. THAT the agenda decisions approved by City Council action under Business this date and not otherwise adopted by Ordinance and/or separate Resolution as follows are hereby adopted:

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 1ST DAY OF APRIL 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor