



City of Colleyville City Council Agenda

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

Tuesday, April 15, 2014

City Council Chambers

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

CALL TO ORDER

PC-1 Overview of Recreation and Senior Center Programs

PC-2 Mid year budget presentation

PC-3 Discussion of the Colleyville Boulevard (SH26) Water and Sanitary Sewer Relocation Project

PC-4 Presentation of the Monthly Financial Report - March 2014

PC-5 Discussion of April 15, 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 - Keith Pardew 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 Dale Molden, First Baptist Church Colleyville

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-14-3738**

- 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 the Colleyville Garden Club Promenade Garden Tour, May 4, 2014 - Colleyville Garden Club President Suzanne Hughes

In recognition of Colleyville's featured business, Machele's Boutique, Machele Dennis, Owner, 5611 Colleyville Boulevard, Suite 200 - Mayor David Kelly and Economic Development Director Marty Wieder

- 4. CONSENT: READING AND PUBLIC HEARING - Resolution R-14-3739**

4a Approval of the minutes of the regular City Council meeting of April 1, 2014

4b Approval of a Segway i2 electric vehicle donation from Mr. Steve Bryant to the Colleyville Police Department

4c Approval of a Crossing Improvement Agreement between the Fort Worth and Western Railroad and the City of Colleyville, to install and maintain quiet zone railroad crossings at Bransford Road, Pleasant Run Road, and John McCain Road, and authorize the city manager to execute the agreement

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

5a 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

5b 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

5c 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, Case GC14-006

6. RESOLUTION(S): READING AND PUBLIC HEARING**6a Resolution R-14-3740**

Consideration of a waiver to the sidewalk construction and escrow requirements on Lot 7, Block 3, of the Stafford Heights Subdivision, located at 4613 Manning Drive, Case GC14-009

6b Resolution R-14-3741

Consideration of a request to amend the Colleyville Pathways Plan, by removing Trail 35 from the plan, Case GC14-005

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

Zoning Board of Adjustment Meeting Minutes - February 11, 2014

Parks and Recreation Advisory Board Meeting Minutes - February 17, 2014

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR APRIL 15, 2014 - Reading and Public Hearing - Resolution R-14-3742**10. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, April 11, 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 04/15/2014

Type Pre Council

Department Parks and Recreation

Title

Overview of Recreation and Senior Center Programs

Explanation

The purpose of this agenda item is to provide City Council with an overview of the Recreation and Senior Center Programs.

Attachments

1. Colleyville Recreation Overview Presentation

Colleyville Recreation Overview

**Pre Council Meeting
April 15, 2014**

Recreation Begins



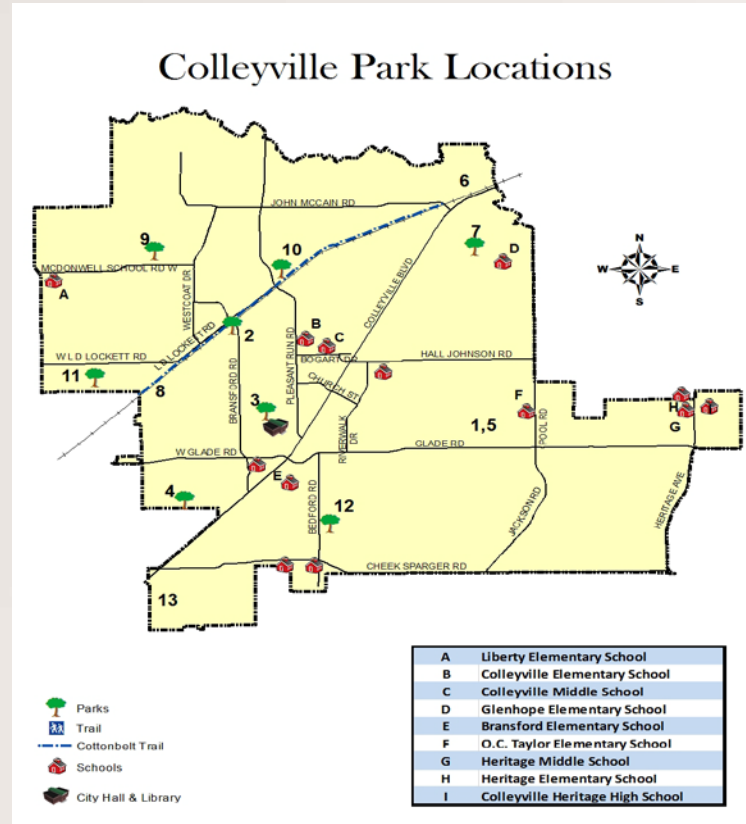
- L.D. Lockett Park was purchased in 1985.
- L.D. Lockett House was designated as the Senior Center on November 7, 1989.
- Senior activities as well as youth camps and classes were held at L.D. Lockett Park beginning in 1990.
- On October 24, 2006 the current Senior Center officially opened for recreation programming.



Locations of Recreation Programming



- Senior Center
- McPherson Rock House
- Pleasant Run Park
- Sparger Park
- City Park
- McPherson Park
- Nature Center
- GCISD Facilities



Youth Recreation Programming



- Tap & Ballet
- Babysitter Training
- Brain Club
- Keyboard/Piano
- Girls on the Run
- Art Camps
- Sports Camps
- Lego camps
- Science Camps
- Tennis



Adult Recreation Programming

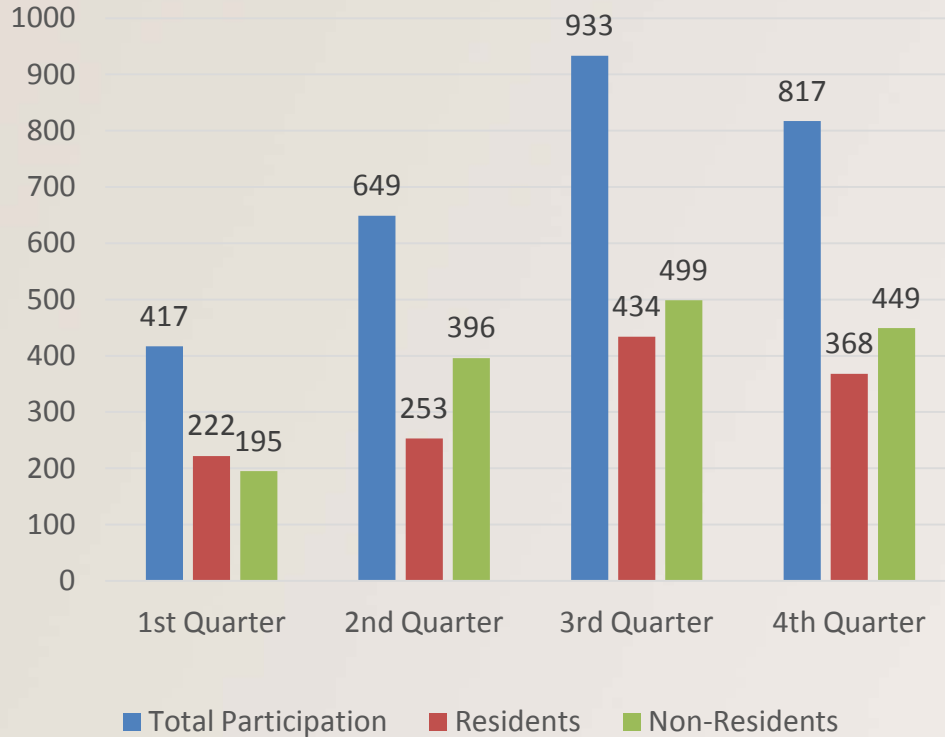


- Yoga
- Tennis
- Zumba
- Ballroom Dance
- Dog Conformation
- Fitness Training
- Boot Camps
- Digital Photography
- Scrapbooking

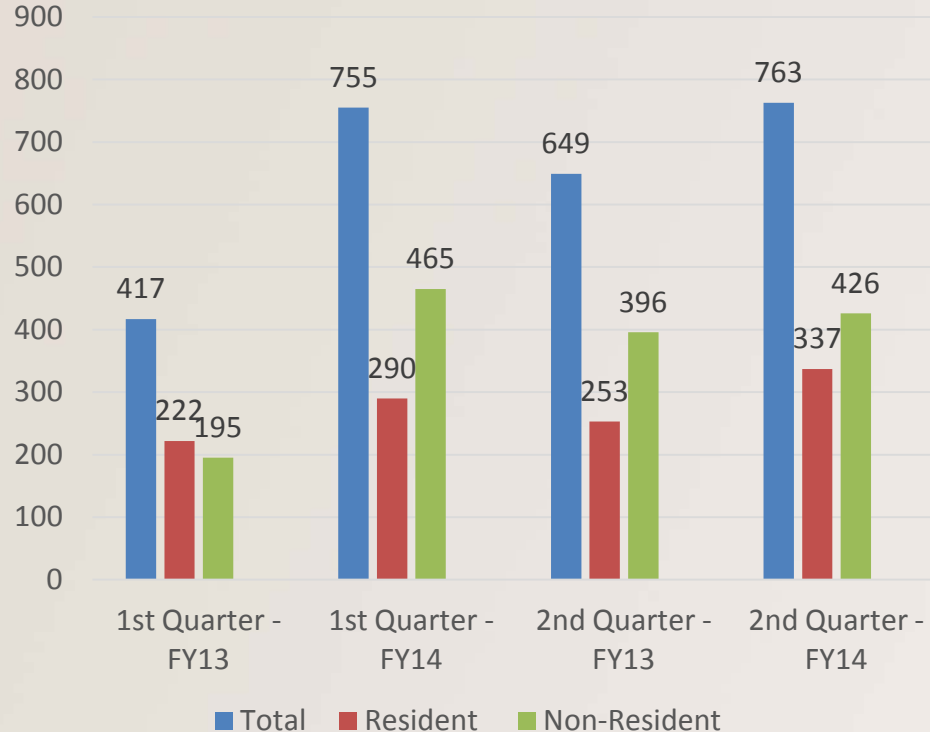


Participation

FY 13 Recreation



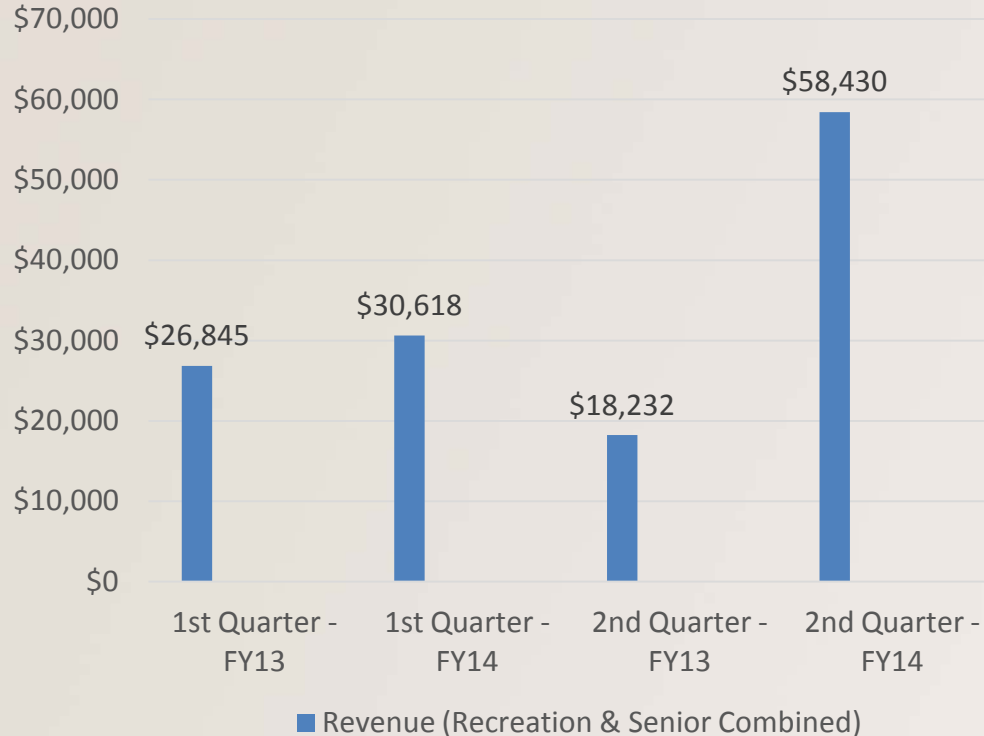
Participation Growth FY 14 vs. FY 13



Overall Total Participation
42% increase

Resident 32% increase
Non-Resident 51% increase

Revenue Growth FY 14 vs. FY 13



Overall Total Revenue
97% increase



Girls Volleyball League



Spring 2013

- Total Participants = 152
- Residents = 82; Non-Residents = 70
- 54% Residents; 46% Non-Residents
- Division 1 = 10 teams
(11 years & under)
- Division 2 = 7 teams
(13 years & under)

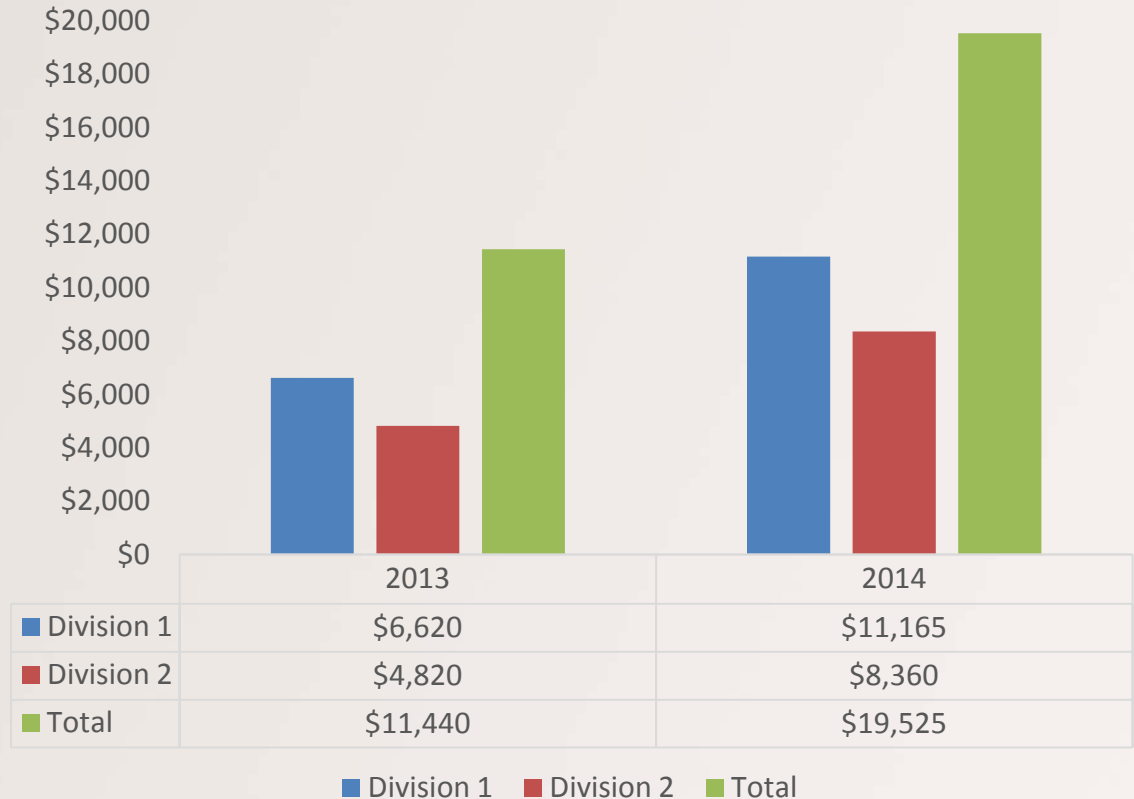
Spring 2014

- Total Participants = 252
- Residents = 96; Non-Residents = 156
- 38% Residents; 62% Non-Residents
- Division 1 = 15 teams
(10 years & under)
- Division 2 = 11 teams
(13 years & under)

66 % increase in participation



Spring Volleyball Revenue



Senior Recreation Programming



- Tai Chi
- Yoga
- Jazzercise Lite
- Social Dance
- Meals on Wheels
- Lunch & Learns
- Computer Classes
- Bridge
- Health Checks
- AARP Tax Aide
- AARP Driving
- Photography
- Musical & Theater Groups



Colleyville Choralaires
Meals on Wheels – March 21, 2014

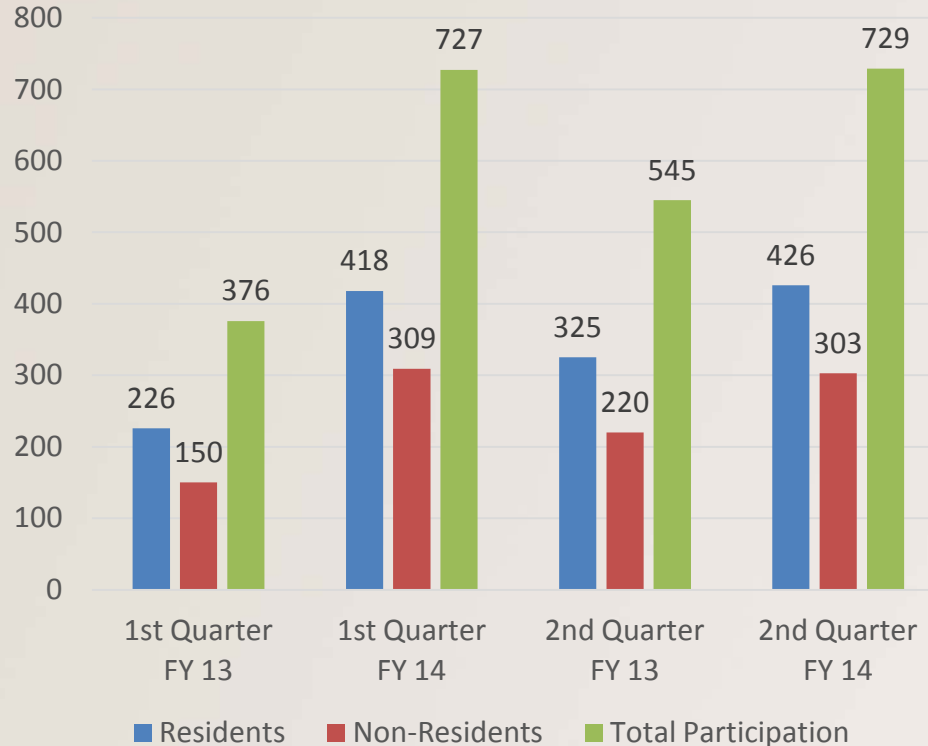
Senior Recreation Trips



- Winstar Casino
- Choctaw Casino
- U.S. Bureau of Engraving & Printing Tour
- AT&T Stadium Guided Tour
- Canton First Monday Trade Days
- Runway Theatre
- Mesquite Pro Rodeo
- Texas Rangers Ball Park Tour
- Fort Worth Zoo
- George W. Bush Presidential Library & Museum
- Lone Star Park



Senior Participation



Overall Total Participation
58% increase

Residents 53% increase
Non-Residents 65% increase

Active Memberships

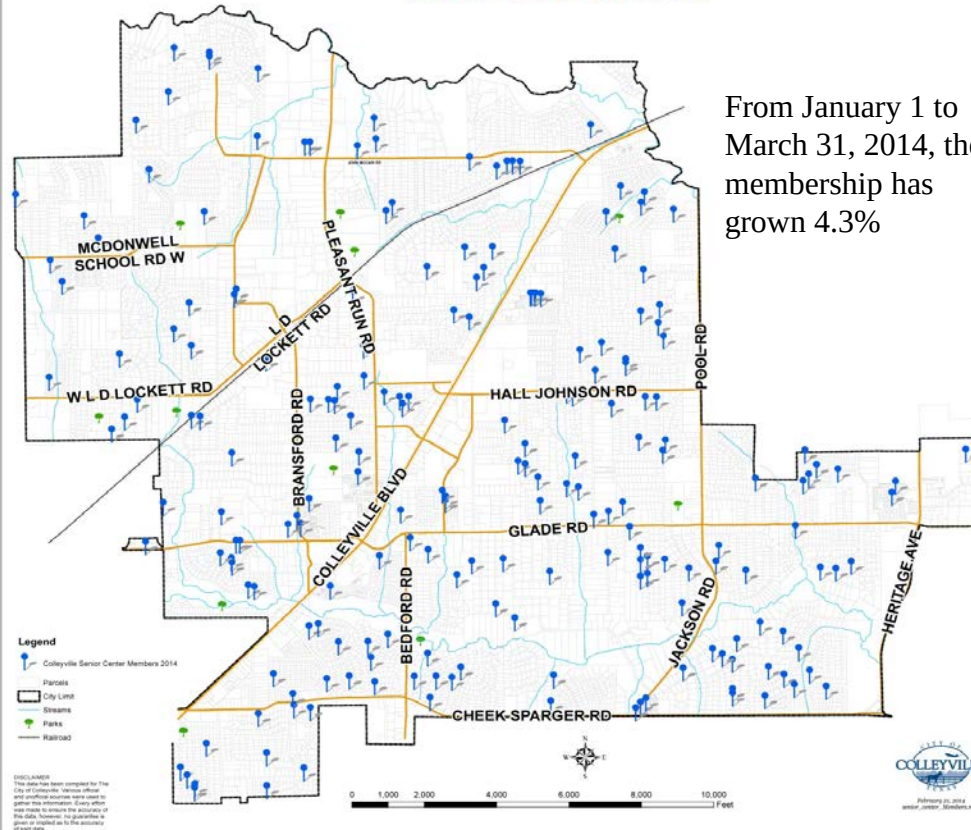


Active Memberships

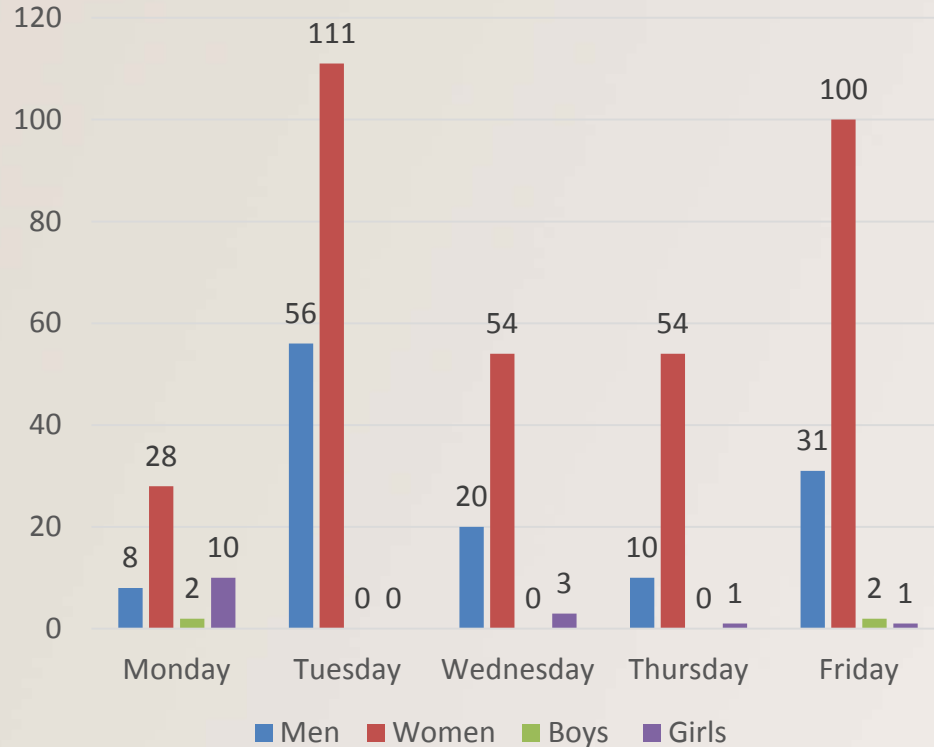


City of Colleyville Senior Center Members

From January 1 to
March 31, 2014, the
membership has
grown 4.3%



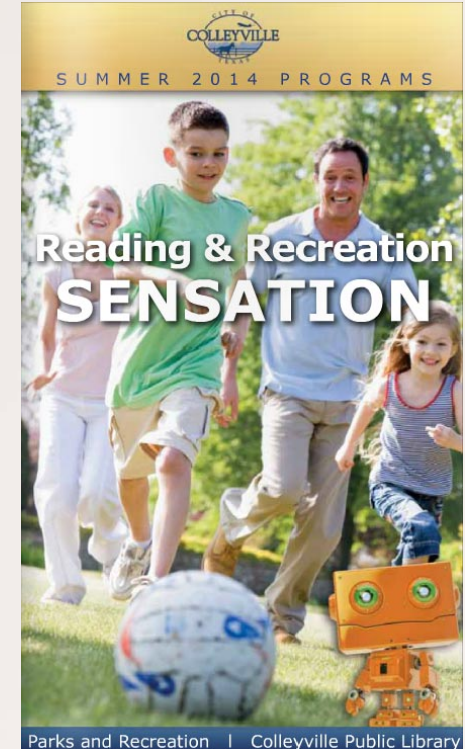
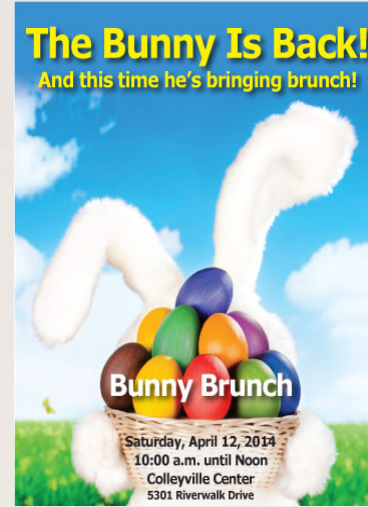
Daily Participation



Marketing



- City E-News
- Colleyville E-Communicator
- Senior Newsletter
- Colleyville.com
- Community Impact
- Posters & Flyers



Special Events



- Winter Ball
- Senior Prom
- Bunny Brunch
- Texas Junior Anglers
- Senior Health Fair
- Haunted Trail Fest
- Senior Holiday Party

*Combined attendance of about
3,000 participants



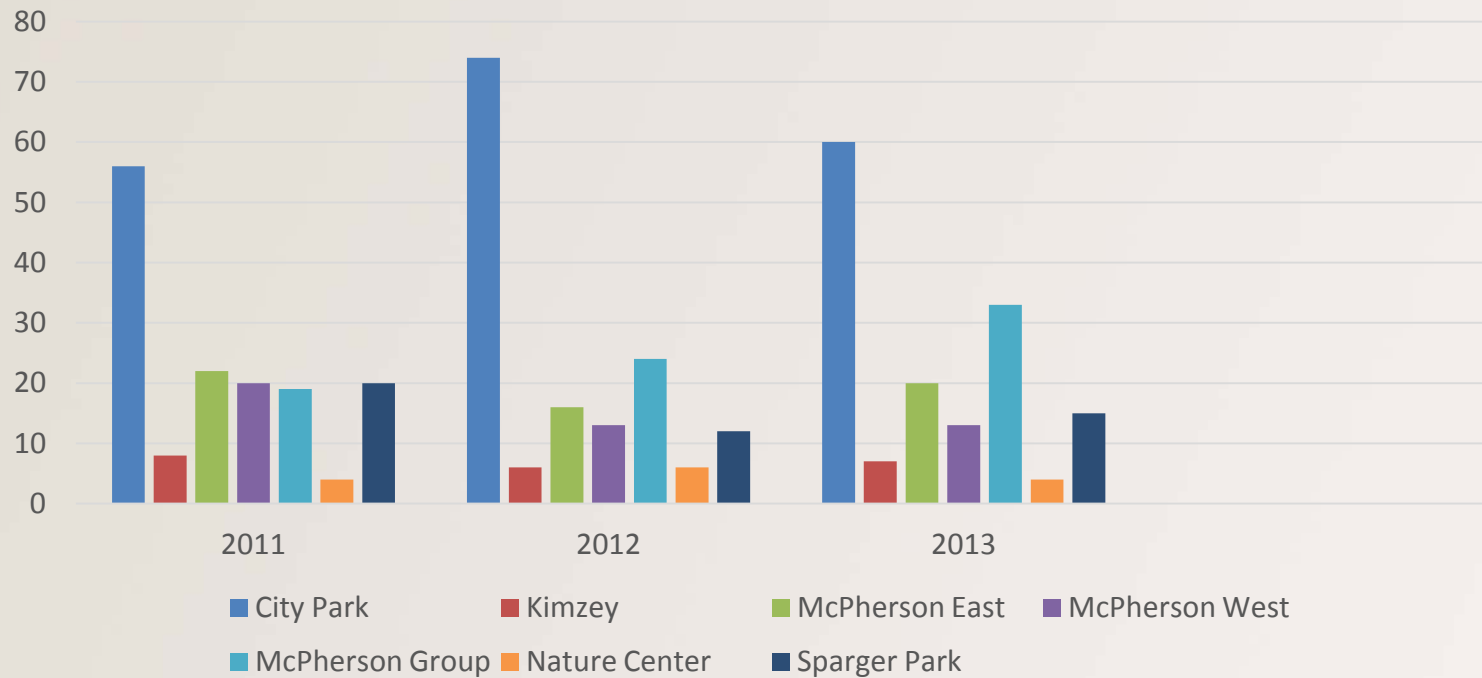
Reservation of Facilities



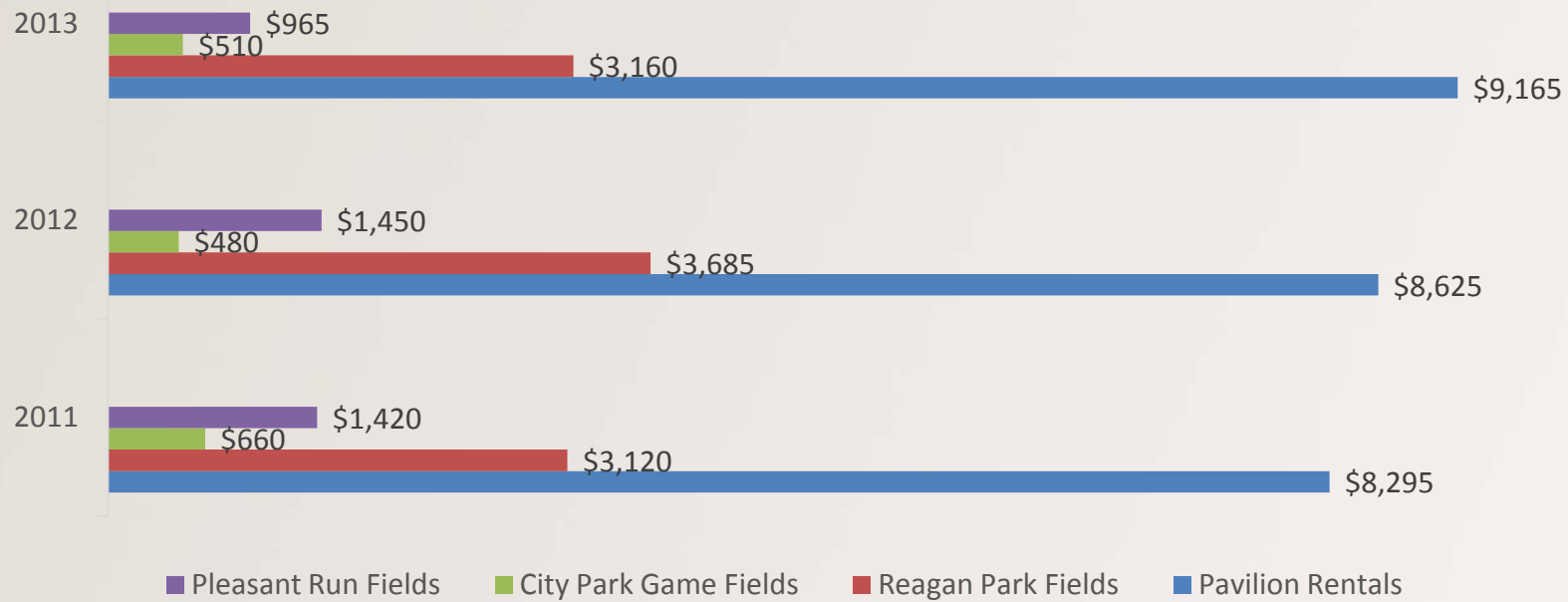
- Pavilions
- Reagan Park practice fields & batting cages
- City Park baseball & softball game fields
- City Park tennis courts
- Pleasant Run practice & game soccer fields
- GCISD gyms & fields



Pavilion Rentals



Facility Rental Revenue



Recreation



Questions?



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-2

Agenda Date 04/15/2014

Type Pre Council

Department Finance

Title

Mid year budget presentation

Explanation

General Fund Revenue Overview

The City has received \$16,078,248 in General Fund revenue as of March 31, 2014. This represents an increase of 9.70 percent as compared to the second quarter of Fiscal Year 2013. The nature of this increase is primarily due to the additional amount received in ad valorem taxes, franchise and sales taxes, licenses and permits, fines, and charges for service. The following paragraphs summarize in greater detail the General Fund revenues by category, and contain information about year-end revenue projections.

Ad Valorem Tax: Through March 31, 2014, the City has collected over 97 percent of current ad valorem taxes due, and collections are ahead by 0.20 percent for the same time period last year. Currently, it appears the projection of collecting 99 percent of the tax roll will be achieved by September 30, 2014. Delinquent tax collections are slightly behind Fiscal Year 2013 collections, as well as collections received from penalties and interest on delinquent accounts.

Franchise Tax: The annual electric franchise payment from Oncor Electric Delivery exceeded the budgeted amount by \$53,973. Tri-County Electric's payment came in very close to budget, and the annual payment received by Atmos Gas also exceeded the budgeted amount by \$49,663. The franchise receipts from cable are tracking to exceed budget projections, however, revenues received from Verizon and AT&T telephone service both lag slightly behind budget projections. Revenues from refuse collections are expected to meet the budgeted projection.

Sales Tax: Sales tax receipts received through March 31, 2014 total \$1,028,725, a 4.77 percent increase as compared to receipts through the second quarter of Fiscal Year 2013. Currently, mixed beverage tax is higher than the budgeted projection. It was anticipated that the amount allocated to cities would be significantly less per a legislative change in the last session. However, based on the quarterly allocations received in October and January, the end of year projection has been revised upward for mixed beverage tax receipts.

Fines: Fine revenue is up 8.76 percent compared to the prior year. An additional 155

citations have been issued compared to last fiscal year. Warrant issuance is up-to-date, and all outstanding warrants greater than 60 days have been sent to Linebarger for collections. It appears that the budgeted revenue for fines will be met. Revenues from alarm fees are on track to meet the budgeted projections.

Licenses and Permits: Compared to last year's revenues in the License and Permits category, revenues are up over 42 percent more than last year through the second quarter of Fiscal Year 2014. Of this, 40 percent is attributable to building permit revenues. This includes an additional seven new residential building permits over last year, and an overall increase in permits for improvements and remodeling.

Charges for Service: Charges for service revenue is 69.93 percent higher than the second quarter of Fiscal Year 2013. Some of this is attributed to ambulance revenue, which is currently exceeding last year's collections by 39 percent, due to a 10 percent increase in hospital transports for the first quarter. Revenues received for inspection and plan review fees have brought in \$163,288 so far this fiscal year. These are related to several new development projects in the City. Another notable area of increase is in the category of weed mowing. This increase is due to the collection of multiple outstanding liens on two properties. Recreation revenues have also increased, while Colleyville Center revenues are slightly behind those received through March 2013.

Miscellaneous / Transfers-In: Interest income is tracking close to the budget with an investment interest rate level of around 0.30 percent. This is offset by the transfer-in from the Utility Fund being higher than projected due to Fiscal Year 2013 audited utility sales, which is the basis for the transfer.

Expenditures

General Fund expenses through March 31, 2014 are \$254,632 less than the budgeted projected expenditures. It appears expenses will not exceed budgeted or projected revenues this fiscal year.

Utility Fund Revenue Overview

Water sales through March 31, 2014 are 13.33 percent behind sales for the same time period last fiscal year. Water usage decreased as compared to the amount sold through March 2013. Some of this decrease is attributable to the increase in rainfall (approximately five inches) during the beginning of the fiscal year. Cooler temperatures this fiscal year compared to the prior fiscal year also are a contributing factor to a decline in water usage. Lastly, Stage 1 Water Restrictions were implemented in June 2013, which limited outdoor watering to twice per week.

Expenditures

Utility Fund expenses through March 31, 2014 are \$74,349 less than the budgeted projected expenditures. It appears expenses will not exceed budgeted or projected revenues this fiscal year.

Attachments

1. FY 2014 General Fund Revenues - Budget Vs. Projected

FY 2014 GENERAL FUND REVENUES - BUDGET VS. PROJECTED

	FY 11 ACTUAL	FY 12 ACTUAL	FY 13 ACTUAL	FY 14 BUDGET	FY 14 PROJECTED
GENERAL FUND					
<i>AD VALOREM TAXES</i>					
5101-CURRENT TAXES	10,182,430	10,622,072	10,862,289	11,601,451	11,601,451
5102-DELINQUENT TAXES	130,136	105,376	73,071	70,000	70,000
5103-PENALTY & INTEREST	103,889	83,819	79,838	65,000	55,000
TOTAL AD VALOREM TAXES	\$10,416,454	\$10,811,267	\$11,015,197	\$11,736,451	\$11,726,451
<i>FRANCHISE TAXES</i>					
5201-ONCOR ELECTRIC	864,130	1,024,876	891,771	840,000	893,973
5202-TRI-COUNTY ELECTRIC	120,249	118,281	100,229	105,000	105,326
5203-ATMOS GAS	381,513	333,098	289,708	305,000	354,663
5204-AT&T	99,534	86,852	83,482	83,500	78,000
5205-VERIZON/OTHERS	51,167	82,212	85,565	84,000	70,000
5206-GARBAGE/RECYCLING	124,649	146,181	156,478	145,800	149,000
5207-CABLE TV	390,025	415,963	467,498	425,000	480,000
TOTAL FRANCHISE TAXES	\$2,031,268	\$2,207,461	\$2,074,730	\$1,988,300	\$2,130,962
<i>SALES TAX</i>					
5301-1% SALES TAX	2,642,996	2,858,065	3,073,879	2,875,000	2,950,000
5302-MIXED BEVERAGE TAX	80,731	65,808	68,592	25,277	80,000
TOTAL SALES TAX	\$2,723,727	\$2,923,873	\$3,142,470	\$2,900,277	\$3,030,000
<i>LICENSES & PERMITS</i>					
5411-BUILDING	536,534	706,421	526,110	485,768	680,000
5412-PLUMBING	60,124	78,329	57,748	48,680	63,000
5413-MECHANICAL	37,811	48,621	40,560	28,868	34,500
5414-ELECTRICAL	48,721	68,491	50,062	37,568	56,000
5416-CITY LICENSE	40,472	45,917	41,210	37,372	48,500
5417-BUILDING PLAN REVIEW FEE	90,790	118,622	102,006	68,000	100,000
5418-NEW BUSINESS	4,935	5,689	5,781	3,372	4,720
5419-ANIMAL	677	577	0	0	0
5420-SIGN PERMITS	7,486	6,884	7,070	5,463	10,000
5421-FENCE PERMITS	3,700	5,050	4,800	3,500	10,000
5423-FIRE PERMIT FEES	7,250	8,975	6,350	6,500	7,800
5424-IRRIGATION PERMIT FEES	15,090	19,547	15,438	13,660	13,660
5425-GAS AND OIL WELL PERMIT FEES	70,000	0	0	0	0
TOTAL LICENSES & PERMITS	\$923,592	\$1,113,123	\$857,134	\$738,751	\$1,028,180
<i>FINES</i>					
5611-FINES	860,707	911,217	815,025	750,000	750,000
5612-FINES-ALARMS	60,425	52,948	50,992	52,000	52,000
5630-LIBRARY FINES	25,850	24,922	26,577	22,500	22,500
TOTAL FINES	\$946,982	\$989,086	\$892,594	\$824,500	\$824,500

FY 2014 GENERAL FUND REVENUES - BUDGET VS. PROJECTED

	FY 11 ACTUAL	FY 12 ACTUAL	FY 13 ACTUAL	FY 14 BUDGET	FY 14 PROJECTED
GENERAL FUND					
<i>CHARGES FOR SERVICES</i>					
5511-PLANNING AND ZONING	7,892	11,635	8,523	7,500	9,000
5512-PLAT FEE	5,123	6,410	12,870	4,000	10,000
5514-BOARD OF ADJUSTMENT	2,000	3,125	2,250	1,250	2,450
5711-SALE OF MATERIAL	343	105	104	100	650
5712-WEED MOWING	7,900	7,900	6,872	6,500	30,000
5715-SITE PLAN REVIEW	0	1,000	0	0	0
5718-ANIMAL IMPOUNDMENT FEE	2,632	1,420	0	0	0
5721-AMBULANCE	306,959	319,796	293,957	275,000	380,000
5722-RECREATION PROGRAM	189,891	199,233	171,472	145,000	145,000
5811-ENGINEERING & INSPECTION	0	12,424	48,453	0	165,000
5845-LOT DRAINAGE INSP FEE	14,875	20,000	13,375	16,875	13,000
5855-FIELD USE CHARGE	23,860	22,110	20,575	20,500	21,465
5873-COLLEYVILLE CENTER FEES	245,749	230,329	246,798	230,000	230,000
5874-NON-RESIDENT FEE	31,470	36,644	35,838	35,850	33,670
TOTAL CHARGES FOR SERVICE	\$838,692	\$872,132	\$861,085	\$742,575	\$1,040,235
<i>INTERGOVERNMENTAL REVENUE</i>					
5828-SRO OFFICER REIMB	89,793	89,793	94,282	94,282	94,282
5826-KELLER COURT	0	0	216,980	217,697	217,697
TOTAL INTERGOVERNMENTAL REVENUE	\$89,793	\$89,793	\$311,262	\$311,979	\$311,979
<i>MISCELLANEOUS REVENUE</i>					
5714-SALE OF SURPLUS PROPERTY	7,098	147,969	0	5,000	13,801
5716-INTEREST INCOME	60,855	60,031	39,271	35,000	35,000
5719-MISCELLANEOUS	55,111	67,598	81,036	54,000	54,000
5832-ANTENNA LEASE	67,400	70,040	70,513	70,040	70,040
5867-OTHER FINANCING SOURCES	0	894,534	209,425	0	0
5790-USE OF AVAILABLE CASH	0	0	0	1,000,000	1,000,000
TOTAL MISCELLANEOUS REVENUE	\$190,464	\$1,240,173	\$400,245	\$1,164,040	\$1,172,841
<i>TRANSFERS IN</i>					
5872-TRANSFER FROM UTILITY FD	858,879	1,081,868	1,049,222	1,037,213	1,116,974
5888-T-FER IN CONSTRUCTION INSPECTOR	0	0	0	93,001	93,001
TOTAL TRANSFERS IN	\$858,879	\$1,081,868	\$1,049,222	\$1,130,214	\$1,209,975
TOTAL GENERAL FUND REVENUES	\$19,019,851	\$21,328,778	\$20,603,940	\$21,537,087	\$22,475,123



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-3

Agenda Date 04/15/2014

Type Presentation and Discussion

Department Public Works

Title

Discussion of the Colleyville Boulevard (SH26) Water and Sanitary Sewer Relocation Project

Explanation

The Texas Department of Transportation (TxDOT) requires that City water and sanitary sewer lines and franchised utilities be relocated from existing locations, if they are in conflict with the future Colleyville Boulevard (SH26) alignment and reconstruction. The new locations for these utilities will be either in the future Colleyville Boulevard (SH26) parkway, or in easements outside of the proposed right-of-way, as no utilities will be allowed under the future pavement. This requirement will allow the highway to remain undisturbed as the utilities require maintenance and repairs.

The City of Colleyville entered into an agreement with Teague, Nall & Perkins for the design of the required utility relocations in 2005. On March 22, 2011, City Council approved an amendment to the professional services agreement with Teague, Nall & Perkins, that provided for the separation of the existing plans into multiple phases. The amendment allows the City to perform the utility relocations in sections as the roadway project progresses through each phase of the road reconstruction.

On April 2, 2013 City Council approved attached Resolution R-13-3615 awarding a contract to P & E Contractors, Inc. to relocate water and sewer lines on SH26 from John McCain Road to Center Park Drive. Subsequent to the start of work by P & E Contractors, Inc., City Council made a decision to re-allocate the federal and state funding for the SH26 project from the John McCain Road to Hall-Johnson Road section and move it to the section from Hall-Johnson Road to Brown Trail. This change required a change in scope of the utility relocations, adding the section from Center Park Drive to Brown Trail. On December 12, 2013, the City notified P & E Contractors, Inc., of its intent to terminate their contract "for the convenience of the City" effective upon completion of the utility relocation work between John McCain Road and Hall-Johnson Road, and rebid the project for the section between Hall-Johnson Road and Brown Trail (attached termination letter).

On April 8, 2014, bids were opened for the project to relocate utilities from Hall-Johnson Road to Brown Trail. A total of three bids were received (attached bid tabulation summary), ranging from \$3,269,859.75 to \$3,749,746.00, including a \$300,000 project contingency for unanticipated conditions.

In order to receive the most advantageous contract for this project, it was advertised as a "best value" contract as allowed under the Texas Local Government Code. This allowed the City to consider factors other than just price, such as past performance on similar projects and experience of project staff. Considering all evaluation criteria, it was determined that Saber Development was the best value contractor for the job. Saber Development also submitted the lowest bid.

The proposed contract amount exceeds remaining allocated TIF funds by \$1,629,743.17. Of that amount, \$333,987.75 is eligible for water impact fee funding, leaving an unfunded balance of \$1,295,755.42. This additional project cost is due in large part to double digit inflationary costs in construction over the past twelve months, and the additional scope of work by adding the section from Center Park Drive to Brown Trail to the utility relocation project. The cost of that additional section is estimated to be approximately \$800,000. Staff has analyzed various options for funding the additional project cost, and recommends the following funding option: that \$700,000 be allocated from the available operating cash balance of the Utility Fund which was \$5,745,283 at September 30, 2013, to the restricted cash account which is used for utility CIP renewal projects. The \$1,295,755.42 needed to fund the proposed phase of the Colleyville Boulevard (SH26) Water and Sanitary Sewer Relocation project from Hall-Johnson Road to Brown Trail would be funded from this restricted cash account. In order to have a positive cash flow balance in the restricted cash account over the five years (FY 2014 - FY 2018) for utility capital projects that are contained in the adopted CIP plan, the upsizing of the utility lines in Sunrise Terrace / Brighton Oaks would need to be moved from FY 2016 to FY 2018.

Staff is seeking direction from City Council as to moving forward with the acceptance of the bid from Sabre Development with the proposed funding. This would be placed on the May 6, 2014 agenda for City Council consideration. Additionally, the movement of the upsizing of the utility lines in Sunrise Terrace / Brighton Oaks project from FY 2016 to FY 2018 in the adopted CIP program could be done during the future update as a part of the FY 2015 budget process.

Attachments

1. Resolution R-13-3615
2. P & E Contractors Inc. Termination Letter
3. Bid Opening Summary

RESOLUTION R-13-3615

**A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH
P & E CONTRACTORS, INC., FOR COLLEYVILLE BOULEVARD (SH26)
WATER AND SANITARY SEWER RELOCATION – PHASE 2, IN AN
AMOUNT NOT TO EXCEED \$3,560,188.50, AND AUTHORIZE THE
CITY MANAGER TO EXECUTE THE CONTRACT**

WHEREAS, the Texas Department of Transportation (TxDOT) requires that City water and sanitary sewer lines and franchise utilities be relocated from existing locations if they are in conflict with the future Colleyville Boulevard (SH26) reconstruction; and

WHEREAS, the water and sanitary sewer relocations are necessary due to Colleyville Boulevard (SH26) road construction; and

WHEREAS, the City of Colleyville desires to relocate water and sanitary sewer lines along Colleyville Boulevard (SH26), from John McCain Road to Centerpark Drive; and

WHEREAS, the City of Colleyville accepted bids for this project and desires to enter into a construction contract.

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

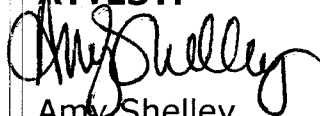
Sec. 1. THAT the construction contract with P & E Contractors, Inc., in an amount not to exceed \$3,560,188.50, for Colleyville Boulevard (SH26) Water and Sanitary Sewer Relocation – Phase 2, is approved.

Sec. 2. THAT the city manager is authorized to execute the contract.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 1 AYES, 0 NAYS, AND 0
ABSTENTIONS ON THIS THE 2ND DAY OF APRIL 2013.

ATTEST:


Amy Shelley
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor



Integrity ★ Service ★ Innovation

December 12, 2013

Via Hand Delivery

Peter Anumele
P&E Contractors, Inc.
3939 Platinum Way
Dallas, TX 75237

Re: Water & Sanitary Sewer Relocations for Colleyville Boulevard – S.H. 26

Dear Mr. Anumele,

Pursuant to Section 108.11 .1 of the General Provisions, please accept this letter as notice of the City's termination of this Contract in accordance with the following provisions. This termination is for convenience and based on the best interests of the City. This termination shall be effective immediately as to any sanitary sewer sections upon which no work has been commenced in the field. As to the entirety of the water line work and for those sections of sewer line that have been commenced, you will be expected to complete those sections per the General Conditions, which includes the Phase 1 completion deadline of December 29. As you should be aware, liquidated damages of \$500.00 per day are scheduled to begin after that date. Consistent with this notice, you are expected to meet your obligations under Section 108.11.2.

Thank you for your attention. We look forward to receiving a response.

Sincerely,

Dale Crown, P.E.
Public Works

Cc: Matthew Boyle

Bid Opening Summary

SH26 Utility relocations – Hall-Johnson Road to Brown Trail

April 8, 2014

CONTRACTOR	BID AMOUNT
Ark Contracting	\$ 3,294,852.50
Saber Development	\$ 3,269,859.75
Jackson Construction	\$ 3,749,746.00



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-4

Agenda Date 04/15/2014

Type Pre Council

Department Finance

Title

Presentation of the the Monthly Financial Report - March 2014

Explanation

The percentage of current year taxes collected is 97.11%, which is ahead of the amount collected as of March 2013. Sales tax revenue received in March was down 2.58% (\$5,528) from revenues reported for the same time period last year. Year-to-date General Fund sales tax is up 4.77% (\$46,856), and this is the first month since February 2013 that collections are down, as compared to the prior year. The annual franchise payment received from Atmos Gas was \$49,663 more than projected, due to higher customer usage. Seven residential building permits were issued compared to 12 residential permits issued for the same time period last year. Permit revenues received through March remain strong with a 42% increase over the amount received through March 2013. Ambulance collections also exceed last year's collections to date by almost 40%. This increase in collections can be attributed to a 10% increase in hospital transports for the first quarter. Revenues received for outstanding mowing liens is significantly greater than the budgeted projection due to the recent collection of multiple outstanding mowing liens placed on two properties. The average amount expended by the General Fund departments at the end of March is 39.34% of the total appropriation, versus 40.53% which was projected to be spent.

In the Utility Fund, water usage decreased as compared to the amount sold through March 2013. Some of this decrease is attributable to the increase in rainfall (approximately 5 inches) during the beginning of the fiscal year. The average temperatures for this fiscal year have also been lower than last year. The average amount expended by the Utility Fund departments at the end of March is 44.03% of the total appropriation, versus 44.6% which was projected to be spent.

Attachments

1. March 2014 Monthly Financial Report

MONTHLY FINANCIAL REPORT - MARCH 2014

GENERAL FUND		RECEIVED	PROJECTED	RECEIPT VS	RECEIVED	PERCENT
REVENUE SOURCE	FY 2014	AS OF	AS OF	PROJECTED	AS OF	CHANGE OVER
	BUDGET	3/31/2014	3/31/2014	INCR (DECR)	3/31/2013	PRIOR YEAR
Current Taxes	\$11,601,451	\$11,347,641	\$11,258,633	0.79%	\$10,505,714	8.01%
Delinquent Taxes	70,000	35,381	36,448	-2.93%	49,985	-29.22%
Penalty & Interest	65,000	26,131	27,531	-5.09%	26,684	-2.07%
TOTAL AD VALOREM TAXES	\$11,736,451	\$11,409,152	\$11,322,612	0.76%	\$10,582,383	7.81%
Oncor Electric	\$840,000	\$893,973	\$840,000	6.43%	\$891,771	0.25%
Tri-County Electric	105,000	105,326	105,000	0.31%	100,229	5.09%
Atmos Gas	305,000	354,663	305,000	16.28%	289,691	22.43%
AT&T	83,500	38,793	41,750	-7.08%	42,920	-9.62%
Verizon/Others	84,000	35,017	35,700	-1.91%	33,818	3.55%
Refuse/Recycling	145,800	74,888	72,899	2.73%	78,657	-4.79%
Cable TV	425,000	239,944	212,500	12.91%	213,655	12.30%
TOTAL FRANCHISE TAXES	\$1,988,300	\$1,742,603	\$1,612,849	8.05%	\$1,650,741	5.56%
Sales Tax	\$2,875,000	\$1,028,725	\$1,026,787	0.19%	\$981,868	4.77%
Mixed Beverage Tax	25,277	45,266	12,639	258.16%	33,500	35.12%
TOTAL SALES TAX	\$2,900,277	\$1,073,991	\$1,039,425	3.33%	\$1,015,368	5.77%
Building	\$485,768	\$353,600	\$242,884	45.58%	\$251,859	40.40%
Plumbing	48,680	31,629	24,340	29.95%	26,628	18.78%
Mechanical	28,868	17,485	14,434	21.13%	15,246	14.68%
Electrical	37,568	28,747	18,784	53.04%	24,295	18.33%
City License	37,372	24,730	18,686	32.35%	18,530	33.46%
Building Plan Review Fee	68,000	93,317	34,000	174.46%	50,778	83.77%
New Business	3,372	2,350	1,686	39.38%	2,209	6.38%
Sign Permit	5,463	6,050	2,732	121.49%	2,905	108.26%
Fence Permit	3,500	5,575	1,750	218.57%	2,550	118.63%
Fire Permits	6,500	4,150	3,250	27.69%	2,700	53.70%
Irrigation Permit	13,660	7,470	6,830	9.37%	6,848	9.09%
TOTAL LICENSES & PERMITS	\$738,751	\$575,102	\$369,376	55.70%	\$404,547	42.16%
Fines	\$750,000	\$367,482	\$366,750	0.20%	\$337,876	8.76%
Alarm Fees	52,000	26,394	26,000	1.52%	25,785	2.36%
Library Fines	22,500	11,289	11,250	0.35%	11,358	-0.61%
TOTAL FINES	\$824,500	\$405,165	\$404,000	0.29%	\$375,019	8.04%

MONTHLY FINANCIAL REPORT - MARCH 2014

REVENUE SOURCE	FY 2014 BUDGET	RECEIVED AS OF 3/31/2014	PROJECTED AS OF 3/31/2014	RECEIPT VS PROJECTED INCR (DECR)	RECEIVED AS OF 3/31/2013	PERCENT CHANGE OVER PRIOR YEAR
Re-zoning	\$7,500	\$5,332	\$3,750	42.19%	\$4,515	18.10%
Plat Fee/Site Plan	4,000	7,700	2,000	285.00%	5,813	-32.47%
Board of Adjustment	1,250	1,225	625	96.00%	1,250	-2.00%
Sale of Material	100	486	50	871.40%	4	11464.29%
Weed Mowing	6,500	26,730	3,250	722.47%	4,852	450.91%
Ambulance	275,000	195,574	137,500	42.24%	140,637	39.06%
Recreation Program	145,000	89,048	88,450	0.68%	73,142	21.75%
Non-Resident Fee Parks	35,850	33,670	35,850	-6.08%	20,433	64.79%
Field Use Charge	20,500	21,465	20,500	4.71%	7,450	188.12%
Engineering & Inspection	0	163,288	0	100.00%	0	100.00%
Colleyville Center Rental	230,000	109,934	115,000	-4.41%	125,013	-12.06%
Lot Drainage Insp Fee	16,875	6,750	8,438	-20.00%	6,000	12.50%
TOTAL CHARGES FOR SERVICE	\$742,575	\$661,203	\$415,413	59.17%	\$389,108	69.93%
SRO Officer Reimb	\$94,282	\$0	\$0	0.00%	\$0	0.00%
Keller Court	217,697	112,958	112,958	0.00%	\$110,305	2.40%
TOTAL INTERGOVERNMENTAL	\$311,979	\$112,958	\$112,958	0.00%	\$110,305	0.00%
Sale of Surplus Property	\$5,000	\$13,801	\$5,000	176.01%	\$0	100.00%
Interest Income	35,000	0	0	0.00%	13,190	-100.00%
Miscellaneous	54,000	40,373	39,960	1.03%	75,589	-46.59%
Use of Available Cash	1,000,000	0	0	0.00%	0	0.00%
Antenna Lease	70,040	43,900	43,900	0.00%	40,352	8.79%
TOTAL MISCELLANEOUS	\$1,164,040	\$98,074	\$88,860	10.37%	\$129,130	-24.05%
Transfers-In	\$1,130,214	\$0	\$0	0.00%	\$0	0.00%
TOTAL TRANSFERS	\$1,130,214	\$0	\$0	0.00%	\$0	0.00%
TOTAL GENERAL FUND REVENUES	\$21,537,087	\$16,078,248	\$15,365,491	4.64%	\$14,656,602	9.70%

MONTHLY FINANCIAL REPORT - MARCH 2014

	FY 2014 BUDGET	THROUGH 3/31/2014	THROUGH 3/31/2013	TOTAL INCREASE (DECREASE)	PERCENT INCREASE (DECREASE)
% OF CURRENT TAX ROLL COLLECTED	99.0%	97.11%	96.92%	0.19%	0.20%
RESIDENTIAL BLDG PERMITS	118	50	43	7	16.28%
COMMERCIAL BLDG PERMITS	6	4	5	(1)	-20.00%
CITATIONS ISSUED	11,750	5,036	4,881	155	3.18%

GENERAL FUND EXPENSES

	FY 2014 BUDGET	EXPENDED THROUGH 3/31/2014	YEAR-TO-DATE PROJECTED EXPENDITURES	% OF BUDGET EXPENDED	BUDGET REMAINING
City Council	\$204,006	\$80,229	\$102,003	39.33%	\$123,777
City Manager	569,764	269,357	284,882	47.28%	300,407
City Secretary	211,725	92,447	105,863	43.66%	119,278
Finance	401,583	206,122	208,792	51.33%	195,461
Legal	130,460	161,056	130,460	123.45%	(30,596)
Engineering	510,915	192,141	205,458	37.61%	318,774
Economic Development	296,799	112,848	119,400	38.02%	183,951
Building Inspection	281,672	124,640	130,836	44.25%	157,032
Community Development	337,675	121,509	128,838	35.98%	216,166
Fire	4,259,224	2,104,701	2,129,612	49.42%	2,154,524
Police	4,172,062	1,997,089	2,006,031	47.87%	2,174,973
Parks	1,285,084	425,781	432,542	33.13%	859,303
Recreation	357,816	101,324	118,908	28.32%	256,492
Street Maintenance	3,840,966	487,391	520,483	12.69%	3,353,575
Library	674,061	278,510	287,031	41.32%	395,551
Communications	139,447	61,402	69,724	44.03%	78,045
Colleyville Center	312,513	126,846	131,257	40.59%	185,667
Human Resources	270,466	113,620	135,233	42.01%	156,846
Municipal Court	389,410	176,112	182,705	45.23%	213,298
Fleet Maintenance	226,290	104,508	113,145	46.18%	121,782
Building Services	362,845	175,906	181,423	48.48%	186,939
Information Services	1,065,205	654,418	657,603	61.44%	410,787
Non Departmental	859,068	304,171	344,534	35.41%	554,897
Capital Equipment Reserve	242,000	-	0	0.00%	242,000
Compensation Adjustment	132,911	-	0	0.00%	132,911
TOTAL EXPENSES	\$21,533,967	\$8,472,126	\$8,726,758	39.34%	\$13,061,841

MONTHLY FINANCIAL REPORT - MARCH 2014

UTILITY FUND						
REVENUE SOURCE	FY 2014 BUDGET	RECEIVED AS OF 3/31/2014	PROJECTED AS OF 3/31/2014	RECEIPT VS PROJECTED INCR (DECR)	RECEIVED AS OF 3/31/2013	PERCENT CHANGE OVER PRIOR YEAR
Water Sales	\$9,820,661	\$3,539,926	\$3,535,438	0.13%	\$4,084,356	-13.33%
Sewer Sales	3,053,229	1,799,325	1,526,615	17.86%	1,497,401	20.16%
Sewer Installation	7,000	4,900	3,500	40.00%	4,600	6.52%
Water Installation	21,000	14,330	10,500	36.48%	13,020	10.06%
Sewer Tie-on Charges	5,000	3,000	2,500	20.00%	0	100.00%
Engineering Charges	5,000	87,120	5,000	1642.40%	3,676	2269.94%
Penalties	190,112	101,569	95,056	6.85%	95,998	5.80%
Miscellaneous	13,000	8,000	6,500	23.08%	8,833	-9.43%
TOTAL OPERATING INCOME	\$13,115,002	\$5,558,170	\$5,185,108	7.19%	\$5,707,884	-2.62%
Interest Income	\$20,300	\$0	\$0	0.00%	\$20,028	-100.00%
TOTAL NON-OPERATING INCOME	\$20,300	\$0	\$0	0.00%	\$20,028	-100.00%
TOTAL INCOME	\$13,135,302	\$5,558,170	\$5,185,108	7.19%	\$5,727,912	-2.96%

	THROUGH 3/31/2014	THROUGH 3/31/2013	TOTAL INCREASE (DECREASE)	PERCENT INCREASE (DECREASE)
GALLONS OF WATER SOLD	786,942,800	999,464,860	(212,522,060)	-21.26%
NUMBER OF WATER CUSTOMERS	9,436	9,325	111	1.19%

UTILITY FUND EXPENSES					
	FY 2014 BUDGET	EXPENDED THROUGH 3/31/2014	YEAR-TO-DATE PROJECTED EXPENSES	% OF BUDGET EXPENDED	BUDGET REMAINING
Billing	\$386,616	\$135,024	\$143,308	34.92%	\$251,592
Operations	9,515,310	4,354,607	4,407,655	45.76%	5,160,703
Utility Support	1,060,731	428,684	435,366	40.41%	632,047
Non-Departmental	292,868	95,099	101,434	32.47%	197,769
Debt Service	819,137	788,384	788,384	96.25%	30,753
Compensation Adjustment	20,411	0	0	0.00%	20,411
Interfund loan repayment	44,286	0	0	0.00%	44,286
Transfer to General Fund	1,037,213	0	0	0.00%	1,037,213
TOTAL EXPENSES	\$13,176,572	\$5,801,798	\$5,876,147	44.03%	\$7,374,774



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-5

Agenda Date 04/15/2014

Type Pre Council

Department City Secretary

Title

Discussion of April 15, 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 04/15/2014

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 - Keith Pardew 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-14-3738

**A RESOLUTION APPROVING CITY COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF APRIL 15, 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 15TH 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 04/15/2014

Type Announcements, Proclamations and Presentations

Department City Secretary

Title

Proclamation in recognition of the Colleyville Garden Club Promenade Garden Tour,
May 4, 2014 - Colleyville Garden Club President Suzanne Hughes

In recognition of Colleyville's featured business, Machele's Boutique, Machele Dennis,
Owner, 5611 Colleyville Boulevard, Suite 200 - Mayor David Kelly and Economic
Development Director Marty Wieder

Attachments

1. Proclamation in recognition of the Colleyville Garden Club Promenade Garden Tour

Proclamation

CITY OF

Colleyville,
Texas

WHEREAS: the Colleyville Garden Club is organized to promote interest in all phases of gardening, horticultural education, civic beautification and conservation of natural resources; and

WHEREAS, on May 4, 2014, the Colleyville Garden Club will host their 21st award-winning and nationally recognized **Promenade Garden Tour**, showcasing five lovely residential gardens, and educational exhibits; and

WHEREAS, the Colleyville Garden Club adheres to the objectives of the National Garden Clubs, Inc. by providing education, resources, and networking opportunities for members to promote the love of gardening, floral design, and civic and environmental responsibility; and

WHEREAS, the Colleyville Garden Club aids in the protection and conservation of natural resources, actively promotes and participates in civic beautification, and encourages the improvement of roadsides and parks; and

WHEREAS, gardening instills a greater appreciation of our land, a greater respect for our environment and our natural resources, and yields flowers and plants full of color and life.

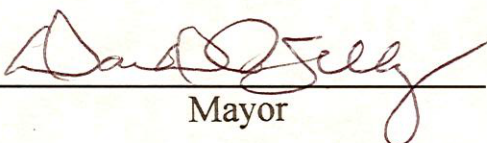
NOW, THEREFORE, I, DAVID KELLY, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the City Council and citizens of Colleyville, do hereby proclaim the

COLLEYVILLE GARDEN CLUB PROMENADE GARDEN TOUR

on May 4, 2014 is a celebration of the important benefits of gardening and encourage our citizens to tour and enjoy the beauty gardening brings into our lives.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville, Texas, affixed this 15th day of April 2014.




Mayor



RESOLUTION R-14-3739

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
APRIL 15, 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 April 1, 2014
 - b. Approval of a Segway i2 electric vehicle donation from Mr. Steve Bryant to the Colleyville Police Department
 - c. Approval of a Crossing Improvement Agreement between the Fort Worth and Western Railroad and the City of Colleyville, to install and maintain quiet zone railroad crossings at Bransford Road, Pleasant Run Road, and John McCain Road

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 15TH 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, April 1, 2014

City Council Chambers

Mayor David Kelly called the Pre Council meeting of the Colleyville City Council to order on April 1, 2014, at 5:35 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, 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, Finance Manager Karen Hines, Planning and Development Coordinator Mary Elliott, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Parks Maintenance Supervisor Chris Haworth, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley.

PC-1 Discussion and review of the City's tree preservation regulations located in Chapter 5-Tree Preservation, of the Land Development Code

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

Councilmember Mogged questioned staff regarding cedar trees. Director Ruthven replied cedar trees are protected.

Mayor Pro Tem Taylor questioned staff regarding where in the code it is covered about the person taking down the trees. Director Ruthven replied that is covered in the violation section of the code.

Mayor Kelly questioned staff regarding when the violation would apply. Director Ruthven replied, when a tree is moved without a permit, the violation occurs.

Mayor Kelly questioned staff regarding the commercial property on SH26, did they receive a citation. Director Ruthven replied no; however, that is an ongoing issue.

Mayor Kelly questioned staff regarding what happens to the repeat offenders. Director Ruthven replied the punitive side of the ordinance is proposed to address those issues.

Councilmember Short questioned staff regarding if the area of trunk is replaced versus per caliper inch. Director Ruthven replied all surrounding cities require a minimum of a three caliper inch tree.

Councilmember Short stated the caliper inch is fine, but it is the number of three inch caliper trees that it takes to make up a 12 inch caliper tree. Director Ruthven stated the surrounding cities do not measure that way.

Councilmember Wollin stated that measurement would equal more mass.

Councilmember Hart stated this particular developer received the message when the stop work order was placed on the project. He added that when the zoning of the property for this particular project came forward, he stated there was specific discussion about the large trees on this lot and the mitigation for such.

Mayor Pro Tem Taylor stated he does not understand how this could have happened, especially when the Mayor brought it up during the public hearing. He stated he does not feel it was simply an accident. Director Ruthven replied there was a lack of communication on behalf of the contractor.

Mayor Pro Tem Taylor questioned staff regarding if both the contractor and the sub-contractor can be fined. City Attorney Matthew Boyle stated there is typically one defendant, and the general rule stands that the defendant is the property owner.

Mayor Kelly stated there needs to be a clear definition of who is going to be fined.

Mayor Pro Tem Taylor stated the Mayor applied a substantial dollar amount upon this project during the public hearing. He stated this was not just overlooked.

Mayor Pro Tem Taylor stated a sign could be placed on trees that state there is a fine if this tree is removed without an employee on site before the removal of such.

Mayor Pro Tem Taylor stated there should be something in place that makes the contractors consider all things, twice, before the removal of a tree. He stated the punitive side of the code is weak.

Councilmember Wollin stated being in favor of a tree conservation plan, especially since the citizens appreciate the urban forest.

Councilmember Wollin questioned staff regarding the protective tree fencing, and if it could be more prominent for those passing by the property. Director Ruthven replied something more could be added to the code.

Mayor Pro Tem Taylor stated the minimum per caliper inch should be larger than the three inch minimum, such as six inch caliper. He stated this will make a bigger difference in the property and it will cost the developer more.

Director Ruthven stated there are developers who have planted larger caliper inch trees.

Councilmember Hart questioned staff regarding if developers have insurance with projects to cover instances like this. Director Ruthven replied some have liability insurance.

Councilmember Hart questioned staff regarding if this insurance is required. Director Ruthven replied there is currently something in place on the gas well permits, such as the \$50,000 escrow to cover costs incurred by the City.

Mayor Kelly stated he did not want to make it punitive up front, especially for the good developers. Councilmember Hart stated good developers will carry liability insurance to cover these costs.

Councilmember Hart stated something needs to be put in place and if we have to become more punitive, then we can do so.

Mayor Pro Tem Taylor stated other cities need to be looked at to see what they have in place, like the Woodland area.

Councilmember Short questioned staff regarding tree preservation plans and how they relate to public rights-of-way. Director Ruthven replied it is context sensitive site design, therefore waivers have to be requested for the actual site design.

Councilmember Short stated it appears that site design area could be considered more when planning the project. Director Ruthven concurred.

Councilmember Mogged stated wanting more "teeth" in the restoration part of the process. He stated the developer may end up with a better situation.

Mayor Kelly questioned staff regarding who will write the citation. Director Ruthven replied a licensed code enforcement officer or a police officer.

Mayor Kelly questioned staff regarding who would call them out to write the citation. Director Ruthven replied a staff representative or citizen.

Councilmember Mogged stated the tree enforcement policy seems to be centered on the newly developed properties, not necessarily the older properties. Director

Ruthven stated with residents who currently live on their property, they are essentially exempt from the tree preservation, therefore they may clear-cut their property. He stated this has created a loop-hole.

Councilmember Wollin stated she would like the loop-holes to be closed. Director Ruthven concurred.

Mayor Kelly stated it is upon City Council to look at the future PUD requests to maintain existing trees.

PC-2 Discussion of a Facility Naming Policy

Strategic Services Manager Adrienne Lothery presented this item and briefed City Council.

Mayor Kelly questioned staff regarding if naming is different from recognition, or the dedication of such. Manager Lothery replied yes, it does not preclude those items.

Councilmember Hall questioned staff regarding if this came forward because of the request to rename the Justice Center. Mayor Kelly stated there have been several requests; however, there is not a policy in place. Manager Lothery concurred.

Mayor Pro Tem Taylor suggested a time period should be outlined, so the naming or changing of the name of a facility is done when emotions are not at an all-time high. He added that the name should have special meaning to the facility.

Councilmember Short questioned staff why the naming of the facility should happen within 60 days of acquisition, why would we want to rush? Manager Lothery stated this was standard language already included in the previously adopted policy.

Mayor Kelly stated for the purposes of marketing the facility, the name needs to be identified in a timely manner.

Councilmember Hart concurred with needing a time criteria, especially with the example of a deceased individual.

Councilmember Wollin stated one of the school districts put in a five year time limit.

Mayor Kelly suggested looking at other cities to see what their policy looks like. Manager Lothery concurred.

Mayor Pro Tem Taylor stated looking at more local names rather than statewide.

Mayor Pro Tem Taylor questioned staff regarding the subdivision criteria. Manager Lothery stated if the facility is located next to a subdivision, the naming of such may be reflective of that subdivision.

City Manager Jennifer Fadden questioned, for clarification, Councilmember Short's statement about the 60 day requirement. She stated the word "shall," could be changed to "should," ideally be named within 60 days. Mayor Kelly stated or maybe at the earliest possible time, or within a year.

Councilmember Mogged stated in the case of a new facility, signage and such for marketing purposes does need to be in place, fairly soon.

Mayor Pro Tem Taylor stated a name should be formulated going into the purchase of the property. He stated there are times when the naming should not be delayed.

Councilmember Mogged stated being in favor of "should" rather than "shall."

PC-3 Discussion of the April 1, 2014, City Council regular agenda items

Mayor Kelly adjourned the Pre Council meeting at 6:23 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Kelly at 7:31 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, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, 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 Maintenance Supervisor Chris Haworth, 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 6:23 p.m. and reconvened at 6:24 p.m.

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

Mayor Kelly read Resolution R-14-3735 in its entirety.

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

Mayor Kelly opened the public hearing at 7:33 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 7:33 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-14-3735. Councilmember Wollin seconded the motion.

The motion to approve carried by the following vote:

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

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

**Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition**

Mayor Kelly encouraged everyone to attend the Clean Sweep Event to be held on Saturday, April 5, 2014, 9:00 a.m. to 11:00 a.m. at Colleyville Heritage High School.

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

Mayor David Kelly presented a proclamation in recognition of Keep America Beautiful and Keep Colleyville Beautiful Great American Cleanup and Arbor Day in Colleyville, April 5, 2014 to Brenda Ritz, Chairman, Keep Colleyville Beautiful Committee. Since Brenda Ritz was not present, Strategic Services Manager Adrienne Lothery thanked the City Council, on behalf of Keep Colleyville Beautiful, for their support.

Recognition of 2014 Warrant Round-Up Participants

Mayor Kelly recognized Colleyville Citizens Police Academy Alumni, Municipal Court staff, and Police Department for their assistance in the 2014 Warrant Round-Up. The following persons were present and recognized by Mayor Kelly: Rosely Altschul, Councilmembers Stan Hall and Carol Wollin, John Fossett, Captain Robert Hinton, Bertha Hernandez, Karen Randolph, and Paul Vigiletti.

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

Mayor Kelly presented Executive Secretary Joyceinne Williams with the Administrative Excellence in Government or Public Service Award, which was awarded by the Core 24 Admin Awards, at a ceremony held March 27, 2014.

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

Mayor Kelly read Resolution R-14-3736 in its entirety.

City Engineer Jeremy Hutt presented item 4b and briefed City Council.

Councilmember Wollin stated this reduces the cost of future expenses, and it will address the needs for the area drainage.

Mayor Pro Tem Taylor questioned staff regarding if this will address the velocity of the water and capture it underground. Engineer Hutt replied this will take the water to the underground system, down L.D. Lockett Road, to the existing system. He added it will close the existing bar ditch area.

Mayor Pro Tem Taylor questioned staff regarding if water will dam in this area. Engineer Hutt replied it will not cause any water to dam.

Councilmember Hall questioned staff regarding what direction the water will flow. Engineer Hutt replied east.

Mayor Kelly opened the public hearing at 7:48 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 7:48 p.m.

Mayor Kelly moved to approve Resolution R-14-3736. 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. 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

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

Mayor Kelly opened the public hearing at 7:49 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 7:49 p.m.

Councilmember Hart moved to approve Ordinance O-14-1911. Councilmember Mogged seconded the motion.

Mayor Pro Tem Taylor questioned staff regarding if this is competitive with other cities, or punitive in the price. Public Works Director Bob Lowry replied the rates are all over the board; however, staff is trying to promote water conservation. He added these contractors are paying less than a residential user at the lowest tiered rate.

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-14-1912

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

Mayor Kelly read the caption of Ordinance O-14-1912.

Councilmember Short recused himself of this item and discussion.

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

Mayor Kelly opened the public hearing at 7:56 p.m.

Mark Leonard, Gilco Contracting, presented the item and briefed the City Council.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 7:59 p.m.

Mayor Kelly questioned Mr. Leonard regarding if Texas Commission on Environmental Quality (TCEQ) regulates these batch plants. Mr. Leonard replied

yes and the Storm Water Pollution Prevention Plan (SWPPP) management office as well. All silt fencing is put in place prior to the start of the batch plant.

Mayor Kelly questioned Mr. Leonard regarding if TCEQ requires a permit for a batch plant. Mr. Leonard replied yes; therefore the 21 days is put in place as a comfortable date for TCEQ, but at the most, the batch plant will be there seven days.

Mayor Kelly questioned Mr. Leonard regarding how many cubic yards of concrete is estimated for this project. Mr. Leonard replied approximately 2,500 cubic yards.

Mayor Kelly questioned Mr. Leonard regarding how many trucks would have to be brought in, if the batch plant did not exist. Mr. Leonard replied almost 250 redi-mix trucks. He stated this batch plant will cut the truck traffic in half.

Councilmember Mogged questioned Mr. Leonard regarding air quality. Mr. Leonard replied everything is enclosed, with a filtering system in place, to keep the particles enclosed.

Councilmember Mogged stated he remembers when the batch plants were very dusty. Mr. Leonard replied the mix is wet, and everything stays on site, and it is cleaned up very quickly.

Councilmember Wollin questioned Mr. Leonard regarding how TCEQ monitors the facility during the 21 days. Mr. Leonard stated not being sure how TCEQ monitors the facility during that time. He stated they have not ever had anyone call in and complain on the batch plant.

Councilmember Wollin questioned Mr. Leonard regarding noise issues. He replied there is not much more noise present than what is currently in place with normal construction traffic.

Councilmember Wollin questioned Mr. Leonard regarding if TCEQ will inspect the place once the batch plant is removed. Mr. Leonard replied no, especially since the developer is monitoring the batch plant process.

Councilmember Wollin stated being concerned with the slope next to the creek. Mr. Leonard replied they can install a dirt berm for extra caution, along with the silt fencing. Councilmember Wollin stated she would prefer extra caution to be taken, especially since it is going to be adjacent to the creek.

Councilmember Wollin questioned Mr. Leonard regarding rain showers. Mr. Leonard stated it will slow down the processing, but it will not affect the overall run-off of the materials.

Mayor Pro Tem Taylor questioned Mr. Leonard regarding the silt fencing around the batch plant, is that separate from the developers silt fencing? Mr. Leonard replied yes, in addition to the developer's silt fencing.

Mayor Pro Tem Taylor questioned Mr. Leonard regarding the truck traffic. Mr. Leonard explained the truck traffic process, and stated bringing in the materials will create the most truck traffic, at most, having 10 trucks, versus 100 redi-mix trucks coming in a day.

Mayor Pro Tem Taylor stated the impact of truck traffic is much less by having the batch plant on site.

Mayor Pro Tem Taylor questioned Mr. Leonard regarding the actual days it will take to complete the project. Mr. Leonard replied it could be less than seven days, most likely four days, without any rain delays.

Councilmember Hall stated the truck traffic route needs to be followed and furthermore, the roundabout at John McCain Road and Pleasant Run Road will need to be passed by gently, especially during the landscape reconstruction of such. Mr. Leonard replied it will not be an issue.

Councilmember Hart questioned Mr. Leonard regarding if the 21 days includes the set-up and take-down of the batch plant itself. Mr. Leonard replied yes, especially since all can be done in one day.

Councilmember Wollin questioned staff regarding the distance from the proposed batch plant to the residents to the west. Director Ruthven replied a little over 1,000 feet to the west.

Mayor Kelly stated it will be further away than the gas well pad site.

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

Councilmember Short returned for the remainder of the meeting.

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

Mayor Kelly read the caption of Ordinance O-14-1913.

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

Mayor Kelly opened the public hearing at 8:17 p.m.

Mayor Kelly questioned Mr. Leonard regarding the proposed truck route. Mr. Leonard replied the trucks will come from SH121 to Glade Road to Heritage Avenue.

Councilmember Hall questioned Mr. Leonard regarding if this will be for Phase I of this development. Mr. Leonard replied yes, and it will be placed the furthest south on Phase I.

Councilmember Mogged questioned Mr. Leonard regarding if this batch plant will have the same enclosed technology. Mr. Leonard replied yes.

Councilmember Hart questioned Mr. Leonard regarding if the 21 days still applies. Mr. Leonard replied the 21 days is the TCEQ comfort level, with an actual four to seven days for completion.

Mayor Pro Tem Taylor questioned Mr. Leonard regarding square yards in this job. Mr. Leonard replied about 13,000 square yards.

Councilmember Short questioned Mr. Leonard regarding the quality control. Mr. Leonard explained to process in which the quality control is measured by using computerized technology in the truck.

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

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

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

Mayor Kelly read the caption of Ordinance O-14-1914.

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

Mayor Kelly opened the public hearing at 8:27 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:27 p.m.

Mayor Kelly stated surrounding cities already have these regulations in place. Director Ruthven concurred.

Mayor Kelly stated this will save time during the development process by having staff approval versus waiting for the Planning and Zoning Commission and City Council. Director Ruthven concurred.

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

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

There was no discussion of this item.

8. REPORTS

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

There was no discussion of this item.

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

This resolution was not needed.

10. 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 8:30 p.m.

*APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE
15TH 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 04/15/2014

Number Resolution R-14-3739

Type Resolution

Department Police

Title

Approval of a Segway i2 electric vehicle donation from Mr. Steve Bryant to the Colleyville Police Department

Explanation

Reading and Public Hearing

Mr. Steve Bryant has expressed a desire to donate his 2008 Segway i2 electric vehicle to the Colleyville Police Department. Per the attached donation form, the current value of the Segway is \$3,000. The donation's designated purpose would be to provide the Police Department a vehicle to use during special events and for City trail patrol. The Segway is a two-wheeled, self-balancing, battery powered, electric vehicle. The i2 is the most common Segway model in use today by major police departments.

If approved, the Colleyville Police Department will assume maintenance and care of the vehicle. The only maintenance required is the replacement of the dual battery system every 6 to 10 years at a cost of \$1,800. The current battery system was replaced last year by the donor and should not require replacement until the year 2020.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Donation and Transfer of Title Form
2. City Donation Policy



**CITY OF COLLEYVILLE
DONATION AND TRANSFER OF TITLE**

I/We Steve Bryant hereby give, assign, transfer and set over to the City of Colleyville all of my/our rights, title and interest in the materials described below:

Segway i2 Serial # 082231042693

Value of donation \$3000⁰⁰ Annual operating cost to City N/A

Specifications/Plans/Drawings/Photographs: ☐ Attached ☒ None

Stipulations None

I/We have read and understand the City of Colleyville Donation Policy and accept the provisions of the Policy.

Signature of Donor(s) St. W. B. J. Date 3-25-14

Date _____

Donor Address 5058 Post Oak Trail

City Colleyville State TX ZIP 76034

Phone Number(s) Main 817. 868. 6840 Alternate 817. 713. 1325

Accepted for and on behalf of the City of Colleyville

Received by _____
Mayor / City Manager / Department Director Department

☐ City Approval Date _____

☐ City Council Approval Date _____

☐ Resolution/Ordinance Number _____



8712 West Airport Freeway
Hurst, Texas 76053
817-284-9191
www.TexasSegway.com

Sales Receipt

Date	Sale No.
06/28/08	41

Sold To

Steven Bryant
5203 Bugle Ln.
Colleyville, Tx. 76034

Ship To

Check No.	Pay Method	REP	Ship Date	Ship Via	FOB	Project
			06/28/08			

Item	Description	Quantity	Price Each	Amount
20145-00001	i2 Base Model - Black Serial #082231042693	1	5,145.00	5,145.00
20739-00001	i2 Commuter Package		315.00	315.00
	Texas State Tax		8.25%	450.45
<i>Controlled S/P 02045900</i>				
			Total	\$5,910.45



CITY OF COLLEYVILLE CITYWIDE DONATION POLICY

Statement of Purpose

The City of Colleyville encourages donations to the City in support of programs, services, collections and facilities, for the enhancement of Colleyville. The purpose of the Citywide Donation Policy (Policy) is to provide consistent and uniform procedures for a donation to the City and to provide the donor knowledge of the Policy under which the donation is given and accepted. All boards, commissions, committees and City Council shall comply with this Policy. All departments and employees of the City of Colleyville remain subject to the *City of Colleyville Personnel Policy and Procedures Manual* and the Policy.

Exemptions

Donations from the Friends of the Colleyville Public Library, the Colleyville Public Library Foundation, Colleyville Citizen's Fire Academy Alumni Association, Colleyville Citizen's Police Academy Alumni Association, monetary and services-in-kind donations provided to City of Colleyville sponsored events and donations of \$2,500 or less are exempt from the Policy.

Procedures

Individuals, businesses or organizations making a donation to the City shall submit a City of Colleyville Donation and Transfer of Title form to the appropriate department director. Specifications including plans, drawings, photographs, or details pertinent to the donated item, including value of the donation and anticipated annual operating cost, shall be included. All spaces on the form shall be completed or noted if not applicable.

Any stipulations, including location and use of a donation, shall be included on the Donation and Transfer of Title form. If no such stipulation is recorded on the form or as an addendum, the City shall have the right to use the donation as determined by the City, free of encumbrances.

City insurance and accounting valuations necessary to meet standard City procedures are separate and apart from the donation process.

When the Donation and Transfer of Title form has been fully executed by the donor and the City of Colleyville, the donation becomes the property of the City of Colleyville. A copy of the completed Donation and Transfer of Title form shall be given to the donor as a record of the donation.

The Policy shall take precedent and supersede the donation policy of any City of Colleyville entity.

Use of Donations

Items may be accepted on a loan basis with the approval of the city manager.

The City shall expend cash donations on materials, equipment or projects acceptable to the donor, if requested. Donated funds shall be deposited in donation fund accounts when defined, and shall not be intermingled with the General Fund or donation fund accounts of other departments, boards, commissions or committees.

Items donated for exhibit will be subject to a rotation schedule established by the City, to allow opportunities for public view and to protect items on display. Proper preservation and care of donated item(s) shall be defined under stipulations.

Right of Refusal

The City reserves the right to refuse a donation. In a multi-item donation, items may be refused or accepted on an item-by-item basis.

The donor reserves the right to withdraw the donation before formal acceptance by City Council.

Reporting to City Council

Donations of \$1,000 and above shall be reported to the City Council on a quarterly basis.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4c

Agenda Date 04/15/2014

Number Resolution R-14-3739

Type Resolution

Department Public Works

Title

Approval of a Crossing Improvement Agreement between the Fort Worth and Western Railroad and the City of Colleyville, to install and maintain quiet zone railroad crossings at Bransford Road, Pleasant Run Road, and John McCain Road, and authorize the city manager to execute the agreement

Explanation

Reading and Public Hearing

In 2007, City staff submitted an application for federal grant funding to design and construct quiet zones along the Cotton Belt rail line through Colleyville. In November 2008, the Federal Highway Administration (FHWA) approved the 2008 Statewide Transportation Improvement Program (STIP) and the Texas Transportation Commission passed Minute Order 111335, which provided \$1,463,000 for the design and construction of railroad quiet zones at Bransford Road, Pleasant Run Road, and John McCain Road in Colleyville. As part of the grant, a local match of \$359,000 was required.

On October 22, 2012, City Council adopted attached Resolution R-12-3519, that authorized the Mayor to execute an interlocal agreement with the Fort Worth Transportation Authority (the "T"), in which the "T" agreed to provide the local match and administer all contracts associated with the design and construction of the quiet zones. The interlocal agreement stipulates that the City will procure the design and construction contracts.

On March 19, 2013, City Council approved attached Resolution R-13-3610, authorizing the city manager to execute an engineering services agreement with CTC, Inc. in the amount of \$321,803.50, to design the supplemental safety measures required to create quiet zones in Colleyville.

The design for the quiet zones is complete and bid opening is scheduled for May 6, 2014. Before the contract can be awarded, it is required by TxDOT that the City have in place a crossing improvement agreement that authorizes the City to reimburse the Fort Worth and Western Railroad for the installation of the active warning and advance pre-emption devices that are required by the Federal Railroad Administration. Furthermore, the Fort Worth and Western Railroad requires the City to maintain the devices as a condition of allowing the quiet zones to be installed. There will be an annual cost to the City to provide the required maintenance services for the quiet

zones and this ongoing maintenance agreement will be placed on a future City Council agenda for consideration.

The attached agreement has been negotiated with the Fort Worth and Western Railroad and complies with the requirements of both TxDOT and the railroad. The amount of reimbursement to the railroad for the required devices is limited to \$1,069,892.70, and is available from the grant funds.

Financial Impact

The cost to have the Fort Worth and Western Railroad install the active warning and advance pre-emption devices is estimated to be \$1,069,892.70. This funding is provided through an FHWA grant and a local match provided by the Fort Worth Transportation Authority (the "T").

There will be an annual cost to the City to provide the required maintenance services for the quiet zones.

Recommendation

Approve

Attachments

1. Crossing Improvement Agreement
2. Resolution R-12-3519
3. Resolution R-13-3610

CROSSING IMPROVEMENT AGREEMENT

Exhibit A

Plans for Colleyville Crossing Improvements

INDEX OF SHEETS

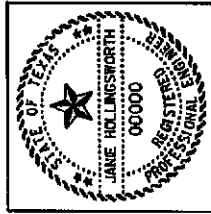
SHEET NO. DESCRIPTION

- 1 TITLE SHEET
- 2 CROSSING LAYOUT BRANSFORD RD
- 3 GENERAL NOTES BRANSFORD RD
- 4 REPLACING LAYOUT/DETAIL BRANSFORD RD
- 5 SIGNS AND PAVEMENT MARKINGS BRANSFORD RD
- 6 CROSSING LAYOUT PLEASANT RUN RD
- 7 GENERAL NOTES PLEASANT RUN RD
- 8 REPLACING LAYOUT/DETAIL PLEASANT RUN RD
- 9 SIGNS AND PAVEMENT MARKINGS PLEASANT RUN RD
- 10 CROSSING LAYOUT JOHN MCCAIN RD
- 11 GENERAL NOTES JOHN MCCAIN RD
- 12 SIGNS AND PAVEMENT MARKINGS JOHN MCCAIN RD

STANDARD SHEETS BELOW

- 13 RCH-08
- 14 RD-08

THE STANDARD SHEETS SPECIFICALLY IDENTIFIED AS SHEET NOS. 13 & 14 HAVE BEEN SELECTED BY ME OR UNDER MY RESPONSIBLE SUPERVISION AS BEING APPLICABLE TO THIS PROJECT.



SEAL

JAMIE HOLLINGSWORTH, P.E. DATE
SENIOR TRAFFIC ENGINEER

NOTE:

THE AGENCY SHALL ERECT AND MAINTAIN SUCH BARRICADES AND WARNING SIGNS OR USE SUCH PRECAUTIONS AS MIGHT BE NECESSARY, IN THE OPINION OF THE TxDOT ENGINEER, AND CITY OF COLLEYVILLE TO INSURE AND SAFEGUARD THE NORMAL USE OF THE HIGHWAY DURING THE INSTALLATION OF THIS PROJECT.

THE ASSOCIATION OF AMERICAN RAILROADS' SIGNAL SECTION SPECIFICATIONS SHALL GOVERN FOR THIS PROJECT.

STATE OF TEXAS DEPARTMENT OF TRANSPORTATION

PLANS OF PROPOSED CITY OF COLLEYVILLE QUIET ZONE EXHIBIT 'A'

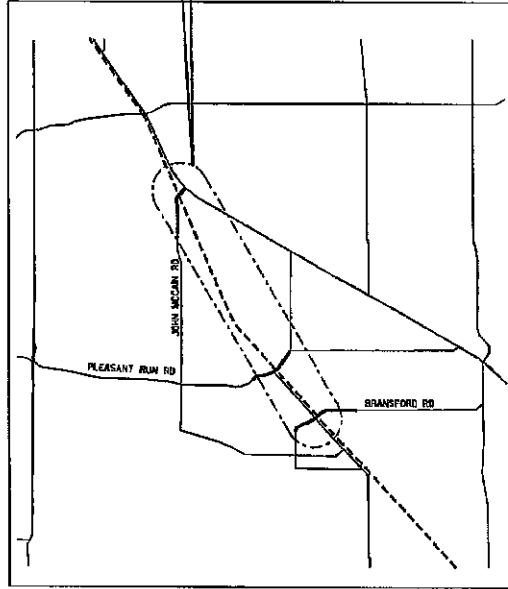
PROJECT NO.

CSJ NO. 0902-48-756

FORT WORTH & WESTERN RAILROAD COMPANY
UPGRADE EXISTING ACTIVE GRADE CROSSING WARNING DEVICES
IN COLLEYVILLE TARRANT COUNTY

DOT NO. 789 729L; 789 730F; 789 733B

LIMITS FROM BRANSFORD RD. TO JOHN MCCAIN RD.



PROJECT LIMITS

BRANSFORD RD TO JOHN MCCAIN
FWWR, RAMP: 18.70 TO 20.50

THESE PLANS WERE DEVELOPED BY MEMBERS OF THE DIAGNOSTIC TEAM IN ACCORDANCE WITH TERMS OF THE STATE-RAILROAD AGREEMENT AND ARE HEREBY AUTHORIZED FOR CONSTRUCTION.

TEXAS DEPARTMENT OF TRANSPORTATION

SUBMITTED FOR
APPROVAL

APPROVED

20

DIRECTOR OF TRANSPORTATION OPERATIONS

MAYOR, CITY OF COLLEYVILLE

RECOMMENDED FOR
APPROVAL

20

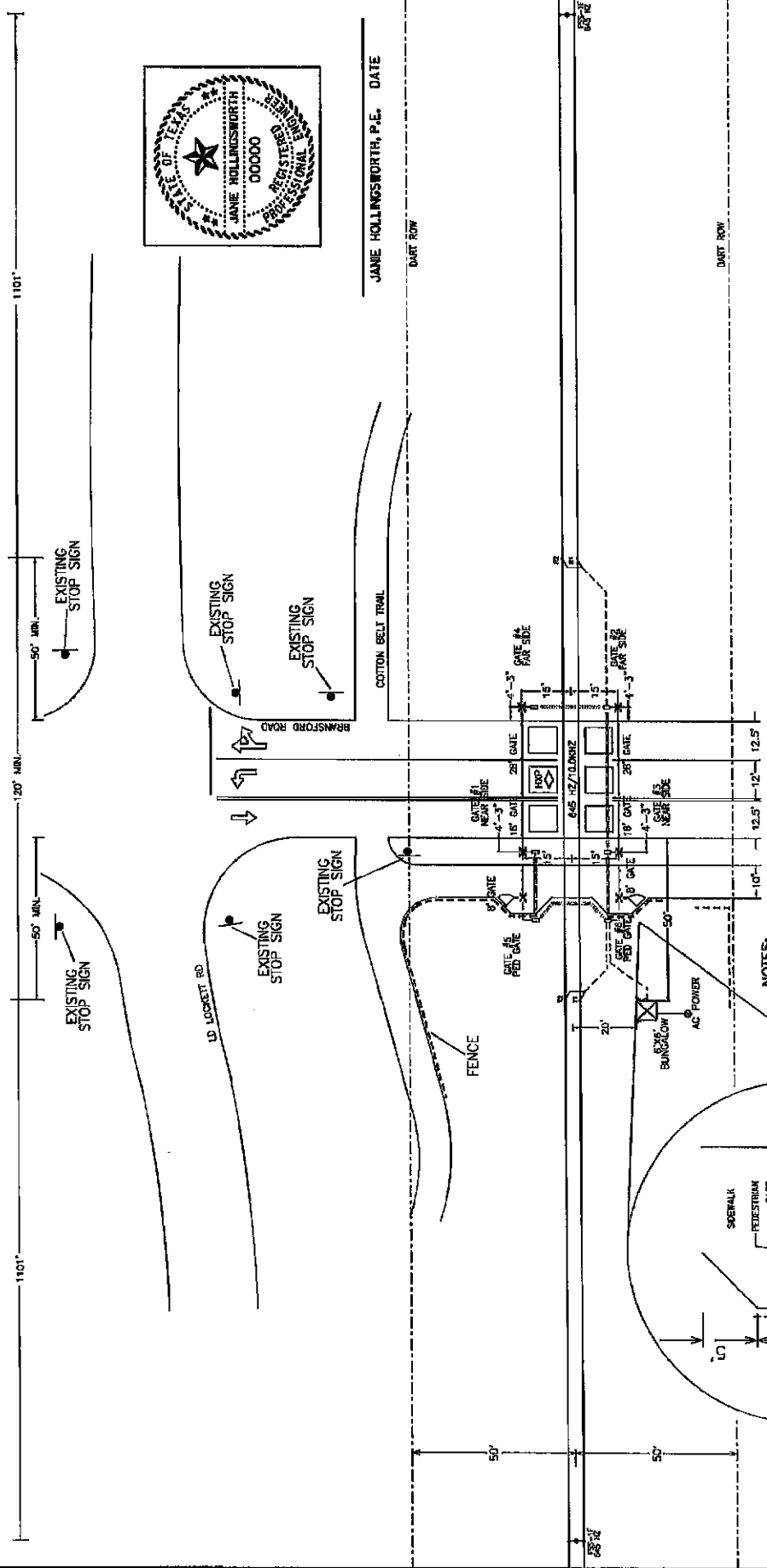
APPROVED FOR
CONSTRUCTION

20

DISTRICT ENGINEER

DIRECTOR, RAIL DIVISION

© by Texas Department of Transportation
copyrights reserved

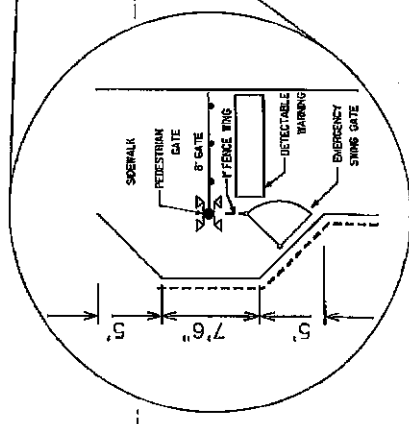


JANIE HOLLINGSWORTH, P.E. DATE

CROSSING LAYOUT

FORT WORTH & WESTERN RAILROAD
 PROPOSED GRADE CROSSING WARNING DEVICES
 ON BRANSFORD RD IN COLLEYVILLE-TARRANT CO.
 DOT NO. 789 729L REMP 18.70

- NOTES:
1. SIDEWALK MUST PROVIDE 5' MIN. OFFSET CLEARANCE FROM CENTERLINE OF PROPOSED RAILROAD CROSSING SIGNAL FOUNDATION.
 2. SIDEWALK TO INTERSECT TRACK AT 90° AND MAINTAIN TOP OF RAIL ELEVATION AND ALIGNMENT FOR A MINIMUM OF 17' FROM NEAR RAIL OR 3' IN ADVANCE OF DETECTABLE WARNING.
 3. DETECTABLE WARNINGS SHALL BE FULL WIDTH OF SIDEWALK AND 2' DEEP.
 4. 6" ASPHALT JOINT (12" MIN DEPTH) BETWEEN CONCRETE CONNECTING SIDEWALK AND RAILROAD CONCRETE PANEL.



STATE	FEDERAL AID PROJECT NO.	SHEET NO.
TEXAS	STP 2081 WSP	2
COUNTY	CITY	MOBILE NO.
TARRANT	COLLEYVILLE	BRANSFORD RD

© by Texas Department of Transportation
 All rights reserved

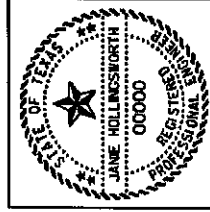
GENERAL NOTES

1. SIGNAL CIRCUITS ARE DESIGNED TO GIVE 20 SECONDS MINIMUM WARNING TIME PRIOR TO THE ARRIVAL OF THE FASTEST TRAIN AT THIS CROSSING.
2. EXISTING CONSTANT WARNING CIRCUITS ARE TO REMAIN AT THIS LOCATION. THE RAILROAD OR ITS CONTRACTOR WILL INSTALL A NEW BUNGALOW W/ FOUR QUADRANT GATE CONTROL SYSTEM.
3. THE RAILROAD OR ITS CONTRACTOR WILL INSTALL TWO ADDITIONAL GATES TO CREATE A FOUR QUADRANT GATE WARNING SYSTEM AT THE CITY'S EXPENSE.
4. THE RAILROAD OR ITS CONTRACTOR WILL INSTALL VEHICLE DETECTION LOOP SYSTEM AT THE CITY'S EXPENSE FOR THE FOUR QUADRANT GATE OPERATION. THE CITY OR ITS CONTRACTOR WILL RE-CONSTRUCT STREET WITHIN FOUR QUADRANT GATES TO PROVIDE FOR INSTALLATION OF VEHICLE DETECTION LOOP SYSTEM.
5. THE RAILROAD OR ITS CONTRACTOR WILL FURNISH AND INSTALL TWO PEDESTRIAN GATES AT THE CITY'S EXPENSE.
6. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL CONCRETE HKE/BIKE PATH, EMERGENCY EXIT GATES, AND DETECTABLE WARNING, AS SHOWN IN PEDESTRIAN GATE DETAIL. (SEE SHT. #2)
7. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL OR REPLACE THE APPROPRIATE PAYMENT MARKINGS AS OUTLINED ON THE ATTACHED LAYOUT AND STANDARD SHEET AND IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. (SEE SHEET 5)
8. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL OR REPLACE THE FOLLOWING SIGNS IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD) AND THE STANDARD HIGHWAY SIGN DESIGN MANUAL FOR TEXAS (SHSD): 2 EAJWO-R 36", 2 EAJWO-R 24", 4 EA. (WIO-9), 2 EA. (RIS-4), 1EA. (R8-8) (SEE SHEET 5) ADDITIONAL SIGNS TO BE ADDED: 1R3-8, 2 EA. EMERGENCY EXIT SIGNS.
9. THE CITY AGREES TO MAINTAIN THE PAVEMENT MARKINGS AND ADVANCE WARNING SIGNS PLACED ALONG THE ROADWAY UNDER THEIR JURISDICTION IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND AS SHOWN ON THE LAYOUT AND STANDARD SHEETS AS ACKNOWLEDGED ON THE TITLE SHEET.
10. THE CITY AGREES TO TRIM AND MAINTAIN TREES AND VEGETATION FOR ADEQUATE VISIBILITY OF THE CROSSING SIGNALS AND ADVANCE WARNING SIGNS AS ACKNOWLEDGED ON THE TITLE SHEET.
11. THE CITY OR ITS CONTRACTOR WILL PROVIDE TRAFFIC CONTROL IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS ADVANCE WARNING SIGNS AS ACKNOWLEDGED ON THE TITLE SHEET.
12. THE RAILROAD OR ITS CONTRACTORS WILL REPLACE TIES, RAIL, SURFACE AND STABILIZE THE TRACK WITH ON TRACK SURFACING EQUIPMENT AT THE CITY'S EXPENSE. THIS WORK IS SPECIFIED IN WORK TO BE DONE BY THE RAILROAD ON THE REPLANKING LAYOUT/DETAIL SHEET.

NOTE: ALL WORK PERFORMED BY CITY OR ITS CONTRACTOR WITHIN 25' OF TRACK WILL REQUIRE RAILROAD FLAGGER AT THE CITY'S EXPENSE.

DESCRIPTION OF PROJECT

1. UPGRADE EXISTING CROSSING WARNING SYSTEM TO A FOUR QUADRANT GATE SYSTEM WITH PEDESTRIAN GATES ON NEW HKE/BIKE TRAIL.
2. ADDITION OF TWO (2) COMPLETE FLASHING LIGHT SIGNALS WITH ONE (1) 28' GATE AND ONE (1) 16' GATE ASSEMBLIES ON BRANSFORD RD.
3. ADDITION OF TWO (2) COMPLETE FLASHING LIGHT SIGNALS WITH TWO (2) 10' GATE ASSEMBLIES FOR PEDESTRIANS HKE/BIKE TRAIL.
4. 12" LAMP HOUSINGS SHALL BE UTILIZED AND EQUIPPED WITH LED (LIGHT EMITTING DIODE) OPERATED AT NOT LESS THAN 8.5 VOLTS UNDER NORMAL OPERATING CONDITION.



JANE HOLLINGSWORTH, P.E. DATE

GENERAL NOTES

FORT WORTH & WESTERN RAILROAD
PROPOSED GRADE CROSSING WARNING DEVICES
ON BRANSFORD RD IN COLLEYVILLE-TARRANT CO.
DOT NO. 789 729L RMP 18.70

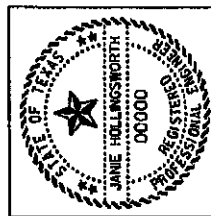
PROJECT NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.
6	TEXAS	STP 2001 FSP	5
COUNTY	CITY	PROJECT NO.	PROJECT NO.
TARRANT	COLLEYVILLE	0502-48-756	BRANSFORD RD

© by Texas Department of Transportation
All rights reserved

© by Texas Department of Transportation
all rights reserved

THE CITY OF COLLEYVILLE HAS AGREED TO MAINTAIN THE SIGNING AND PAVEMENT MARKINGS AT THIS RAILROAD CROSSING AS DETAILED ON THIS LAYOUT SHEET AND THE ATTACHED STANDARD SHEETS AFTER THIS PROJECT IS COMPLETED.

SEE STANDARD SHEET
RCPM-09 FOR DETAILS



JAMIE HOLLINGSWORTH, P.E. DATE

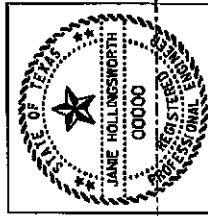
SIGNS & PAVEMENT MARKINGS

FORT WORTH & WESTERN RAILROAD
PROPOSED GRADE CROSSING WARNING DEVICES
ON BRANSFORD RD IN COLLEYVILLE-TARRANT CO.
DOT NO. 789 729L RRPMP 18.70

FILE NO.	STATE	FEDERAL AND PROJECT NO.	SHEET NO.
6	TEXAS	STP 201 WSP	5
STATE DATE	COUNTY	STATE COMMISSION NO.	PROJECT NO.
2	TARRANT	05072-63-7456	REARRESTED ON

SCALE: 1" = 40'

© by Texas Department of Transportation
all rights reserved

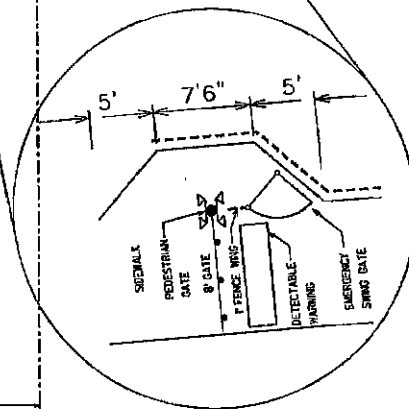


CROSSING LAYOUT

FORT WORTH & WESTERN RAILROAD
PROPOSED GRADE CROSSING WARNING DEVICES
ON PLEASANT RUN RD IN COLLEYVILLE-TARRANT CO.
DOT NO. 789 730F RRP 1910

FED. PROJ. NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.
6	TEXAS	STP 201 JFSP	6
STATE DIST. NO.	COUNTY	STATE CORRECT. NO.	NO-BEST NO.
2	TARRANT	0902-48-756	PLEASANT RIM RD

1. SIDEWALK MUST PROVIDE 5' MIN. OFFSET CLEARANCE FROM CENTERLINE OF PROPOSED RAILROAD CROSSING SIGNAL FOUNDATION.
2. SIDEWALK TO INTERSECT TRACK AT 90° AND MAINTAIN TOP OF RAIL ELEVATION AND ALIGNMENT FOR A MINIMUM OF 17' FROM NEAR RAIL OR 3' IN ADVANCE OF DETECTABLE WARNING.
3. DETECTABLE WARNINGS SHALL BE FULL WIDTH OF SIDEWALK AND 2' DEEP.
4. 6" ASPHALT JOINT (12" MIN DEPTH) BETWEEN CONCRETE CONNECTING SIDEWALK AND RAILROAD CONCRETE PANEL.



© by Texas Department of Transportation
rights reserved

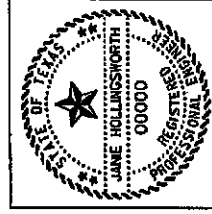
GENERAL NOTES

1. SIGNAL CIRCUITS ARE DESIGNED TO GIVE 20 SECONDS MINIMUM WARNING TIME PRIOR TO THE ARRIVAL OF THE FASTEST TRAIN AT THIS CROSSING.
2. EXISTING CONSTANT WARNING CIRCUITS ARE TO REMAIN AT THIS LOCATION. THE RAILROAD OR ITS CONTRACTOR WILL INSTALL A NEW BUNGALOW W/ FOUR QUADRANT GATE CONTROL SYSTEM.
3. THE RAILROAD OR ITS CONTRACTOR WILL INSTALL TWO ADDITIONAL GATES TO CREATE A FOUR QUADRANT GATE WARNING SYSTEM AT THE CITY'S EXPENSE.
4. THE RAILROAD OR ITS CONTRACTOR WILL INSTALL VEHICLE DETECTION LOOP SYSTEM AT THE CITY'S EXPENSE FOR THE FOUR QUADRANT GATE OPERATION. THE CITY OR ITS CONTRACTOR WILL RE-CONSTRUCT STREET WITHIN FOUR QUADRANT GATES TO PROVIDE FOR INSTALLATION OF VEHICLE DETECTION LOOP SYSTEM.
5. THE RAILROAD OR ITS CONTRACTOR WILL FURNISH AND INSTALL TWO PEDESTRIAN GATES AT THE CITY'S EXPENSE.
6. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL CONCRETE HIKE/BIKE PATH, EMERGENCY EXIT GATES, AND DETECTABLE WARNING, AS SHOWN IN PEDESTRIAN GATE DETAIL. (SEE SHT: #6)
7. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL OR REPLACE THE APPROPRIATE PAVEMENT MARKINGS AS OUTLINED ON THE ATTACHED LAYOUT AND STANDARD SHEET AND IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. (SEE SHT: #9)
8. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL OR REPLACE THE FOLLOWING SIGNS IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD) AND THE STANDARD HIGHWAY SIGN DESIGN MANUAL FOR TEXAS (SHSD): 2 EA. (W10-1) 36", 2 EA. (W10-1) 24", 5 EA. (W10-9), 2 EA. (R15-4), 1 EA. (R8-8), 1 EA. (W10-3) (SEE SHEET 9) ADDITIONAL SIGNS TO BE ADDED: 1 R3-8, 2 EA. EMERGENCY EXIT SIGNS.
9. THE CITY AGREES TO MAINTAIN THE PAVEMENT MARKINGS AND ADVANCE WARNING SIGNS PLACED ALONG THE ROADWAY UNDER THEIR JURISDICTION IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND AS SHOWN ON THE LAYOUT AND STANDARD SHEETS AS ACKNOWLEDGED ON THE TITLE SHEET.
10. THE CITY AGREES TO TRIM AND MAINTAIN TREES AND VEGETATION FOR ADEQUATE VISIBILITY OF THE CROSSING SIGNALS AND ADVANCE WARNING SIGNS AS ACKNOWLEDGED ON THE TITLE SHEET.
11. THE CITY OR ITS CONTRACTOR WILL PROVIDE TRAFFIC CONTROL IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS ADVANCE WARNING SIGNS AS ACKNOWLEDGED ON THE TITLE SHEET.
12. THE RAILROAD OR ITS CONTRACTORS WILL REPLACE TIES, RAIL SURFACE AND STABILIZE THE TRACK WITH ON TRACK SURFACING EQUIPMENT AT THE CITY'S EXPENSE. THIS WORK IS SPECIFIED IN WORK TO BE DONE BY THE RAILROAD ON THE REPLANKING LAYOUT/DETAIL SHEET.

NOTE: ALL WORK PERFORMED BY CITY OR ITS CONTRACTOR WITHIN 25' OF TRACK WILL REQUIRE RAILROAD FLAGGER AT THE CITY'S EXPENSE.

DESCRIPTION OF PROJECT

1. UPGRADE EXISTING CROSSING WARNING SYSTEM TO A FOUR QUADRANT GATE SYSTEM WITH PEDESTRIAN GATES ON NEW HIKE/BIKE TRAIL.
2. ADDITION OF TWO (2) COMPLETE FLASHING LIGHT SIGNALS WITH ONE (1) 28' GATE AND ONE (1) 16' GATE ASSEMBLIES ON PLEASANT RUN RD.
3. ADDITION OF TWO (2) COMPLETE FLASHING LIGHT SIGNALS WITH TWO (2) 10' GATE ASSEMBLIES FOR PEDESTRIANS HIKE/BIKE TRAIL.
4. 12" LAMP HOUSINGS SHALL BE UTILIZED AND EQUIPPED WITH LED (LIGHT EMITTING DIODE) OPERATED AT NOT LESS THAN 8.5 VOLTS UNDER NORMAL OPERATING CONDITION.



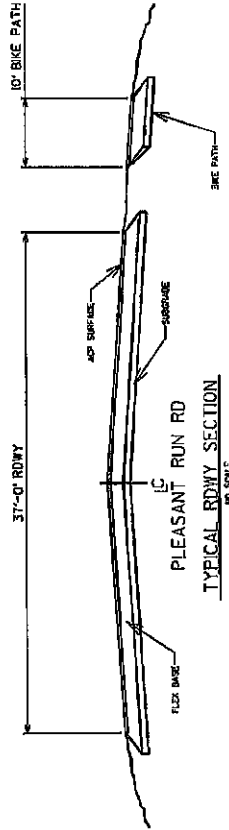
JANE HOLLINGSWORTH, P.E. DATE

GENERAL NOTES

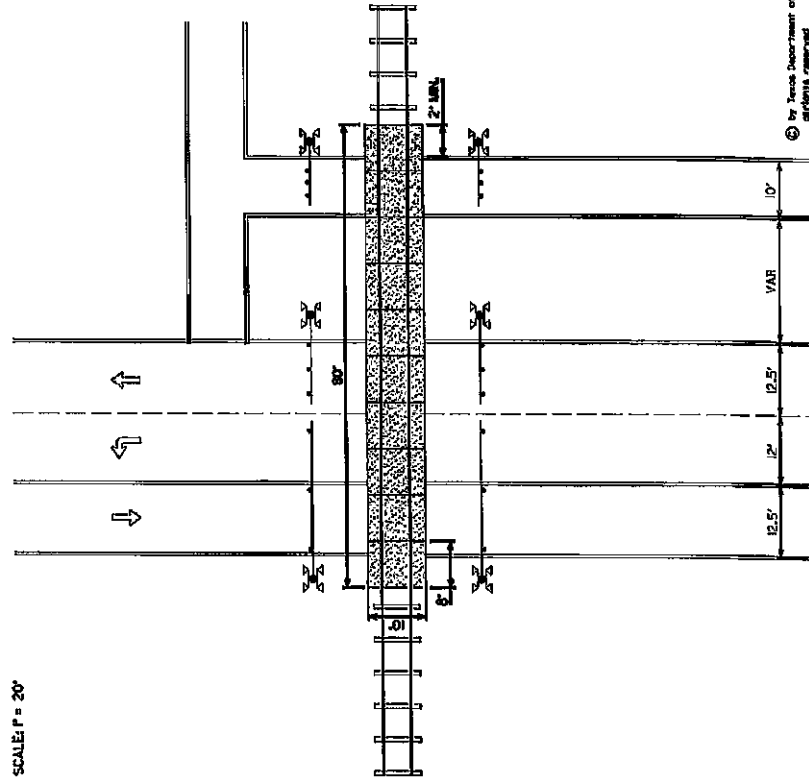
FORT WORTH & WESTERN RAILROAD
PROPOSED GRADE CROSSING WARNING DEVICES
ON PLEASANT RUN RD IN COLLEYVILLE-TARRANT CO.
DOT NO. 789 730F RRMP 13.10

REV	DATE	BY	REASON	SHEET NO.
1	03/02/00	JH	ISSUED FOR PERMITS	7
2	03/02/00	JH	ISSUED FOR PERMITS	7

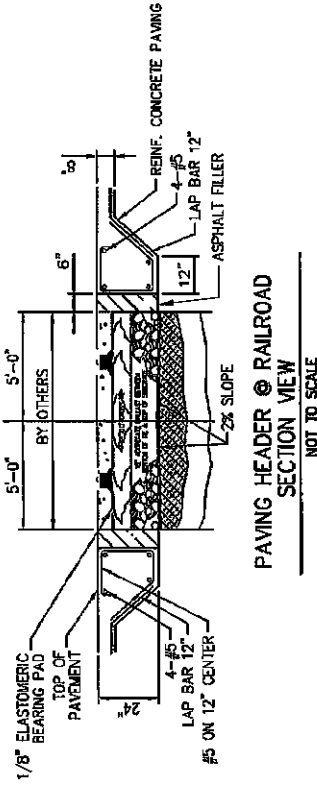
© by Texas Department of Transportation
all rights reserved



SCALE: P = 20'



© by Texas Department of Transportation
all rights reserved



PAVING HEADER @ RAILROAD

SECTION VIEW

NOT TO SCALE

GENERAL NOTES:

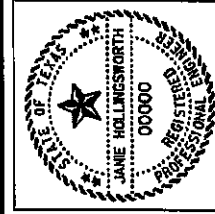
1. TWO THROUGH TRAINS PER DAY AT 25 MPH.
2. AVERAGE DAILY TRAFFIC (ADTT) 2,500.
3. EXISTING CROSSING - 32' CONCRETE.
4. EXISTING RAIL RAIL.
5. CLOSURE TO BE DONE IN FULL-DEPTH WITH DETOUR.
6. EXISTING WARNING DEVICES, FLASHING LIGHTS AND GATES.

WORK TO BE DONE BY THE RAILROAD:

1. REMOVE EXISTING CONCRETE SURFACE AND INSTALL NEW 6" CONCRETE CROSSING.
2. REMOVE EXISTING RAIL RAIL AND INSTALL NEW 12" RAIL WITH TRANSITION RAIL AS NEEDED.
3. IF NECESSARY, REMOVE EXISTING BALLAST AND SUBGRADE, INSTALL UNDERMAN BALLAST, AND TIES AS NEEDED.
4. WELD RAIL CONTINUOUSLY WITHIN LIMITS OF CROSSING.
5. NOTIFY CITY OR ITS CONTRACTOR AT LEAST 7 DAYS IN ADVANCE TO SCHEDULE TRAFFIC CONTROL AND CLOSURE.
6. SURFACING APPROACH INTO, THROUGH AND OUT OF CROSSING FOR A DISTANCE OF NO LESS THAN 500 FEET WILL REQUIRE 6700 OR EQUIVALENT.

WORK TO BE DONE BY THE CITY:

1. FURNISH AND INSTALL BARRICADES FOR TRAFFIC CONTROL AND DETOUR DURING STREET CLOSURE.
2. FURNISH AND INSTALL CEMENT STABILIZED BASE IF NECESSARY.
3. THE CITY OR ITS CONTRACTOR WILL RECONSTRUCT STREET APPROACHES TO NEW RAILROAD CROSSING SURFACE.



REPLANKING LAYOUT/DETAIL

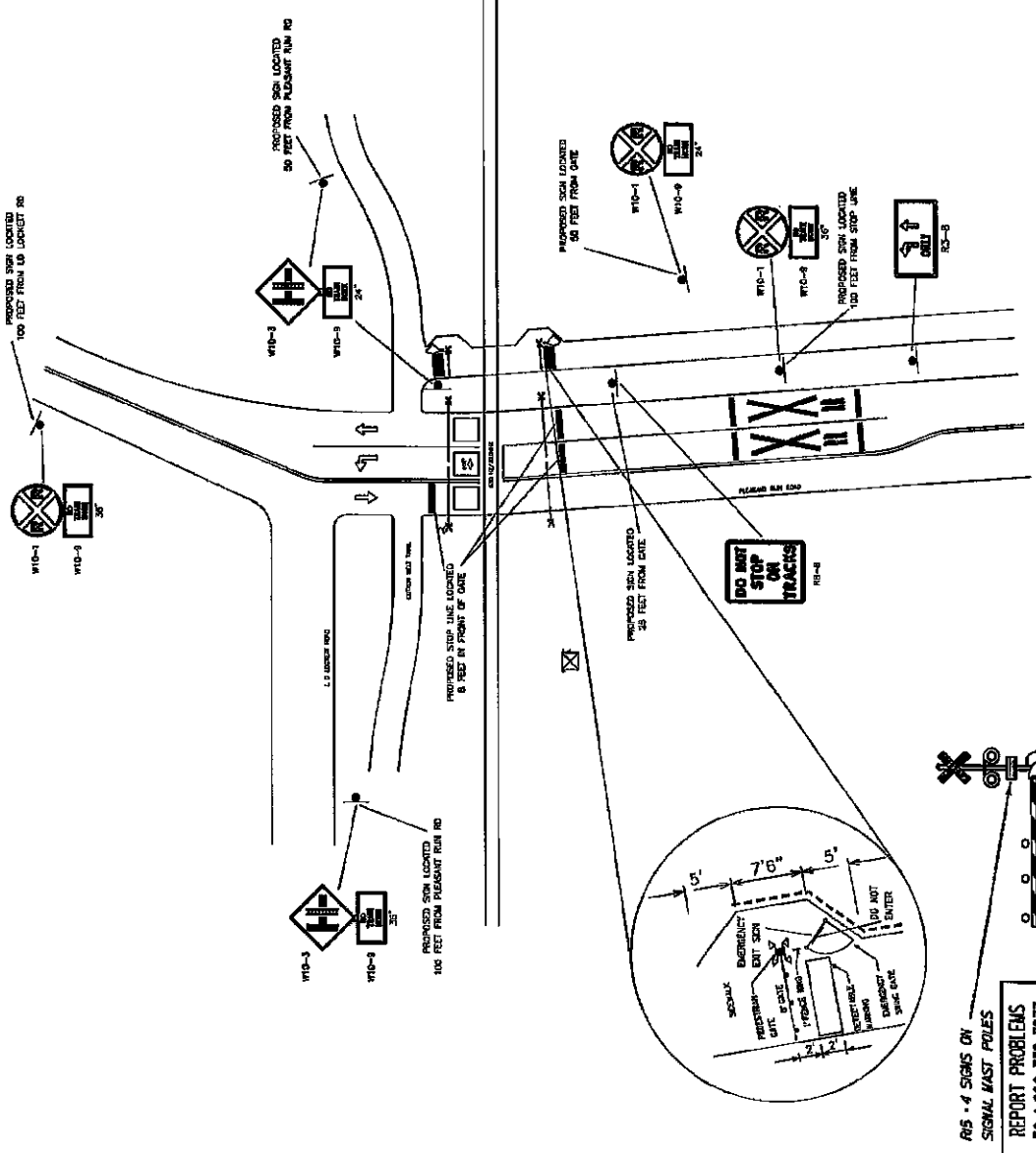
FORT WORTH & WESTERN RAILROAD
PROPOSED GRADE CROSSING WARNING DEVICES
ON PLEASANT RUN RD IN COLLEYVILLE-TARRANT CO.
DOT NO. T89 730F RRMP 19J0

STATE	FEDERAL AID PROJECT NO.	SHEET NO.
TEXAS	STP 2011 JFSP	6
COUNTY	CITY	SECTION NO.
TARRANT	COLLEYVILLE	19J0
TARRANT		0502-08-155
TARRANT		PLEASANT RUN RD

JANE HOLLINGSWORTH, P.E. DATE

NOTE:
 THE CITY OF COLLEYVILLE HAS AGREED TO
 MAINTAIN THE SIGNING AND PAVEMENT MARKINGS
 AT THIS RAILROAD CROSSING AS DETAILD ON
 THIS LAYOUT SHEET AND THE ATTACHED
 STANDARD SHEETS AFTER THIS PROJECT IS
 COMPLETED.
 SEE STANDARD SHEET
 RCPN-09 FOR DETAILS

NOTE:



JANE HOLLINGSWORTH, P.E. DATE

SIGNS & PAVEMENT MARKINGS

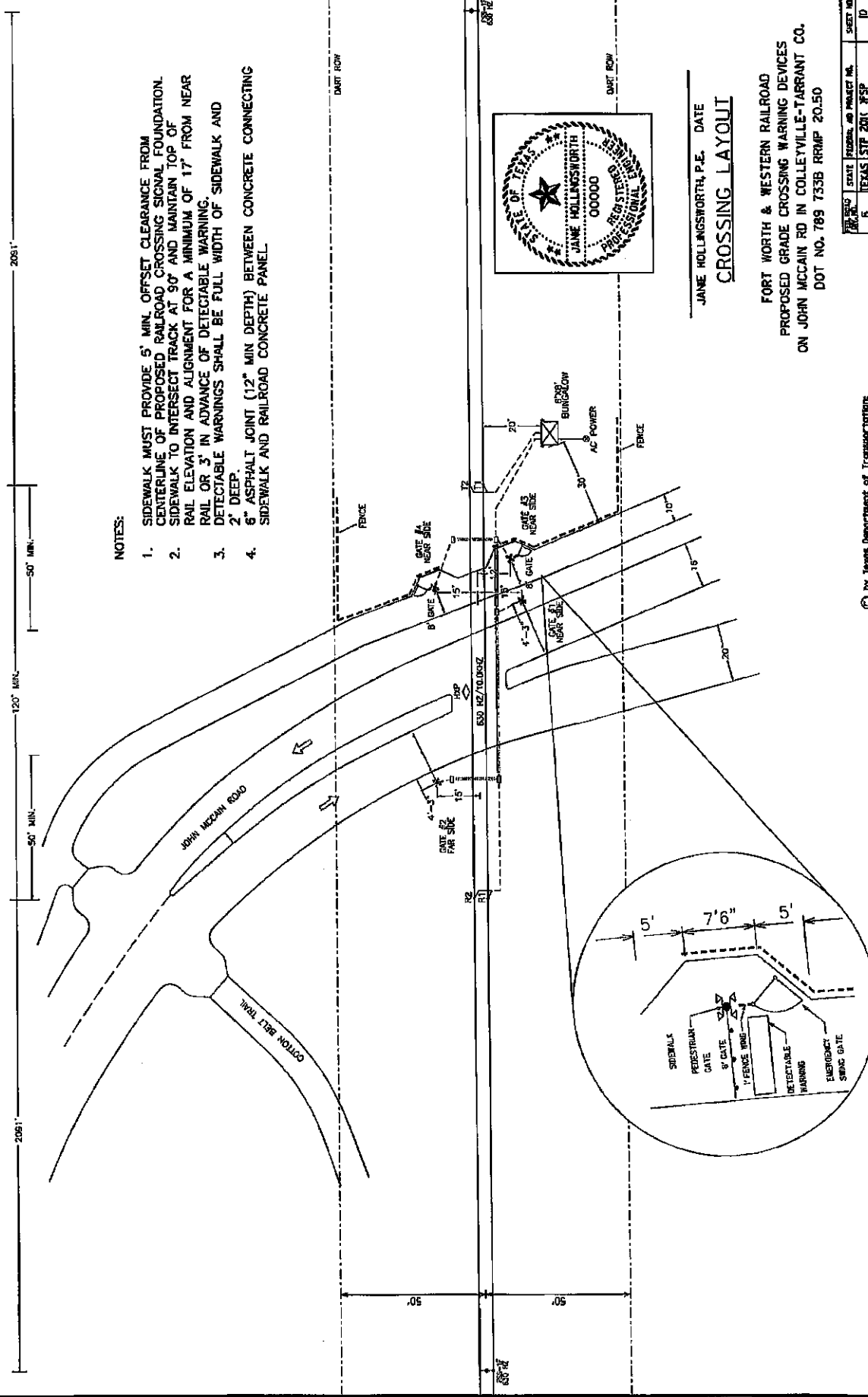
FORT WORTH & WESTERN RAILROAD
 PROPOSED GRADE CROSSING WARNING DEVICES
 ON PLEASANT RUN RD IN COLLEYVILLE-TARRANT CO.
 DOT NO. 789 730F RRMP 1940

STATE	FEDERAL AID PROJECT NO.	SHEET NO.
TEXAS	STP 2011 FSP	5
COUNTY	CITY	MOBILITY NO.
TARRANT	COLLEYVILLE	PLEASANT RUN RD

SCALE: 1" = 40'

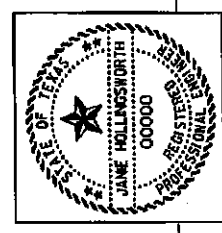
© by Texas Department of Transportation
 all rights reserved

AS - 4 SIGNS ON
 SIGNAL MAST POLES
 REPORT PROBLEMS
 TO 1-800-772-7677
 CROSSING #789 730F



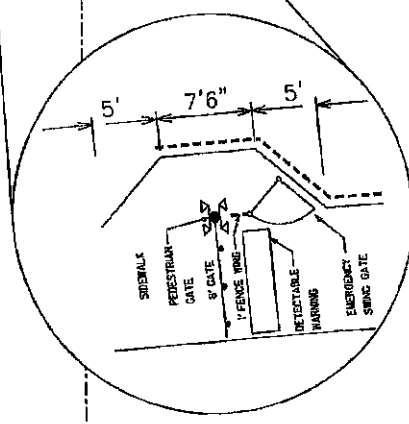
NOTES:

1. SIDEWALK MUST PROVIDE 5' MIN. OFFSET CLEARANCE FROM CENTERLINE OF PROPOSED RAILROAD CROSSING SIGNAL FOUNDATION.
2. SIDEWALK TO INTERSECT TRACK AT 90° AND MAINTAIN TOP OF RAIL ELEVATION AND ALIGNMENT FOR A MINIMUM OF 17' FROM NEAR RAIL OR 3' IN ADVANCE OF DETECTABLE WARNING.
3. DETECTABLE WARNINGS SHALL BE FULL WIDTH OF SIDEWALK AND 2' DEEP.
4. 6" ASPHALT JOINT (12" MIN DEPTH) BETWEEN CONCRETE CONNECTING SIDEWALK AND RAILROAD CONCRETE PANEL.



JANE HOLLINGSWORTH, P.E. DATE
CROSSING LAYOUT

FORT WORTH & WESTERN RAILROAD
 PROPOSED GRADE CROSSING WARNING DEVICES
 ON JOHN MCCAIN RD IN COLLEYVILLE-TARRANT CO.
 DOT NO. 789 733B RRMP 20.50



STATE	FEDERAL AID PROJECT NO.	SHEET NO.
TEXAS	STP 2017 FSP	10
COUNTY	CITY	HONEY NO.
TARRANT	0902-48-755	JOHN MCCAIN RD

© by Texas Department of Transportation
 all rights reserved

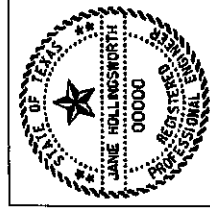
GENERAL NOTES

1. SIGNAL CIRCUITS ARE DESIGNED TO GIVE 20 SECONDS MINIMUM WARNING TIME PRIOR TO THE ARRIVAL OF THE FASTEST TRAIN AT THIS CROSSING AS WELL AS 27 SECONDS OF ADVANCED PREEMPTION TIME (APT).
2. EXISTING CONSTANT WARNING CIRCUITS ARE TO REMAIN AT THIS LOCATION. THE RAILROAD OR ITS CONTRACTOR WILL INSTALL A NEW BUNGALOW W/ FOUR QUADRANT GATE CONTROL SYSTEM.
3. THE RAILROAD OR ITS CONTRACTOR WILL PROVIDE A GATE DOWN CIRCUIT, SIMULTANEOUS PREEMPTION CIRCUIT, AND INSTALL AN INTERCONNECTED GRADE CROSSING OPERATIONS RECORDER SYSTEM IN RAILROAD BUNGALOW.
4. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL A TRAFFIC HEALTH CIRCUIT TO THE RAILROAD AND INSTALL AN INTERCONNECTED GRADE CROSSING OPERATIONS RECORDER SYSTEM IN TRAFFIC SIGNAL CABINET.
5. THE RAILROAD OR ITS CONTRACTOR WILL FURNISH AND INSTALL TWO PEDESTRIAN GATES AT THE CITY'S EXPENSE.
6. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL CONCRETE HIKE/BIKE PATH, EMERGENCY EXIT GATES, AND DETECTABLE WARNING AS SHOWN IN PEDESTRIAN GATE DETAIL. (SEE SHEET 10)
7. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL OR REPLACE THE APPROPRIATE PAVEMENT MARKINGS AS OUTLINED ON THE ATTACHED LAYOUT AND STANDARD SHEET AND IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. (SEE SHEET 5)
8. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL OR REPLACE THE FOLLOWING SIGNS IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD) AND THE STANDARD HIGHWAY SIGN DESIGN MANUAL FOR TEXAS (SHSD): 2 EA. (W10-1) 36", 2 EA. (W10-2) 24", 4 EA. (W10-9), 2 EA. (R15-4), 2 EA. (R15-8) (SEE SHEET 12) OTHER SIGNS, 2 EA EMERGENCY EXIT SIGNS.
9. THE CITY AGREES TO MAINTAIN THE PAVEMENT MARKINGS AND ADVANCE WARNING SIGNS PLACED ALONG THE ROADWAY UNDER THEIR JURISDICTION IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND AS SHOWN ON THE LAYOUT AND STANDARD SHEETS AS ACKNOWLEDGED ON THE TITLE SHEET.
10. THE CITY AGREES TO TRIM AND MAINTAIN TREES AND VEGETATION FOR ADEQUATE VISIBILITY OF THE CROSSING SIGNALS AND ADVANCE WARNING SIGNS AS ACKNOWLEDGED ON THE TITLE SHEET.
11. THE CITY OR ITS CONTRACTOR WILL PROVIDE TRAFFIC CONTROL IN ACCORDANCE WITH THE GUIDELINES IN THE TEXAS ADVANCE WARNING SIGNS AS ACKNOWLEDGED ON THE TITLE SHEET.
12. THE CITY OR ITS CONTRACTOR WILL FURNISH AND INSTALL A 12 CONDUCTOR-1/4 CABLE FOR INTERCONNECT BETWEEN RAILROAD BUNGALOW AND TRAFFIC SIGNAL CABINET.

NOTE: ALL WORK PERFORMED BY CITY OR ITS CONTRACTOR WITHIN 25' OF TRACK WILL REQUIRE RAILROAD FLAGGER AT THE CITY'S EXPENSE.

DESCRIPTION OF PROJECT

1. ADDITION OF TWO (2) COMPLETE FLASHING LIGHT SIGNALS WITH TWO (2) 10' GATE ASSEMBLIES FOR PEDESTRIAN HIKE/BIKE TRAIL.
2. 12" LAMP HOUSINGS SHALL BE UTILIZED AND EQUIPPED WITH LED LIGHT EMITTING DIODES OPERATED AT NOT LESS THAN 8.5 VOLTS UNDER NORMAL OPERATING CONDITION.



JAMIE HOLLINGSWORTH, P.E. DATE

GENERAL NOTES

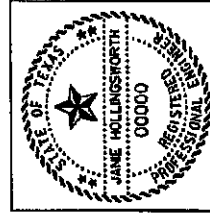
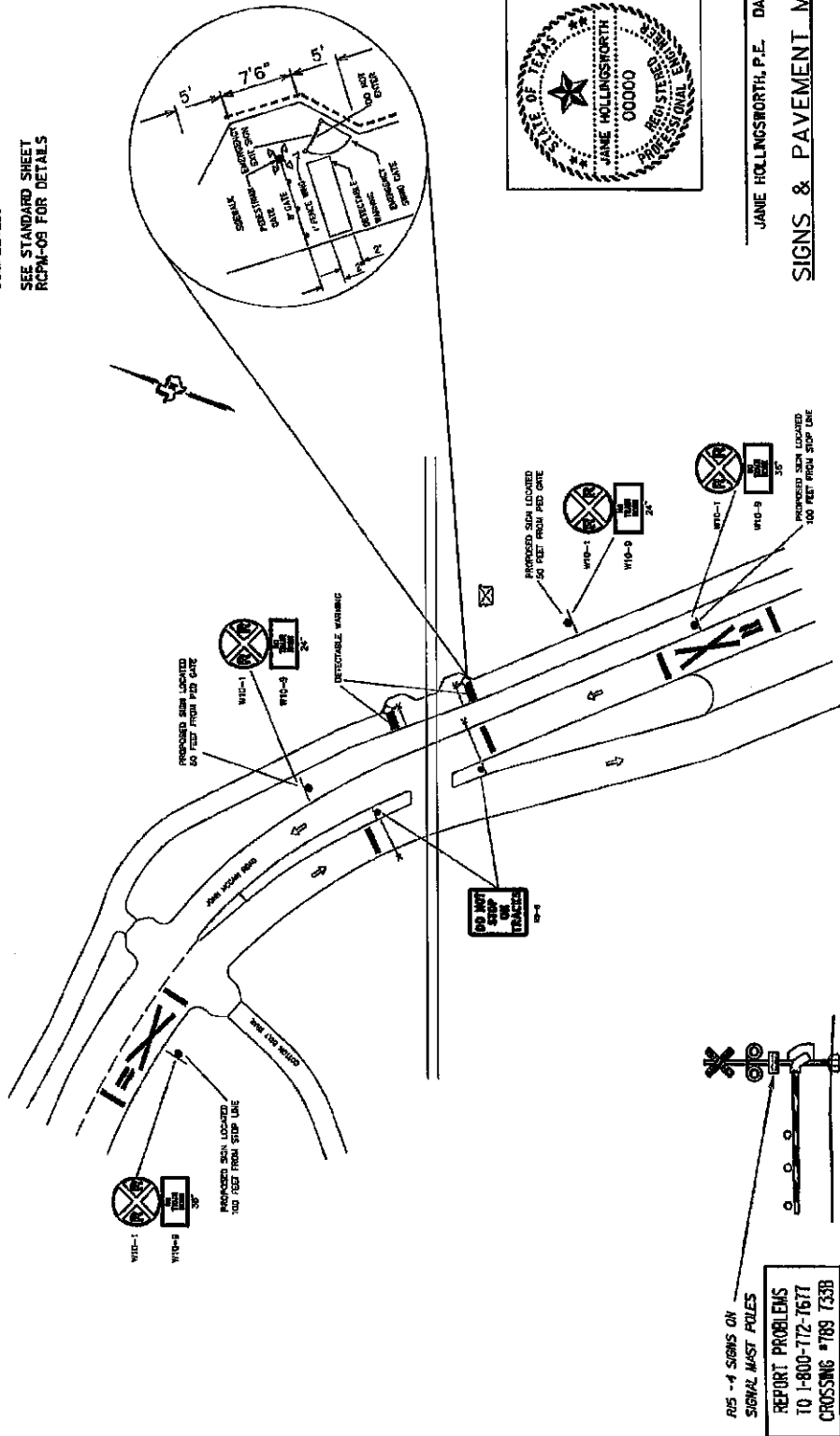
FORT WORTH & WESTERN RAILROAD
PROPOSED GRADE CROSSING WARNING DEVICES
ON JOHN MCCAIN RD IN COLLEYVILLE-TARRANT CO.
DOT NO. 789 733B RRMP 20.50

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.
6	TEXAS	STP 201 JFSF	II
DISTRICT	COUNTY	CITY	NO. OF SHEETS
2	TARRANT	0302-48-755	JAMIE HOLLINGSWORTH

© by Texas Department of Transportation
All rights reserved

NOTE: THE CITY OF COLLEYVILLE HAS AGREED TO MAINTAIN THE SIGNS AND PAVEMENT MARKINGS AT THIS RAILROAD CROSSING AS DETAILED ON THIS LAYOUT SHEET AND THE ATTACHED STANDARD SHEETS AFTER THIS PROJECT IS COMPLETED.

SEE STANDARD SHEET RCPN-05 FOR DETAILS



JANIE HOLLINGSWORTH, P.E. DATE

SIGNS & PAVEMENT MARKINGS

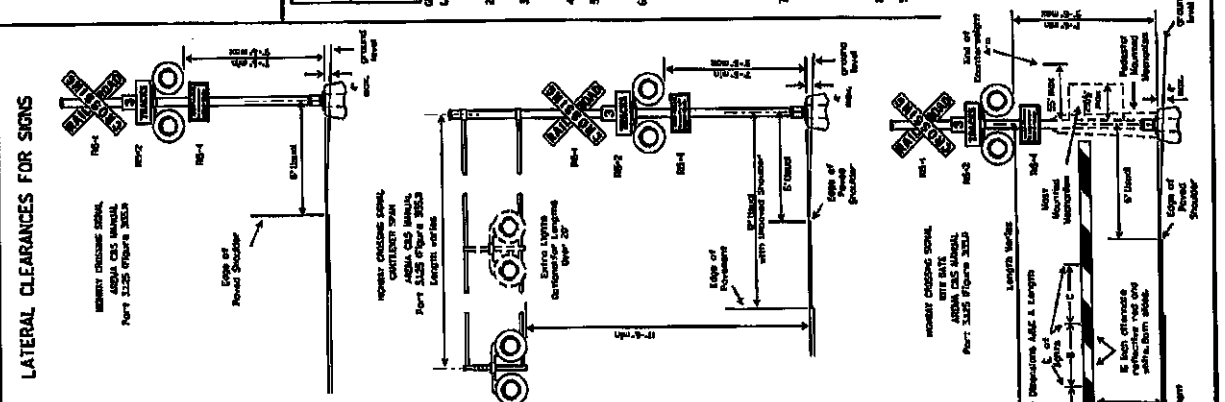
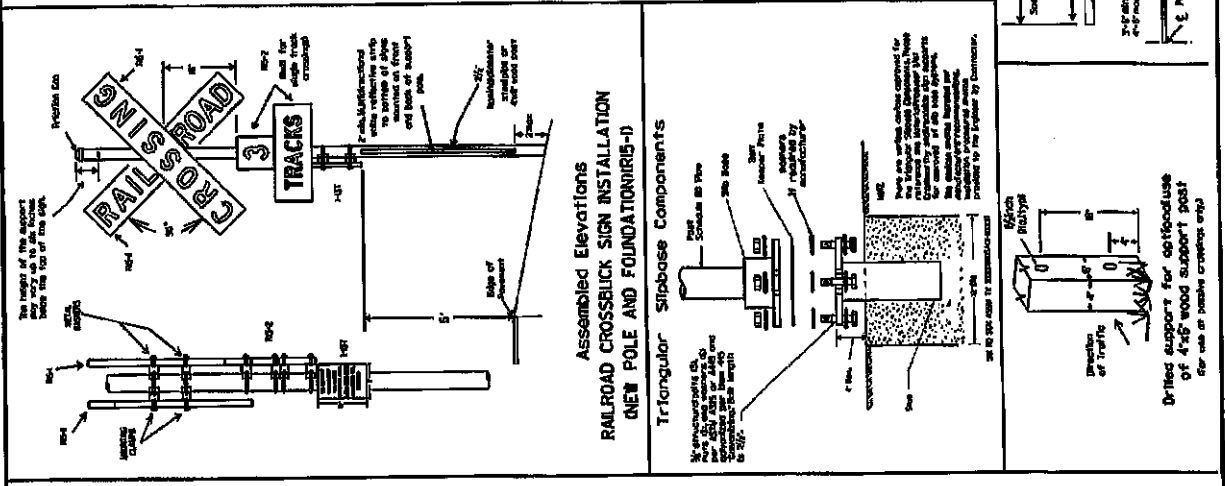
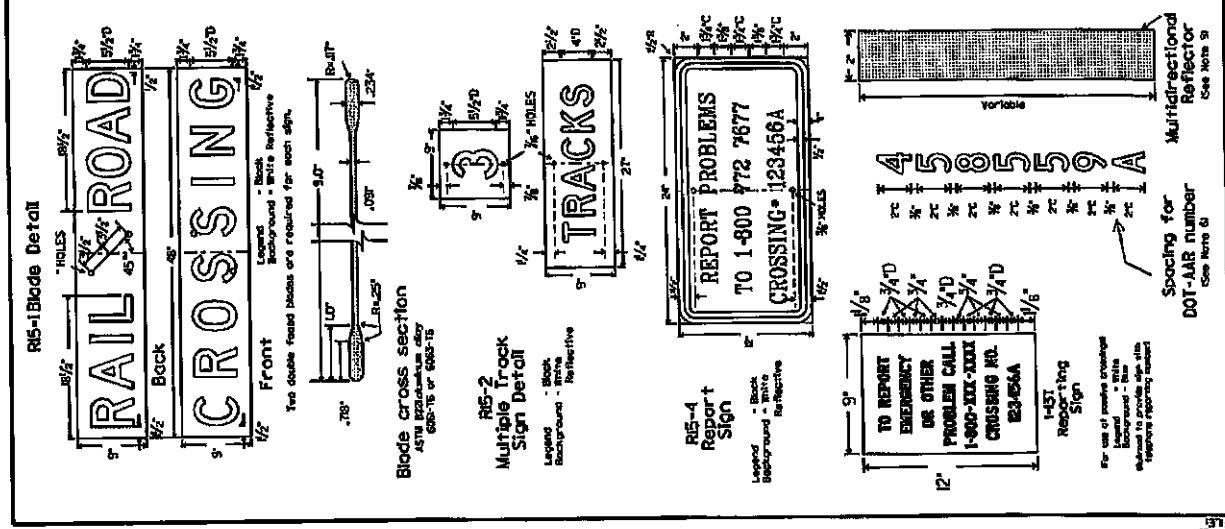
FORT WORTH & WESTERN RAILROAD
 PROPOSED GRADE CROSSING WARNING DEVICES
 ON JOHN MCCAIN RD IN COLLEYVILLE-TARRANT CO.
 DOT NO. 789 733B RIMP 20.50

STATE	FEDERAL AID PROJECT NO.	SHEET NO.
TEXAS	51P 201 JSP	12
COUNTY	DISTRICT NO.	WORKSHEET NO.
TARRANT	10502-00-756	JANIE HOLLINGSWORTH

SCALE: 1" = 50'

© by Texas Department of Transportation
 all rights reserved

RIS - 4 SIGNS ON
 SIGNAL MAST POLES
 REPORT PROBLEMS
 TO 1-800-772-7677
 CROSSING #789 733B



DO NOT STOP ON TRACKS

R8-8
24" x 30"

EXPERIMENTAL MATERIAL SPECIFICATIONS

ALUMINUM SIGN BLADES	SIZE	THICKNESS
ALUMINUM SIGN BLADES	24" x 30"	1/8"

EXPERIMENTAL MATERIAL SPECIFICATIONS

ALUMINUM SIGN BLADES	SIZE	THICKNESS
ALUMINUM SIGN BLADES	24" x 30"	1/8"

EXPERIMENTAL MATERIAL SPECIFICATIONS

ALUMINUM SIGN BLADES	SIZE	THICKNESS
ALUMINUM SIGN BLADES	24" x 30"	1/8"

EXPERIMENTAL MATERIAL SPECIFICATIONS

ALUMINUM SIGN BLADES	SIZE	THICKNESS
ALUMINUM SIGN BLADES	24" x 30"	1/8"

Texas Department of Transportation
 Traffic Control Division

RAILROAD CROSSING SIGNS AND SIGNALS

RCSS00-09

REV	DATE	BY	CHK	APP
1	08/01/00	W. J. ...	...	...
2	08/01/00	W. J. ...	...	...
3	08/01/00	W. J. ...	...	...
4	08/01/00	W. J. ...	...	...

Exhibit B

Railroad Crossing Improvement Estimates

SUMMARY OF RAILROAD CONSTRUCTION COST		COST
BRANSFORD ROAD		
Railroad Crossing Signal Construction		\$369,487.00
Railroad Crossing Surface Construction		\$86,150.00
FWWR Force Account		\$1,961.70
PLEASANT RUN ROAD		
Railroad Crossing Signal Construction		\$375,798.00
Railroad Crossing Surface Construction		\$113,825.00
FWWR Force Account		\$1,961.70
JOHN MCCAIN ROAD		
Railroad Crossing Signal Construction		\$118,981.00
FWWR Force Account		\$1,727.75
TOTAL PROJECT COST		\$ 1,069,892



BRANSFORD ROAD- DOT# 789 729L
CTC, Inc. Project Estimate - QZ13038

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
SIGNAL DESIGNER (AS-WIRED/AS-BUILT)	40	HR	31.25	\$1,250
SIGNAL CHECKER, LEVEL 1	4	HR	39.66	\$159
SIGNAL CHECKER, LEVEL 2/FIELD ENGINEER	4	HR	39.66	\$159
SUBTOTAL				\$1,567
G&A BURDEN FOR LABOR - 186%				\$2,915
FIXED FEE - 14%				\$628
ENGINEERING TOTAL				\$5,110

PROJECT MANAGEMENT

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
SENIOR SIGNAL ENGINEER	16	HR	\$75.48	\$1,208
PROJECT MANAGER	60	HR	\$43.27	\$2,596
CONSTRUCTION MANAGER	80	HR	\$39.66	\$3,173
ACCOUNTING, LEVEL1	6	HR	\$31.25	\$188
ADMINISTRATIVE	1	HR	\$23.08	\$23
SUBTOTAL				\$7,187
G&A BURDEN FOR LABOR - 186%				\$13,368
FIXED FEE - 14%				\$2,878
PROJECT MANAGEMENT TOTAL				\$23,433

CONSTRUCTION LABOR

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
SIGNAL FOREMAN	200	HR	\$28.50	\$5,700
SIGNALMAN	200	HR	\$27.00	\$5,400
SIGNAL HELPER	400	HR	\$18.00	\$7,200
SUBTOTAL				\$18,300
G&A BURDEN FOR LABOR - 186%				\$34,038
FIXED FEE - 14%				\$7,327
CONSTRUCTION LABOR TOTAL				\$59,665

CONSTRUCTION LABOR EXPENSES

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
EMPLOYEE MEALS (PER DIEM)	80	EA	\$35.00	\$2,800
EMPLOYEE TRAVEL & LODGING	80	EA	\$65.00	\$5,200
MOBILIZATION		EA	\$1,000.00	\$0
SUBTOTAL				\$8,000
FIXED FEE - 6%				\$480
CONSTRUCTION LABOR EXPENSES TOTAL				\$8,480



BRANSFORD ROAD- DOT# 789 729L
CTC, Inc. Project Estimate - QZ13038

CONSTRUCTION EQUIPMENT

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
TRUCK, PU, 1 TON CREW CAB	200	HR	\$11.78	\$2,356
TRUCK, BOOM, ART, TELESCOPING	80	HR	\$55.95	\$4,476
TRAILER, UTILITY, 4 TIRE, 12,000lbs SC410	200	HR	\$7.55	\$1,510
RENTAL EQUIPMENT (FORK LIFT/BACKHOE/SKYTRAK)	2	WK	\$1,200.00	\$2,400
EQUIPMENT DELIVERY/PICKUP	2	LS	\$150.00	\$300
SUBTOTAL				\$11,042
FIXED FEE - 6%				\$663
CONSTRUCTION EQUIPMENT TOTAL				\$11,705

MATERIAL

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
HOUSE MATERIAL	1	LS		\$134,412
FIELD MATERIAL	1	LS		\$87,653
HOUSE AND SIGNAL WIRING	1	LS		\$8,000
FILL DIRT		TN	\$7.50	\$0
CONCRETE		YD	\$500.00	\$0
COVER ROCK	50	TN	\$40.00	\$2,000
BORING 4"	250	FT	\$35.00	\$8,750
ELECTRICAL PERMITS		EA	\$3,500.00	\$0
METER POLE ASSY AND INSTALLATION	1	EA	\$2,500.00	\$2,500
FREIGHT & CONTAINER PRICE	1	LS	\$3,000.00	\$3,000
SUBTOTAL				\$246,315
FIXED FEE - 6%				\$14,779
MATERIAL TOTAL				\$261,094
TOTAL PROJECT ESTIMATE				\$369,487



RAILWORKS Track Systems, Inc.
P.O. Box 7128 Ft Worth, Texas 76111
388 N Wildeman Ft Worth, TX 76102
817-805-7039 Fax 817-549-0019

November 25, 2013

Mr. William Parker
FWWR
Director of Projects
2495 East Long Ave
Fort Worth, TX 76106

Phone: (817) 222-9798
Mobile: (817) 201-4450

Reference: Carrollton Quiet Zone - Bransford Road Crossing

Dear Mr. Parker:

In response to the referenced inquiry, RailWorks Track Systems, Inc. (RailWorks) proposes to furnish labor, equipment and material (except for those items furnished by the owner or others) necessary to complete the above referenced project and described in the attached scope of work for the total lump sum prices listed below. Taxes are NOT included.

LABOR & EQUIPMENT	\$ 34,450.00
<u>MATERIALS</u>	<u>\$ 50,700.00</u>
TOTAL	\$ 86,150.00

See the attached *Scope of Work and Clarifications* as well as the *Standard Terms and Conditions* and the *Track Inspection Limitations of Liability*. The Standard Terms and Conditions and the Limits of Liability are included here or may already be on file with your company, which in either case should be considered part of this proposal. Should any of these items be omitted please contact us for a copy.

We propose to commence work on this project within 30 days after notice to proceed and receipt of a formal purchase order. Also, we propose to complete this work the appropriate number of working days thereafter, barring inclement weather and contingent upon receipt of material. Overtime, shift and/or weekend work is included unless stated otherwise in the scope of work.

This proposal shall remain firm for your acceptance for a period of 30 days and will then be subject to review.

We appreciate the opportunity to present this proposal for your consideration and trust that it will meet with your requirements. However, should it fall short of your requirements or further information is needed, please contact RailWorks at your earliest convenience to discuss.

Sincerely,
RailWorks Track Systems, Inc.

Accepted By: (If Applicable sign & return):

Stewart Hoffin, CSP
Area Manager

Date: _____

ATTACHMENT A

Scope of Work and Clarifications:

This proposal is based on recent discussions and site visit with FWWR Director of Projects William Parker and recent pricing for material.

Scope

- 1) Mobilization
 - a. RailWorks will mob to site one time
- 2) Remove Existing Crossing
 - a. Existing Crossing Panels will be removed and hauled away from site by RailWorks
- 3) Change 75 Ties
 - a. Ties within crossing will be changed
 - b. 10 Ties each side of crossing will be changed
 - c. Ties are made of composite material and match composite crossing panels in design and length
 - d. Removed ties will be removed from site by RailWorks
- 4) Change Rail
 - a. Total of 160 TF (Track Feet) will be changed
 - i. Including 80 TF of new 136# rail
 - ii. 4 each 136/115 Transition rails
 - iii. Compromise Bars will be used for the 115/85 connection
 1. Comp joints will be welded at completion of project
 - b. All Plates for 136 and 115 rail is included
 - c. All spikes are included and will be NEW
 - d. All bolts are included
- 5) Welding
 - a. 10 each welds will be made throughout crossing
 - i. Includes welds at transition rails
 - ii. Includes welds at comp joints
- 6) Surfacing
 - a. 1,000 TF minimum will be surfaced
 - i. Jackson 6700 Tamper (or similar) will be used for work
 - ii. Kershaw 925 regulator (or similar) will be used for work
 - iii. Up to 50 NT (net tons) of ballast is included
- 7) Crossing Panel Installation
 - a. 65 TF of Composite crossing panels will be installed
 - i. All hardware to install panels is included
 - ii. Asphalt approaches are NOT included

NOTES

1) Notes –

- a. Tie Disposal is included. All refuse material will be removed from site by RailWorks.
- b. Work is priced to perform all work in one trip. Crew will stay until all work is complete. Pricing is based on crew mobilizing to job one time. If multiple mobilizations are needed, additional costs could be incurred.
- c. Price does not include Misc Contract or Signal support
- d. Proposal is good for 30 days, after that time it will have to be reviewed for current pricing on material and labor.

EXCLUSIONS:

Traffic Control
All survey work
Site drainage
Drawing or Design Work
Testing or Lab work
Pipeline relocating or encasing
Utility Movement or locating
Train Delays
Flagman
Taxes
All asphalt work
Concrete cutting (if any)
Signals (construction and support)

ATTACHMENT B

Effective Jan. 2010 supersedes previous versions

Standard Terms and Conditions

For track repairs in the State of Texas, labor and equipment are taxable while materials are not, provided the owner gives a tax exemption certificate to us. For new construction (State of Texas), taxes are not applicable on any portion of the contract provided the client (or owner, user, et.) gives a tax exemption certificate to us. Unless stated otherwise **RAILWORKS** Track Systems, Inc. (hereinafter referred to as **RAILWORKS**) pricing is without taxes. Tax laws for States other than Texas in which work is performed, though taxes not included in the proposal unless stated to the contrary, will apply.

Identifying, locating, relocating, removal, replacement and/or repairs of any existing underground pipes, utilities, wires, cables, concrete, asphalt or other structures are the responsibility, and to the account of, the client.

The Client (or owner, user, etc.) shall apply for and obtain all permits and licenses required for the Work at its' expense and be responsible for securing inspections and approval of the Work from all authorities having jurisdiction over the Work unless stated otherwise in the proposal.

The disposal is not included in this proposal unless stated otherwise in the scope of work. Old ties will be stockpiled at a designated location on the jobsite. Old rail and other metal track material will be hauled off site unless stated otherwise in the scope of work. Should tie disposal be specifically included in the proposal to your company, the actual disposal may be subcontracted to a company with the proper credentials to legally do so. Before disposal can take place, papers clearly indicating whom the "Generator" (i.e. owner, user, et.) is will be provided to the customer for the Generator to sign. Should an entity, other than the customer, be the Generator it will be the responsibility of the customer to obtain the signature of the Generator for the purposes of legal disposal. If arrangements can be made for a method of legal disposal, other than that described above, you will be notified. Should any contaminants be identified during or after the disposal of the ties, any and all remediation (and associated) costs will be to the account of the Generator and/or client, owner, user, etc. Excavated materials such as dirt, ballast, base, concrete, asphalt, et al will require verification of non-contamination from the Generator (i.e. owner, user, et.) to the Landfill Owner prior to any dumping of the material in question. However, should any contaminants be identified during or after the dumping of this material, any and all remediation (and associated) costs will be to the account of the Generator and/or client, owner, user, et. Unless stated otherwise, excavated material and other spoil will be stockpiled on site.

Overtime, weekend work and/or shift work is not included unless stated otherwise in the proposal.

We hereby warrant all work constructed under this proposal to be free from defects in materials and/or workmanship for a period of one year from date of substantial completion or the date of beneficial occupancy by the client, whichever comes first. **RAILWORKS** is not bound to repair, replace or be otherwise held responsible for material, equipment and/or workmanship that has been improperly maintained and inspected, altered or tampered with by unauthorized and or untrained personnel, subjected to abrasive or corrosive conditions, normal wear and tear, damage caused by rolling stock, or has been used or maintained improperly. Exceptions taken to this warranty may be noted in the proposal. Repairs, or other work, classified as "temporary" do not carry any warranty.

Customer agrees that it will not recruit, interview, solicit or hire **RAILWORKS** employees, whose job responsibilities require them to have contact with the customer, without prior written consent from **RAILWORKS** unless such employee has been voluntarily separated from **RAILWORKS** for more than one year or involuntarily separated from **RAILWORKS** by **RAILWORKS**. Customer and **RAILWORKS** agree, due to the difficulty of determining the damages to **RAILWORKS** for breach of this paragraph, that **RAILWORKS**, at its option, may select liquidated damages in the amount of \$50,000 or 100% of the employee's annual salary, whichever is greater, as its remedy for each violation as an alternative to injunctive relief. This provision shall survive the termination, expiration or cancellation of this agreement for a period of one year.

RAILWORKS will progress invoice not less than monthly with no retainage withheld and due Net 30 days from invoice date unless specifically negotiated otherwise and confirmed by purchase order or contract. Invoices over 30 days past due will be charged interest at 1.5% per month.

RAILWORKS will complete the Work within the times specified in the proposal provided however, that **RAILWORKS** will not be liable directly or indirectly, for delays of carriers or delays from labor difficulties, shortages, strikes or stoppages of any sort, fires, accidents, failure or delay in obtaining materials or manufacturing facilities, delays caused by customer, acts of government, war, bad weather, or any causes beyond the control of **RAILWORKS** or causes commonly designated Acts of God or force majeure, and when such delays arise, the completion date shall be extended accordingly.

Bonding (financial), though available, is not included for this Work unless stated otherwise in the proposal.

Authorization to do the work in question signifies the Client's acceptance of these Terms and Conditions including any mutually agreed upon exceptions and/or clarifications.

Our Standard Insurance Coverages are as follows:

(Additional Coverages and higher Limits may be available if necessary.)

<u>General Liability</u>		<u>Excess Liability (Umbrella)</u>	
General Aggr.	\$ 4 Mill.	Each Occurrence	\$ 10 Mill.
Products - Comp/Cp Aggr.	\$ 4 Mill.	Aggregate	\$ 10 Mill.
Personal & Adv. Injury	\$ 2 Mill.	<u>Workers Compensation & Employer Liability (Texas)</u>	
Each Occurrence	\$ 2 Mill.	EL Each Accident	\$ 1 Mill. (Each Accident)
Fire Damage (Any one fire)	\$ 100 Thou.	EL Disease - Policy Lim.	\$ 1 Mill.
Med Exp (Any one person)	\$ 5 Thou.	EL Disease -	\$ 1 Mill. (Each Employee)
<u>Auto Liability</u>		Combined Single Limit	
		\$ 1 Mill.	

(713) 673-6208 | Fax: (713) 672-9614

Bransford 789729L
18.7 Fort Worth Subdivision
CSJ # 0902-48-756

Federal mileage rate;	\$0.56	
CE external rate;	\$224.99	
RM or TI rate;	\$185.92	
labor	Miles	Mi. cost

[illegible]



PLEASANT RUN- DOT# 789 730F
CTC, Inc. Project Estimate - QZ13038

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
SIGNAL DESIGNER (AS-WIRED/AS-BUILT)	40	HR	31.25	\$1,250
SIGNAL CHECKER, LEVEL 1	4	HR	39.66	\$159
SIGNAL CHECKER, LEVEL 2/FIELD ENGINEER	4	HR	39.66	\$159
SUBTOTAL				\$1,567
G&A BURDEN FOR LABOR - 186%				\$2,915
FIXED FEE - 14%				\$628
ENGINEERING TOTAL				\$5,110

PROJECT MANAGEMENT

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
SENIOR SIGNAL ENGINEER	16	HR	\$75.48	\$1,208
PROJECT MANAGER	60	HR	\$43.27	\$2,596
CONSTRUCTION MANAGER	80	HR	\$39.66	\$3,173
ACCOUNTING, LEVEL 1	6	HR	\$31.25	\$188
ADMINISTRATIVE	1	HR	\$23.08	\$23
SUBTOTAL				\$7,187
G&A BURDEN FOR LABOR - 186%				\$13,368
FIXED FEE - 14%				\$2,878
PROJECT MANAGEMENT TOTAL				\$23,433

CONSTRUCTION LABOR

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
SIGNAL FOREMAN	200	HR	\$28.50	\$5,700
SIGNALMAN	200	HR	\$27.00	\$5,400
SIGNAL HELPER	400	HR	\$18.00	\$7,200
SUBTOTAL				\$18,300
G&A BURDEN FOR LABOR - 186%				\$34,038
FIXED FEE - 14%				\$7,327
CONSTRUCTION LABOR TOTAL				\$59,665

CONSTRUCTION LABOR EXPENSES

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
EMPLOYEE MEALS (PER DIEM)	80	EA	\$35.00	\$2,800
EMPLOYEE TRAVEL & LODGING	80	EA	\$65.00	\$5,200
MOBILIZATION		EA	\$1,000.00	\$0
SUBTOTAL				\$8,000
FIXED FEE - 6%				\$480
CONSTRUCTION LABOR EXPENSES TOTAL				\$8,480



PLEASANT RUN- DOT# 789 730F
CTC, Inc. Project Estimate - QZ13038

CONSTRUCTION EQUIPMENT

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
TRUCK, PU, 1 TON CREW CAB	200	HR	\$11.78	\$2,356
TRUCK, BOOM, ART, TELESCOPING	80	HR	\$55.95	\$4,476
TRAILER, UTILITY, 4 TIRE, 12,000lbs SC410	200	HR	\$7.55	\$1,510
RENTAL EQUIPMENT (FORK LIFT/BACKHOE/SKYTRAK)	2	WK	\$1,200.00	\$2,400
EQUIPMENT DELIVERY/PICKUP	2	LS	\$150.00	\$300
SUBTOTAL				\$11,042
FIXED FEE - 6%				\$663
CONSTRUCTION EQUIPMENT TOTAL				\$11,705

MATERIAL

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
HOUSE MATERIAL	1	LS		\$134,716
FIELD MATERIAL	1	LS		\$88,053
HOUSE AND SIGNAL WIRING	1	LS		\$8,000
FILL DIRT		TN	\$7.50	\$0
CONCRETE		YD	\$500.00	\$0
COVER ROCK	50	TN	\$40.00	\$2,000
BORING 4"	400	FT	\$35.00	\$14,000
ELECTRICAL PERMITS		EA	\$3,500.00	\$0
METER POLE ASSY AND INSTALLATION	1	EA	\$2,500.00	\$2,500
FREIGHT & CONTAINER PRICE	1	LS	\$3,000.00	\$3,000
SUBTOTAL				\$252,269
FIXED FEE - 6%				\$15,136
MATERIAL TOTAL				\$267,405
TOTAL PROJECT ESTIMATE				\$375,798



RAILWORKS Track Systems, Inc.
P.O. Box 7128 Ft Worth, Texas 76111
388 N Wilderman Ft Worth, TX 76102
817-805-7039 Fax 817-549-0019

November 25, 2013

Mr. William Parker
FWWR
Director of Projects
2495 East Long Ave
Fort Worth, TX 76106

Phone: (817) 222 - 9798
Mobile: (817) 201 - 4450

Reference: Carrollton Quiet Zone - Pleasant Run Road Crossing

Dear Mr. Parker:

In response to the referenced inquiry, RailWorks Track Systems, Inc. (RailWorks) proposes to furnish labor, equipment and material (except for those items furnished by the owner or others) necessary to complete the above referenced project and described in the attached scope of work for the total lump sum prices listed below. Taxes are NOT included.

LABOR & EQUIPMENT	\$ 48,825.00
MATERIALS	\$ 65,000.00
TOTAL	\$ 113,825.00

See the attached *Scope of Work and Clarifications* as well as the *Standard Terms and Conditions* and the *Track Inspection Limitations of Liability*. The Standard Terms and Conditions and the Limits of Liability are included here or may already be on file with your company, which in either case should be considered part of this proposal. Should any of these items be omitted please contact us for a copy.

We propose to commence work on this project within 30 days after notice to proceed and receipt of a formal purchase order. Also, we propose to complete this work the appropriate number of working days thereafter, barring inclement weather and contingent upon receipt of material. Overtime, shift and/or weekend work is included unless stated otherwise in the scope of work.

This proposal shall remain firm for your acceptance for a period of 30 days and will then be subject to review.

We appreciate the opportunity to present this proposal for your consideration and trust that it will meet with your requirements. However, should it fall short of your requirements or further information is needed, please contact RailWorks at your earliest convenience to discuss.

Sincerely,
RailWorks Track Systems, Inc.

Accepted By: (If Applicable sign & return):

Stewart Hoffman, CSP
Area Manager

Date: _____

ATTACHMENT A

Scope of Work and Clarifications:

This proposal is based on recent discussions and site visit with FWWR Director of Projects William Parker and recent pricing for material.

Scope

- 1) Mobilization
 - a. RailWorks will mob to site one time
- 2) Remove Existing Crossing
 - a. Existing Crossing Panels will be removed and hauled away from site by RailWorks
- 3) Change 155 Ties
 - a. Ties within crossing will be changed
 - b. 10 Ties each side of crossing will be changed
 - c. Ties are made of composite material and match composite crossing panels in design and length
 - d. Removed ties will be removed from site by RailWorks
- 4) Change Rail
 - a. Total of 200 TF (Track Feet) will be changed
 - i. Including 160 TF of new 136# rail
 - ii. 4 each 136/115 Transition rails
 - iii. Compromise Bars will be used for the 115/85 connection
 1. Comp joints will be welded at completion of project
 - b. All Plates for 136 and 115 rail is included
 - c. All spikes are included and will be NEW
 - d. All bolts are included
- 5) Welding
 - a. 12 each welds will be made throughout crossing
 - i. Includes welds at transition rails
 - ii. Includes welds at comp joints
- 6) Surfacing
 - a. 1,000 TF minimum will be surfaced
 - i. Jackson 6700 Tamper (or similar) will be used for work
 - ii. Kershaw 925 regulator (or similar) will be used for work
 - iii. Up to 50 NT (net tons) of ballast is included
- 7) Crossing Panel Installation
 - a. 80 TF of Composite crossing panels will be installed
 - i. All hardware to install panels is included
 - ii. Asphalt approaches are NOT included

NOTES

1) Notes –

- a. Tie Disposal is included. All refuse material will be removed from site by RailWorks.
- b. Work is priced to perform all work in one trip. Crew will stay until all work is complete. Pricing is based on crew mobilizing to job one time. If multiple mobilizations are needed, additional costs could be incurred.
- c. Price does not include Misc Contract or Signal support
- d. Proposal is good for 30 days, after that time it will have to be reviewed for current pricing on material and labor.

EXCLUSIONS:

Traffic Control
All survey work
Site drainage
Drawing or Design Work
Testing or Lab work
Pipeline relocating or encasing
Utility Movement or locating
Train Delays
Flagman
Taxes
All asphalt work
Concrete cutting (if any)
Signals (construction and support)

ATTACHMENT B

Effective Jan. 2010 supersedes previous versions

Standard Terms and Conditions

For track repairs in the State of Texas, labor and equipment are taxable while materials are not, provided the owner gives a tax exemption certificate to us. For new construction (State of Texas), taxes are not applicable on any portion of the contract provided the client (or owner, user, etc.) gives a tax exemption certificate to us. Unless stated otherwise **RAILWORKS** Track Systems, Inc. (hereinafter referred to as **RAILWORKS**) pricing is without taxes. Tax laws for States other than Texas in which work is performed, though taxes not included in the proposal unless stated to the contrary, will apply.

Identifying, locating, relocating, removal, replacement and/or repairs of any existing underground pipes, utilities, wires, cables, concrete, asphalt or other structures are the responsibility, and to the account of, the client.

The Client (or owner, user, etc.) shall apply for and obtain all permits and licenses required for the Work at its' expense and be responsible for securing inspections and approval of the Work from all authorities having jurisdiction over the Work unless stated otherwise in the proposal.

Tie disposal is not included in this proposal unless stated otherwise in the scope of work. Old ties will be stockpiled at a designated location on the jobsite. Old rail and other metal track material will be hauled off site unless stated otherwise in the scope of work. Should tie disposal be specifically included in the proposal to your company, the actual disposal may be subcontracted to a company with the proper credentials to legally do so. Before disposal can take place, papers clearly indicating whom the "Generator" (i.e. owner, user, etc.) is will be provided to the customer for the Generator to sign. Should an entity, other than the customer, be the Generator it will be the responsibility of the customer to obtain the signature of the Generator for the purposes of legal disposal. If arrangements can be made for a method of legal disposal, other than that described above, you will be notified. Should any contaminants be identified during or after the disposal of the ties, any and all remediation (and associated) costs will be to the account of the Generator and/or client, owner, user, etc. Excavated materials such as dirt, ballast, base, concrete, asphalt, et al will require verification of non-contamination from the Generator (i.e. owner, user, etc.) to the Landfill Owner prior to any dumping of the material in question. However, should any contaminants be identified during or after the dumping of this material, any and all remediation (and associated) costs will be to the account of the Generator and/or client, owner, user, etc. Unless stated otherwise, excavated material and other spoil will be stockpiled on site.

Overtime, weekend work and/or shift work is not included unless stated otherwise in the proposal.

We hereby warrant all work constructed under this proposal to be free from defects in materials and/or workmanship for a period of one year from date of substantial completion or the date of beneficial occupancy by the client, whichever comes first. **RAILWORKS** is not bound to repair, replace or be otherwise held responsible for material, equipment and/or workmanship that has been improperly maintained and inspected, altered or tampered with by unauthorized and or untrained personnel, subjected to abrasive or corrosive conditions, normal wear and tear, damage caused by rolling stock, or has been used or maintained improperly. Exceptions taken to this warranty may be noted in the proposal. Repairs, or other work, classified as "temporary" do not carry any warranty.

Customer agrees that it will not recruit, interview, solicit or hire **RAILWORKS** employees, whose job responsibilities require them to have contact with the customer, without prior written consent from **RAILWORKS** unless such employee has been voluntarily separated from **RAILWORKS** for more than one year or involuntarily separated from **RAILWORKS** by **RAILWORKS**. Customer and **RAILWORKS** agree, due to the difficulty of determining the damages to **RAILWORKS** for breach of this paragraph, that **RAILWORKS**, at its option, may select liquidated damages in the amount of \$50,000 or 100% of the employee's annual salary, whichever is greater, as its remedy for each violation as an alternative to injunctive relief. This provision shall survive the termination, expiration or cancellation of this agreement for a period of one year.

RAILWORKS will progress invoice not less than monthly with no retainage withheld and due Net 30 days from invoice date unless specifically negotiated otherwise and confirmed by purchase order or contract. Invoices over 30 days past due will be charged interest at 1.5% per month.

RAILWORKS will complete the Work within the times specified in the proposal provided however, that **RAILWORKS** will not be liable directly or indirectly, for delays of carriers or delays from labor difficulties, shortages, strikes or stoppages of any sort, fires, accidents, failure or delay in obtaining materials or manufacturing facilities, delays caused by customer, acts of government, war, bad weather, or any causes beyond the control of **RAILWORKS** or causes commonly designated Acts of God or force majeure, and when such delays arise, the completion date shall be extended accordingly.

Bonding (financial), though available, is not included for this Work unless stated otherwise in the proposal.

Authorization to do the work in question signifies the Client's acceptance of these Terms and Conditions including any mutually agreed upon exceptions and/or clarifications.

Our Standard Insurance Coverages are as follows:

(Additional Coverages and higher Limits may be available if necessary.)

<u>General Liability</u>		<u>Excess Liability (Umbrella)</u>	
General Aggr.	\$ 4 Mill.	Each Occurrence	\$ 10 Mill.
Products - Comp/Op Aggr.	\$ 4 Mill.	Aggregate	\$ 10 Mill.
Personal & Adv. Injury	\$ 2 Mill.	<u>Workers Compensation & Employer Liability (Texas)</u>	
Each Occurrence	\$ 2 Mill.	EL Each Accident	\$ 1 Mill. (Each Accident)
Fire Damage (Any one fire)	\$ 100 Thou.	EL Disease - Policy Lim.	\$ 1 Mill.
Med Exp (Any one person)	\$ 5 Thou.	EL Disease -	\$ 1 Mill. (Each Employee)
<u>Auto Liability</u> -----Combined Single Limit		\$ 1 Mill.	

(713) 673-6208 | Fax: (713) 672-9614

Pleasant Run 789730F
19.1 Fort Worth Subdivision
CSJ # 0902-48-756

Federal mileage rate;	\$0.56
CE external rate;	\$224.99
RM or TI rate;	\$185.92
labor	Mi. cost
	Miles

[illegible]



JOHN MCCAIN ROAD- DOT# 789 733B
CTC, Inc. Project Estimate - QZ13038

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
SIGNAL DESIGNER (AS-WIRED/AS-BUILT)	40	HR	31.25	\$1,250
SIGNAL CHECKER, LEVEL 1	4	HR	39.66	\$159
SIGNAL CHECKER, LEVEL 2/FIELD ENGINEER	4	HR	39.66	\$159
SUBTOTAL				\$1,567
G&A BURDEN FOR LABOR - 186%				\$2,915
FIXED FEE - 14%				\$628
ENGINEERING TOTAL				\$5,110

PROJECT MANAGEMENT

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
SENIOR SIGNAL ENGINEER	8	HR	\$75.48	\$604
PROJECT MANAGER	80	HR	\$43.27	\$3,462
CONSTRUCTION MANAGER	80	HR	\$39.66	\$3,173
ACCOUNTING, LEVEL 1	6	HR	\$31.25	\$188
ADMINISTRATIVE	1	HR	\$23.08	\$23
SUBTOTAL				\$7,449
G&A BURDEN FOR LABOR - 186%				\$13,855
FIXED FEE - 14%				\$2,983
PROJECT MANAGEMENT TOTAL				\$24,286

CONSTRUCTION LABOR

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
SIGNAL FOREMAN	80	HR	\$28.50	\$2,280
SIGNALMAN	80	HR	\$27.00	\$2,160
SIGNAL HELPER	160	HR	\$18.00	\$2,880
SUBTOTAL				\$7,320
G&A BURDEN FOR LABOR - 186%				\$13,615
FIXED FEE - 14%				\$2,931
CONSTRUCTION LABOR TOTAL				\$23,866

CONSTRUCTION LABOR EXPENSES

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
EMPLOYEE MEALS (PER DIEM)	32	EA	\$35.00	\$1,120
EMPLOYEE TRAVEL & LODGING	32	EA	\$65.00	\$2,080
MOBILIZATION		EA	\$1,000.00	\$0
SUBTOTAL				\$3,200
FIXED FEE - 6%				\$192
CONSTRUCTION LABOR EXPENSES TOTAL				\$3,392



JOHN MCCAIN ROAD- DOT# 789 733B
CTC, Inc. Project Estimate - QZ13038

CONSTRUCTION EQUIPMENT

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
TRUCK, PU, 1 TON CREW CAB	80	HR	\$11.78	\$942
TRUCK, BOOM, ART, TELESCOPING		HR	\$55.95	\$0
TRAILER, UTILITY, 4 TIRE, 12,000lbs SC410	80	HR	\$7.55	\$604
RENTAL EQUIPMENT (FORK LIFT/BACKHOE/SKYTRAK)	1	WK	\$1,200.00	\$1,200
EQUIPMENT DELIVERY/PICKUP	1	LS	\$150.00	\$150
SUBTOTAL				\$2,896
FIXED FEE - 6%				\$174
CONSTRUCTION EQUIPMENT TOTAL				\$3,070

MATERIAL

<i>Description</i>	<i>Qty</i>	<i>UOM</i>	<i>Unit Price</i>	<i>Amount</i>
HOUSE MATERIAL	1	LS		\$20,867
FIELD MATERIAL	1	LS		\$28,286
HOUSE AND SIGNAL WIRING	1	LS		\$0
FILL DIRT		TN	\$7.50	\$0
CONCRETE		YD	\$500.00	\$0
COVER ROCK	50	TN	\$40.00	\$2,000
BORING 4"	50	FT	\$35.00	\$1,750
ELECTRICAL PERMITS		EA	\$3,500.00	\$0
METER POLE ASSY AND INSTALLATION		EA	\$2,500.00	\$0
FREIGHT & CONTAINER PRICE	1	LS	\$3,000.00	\$3,000
SUBTOTAL				\$55,903
FIXED FEE - 6%				\$3,354
MATERIAL TOTAL				\$59,257
TOTAL PROJECT ESTIMATE				\$118,981

FWWR Cost Estimate - Railroad Personal

Crossing;
Location;
Control #;

John McCain 789733B
20.5 Fort Worth Subdivision
CSJ # 0902-48-756

Federal mileage rate;	\$0.56
CE external rate;	\$224.99
RM or TI rate;	\$185.92
labor	Mi. cost
	Miles

[illegible]

Exhibit C

DART Right of Entry Agreement

AGREEMENT NO. _____

CONSTRUCTION AGREEMENT AND CONTRACTOR'S RIGHT OF ENTRY

THIS AGREEMENT ("Agreement"), by and between DALLAS AREA RAPID TRANSIT ("DART"), a regional transportation authority created and existing pursuant to Chapter 452, Texas Transportation Code, and _____, hereinafter called "Contractor", whose mailing address is _____,

1. For the period not to extend beyond _____, 2013, DART hereby permits Contractor to enter upon the property of DART on a tract of right of way of the _____ Line located at _____ Mile Post _____, in _____ County, Texas, as may be necessary in connection with installation of (fill in work) to be performed on DART premises by Contractor under agreement between Contractor and the (City or Company), a Texas (or other state) (legal entity) (the "Contract"), and for no other purpose. Contractor understands that the Contract and all work to be performed thereunder is subject to the terms and conditions contained in License Agreement No. _____, dated the _____ day of _____, 20____, issued by DART to the _____ City or Company, which is incorporated herein by reference.
2. Contractor agrees to:
 - (a) Perform that portion of the work on DART premises in accordance with plans and specifications approved by DART and Fort Worth and Western Railroad (the "Railroad" whether one or more than one, if applicable) in such manner and at such times as shall not endanger or interfere with DART or Railroad's representatives. Contractor shall submit to DART and Railroad, for approval, all construction details, falsework and other incidentals not detailed in plans, insofar as they affect DART and Railroad.
 - (b) Maintain, at Contractor's expense, flagger(s) who are representatives of the Railroad, qualified on the Railroad's operating and safety rules to protect the Railroad's interest while upon DART premises. Contractor will not perform any work activity within 25 feet of any DART track (also referred to as "the foul zone") or perform any work in which a catastrophic event could cause equipment, people or materials to enter into the foul zone unless the above mentioned flagger(s) are present.
 - (c) Ensure, at Contractor's expense, that all personnel working under their control that are engaged in any activity that requires flagger(s), as described in Item 2(b) above, have within the last 365 days from the date the work is to be performed, attended a creditable Roadway Worker Protection course and have successfully passed all required examinations associated with that course and will provide proof of course completion upon request from DART or their representative. Whether or not the above mentioned Roadway Worker Protection course is creditable is at the sole discretion of Railroad.
 - (d) Contractor is required to (a) notify Railroad at least fifteen (15) working days before commencing work on DART premises and (b) notify DART and Railroad within five (5) working days after such work is completed. Notification shall be in accordance with Paragraph 11 of this Agreement.
 - (e) Keep all equipment, tools and materials stored at least fifteen (15) feet from the center line of any operable track. Explosives or other highly inflammable substances or any hazardous materials regulated pursuant to federal or state regulation will not be stored on DART premises without the prior written approval of DART.

- (f) Remove Contractor's tools, equipment and materials from DART premises promptly upon completion of work, restoring DART premises to the same state and condition as when Contractor entered thereon.
- (g) Reimburse DART and Railroad for all costs and expense incurred by DART and/or Railroad in connection with said work, including without limitation the expense of furnishing such inspectors, watchmen and flagmen as DART and Railroad deem necessary, the installation and removal of falsework beneath tracks, and restoration of DART's property to the same condition as when Contractor entered thereon, or to a condition satisfactory to DART.
- (h) Remove any lien against DART's property arising from performance of work hereunder by Contractor or any subcontractor.
3. **Contractor agrees to release, defend and indemnify DART and Railroad, from and against all loss, damage, claims, costs, expenses, including attorney's fees, and liability for bodily injury to or death of any persons and loss of or damage to any property and loss of use thereof (including but not limited to employees, subcontractors, agents, invitees and the property of each party hereto) arising out of or in any way connected with the work under said License Agreement upon or adjacent to DART property. In the event any part of the provisions of this section are determined by any statutory enactment or judicial decision to be void or unenforceable, then this section shall not fail in its entirety but will be enforceable to the extent permitted by law. For the purposes of this section, the term "Railroad" shall include any other railroad company using DART property with DART's consent and any affiliate, subsidiary or lessor of DART.**

4. Prior to start of work or occupancy of premises under this Agreement, Contractor agrees to procure and maintain at its sole cost and expense the following types and amounts of insurance with an insurer or insurers and form satisfactory to DART:

Commercial general and automobile liability insurance with contractual liability endorsement and products and completed operations hazards included, which shall provide coverage for combined single limits of not less than \$2,000,000, as further outlined below. This insurance shall be primary and non-contributory.

All insurance coverages required by this Agreement shall provide the following as a minimum standard:

- (a) **Commercial General Liability With Contractual Liability Endorsement.**

-Combined single limit of at least \$2,000,000.

-DART, Railroad and all affiliated companies and organizations are named as additional insureds without any qualifications or restrictions.

-DART must have 30 days notice of cancellation or modification.

- (b) **Commercial Automobile Liability Policy**

-Combined single limit of at least \$2,000,000.

-DART and Railroad are named as additional insureds without any qualifications or restrictions.

-DART must have 30 days notice of cancellation or modification.

- (c) **Workers' Compensation Insurance**

-Providing Statutory Benefits under the Workers' Compensation Act of the State of Texas and/or any other State or Federal Law or Laws applicable to the Contractor's employees performing the work under this Agreement.

-Employer's Liability Insurance with limits of liability of not less than \$500,000 each accident, \$500,000 each employee for disease and \$500,000 policy limit for disease.

-Endorsed with a Waiver of Subrogation Endorsement, waiving the carrier's right of recovery under subrogation or otherwise from DART and the Railroad.

- (d) Contractor agrees to furnish DART Certificates of Insurance and copies of Endorsements for Additional Insured, Waiver of Subrogation and Contractual Liability Railroads (or, as and when DART may direct, copies of the actual Insurance policies) as evidence of the coverage's outlined in (a), (b) and (c) above, and this section (d). Approval will be expedited if all required coverage's and the following endorsements are included on the Certificates:

-Endorsement showing DART and its affiliate companies and organizations named as additional insureds. The certificate must specify that the endorsement is applicable to the General Liability and Auto Liability Policies.

-Contractual liability endorsement.

-Endorsement removing exclusions from contractual liability coverage for operations within 50 feet of a railroad or the purchase of a Railroad Protective Liability Policy with limits of no less than \$2,000,000 per occurrence and \$6,000,000 aggregate.

-Endorsement removing exclusions for XCU hazards.

-Waiver of subrogation endorsement specific to Workers' Compensation.

5. All policies should contain a cross liability endorsement reading as follows:

"It is agreed that the inclusion of more than one person, corporation, organization, firm or entity as insured under this policy shall not in any way affect the rights of any such person, corporation, organization, firm or entity with respect to any claim, demand, suit or judgment made, brought or recovered by or in favor of any other insured. This policy shall protect each person, corporation, organization, firm or entity in the same manner as though a separate policy had been issued to each; provided that this endorsement shall not operate to increase the company's limits of liability as set forth elsewhere in this policy."

6. The permission herein given shall not be assigned by Contractor without the prior written consent of DART except in the case of subcontractors who shall be deemed agents of Contractor subject to the terms of this Agreement.
7. No vehicular crossing over DART's track shall be installed or used by Contractor without prior written permission of DART.
8. No work shall be done between the hours of 6:00 p.m. and 6:00 a.m., nor on Saturdays, Sundays

or legal holidays without prior written permission of DART and Railroad.

9. **At DART's or Railroad's request, Contractor shall remove from DART premises any employee of Contractor or any subcontractor who fails to conform to the instructions of DART's or Railroad's representatives in connection with work on DART premises, and any right of Contractor to enter upon DART premises shall be suspended until such request of DART or Railroad is met. Contractor shall Indemnify DART and Railroad against any claim arising from the removal of any such employee from DART premises.**
10. Company-issued photo identification is required of all contractors and subcontractors working on the DART premises.
11. Notification of Railroad shall be by telephone to:

(for FWWR) Bill Parker, Director of Planning & Projects, at 817.201.4450

Notification of DART for all other purposes, shall be by telephone to:

(Insert Name), ROW Representative, at 214.749._____

This Agreement shall be effective on the date signed by the last signing party.

DALLAS AREA RAPID TRANSIT

By _____

NORMA DE LA GARZA-NAVARRO
Vice President
Commuter Rail & Railroad Management

Date Signed: _____

CONTRACTOR

By _____

Printed Name: _____

Title: _____

Date Signed: _____

RESOLUTION R-12-3519

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER CONSENT ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF AUGUST 7, 2012**

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 July 17, 2012
 - b. Approval and adoption of the 2012 certified tax roll
 - c. Approval of a contract with Pattillo, Brown and Hill, L.L.P., for audit services for fiscal year ended September 30, 2012, in the amount of \$43,725
 - d. Approval of an interlocal agreement between the City of Grapevine and the City of Colleyville for the operation and maintenance of the southbound Heritage Avenue school zone flasher, south of Hall-Johnson Road
 - e. Approval of an interlocal agreement between the City of Keller, City of Southlake, and the City of Colleyville for the regionalization of the administration and operation of animal control services
 - f. Approval of an interlocal agreement between the City of Colleyville and the Fort Worth Transportation Authority (FWTA) for the design and construction of quad gates at three locations on the Cotton Belt Rail Corridor in Colleyville

AND IT IS SO RESOLVED.

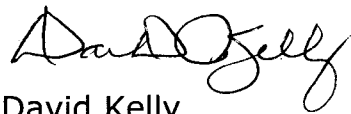
APPROVED BY A VOTE OF 7 AYES, 0 NAYS AND 0
ABSTENTIONS ON THIS THE 7TH DAY OF AUGUST 2012.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

RESOLUTION R-13-3610

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
MARCH 19, 2013**

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 5, 2013
 - b. Approval of the minutes of the Joint City Council and Planning and Zoning Commission Worksession of March 7, 2013
 - c. Approval of an Engineering Services Agreement with CTC, Inc., in an amount not to exceed \$321,803.50, for the design of Supplemental Safety Measures (SSMs) for at grade crossings on the Cotton Belt Railway at Bransford Road, Pleasant Run Road, and John McCain Road, to allow the Federal Railroad Administration (FRA) to designate those locations as quiet zones, and authorize the city manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0
ABSTENTIONS ON THIS THE 19TH DAY OF MARCH 2013.

ATTEST:



Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 04/15/2014

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

Second Reading and Public Hearing

There was one speaker in support at the April 1, 2014 City Council meeting. The speaker was the applicant, Mark Leonard.

Staff has updated the following, within the second reading agenda briefing:

- 18,153 square yards of concrete is required versus the original 25,000 noted in the first reading.
- There will be 273 truck trips generated versus the original 2,500 needed without a temporary batch plant.
- The air quality permit does not require inspections; however, after 17 years operating temporary batch plants, Gilco has not received a complaint from TCEQ. TCEQ does reserve the right to perform random inspections on site.
- The general construction permit, and the temporary batch plant SWP3 permits require inspections.

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. The air quality permit does not require inspections; however, after 17 years operating temporary batch plants, Gilco has not received a complaint from TCEQ. TCEQ reserves the right to perform random inspections on sites.

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. The general construction permit and the temporary batch plant SWP3 permits require inspections.

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. There were three letters of opposition from the same person, who resides in Southlake. Two letters of support have been received regarding this request. Both people represent the owner and live outside of Colleyville.

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 18,153 square yards (3,402 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 about twice as many trips for 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 273 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.

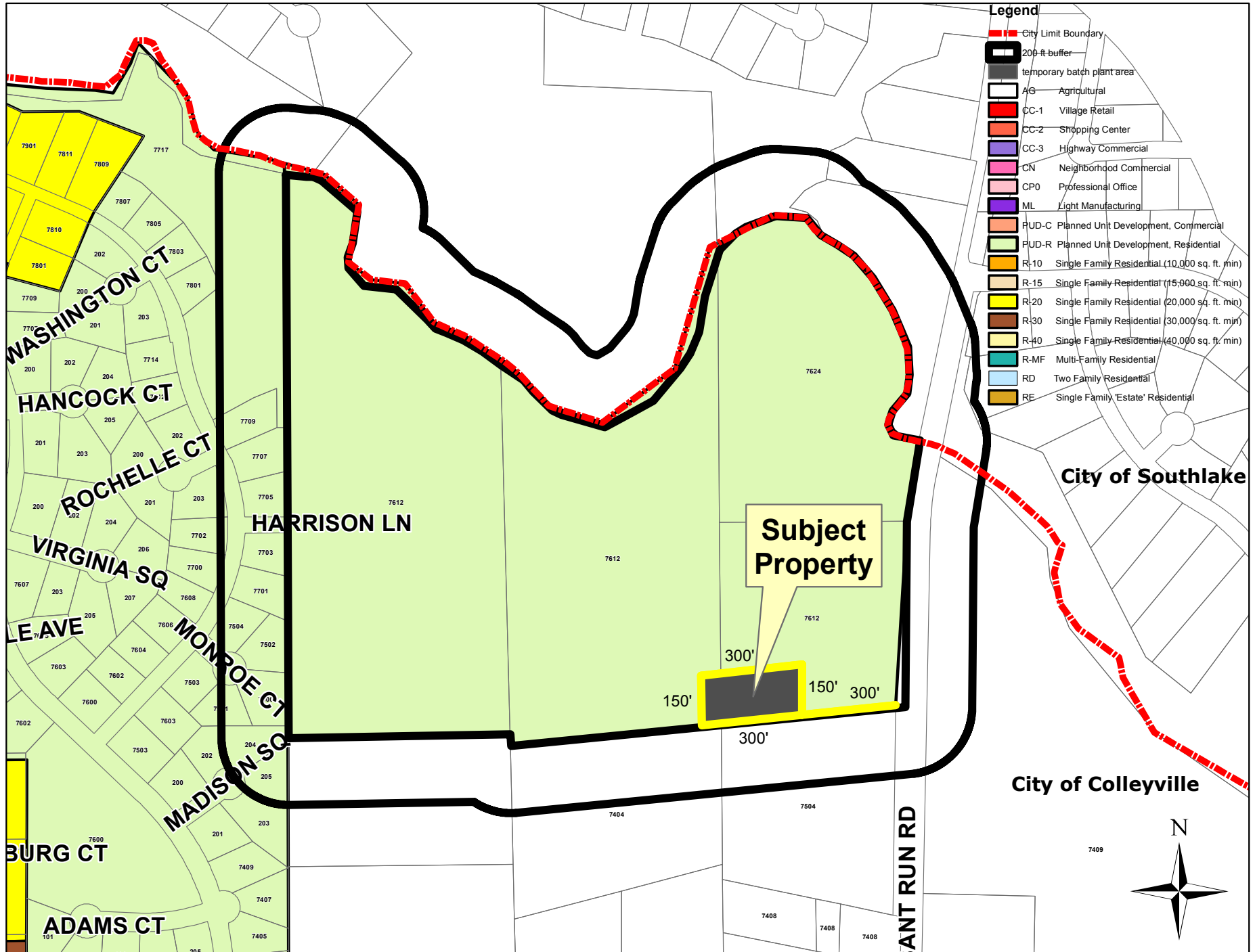
h. The Public Works Director or designee will determine if additional materials testing will be required. City staff will determine the testing personnel required and any cost of testing will be passed on to the applicant.

Attachments

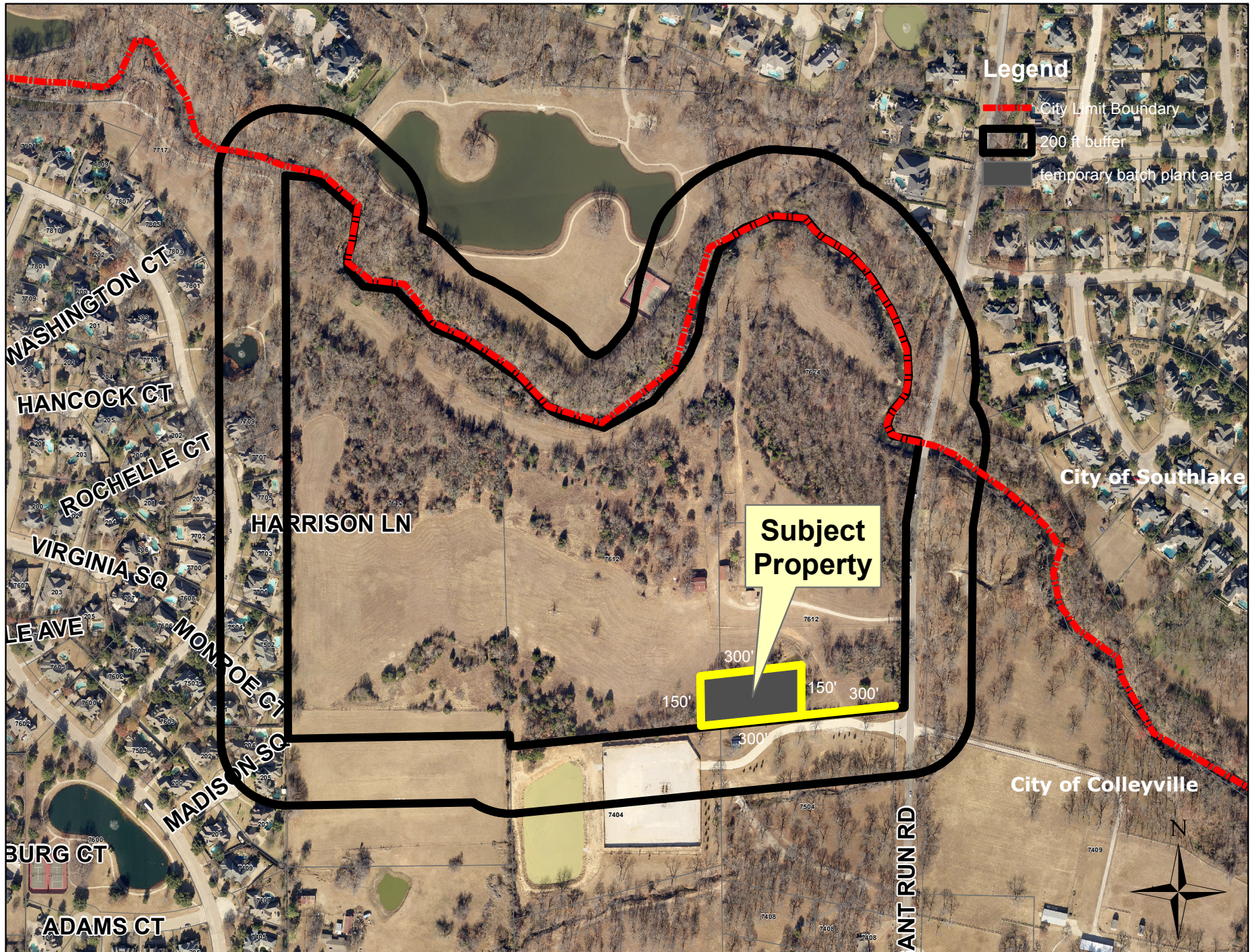
1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Letters of Opposition
6. Letters of Support
7. Zoning Exhibit
8. Application
9. Ordinance O-13-1875

10. Ordinance O-14-1912

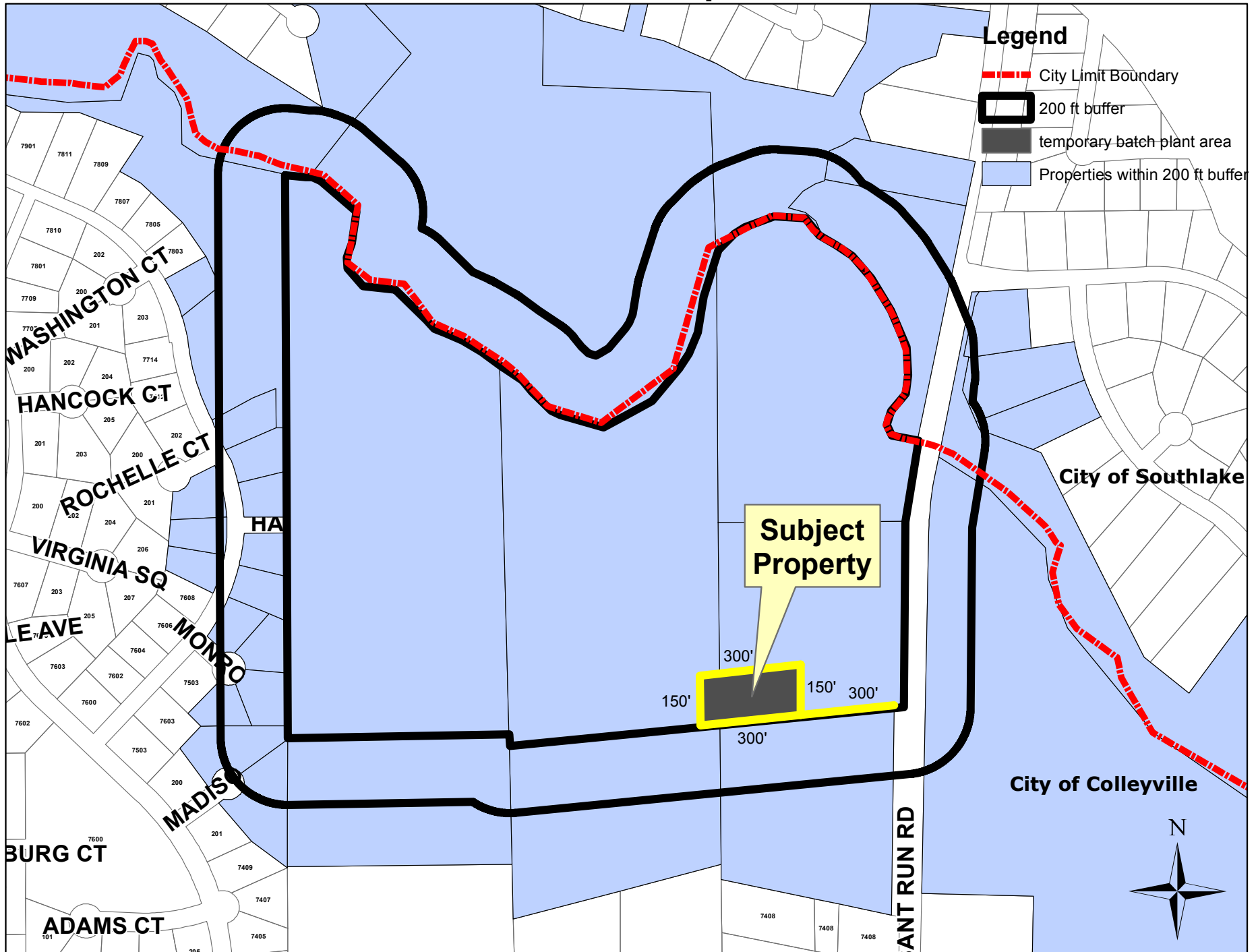
Location and Zoning Map



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.

Letters of Support

SPEAKER CARD

Date: 4/1/14

Agenda Item Number: 6A; 6b

For example: 5a (this can be found on the far left side of the agenda copy)

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**

Name: MARK LEONARD

Address: 6331 SOUTHWEST BLVD City: BEA BROOK, TX

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Mark Leonard

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

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

APPLICANT - OWNER INFORMATION

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

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

Property Owner: WILBOW-OVERLOOK DEVELOPMENT CORP. Company: _____
Address: 4131 N. CENTRAL EXPRESSWAY Tel: 972-479-0697 Fax: 972-479-0397
City: DALLAS State: TX ZIP: 75204 Email: _____
Ownership Status: (check one) ☐ Individual ☐ Trust ☐ Partnership ☒ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: Mark L

Date: 3/6/14

MARK LEONARD

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

SIGNATURE: SEE ATTACHED OWNERSHIP LETTER

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

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

Rev: 5/10

For Departmental Use Only

Case #: 2014-004

Total Fee(s): \$505.00

Receipt #: R16028

Date Submitted: 3/7/14

Accepted By: H. W. Wiley

Public Hearing Date: 3/24/14

Application

internal separations of land use.

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

4. Show the proposed pedestrian walkways and sidewalks

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

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

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

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

D. Supporting Documents for Applications for PUDR and PUDC.

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

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

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

Application *TCEQ Air Permit Relocation Notice*

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

February 26, 2014

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

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

Dear Mr. Walker:

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

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

Sincerely,



Leia Hubbard
Operations Director

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

CERTIFIED MAIL 7013 2630 0000 5588 2257

Application



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

IMPORTANT:

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

APPLICATION FEE:

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

- **Provide your payment information below, for verification of payment:**

Mailed ☐ Check/Money Order No.: _____
Name Printed on Check: _____

EPAY ☒ Voucher No.: _____

- Is the Payment Voucher copy attached? ☐ Yes

Is this a Renewal of an existing General Permit Authorization?

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

d) OPERATOR (Applicant)

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

CN 600434427

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

Gilco Contracting, Inc

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

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

Prefix (Mr. Ms. Miss): Mr.

First/Last Name: Dale Gilreath

Suffix: _____

Title: President

Credential: _____

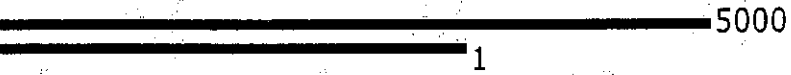
Application

Material Delivery



Google earth

feet
km



Material Delivery Route:

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

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

Application



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

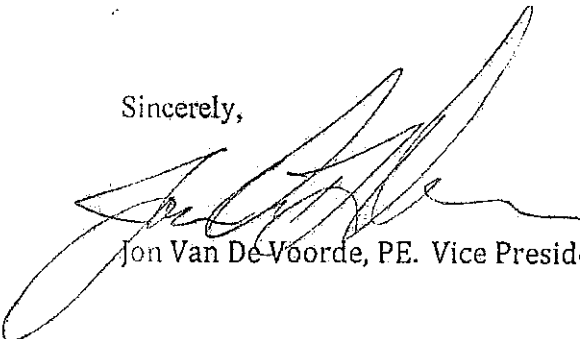
Attn: Leia Hubbard

RE: Overlook at Big Bear Creek

Dear Ms. Hubbard,

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

Sincerely,



Jon Van De Voorde, PE. Vice President

Cc: Mr. Craig Knight, City of Colleyville

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

ORDINANCE O-13-1875

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

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

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

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

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

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

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

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

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

1. GENERAL

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

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

2. DEVELOPMENT PLAN AND PLATTING

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

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

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

5. RESIDENTIAL DESIGN REQUIREMENTS

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

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

6. OPEN SPACE

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

7. RESIDENTIAL DENSITY REQUIREMENTS

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

8. FENCING, SCREENING, BUFFERING AND TREES

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

9. SIDEWALKS AND TRAILS

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

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

10. GENERAL

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

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

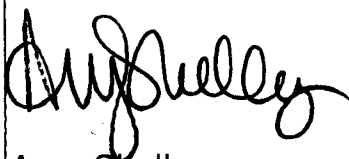
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two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

AND IT IS SO ORDERED.

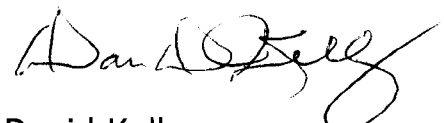
The first reading and public hearing being conducted on the 4th day of June 2013.

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

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

ATTEST:**CITY OF COLLEYVILLE**

Amy Shelley
City Secretary



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

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

for

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

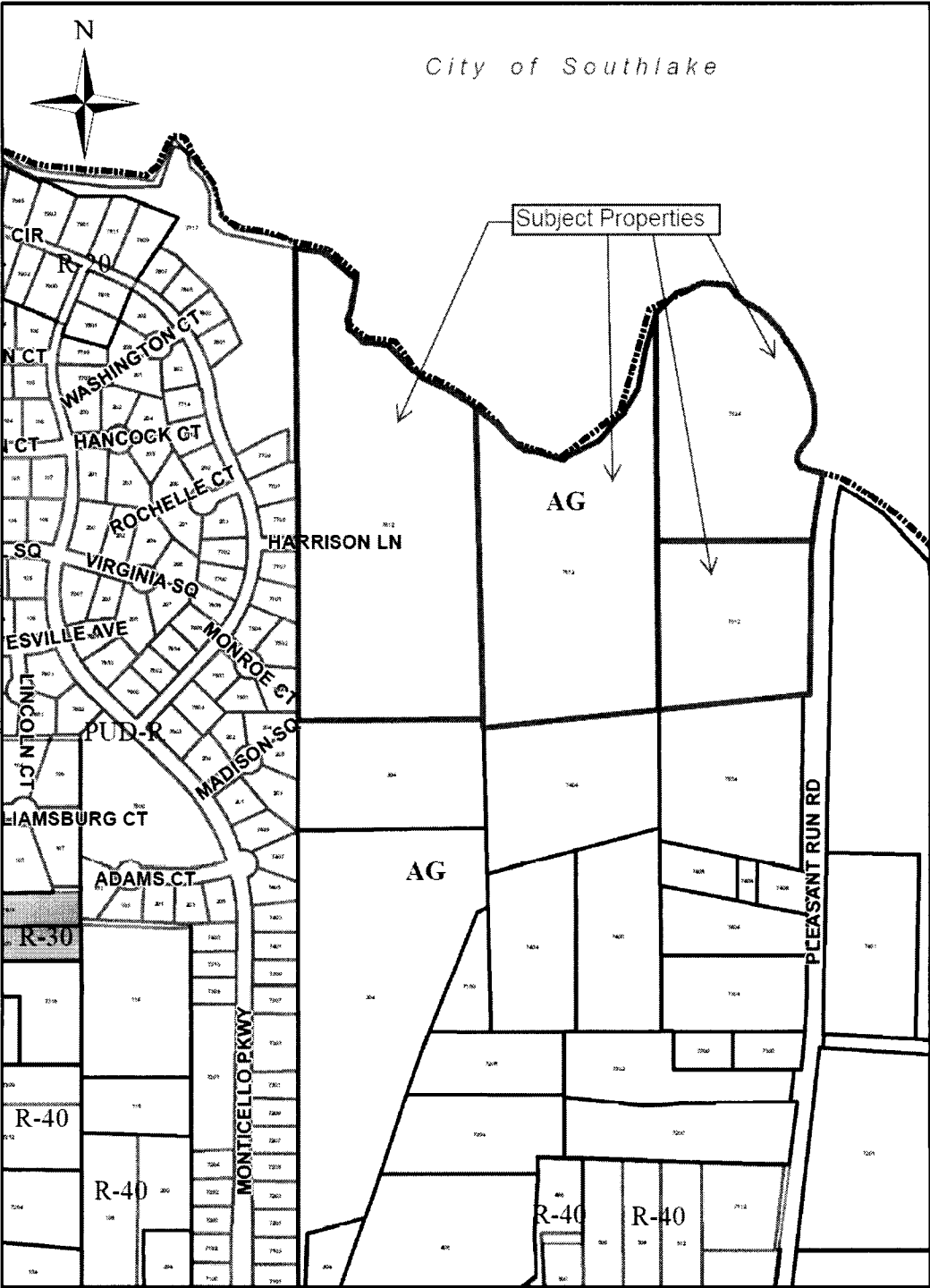


Exhibit "B" – Legal Description

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

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

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

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

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

Exhibit "B" – Legal Description Continued

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

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

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

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

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

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

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

Exhibit "C" – Statement of Planning Objectives

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

HISTORY AND STATEMENT OF INTENT

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

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

PROJECT LOCATION & DESCRIPTION

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

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

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

SITE ZONING AND PLANNED DEVELOPMENT STANDARDS

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

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

BUILDING SETBACK PROVISION

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

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

IMPACT FEES

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

PARKLAND DEDICATION

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

HOMEOWNERS ASSOCIATION

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

SUBDIVISION DESIGN CONSIDERATIONS

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

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

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

DRAINAGE DESIGN CONSIDERATIONS

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

LANDSCAPE AND TREE MITIGATION

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

SUBDIVISION TRAFFIC AND CIRCULATION

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

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

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

SIDEWALKS

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

TRAIL MASTERPLAN

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

SCREEN WALLS AND FENCES

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

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

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

DEVELOPMENT SCHEDULE

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

BUILDER PRODUCT

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

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

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

ECONOMIC DEVELOPMENT INFORMATION

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

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

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

Based on the 2010 ad 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.

The map displays a complex land subdivision project. At the top center, a large area is designated as "MONTICELLO PHASE BLOCK 2 LOT 33 OPEN SPACE (CAG. N.A.S. 297 P. 1 C.T.)". This area is surrounded by dense vegetation and a winding path. Below this, the land is organized into three main sections: PHASE 1, PHASE 2, and PHASE 3. Each phase contains multiple lots, each labeled with its number and size in square feet. For example, in PHASE 1, there are lots ranging from LOT 1 (10,000 SF) to LOT 28 (10,000 SF). In PHASE 2, there are lots ranging from LOT 1 (10,000 SF) to LOT 28 (10,000 SF). In PHASE 3, there are lots ranging from LOT 1 (10,000 SF) to LOT 28 (10,000 SF). The map also shows various roads and easements, including "PARKWAY (PRIVATE)", "EASEMENT", and "DRAINAGE EASEMENT". A north arrow and scale bar are located at the bottom left corner.

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

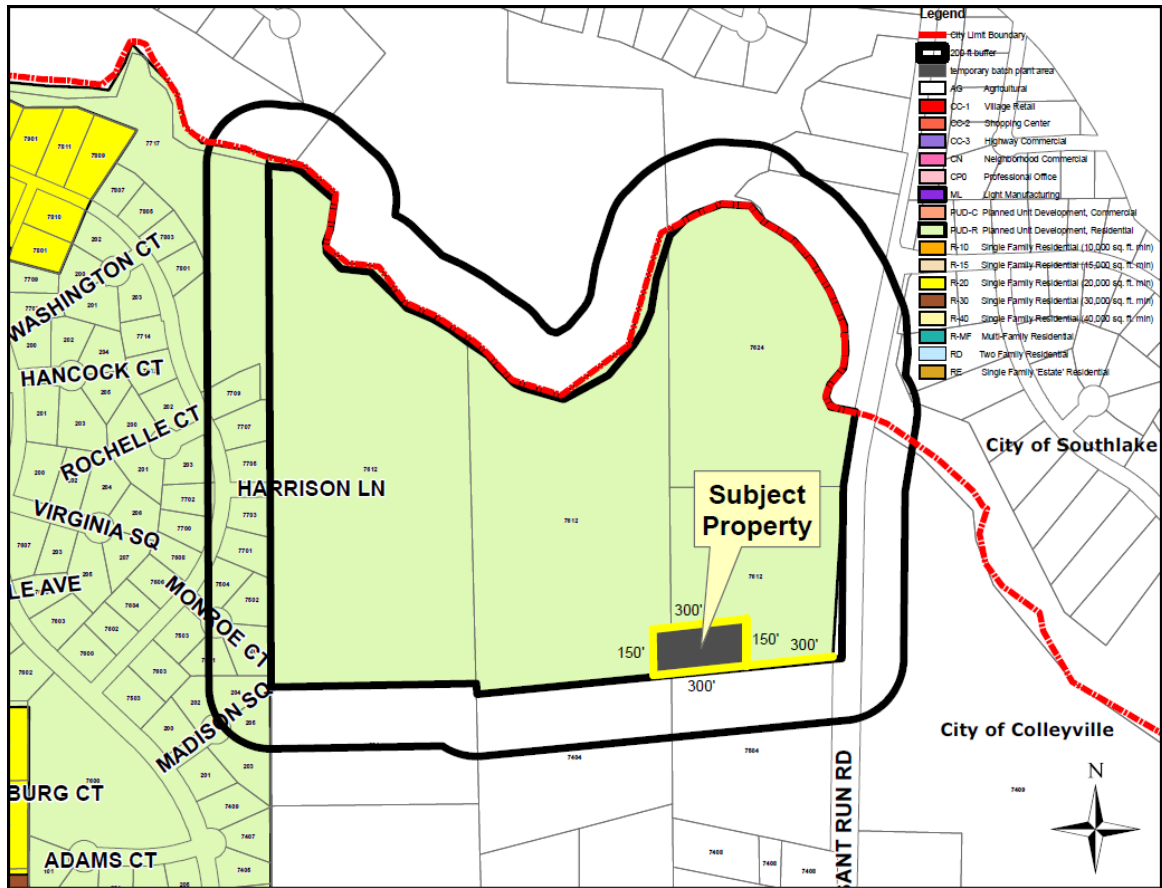


Exhibit B-Zoning Exhibit





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 04/15/2014

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

Second Reading and Public Hearing

There was one speaker in support at the April 1, 2014 City Council meeting. The speaker was the applicant, Mark Leonard.

Staff has updated the following, within the second reading agenda briefing:

- 8,045 square yards of concrete is required.
- There will be 122 truck trips generated versus double that without the temporary batch plant.
- The air quality permit does not require inspections; however, after 17 years operating temporary batch plants, Gilco has not received a complaint from TCEQ. TCEQ does reserve the right to perform random inspections on site..
- The general construction permit, and the temporary batch plant SWP3 permits require inspections.

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. The air quality permit does not require inspections; however, after 17 years operating temporary batch plants, Gilco has not received a complaint from TCEQ. TCEQ reserves the right to perform random inspections on sites.

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. The general construction permit and the temporary batch plant SWP3 permits require inspections.

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. Two letters of opposition have been received. One resides in Colleyville, and

lives within the 200 foot notification area. Two letters of support has been received regarding this request from the applicant, Mark Leonard.

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.

Creekside at Colleyville, Phase I will require 8,045 square yards (1,509 cubic yards) of concrete to pave. If a temporary batch plant is erected on the 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 about twice as many trips for concrete trucks moving on City streets. The approval of the temporary batch plant will reduce the number of truck trips to about 122 trips and will also reduce deterioration of public streets.

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

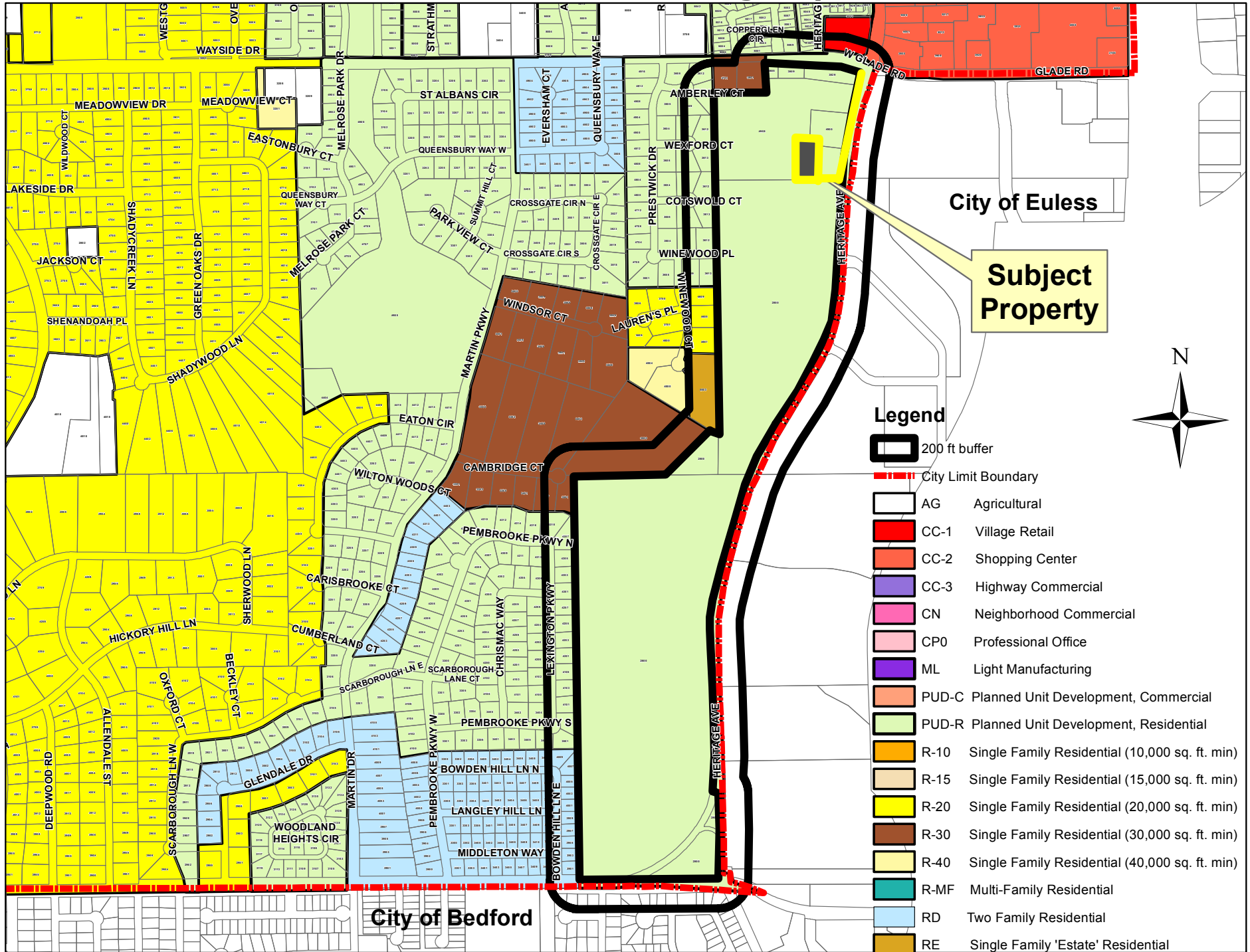
- a. The temporary concrete batch plant allowed by this Special Use Permit must be permitted by the Texas Commission on Environmental Quality (TCEQ) for an air quality permit.
- b. The Special Use Permit shall meet all state and federal requirements for concrete batch plants. A copy of the Storm Water 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. Letters of Support
6. Letters 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



[illegible]

Subject Property

City of Euless



Legend

-  200 ft buffer
 Properties within 200 ft buffer
 City Limit Boundary

Notification List

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

Notification List

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

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

Letters 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.

Letters of Support

SPEAKER CARD

Date: 4/1/14

Agenda Item Number: 6a; 6b

For example: **5a (this can be found on the far left side of the agenda copy)**

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**

Name: MARK LEONARD

Address: 6331 SOUTHWEST BLVD City: BEAUBROOK, TX

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Mark Leonard

This information is a Public Record

Letters 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

Letters of Opposition

Monday, March 31, 2014

LETTER OF OPPOSITION FOR COUNCIL REVIEW

City Of Colleyville
Community Development Department
100 Main Street
Colleyville, Texas 76034

Dear Development Department,

As a resident of the Copperglen development located across from the proposed Batch Plant near Heritage and Glade road, we protest the installation of the temporary concrete Batch plant. The additional dust caused by such a facility in addition to the current construction dust will further increase the risk of Health issue that I am currently subject too. Based on the length of construction for the Creekside Project I would request your consideration of bringing in concrete from another location or facility.

Based on the Health Risks and Noise levels of the plant during the proposed operating hours we formally protest this facility no matter how temporary.

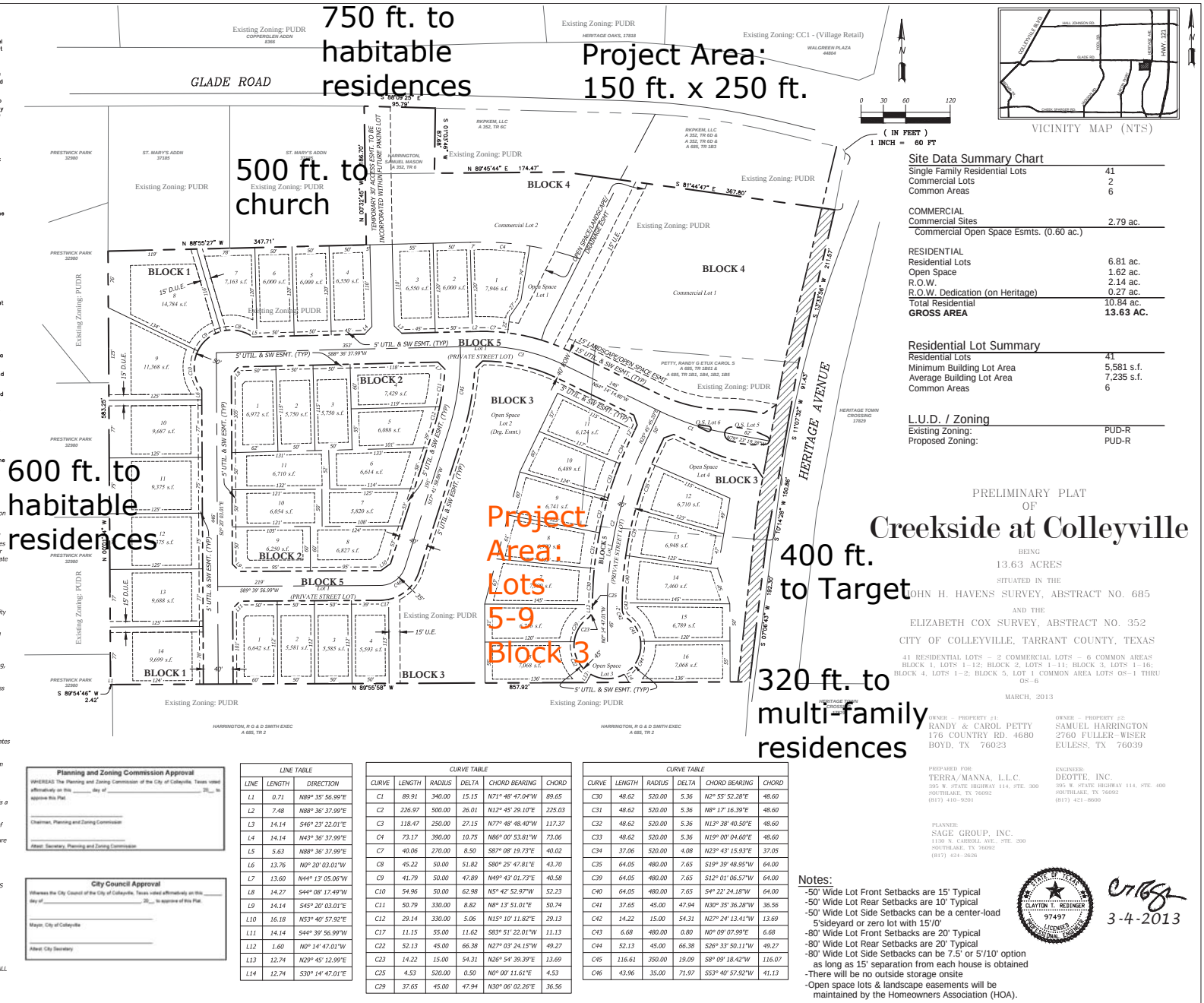
Respectfully,



Howard M. Frost

5009 Copperglen Circle
Colleyville, Texas 76034

Zoning Exhibit



Application

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

APPLICATION TYPE

PLEASE CHECK THE APPROPRIATE BOX BELOW.

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

PROPERTY INFORMATION

Project Name: 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,



Lexa 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



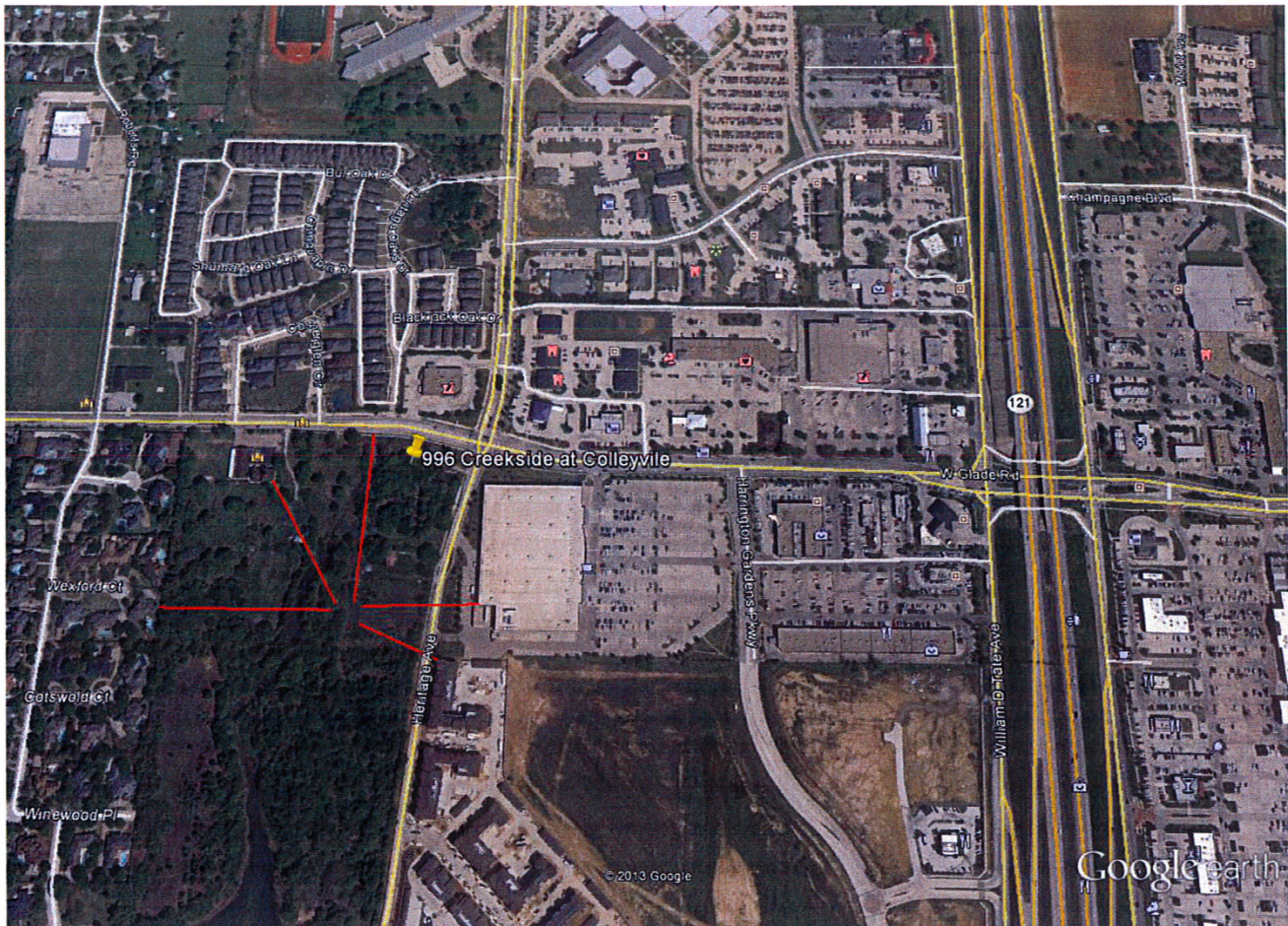
Google earth

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.

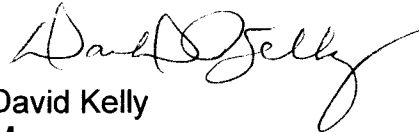
The second reading and public hearing being conducted on the 6th day of September 2007.

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

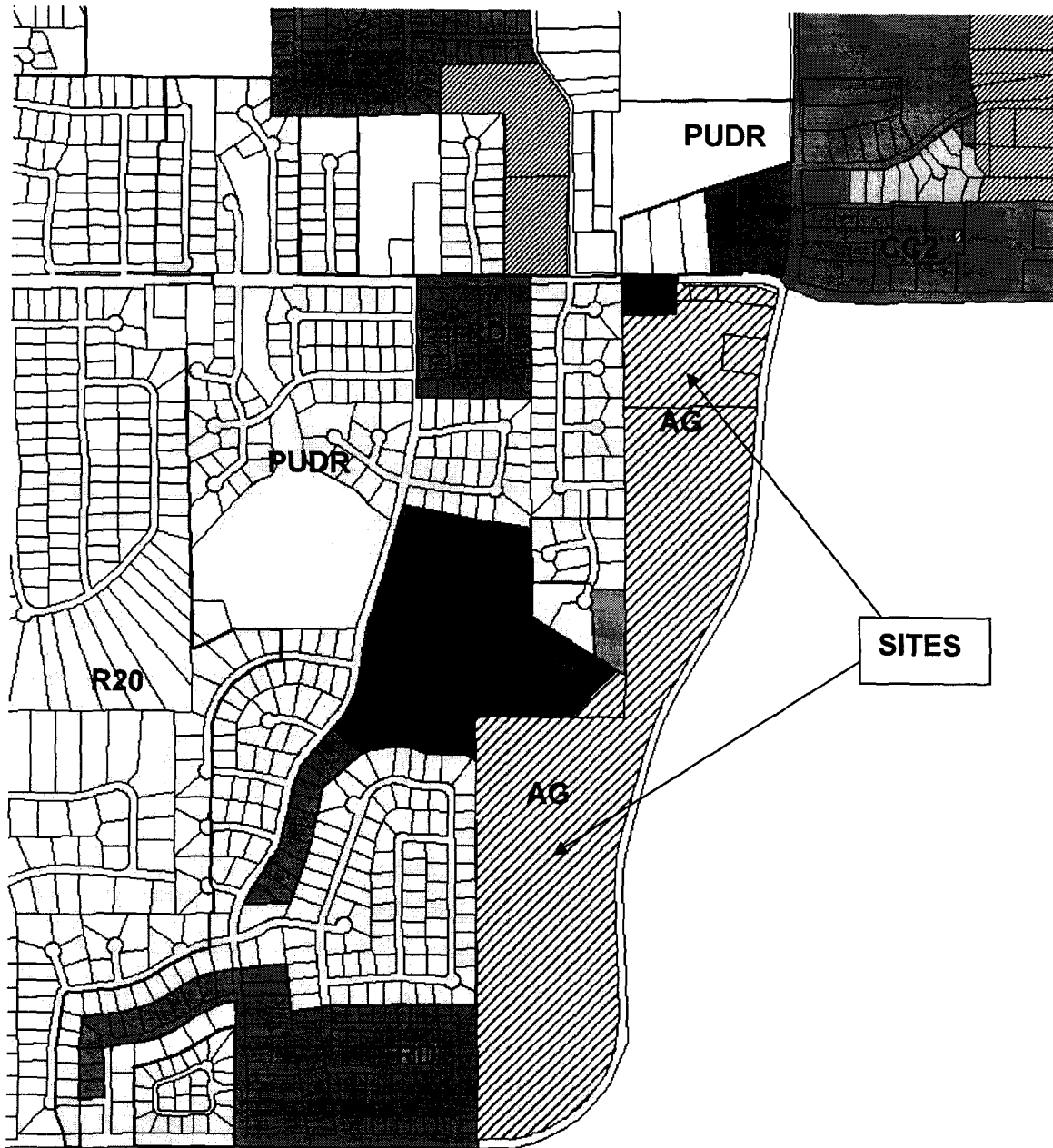


Exhibit "B" Legal Description

**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;

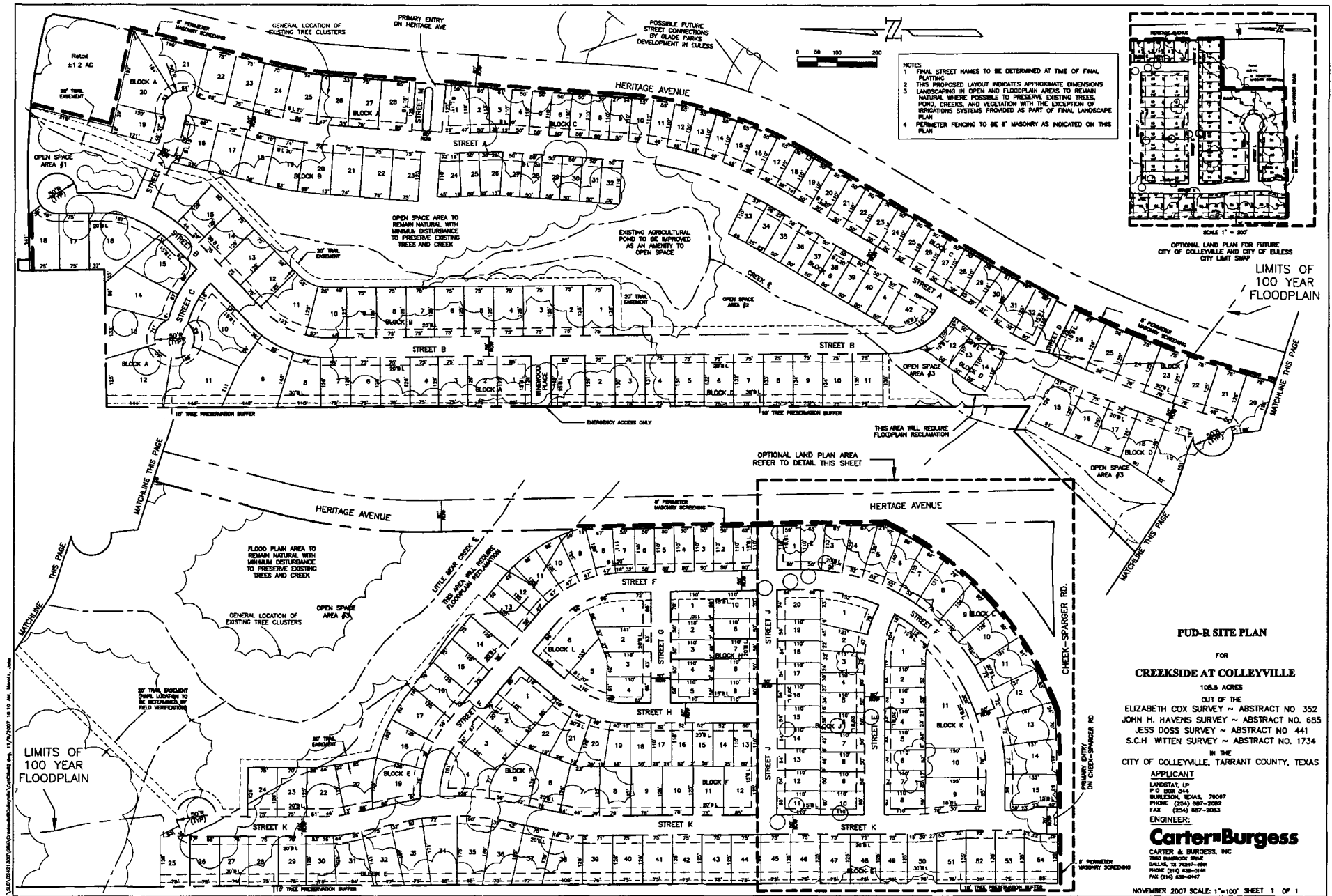
THENCE N 88°42'20" E, A DISTANCE OF 22.07 FEET TO A POINT FOR CORNER;

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.

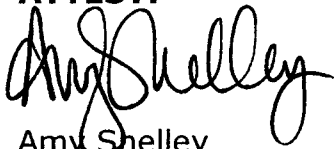
AND IT IS SO ORDERED.

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:



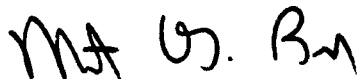
Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" -Location and Zoning Map

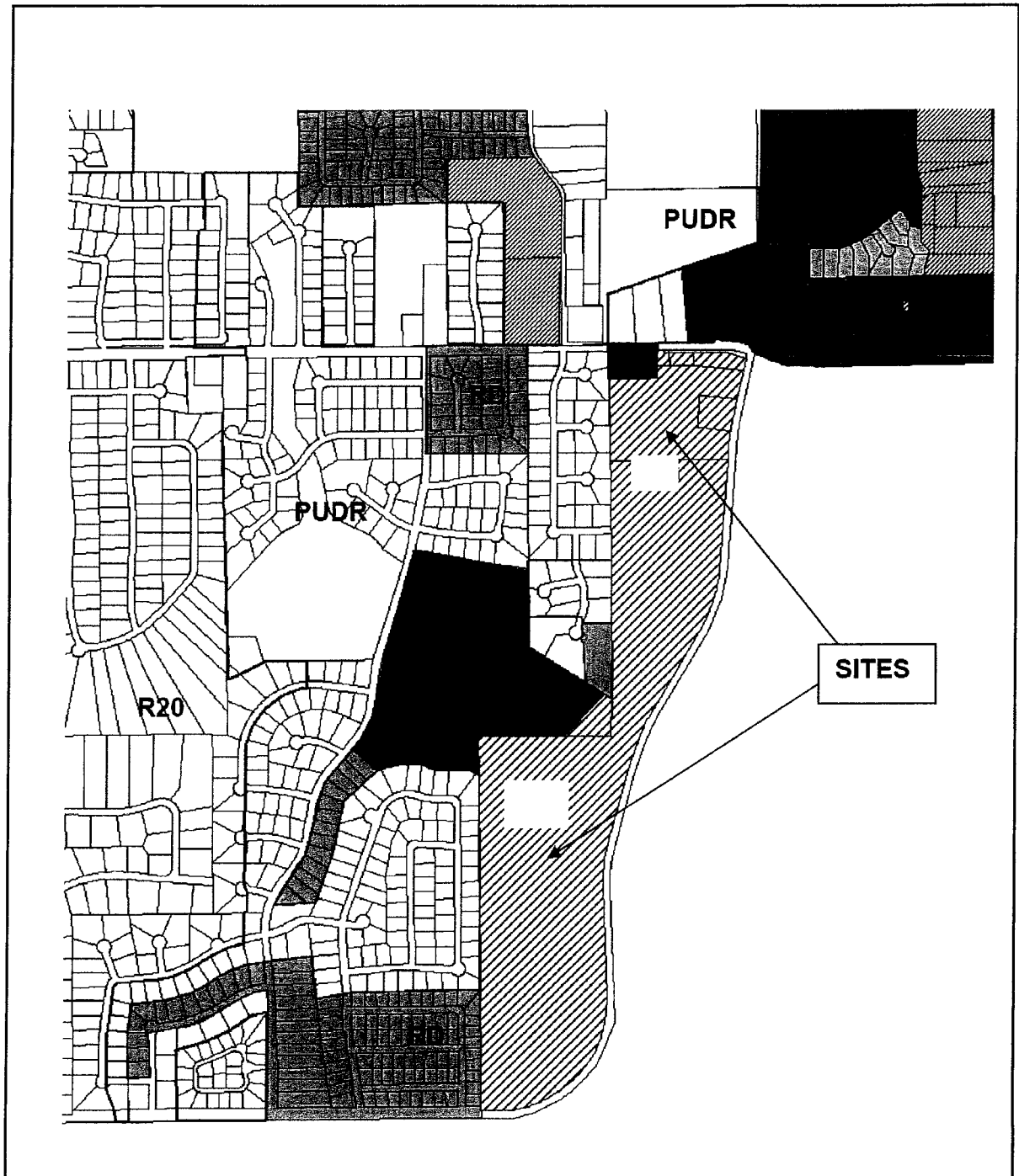
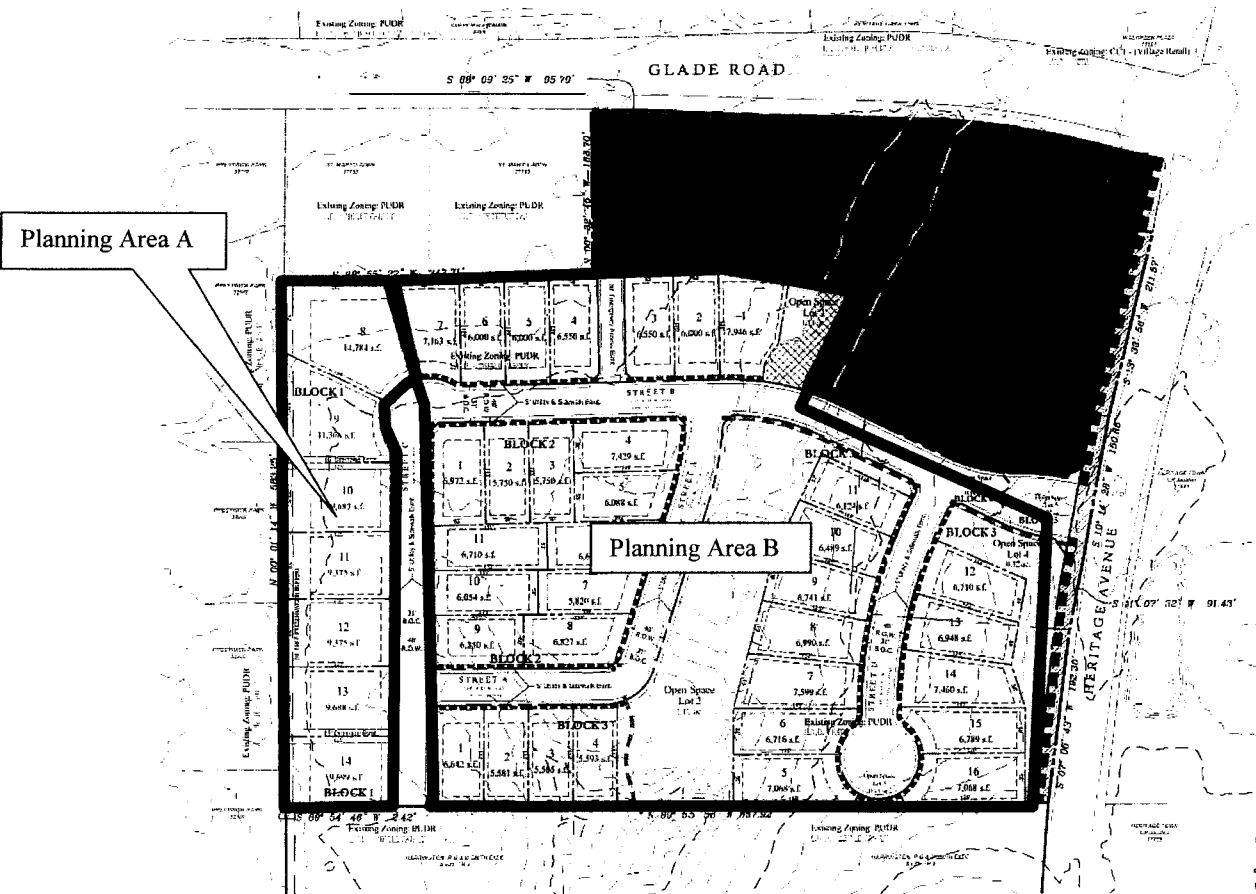


Exhibit "B" Detailed Site Plan



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.

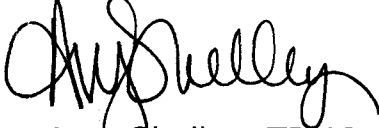
AND IT IS SO ORDERED.

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

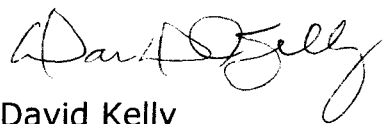
The second reading and public hearing being conducted on the 17th day of December 2013.

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:

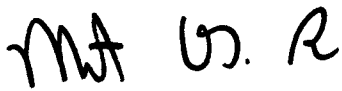

Matthew C. G. Boyle
City Attorney

Exhibit "A" –Location and Zoning Map

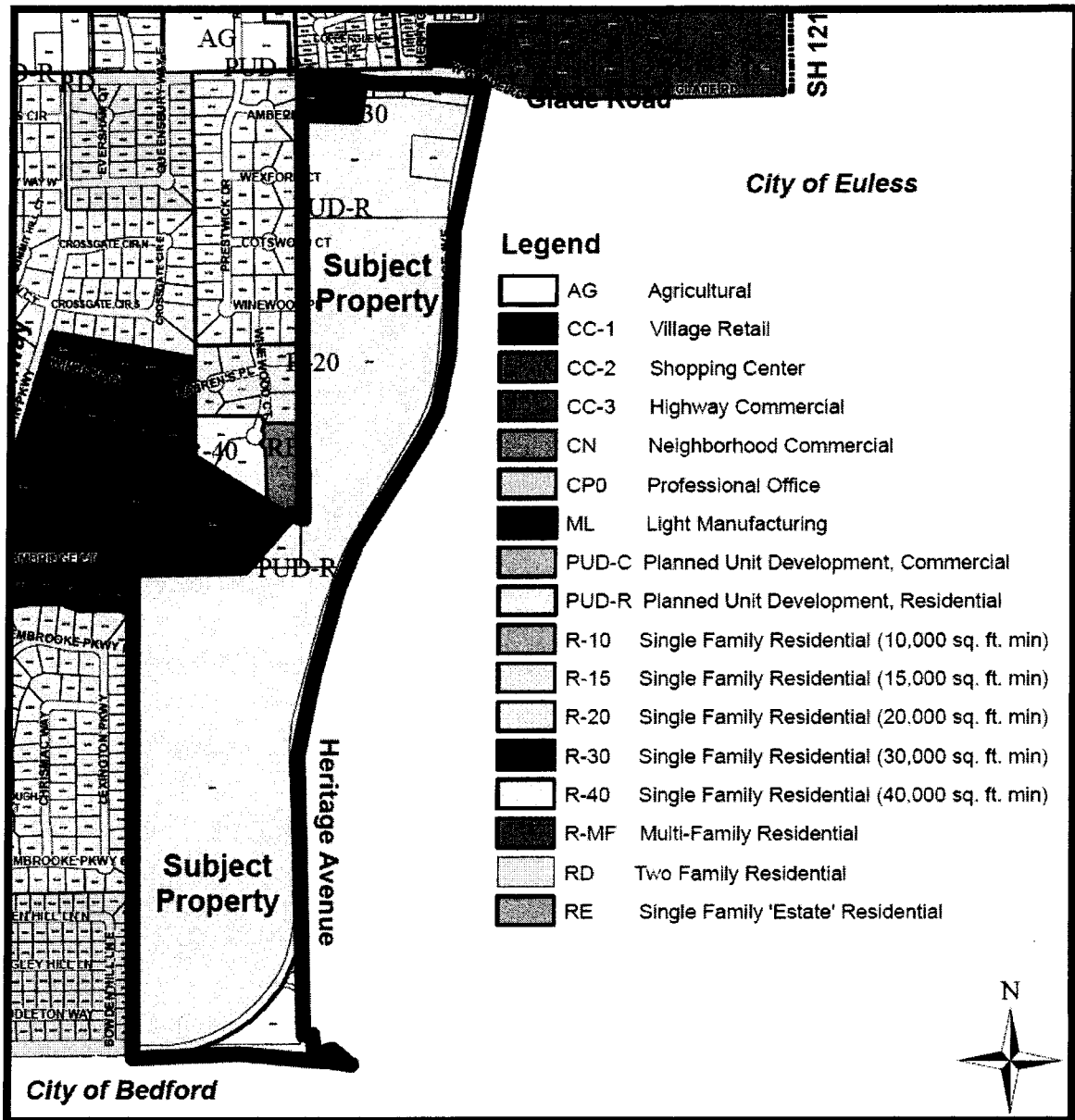


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

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;

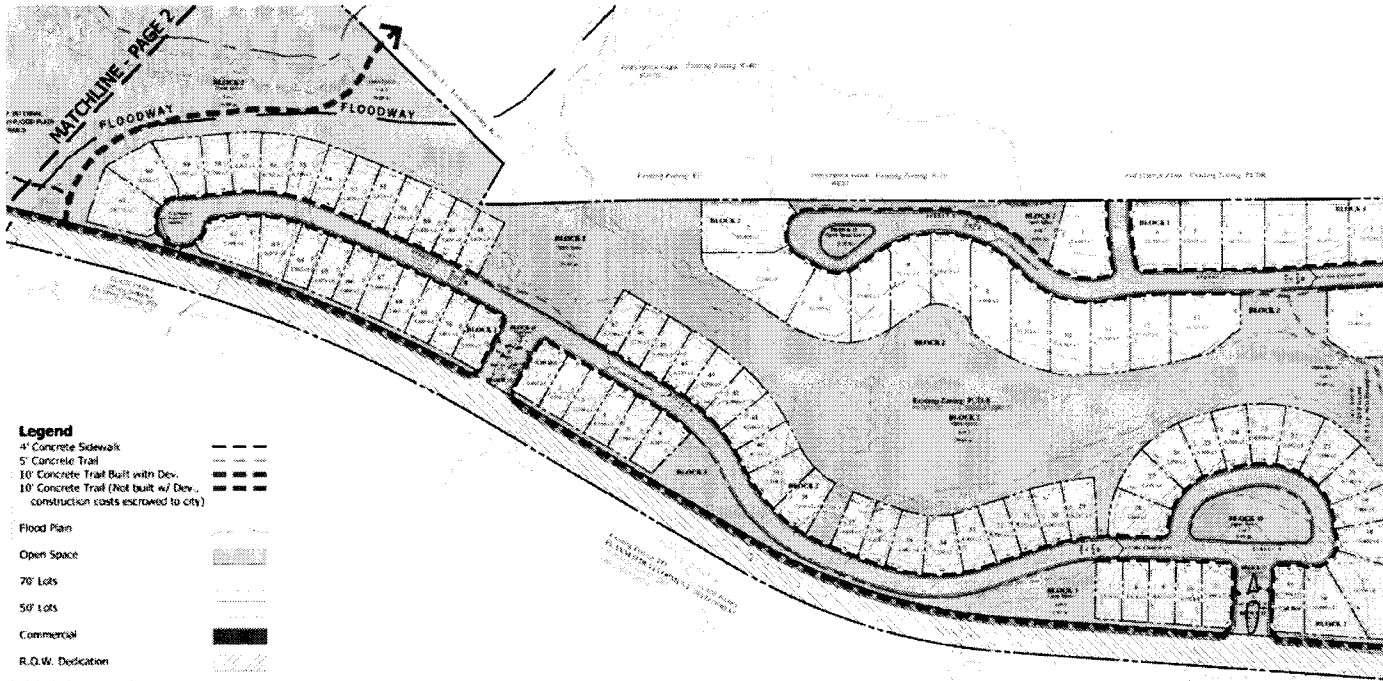
THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

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

FOR LEGAL DESCRIPTION OF PROPERTY, SEE ATTACHED FILE

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

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

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

Site Data Summary Chart

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

Residential Lot Summary

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

L.U.D. / Zoning

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

Notes:

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

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

Zoning Case #ZC13-017



Phase 2 Development Plan

Creekside at Colleyville

Legend

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

Site Data Summary Chart

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

Residential Lot Summary

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

L.U.D. / Zoning

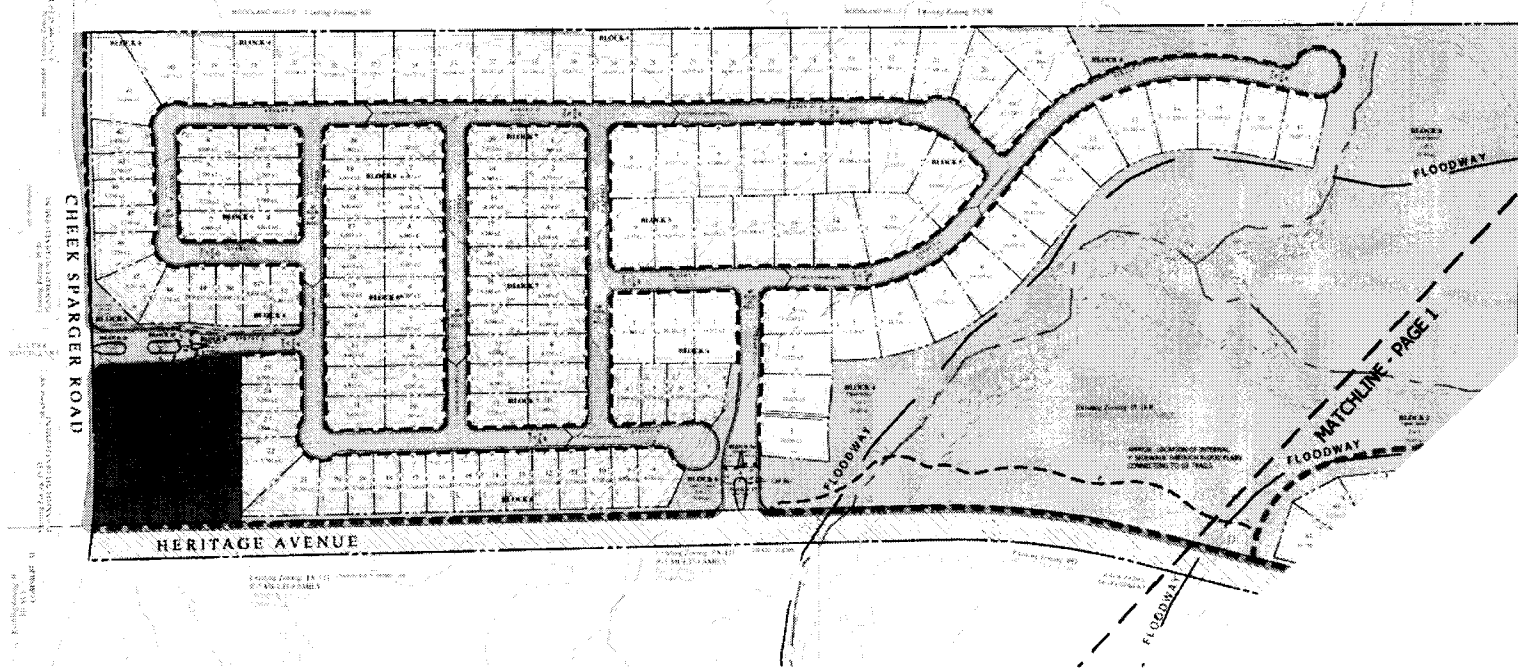
Existing Zoning	PUD-R
Proposed Zoning	PUD-R

Notes:

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

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

Zoning Case #ZC13-017



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

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

19 DEC 13



1" = 100'

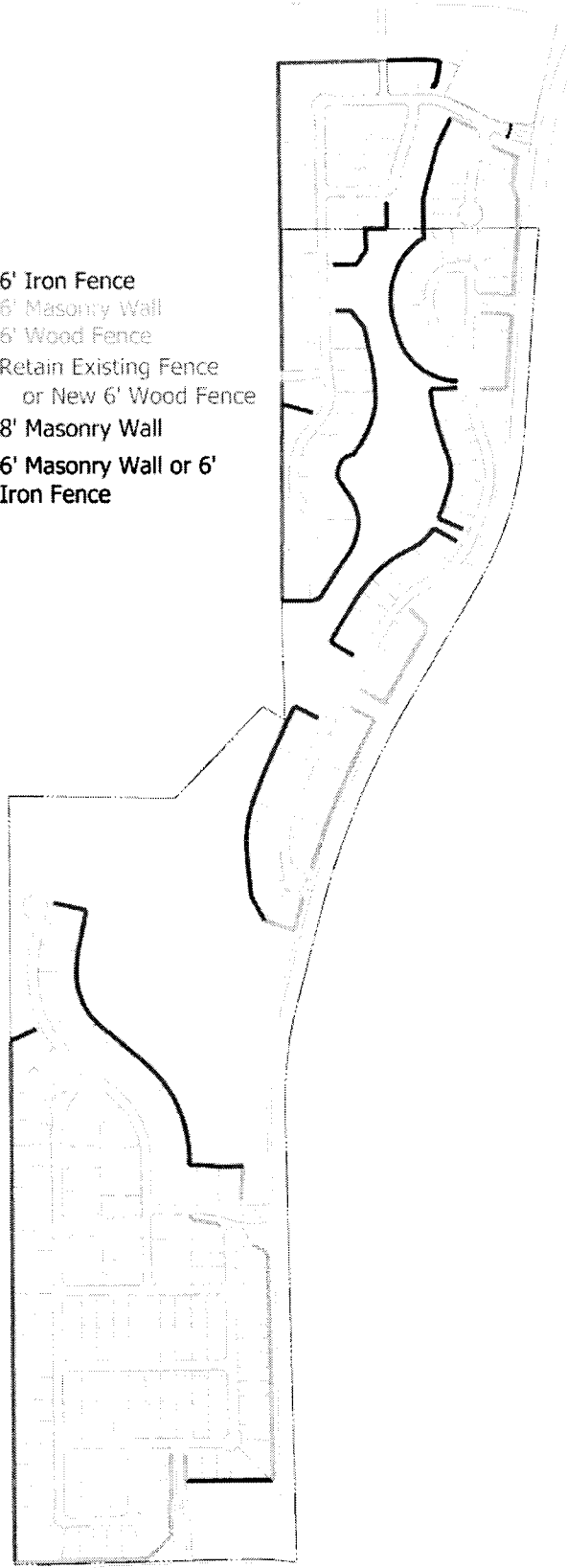


Phase 2 Development Plan

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

The map displays the following land use zones and their corresponding colors:

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

The map also shows the City Limit Boundary (thick black line), a 200 ft buffer (thin black line), and the City of Bedford (bottom left) and City of Euless (top right) boundaries. A yellow box highlights the 'Subject Property' located near the intersection of Weyford Ct and Oostwood Ct.

[illegible]



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5c

Agenda Date 04/15/2014

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, Case GC14-006

Explanation

Second Reading and Public Hearing

There were no speakers at the April 1, 2014 City Council meeting.

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												S	S			17	23	
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	
Contactore Office without 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-warehouse)															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 6a

Agenda Date 04/15/2014

Number Resolution R-14-3740

Type Resolution

Department Community Development

Title

Consideration of a waiver to the sidewalk construction and escrow requirements on Lot 7, Block 3, of the Stafford Heights Subdivision, located at 4613 Manning Drive, Case GC14-009

Explanation

Reading and Public Hearing

The applicants, Matthew and Elisabeth Hammons, are requesting a waiver to the sidewalk construction and escrow requirements as found in the Land Development Code, Section 9.12.F. "Escrow Policy for Sidewalks" for a new home being constructed at 4613 Manning Drive.

Applicants' Request. The applicant submitted a waiver letter (see attachment Application and Description of Request) stating reasons for a full waiver request. Among the reasons: the streets in the Stafford Heights subdivision do not have sidewalks; the applicant feels there is no added safety benefit to pedestrians; and the ditches on either side of Manning Drive make new sidewalks impractical. The complete waiver letter is attached under "Statement of Planning Objectives." A sidewalk escrow in the amount of \$3,861 would be required for this property.

The building permit for the new home was issued on October 13, 2013. Per the attached acknowledgement form and attached City plan review stamp page, sidewalks were required to be constructed along Manning Drive at the time of new building permit, as required by the Land Development Code and the Supplemental Sidewalk System Map. However, per the amendments to the sidewalk requirements approved on February 18, 2014 under Ordinance O-14-1907 and detailed in the attached agenda briefing from that meeting, the applicant now has the option to pay into escrow in lieu of construction.

Current Land Development Code Requirements. The option for a full waiver of any sidewalk requirement was deleted from Chapter 9 as part of the amendments approved on February 8, 2014. While this application was not filed until March 25, 2014, staff is processing this request for a full waiver out of an abundance of caution due to the fact that the building permit was issued prior to the amendments and in the spirit of the new sidewalk policy.

Land Development Code, Section 9.12.F.4 determines use of escrow funds. *Six (6)*

Sidewalk Districts are established throughout the City so that sidewalk escrow funds will be expended within sufficient proximity to the dwelling unit. Funds deposited in escrow shall be expended on design and construction of sidewalks located at any place within the same Sidewalk District as the dwelling unit depositing the sidewalk escrow fee. In this way, the funds will be expended within sufficient proximity to the dwelling unit that deposited the escrow so as to reasonably benefit the dwelling unit.

Summary. Staff has determined that a sidewalk escrow is reasonable in lieu of constructing the sidewalk for 4613 Manning Drive. Manning Drive connects to Glade Road to the north. The escrow funds may be used for sidewalks along Glade Road or any other sidewalk projects within Neighborhood 3 (see attached), which would benefit the entire neighborhood. Therefore, staff recommends denial of the escrow waiver.

Financial Impact

The fiscal impact of this item, if approved, would be the loss of \$3,681 from the Neighborhood 3 sidewalk escrow fund.

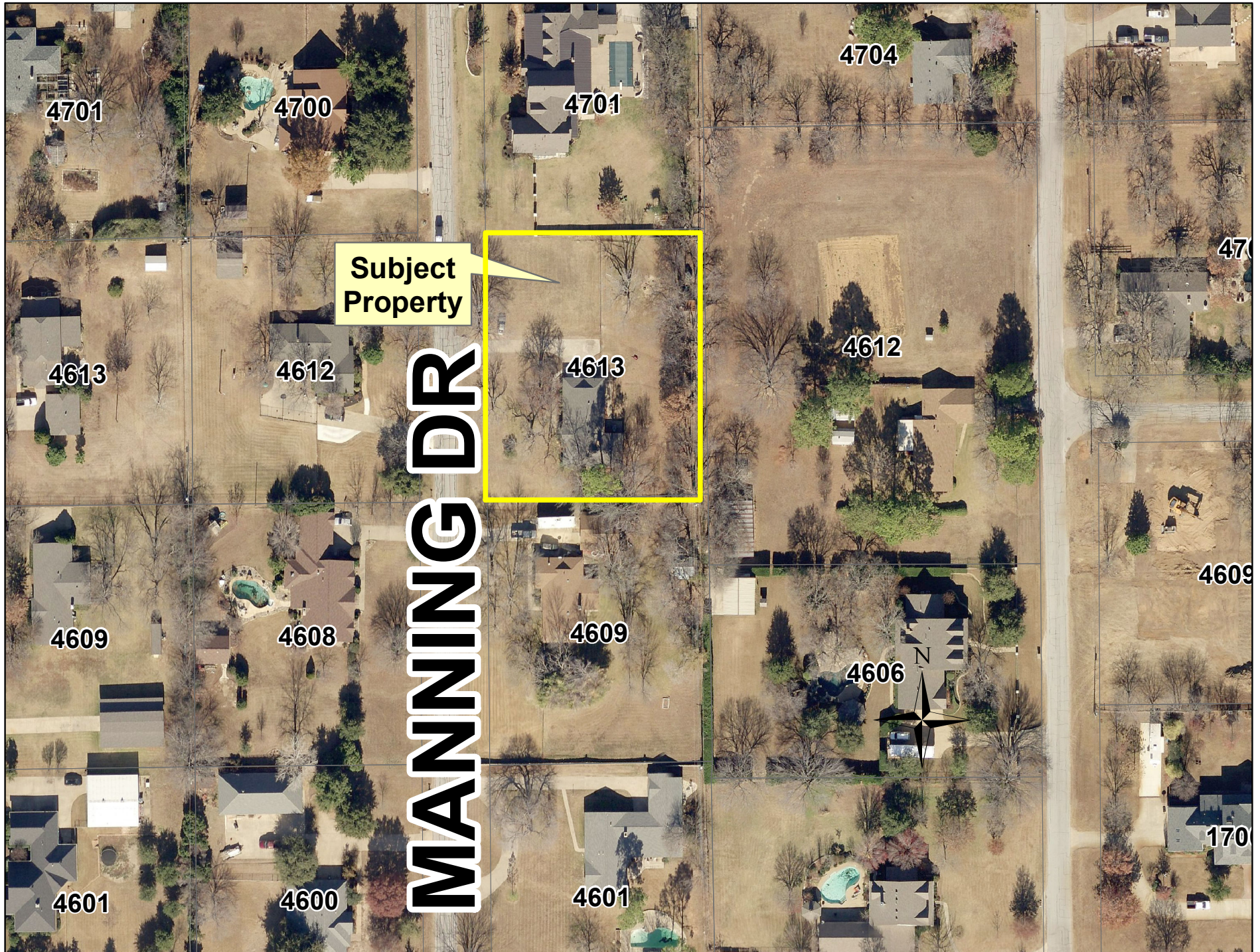
Recommendation

Denial

Attachments

1. Aerial
2. Application and Description of Request
3. Colleyville Sidewalk Escrow District Neighborhoods-2009
4. Signed Sidewalk Acknowledgement Form
5. City Plan Review Stamp Page for Building Permit
6. Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments
7. Ordinance O-14-1907
8. Resolution R-14-3740

Aerial



Application and Description of Request

	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 INFORMATIONProject Name: New Home ConstructionProject Address (Location): 4613 Manning Dr

Legal Description: _____

Proposed Number of Lots: _____ Gross Acres: _____ Neighborhood District: _____

Existing Zoning: _____ Proposed Zoning: _____

Existing Use: _____ Proposed Use: _____

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 INFORMATIONApplicant: Matthew and Elisabeth Hammons Company: _____Address: 4613 Manning Dr Tel: 817 422-4594 Fax: 682 432-0763City: Colleyville State: TX ZIP: 76034 Email: _____Applicant's Status: (check one) ☒ Owner ☐ Representative ☐ Tenant ☐ Prospective BuyerProperty Owner: As above Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ ZIP: _____ Email: _____

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

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: Matthew A Hammon Date: 3/25/14

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

SIGNATURE: Matthew A Hammon
(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 OnlyCase #: GC14-009

Total Fee(s): _____

Receipt #: _____

Date Submitted: 3/25/2014Accepted By: Kgm

Public Hearing Date: _____

Application and Description of Request

March 25, 2014

Dear City of Colleyville Community Development Department and City Council,

I am writing to respectfully request a waiver of the sidewalk construction and escrow requirement for the home we are currently building at 4613 Manning Drive. The reasons for the waiver request are as follows:

1. **No other home** in the entirety of the Stafford Heights neighborhood has a sidewalk. The rural nature of this neighborhood and others like it stands as the single biggest reason we and many other people came to live in Colleyville. The addition of sidewalks to these neighborhoods in general would **disrupt the visual appeal** of them and **reduce property values**. The addition of single segments of sidewalk in front of new construction homes with no continuation on either side will look even less appealing and will thus decrease the appeal of Colleyville as a whole.

2. There is **no added safety benefit to pedestrians** from single segments of sidewalk as compared to no sidewalk whatsoever. This will not significantly reduce the time that pedestrians will walk on Manning Drive and would, in fact, lead to a situation where pedestrians would have to "jump" to and from the road at each end of the dead end segment in front of our home and thus create a situation of **greater risk** where drivers would not be expecting walkers to be stepping into the road.

3. Manning Drive has **wide ditches** on either side of the road which are **required for run-off**. When it rains heavily, these ditches are essentially full of water and are therefore required to keep this water off of the road, which would create unsafe driving conditions. These ditches are located where traditional city sidewalks would be constructed and are not moveable without a full scale reconstruction of the drainage system of the entire neighborhood. Therefore, sidewalks would have to be placed **much deeper into the property** than would be required without these ditches. This would place the sidewalks greater than ten feet onto the property and be further disruptive of its aesthetics. It would also be damaging to the largest elm tree on the street.

Because of the drainage ditches, the city of Colleyville will never be able to place sidewalks along the full length of Manning Drive without significantly interrupting the owner's properties far beyond the normal location of a city sidewalk. This fact renders the likelihood of ever placing sidewalks on our street essentially zero, and thus it represents unequal treatment of the residents of Manning Drive to require escrow of funds for the "future building of a sidewalk." These sidewalks would never be built.

To place the sidewalk in a normal position would require construction of an underground culvert along the width of the property. The cost required for such a project is far beyond what should be required of Colleyville citizens.

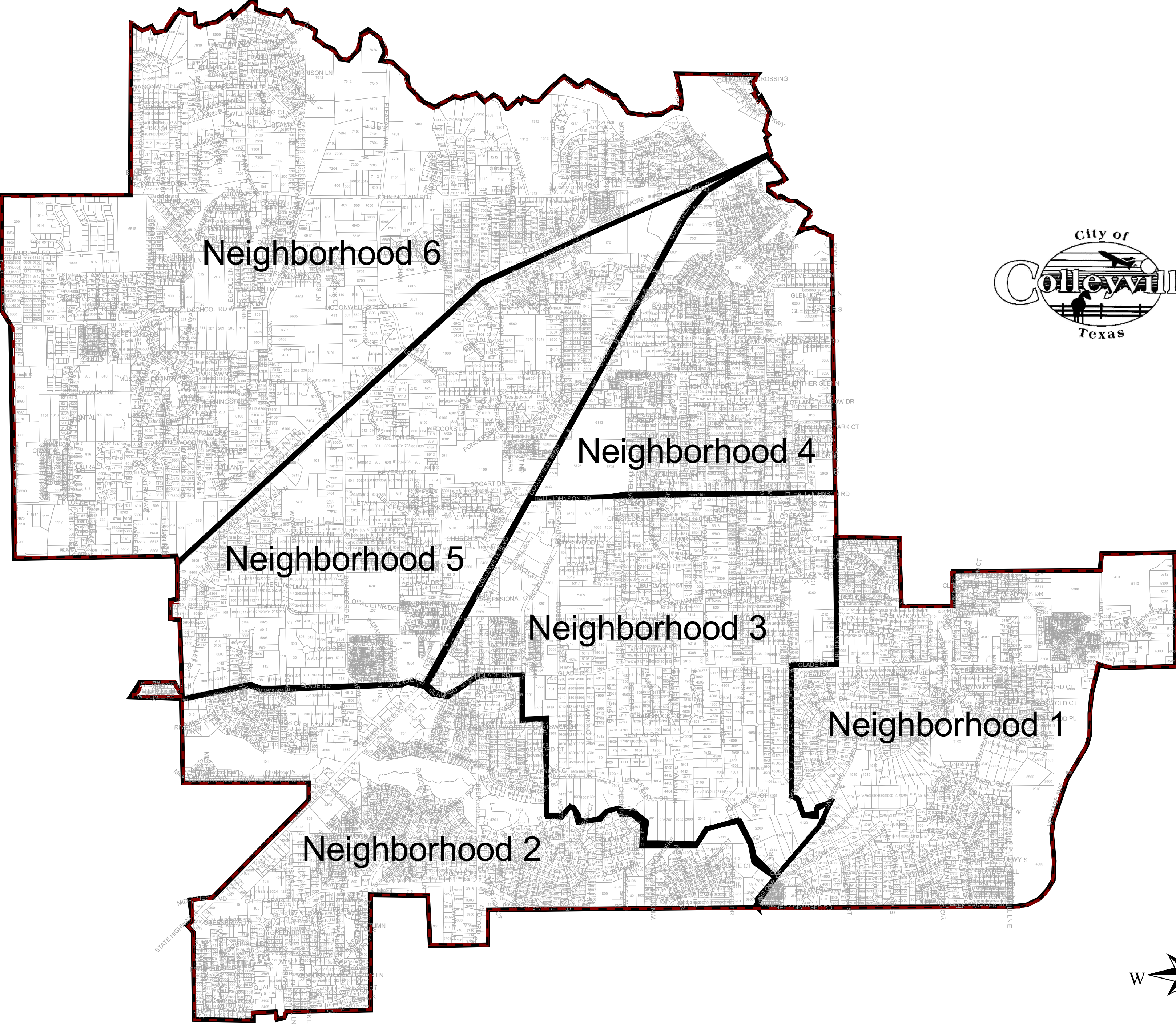
In conclusion, because of the lack of sidewalks in our neighborhood as it is and the fact that the addition of a single segment of sidewalk will not move Colleyville any closer to being the "walkable city" mentioned in Resolution R-14-3717, we respectfully request that the city waive this sidewalk requirement. In addition, in view of the unique situation on Manning Drive with the required wide drainage ditches next to the road, we respectfully request that the escrow requirement also be waived.

Thank you for your consideration.



Matthew and Elisabeth Hammons

Colleyville Sidewalk Escrow District Neighborhoods - 2009



Signed Sidewalk Acknowledgement Form

4615 Manning Dr.



Record of Acknowledgment

I hereby acknowledge that I must adhere to all requirements of the Colleyville Land Development Code, Code of Ordinances, any special zoning conditions for the property on which the structure will be built, and the Building Code in addition to any City staff comments included within this building permit.

I also acknowledge that the Colleyville Land Development Code states that sidewalks shall be constructed prior to completion of any primary structure for all lots that: (1) front on streets required to have sidewalks as shown on the City's Supplemental Sidewalk System Map, or; (2) are required as part of a Planned Unit Development or Special use Permit; or, (3) front on a new street dedicated in conjunction with a subdivision plat. The sidewalks shall be constructed adjacent to and within the public street right-of-way and include curb ramps where applicable..."

I hereby acknowledge that copies of the Supplemental Sidewalk System Map are available online at www.colleyville.com

I hereby acknowledge that, per the Supplemental Sidewalk System Map and the Land Development Code, any required sidewalk must be built by me, the builder/general contractor, prior to ANY final inspection and move-in by the new tenants and that any required escrow must be paid prior to ANY final inspection and move-in by the new tenants.



E-mail Address

JEFF POCK

Printed Name

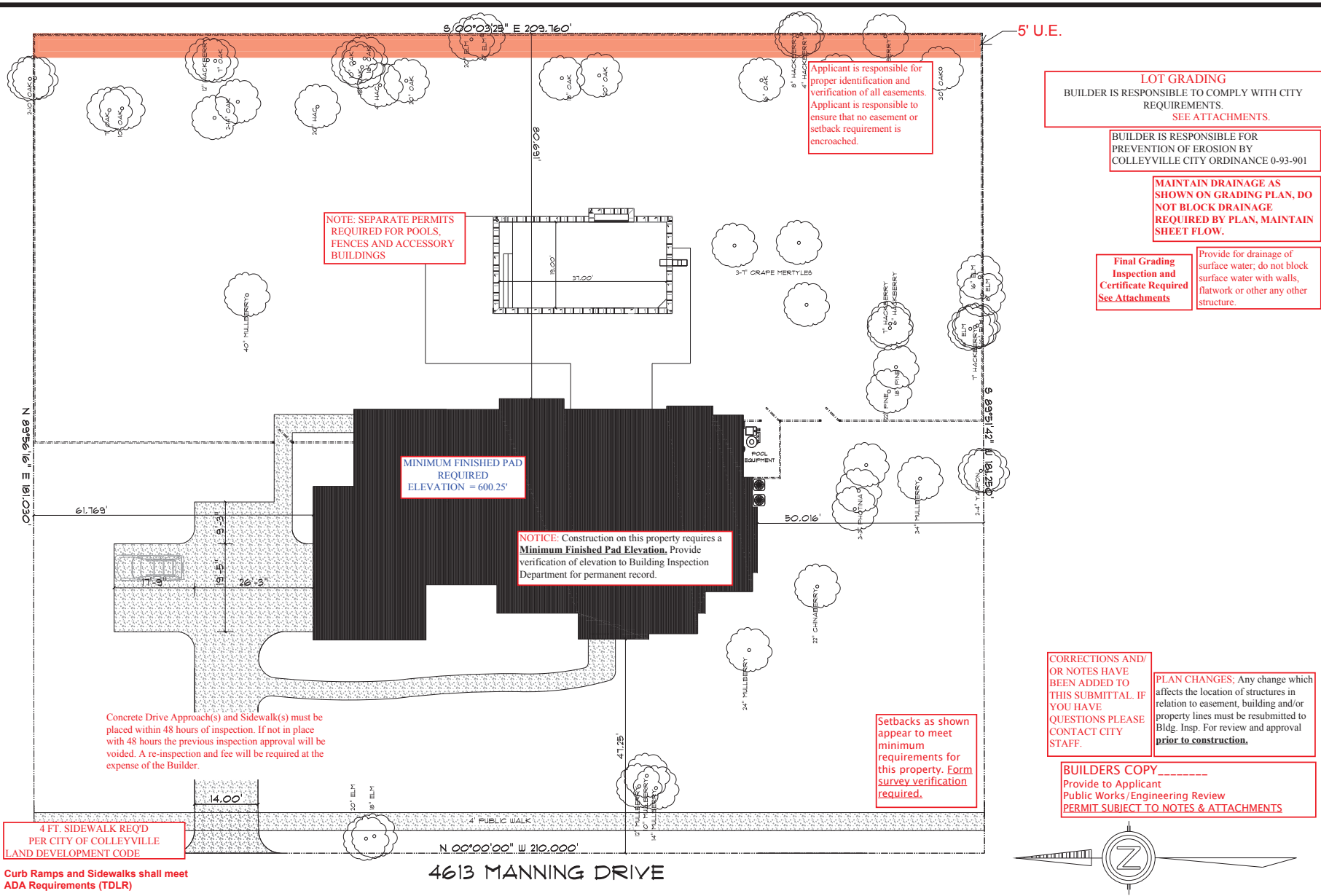
Signature

10/14/2013
Date

BLD 1309-252

Building Permit # (Staff Only)

City Plan Review Stamp Page for Building Permit



HAMMONS HOME

4613 Manning Drive
Colleyville, TX 76034

SCALE: 1" = 20'
DRAWN BY: Jeff Polk
DATE: 09/20/2013

Polk
design build group

Polk Design Build Group, LLC

5705 Ponderosa St.
Colleyville, TX 76034

2013, POLK DESIGN BUILD GROUP ©



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a
Type Ordinance
Department Public Works

Agenda Date 02/18/2014

Number Ordinance O-14-1907

Title

Approval of amendments to Chapter 9 - Subdivision Design and Public Facilities in the Land Development Code

Explanation

Second Reading and Public Hearing

There were no speakers regarding this request at the February 4, 2014 City Council meeting.

Resolution R-14-3717 was approved by City Council on February 4, 2014. The proposed ordinance will amend Chapter 9 of the Land Development Code to accurately reflect the procedures and policies regarding sidewalks, which became effective with the approval of Resolution R-14-3717.

First Reading and Public Hearing

On January 7, 2014, staff presented the recommendations of the Colleyville Sidewalks Committee, and a proposed internal procedure that would be adopted to ensure compliance with a new policy with regard to sidewalk construction in conjunction with new development and redevelopment. Based on the direction received by City Council, Resolution R-14-3717 is presented for consideration later on this agenda (February 4, 2014), which will formalize the new sidewalk policy, and rescind the Supplemental Sidewalk System Map.

Chapter 9 of the Land Development Code establishes the policies and procedures for sidewalks. With approval of Resolution R-14-3717, proposed Ordinance O-14-1907 will amend Chapter 9 of the Land Development Code to accurately reflect the new procedures and policies regarding sidewalks.

Proposed amendments to Chapter 9 are reflected in the Proposed Changes to the Land Development Code – Chapter 9 – Subdivision Design and Public Facilities redlined attachment. A summary of the amendments include:

- General grammar corrections
- Adjusting the responsible party from "City Engineer" or "Director of Public Services" to the "Director of Public Works or designee"

- Added language in Section 9.7.I.4 to specify the requirement for a grading plan for all lots
- Section 9.12.F.1: language was adjusted to remove the reference to the Supplemental Sidewalk System Map and to replace the Planning and Zoning Commission with the City Council as the appeal reviewing body
- Deletion of sections 4, 5, 6, and 7 of Section 9.12.F
- Deletion of the language "Form of Escrow"
- Section 9.15.E.1: additional language was added to clarify the requirement
- Section 9.19.A: clarification of the language requiring sidewalks at all locations unless waived by zoning or City Council
- Section 9.19.A.3: language specifying that escrows may be warranted
- Section 9.19.A.4: language specifying that building permits will be contingent on the written commitment of applicant to construct the sidewalk or pay the required escrow amount

These proposed changes will modify Chapter 9 of the Land Development Code to accurately reflect new procedures and policies in regard to sidewalk construction in conjunction with new development or redevelopment.

Financial Impact

There is no financial impact to the City. Escrowed funds that are generated as a result of this policy will be used to construct sidewalks within the respective neighborhood district.

Recommendation

Approve

Attachments

1. Proposed Amendments - Chapter 9 - Land Development Code
2. Ordinance O-14-1907

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Proposed Amendments - Chapter 9 - Land Development Code

Colleyville, Texas, Land Development Code

Chapter 9

Subdivision Design & Public Facilities

Rev. 03-03-0902/18/2014

Section 9.1 Purpose of This Chapter

The purpose of this Chapter is to establish design guidelines necessary for proper layout of a subdivision and to establish the public improvement requirements for the development of a subdivision, but more specifically to:

1. ensure that public facilities and services are available to all subdivisions in the City; and
2. establish reasonable standards of design for public facilities.

Section 9.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
2. *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.
3. *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 9.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver 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 9.4 Definitions

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

Section 9.5 Subdivision Design Guidelines

Every subdivision plat shall be reviewed for conformance with the design guidelines contained in this ~~Chapter~~Land Development Code. The City recognizes that suitability characteristics vary from site to site and when approving a subdivision plat the following guidelines shall be used for interpretation, application and enforcement of the design guidelines contained in this ~~Chapter~~Land Development Code:

1. It is the intention of these subdivision design guidelines to encourage new and creative ways to develop subdivisions. Developers and city officials are encouraged to utilize new and innovative ways to improve safety, economy, tax yield, maintenance cost, response time, drainage, vehicular access, and pedestrian passage.

2. Whenever a ~~subdivider-developer~~ can demonstrate an alternative method of meeting the requirements of this ~~Chapter~~Land Development Code, it shall be incumbent upon the city staff, the Planning and Zoning Commission, and the City Council to review the proposed variations and approve, approve with modifications, or disapprove the proposed alternatives as appropriate for the conditions.

Section 9.6 Blocks

- A. General Design – Blocks should have sufficient depth to provide for two (2) tiers of lots of appropriate depths, except that blocks adjacent to major streets, railroads or waterways shall have only one tier of lots.
- B. Block Lengths & Widths – Residential and industrial blocks generally shall be no longer than sixteen hundred (1,600) feet and business blocks no longer than one thousand (1,000) feet. Where long blocks in the vicinity of a school, park or shopping center are proposed, the City Council may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block.

Section 9.7 Lots

- A. Lot Arrangement – Lots shall be arranged to provide access to lots from approved streets and to avoid foreseeable difficulties due to topography and natural physical features inherent to the property.
- B. Lot Area and Dimensions – Lot area and dimensions shall be consistent with the minimum requirements of the applicable zoning district and the following:
 1. Special Lot Width Requirement - The width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width. In the case of lots on the turning circle of a cul-de-sac, the width may be less than eighty (80) percent of the required lot width.
 2. The City may approve a plat which contains a lot that does not meet the minimum requirements when special conditions exist.
- C. Frontage on Public Access Required – All lots shall have frontage on a public street, except a non-residential lot may be approved when the proposed public access has been determined by City to be adequate to meet the intent of this requirement. The lot line common to the street right-of-way line shall be the front line; except that a lot may have more than one lot line common to a street right-of-way line.
- D. Access from Major Thoroughfares
 1. Residential Lots - No residential lot shall front on or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, except where the proposed subdivision meets all the following criteria:
 - a. Where the only street frontage which may be provided to the residential lot is from a collector street due to the shape, topography, or other physical condition of the property;
 - b. The ~~City Engineer~~Director of Public Works or designee has provided favorable recommendation; and
 - c. Where the residential lot is designed and dimensioned to permit loop driveways or on-site turnaround facilities so that vehicles head into the collector street.
 2. Non-residential Lots – Non-residential lots which have frontage onto or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, shall have driveway locations which *comply with the spacing requirements established elsewhere in Chapter 14*

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

– Engineering Design Standards of this Land Development Code.

- E. Buildable Area – Every lot shall contain a buildable area that is adequate in size for the proposed development. The buildable area shall be situated out of the 100 year flood plain.
- F. Flag Lots Prohibited – It is the policy of the City to prohibit the creation of flag lots unnecessarily, and to discourage the creation of any lot which, by virtue of its relatively great depth in relation to its width, is likely to facilitate future requests for re-subdivision to create a flag lot.
- G. Building Lines – Front building lines shall be shown on all lots in the subdivision. Building lines shall be shown along each street-facing of corner lots and through-lots. The building line shall be consistent with the requirements of the applicable zoning district, however, the City may approve a building line which differs from the zoning requirements when special conditions exist.
- H. Side Lot Lines – Where possible, all side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- I. Lot Drainage and Grading
 - 1. Grading and drainage of all lots shall be designed in a manner which will allow one lot to drain across an adjacent lot and into a permanent structure, such as a concrete flume, lined channel, or proper inlet to an adequate drainage facility, or to a street right-of-way. If an approved drainage structure is not present, it will be required of the developer to construct the necessary facilities. (O-00-1261 / 12-19-00)
 - 2. Sheet flow techniques shall be used for lot to lot drainage where possible. (O-00-1261 / 12-19-00)
 - 3. Single lots shall accommodate their own drainage into an approved structure where topographic elevations allow this to occur. (O-00-1261 / 12-19-00)
 - 3.4. For lots that an approved engineered grading plan does not exist, the developer of the site shall submit a grading plan prepared by a licensed Professional Engineer.

Section 9.8 Waterbodies and Water Courses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the adjacent lots. The City may approve an alternate plan provided the ownership of and responsibility for maintenance of the water body is so placed that it will not become a City responsibility. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, of design approved by the City. Any lot which includes a water body and contains a building site, shall contain a buildable area that is not less than the minimum buildable area for the applicable zoning district.

Section 9.9 Street Names

The developer shall submit all existing and proposed street names on any proposed subdivision plat. New street names shall be sufficiently different in sound and in spelling from other road names in the city so as to not cause confusion to the general public or for emergency response. A road which is, or planned, as a continuation of an existing road shall bear the same name.

Section 9.10 Reserve Strips and Common Areas

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

The creation of reserve strips shall not be permitted adjacent to a proposed street or to adjacent property in such a manner as to deny access from adjacent property to the street. No common areas shall be allowed in a subdivision except where notation has been placed on the plat to prohibit development on the common area.

Section 9.11 Double Frontage Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from a collector street or to overcome specific disadvantages of topography and orientation. The City may require that a notation be placed on the plat to limit the facing of main structures or to limit driveway access from a collector street.

Section 9.12 General Infrastructure Policy

(03-03-09 / O-09-1712)

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

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

E. Public Easements – All public improvements shall be constructed within easements or rights-of-way that have been dedicated for public use. The width of an easement or right-of-way shall be in accordance with the specifications contained elsewhere in this Land Development Code.

F. Escrow Policy for Sidewalks

1. Request for Escrow

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

2. Deposit with the City

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

3. Determination of Escrow Amount

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

~~4. Termination of Escrow~~

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

~~5. Refund~~

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

~~6. Interest Limitation~~

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

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

~~7. Waiver of Escrow~~

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

8.4. Use of Escrow Funds

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

9.5. Existing Escrow Funds

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

Form for Escrow

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

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

Section 9.13 Water System Requirements

- A. Water Lines – The developer of a subdivision shall be required to install, at no cost to the City, a water distribution system adequate for domestic supply and for fire protection needs which serves each lot. The

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

water system shall be connected to the municipal water system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.

- B. Fire Hydrants – The developer of a subdivision shall be required to install, at no cost to the City, a sufficient number of fire hydrants to provide fire protection to every lot in the subdivision. All structures in residential areas shall have fire hydrants within 500 feet and a 600-foot hose-lay. All structures in commercial areas shall have fire hydrants within 300 feet and a 500-foot hose-lay. The design and construction of the fire hydrant system shall be in accordance with the city design standards and specifications contained in this Land Development Code. The layout of the fire hydrant coverage shall be approved by the Fire Marshal and be in accordance with the standards of the Texas State Board of Insurance requirements. (O-00-1261 / 12-19-00)

Section 9.14 Sewage System Requirements

- A. Sewage Collection Lines – The developer of a subdivision shall be required to install, at no cost to the City, a sewage collection system adequate which shall serve each lot. The sewage collection system shall be connected to the municipal sewage system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.
- B. Private Sewage Treatment Systems – Private sewage treatments systems, including septic tanks, shall be prohibited except where approved by the Director of Public ~~Services~~Works or designee and the Tarrant County Health Department.

Section 9.15 Storm Water Facility Requirements

- A. Drainage Improvement Requirements – The developer shall provide for the design of storm water management in the proposed subdivision and shall be required to furnish, install, construct, or extend, at his own expense, all storm sewers and drainage structure facilities necessary for the proper development of the subdivision. Storm water facilities shall conform to the storm water drainage master plan and shall be designed in accordance with the design standards and specifications contained in this Land Development Code. Alternate earthen channels may be approved when in accordance with the criteria established in *Chapter 14 – Engineering Design Standards*.
- B. Drainage Easements – All public drainage facilities shall be constructed within a public drainage easement or drainage right-of-way as required by the City. The following statement of restriction shall be placed in the dedication instrument of the subdivision plat:

Drainage Easement Restriction: No construction or filling, without the written approval of the City of Colleyville shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result, and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two feet above the 100-year flood elevation.

- C. Development of Flood Plain – Land within the 100-year flood plain shall be subject to the Colleyville Flood Plain Ordinance. Any land which in the natural state is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, re-subdivided, or developed until receipt of evidence that the construction of specific improvements proposed by the developer can be expected to yield a usable building site. Thereafter, the Planning and Zoning Commission may recommend approval of the plat. However, construction upon such land shall be prohibited until the specific improvements have been planned and construction completed.

D. Floodway Easements

1. Floodway easements shall be provided along natural drainage-ways and lakes reservations. Floodway easements shall encompass all areas beneath the water surface elevation of the base flood, plus such

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined and required by the Director of Public ~~Services~~Works or designee.

2. The following statement of restrictions shall be placed in the dedication instrument of the subdivision plat:

Floodway Easement Restriction: No construction shall be allowed within a floodway easement without the written approval of the City of Colleyville, and then only after detailed engineering plans and studies show that no flooding will result.

- E. Off-Site Drainage – The following provisions shall be applicable to off-site drainage of new subdivisions:

1. The developer shall accept and be responsible for all runoff from ~~fully developed property~~properties upstream of the proposed development. The proposed improvements shall be designed for fully developed conditions.
2. Where a drainage study indicates that additional runoff from the developing property will overload downstream drainage facilities and result in hazardous conditions, the City may withhold approval of the development until appropriate provisions have been made. These provisions shall include any drainage design or construction plans necessary to accommodate the off-site drainage problem.

Section 9.16 Street Improvement Requirements

- A. General Requirement – The developer shall construct, at his expense, street facilities necessary for the proper development of the subdivision. The street system shall provide access to every lot in the subdivision and be designed and constructed in accordance with the criteria contained in this Land Development Code.
- B. Improvements to Existing Unimproved Streets and Utilities – This section is applicable to a proposed development situated adjacent to an existing street or municipal utility, which does not meet the standards contained in the Land Development Code. (O-06-1562 / 02-07-06)

1. *Improvements Required* – If a proposed subdivision is situated adjacent to an existing street or municipal utility, which does not meet the standards contained in this Land Development Code, the developer shall bear the cost for constructing the infrastructure improvements required by this Land Development Code in accordance with the General Infrastructure Policy contained elsewhere in the Land Development Code.

For the purpose of this regulation, the calculation used for estimating the reconstruction costs for an unimproved street shall include all street paving, curb and gutter, sidewalks, hike and bike trails, water and sewer utilities, and drainage improvements. The improvements shall be sized in accordance with the most recently approved Master Thoroughfare Plan or Capital Improvements Plan, which is applicable.

2. *Escrow* – The Administrative Official may recommend approval of a subdivision plat to the Approving Body conditioned upon the deposit in escrow of the estimated costs of the adjacent unimproved street and utility improvements in-lieu of the actual construction of said facilities. Any escrow, without interest, shall be applied against any assessment for improvements levied on such property, but shall not be deemed to release such property from liability for any future costs assessed which exceed the escrow.
3. *One and Two Lot Residential Subdivisions* – If a proposed residential subdivision contains only one or two lots and the developer does not own any contiguous property, in lieu of actual construction, the developer shall pay the applicable perimeter street costs in accordance with the General Infrastructure Policy contained elsewhere in this Land Development Code for the initial one hundred feet of street

frontage. The applicable perimeter street costs shall be reduced 0.2% per linear foot of frontage in excess of one hundred feet, not to exceed fifty percent of the applicable additional street frontage.

Exemption: A lot platted under this Section that contains an existing single-family dwelling at the time a subdivision plat application is filed with the City and the lot is situated within a zoning district that allows single-family residential uses, said lot shall have an automatic exemption from the perimeter street costs, provided that existing perimeter street facilities are sufficient to assure the safe, effective and orderly movement of traffic in and about the subdivision and utility services are adequate to serve the development. The following notation shall be placed on the plat: *"Any future divisions of these lots will require full compliance with the unimproved street requirements applicable at the time of any subsequent re-platting."*

Section 9.17 Street Design Criteria

- A. Street Functional Classification – All streets shall be designed in accordance with the functional classification shown on the most recent version of the Master Thoroughfare Plan and the following:

Functional Classification of Streets	
Street Classification	Functions - Uses
Local	Carries traffic from residential and commercial areas to collector streets and interconnects individual sites. Local streets carry light traffic volumes and trips are of a short duration.
Collector Major Minor	Carries traffic from local streets to arterial streets. Uses served would include medium and high density residential, limited commercial facilities, elementary schools, some small offices and as direct access within industrial parks. Collector streets also carry heavy traffic to major commercial and industrial facilities from arterial streets. Uses would include office parks, industrial parks, and community level commercial facilities.
Arterial Major Minor	The main function of an arterial is to carry traffic from one urban area to another. The arterial streets serve the major activity centers of urbanized areas. An arterial street is used for longer urban trips and carries a high portion of the total traffic with a minimum of mileage.

- B. Street Design

1. *In-General* – Streets shall be designed with due regard to topography, with due consideration of the abutting uses, and the anticipated destination of traffic and traffic volumes at full development of the neighborhood. Where necessary to prevent traffic congestion and to ease the movement of vehicles to and from principal traffic generators, additional right-of-way width or other special design shall be provided. Where topographical conditions make other treatment necessary to secure the best overall design, these standards may be modified by the Director of Public Works or designee approving body.
2. *Street Continuity* – The street layout shall provide for the continuation of the collector street system as shown on the Master Thoroughfare Plan. Streets shall provide connection to streets in adjacent subdivisions, but local streets shall be designed so as to discourage use by through traffic and to require the minimum number of streets necessary for convenient and safe access to property.
3. *Curvilinear Streets Encouraged* - The subdivider-developer is encouraged to consider curvilinear, cul-de-sac, and loop street designs where such use would result in a more functional layout and not necessarily adhere to a rigid rectangular gridiron street pattern.
4. *Right-of-way Widths* – Every subdivision plat shall dedicate sufficient right-of-way to comply with the requirements of the Master Thoroughfare Plan. The right-of-way widths shall be designed for the intended use and anticipated traffic volume at optimum development of the area served. Additional right-of-way may be required at street intersections and to provide for left and right turn lanes at high-volume intersections.

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

5. *Cul-de-sac Lengths* – No street shall be designed as a permanent dead-end street, but shall be designed to incorporate a cul-de-sac which complies with this Section. (O-00-1261 / 12-19-00)
- a. *Diameter* – A cul-de-sac street shall be provided at the closed end with a minimum property line right-of-way diameter of one hundred feet, and a pavement turn-around with a minimum outside diameter of eighty feet (80'). (O-00-1261 / 12-19-00)
 - b. *Length* – No cul-de-sac street shall exceed six hundred feet (600') in length, unless additional right-of-way width and additional pavement width are provided as required in this Section. Furthermore, no cul-de-sac street shall exceed the maximum length of one-thousand two hundred feet (1,200'). For purpose of this regulation, cul-de-sac length shall be measured along the centerline of the cul-de-sac from the intersecting street right-of-way line to the center point of the cul-de-sac. (O-00-1261 / 12-19-00)
 - c. *Width* – A cul-de-sac street shall have a minimum right-of-way width of fifty feet (50') and a minimum pavement width of thirty-one feet (31'), back-to-back of curb. However, a cul-de-sac street which exceeds six-hundred feet (600') in length shall have a minimum right-of-way width of fifty-six feet (56') and minimum pavement width of thirty-six feet (36'), back-to-back of curb. (O-00-1261 / 12-19-00)
 - d. *Maximum Number of Lots* – The maximum number of single-family lots served on a cul-de-sac street shall be as shown in the following table: (O-00-1261 / 12-19-00)

Maximum SF Residences Served on Cul-de-sac	
District	Max. Number of Lots Served
AG	5
RE	5
R-40	10
R-30	10
R-20	12
R-15	12
PUD-R	12

- e. *Temporary Turn-Around* – A temporary turn-around is required when a street is temporarily dead-ended and is longer than one-hundred and fifty (150) feet, as measured from the intersecting street right-of-way line. The temporary turn-around shall be within a temporary easement and constructed of asphalt or concrete. (O-00-1261 / 12-19-00)
6. *Temporary Dead-End Streets* - Temporary dead-end streets shall have provision for future extension of the street and utilities and, if a temporary cul-de-sac is utilized, a reversionary right to the land abutting the turnaround for excess right-of-way shall be provided.
7. *Stub-outs for Future Extensions* - Permanent dead-end roads shall not be allowed. The street layout shall be extended to the tract boundary to provide for future access into adjoining tracts to assure adequate neighborhood circulation, unless prevented by topography or other physical conditions, or unless, the Planning and Zoning Commission determines that the extension is neither necessary for future development of adjacent tracts. In general, these extensions should be not more than one thousand (1,000) feet apart.
8. *Pavement Required* - All street surfaces within or abutting the proposed subdivision shall be paved, with curbs and gutters installed, and constructed in accordance with the standards and specifications contained elsewhere in this Land Development Code.

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

9. *Frontage Access Road* - Where a subdivision abuts or contains an existing or proposed collector street or railroad right-of-way or abuts a commercial or industrial land use, the City may require a frontage street approximately parallel to and on each side of such right-of-way to separate through and local traffic, or reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or equivalent treatment as may be necessary for adequate protection of residential properties.
10. *Half Streets* - Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining land is subdivided, the other half of the street shall be platted within such tract.
11. *Number of Subdivision Entryways* – Every subdivision shall be designed to provide sufficient access into the development to accommodate anticipated traffic demands and to provide for emergency public services using the criteria contained in this Section. (O-01-1280 / 08-08-01)
 - a. Where a proposed subdivision, or cul-de-sac street, contains more than twelve (12) lots, the development shall provide for two entryways as follows:
 - i. The development shall provide one street entryway and one emergency access easement. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway. The widths of the right-of-way and driving surfaces of the street entryway and the emergency access easement shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - ii. The development shall provide two street entryways separated not less than one-hundred feet between the centerlines of the driving surfaces. The widths of the right-of-way and driving surfaces of the two entryways shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - iii. The development shall provide a divided entryway and one emergency access easement. The driving surfaces of the divided entryway shall be separated by a median not less than ten (10) feet in width and provide for one-way traffic. The widths of the right-of-way and driving surfaces of the divided entryway shall be in accordance with the standards contained elsewhere in this Land Development Code. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway and be constructed in accordance with the standards contained elsewhere in this Land Development Code.
 - b. If it is physically impractical or otherwise impossible to provide two entryways or to incorporate an emergency access easement into the development in accordance with the above stated requirements, the following alternative may be considered by the approving body:
 - i. A single pavement width of forty-one (41) feet shall be constructed. Said pavement shall extend back from the intersecting street right-of-way a minimum distance of one-hundred (100') feet. All residences within the subdivision shall contain automatic fire-sprinkler systems.
 - c. If it is physically impractical or otherwise impossible to comply with the above-stated requirements, an alternative design may be submitted to the City Council for consideration. The approving body may approve the alternate design if it finds that the above-state requirements can not be satisfied and that all efforts have been made by the developer to comply with said requirements.
12. *Reverse Curves* - Between reverse curves there shall be a tangent section of centerline not less than one hundred feet (100') long.

C. Intersections

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable.
 2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City.
 3. Street jogs with centerline offsets of less than one hundred thirty-five (135) feet shall not be permitted.
 4. Local streets intersecting a collector street or larger shall have a tangent section of centerline at least fifty (50) feet in length measured from the right-of-way line of the collector street; however, no such tangent is required when the minor street curve has a centerline radius greater than four hundred (400) feet with the center located on the collector street right-of-way line.
 5. At local street intersections, the property line corner shall be rounded by an arc having a radius of twelve (12) feet. This radius shall be increased when the smallest angle of intersection is less than eighty (80) degrees. At intersections of streets with major and collector streets the property line corners shall be rounded by an arc having a radius of twenty-five (25) feet. The ~~approving body~~ Director of Public Works or designee may ~~submit~~ approve comparable cut-offs or cords in place of rounded corners.
 6. Where practical, spacing of intersections along collector streets shall be at least 500 feet apart.
- D. Easements – Easements for drainage and utility construction, service, and maintenance shall be provided in locations approved by the City and affected utilities according to the following standards:
1. Easement for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided on each lot and extend along the entire length of the rear property line. Easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
 2. For lots of more than two hundred (200) feet deep, the utility easement shall be not less than sixteen (16) feet wide.
 3. The width of any drainage easement shall be determined by the ~~City Engineer~~ Director of Public Works or designee or in accordance with the need for drainage improvements established by any drainage study.
 4. All utility easements shall be dedicated as utility and/or drainage easements.
 5. When an easement is granted for public purposes as a separate instrument, the following statement of restrictions shall be placed in dedication instrument:

Utility Easements

Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

- E. Easements Adjacent to State Highways – When a proposed water or sewer line or drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility.

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

- F. Emergency Access Easements – Emergency access easements shall have a clear unobstructed width to accommodate a pavement section of not less than twenty-four (24) feet in width. The emergency access easement shall connect at each end to a dedicated public street or shall have a suitable size turnaround at the dead-end, and appropriate turning space at inside corners to permit free movement of emergency vehicles. An emergency access easement may be used as a driveway to gain access to parking or loading spaces, but shall not be used for parking. All emergency access gates shall provide for an opening of not less than twenty four (24) feet wide by fourteen (14) feet in height and include a locking and opening mechanism acceptable to the Fire Department. (03-20-07 / O-07-1613)
- G. Alleys – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-around facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:
1. Twenty feet (20') where residential building sites are provided on both sides;
 2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;
 3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.
- H. Mutual Access Easements (O-02-1336 / 04-16-02)
1. *Purpose* – The purpose of this requirement is to provide public access to adjacent properties by reducing the number of driveway cuts and potential traffic accidents on adjacent streets.
 2. *Applicability* – This Section shall be applicable to properties abutting and that may derive access from a Collector Street or Arterial Street as shown on the Master Thoroughfare Plan.
 3. *Requirement* – The City shall require the dedication of a mutual access easement to provide cross access to adjacent properties or shared use of a driveway to conform with the minimum driveway standards contained in Chapter 14 of this Land Development Code.
 4. *Easement Dimensions* – Easements for shared driveways shall be 16 feet in width and 35 feet in length, but may vary given the shape of the particular tract. Easements extending across the entire width of the property shall not be less than 24 feet in width.

Section 9.18 Traffic Impact Analysis

When a proposed subdivision plat is estimated to generate more than 1,000 vehicle trips per day, a traffic impact analysis shall be required with the earliest submittal of a plat application. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public ServicesWorks or designee. The purpose of the traffic impact analysis is to determine the need for traffic mitigation measures which may include, but are not limited to, dedication of additional right-of-way, construction of turning lanes, or construction of traffic control facilities. This requirement may be waived when a traffic impact analysis was submitted at the time the current zoning was adopted and the traffic impact analysis is less than one year old. Any mitigating measures required shall be the responsibility of the developer, unless a cost-sharing agreement is approved by the City.

Section 9.19 Sidewalks

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

A. A. General Sidewalk Requirement

1. ~~Sidewalks shall be constructed prior to completion of any primary structure for all lots that: (1) front on streets required to have sidewalks as shown on the City's Supplemental Sidewalk System Map, are required as part of a Planned Unit Development or Special use Permit; or; (2) are required as part of a Planned Unit Development or Special use Permit front on a new street dedicated in conjunction with a subdivision plan; or, (3) front on an existing City Street. new street dedicated in conjunction with a subdivision plat. Other than properties zoned as Planned Unit Developments or containing Special Use Permits with specific sidewalk provisions, any variance to the sidewalk construction requirements described above shall be considered by the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be considered to be final. Other than properties zoned as Planned Unit Developments or containing special Use Permits with specific sidewalk provisions, sidewalks shall be required to be constructed prior to the final inspection. Any variance to the sidewalk construction requirements described above shall be considered by the City Council.~~
2. The sidewalks shall be constructed adjacent to and within the public street right-of-way and include curb ramps where applicable. Where no public right-of-way exists, the sidewalk shall be located within a public access easement that provides accommodation of the future street right-of-way dedication. When a subdivision is proposed with a masonry or other permanent perimeter screening wall adjacent to a street, the sidewalk shall be constructed by the developer at the same time as the -screening wall. All sidewalks shall conform to the standards and specifications contained in this Land Development Code.
3. When circumstances exist wherein it is not practical to construct a sidewalk, the developer maybe afforded the opportunity to escrow funds in an amount sufficient to pay for the construction of a sidewalk at some future date.
- ~~1.4.~~ The issuance of a building permit is contingent on the written commitment of the applicant to construct a sidewalk or pay the required escrow amount.

- B. Trails System Sidewalks – When a proposed sidewalk coincides with the general location of a future sidewalk shown in the most recently approved Colleyville Trails System Plan, the sidewalk shall be constructed in accordance with the design standards for a trails system sidewalk. The standards and specifications for a trails system sidewalk are contained elsewhere in this Land Development Code. The developer shall be required to provide additional street right-of-way dedication or a public access easement of sufficient width to accommodate the trails system sidewalk. Where the trails system sidewalk will be located at the rear or to the side of a lot, such as within a green-belt or similar open space, the developer shall provide sufficient right-of-way or public access easement to accommodate the sidewalk.

Section 9.20 Street Lighting

- A. General Requirements – The developer shall be required to install, at no cost to the City, a street lighting system at all street intersections, at the end of all cul-de-sac streets, and at additional locations in accordance with the criteria contained elsewhere in *Chapter 14 – Engineering Design Standards* of this Land Development Code. All City Lighting shall be consistent with standard light pole ONCOR Texas Style Pole D with Luminaire F with a Finial Band. Any variance from this standard requires written approval from the Director of Public Works or designee.

Section 9.21 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1261	12/19/00	Cul-de sac street lengths
O-00-1261	12/19/00	Lot Drainage and Grading
O-00-1261	12/19/00	Fire Hydrants
O-00-1261	12/19/00	Divided Entryways

Copy of February 18, 2014 City Council Briefing Approving Sidewalk Amendments

Colleyville, Texas, Land Development Code

O-00-1280	08/08/01	Number of Subdivision Entryways
O-00-1214	12/18/01	Existing Unimproved Street Requirements
O-02-1336	04/16/02	Mutual Access Easements
O-06-1562	02/07/06	General Infrastructure Policy
O-07-1613	03/20/07	Emergency Access Gates
O-09-1712	03/03/09	Amendment to sidewalk regulations – Sections 9.12 and 9.19
O-12-1860	01/08/13	Amendment to sidewalk regulations adding appeal process to the City Council from the P&Z
<u>O-14-1907</u>	<u>02/18/14</u>	<u>Amendment to Sidewalk Regulations & General Update</u>

ORDINANCE O-14-1907

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 9-SUBDIVISION DESIGN AND PUBLIC FACILITIES OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City Council approved Ordinance O-09-1712 on March 3, 2009 amending the sidewalk construction, escrow, and waiver provisions in Chapter 9; and

WHEREAS, the City Council approved Ordinance O-12-1860 on January 8, 2013 amending the sidewalk construction, escrow, and waiver provisions in Chapter 9; and

WHEREAS, the City Council desires to further amend the policy and procedures regarding sidewalks; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 10 days before such hearing.

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

Sec. 1. THAT *Chapter 9-Subdivision Design and Public Facilities* of the Land Development Code, is hereby amended in its entirety to read as depicted in the attached Exhibit "A".

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

Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or

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

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

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

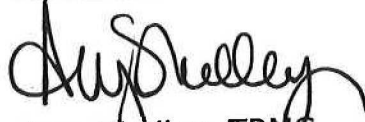
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 4th day of February 2014.

The second reading and public hearing being conducted on the 18th day of February 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 18th day of February 2014.

ATTEST:


Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

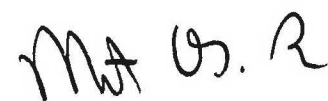

Matthew C. G. Boyle
City Attorney

Exhibit "A"

Colleyville, Texas, Land Development Code

Chapter 9 Subdivision Design & Public Facilities

Rev. 02/18/2014

Section 9.1 Purpose of This Chapter

The purpose of this Chapter is to establish design guidelines necessary for proper layout of a subdivision and to establish the public improvement requirements for the development of a subdivision, but more specifically to:

1. ensure that public facilities and services are available to all subdivisions in the City; and
2. establish reasonable standards of design for public facilities.

Section 9.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 212 – Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
2. *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.
3. *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 9.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver 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 9.4 Definitions

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

Section 9.5 Subdivision Design Guidelines

Every subdivision plat shall be reviewed for conformance with the design guidelines contained in this Land Development Code. The City recognizes that suitability characteristics vary from site to site and when approving a subdivision plat the following guidelines shall be used for interpretation, application and enforcement of the design guidelines contained in this Land Development Code:

1. It is the intention of these subdivision design guidelines to encourage new and creative ways to develop subdivisions. Developers and city officials are encouraged to utilize new and innovative ways to improve safety, economy, tax yield, maintenance cost, response time, drainage, vehicular access, and pedestrian passage.

Exhibit "A"

Colleyville, Texas, Land Development Code

2. Whenever a developer can demonstrate an alternative method of meeting the requirements of this Land Development Code, it shall be incumbent upon the city staff, the Planning and Zoning Commission, and the City Council to review the proposed variations and approve, approve with modifications, or disapprove the proposed alternatives as appropriate for the conditions.

Section 9.6 Blocks

- A. General Design – Blocks should have sufficient depth to provide for two (2) tiers of lots of appropriate depths, except that blocks adjacent to major streets, railroads or waterways shall have only one tier of lots.
- B. Block Lengths & Widths – Residential and industrial blocks generally shall be no longer than sixteen hundred (1,600) feet and business blocks no longer than one thousand (1,000) feet. Where long blocks in the vicinity of a school, park or shopping center are proposed, the City Council may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block.

Section 9.7 Lots

- A. Lot Arrangement – Lots shall be arranged to provide access to lots from approved streets and to avoid foreseeable difficulties due to topography and natural physical features inherent to the property.
- B. Lot Area and Dimensions – Lot area and dimensions shall be consistent with the minimum requirements of the applicable zoning district and the following:
 1. Special Lot Width Requirement - The width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width. In the case of lots on the turning circle of a cul-de-sac, the width may be less than eighty (80) percent of the required lot width.
 2. The City may approve a plat which contains a lot that does not meet the minimum requirements when special conditions exist.
- C. Frontage on Public Access Required – All lots shall have frontage on a public street, except a non-residential lot may be approved when the proposed public access has been determined by City to be adequate to meet the intent of this requirement. The lot line common to the street right-of-way line shall be the front line; except that a lot may have more than one lot line common to a street right-of-way line.
- D. Access from Major Thoroughfares
 1. Residential Lots - No residential lot shall front on or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, except where the proposed subdivision meets all the following criteria:
 - a. Where the only street frontage which may be provided to the residential lot is from a collector street due to the shape, topography, or other physical condition of the property;
 - b. The Director of Public Works or designee has provided favorable recommendation; and
 - c. Where the residential lot is designed and dimensioned to permit loop driveways or on-site turnaround facilities so that vehicles head into the collector street.
 2. Non-residential Lots – Non-residential lots which have frontage onto or derive access directly from an existing or proposed collector street, or larger, as shown on the Master Thoroughfare Plan, shall have driveway locations which *comply with the spacing requirements established elsewhere in Chapter 14 – Engineering Design Standards* of this Land Development Code.

Exhibit "A"

Colleyville, Texas, Land Development Code

- E. Buildable Area – Every lot shall contain a buildable area that is adequate in size for the proposed development. The buildable area shall be situated out of the 100 year flood plain.
- F. Flag Lots Prohibited – It is the policy of the City to prohibit the creation of flag lots unnecessarily, and to discourage the creation of any lot which, by virtue of its relatively great depth in relation to its width, is likely to facilitate future requests for re-subdivision to create a flag lot.
- G. Building Lines – Front building lines shall be shown on all lots in the subdivision. Building lines shall be shown along each street-facing of corner lots and through-lots. The building line shall be consistent with the requirements of the applicable zoning district, however, the City may approve a building line which differs from the zoning requirements when special conditions exist.
- H. Side Lot Lines – Where possible, all side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- I. Lot Drainage and Grading
 - 1. Grading and drainage of all lots shall be designed in a manner which will allow one lot to drain across an adjacent lot and into a permanent structure, such as a concrete flume, lined channel, or proper inlet to an adequate drainage facility, or to a street right-of-way. If an approved drainage structure is not present, it will be required of the developer to construct the necessary facilities. (O-00-1261 / 12-19-00)
 - 2. Sheet flow techniques shall be used for lot to lot drainage where possible. (O-00-1261 / 12-19-00)
 - 3. Single lots shall accommodate their own drainage into an approved structure where topographic elevations allow this to occur. (O-00-1261 / 12-19-00)
 - 4. For lots that an approved engineered grading plan does not exist, the developer of the site shall submit a grading plan prepared by a licensed Professional Engineer.

Section 9.8 Waterbodies and Water Courses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the adjacent lots. The City may approve an alternate plan provided the ownership of and responsibility for maintenance of the water body is so placed that it will not become a City responsibility. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, of design approved by the City. Any lot which includes a water body and contains a building site, shall contain a buildable area that is not less than the minimum buildable area for the applicable zoning district.

Section 9.9 Street Names

The developer shall submit all existing and proposed street names on any proposed subdivision plat. New street names shall be sufficiently different in sound and in spelling from other road names in the city so as to not cause confusion to the general public or for emergency response. A road which is, or planned, as a continuation of an existing road shall bear the same name.

Section 9.10 Reserve Strips and Common Areas

The creation of reserve strips shall not be permitted adjacent to a proposed street or to adjacent property in such a manner as to deny access from adjacent property to the street. No common areas shall be allowed in a subdivision except where notation has been placed on the plat to prohibit development on the common area.

Exhibit "A"

Colleyville, Texas, Land Development Code

Section 9.11 Double Frontage Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from a collector street or to overcome specific disadvantages of topography and orientation. The City may require that a notation be placed on the plat to limit the facing of main structures or to limit driveway access from a collector street.

Section 9.12 General Infrastructure Policy

(03-03-09 / O-09-1712)

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

Exhibit "A"

Colleyville, Texas, Land Development Code

1. Request for Escrow

Whenever these regulations require a property owner to construct a sidewalk for a dwelling unit, the property owner may petition the City for deposit of an escrowed amount, as established in this Section, in lieu of the required construction of a sidewalk. The Director of Public Works or designee shall determine whether the escrow is reasonable in lieu of the obligation to construct the improvement. If an escrow request is denied, then the applicant may appeal that denial to the City Council if a written request for appeal is received by the Director of Public Works or designee within ten (10) days of the denial.

2. Deposit with the City

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

3. Determination of Escrow Amount

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

4. Use of Escrow Funds

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

5. Existing Escrow Funds

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

Exhibit "A"

Colleyville, Texas, Land Development Code

- iii. This Ordinance shall apply to any and all funds paid into the sidewalk escrow fund in lieu of sidewalk construction after the effective date of this Ordinance.

Section 9.13 Water System Requirements

- A. Water Lines – The developer of a subdivision shall be required to install, at no cost to the City, a water distribution system adequate for domestic supply and for fire protection needs which serves each lot. The water system shall be connected to the municipal water system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.
- B. Fire Hydrants – The developer of a subdivision shall be required to install, at no cost to the City, a sufficient number of fire hydrants to provide fire protection to every lot in the subdivision. All structures in residential areas shall have fire hydrants within 500 feet and a 600-foot hose-lay. All structures in commercial areas shall have fire hydrants within 300 feet and a 500-foot hose-lay. The design and construction of the fire hydrant system shall be in accordance with the city design standards and specifications contained in this Land Development Code. The layout of the fire hydrant coverage shall be approved by the Fire Marshal and be in accordance with the standards of the Texas State Board of Insurance requirements. (O-00-1261 / 12-19-00)

Section 9.14 Sewage System Requirements

- A. Sewage Collection Lines – The developer of a subdivision shall be required to install, at no cost to the City, a sewage collection system adequate which shall serve each lot. The sewage collection system shall be connected to the municipal sewage system and be designed, sized and constructed in accordance with the city design standards and specifications contained in this Land Development Code.
- B. Private Sewage Treatment Systems – Private sewage treatments systems, including septic tanks, shall be prohibited except where approved by the Director of Public Works or designee and the Tarrant County Health Department.

Section 9.15 Storm Water Facility Requirements

- A. Drainage Improvement Requirements – The developer shall provide for the design of storm water management in the proposed subdivision and shall be required to furnish, install, construct, or extend, at his own expense, all storm sewers and drainage structure facilities necessary for the proper development of the subdivision. Storm water facilities shall conform to the storm water drainage master plan and shall be designed in accordance with the design standards and specifications contained in this Land Development Code. Alternate earthen channels may be approved when in accordance with the criteria established in *Chapter 14 – Engineering Design Standards*.
- B. Drainage Easements – All public drainage facilities shall be constructed within a public drainage easement or drainage right-of-way as required by the City. The following statement of restriction shall be placed in the dedication instrument of the subdivision plat:

Drainage Easement Restriction: No construction or filling, without the written approval of the City of Colleyville shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result, and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two feet above the 100-year flood elevation.

- C. Development of Flood Plain – Land within the 100-year flood plain shall be subject to the Colleyville Flood Plain Ordinance. Any land which in the natural state is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, re-subdivided, or developed until receipt of evidence that the

Exhibit "A"

Colleyville, Texas, Land Development Code

construction of specific improvements proposed by the developer can be expected to yield a usable building site. Thereafter, the Planning and Zoning Commission may recommend approval of the plat. However, construction upon such land shall be prohibited until the specific improvements have been planned and construction completed.

D. Floodway Easements

1. Floodway easements shall be provided along natural drainage-ways and lakes reservations. Floodway easements shall encompass all areas beneath the water surface elevation of the base flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined and required by the Director of Public Works or designee.
2. The following statement of restrictions shall be placed in the dedication instrument of the subdivision plat:

Floodway Easement Restriction: No construction shall be allowed within a floodway easement without the written approval of the City of Colleyville, and then only after detailed engineering plans and studies show that no flooding will result.

E. Off-Site Drainage – The following provisions shall be applicable to off-site drainage of new subdivisions:

1. The developer shall accept and be responsible for all runoff from properties upstream of the proposed development. The proposed improvements shall be designed for fully developed conditions.
2. Where a drainage study indicates that additional runoff from the developing property will overload downstream drainage facilities and result in hazardous conditions, the City may withhold approval of the development until appropriate provisions have been made. These provisions shall include any drainage design or construction plans necessary to accommodate the off-site drainage problem.

Section 9.16 Street Improvement Requirements

- A. General Requirement – The developer shall construct, at his expense, street facilities necessary for the proper development of the subdivision. The street system shall provide access to every lot in the subdivision and be designed and constructed in accordance with the criteria contained in this Land Development Code.
- B. Improvements to Existing Unimproved Streets and Utilities – This section is applicable to a proposed development situated adjacent to an existing street or municipal utility, which does not meet the standards contained in the Land Development Code. (O-06-1562 / 02-07-06)

1. *Improvements Required* – If a proposed subdivision is situated adjacent to an existing street or municipal utility, which does not meet the standards contained in this Land Development Code, the developer shall bear the cost for constructing the infrastructure improvements required by this Land Development Code in accordance with the General Infrastructure Policy contained elsewhere in the Land Development Code.

For the purpose of this regulation, the calculation used for estimating the reconstruction costs for an unimproved street shall include all street paving, curb and gutter, sidewalks, hike and bike trails, water and sewer utilities, and drainage improvements. The improvements shall be sized in accordance with the most recently approved Master Thoroughfare Plan or Capital Improvements Plan, which is applicable.

2. *Escrow* – The Administrative Official may recommend approval of a subdivision plat to the Approving Body conditioned upon the deposit in escrow of the estimated costs of the adjacent unimproved street

Exhibit "A"

Colleyville, Texas, Land Development Code

and utility improvements in-lieu of the actual construction of said facilities. Any escrow, without interest, shall be applied against any assessment for improvements levied on such property, but shall not be deemed to release such property from liability for any future costs assessed which exceed the escrow.

3. *One and Two Lot Residential Subdivisions* – If a proposed residential subdivision contains only one or two lots and the developer does not own any contiguous property, in lieu of actual construction, the developer shall pay the applicable perimeter street costs in accordance with the General Infrastructure Policy contained elsewhere in this Land Development Code for the initial one hundred feet of street frontage. The applicable perimeter street costs shall be reduced 0.2% per linear foot of frontage in excess of one hundred feet, not to exceed fifty percent of the applicable additional street frontage.

Exemption: A lot platted under this Section that contains an existing single-family dwelling at the time a subdivision plat application is filed with the City and the lot is situated within a zoning district that allows single-family residential uses, said lot shall have an automatic exemption from the perimeter street costs, provided that existing perimeter street facilities are sufficient to assure the safe, effective and orderly movement of traffic in and about the subdivision and utility services are adequate to serve the development. The following notation shall be placed on the plat: *"Any future divisions of these lots will require full compliance with the unimproved street requirements applicable at the time of any subsequent re-platting."*

Section 9.17 Street Design Criteria

- A. Street Functional Classification – All streets shall be designed in accordance with the functional classification shown on the most recent version of the Master Thoroughfare Plan and the following:

Functional Classification of Streets	
Street Classification	Functions - Uses
Local	Carries traffic from residential and commercial areas to collector streets and interconnects individual sites. Local streets carry light traffic volumes and trips are of a short duration.
Collector Major Minor	Carries traffic from local streets to arterial streets. Uses served would include medium and high density residential, limited commercial facilities, elementary schools, some small offices and as direct access within industrial parks. Collector streets also carry heavy traffic to major commercial and industrial facilities from arterial streets. Uses would include office parks, industrial parks, and community level commercial facilities.
Arterial Major Minor	The main function of an arterial is to carry traffic from one urban area to another. The arterial streets serve the major activity centers of urbanized areas. An arterial street is used for longer urban trips and carries a high portion of the total traffic with a minimum of mileage.

- B. Street Design

1. *In-General* – Streets shall be designed with due regard to topography, with due consideration of the abutting uses, and the anticipated destination of traffic and traffic volumes at full development of the neighborhood. Where necessary to prevent traffic congestion and to ease the movement of vehicles to and from principal traffic generators, additional right-of-way width or other special design shall be provided. Where topographical conditions make other treatment necessary to secure the best overall design, these standards may be modified by the Director of Public Works or designee..
2. *Street Continuity* – The street layout shall provide for the continuation of the collector street system as shown on the Master Thoroughfare Plan. Streets shall provide connection to streets in adjacent subdivisions, but local streets shall be designed so as to discourage use by through traffic and to require the minimum number of streets necessary for convenient and safe access to property.

Exhibit "A"

Colleyville, Texas, Land Development Code

3. *Curvilinear Streets Encouraged* - The developer is encouraged to consider curvilinear, cul-de-sac, and loop street designs where such use would result in a more functional layout and not necessarily adhere to a rigid rectangular street pattern.
4. *Right-of-way Widths* - Every subdivision plat shall dedicate sufficient right-of-way to comply with the requirements of the Master Thoroughfare Plan. The right-of-way widths shall be designed for the intended use and anticipated traffic volume at optimum development of the area served. Additional right-of-way may be required at street intersections and to provide for left and right turn lanes at high-volume intersections.
5. *Cul-de-sac Lengths* - No street shall be designed as a permanent dead-end street, but shall be designed to incorporate a cul-de-sac which complies with this Section. (O-00-1261 / 12-19-00)
 - a. *Diameter* - A cul-de-sac street shall be provided at the closed end with a minimum property line right-of-way diameter of one hundred feet, and a pavement turn-around with a minimum outside diameter of eighty feet (80'). (O-00-1261 / 12-19-00)
 - b. *Length* - No cul-de-sac street shall exceed six hundred feet (600') in length, unless additional right-of-way width and additional pavement width are provided as required in this Section. Furthermore, no cul-de-sac street shall exceed the maximum length of one-thousand two hundred feet (1,200'). For purpose of this regulation, cul-de-sac length shall be measured along the centerline of the cul-de-sac from the intersecting street right-of-way line to the center point of the cul-de-sac. (O-00-1261 / 12-19-00)
 - c. *Width* - A cul-de-sac street shall have a minimum right-of-way width of fifty feet (50') and a minimum pavement width of thirty-one feet (31'), back-to-back of curb. However, a cul-de-sac street which exceeds six-hundred feet (600') in length shall have a minimum right-of-way width of fifty-six feet (56') and minimum pavement width of thirty-six feet (36'), back-to-back of curb. (O-00-1261 / 12-19-00)
 - d. *Maximum Number of Lots* - The maximum number of single-family lots served on a cul-de-sac street shall be as shown in the following table: (O-00-1261 / 12-19-00)

Maximum SF Residences Served on Cul-de-sac	
District	Max. Number of Lots Served
AG	5
RE	5
R-40	10
R-30	10
R-20	12
R-15	12
PUD-R	12

- e. *Temporary Turn-Around* - A temporary turn-around is required when a street is temporarily dead-ended and is longer than one-hundred and fifty (150) feet, as measured from the intersecting street right-of-way line. The temporary turn-around shall be within a temporary easement and constructed of asphalt or concrete. (O-00-1261 / 12-19-00)
6. *Temporary Dead-End Streets* - Temporary dead-end streets shall have provision for future extension of the street and utilities and, if a temporary cul-de-sac is utilized, a reversionary right to the land abutting the turnaround for excess right-of-way shall be provided.
7. *Stub-outs for Future Extensions* - Permanent dead-end roads shall not be allowed. The street layout shall be extended to the tract boundary to provide for future access into adjoining tracts to assure adequate neighborhood circulation, unless prevented by topography or other physical conditions, or unless, the Planning and Zoning Commission determines that the extension is neither necessary for

Exhibit "A"

Colleyville, Texas, Land Development Code

future development of adjacent tracts. In general, these extensions should be not more than one thousand (1,000) feet apart.

8. *Pavement Required* - All street surfaces within or abutting the proposed subdivision shall be paved, with curbs and gutters installed, and constructed in accordance with the standards and specifications contained elsewhere in this Land Development Code.
9. *Frontage Access Road* - Where a subdivision abuts or contains an existing or proposed collector street or railroad right-of-way or abuts a commercial or industrial land use, the City may require a frontage street approximately parallel to and on each side of such right-of-way to separate through and local traffic, or reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or equivalent treatment as may be necessary for adequate protection of residential properties.
10. *Half Streets* - Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining land is subdivided, the other half of the street shall be platted within such tract.
11. *Number of Subdivision Entryways* – Every subdivision shall be designed to provide sufficient access into the development to accommodate anticipated traffic demands and to provide for emergency public services using the criteria contained in this Section. (0-01-1280 / 08-08-01)
 - a. Where a proposed subdivision, or cul-de-sac street, contains more than twelve (12) lots, the development shall provide for two entryways as follows:
 - i. The development shall provide one street entryway and one emergency access easement. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway. The widths of the right-of-way and driving surfaces of the street entryway and the emergency access easement shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - ii. The development shall provide two street entryways separated not less than one-hundred feet between the centerlines of the driving surfaces. The widths of the right-of-way and driving surfaces of the two entryways shall be in accordance with the standards contained elsewhere in this Land Development Code, or
 - iii. The development shall provide a divided entryway and one emergency access easement. The driving surfaces of the divided entryway shall be separated by a median not less than ten (10) feet in width and provide for one-way traffic. The widths of the right-of-way and driving surfaces of the divided entryway shall be in accordance with the standards contained elsewhere in this Land Development Code. The emergency access easement shall be located on an adjacent or opposite side of the subdivision from the main entryway and be constructed in accordance with the standards contained elsewhere in this Land Development Code.
 - b. If it is physically impractical or otherwise impossible to provide two entryways or to incorporate an emergency access easement into the development in accordance with the above stated requirements, the following alternative may be considered by the approving body:
 - i. A single pavement width of forty-one (41) feet shall be constructed. Said pavement shall extend back from the intersecting street right-of-way a minimum distance of one-hundred (100') feet. All residences within the subdivision shall contain automatic fire-sprinkler systems.
 - c. If it is physically impractical or otherwise impossible to comply with the above-stated requirements, an alternative design may be submitted to the City Council for consideration. The approving body

Exhibit "A"

Colleyville, Texas, Land Development Code

may approve the alternate design if it finds that the above-state requirements can not be satisfied and that all efforts have been made by the developer to comply with said requirements.

12. *Reverse Curves* - Between reverse curves there shall be a tangent section of centerline not less than one hundred feet (100') long.

C. Intersections

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable.
2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City.
3. Street jogs with centerline offsets of less than one hundred thirty-five (135) feet shall not be permitted.
4. Local streets intersecting a collector street or larger shall have a tangent section of centerline at least fifty (50) feet in length measured from the right-of-way line of the collector street; however, no such tangent is required when the minor street curve has a centerline radius greater than four hundred (400) feet with the center located on the collector street right-of-way line.
5. At local street intersections, the property line corner shall be rounded by an arc having a radius of twelve (12) feet. This radius shall be increased when the smallest angle of intersection is less than eighty (80) degrees. At intersections of streets with major and collector streets the property line corners shall be rounded by an arc having a radius of twenty-five (25) feet. The Director of Public Works or designee may approve comparable cut-offs or cords in place of rounded corners.
6. Where practical, spacing of intersections along collector streets shall be at least 500 feet apart.

D. Easements – Easements for drainage and utility construction, service, and maintenance shall be provided in locations approved by the City and affected utilities according to the following standards:

1. Easement for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided on each lot and extend along the entire length of the rear property line. Easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
2. For lots of more than two hundred (200) feet deep, the utility easement shall be not less than sixteen (16) feet wide.
3. The width of any drainage easement shall be determined by the Director of Public Works or designee or in accordance with the need for drainage improvements established by any drainage study.
4. All utility easements shall be dedicated as utility and/or drainage easements.
5. When an easement is granted for public purposes as a separate instrument, the following statement of restrictions shall be placed in dedication instrument:

Utility Easements

Any public utility, including the City of Colleyville, shall have the right to move and keep moved all or part of any building, fences, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Colleyville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

Exhibit "A"

Colleyville, Texas, Land Development Code

- E. Easements Adjacent to State Highways – When a proposed water or sewer line or drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility.
- F. Emergency Access Easements – Emergency access easements shall have a clear unobstructed width to accommodate a pavement section of not less than twenty-four (24) feet in width. The emergency access easement shall connect at each end to a dedicated public street or shall have a suitable size turnaround at the dead-end, and appropriate turning space at inside corners to permit free movement of emergency vehicles. An emergency access easement may be used as a driveway to gain access to parking or loading spaces, but shall not be used for parking. All emergency access gates shall provide for an opening of not less than twenty four (24) feet wide by fourteen (14) feet in height and include a locking and opening mechanism acceptable to the Fire Department. (03-20-07 / O-07-1613)
- G. Alleys – Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites for adequate circulation. Where approved by the Fire Marshal, an emergency access easement not less than twenty-four feet (24') in width shall be provided for emergency vehicle access in lieu of any alley. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided. Property line corners shall be cut off fifteen feet (15') on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-around facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service vehicles and emergency vehicles. Alleys shall be not less than the following widths:
1. Twenty feet (20') where residential building sites are provided on both sides;
 2. Twenty-two feet (22') wherever residential development abuts commercial or industrial areas;
 3. Twenty-four feet (24') where commercial or industrial development abuts on both sides.
- H. Mutual Access Easements (O-02-1336 / 04-16-02)
1. *Purpose* – The purpose of this requirement is to provide public access to adjacent properties by reducing the number of driveway cuts and potential traffic accidents on adjacent streets.
 2. *Applicability* – This Section shall be applicable to properties abutting and that may derive access from a Collector Street or Arterial Street as shown on the Master Thoroughfare Plan.
 3. *Requirement* – The City shall require the dedication of a mutual access easement to provide cross access to adjacent properties or shared use of a driveway to conform with the minimum driveway standards contained in Chapter 14 of this Land Development Code.
 4. *Easement Dimensions* – Easements for shared driveways shall be 16 feet in width and 35 feet in length, but may vary given the shape of the particular tract. Easements extending across the entire width of the property shall not be less than 24 feet in width.

Section 9.18 Traffic Impact Analysis

When a proposed subdivision plat is estimated to generate more than 1,000 vehicle trips per day, a traffic impact analysis shall be required with the earliest submittal of a plat application. The traffic impact analysis shall be prepared in accordance with the requirements of the Director of Public Works or designee. The purpose of the traffic impact analysis is to determine the need for traffic mitigation measures which may include, but are not limited to, dedication of additional right-of-way, construction of turning lanes, or construction of traffic control facilities. This requirement may be waived when a traffic impact analysis was submitted at the time the current zoning was adopted and the traffic impact analysis is less than one year old. Any mitigating measures required shall be the responsibility of the developer, unless a cost-sharing agreement is approved by the City.

Exhibit "A"

Colleyville, Texas, Land Development Code

Section 9.19 Sidewalks

A. General Sidewalk Requirement

1. Sidewalks shall be constructed prior to completion of any primary structure for all lots that: (1) are required as part of a Planned Unit Development or Special use Permit; or, (2) front on a new street dedicated in conjunction with a subdivision plan; or, (3) front on an existing City Street. Other than properties zoned as Planned Unit Developments or containing special Use Permits with specific sidewalk provisions, sidewalks shall be required to be constructed prior to the final inspection. Any variance to the sidewalk construction requirements described above shall be considered by the City Council.
2. The sidewalks shall be constructed adjacent to and within the public street right-of-way and include curb ramps where applicable. Where no public right-of-way exists, the sidewalk shall be located within a public access easement that provides accommodation of the future street right-of-way dedication. When a subdivision is proposed with a masonry or other permanent perimeter screening wall adjacent to a street, the sidewalk shall be constructed by the developer at the same time as the screening wall. All sidewalks shall conform to the standards and specifications contained in this Land Development Code.
3. When circumstances exist wherein it is not practical to construct a sidewalk, the developer maybe afforded the opportunity to escrow funds in an amount sufficient to pay for the construction of a sidewalk at some future date.
4. The issuance of a building permit is contingent on the written commitment of the applicant to construct a sidewalk or pay the required escrow amount.

- B. Trails System Sidewalks – When a proposed sidewalk coincides with the general location of a future sidewalk shown in the most recently approved Colleyville Trails System Plan, the sidewalk shall be constructed in accordance with the design standards for a trails system sidewalk. The standards and specifications for a trails system sidewalk are contained elsewhere in this Land Development Code. The developer shall be required to provide additional street right-of-way dedication or a public access easement of sufficient width to accommodate the trails system sidewalk. Where the trails system sidewalk will be located at the rear or to the side of a lot, such as within a green-belt or similar open space, the developer shall provide sufficient right-of-way or public access easement to accommodate the sidewalk.

Section 9.20 Street Lighting

- A. General Requirements – The developer shall be required to install, at no cost to the City, a street lighting system at all street intersections, at the end of all cul-de-sac streets, and at additional locations in accordance with the criteria contained elsewhere in *Chapter 14 – Engineering Design Standards* of this Land Development Code. All City Lighting shall be consistent with standard light pole ONCOR Texas Style Pole D with Luminaire F with a Finial Band. Any variance from this standard requires written approval from the Director of Public Works or designee.

Section 9.21 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1261	12/19/00	Cul-de sac street lengths
O-00-1261	12/19/00	Lot Drainage and Grading
O-00-1261	12/19/00	Fire Hydrants
O-00-1261	12/19/00	Divided Entryways
O-00-1280	08/08/01	Number of Subdivision Entryways
O-00-1214	12/18/01	Existing Unimproved Street Requirements

Exhibit "A"

Colleyville, Texas, Land Development Code

O-02-1336	04/16/02	Mutual Access Easements
O-06-1562	02/07/06	General Infrastructure Policy
O-07-1613	03/20/07	Emergency Access Gates
O-09-1712	03/03/09	Amendment to sidewalk regulations – Sections 9.12 and 9.19
O-12-1860	01/08/13	Amendment to sidewalk regulations adding appeal process to the City Council from the P&Z
O-14-1907	02/18/14	Amendment to Sidewalk Regulations & General Update

RESOLUTION R-14-3740

**A RESOLUTION APPROVING A REQUEST FOR A WAIVER FROM THE
SIDEWALK ESCROW REQUIREMENTS ON LOT 7, BLOCK 3, OF THE
STAFFORD HEIGHTS SUBDIVISION LOCATED AT 4613 MANNING
DRIVE**

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

- Sec. 1. THAT the sidewalk escrow requirement for Lot 7, Block 3, of the
Stafford Heights Subdivision located at 4613 Manning Road is
hereby waived.
- Sec. 2. THAT all other requirements of the Land Development Code shall
be met, except where amended herein.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS
ON THIS THE 15TH DAY OF APRIL 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TMRC
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 6b

Agenda Date 04/15/2014

Number Resolution R-14-3741

Type Resolution

Department Community Development

Title

Consideration of a request to amend the Colleyville Pathways Plan, by removing Trail 35 from the plan, Case GC14-005

Explanation

Reading and Public Hearing

The applicant, Mark Howe, is requesting an amendment to the Colleyville Pathways Plan, by removing Trail 35 from the plan for property located at 6113 Waller Lane.

Applicants' Request. The applicant is requesting that Trail 35 be removed from the Pathway Plan or, be relocated to Hardage Lane. According to the applicant, as stated in the attached application, the reason for the request is as follows: "The trail would create an alley between lots, which would not be safe for the neighbors or neighborhood or the people walking in the alley. There are no sidewalks to connect the trail to, and no trail to connect to." The applicant has provided eight letters of support from adjacent property owners for the trail waiver. One additional letter of support was hand delivered by the resident.

Trail Requirement. The applicant is the developer of the Pecan Park III Addition (attached), which includes six single family lots on 4.5 acres located between Waller Lane and Ponderosa Street. This plat was approved by the Planning and Zoning Commission on February 24, 2014. Lots 2 and 4, Block 2, of the proposed plat, straddle a portion of Trail 35 as shown on the Colleyville Pathways Plan. Section 9.19(B) in the Land Development Code requires the developer to construct the trail as follows:

"B. Trails System Sidewalks – When a proposed sidewalk coincides with the general location of a future sidewalk shown in the most recently approved Colleyville Trails System Plan, the sidewalk shall be constructed in accordance with the design standards for a trails system sidewalk. The standards and specifications for a trails system sidewalk are contained elsewhere in this Land Development Code. The developer shall be required to provide additional street right-of-way dedication or a public access easement of sufficient width to accommodate the trails system sidewalk. Where the trails system sidewalk will be located at the rear or to the side of a lot, such as within a green-belt or similar open space, the developer shall provide sufficient right-of-way or public access easement to accommodate the sidewalk."

A ten foot public access easement is indicated on the plat where the required trail is located. The developer is also required to construct Ponderosa Street such that it connects to the two stubs on either end of the development. As part of this construction; sidewalks, four feet in width, are required to be constructed on both sides of the new street.

Existing conditions. Per the attached exhibit, sidewalks currently exist along Waller Lane northward to Hardage Lane, thence westward along Hardage Lane to Ponderosa Street, thence southward along Ponderosa Street, at which point the sidewalk terminates into the subject property. All of these sidewalks are four feet in width. In addition to these sidewalks, a four foot concrete pathway extends along the eastern boundary of the Pleasant Run Baptist Church property connecting Colleyville Elementary School to Cooks Lane where the existing sidewalk begins. According to the plat for the church, there is no sidewalk and/or access easement for this pathway and City staff could find no existing agreements between the City, church, or school related to this pathway.

In addition, all homes along the route of Trail 35 were constructed before the 2005 Pathways Plan. The most recent home at 5704 Ponderosa Street was constructed in 1991. The residence at 6109 Waller Lane was constructed in 1977, and the residence at 6113 Waller Lane was built in 1965.

Colleyville Pathways Plan. The Colleyville Pathways Plan labels Trail 35 as the "Hardage Cut-through Trail". The trail is also included in the 2011 Parks, Recreation and Open Space Master Plan. The trail intersects the south property line of the subject property. According the Colleyville Pathways Plan, *"the trail route will provide a safe route for children walking to the Colleyville Middle and Elementary School campuses"*. Under the section titled "Sidewalk Proposals for Safe School Access" in the plan, regarding Trail 35 the plan also states: *"Colleyville Elementary/Hardage Connection - A sidewalk or trail from Hardage to Colleyville Elementary School going along the back of the commercial properties. This sidewalk will provide a safe alternative for school children rather than going along Colleyville Boulevard."*

Finally, the 2011 Parks, Recreation and Open Space Master Plan provided an update to the Colleyville Pathways Plan by reprioritizing the recommendation for construction of the trails. The Colleyville Pathways Plan numbered the trails based on priority ranking. Therefore, Trail 35 was ranked 35th in construction priority. Given this, Trail 35 was re-prioritized in 2011 from 35 to number seven per the attached table. The reason for the higher ranking according to the 2011 Parks, Recreation and Open Space Master Plan is that "citizens expressed the need to assign higher priority to trails in natural areas and trails that connect neighborhoods to schools".

The Hardage Cut-through Trail is a 0.2 mile long (the 0.4 mile distance noted in the Pathway's Plan is incorrect) 10-foot wide trail extending from Ponderosa Street to Cooks Lane that straddles the subject property and the properties to the south. The

Colleyville Pathways Plan requires that a 20-foot pedestrian access easement be dedicated for the trail. Therefore, as mentioned above, the applicant was required to dedicate a 10 foot wide public access easement for the northern portion of the trail that straddles the subject property and is required to build only five feet, or half, of the required trail.

The escrow cost of constructing the 5-foot portion of the trail is \$14,291.00.

Staff Analysis. Hardage Lane connects Pleasant Run Road to Colleyville Boulevard and, although it is not on the Master Thoroughfare Plan, it serves as an unofficial east/west collector street for the Hardage Estates and Pecan Park Estates neighborhoods, which includes 101 single family detached homes. A four foot wide sidewalk runs along both sides of Hardage Lane from Pleasant Run Road to a terminus approximately 2,143 feet east of Pleasant Run Road and 1,188 feet west of Colleyville Boulevard.

Unfortunately, because no sidewalks exist along Ponderosa Street south of the subject property, Trail 35, if constructed, would provide little value in terms of connecting to any existing sidewalks along Ponderosa Street other than the sidewalks that run along the street to the north. In effect, the only value that Trail 35 would bring to the neighborhood would be to create a short-cut that would have the effect of reducing the walk to Colleyville Elementary School by 0.2 miles (1,000 feet) for students that live directly east and south of the subject property once the missing portion of Ponderosa Street is constructed.

That said, given the high priority given to Trail 35 in the 2011 Parks, Recreation and Open Space Master Plan - ranking the trail at number seven in terms of importance - and the fact that both the Colleyville Pathways Plan and the 2011 Parks and Open Space Master Plan recommendations were based on citizen input, staff cannot recommend approval of the applicant's request.

Financial Impact

There is no financial impact associated with this request.

Recommendation

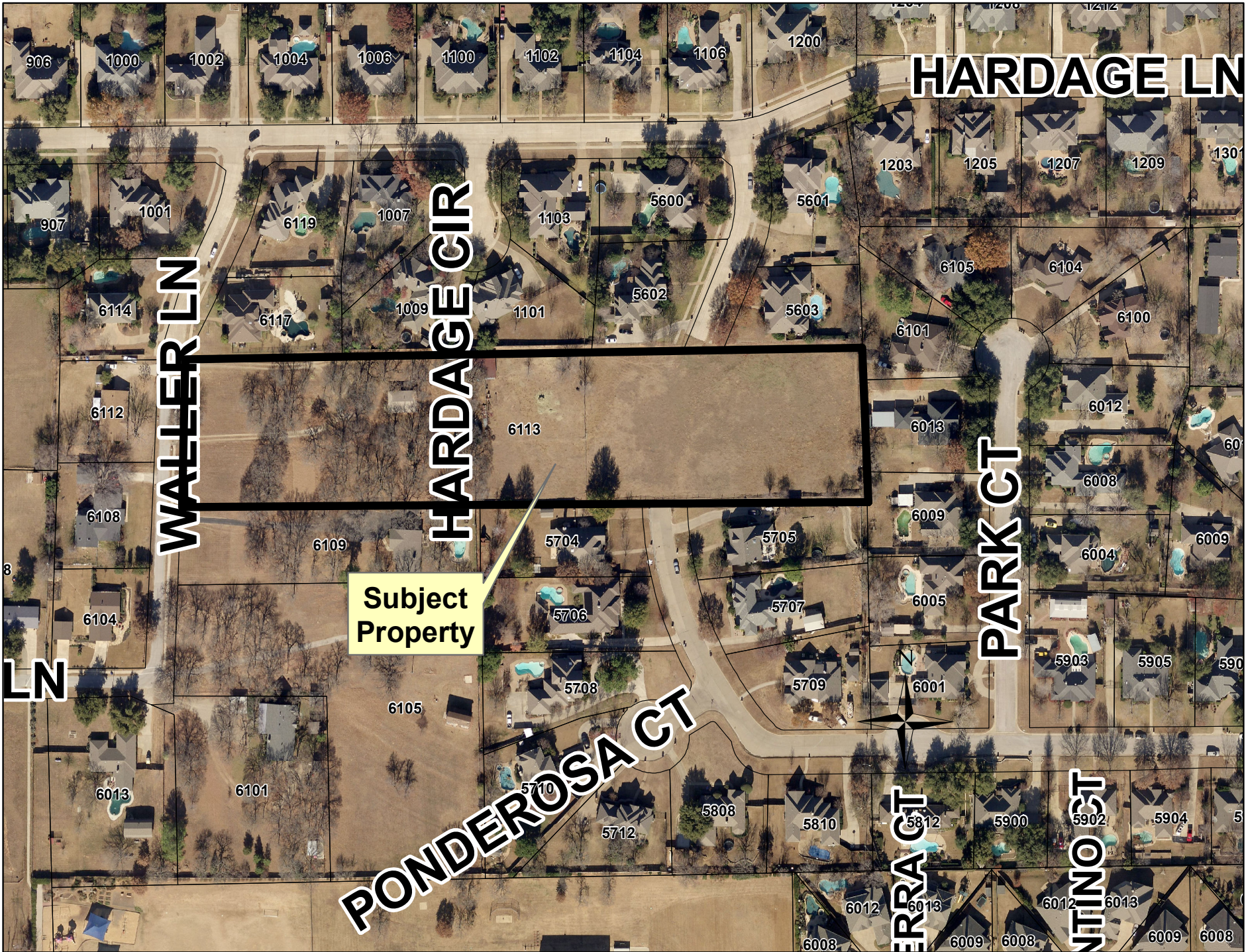
Denial

Attachments

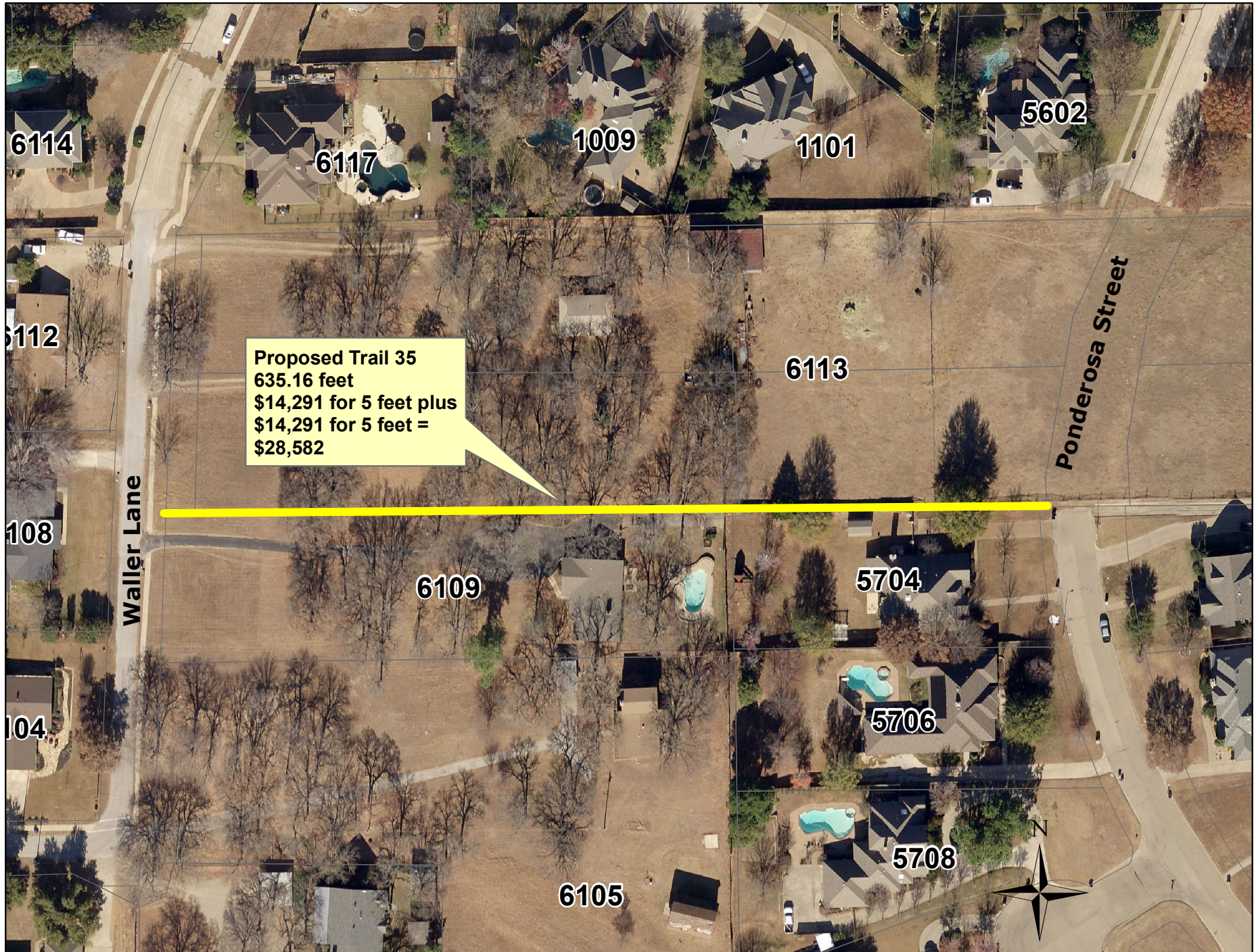
1. Aerial Zoomed Out
2. Aerial Zoomed In
3. Application
4. Letters of Support
5. Area Sidewalk Map
6. Pecan Park III Addition Plat
7. Colleyville Pathways Plan Excerpt

8. 2011 Parks, Recreation and Open Space Master Plan - Colleyville Pathways Plan Update
9. Resolution R-14-3741

Aerial Zoomed Out



Aerial Zoomed In



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.

- ☒ Sidewalk Waiver for Trail System
☐ General Waiver

PROPERTY INFORMATION

Project Name: Pecan Park III
Project Address (Location): 6113 Weller Lane
Legal Description: 4.54 ac out of the Andrew J. Caldwell Survey abt 331 Tract 16
Proposed Number of Lots: 6 Gross Acres: 4.54 ac Neighborhood District: _____
Existing Zoning: R-20 Proposed Zoning: R-20
Existing Use: Single home Proposed Use: Six home sites

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

APPLICANT - OWNER INFORMATION

Applicant: Mark Howe Company: Flying H Property Company II, LLC
Address: 3100 Paris Brooke Ct Tel: 817-223-3015 Fax: _____
City: Colleyville State: TX ZIP: 76034 Email: _____
Applicant's Status: (check one) ☐ Owner ☐ Representative ☐ Tenant ☐ Prospective Buyer

Property Owner: Flying H Property Company II, LLC Company: _____
Address: 3100 Paris Brooke Ct Tel: 817-223-3015 Fax: _____
City: Colleyville State: TX ZIP: _____ Email: _____
Ownership Status: (check one) ☐ Individual ☐ Trust ☒ Partnership ☐ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

Flying H Property Company II, LLC

SIGNATURE: [Signature] Date: 3/3/14

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

SIGNATURE: [Signature]

(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 #: EC14-005

Total Fee(s): \$125

Receipt #: R15995

Date Submitted: 3/3/14

Accepted By: [Signature]

Public Hearing Date: _____

Application

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

Sidewalk Construction Acknowledgement and Escrow Request Form

(Please print clearly)



Part 1. Property Owner Information		Part 2. Applicant Information	
Site Street Address: <u>6113 Waller Lane</u>		Name of Applicant: <u>Flying H Property Company II, LLC</u>	
Name of Property Owner: <u>Flying H Property Company II, LLC</u>		Street Address of Contractor: <u>3100 Carisbrook Ct</u>	
Address of Property Owner: <u>3100 Carisbrook Ct</u>		City / State / Zip: <u>Colleyville TX 76034</u>	
City / State / Zip: <u>Colleyville TX 76034</u>	Telephone: <u>817-223-3015</u>	Relationship to Property Owner: <u>owner</u>	Telephone: <u></u>
Email Address of Property Owner: <u></u>		Email Address of Applicant: <u>- same -</u>	
Legal Description of Property: <u>4.54 ac out of the Andrew J. Caldwell Survey 9bst. 331 Tract 16</u>			
Part 3. Description of Request			
Check the appropriate boxes:			
☐ Plan to construct the required sidewalks/trails associated with this project ☒ Request consideration for the option for escrow in lieu of construction <u>to abandon the Trails</u> (I understand payment of escrow is required prior to the issuance of any permits, and the funds may be used at any location within the neighborhood district)			
Description or justification for the escrow request:			
☐ There is a drainage ditch where the sidewalk should be placed ☒ My neighborhood is older and does not have sidewalks ☐ I prefer not to construct the sidewalk ☐ Other <u></u>			
Description (Provide any addition information that you would like considered for your request):			
<u>The trail would create an alley between lots which would not be safe for the neighbors or neighborhood on the people walking in the alleys. There are no sidewalks to connect the trail to, and no trail to connect to.</u>			
Date: <u>3/3/14</u>			
Printed Name(Applicant): <u>Mark Howe</u>		Signature (Applicant): <u>[Signature]</u>	
Part 4. For Office Use Only			
Reviewed by: <u></u> P.W. Dept.	Staff Recommendation Escrow Option Approved: ☐ Yes ☐ No ☐ NA	City Manager Review* *only required for denial ☐ Yes ☐ No	Escrow Amount: \$ <u></u>
		Receipt Number: <u></u>	Date Escrow Paid <u></u>
Comments & Special Conditions: <u></u> <u></u> <u></u>			
Distribution: ☐ CRW ☐ Property Owner ☐ Applicant		Permit Number: <u>GC 14-005 (pd, \$125)</u>	

Letters of Support

Deanna Gavlak

5712 Ponderosa Ct
Colleyville, TX 76034
817.366.7732

April 2, 2014

TO: Colleyville City Council

RE: Proposed trail

Dear Colleyville City Council,

We live off Ponderosa and raised our kids in this neighborhood. It has come to my attention that the City is requiring and plans to build a trail system / alley from Ponderosa west to Waller Street.

We feel it would be much better and more safe to provide that same pedestrian access along the street right of way and in front of houses along the existing and to be constructed sidewalks that would follow Ponderosa north to Hardage, west on Hardage to Waller, and then south on Waller.

This would provide the same access as the cut through trail system, but would not create an alley that the current trail system calls for. This proposed alley would be over 650 feet long between the sides of four homes and with walls or fences on each side of it hidden with little or no lighting.

This type of trail is just asking for trouble and should be abandoned in favor of the sidewalk route.

Thank you for your consideration and smart decision in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deanna Gavlak', written in a cursive style.

Deanna Gavlak

Letters of Support

Kevin Gavlak

5712 Ponderosa Ct
Colleyville, TX 76034
817.296.6296
817.416.9595 fax

April 2, 2014

TO: Colleyville City Council

RE: Proposed trail

Dear Colleyville City Council,

I live on Ponderosa and it has come to my attention that the City is requiring and plans to build a trail system / alley from Ponderosa west to Waller Street.

We feel it would be much better and safer to provide that same pedestrian access along the street right of way and in front of houses along the existing and to be constructed sidewalks that would follow Ponderosa north to Hardage, west on Hardage to Waller, and then south on Waller.

This would provide the same access as the cut through trail system, but would not create an alley that the current trail system calls for. This proposed alley would be over 650 feet long between the sides of four homes and with walls or fences on each side of it hidden with little or no lighting.

This type of trail is just asking for trouble and should be abandoned. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Gavlak', with a long horizontal stroke extending to the right.

Kevin Gavlak

Letters of Support

April 2, 2014

Dear City Council,

~~Ponderosa~~
Waller
I live on ~~Ponderosa~~ and it has come to my attention that the City is requiring and plans to build a trail system from Ponderosa west to Waller Lane between four lots to provide for pedestrian access from Ponderosa to Waller.

We feel that it would be better to provide that same pedestrian access along the street right of way and in front of houses along the existing and to be constructed sidewalks that would follow Ponderosa north to Hardage, west on Hardage to Waller, and then south on Waller.

This will provide the same access as the cut through trail system, but would not create an alley that the current trail system calls for. Said alley would be over 650 feet long between the side of four homes and with walls or fences on each side of it hidden with little or no lighting.

This type of trail is just asking for trouble and should be abandoned.

Thank you for your consideration in this matter.

Sincerely,

Alvin Fisher
6109 WALLER L.W.

Letters of Support

April 2, 2014

Dear City Council,

~~Ponderosa~~
Waller
I live on ~~Ponderosa~~ and it has come to my attention that the City is requiring and plans to build a trail system from Ponderosa west to Waller Lane between four lots to provide for pedestrian access from Ponderosa to Waller.

We feel that it would be better to provide that same pedestrian access along the street right of way and in front of houses along the existing and to be constructed sidewalks that would follow Ponderosa north to Hardage, west on Hardage to Waller, and then south on Waller.

This will provide the same access as the cut through trail system, but would not create an alley that the current trail system calls for. Said alley would be over 650 feet long between the side of four homes and with walls or fences on each side of it hidden with little or no lighting.

This type of trail is just asking for trouble and should be abandoned.

Thank you for your consideration in this matter.

Sincerely,

Suzanne Glover
6109 Waller Ln

4/1/14

Letters of Support

April 2, 2014

Dear City Council,

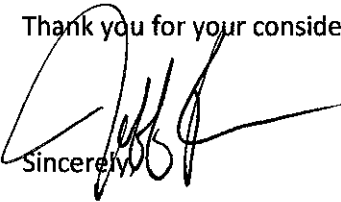
I live on Ponderosa and it has come to my attention that the City is requiring and plans to build a trail system from Ponderosa west to Waller Lane between four lots to provide for pedestrian access from Ponderosa to Waller.

We feel that it would be better to provide that same pedestrian access along the street right of way and in front of houses along the existing and to be constructed sidewalks that would follow Ponderosa north to Hardage, west on Hardage to Waller, and then south on Waller.

This will provide the same access as the cut through trail system, but would not create an alley that the current trail system calls for. Said alley would be over 650 feet long between the side of four homes and with walls or fences on each side of it hidden with little or no lighting.

This type of trail is just asking for trouble and should be abandoned.

Thank you for your consideration in this matter.


Sincerely,

JEFF POLK
5705 PONDEROSA ST.
COLLEGE, TX

Letters of Support

April 2, 2014

Dear City Council,

I live on Ponderosa and it has come to my attention that the City is requiring and plans to build a trail system from Ponderosa west to Waller Lane between four lots to provide for pedestrian access from Ponderosa to Waller.

We feel that it would be better to provide that same pedestrian access along the street right of way and in front of houses along the existing and to be constructed sidewalks that would follow Ponderosa north to Hardage, west on Hardage to Waller, and then south on Waller.

This will provide the same access as the cut through trail system, but would not create an alley that the current trail system calls for. Said alley would be over 650 feet long between the side of four homes and with walls or fences on each side of it hidden with little or no lighting.

This type of trail is just asking for trouble and should be abandoned.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Stephen Benzinger".

5704 Ponderosa St
Colleyville, Tx 76034

Letters of Support

April 2, 2014

Dear City Council,

I live on Ponderosa and it has come to my attention that the City is requiring and plans to build a trail system from Ponderosa west to Waller Lane between four lots to provide for pedestrian access from Ponderosa to Waller.

We feel that it would be better to provide that same pedestrian access along the street right of way and in front of houses along the existing and to be constructed sidewalks that would follow Ponderosa north to Hardage, west on Hardage to Waller, and then south on Waller.

This will provide the same access as the cut through trail system, but would not create an alley that the current trail system calls for. Said alley would be over 650 feet long between the side of four homes and with walls or fences on each side of it hidden with little or no lighting.

This type of trail is just asking for trouble and should be abandoned.

Thank you for your consideration in this matter.

Sincerely,

Shelly Brilley
5704 Ponderosa St
Colleyville, TX 76034

Letters of Support

April 2, 2014

Dear City Council,

I live on Ponderosa and it has come to my attention that the City is requiring and plans to build a trail system from Ponderosa west to Waller Lane between four lots to provide for pedestrian access from Ponderosa to Waller.

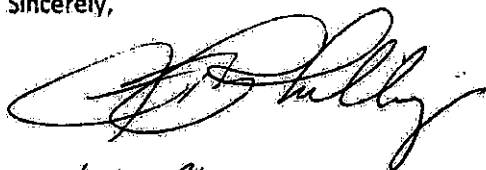
We feel that it would be better to provide that same pedestrian access along the street right of way and in front of houses along the existing and to be constructed sidewalks that would follow Ponderosa north to Hardage, west on Hardage to Waller, and then south on Waller.

This will provide the same access as the cut through trail system, but would not create an alley that the current trail system calls for. Said alley would be over 650 feet long between the side of four homes and with walls or fences on each side of it hidden with little or no lighting.

This type of trail is just asking for trouble and should be abandoned.

Thank you for your consideration in this matter.

Sincerely,



J.B. Phillips

5808 Ponderosa St

Letters of Support

Hand Delivered 4/10/14

6117 Waller Lane

Colleyville, Texas 76034

April 10, 2014

Colleyville City Council

Colleyville, Texas

Dear City Council:

My wife and I have been residents on Waller Lane for the past 21 years and we love our neighborhood. We have thoroughly enjoyed our time in Colleyville and have watched the area develop quite splendidly. We now are expecting the most development in our neighborhood we have seen in a number of years with the expected four homes that will be placed on soon-to-be completed Ponderosa and two homes on Waller Lane, our street.

It has come to our attention from the developer, Mr. Mark Howe that the City is requiring him and the contiguous property owners to contribute to a 650 foot pedestrian way cutting through and between four homes' property from Ponderosa to Waller Lane. It purportedly is part of a pre-planned "trail" system which does not presently exist in this neighborhood. The 650 foot "pedestrian way" would not connect any portion of a trail to any other portion of a trail. In short, it is an unnecessary "trail" pedestrian way, since the trail presently exists along the length of Pleasant Run to the Rail Road trail which extends for miles. There is presently access by sidewalks in front of our homes as planned from the beginning of the neighborhood to access that trail system. This should be continued. There is no need for creating what amounts to an unnecessary alley way from Ponderosa through private property to Waller Lane. This alley way creates a dangerous and mostly unlighted corridor within the neighborhood since it would be walled or fenced on both sides with no means of egress except at each end of the alley way. This is not good risk management, and this risk should be completely avoided.

Sadly, no one in our neighborhood was notified of these plans by the City. There was no asking for input on these plans before they were made several years ago according to my understanding. Taking this significant amount of land from the developer and the present owners of the contiguous property is, in my opinion and others' opinions in the neighborhood, a wrongful taking of land without anyone's consent. While my property is not directly affected, this alley way adversely affects my neighborhood. It makes much more sense to connect the sidewalks in front of the homes where children can play and access the sidewalks along Hardage Road, which connects directly with the trail system along Pleasant Run. Whatever additional "trail" system has been planned for this neighborhood should be abandoned because it makes no sense to us, the owners and neighbors that will pay dearly in land and safety. Sidewalks are needed in front of all our homes, not along-side and through them.

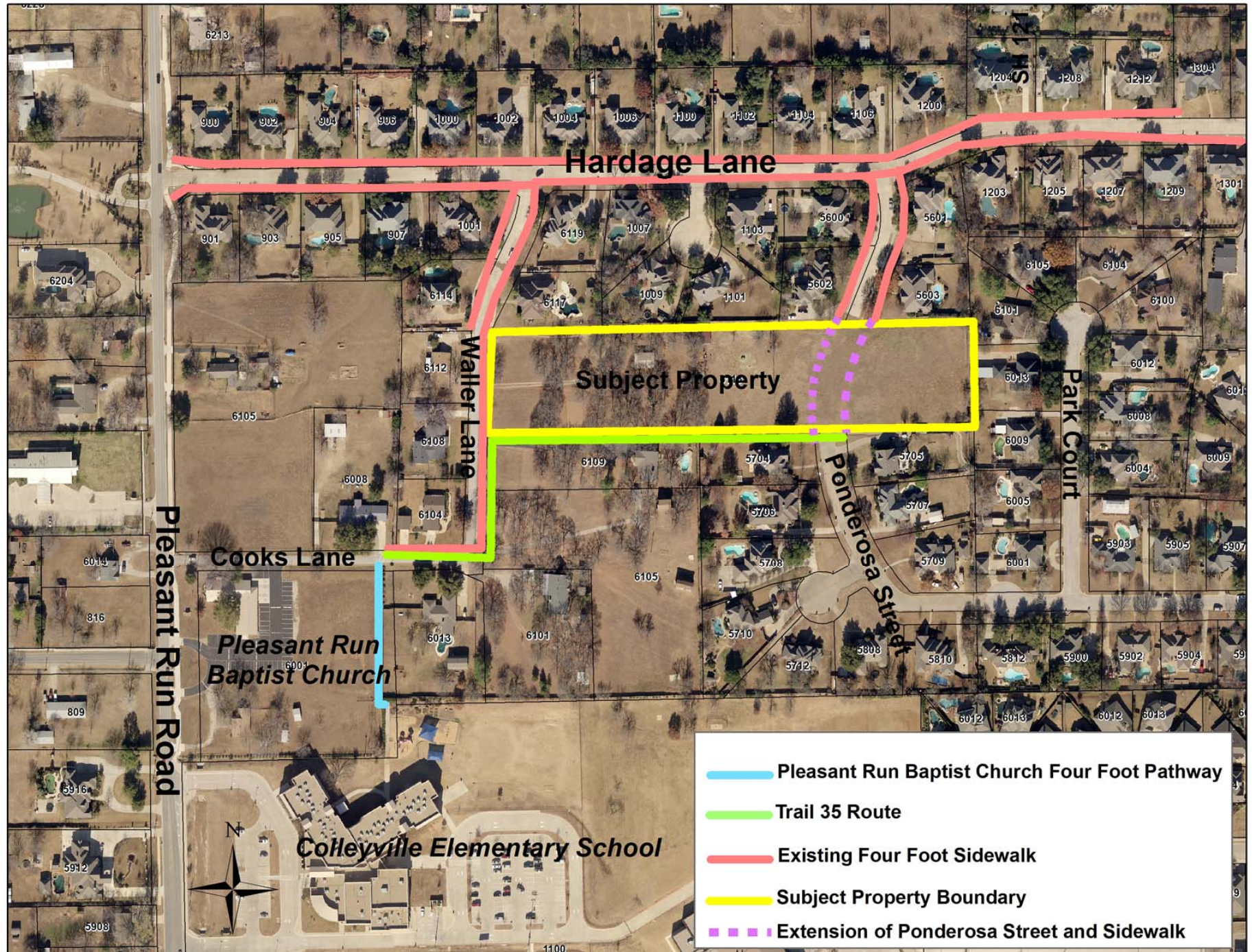
I will be preparing a petition from neighbors to support the abandonment of this unnecessary and dangerous "trail" pedestrian way. Sidewalks in front of homes connecting to the present trail system are what families want.

Thank you for your thoughtful consideration.



Donald W. Bendure, MBA, CPCU, RPLU, RF

Area Sidewalk Map



Colleyville Pathways Plan Excerpt

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

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



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

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



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

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



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

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



2011 Parks, Recreation and Open Space Master Plan

Colleyville Pathways Plan Update

Executive Summary

Pathways Plan

The Colleyville Pathways Plan was reviewed during the development of this Master Plan. Based on the LOS analysis, public demand, and the City's available budget, it was determined that the City consider providing three additional miles of paved trails within the next five years. In order to achieve an additional three miles of paved trails, it is recommended that the City implement the first three or four priority segments shown in Table ES 2.

Segment Prioritization

The Pathways Plan's prioritization of planned trail/pathway segments was revised and new proposed segments were added based on public input gained during this master planning process. Specifically, connectivity to employment and shopping areas had a greater bearing on segment prioritization during this process than it had in the previous iteration of the Pathways Plan. In addition, citizens expressed the need to assign higher priority to trails in natural areas and trails that connect neighborhoods to schools. Furthermore, the importance of developing a strong trail spine that provides long segments of trails connecting the City (rather than constructing small pieces of trail spread across the City) greatly shaped the revised prioritization of the Pathways Plan. Table ES 2 illustrates the revised segment priorities. However, the Cotton Belt Trail Phase III remains the overall top trail priority in Colleyville.

Segment Name	Length (miles)	2011 Priority Ranking	2005 Priority Ranking	Status*
Cotton Belt Phase III	0.65	1	--	Funding Available
Little Bear Creek Trail – West	1.0	2	1	Planned
Little Bear Creek Trail – East	1.6	3	11	Planned
Windview Clubhouse Path	0.2	4	32	Planned
Town Center Greenwalk	0.7	5	13	Partially Completed**
Schoolyard Path	0.7	6	7	Partially Completed***
Hardage Cut-through Trail	0.4	7	35	Planned
Pool Road Trail	0.7	8	5	Planned
Glenhope Pathway	0.2	9	3	Planned
Webb House Crossing	0.11	10	10	Funding Available
Walk to City Park/Pleasant Run Trail (Bogart to Mission)	1.1	11	15	Partially Completed/Funding Available***
Longwood Trail	0.4	12	2	Planned
L.D. Lockett House Path	0.2	13	22	Under Construction
Church Street Greenwalk	0.9	14	12	Partially Completed**
Glade Road Pathway	4.7	15	8	Partially Completed****
Town Center Greenwalk South	0.25	16	--	Proposed
Big Bear Creek Trail Extension	0.5	17	37	Planned
* Proposed indicates trails proposed by this 2011 Master Plan. Planned indicates segments from the 2005 Pathways Plan.				
** Segment constructed by nearby development				
*** Segment constructed in conjunction with a city project				
**** Segment constructed by nearby development and in conjunction with a city project				

2011 Parks, Recreation and Open Space Master Plan

Colleyville Pathways Plan Update



City of Colleyville
2011 Parks, Recreation and Open Space Master Plan

Table ES 2 (continued)
Revised Pathways Plan Segment Priorities

Segment Name	Length (miles)	2011 Priority Ranking	2005 Priority Ranking	Status*
Big Bear Creek West	1.0	18	--	Proposed
Nature Center North Trail	0.9	19	17	Planned
Pleasant Run Pathway	1.2	20	14	Planned
Westcoat / Big Bear Connector	0.75	21	--	Proposed
Timberline Pathway	0.5	22	--	Proposed
Stafford Trail	0.6	23	18	Planned
Cheek-Sparger West Pathway	0.9	24	9	Planned
Precinct Line Trail	2.0	25	30	Planned
Heritage Trail	1.2	26	24	Planned
Woodland Hills Extension	0.2	27	25	Planned
East Little Bear Creek Extension	0.2	28	26	Planned
Little Bear Creek – Far East	0.25	29	--	Proposed
John McCain Trail	0.3	30	33	Planned
Cutter Ridge Pathway	0.5	31	16	Planned
Oakbrook Shortcut	0.2	32	21	Planned
Old Grove Trail	0.5	33	28	Partially Completed**
Cheek-Sparger East Pathway	1.8	34	19	Planned
Beddo Creek Trail	0.7	35	29	Planned
Remington Park Trail	0.6	36	23	Partially Completed**
Glenhope Pathway	0.2	--	--	Completed***
McPherson Loop	0.6	--	--	Completed***
Westmont Trail	0.8	--	--	Completed**
Bogart Connection Trail	0.4	--	--	Completed***
Castleton Trail	0.5	--	--	Completed****

* Proposed indicates trails proposed by this 2011 Master Plan. Planned indicates segments from the 2005 Pathways Plan.

** Segment constructed by nearby development

*** Segment constructed in conjunction with a city project

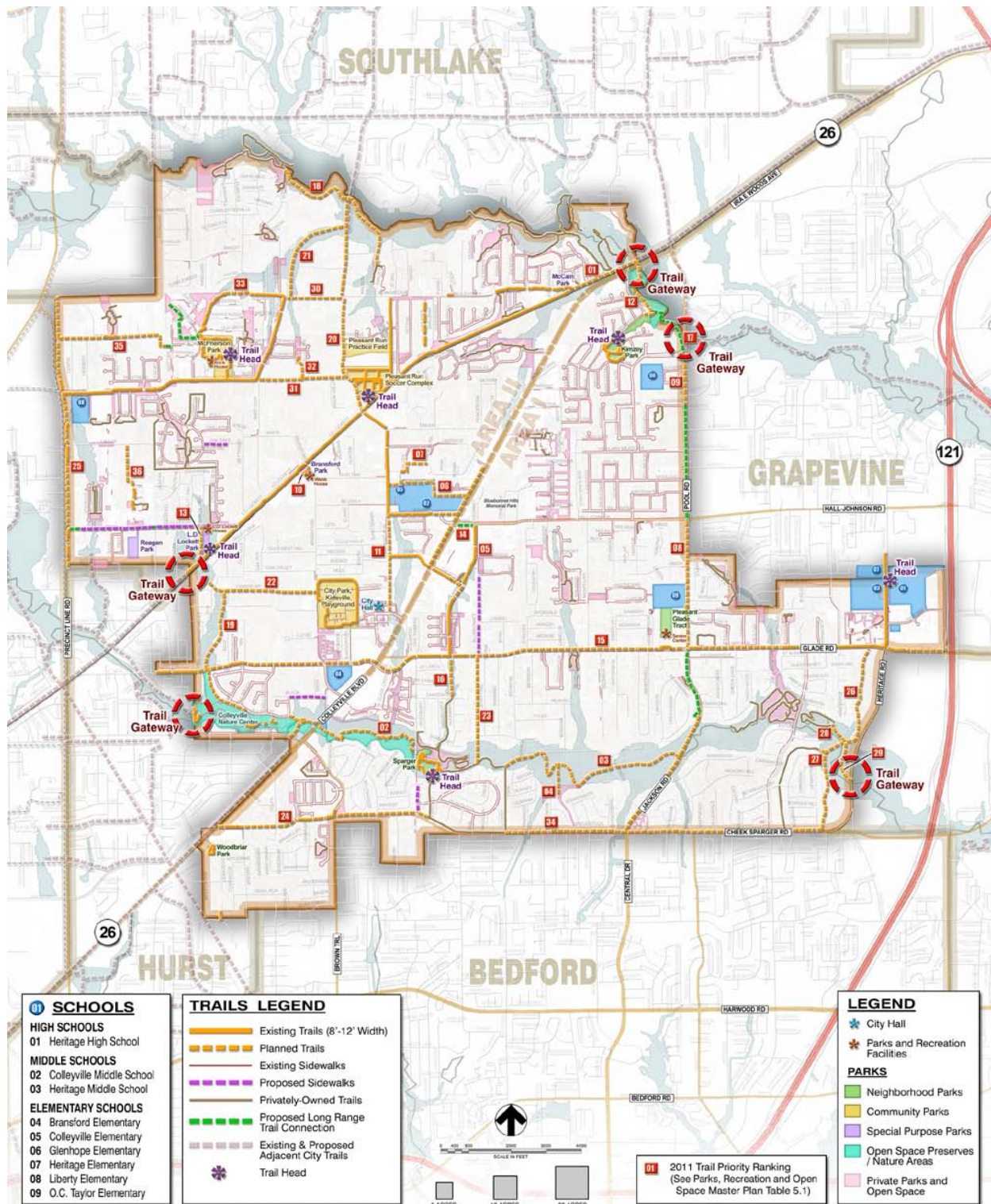
**** Segment constructed by nearby development and in conjunction with a city project

The proposed trail segments (numbers 1, 16, 18, 21, 22, and 29 in the 2011 Priority Ranking column in Table ES 2) are described in the Master Plan report. Similar descriptions of all other segments can be found in the 2005 Pathways Plan.

The **Existing & Planned Trails** map on the next page illustrates the location of existing and planned trails in Colleyville. This map includes the six additional priority segments recommended by the Master Plan and potential locations for trail gateways.

2011 Parks, Recreation and Open Space Master Plan Colleyville Pathways Plan Update

Executive Summary



EXISTING & PLANNED TRAILS

CITY OF COLLEYVILLE, TEXAS



RESOLUTION R-14-3741

A RESOLUTION APPROVING A REQUEST FOR AN AMENDMENT TO THE COLLEYVILLE PATHWAYS PLAN BY REMOVING TRAIL 35 FROM THE PLAN

WHEREAS, Mark Howe, as developer of the Pecan Park III Addition, is required to dedicate public access easements for, and provide for the construction of, one-half of Trail 35 – Hardage Cut-through Trail as described and depicted in the Colleyville Pathways Plan and further amended by the 2011 Parks, Recreation and Open Space Master Plan; and

WHEREAS, Mark Howe is requesting the removal of Trail 35 – Hardage Cut-through Trail from the Colleyville Pathways Plan.

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

- Sec. 1. THAT Trail 35 – Hardage Cut-through Trail is hereby removed from the Colleyville Pathways Plan;
- Sec. 2. THAT any and all references to Trail 35 – Hardage Cut-through Trail in the 2011 Parks, Recreation and Open Space Master Plan are hereby removed.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS ON THIS THE 15TH DAY OF APRIL 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TMRC
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 8

Agenda Date 04/15/2014

Type Report

Department City Secretary

Title

Zoning Board of Adjustment Meeting Minutes - February 11, 2014

Parks and Recreation Advisory Board Meeting Minutes - February 17, 2014

Attachments

1. Zoning Board of Adjustment Meeting Minutes - February 11, 2014
2. Parks and Recreation Advisory Board Meeting Minutes - February 17, 2014



City of Colleyville Zoning Board of Adjustment Minutes

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

Tuesday, February 11, 2014

City Council Chambers

Call to Order

The Sign Board of Appeals meeting of the City of Colleyville was called to order by Board member McNosky on February 11, 2014 at 7:01 p.m.

Roll Call

Present: Board members Mike Patino (Alternate 2), Jason Elms, Mark Collier, and Dee McNosky

Absent: Board member Larry Kainer (Alternate 1), Mike Leathers, and Judson Orlando

Staff Present: Ron Ruthven, Mary Elliott, and Taci Wrisley

1. APPROVAL OF MINUTES

Board member Elms moved to approve the January 14, 2014 meeting minutes as written. Board member Patino seconded.

The motion carried by the following vote:

Aye: 4 – Patino, Elms, Collier, and McNosky

2. CONTINUED PUBLIC HEARING AGENDA ITEM

2a Request for a variance to the fence requirements in Section 3.26 in the Land Development Code on Tract 5B02, Abstract 294, of the Robert C. Chowning Survey, located at 5810 Pool Road, Case VC13-013

Mary Elliott presented the case and briefed the Board.

The public hearing was opened at 7:04 p.m.

William Stearman, the property owner, came forward and briefed the Board.

Board member Elms questioned Mr. Stearman regarding the height difference from where his fence would meet the other subdivision's fences. Mr. Stearman replied on the Highland Park Subdivision fence his fence would meet it at eight (8) feet and on the Highland Meadows Subdivision his fence would meet it at six (6) feet.

Board member Elms questioned Mr. Stearman regarding whether there would be a color difference from the fence and the fence columns. Mr. Stearman replied yes.

Discussion occurred between staff and the Board regarding fence requirements.

Todd Stearnfield, the contractor, came forward and briefed the Board.

Discussion occurred between Mr. Stearnfield, staff and the Board regarding fence requirements.

Board member Elms questioned Mr. Stearnfield regarding the spacing of the fence columns for the Highland Meadows Subdivision. Mr. Stearnfield replied they are 20 feet apart.

Board member Patino questioned Mr. Stearnfield and Mr. Stearman if they were okay with the 20 foot spacing option. Mr. Stearnfield and Mr. Stearman replied yes.

Board member McNoskey questioned Mr. Stearnfield regarding the exhibits and if the exhibits were to show spacing options. Mr. Stearnfield replied yes.

There being no one else wishing to speak, the public hearing was closed at 7:13 p.m.

Board member Elms stated there was clearly not a hardship for this case.

Board member Elms made a motion to approve Case VC13-013 with the following condition: 1) columns spaced at 20 foot intervals with fence being composed of masonry material. Board member Patino seconded.

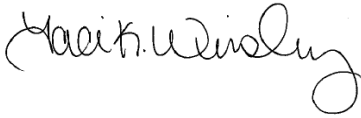
The motion to approve Case VC13-013 with the following condition: 1) columns spaced at 20 foot intervals with fence being composed of masonry material carried by the following vote:

Aye: 4 – Patino, Elms, Collier, and McNosky

3. ADJOURNMENT

The meeting adjourned at 7:14 p.m.

Minutes were written and prepared by:

A handwritten signature in black ink, appearing to read "Taci Wrisley". The signature is fluid and cursive, with a large loop at the end.

Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on April 8, 2014 by a vote of 4-0.



City of Colleyville

Parks and Recreation Advisory Board Minutes

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

Monday, February 17, 2014
6:00 p.m.

Colleyville Public Library
110 Main Street
2nd Floor Meeting Room

1. CALL TO ORDER

Chairperson Suzanne Hughes called the meeting of the Parks and Recreation Advisory Board to order on February 17, 2014 at 6:02 p.m.

ROLL CALL

Present: Chairperson Suzanne Hughes, Board Members Carel Tornes, Charles Bethards, Michelle McGarry, Leti Carson, Ajit Purandare, Hillary Schwanbeck. City staff: Library, Parks and Recreation Director Mary Rodne, Assistant City Manager/Chief Financial Officer Terry Leake, Park Superintendent Tim Hightshoe, Recreation Manager Lisa Escobedo, Administrative Assistant Kathy Moore, and Aaron Babcock, Hidell Architects Associates.

Absent: Board Member David Hays

2. APPROVAL OF MINUTES

October 21, 2013
January 6, 2014-Joint Worksession

Board Member Carel Tornes moved to approve the October 21, 2013 meeting minutes and the January 6, 2014 joint worksession minutes as written. Ajit Purandare seconded the motion. The motion carried with a unanimous vote.

3. REGULAR AGENDA ITEMS

3a Introduction of new Parks and Recreation Advisory Board members

Parks and Recreation Board Chair Suzanne Hughes introduced new members Hillary Schwanbeck, Ajit Purandare, and Leti Carson to the Board. New member, David Hays was unable to attend this meeting.

3b Election of a Chairperson and Vice-Chairperson for the Parks and Recreation Advisory Board

Charles Bethards made a motion that Michelle McGarry be appointed as the Board Chairperson. Leti Carson seconded the motion. The motion carried with a unanimous vote.

Charles Bethards made a motion that Carel Tornes be reappointed as Vice-Chair of the Parks and Recreation Advisory Board. Leti Carson seconded the motion. The motion carried with a unanimous vote.

3c Discussion and consideration of appointments of representatives to serve on subcommittees

The members of the Parks and Recreation Advisory Board recommend Suzanne Hughes to serve on the Park Land Dedication Committee for a one-year term ending December 2014. Carel Tornes made a motion and Leti Carson seconded the motion. The motion carried with a unanimous vote.

The members of the Parks and Recreation Advisory Board recommend Leti Carson to serve on the Park Land Dedication Committee for a two-year term ending December 2015. Suzanne Hughes made a motion and Ajit Purandare seconded the motion. The motion carried with a unanimous vote.

The members of the Parks and Recreation Advisory Board recommend Ajit Purandare to serve on the Colleyville Tree Board for a two-year term ending December 2015. Leti Carson made a motion and Suzanne Hughes seconded the motion. The motion carried with a unanimous vote.

3d Update and discussion of the Longwood property designation

Park Superintendent Tim Hightshoe stated that at the October 2013 Parks and Recreation Advisory Board meeting, staff brought forward Council's request for the Board to review the designation of the Longwood property and make recommendations for possible future use. He noted that in order to gain a better understanding of the issues associated with the property, Board members, City Council and City staff toured the property on November 2, 2013.

Hightshoe suggested that this item be tabled due to the number of new members on the Board; additionally he suggested that a tour of all the park facilities, along with the Longwood property be scheduled to bring the new members up to date. Tim noted that the Longwood property designation would be moved to the next regularly scheduled meeting in April.

Discussion continued in regard to the property location and the possible options available, along with what is defined as open space/green space and park land. Suzanne Hughes made a motion that the discussion and recommendation of the Longwood property designation be tabled until all members of the Parks and

Recreation Advisory Board have toured the site. Carel Tornes seconded the motion. The motion carried.

The Board agreed to schedule a tour of all Park facilities and the Longwood property on Saturday, March 29, 2014 at 2:00 p.m. Staff will post the tour agenda for a possible quorum and send reminder notices to all Board members.

3e Update and presentation on the LD Lockett Park / Cotton Belt Trail Head Enhancement project

Library, Parks and Recreation Director Mary Rodne gave a brief history on the LD Lockett Park / Cotton Belt Trail Head Enhancement Project. Rodne introduced Aaron Babcock with Hidell Associates Architects who provided the presentation that was previously presented at a public meeting on January 14, 2014.

Babcock stated that Hidell used the 2011 Parks, Recreation and Open Space Master Plan as a guide for the needs assessment for the LD Lockett Park / Cotton Belt Trail Head Enhancement project, along with looking at the demographics of the community.

Aaron informed the Board that the property is 4.5 acres with the majority of the property within the floodplain; noting that there is an existing house on the property that was previously used for the Senior Center and is now being used for storage. Additionally, there is an existing trail head, open space and parking on the property.

Babcock continued with a list of possible amenities suitable for the property, as listed:

- Playground
- Basketball Court
- Adult Playground-Fitness Equipment
- Pavilion
- Restroom
- Seating
- Bike Repair Station
- Water Station (to include pet watering)
- Pavilion/Restroom Combination
- Tennis Court
- Signage/Trail Map
- Dog Park

A lengthy discussion ensued. Aaron Babcock concluded his presentation stating that the next step is to meet with staff for direction towards a development concept for the park. Babcock noted that a presentation of the development concept will be presented at the April 7, 2014 Parks and Recreation Advisory Board meeting for their consideration and recommendation to City Council.

3f Update of the Senior Center Project Study

Director Mary Rodne gave an update of the status of the Senior Center Project Study, noting that Hidell Associates and staff presented findings from the study and the Parks and Recreation Advisory Board's recommendation to City Council at Pre Council on February 4, 2014. Council in return asked that staff and Hidell Associates to review the project and re-present it with phasing options and associated costs.

3g Discussion of items for future agendas

There were no items brought forward for future agendas.

4. REPORTS

4a Recreation, Athletics, Tennis and Senior Reports

Lisa Escobedo, Recreation and City Events Manager updated Board members on Recreation, Athletics, Tennis and Senior Center activities for the months of September through January. Escobedo informed the group that the Recreation Department offered a Winter Ball in lieu of the Daddy-Daughter Dance this past January; noting that the Winter Ball was open to all family members and staff received positive feedback on the event.

Lisa stated that new programming for the quarter included keyboard and piano classes for youth, along with a "Brain Club" that focuses on early engineering skills. Additionally, she stated that all youth sports associations are underway and will continue through May. Escobedo continued, noting that Prime Time Sports is utilizing the Pleasant Run Soccer Complex on Sundays for their soccer league through April 27.

Escobedo updated the Board on Tennis activities, noting that the Mid-Cities Tournament was held on November 16, 2013 with 65 participants. Additionally, the City had their first ever USTA Senior Winter tennis league playing out of Colleyville, which generated \$207 in revenue.

The Senior Center held their annual Holiday Party in December with 54 participants; entertainment was provided by Just Jazz, along with "Santa" (Dax Davis); Mary Rodne and Paul Wallace provided holiday photos for the event. A Matter of Balance was a new 8 week program offered to seniors to educate them on fall prevention; 15 patrons participated in the program. Additionally, she noted that the Center will partner with AARP Free Tax Help again this year with services starting on February 4 and will run through April 15.

4b Parks Capital Improvement and Operations Status Report

Tim Hightshoe, Parks Superintendent gave an update on the Parks and Recreation CIP Project for Pleasant Run Trail, noting that trail construction will be in conjunction with the road improvements and is anticipated to begin Spring 2014. The LD Lockett Park / Cotton Belt Trail Head was discussed earlier in the meeting, and the Webb House trail will be installed along with the quad gates in March 2015. Additionally, Hightshoe reported on miscellaneous projects performed by the Parks Department in the months of September through January, which included the installation of hand dryers at City Park restrooms; installation of batting cages at Reagan Park; and tree removal and trimming at the Colleyville Nature Center.

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

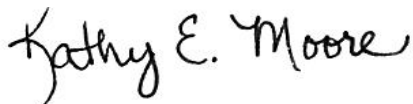
There were no citizen comments/presentations regarding items not on the agenda.

6. ADJOURNMENT

A motion was made by Suzanne Hughes and seconded by Charles Bethards to adjourn the meeting. The motion carried with a unanimous vote. The meeting of the Parks and Recreation Advisory Board was adjourned at 7:30 p.m.

*APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 7th DAY OF **April, 2014.***

Minutes taken and prepared by:



Kathy Moore
Administrative Secretary

RESOLUTION R-14-3742

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR
CITY COUNCIL MEETING OF
APRIL 15, 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 15TH DAY OF APRIL 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor