



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, May 12, 2014

City Council Chambers

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

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

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

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

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

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

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

- 3a** Approval of a final plat on Lot 1, Block 1 of the Breezy Lake Estates, Lots 1A and 1B, Block 1 of the Meadowlake Addition and Tract 2B, McNary Acres Addition located at 1117, 1121 and 1217 W. L. D. Lockett Road and a portion of Lot 1, Block 1 of the Bear Valley Community Church Addition located at 7900 Precinct Line Road, Case PC14-002
- 3b** Approval of a final plat on 6.4 acres on Tract 3B, of Abstract 1543, of the George W. Teeter Survey located at 1301 Glade Road, Case PC14-004
- 3c** Consideration of a variance to the provisions of Chapter 5-Tree Preservation in the Land Development Code on 2.3 acres located on Lot 1, Block 1 of the Baylor-Emerus Addition located at 5500 Colleyville Boulevard, Case GC14-011
- 3d** Request for a vacating plat on Lot 13-R, Block 8, of the Oak Crest Hills Addition located at 313 Oak Valley Drive, Case PC14-005

4. CONTINUED REGULAR AGENDA ITEMS

- 4a** Approval of the updated bylaws for the Planning and Zoning Commission

5. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards MAY 9, 2014 by 5:00 p.m.

Taci Wrisley
Planning and Zoning Assistant

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

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

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



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
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Agenda Number	Agenda Date 05/12/2014	Number
Type Approval of Minutes		
Department Community Development		

Title

April 14, 2014

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - April 14, 2014



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
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Monday, April 14, 2014

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on March 24, 2014 at 7:12 p.m.

Roll Call

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

Absent: Commissioners Don Davis and David Phelps

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

1. APPROVAL OF MINUTES

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

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

Aye: 5 – Knox, Tornes, Wheelwright, Gotcher, and Byerly

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

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

3. CONTINUED PUBLIC HEARING AGENDA ITEM

3a Request for a Special Use Permit for a wedding chapel on Lot 1R1, Block 1, of the Monterra Place Addition located at 1700 Tennison Parkway, ZC14-002

Ron Ruthven presented the case and briefed the Commission.

The public hearing was opened at 7:10 p.m.

Robin Schuerman, the applicant, came forward and briefed the Commission.

Lisa Conkwright, 1424 Savoy Court, came forward and spoke in opposition.

Michelle Dacus, 1417 Douglas Avenue, came forward and spoke in opposition.

Gary Shipp, 1401 Tennison Parkway, came forward and spoke in opposition.

Mark Harrison, 1421 Douglas Avenue, came forward and spoke in support.

Ben He Kije, 1505 Tennison Parkway, came forward and spoke in opposition.

Kenneth Lopez, 1412 Douglas Avenue, came forward and spoke in opposition.

Amy Wey, 1509 Tennison Parkway, came forward and spoke in opposition.

The following also wished to record their vote but did not wish to speak:

Farqoq Bana, 6601 Sapphire Circle South, opposition
Amy Branson, 6619 Sapphire Circle South, opposition
Juliet Shipp, 1401 Tennison Parkway, opposition
Miranda Mars, 1429 Douglas Avenue, opposition
Mark Mars, 1429 Douglas Avenue, opposition
Grace Groesbeck, 1608 Douglas Avenue, opposition
Frank Conkwright, 1424 Savoy Court, opposition
Gary Groesbeck, 1608 Douglas Avenue, opposition
Cheryl Swart, 6811 Milton Drive, opposition
Steven P. Jackson, 1501 Douglas Avenue, opposition
Joyce Moseley, 1428 Savoy Court, opposition
Dee Kamerman, 1521 Tennison Parkway, opposition
Betty Moseley, 1428 Savoy Court, opposition
Bob Kamerman, 1521 Tennison Parkway, opposition
Suresh Vashisth, 1604 Douglas Avenue, opposition

There being no one else wishing to speak, the public hearing was closed at 7:41 p.m.

Commissioner Tornes questioned staff regarding whether the business owner could install directional signs to guide patrons out of the parking lot and to Highway 26. Ron Ruthven replied yes, the Land Development Code does allow for directional signs.

Commissioner Tornes questioned staff regarding what other types of businesses would be allowed at this location. Ron Ruthven replied the ordinance allows for all uses from the CC1-Village Retail zoning district, which includes retail stores, offices, restaurants, drive-thru restaurants, etc.

Commissioner Wheelwright questioned staff regarding how code enforcement would work with regards to parking along the street. Ron Ruthven replied as long as vehicles are not parked in a No Parking Zone or in front of a fire hydrant they can park along streets for 24 hours before being tagged by a police officer for removal. He further explained if the vehicle is not removed it will be towed.

Chairman Byerly questioned staff regarding whether the required parking was available. Ron Ruthven replied correct.

Mrs. Schuerman came forward to address parking, signage, and alcohol consumption on the premise.

Commissioner Wheelwright questioned Mrs. Schuerman regarding her plan to keep patrons from being outside after 9:00 p.m. Mrs. Schuerman replied she does not see any reason for patrons to be hanging around outside. She further explained she would prefer that patrons not hang around outside.

Commissioner Wheelwright questioned Mrs. Schuerman regarding the use of a security guard. Mrs. Schuerman explained the security guard will be used to monitor the events and patrons.

Commissioner Knox made a motion to deny Case ZC14-002. Due to the lack of a second, the motion to deny failed.

Chairman Byerly made a motion to approve Case ZC14-002. Commissioner Tornes seconded.

The motion to approve Case ZC14-002 carried by the following vote:

Aye: 4 – Tornes, Wheelwright, Gotcher, and Byerly

Nay: 1 - Knox

4. REGULAR AGENDA ITEMS

- 4b** Request for a vacating plat on Lot 13-R, Block 8, of the Oak Crest Hills Addition located at 313 Oak Valley Drive, Case PC14-005

Ron Ruthven presented the case and briefed the Commission.

Commissioner Wheelwright questioned staff regarding if there were properties along Bransford Road with a 50 foot Right-of-Way dedication versus the 80 foot that is now required. Ron Ruthven replied yes.

Commissioner Tornes questioned staff regarding whether the City could take the land in the Right-of-Way, if needed in the future. Ron Ruthven replied correct.

Discussion continued between staff and the Commission regarding Right-of-Way.

Gary Panno, applicant, came forward and briefed the Commission.

Discussion occurred between Mr. Panno, staff, and the Commission regarding the required setbacks and Right-of-Way.

Commissioner Gotcher questioned Mr. Panno if he would like an opportunity to come back before the Commission with the proposed changes or would he like the Commission to approve what they currently had in front of them. Mr. Panno replied he was unsure.

Discussion occurred between staff and the Commission regarding Mr. Panno's options moving forward.

Chairman Byerly made a motion to deny Case PC14-005. Commissioner Knox seconded.

The motion to deny Case PC14-005 carried by the following vote:

Aye: 5 – Knox, Tornes, Wheelwright, Gotcher, and Byerly

5. PUBLIC HEARING AGENDA ITEMS

- 5a** Request for a Special Use Permit for on-premise alcohol sales on Lot 3, Block 1, of the Tara Addition located at 1009 Cheek-Sparger Road, Suite 122A, Case ZC14-003

Ron Ruthven presented the case and briefed the Commission.

The public hearing was opened at 8:17 p.m.

Betty Dickson, the business owner, came forward and briefed the Commission.

There being no one else wishing to speak, the public hearing was closed at 8:18 p.m.

Commissioner Wheelwright made a motion to approve Case ZC14-003. Commissioner Tornes seconded.

The motion to approve Case ZC14-003 carried by the following vote:

Aye: 5 – Knox, Tornes, Wheelwright, Gotcher, and Byerly

- 5b** Request for an amendment to the Special Use Permit for a Package Store development requirements for Lot 1, Block 1, Atlantic Oil & Gas Addition located at 7990 Precinct Line Road, Case ZC14-005

Ron Ruthven presented the case and briefed the Commission.

Commissioner Tornes questioned staff regarding if the ownership change included both the liquor store and the convenience store. Ron Ruthven replied no, the convenience store will still be owned by the current owner.

The public hearing was opened at 8:20 p.m.

Ken Baca, on behalf of the property owner, and Charanjit Singh, the applicant, both came forward and briefed the Commission.

Commissioner Tornes questioned Mr. Baca regarding who the owners were. Mr. Baca replied his company owns the real estate and Mr. Singh would be the operator of both the liquor store and the convenience store.

There being no one else wishing to speak, the public hearing was closed at 8:22 p.m.

Commissioner Wheelwright made a motion to approve Case ZC14-005. Commissioner Gotcher seconded.

The motion to approve Case ZC14-005 carried by the following

vote:

Aye: 5 – Knox, Tornes, Wheelwright, Gotcher, and Byerly

4. REGULAR AGENDA ITEMS**4a** Approval of the updated bylaws for the Planning and Zoning Commission

Amy Shelley presented the case and briefed the Commission.

Commissioner Tornes questioned staff regarding whether there were any real changes made or was the change just the formatting. Amy Shelley replied the formatting has been updated and the requirement for training.

Discussion occurred between staff and the Commission regarding possible changes.

Commissioner Knox made a motion to table Item 4a: Approval of the updated bylaws for the Planning and Zoning Commission. Commissioner Tornes seconded.

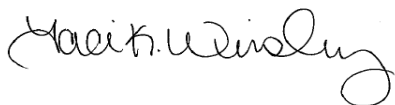
The motion to table Item 4a: Approval of the updated bylaws for the Planning and Zoning Commission carried by the following vote:

Aye: 5 – Knox, Tornes, Wheelwright, Gotcher, and Byerly

6. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on May 14, 2014 by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
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Agenda Number 3a	Agenda Date 05/12/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a final plat on Lot 1, Block 1 of the Breezy Lake Estates, Lots 1A and 1B, Block 1 of the Meadowlake Addition and Tract 2B, McNary Acres Addition located at 1117, 1121 and 1217 W. L. D. Lockett Road and a portion of Lot 1, Block 1 of the Bear Valley Community Church Addition located at 7900 Precinct Line Road, Case PC14-002

Explanation

The applicant has submitted a request to approve the preliminary/final plat for Heron Pond located in the 5800 block of L.D. Lockett Road. The proposed plat contains 49 single family residential lots and five open space lots on 15.37 acres.

Zoning. A rezoning request for PUD-R-Planned Unit Development Residential was approved by City Council on November 19, 2013 under attached Ordinance O-13-1894.

Development Standards. Ordinance O-13-1894 requires the following development standards:

Planning Area A

- Minimum Lot Size: 9,000 square feet
- Minimum Lot Depth: 120 feet
- Minimum Lot Width: 74 feet
- Front Building Setback: 15 feet; 20 feet for a front facing garage
- Side Building Setback: 7 feet for one-story homes; 10 feet for two-story homes
- Rear Building Setback: 30 feet
- Maximum Lot Coverage: 65 percent

Planning Area B

- Minimum Lot Size: 7,000 square feet

- Minimum Lot Depth: 120 feet
- Minimum Lot Width: 60 feet
- Front Building Setback: 15 feet; 20 feet for a front facing garage
- Side Building Setback: 0, 5, 9 or 10 feet with a minimum of 10 feet between primary structures
- Rear Building Setback: 10 feet
- Maximum Lot Coverage: 65 percent

Open Space. The PUD-R regulations require a minimum 22 percent of the development be reserved for open space for use by the residents of the development. The plat complies with this requirement.

Streets. All streets in this development shall be private. The minimum right-of-way for streets shall be 40 feet and the minimum pavement width for streets shall be 31 feet, measured from back of curb to back of curb. A five foot utility easement shall be located along both sides of all internal streets.

Sidewalks and Trails. Four foot wide concrete sidewalks will be constructed along both sides of the internal streets at the time houses are constructed on the lots. A five foot sidewalk is also required along L.D. Lockett Drive.

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

Drainage and Stormwater Runoff. As required by the Land Development Code, drainage and engineering plans have been submitted with the proposed plat. The development will provide on-site retention.

Residential Density. The development of 49 residential units on the 15.37 acre property will produce a residential density of 3.2 dwelling units per acre, which is the maximum residential density allowed by Ordinance O-13-1894.

Summary. The combination preliminary/final plat complies with the requirements of Ordinance O-13-1894 and the Land Development Code. This plat only requires approval by the Planning and Zoning Commission.

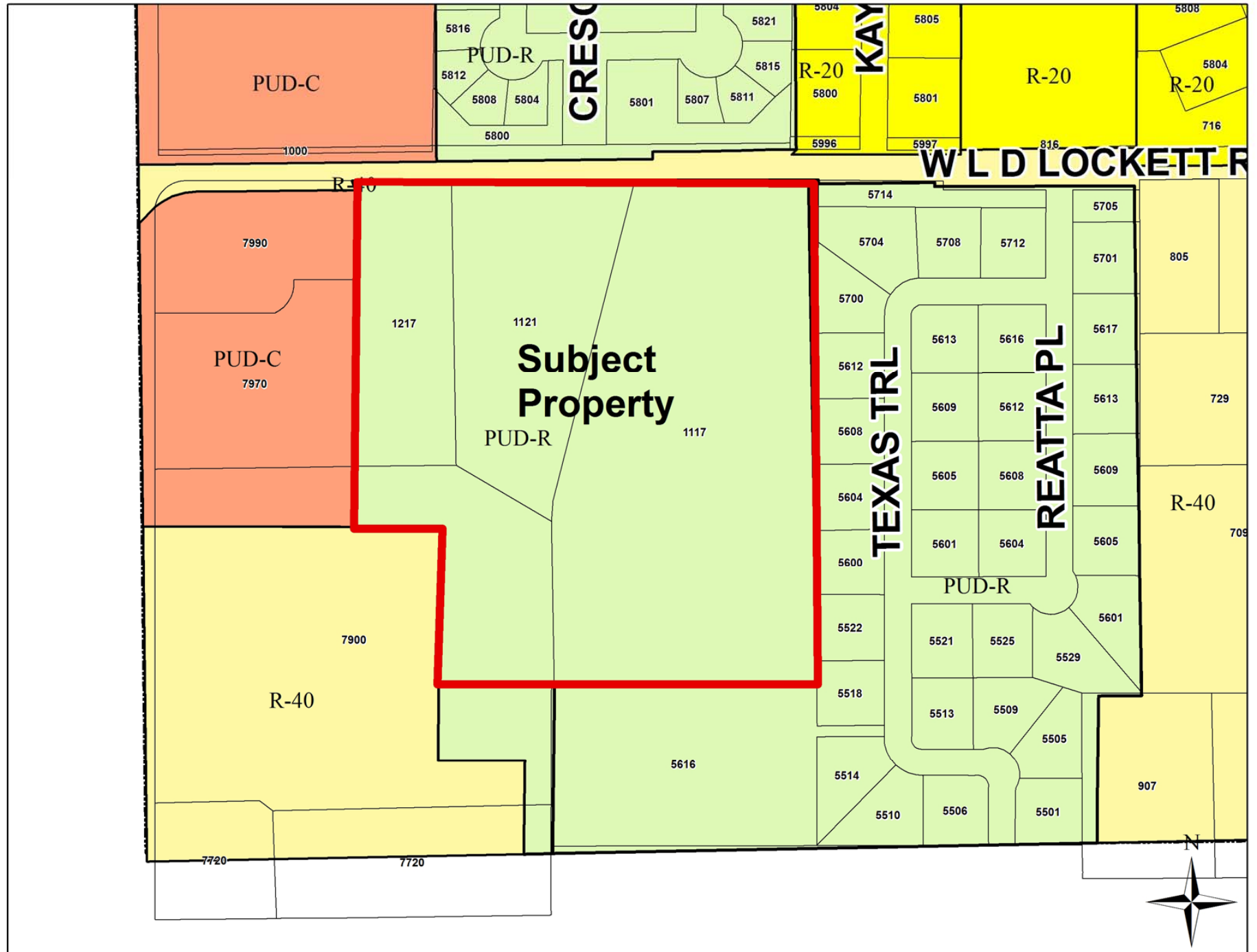
Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Plat Exhibit
4. Approved Development Plan
5. Ordinance O-13-1894

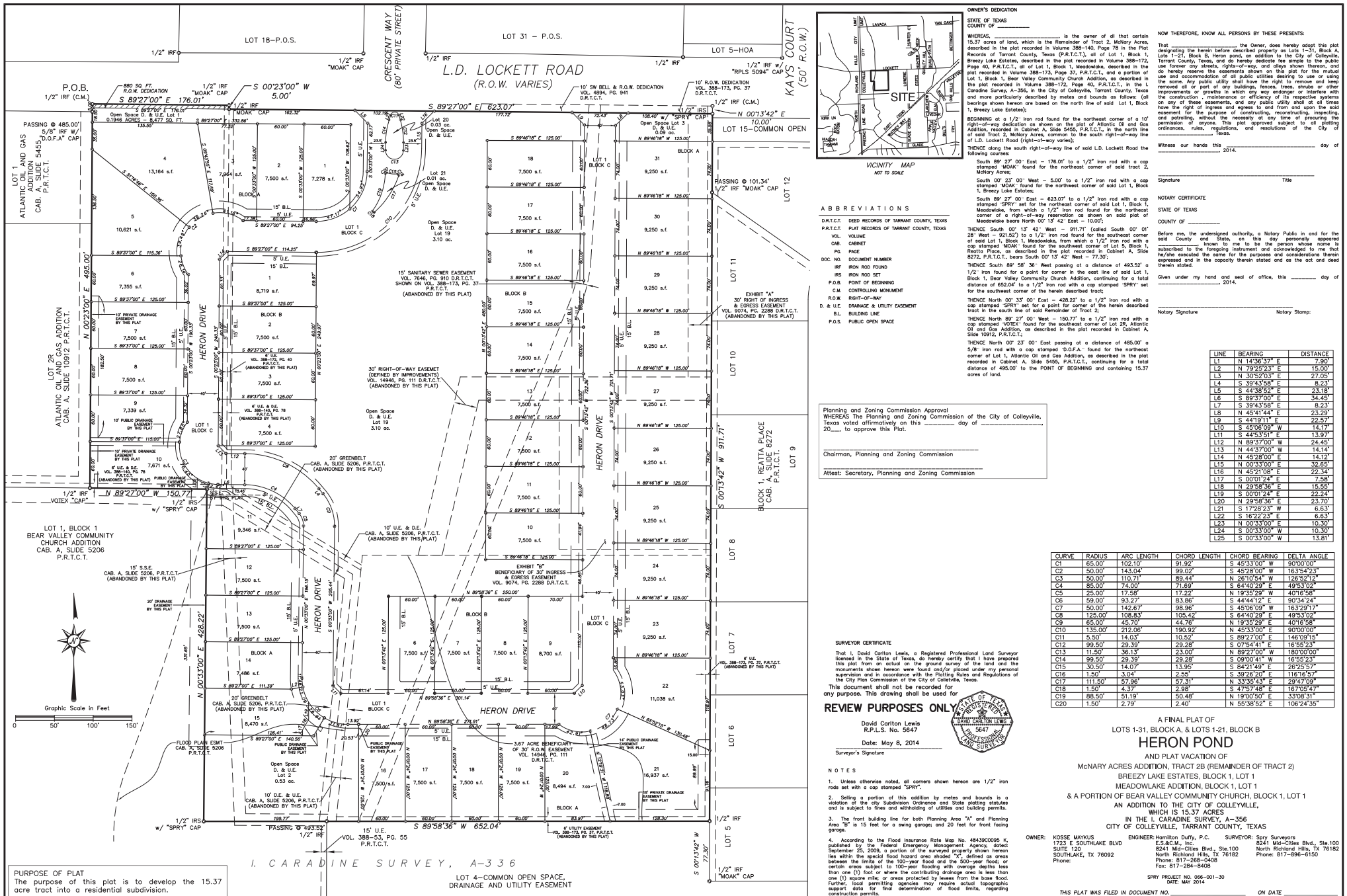
Location and Zoning Map

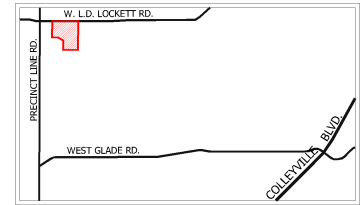


Aerial



Plat Exhibit





Legend

4' Concrete Sidewalk

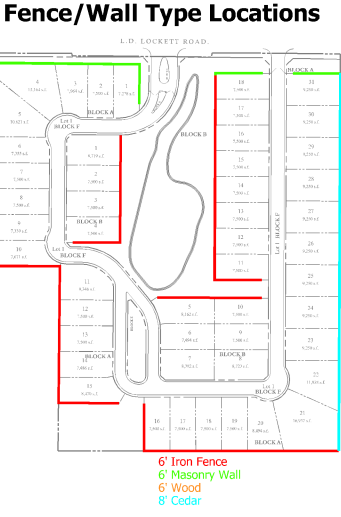
5' Concrete Trail

Common Open Space

60' Residential Lots (38)

74' Residential Lots (11)

R.O.W. Dedication



Owner:
Ronald Craig Gandy
1117 West L.D. Locket Road
Colleyville, TX 76034
817-714-0372

Owner:
Bear Valley Church
7900 Precinct Line Rd.
Colleyville TX, 76034
817-689-0845

Owner:
Mark D. Herron & Bliss A. Herron
1500 Bluebonnet Drive
Fort Worth, TX 76111
817-838-8214

Applicant:
Hat Creek Development
P.O. Box 92747
Southlake, Texas 76092
TEL. 817-329-3111
Contact: Kosse Maykus



Planner:

SAGE GROUP, INC.

Master Planning

Urban Design

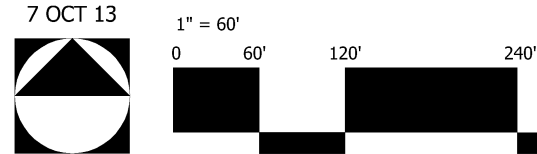
Architecture

Landscape Architecture

1130 N. Carroll Ave., Ste. 200

Southlake, Texas 76092

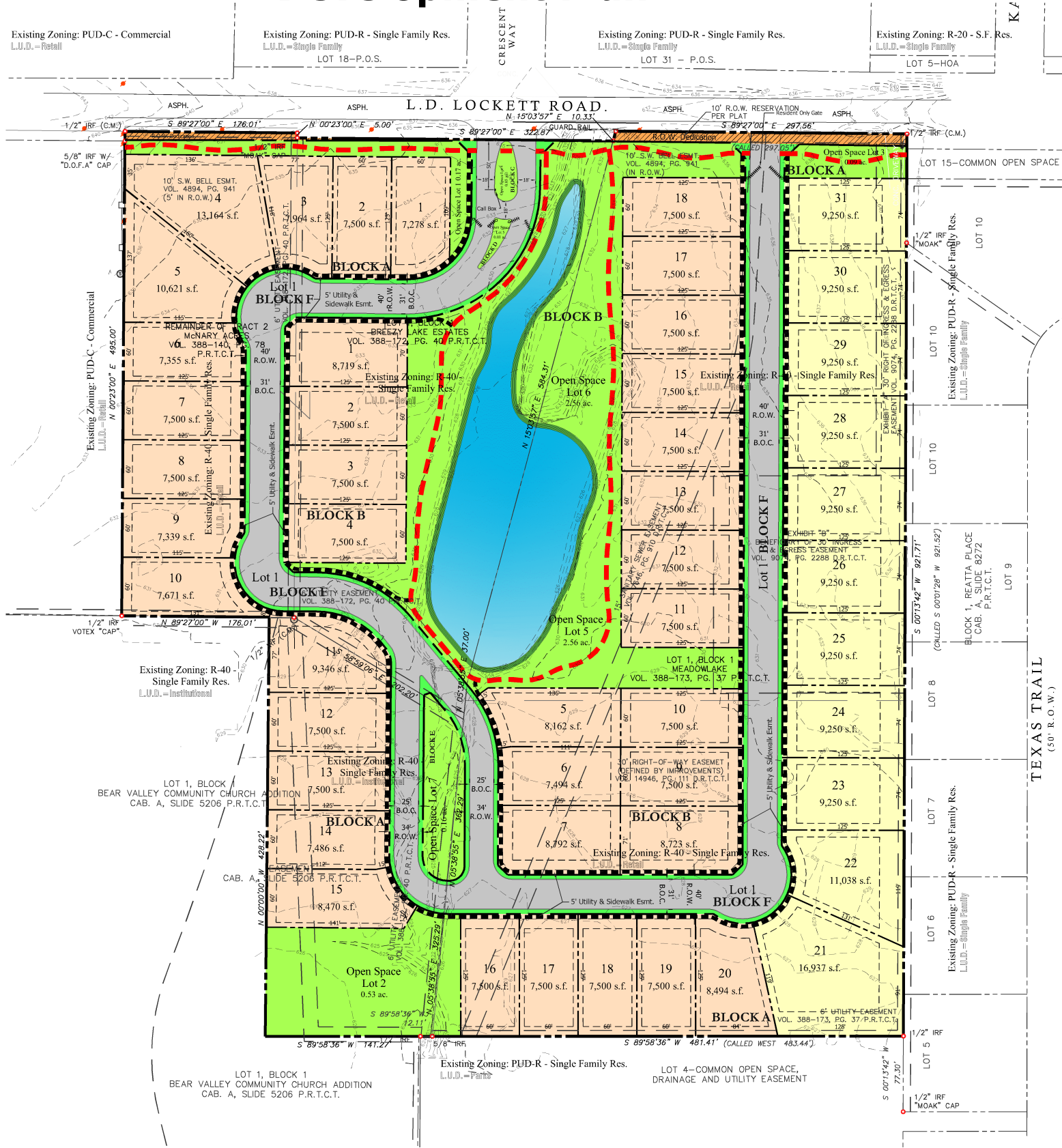
TEL. 817-424-2626



Development Plan

I. Carharrington Survey, Abstract No. 808

Development Plan



METES AND BOUNDS DESCRIPTION FOR ZONING EXHIBIT
FUTURE HERON POND - 15.17 ACRES
IN THE I. CARHARRINGTON SURVEY, A-808
CITY OF EULESS, TARRANT COUNTY, TEXAS

All that certain 15.17 acres of land, which is all of Lot 1, Block 1, Meadowlake, described in the plat recorded in Volume 388-173, Page 37 in the Plat Records of Tarrant County, Texas (P.R.T.C.T.) and all of Lot 1, Block 1, Breezy Lake Estates, described in the plat recorded in Volume 388-172, Page 40 P.R.T.C.T., and part of Tract 2, McNary Acres, described in the plat recorded in Volume 388-140, Page 76 P.R.T.C.T., and part of Lot 1, Block 1, Valley Community Church Addition, described in the plat recorded in Cabinet A, Slide 5206, the 1.002 acre tract, in the I. Caroline Survey, A-356, in the City of Colleyville, Tarrant County, Texas and more particularly described by metes and bounds as follows: (all bearings shown hereon are based on the south right-of-way line of L.D. Lockett Road (right-of-way varies), as shown on the plat of said Breezy Lake Estates and said Meadowlake);

BEGINNING at a 1/2" iron rod found for the northeast corner of said Lot 1, Block 1, Meadowlake, in the south right-of-way line of said L.D. Lockett Road;

THENCE South 00° 13' 42" West - 921.71' to the a 1/2" iron rod found for the southeast corner of the herein described tract, common to the northeast corner of Lot 4, Block 1, Reatta Place, described in the plat recorded in Cabinet A, Slide 8272 P.R.T.C.T.;

South 89° 58' 36" West - 622.68' to the most southerly southwest corner of the herein described tract;

THENCE North - 427.95' to a 1/2" iron rod found for the southeast corner of said Tract 2, McNary Acres, common to the southwest corner of Lot 1, Block 1, Breezy Lake Estates;

THENCE North 00° 23' 00" East - 495.00' to a 1/2" iron rod found for the northwest corner of the herein described tract, in the south right-of-way line of said L.D. Lockett;

THENCE along the south right-of-way line of said L.D. Lockett Road the following courses:

South 89° 27' 00" East - 176.01' to a 1/2" iron rod with a cap stamped "McNary" found for the northeast corner of said Tract 2, McNary Acres;

South 00° 23' 00" East - 5.00' to a 1/2" iron rod with a cap stamped "Moak" found for north west corner of said Lot 1, Block 1, Breezy Lake Estates;

South 89° 27' 00" East - 322.87' to the northeast corner of said Lot 1, Block 1, Breezy Lake Estates;

North 15° 03' 57" East - 10.33' to the northwest corner of said Lot 1, Block 1, Meadowlake;

South 89° 27' 01" East - 297.56' to the POINT OF BEGINNING and containing 15.17 acres of land.

THIS METES AND BOUNDS DESCRIPTION IS ISSUED FOR ATTACHMENT TO ZONING DOCUMENTS. IT IS NOT INTENDED FOR TITLE TRANSFER.

Site Data Summary Chart		
Single Family Residential Lots		
Common Areas		49 7
Residential Lots	62.47%	9.64 ac.
Open Space	22.10%	3.41 ac.
R.O.W.	14.65%	2.26 ac.
R.O.W. Dedication (on L.D. Lockett Rd.)	0.78%	0.12 ac.
Res. Gross Acreage	100.00%	15.43 ac.

Site Data	
Gross Acreage	15.43
Gross Density	3.18
Lot Summary	
Residential Lots	49
Minimum Building Lot Area	7,278 s.f.
Average Building Lot Area	8,436 s.f.
Common Areas	7

L.U.D. / Zoning	
Existing Zoning:	R-40
Proposed Zoning:	PUD-R

- Notes:**
- 60' WIDE LOTS - Front Setbacks are 20', or 15' with a swing garage
 - 60' WIDE LOTS - Rear Setbacks are 10' Typical
 - 60' WIDE LOTS -Side Setbacks are 5'
 - 74' WIDE LOTS - Front Setbacks are 20', or 15' with a swing garage
 - 74' WIDE LOTS - Rear Setbacks are 25' Typical
 - 74' WIDE LOTS - Side Setbacks are 7'
 - 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
From R-40 to PUD-R
Case # ZC-13-014 R-40 to PUD-R

Zoning Case #ZC13-014



Colleyville, Tarrant County, Texas

ORDINANCE O-13-1894

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 15.4 ACRES ON LOT 1, BLOCK 1, OF THE BREEZY LAKE ESTATES, LOTS 1A AND 1B, BLOCK 1, OF THE MEADOWLAKE ADDITION, TRACT 2B, OF THE MCNARY ACRES ADDITION, AND A PORTION OF LOT 1, BLOCK 1, OF THE BEAR VALLEY COMMUNITY CHURCH ADDITION, LOCATED AT 1117, 1121, AND 1217 W. L.D. LOCKETT ROAD AND 7900 PRECINCT LINE ROAD FROM THE R40-SINGLE FAMILY RESIDENTIAL 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. ZC13-014; 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 15.4 acres on Lot 1, Block 1, of the Breezy Lake Estates, Lots 1A and 1B, Block 1, of the Meadowlake Addition, Tract 2B, McNary Acres Addition, and a portion of Lot 1, Block 1, of the Bear Valley Community Church Addition, located at 1117, 1121, and 1217 W. L.D. Locket Road and 7900 Precinct Line Road from the R40-Single Family Residential zoning district to the PUD-R-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A" and as legally 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 49 detached dwelling units, constructed at a gross maximum density of 3.2 dwelling units per acre.

- b. This development shall be generally consistent with the Statement of Planning Objectives, attached as Exhibit "C".
- c. The subject property is subject to all the regulations contained in the Land Development Code, except where amended by this Ordinance.

2. DEVELOPMENT PLAN AND PLATTING

- a. The development shall be generally consistent with Exhibit "D", Conceptual Site Plan, which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "D" to accommodate topographic, drainage, or other conditions.
- 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

Residential lot requirements and setbacks shall comply with the following provisions:

Planning Area "A"

- a. Minimum Lot Size: 9,000 square feet
- b. Minimum Lot Depth: 120 feet
- c. Minimum Lot Width: 74 feet
- d. Front Building Line: 15 feet for a swing garage;
20 feet for a front facing
garage

- e. Side Building Line: 7 feet for one-story homes;
10 feet for two-story homes
- f. Rear Building Line: 30 feet
- g. Maximum Lot Coverage: 65 percent
- h. Minimum House Size: 2,800 square feet
- i. Maximum Building Height: 35 feet
- j. There shall be no more than three second story windows
on the rear of any home in Planning Area A.

Planning Area "B"

- a. Minimum Lot Size: 7,000 square feet
- b. Minimum Lot Depth: 120 feet
- c. Minimum Lot Width: 60 feet
- d. Front Building Line: 15 feet for a swing garage;
20 feet for a front facing
garage
- e. Side Building Line: 0, 5, 9, or 10 feet with a
minimum of 10 feet between
primary structures
- f. Rear Building Line: 10 feet
- g. Maximum Lot Coverage: 65 percent
- h. Minimum House Size: 2,500 square feet
- i. Maximum Building Height: 35 feet

5. RESIDENTIAL DESIGN REQUIREMENTS

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

- a. Roofing Standards: Minimum roof pitch: 10:12. Roofing Materials: Minimum 240 lb. dimensional shingle.
- b. Garage Standard: A minimum two car garage shall be constructed with architecturally enhanced doors.
- c. Masonry: The exterior wall of all homes shall be composed of 80 percent masonry materials with a requirement that all siding shall be of a cementitious material.

6. OPEN SPACE

- a. This development shall provide a minimum of 22 percent common open space, as shown on Exhibit "D", which shall be for the leisure and recreational use of the development's residents. The open space shall comply with the provisions contained in the Land Development Code. All open space areas shall be landscaped and maintained by the Homeowner's Association (HOA).

7. PRIVATE STREETS AND SIDEWALKS

- a. Sidewalks along lot frontages shall be constructed by each homebuilder. All sidewalks shall be constructed in accordance with the requirements of the Land Development Code. A minimum five (5) foot wide trail shall be constructed within the open space area around and along the interior pond. Said minimum five (5) foot wide trail connecting this development with the Reatta Place development shall be constructed as agreed between the developer and the Reatta Place Homeowner's Association.
- b. All streets in this development shall be private. Right-of-way and pavement widths shall meet the following requirements: the minimum right-of-way for streets shall be 40 feet and the minimum pavement width for street shall be 31 feet, measured from back of curb to back of curb. A five foot utility easement shall be located along both sides of all internal streets.
- c. All gates shall meet the minimum requirements of Chapter 14-Engineering Design Standards in the Land Development Code.

8. FENCES, SCREENING AND LANDSCAPING

- a. Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lot boundaries along common opens areas shall be open style fencing of decorative metal, and/or Masonry.
- b. All lots backing to the common open space shall be open style fencing of decorative metal, and/or masonry.
- c. Where lots back to the existing residential lots in the Reatta Place development, the developer shall construct a new eight (8) foot cedar fence on metal poles. Said fence shall be constructed prior to the final acceptance of public improvements.
- d. All lots shall contain a minimum of two (2) three-inch (3") caliper trees in the front yard adjacent to the street right-of-way. Each lot shall be fully landscaped with an approved irrigation system in the front and rear yard prior to the final inspection.
- e. A minimum of two (2) three-inch (3") caliper trees shall be planted in each rear yard where trees do not exist for all lots that back to the eastern boundary of the development prior to the final inspection.

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 5th day of November 2013.

The second reading and public hearing being conducted on the 19th day of November 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 19th day of November 2013.

ATTEST:



Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



Mike Taylor
Mayor Pro Tem

APPROVED AS TO FORM AND LEGALITY:



For Matthew C. G. Boyle
City Attorney

Exhibit A -Location and Zoning Map

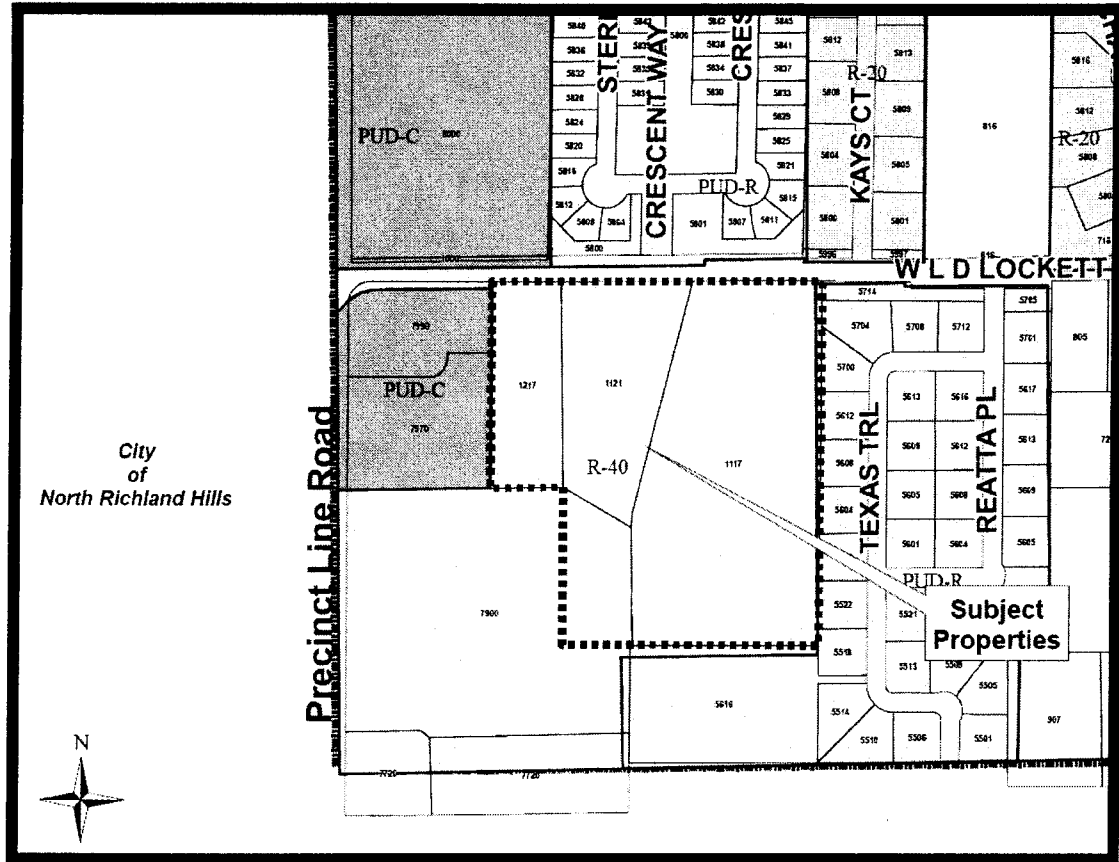


Exhibit B – Legal Description

**METES AND BOUNDS DESCRIPTION FOR ZONING EXHIBIT
FUTURE HERON POND - 15.17 ACRES
IN THE I. CARHARRINGTON SURVEY, A-808
CITY OF EULESS, TARRANT COUNTY, TEXAS**

All that certain 15.17 acres of land, which is all of Lot 1, Block 1, Meadowlake, described in the plat recorded in Volume 388-173, Page 37 in the Plat Records of Tarrant County, Texas (P.R.T.C.T.) and all of Lot 1, Block 1, Breezy Lakes Estates, described in the plat recorded in Volume 388-172, Page 40 P.R.T.C.T., and part of Tract 2, McNary Acres, described in the plat recorded in Volume 388-140, Page 78 P.R.T.C.T., and part of Lot 1, Block 1, Valley Community Church Addition, described in the plat recorded in Cabinet A, Slide 5206, the 1.002 acre tract, in the I. Carodine Survey, A-356, in the City of Colleyville, Tarrant County, Texas and more particularly described by metes and bounds as follows: (all bearings shown hereon are based on the south right-of-way line of L. D. Lockett Road (right-of-way varies), as shown on the plat of said Breezy Lake Estates and said Meadowlake);

BEGINING at a 1/2" iron rod found for the northeast corner of said Lot 1, Block 1, Meadowlake, in the south right-of-way line of said L. D. Lockett Road;

THENCE South 00° 13' 42" West - 921.71' to the a 1/2" iron rod found for the southeast corner of the herein described tract, common to the northeast corner of Lot 4, Block 1, Reatta Place, described in the plat recorded in Cabinet A, Slide 8272 P.R.T.C.T.;

South 89° 58' 36" West - 622.68' to the most southerly southwest corner of the herein described tract;

THENCE North - 427.95' to a 1/2" iron rod found for the southeast corner of said Tract 2, McNary Acres, common to the southwest corner of Lot 1, Block 1, Breezy Lake Estates;

THENCE North 89° 27' 00" West - 176.01' to a 1/2" iron rod with a cap stamped "Votex" found for the most westerly southwest corner of the herein described tract;

THENCE North 00° 23' 00" East - 495.00' to a 1/2" iron rod found for the northwest corner of the herein described tract, in the south right-of-way line of said L.D. Lockett;

THENCE along the south right-of-way line of said L. D. Lockett Road the following courses:

South 89° 27' 00" East - 176.01' to a 1/2" iron rod with a cap stamped "Moak" found for the northeast corner of said Tract 2, McNary Acres;

South 00° 23' 00" West - 5.00' to a 1/2" iron rod with a cap stamped "Moak" found for north west corner of said Lot 1, Block 1, Breezy Lake Estates;

South 89° 27' 00" East - 322.87' to the northeast corner of said Lot 1, Block 1, Breezy Lake Estates;

North 15° 03' 57" East - 10.33' to the northwest corner of said Lot 1, Block 1, Meadowlake;

South 89° 27' 01" East - 297.56' to the POINT OF BEGINING and containing 15.17 acres of land.

Exhibit C - Statement of Planning Objectives

Heron Pond

Colleyville, Texas – November 13, 2013

Sage Group, Inc.

Statement of Planning Objectives-

Heron Pond is a proposed residential neighborhood to be developed by Hat Creek Development under the Planned Unit Development regulations for Residential development (PUD-R) in the City of Colleyville. The 15.43 acre property is located on the south side of LD Lockett Road, just east of Precinct Line Road. The property is currently shown on the Future Land Use Plan as Retail, but is zoned for Residential (R-40) and is occupied by an equestrian facility, open space and agricultural areas.

The surrounding area is fully developed. Across the street to the north is the existing Emerald Park neighborhood, to the west lies Community and Commercial Uses, containing the corner gasoline station/ convenience store/ package store, and the Bear Valley Community Church. To our south and east is the Reatta Place PUD-R Residential neighborhood.

The subject tract is shown on the Future Land Use Plan as "Retail," however we believe there would be a limited market for Retail Uses in this location, as there is no remaining frontage on Precinct Line Road, and that a better use for this property would be to begin a transition from the Commercial to the west, to the PUD-R Single Family Residential to the east with a suitable Single-Family Residential use.

This proposal, which transitions between the Commercial Tracts to the west along Precinct Line Road with residential lots averaging over 8,400 s.f. to the larger lots in Reatta Place, and over 22% Open Space, is consistent with this and- we believe- the surrounding uses.

The property generally slopes toward the drainage swale and lake that runs from the north to the south through the property. All of our street and lot drainage would be directed toward this area and would not affect any of the neighboring properties.

We have commissioned a drainage study to illustrate the current conditions and make sure this development- as proposed- would meet the requirements of the ordinances regulating development and drainage.

Exhibit C – Statement of Planning Objectives (Continued)

Quality and compatibility with the adjacent residential, as well as the rest of Colleyville are essential, and we have designed this proposal with those goals in mind.

The residences planned for Heron Pond will be very upscale, with selling prices estimated to range between \$400,000 to over \$600,000. The development will have as its focal point, and feature, a pond and landscaped perimeter. The main entry road has been located directly across from the Emerald Park Entry, but also to take advantage of the resulting entry view toward the landscaped central lake area.

The internal road is planned to be a gated private road with a Resident/ Visitor gate at the western entry, across from the existing gated entry into Emerald Park, designed to meet all the city standards for such an entry. The eastern entry will be resident-only, providing a second point of access. We propose to build the normal Colleyville street section of 31' (back of curb to back of curb), in a 40' R.O.W. with 5' utility and sidewalk easements on either side.

In addition to some of the existing trees we will save within the open space areas, there will be a requirement of a front yard tree for every residential lot to be installed by the home builders, adjacent to the street right of way. A minimum of two trees will also be installed in the rear yard of each lot backing to the neighboring lots in Reatta Place, at the eastern boundary, where existing trees do not already exist. To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, as well as a 5' trail around the lake. The indicated landscaped setback, along LD Lockett, will be preserved within an open space lot, to be owned and maintained by the Heron Pond Homeowners Association.

The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

Heron Pond will be developed in a single phase with the development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Economic Development Information

Heron Pond will have a total of forty-nine (49) homes, each with an average estimated value upon completion of approximately \$400,000 to over \$600,000, resulting in an overall tax base of \$24,500,000, based on a \$500,000 estimated average. At the current tax rate of 2.694677%, the total taxes generated from the development are projected to be \$654,000, with \$ 91,250 generated directly for the City.

Exhibit C – Statement of Planning Objectives (Continued)

Development Standards

Permitted Land Use: Single Family Residential Detached

Residential Lot Requirements and Setbacks:

Residential lot requirements and setbacks shall comply with the following provisions. Planning Area "A" refers to those lots adjacent to the far eastern property line. All other lots comprise Planning Area "B."

Planning Area "A"

a. Minimum Lot Size	9,000 square feet
b. Typical Lot Width	74 feet
c. Minimum Lot Width	60 feet (inside corner lot)
d. Minimum Lot Depth	120 feet
e. Front Building Line	20 feet; or 15 feet for a front swing garage
f. Side Building Line	One story Home: 7 feet; Two story Home: 10'
g. Rear Building Line	25 feet
h. Maximum Building Height	35 feet
i. Maximum Lot Coverage	65%
j. Minimum House Size	2,800 s.f.

Planning Area "B"

a. Average Lot Size	7,800 square feet
b. Minimum Lot Size	7,000 square feet
c. Typical Lot Size	60 feet
d. Minimum Lot Width	47 feet (inside corner lots)
e. Minimum Lot Depth	120 feet
f. Front Building Line	20 feet; or 15 feet for a front swing garage
g. Side Building Line	5 feet, or 0/10 or 1/9 feet with a 10 foot minimum between buildings
h. Rear Building Line	10 feet
i. Maximum Building Height	35 feet
j. Maximum Lot Coverage	65%
k. Minimum House Size	2,500 s.f.

Exterior Materials: 80% Masonry; all siding shall be of a cementitious material.

Roof Materials: Minimum 240 lb. dimensional shingle.

Minimum Roof Pitch: Minimum of a 10:12 roof pitch.

Garage Standard: Minimum of a two car garage, with enhanced decorative doors.

Fencing: A minimum 6' masonry screen wall will be built along the L.D Lockett frontage, and adjacent to each entry.

Exhibit C – Statement of Planning Objectives (Continued)

Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lot boundaries along Common Open Space areas shall be open style fencing of Decorative Metal, and/or Masonry.

Where lots back to existing the existing residential lots in Reatta Place, we have agreed to construct a new 8' Cedar Fence on metal poles. Where open space lots border adjacent properties, either the existing fence will be maintained, or a Decorative Metal or Wooden fence will be installed, as per the Fencing Plan.

Streetscape Standards: Minimum of two (2) three-inch (3") caliper tree per each front yard of all lots, and two (2) three inch (3") caliper trees per each rear yard of lots backing to the eastern boundary (credit toward this requirement for preserving existing trees will be given). Fully landscaped and sprinklered front and rear yard within sixty days of completing a house.

Front Yard Maintenance: The open space lots within the subdivision shall be maintained in a consistent, uniform manner by the Heron Pond Homeowners Association through dues collected from the individual homeowners. Membership in the Homeowner's Association will be mandatory.

Street Design Standards:

Right of Way: Forty feet (40')

Travel Lane Width: Thirty-one foot (31'), back of curb to back of curb

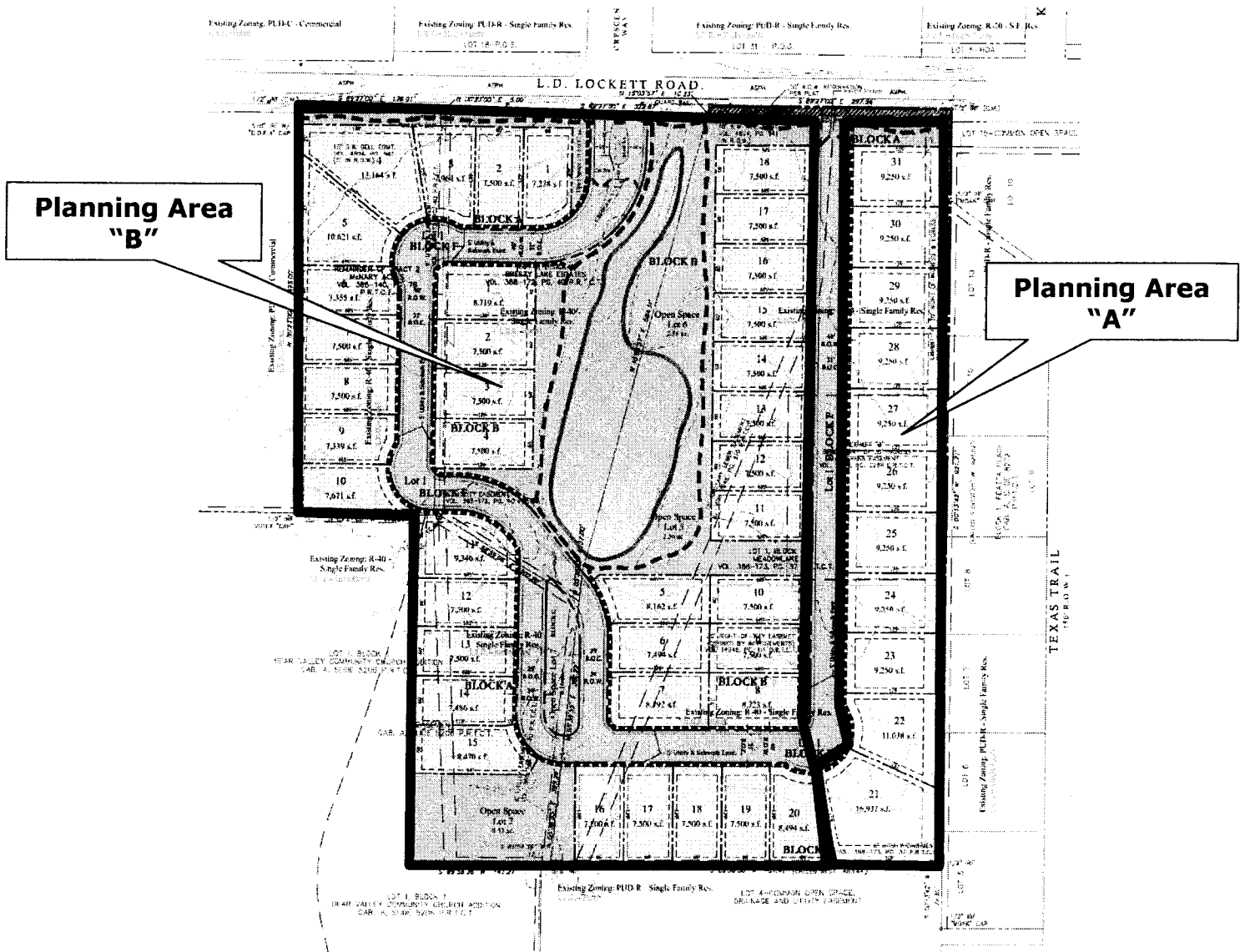
Turning Radii: Twenty feet (20')

Open Space Standards: The Common Open Space shall be either left natural (where disturbance and irrigation may harm existing trees) or fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned and operated by the Heron Pond Homeowners Association which shall have a mandatory membership of all homeowners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Association shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.

Signage:

A monument sign identifying the subdivision shall be built at the entries from I.D Lockett and/or incorporated into the masonry wall adjacent to that entry. All street and stop signs, and light standards shall decorative.

Exhibit D - Conceptual Site Plan





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3b	Agenda Date 05/12/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Approval of a final plat on 6.4 acres on Tract 3B, of Abstract 1543, of the George W. Teeter Survey located at 1301 Glade Road, Case PC14-004

Explanation

Chase Rowan is the developer of 6.4 acres of land located on the south side of Glade Road, south of Riverwalk Drive. The developer has submitted a final plat, which will subdivide the property into nine residential single family lots and two open space lots, for the construction of single family residential detached dwelling units.

Zoning. The property is currently zoned PUD-R-Planned Unit Development Residential zoning district. A rezoning request for PUD-R was approved on March 4, 2008 with Ordinance O-08-1659 (attached).

The zoning requirements stated in attached Ordinance O-08-1659 include single family detached residential as the primary use with a maximum density of 1.4 dwelling units per acre. The minimum lot size is 20,000 square feet. The minimum lot width is 100 feet, except for cul-de-sac lots, which shall be a minimum of 83 feet.

Open Space. The PUD-R ordinance for the property requires a minimum of 14.97 percent of the total development as open space. The open space areas include two ponds. All of the open spaces will be landscaped and maintained by the Homeowner's Association (HOA) as required by Ordinance O-08-1659.

Access. The development will have access from Glade Road to the newly created street, Carmel Place. The new street serving this development shall contain a minimum of 40 feet of right-of-way width and a minimum of 31 feet of pavement width, measured from curb-back to curb-back. All homes constructed in the development shall be installed with a fire suppression sprinkler system approved by the Fire Marshal.

As part of Ordinance O-08-1659, the applicant received a waiver to the street design requirements in the Land Development Code with regard to right-of-way width requirements and pavement width requirements for cul-de-sac streets over 600 feet in length. The Land Development Code requires a cul-de-sac street that is between 600 feet and 1,200 feet in length to have a minimum of 56 feet of right-of-way and 36 feet

of pavement width measured from curb-back to curb-back. The proposed street will be 800 feet in length. The waiver was contingent on all homes in the development containing an approved fire suppression system.

Drainage. The developer submitted a drainage analysis of the site at the time of the zoning application. The analysis was reviewed and accepted by the City of Colleyville Engineering Division of the Public Works Department. According to the drainage analysis, the development will provide on-site retention. Details of the proposed drainage system and storm water retention ponds have been submitted as part of the platting process.

All on-site drainage and stormwater runoff shall comply with Section 14-17 - Drainage and Storm Sewer Improvements in the Land Development Code. Subsection "L" states that detention or retention facilities may be used to reduce peak discharges where conditions prevent conveying stormwater to an adequate discharge point. Detention or retention facilities shall be privately maintained unless the City of Colleyville has agreed to accept public dedication of the facility. In the case of this development, a retention pond will be located at the south end of the development. Although the proposed pond straddles the proposed open space Lot 11X and the single family home Lot 8, the pond will be maintained by the HOA and must be completely located within a drainage easement.

Ordinance O-08-1659 requires that a masonry, or stone, retaining wall shall be constructed, and, where applicable, replace any existing retaining wall structure or material along the creek, prior to the acceptance of final public improvements by the Engineering Division of the Public Works Department. The wall shall be approved by, and meet the specifications of the City and shall be maintained by the HOA.

Sidewalks and Trails. The Land Development Code requires sidewalks on all public streets. According to Ordinance O-08-1659, a minimum five-foot wide sidewalk shall be located along both sides of the new street, serving the development and along Glade Road. The sidewalks are required to be installed when any new structures are built on the property where the sidewalk is adjacent to single family home lots. Otherwise, the developer will be responsible for constructing any required sidewalks on Lots 10X and 11X prior to the acceptance of final public improvements.

Signage. A sign identifying the development shall be built at the southwest corner of the entrance to the subdivision as shown in the PUD-R ordinance. The sign shall meet the requirements of the Land Development Code and shall not be located within any street right-of-way.

Landscaping and Tree Preservation. Landscaping and tree preservation along Glade Road shall conform to the specifications and depictions as shown in Ordinance O-08-1659. A minimum of two (2) three-inch caliper trees shall be planted within the front yard of each lot by the builder upon construction of a new home. Trees not

located within the right-of-way or within a pad site must be preserved during construction. Before construction begins on the site, protective fencing must be installed around the drip line of all developer identified preserved trees located outside the right-of-way. A tree survey has been received.

Preliminary Plat Approval. The City Council approved the preliminary plat on May 14, 2013.

Summary. The proposed development satisfies the requirements of the Ordinance O-08-1659 and the Land Development Code. Given the amendments to plat approval authority approved earlier this year, this plat only requires approval by the Planning and Zoning Commission.

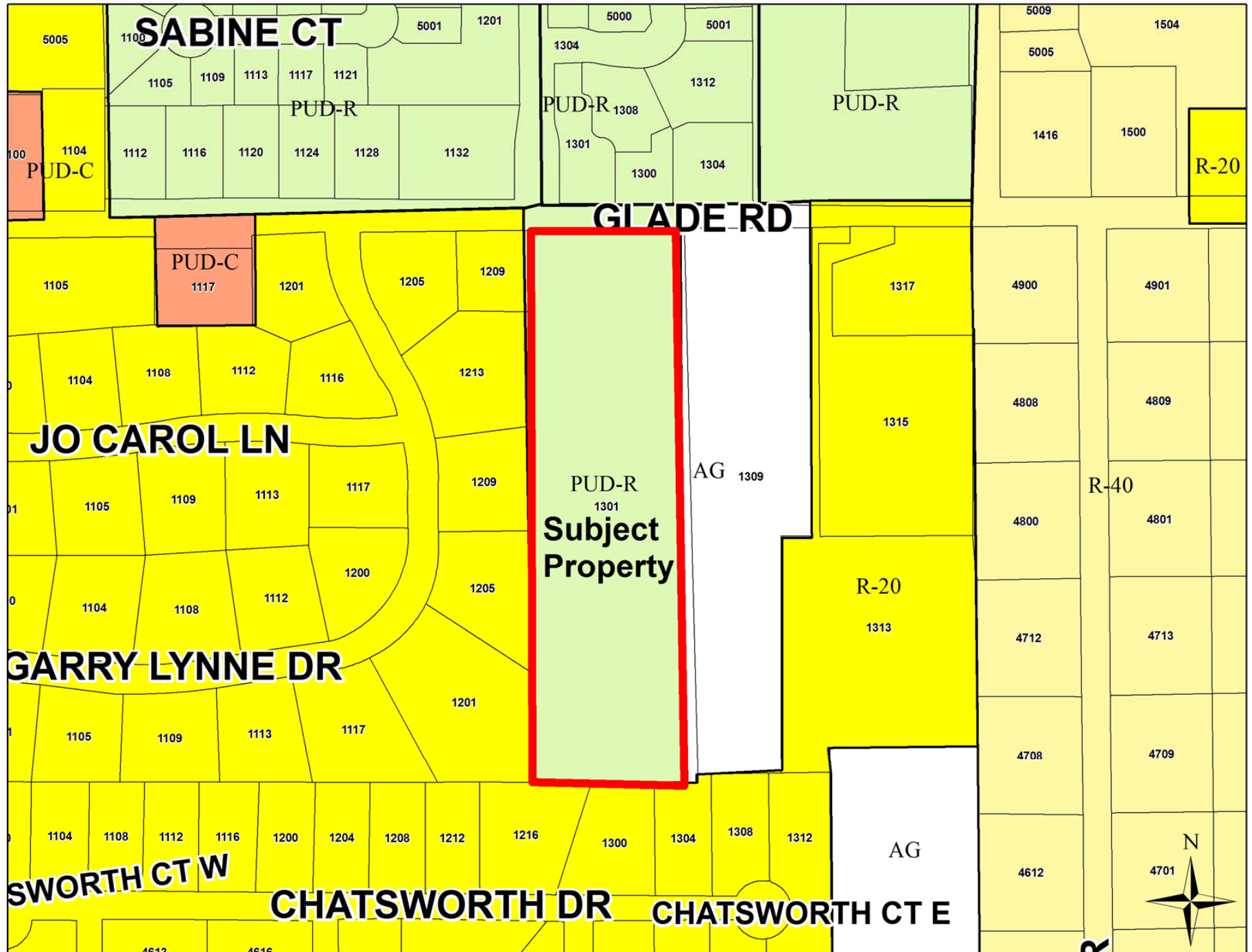
Recommendation

Approve

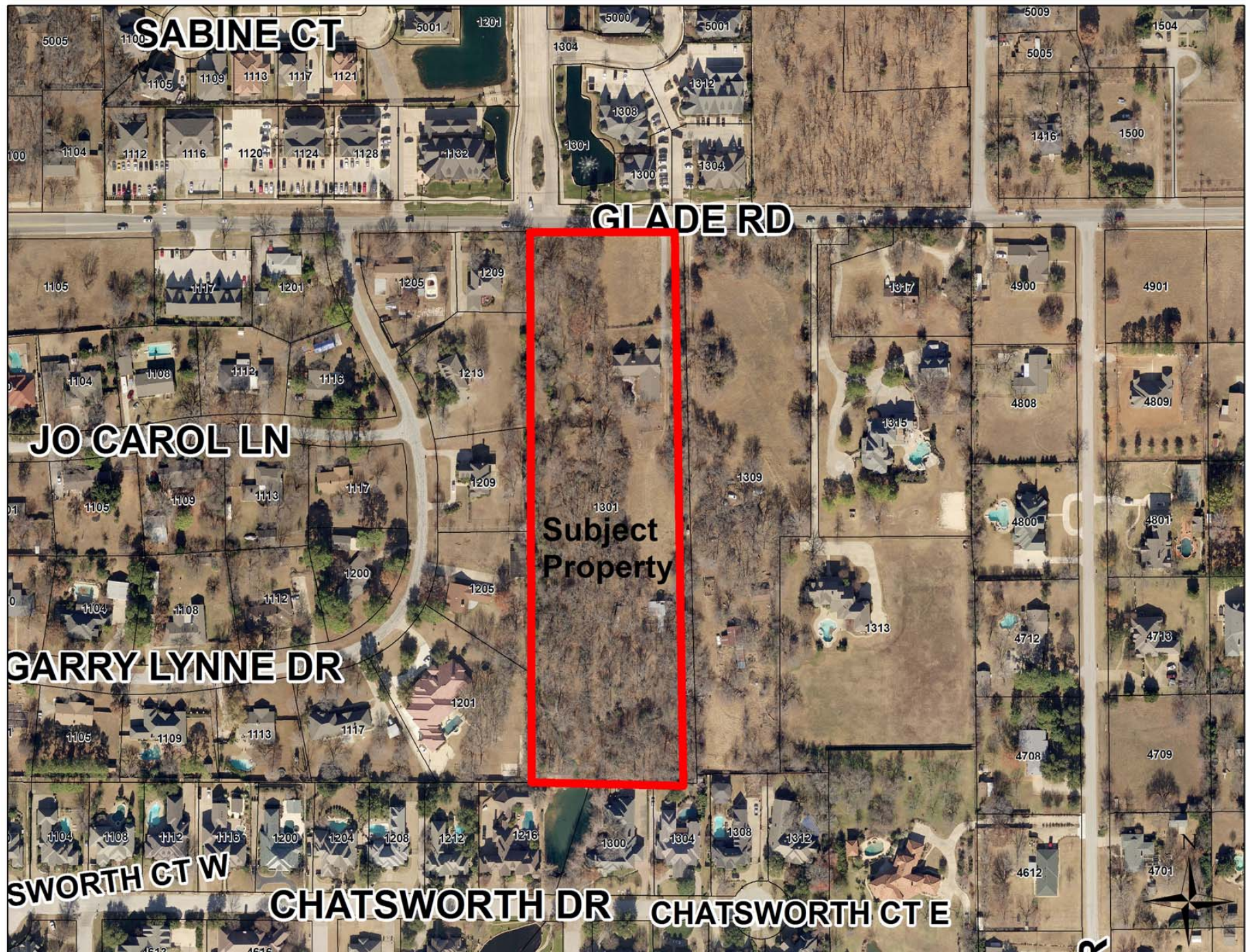
Attachments

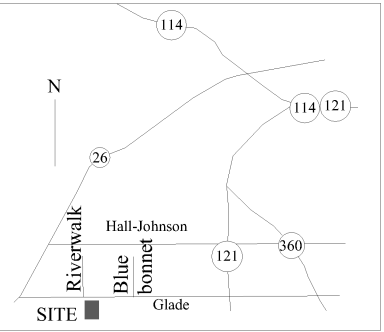
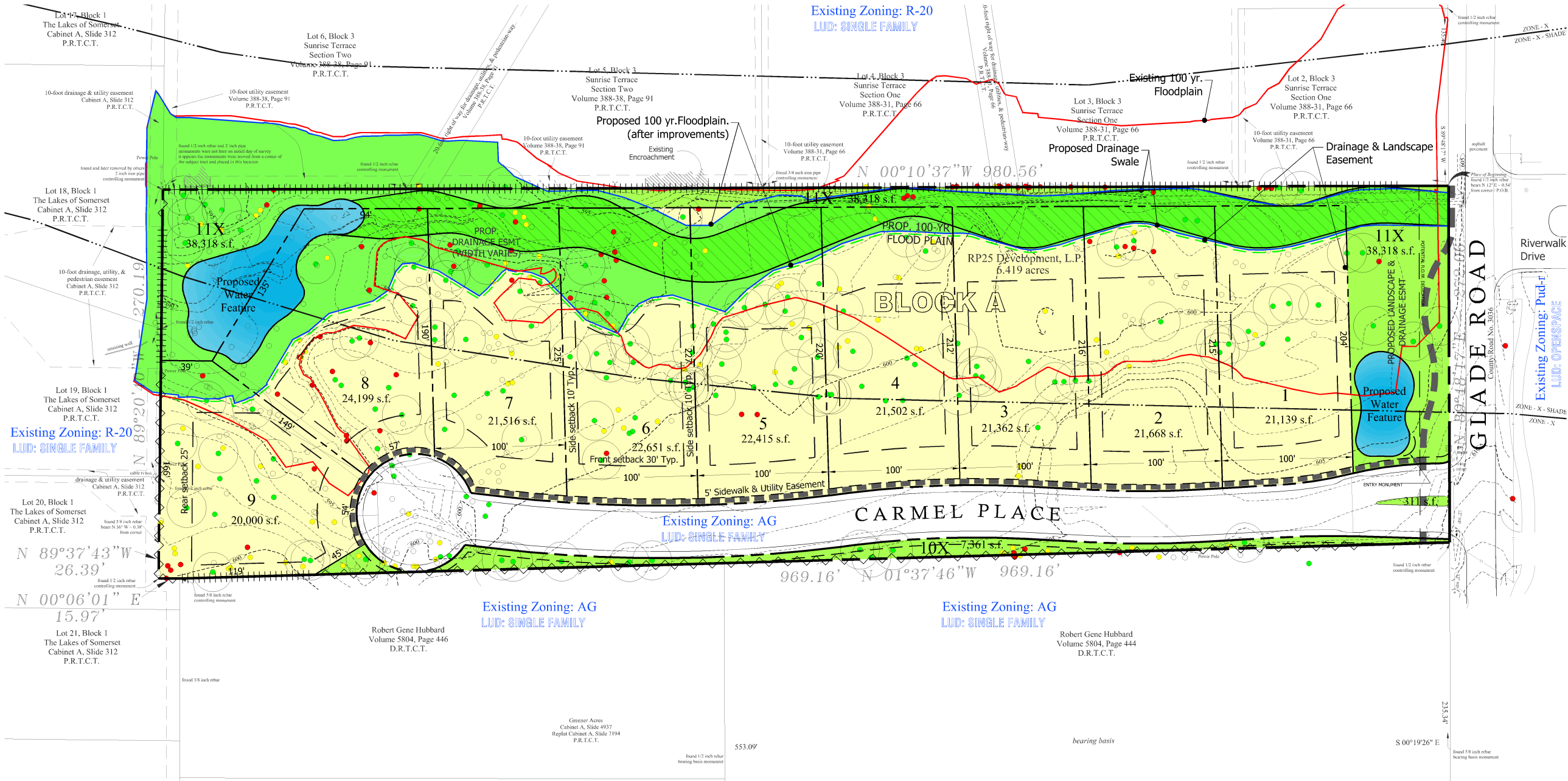
1. Location and Zoning Map
2. Aerial
3. Conceptual Site Plan
4. Final Plat Exhibit
5. Ordinance O-08-1659

Location and Zoning Map



Aerial





Legal Description

FIELD NOTES

to that certain tract situated in the George W. Teeter Survey, Abstract Number 1543, in the City of Colleyville, Tarrant County, Texas, and being the same tract described in the deed to Clifton R. Duke and wife, Candace I. Duke recorded in Volume 6318, Page 328 of the Deed Records of Tarrant County, Texas; the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of Sunrise Terrace Section One according to the plat recorded in Volume 388-31, Page 66 of the Plat Records of Tarrant County, Texas, from which a found 1/2 inch rebar bears North 12 Degrees East a distance of 0.54 feet;

THENCE North 89 Degrees 48 Minutes 17 Seconds East, with the north line of the tract described in the deed to Clifton R. Duke and wife, Candace I. Duke recorded in Volume 6318, Page 328 of the Deed Records of Tarrant County, Texas (said tract hereinafter referred to as the "Duke tract") a distance of 272.06 feet to a 1/2 inch rebar found at the northeast corner thereof and the northwest corner of the tract described in the deed to Robert Gene Hubbard recorded in Volume 5804, Page 444 of the said Deed Records;

THENCE South 01 Degree 37 Minutes 46 Seconds East, with the east line of the said Duke tract and the west line of the said Hubbard tract described in the deed recorded in Volume 5804, Page 444 and the west line of another tract to said Robert Gene Hubbard this one recorded in Volume 5804, Page 446 of the said Deed Records a total distance of 969.16 feet to a 5/8 inch rebar found at a salient corner in the north line of Block 1 of The Lakes of Somerset recorded in Cabinet A, Slide 312 of the said Plat Records;

THENCE South 00 Degrees 06 Minutes 01 Second West, with the north line of said Block 1 a distance of 15.97 feet to a 1/2 inch rebar found at a reentrant corner of said north line;

THENCE North 89 Degrees 37 Minutes 43 Seconds West, continuing with the north line of Block 1 a distance of 270.19 feet to a bend in said north line, from which a 5/8 inch rebar found bears North 36 Degrees West a distance of 0.38 feet;

THENCE North 89 Degrees 20 Minutes 40 Seconds West, continuing with the north line of Block 1 a distance of 270.19 feet to a 2 inch iron pipe (said pipe was removed by others and set in another location and shown hereon) found at the southeast corner of Sunrise Terrace Section Two recorded in Volume 388-38, Page 91 of the said Plat Records and the southwest corner of the Duke tract;

THENCE North 00 Degrees 10 Minutes 37 Seconds West, with the west line of the Duke tract and the east line of said Sunrise Terrace Sections One & Two a distance of 980.56 feet returning to the PLACE OF BEGINNING and enclosing 6.419 acres.

Surveyor's Notes

1. This survey was performed without the benefit of a commitment for title insurance. Complete copies of the record description of the property, any record easements benefiting the property, the record easements or servitudes and covenants affecting the property ("Record Documents"), documents of record referred to in the Record Documents, and any other documents containing desired appropriate information affecting the property being surveyed and to which the survey shall make reference were not provided to this surveyor for notation on the survey. Therefore, easements, agreements, or other documents, either recorded, or unrecorded may exist that affect the subject property that are not shown on this survey.

2. The subject property lies entirely within OTHER AREAS - ZONE X - Areas determined to be outside 500-year floodplain and OTHER FLOOD AREAS - ZONE X (SHADED) - Areas of 500-year flood; area of 100-year flood with average depths of less than 1 foot or with drainage area less than 1 square mile; and area protected by levees from 100-year flood. s shown on the National Flood Insurance Program's, Flood Insurance Rate Map (FIRM) for Tarrant County, Texas and Incorporated Areas, Panel 195 of 595, Map Number 48439CD195 H, Map Revised: August 2, 1995 as published by the Federal Emergency Management Agency (FEMA).

**Zoning Exhibit for
Zoning Change Request
From AG to PUDR
Case #Z-08-002**

Area Summary		Gross Area	Net of Proposed Glade Road R.O.W. Dedication	
Residential Lots	70.25%	4.51 ac.	71.81%	4.51 ac.
Right-of-Way	13.24%	0.85 ac.	13.22%	0.83 ac.
Open Space	16.51%	1.06 ac.	14.97%	0.94 ac.
Gross Acreage	100.00%	6.42 ac.	100.00%	6.28 ac.
Site Data				
Gross Acreage		6.42 ac.		6.28 ac.
Density		1.40 du/ac.		1.43 du/ac.
Lot Summary				
Single Family Residential Lots	9		9	
Common Areas	3		3	
L.U.D./Zoning				
Existing Zoning:	AG		AG	
Proposed Zoning:	PUD-R		PUD-R	
Ponds				
Total Pond Area (within Open Space)	15.09%	0.16 ac.	17.02%	0.16 ac.
Total Open Space Area	100.00%	1.06 ac.	100.00%	0.94 ac.

Legend

- Area of Drainage Channel.
- Proposed Drainage Swale.
- Proposed 100 yr. Floodplain.
- Proposed 100 yr. Floodplain resulting from Drainage Improvement.
- Drainage & Landscape Easement.
- Existing 100 yr. Floodplain Limit.

Tree Legend

- Existing Tree 3"-11"
- Existing Tree 12"-17"
- Existing Tree 18" & larger

Legend

- 6' Ornamental Iron Fence
- Retain or Improve Existing Fence
- 4' Sidewalk
- 5' Sidewalk

22 FEB 08

SAGE GROUP, INC.

1130 N. CARROLL AVENUE
SOUTHLAKE, TEXAS 76092
TEL. 817-424-2626

APPLICANT:
Name: Sage Group Inc.
Attn: Curtis Young
Address: 1130 N. Carroll Ave
Suite 200
Southlake, Texas 76092
Phone # 817 424-2626

PLANNER:
Name: Sage Group Inc.
Attn: Curtis Young
Address: 1130 N. Carroll Ave
Suite 200
Southlake, Texas 76092
Phone # 817 424-2626

ENGINEER:
Name: Thomas Hoover Engineering, LLC
Address: 1361 W. Euless Blvd.
Suite 99
Euless, Texas 76040
tom_hoover.theng@yahoo.com
Phone# 817 571-7574

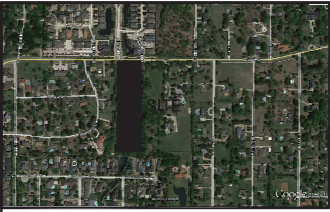
SURVEYOR:
Name: JPH Land Surveying, Inc.
Address: 1858 East Keller Parkway
Suite D
Keller, Texas 76248
Phone #817 431-4971

OWNER:
Name: RP25 Development, L.P.
Rafael Palmeiro
Address: 203 E. Northwest Hwy.
Grapevine, Texas
Phone # 817 832-3390

Carmel Place Estates

Colleyville, Texas

Final Plat Exhibit



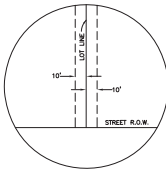
VICINITY MAP
NOT TO SCALE



Graphic Scale in Feet
0 50' 100' 150'

ABBREVIATIONS

D.R.T.C.T. DEED RECORDS OF TARRANT COUNTY, TEXAS
P.R.T.C.T. PLAT RECORDS OF TARRANT COUNTY, TEXAS
VOL. VOLUME
PG. PAGE
DOC. NO. DOCUMENT NUMBER
R.F. IRON ROD FOUND
R.S. IRON ROD SET
P.O.B. POINT OF BEGINNING
C.M. CONTROLLING MONUMENT
I.P.F. IRON PIPE FOUND
U.E. UTILITY EASEMENT
B.L. BUILDING LINE
D.U.A.P. DRAINAGE, UTILITY, AND PEDESTRIAN EASEMENT
S.E. SEWER EASEMENT
L. & S.E. LANDSCAPE & DRAINAGE EASEMENT
M.A.E. MUTUAL ACCESS EASEMENT



SEE LOT LINE DETAIL
(NOT TO SCALE)

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF TARRANT

Whereas CARMELO PLACE, LLC, is the owner of all that certain 6.420 acre tract of land by virtue of the deed recorded in Document Number 1213048314 in the Deed Records of Tarrant County, Texas (D.R.T.C.T.), in the George W. Teeter Survey A-1543, in the City of Colleyville, Tarrant County, Texas, and more fully described by metes and bounds as follows: (all bearings based on the east line of Sunrise Terrace, Section One, recorded in Volume 388-31, Page 66 in the Plat Records of Tarrant County, Texas (P.R.T.C.T.))

BEGINNING at a 1/2" iron rod with a cap stamped "PRIM" found for northwest corner of said 6.420 acre tract, common to the northeast corner of Block 3 of said Sunrise Terrace Addition, Section One, in the south right-of-way line of Glade Road (R.O.W. Varies), from which a found 1/2" iron rod bears North 89° 58' 29" East - 272.25' along the south right-of-way line of said Glade Road, to a 1/2" iron rod with a cap stamped "PRIM" found for the northeast corner of said 6.420 acre tract, in the west line of the tract to Robert Gene Hubbard, called 2A1, recorded in Volume 5804, Page 444 D.R.T.C.T.;

THENCE South 89° 58' 29" East - 272.25' along the south right-of-way line of said Glade Road, to a 1/2" iron rod with a cap stamped "PRIM" found for the northeast corner of said 6.420 acre tract, in the west line of the tract to Robert Gene Hubbard, called 2A1, recorded in Volume 5804, Page 444 D.R.T.C.T.;

THENCE South 01° 25' 38" East - 989.16' to a 2" fence post found for an angle corner of the herein described tract, common to the southwest corner of the tract to Robert Gene Hubbard, called 2A2, recorded in Volume 5804, Page 446 D.R.T.C.T., and common to the most northerly northeast corner of Block 1, The Lakes of Somerset, recorded in Cabinet A, Side 312 P.R.T.C.T.;

THENCE South 02° 18' 09" West - 16.13' to the tack on wood fence found for the southeast corner of the herein described tract, common to an angle corner of said Block 1, The Lakes of Somerset;

THENCE North 89° 27' 30" West - 26.14' to a 1/2" iron rod with a cap stamped "SPRY" set for an angle corner of the herein described tract, common to an angle corner of said Block 1, The Lakes of Somerset;

THENCE North 89° 10' 27" West - 270.18' to a 1/2" iron rod with a cap stamped "SPRY" set for southwest corner of the herein described tract, common to the southeast corner of Block 3, Sunrise Terrace Addition, Section Two, recorded in Volume 388-38, Page 91 P.R.T.C.T.;

THENCE North - 980.97' along the east line of said Sunrise Terrace Addition, Section One and Two, to the POINT OF BEGINNING and containing 6.420 acres of land.

NOT HEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That Centurian American Development Group, the Owner, does hereby adopt this plat designating the hereinbefore described property as Lots 1-9, 10X, 11X, & 12X, Block 1, Carmel Place Estates, and addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endorses or interferes with the construction, maintenance or efficiency of its respective system on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting and patrolling, without the necessity of any of procuring the permission of anyone. This plat approved subject to all existing ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

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

Mehrdad Mayedy, Manager

NOTARY CERTIFICATE

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Mehrdad Mayedy, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

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

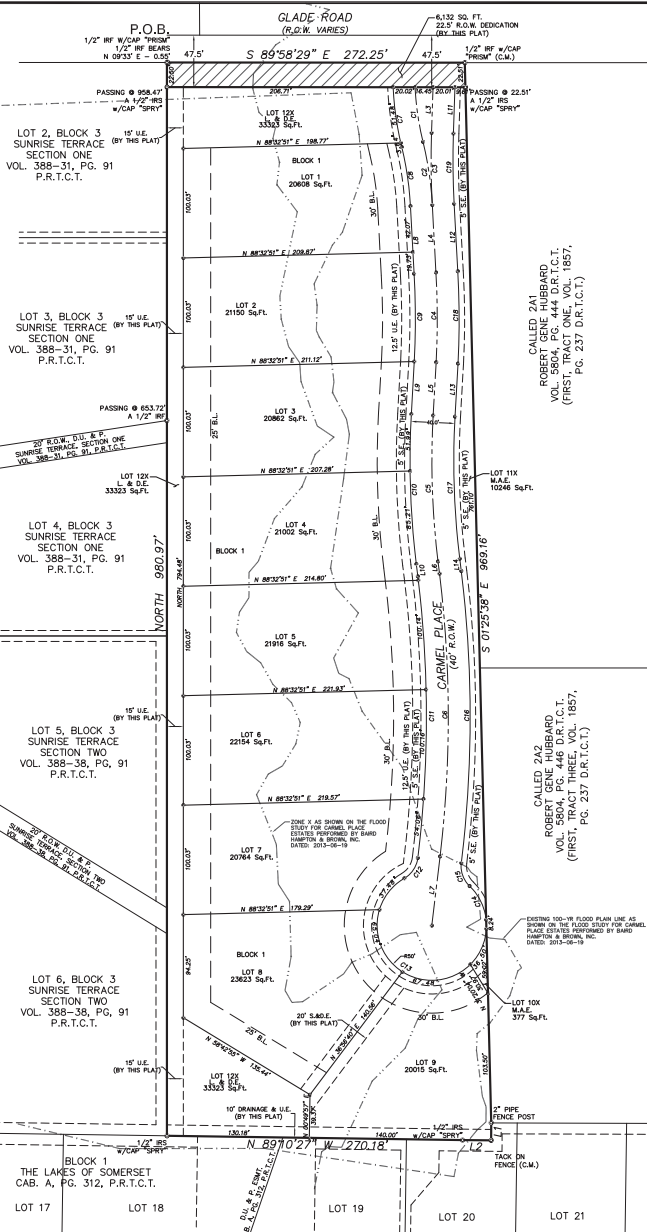
Notary Signature

NOTES

- Unless otherwise noted, all corners shown hereon are 1/2" iron rods set with a cap stamped "SPRY".
- Selling a portion of this addition by metes and bounds is a violation of the city Subdivision Ordinance and State platting statutes and is subject to fines and withholding of utilities and building permits.
- According to the Flood Insurance Rate Map No. 48439C0095 K, published by the Federal Emergency Management Agency, dated September 25, 2009, a portion of the surveyed property shown hereon lies within the special flood hazard area shaded "X", defined as areas between the limits of the 100-year flood and the 500-year flood, or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one (1) square mile, or areas protected by levees from the base flood. Further, local permitting agencies may require actual topographic support data for final determination of flood limits, regarding construction permits.

LINE	BEARING	DISTANCE
L1	S 07°18'09" W	16.13'
L2	N 89°27'30" W	26.14'
L3	N 01°51'54" E	41.70'
L4	S 02°18'09" W	63.24'
L5	N 02°12'15" E	48.30'
L6	N 02°48'06" E	63.71'
L7	N 02°48'06" E	63.71'
L8	N 02°48'06" E	63.71'
L9	N 02°12'15" E	48.30'
L10	N 02°12'15" E	48.30'
L11	N 01°51'54" E	41.70'
L12	N 02°18'09" W	63.24'
L13	N 02°12'15" E	48.30'
L14	N 02°00'22" W	11.28'

CURVE	RADIUS	ARC (Length)	CHORD LENGTH	SPRING BEARINGS	DELTA ANGLE
C1	108.14'	20.55'	20.55'	S 08°22'54" W	12°37'03"
C2	315.00'	58.57'	58.57'	S 02°06'14" E	12°37'03"
C3	128.00'	24.53'	24.53'	S 02°06'14" E	12°37'03"
C4	320.00'	62.15'	62.15'	N 02°09'09" W	6°18'34"
C5	250.00'	133.44'	133.44'	S 01°24'04" E	11°27'23"
C6	1275.00'	259.08'	259.43'	N 02°09'09" W	17°48'08"
C7	388.14'	75.30'	75.31'	N 02°18'09" W	12°37'03"
C8	285.00'	54.87'	54.89'	N 08°22'54" W	10°37'03"
C9	730.00'	79.98'	79.99'	N 02°00'22" W	11°28'34"
C10	770.00'	137.20'	137.02'	S 01°54'05" E	10°37'03"
C11	1050.00'	294.40'	294.00'	N 02°00'22" W	11°28'34"
C12	26.00'	13.20'	22.28'	N 33°27'59" E	59°55'01"
C13	50.00'	26.40'	44.56'	S 62°24'38" E	126°57'11"
C14	50.00'	35.97'	34.30'	N 28°14'57" E	40°10'55"
C15	50.00'	35.97'	34.30'	N 02°00'22" W	11°28'34"
C16	1285.00'	267.50'	266.83'	N 02°09'09" W	17°48'08"
C17	135.00'	26.50'	26.50'	N 01°51'54" E	41.70'
C18	770.00'	84.34'	84.30'	N 02°09'09" W	6°18'34"
C19	145.00'	24.21'	24.19'	S 02°06'14" E	4.58'19"



SURVEYOR CERTIFICATE

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

PURPOSE PURPOSES ONLY

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

Date: April 10, 2014

Surveyor's Signature



Planning and Zoning Commission Approval
WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this _____ day of _____, 20____, to approve this Plat.

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

PURPOSE OF PLAT
The purpose of this plat is to develop 6.420 acre tract into 9 Residential Lots, and 3 open space lots.

A FINAL PLAT OF
LOTS 1-9, 10X, 11X, AND 12X, BLOCK 1
CARMELO PLACE ESTATES
AN ADDITION TO THE CITY OF COLLEYVILLE
IN THE GEORGE W. TEETER SURVEY, A - 1543
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

OWNER: Centurian American Development Group
2500 North Shoreline 35E
Suite 200
Dartmouth, VA 22026
Phone: 469.892.7200

SURVEYOR: Spry Surveyors
8241 Mid-Cities Blvd., Ste.100
North Richland Hills, TX 76182
Phone: 817-431-0790
Fax: 817-431-0780
T.B.P. FIRM REG. NO. 006009

ENGINEER: Thomas Hoover Engineering, LLC
420 Johnson Road, Suite 303
North Richland Hills, TX 76182
Phone: 817-431-0790
Fax: 817-431-0780
T.B.P. FIRM REG. NO. 006009

SPRY PROJECT NO. 028-017-30
DATE: FEBRUARY 2014

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

ORDINANCE O-08-1659

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 6.4 ACRES OUT OF THE GEORGE W. TEETER SURVEY LOCATED AT 1301 GLADE ROAD, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE 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 rezoning under Case No. Z-08-002; and

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

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

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan 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, 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 6.4 acres out of the George W. Teeter Survey located at 1301 Glade Road, from the AG-Agricultural zoning district to the PUDR-Planned Unit Development Residential zoning district, as depicted in the attached Exhibit "A", labeled Location and Zoning Map and is described in the attached 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 1.4 dwelling units per acre.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan, labeled as Exhibit "C", which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "C" to accommodate topographic, drainage or other conditions.
- 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. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by Exhibit "C", shall control where such building line setback is different from the following requirements.

- | | |
|------------------------|---|
| a. Minimum Lot Size | 20,000 square feet. |
| b. Minimum Lot Width | 100 feet, except for cul-de-sac lots which shall be a minimum 83 feet wide. |
| c. Front Building Line | 30 feet. |
| d. Side Building Line | 10 feet. |
| e. Rear Building Line | 25 feet. |

5. OPEN SPACE

- a. This development shall provide not less than 14.97% common open space, which shall generally be configured as shown on Exhibit "C". All open space areas shall be landscaped and maintained by the Homeowner's Association.
- b. All amenities within the open space areas shall be maintained by the Homeowner's Association.
- c. Landscaping and tree preservation along Glade Road shall conform to the specifications and depictions shown on the attached Exhibit "D" labeled Entry Landscape Plan.

6. SCREENING

- a. All lots backing to open space areas shall contain fencing that consists of decorative metal and/or masonry.
- b. A six (6) foot wrought-iron fence shall be constructed along the entire western property line of the development and shall be maintained by the homeowner's association.

7. SIDEWALKS AND PATHWAYS

- a. Sidewalks shall be required along both sides of the new street and along Glade Road.

8. ARCHITECTURAL FEATURES

- a. Driveways and Private Walkways – All shall be of a washed aggregate or stamped finished concrete.
- b. Masonry Requirement – 100% brick, stone or real stucco. No Finishing System (EIFS) or artificial stucco material shall be permitted.
- c. Garage Standard – Minimum of a three car garage with wood, architecturally enhanced doors.
- d. Roof Pitch and Roof Materials – All prominent pitched roofs shall be not less than a 10:12 pitch. Materials shall consist of 40 pound architectural dimension shingles, slate, tile or standing seam metal.
- e. Windows – All windows shall be insulated glass with a “low-e” specification. No aluminum windows shall be permitted.

9. OTHER

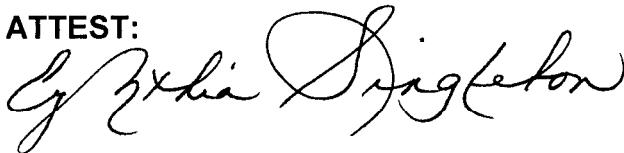
- a. All homes constructed in the development shall be installed with a fire suppression sprinkler system approved by the Fire Marshal.
- b. The street serving this development shall contain a minimum of 40 feet of right-of-way width and a minimum of 31 feet of pavement width, measured from curb-back to curb-back.
- c. Upon platting, a minimum five-foot sidewalk and utility easement shall be located along both sides of the new street serving the development.
- d. A minimum of two (2) three-inch caliper trees shall be planted within the front yard of each lot by the homebuilder upon construction of a new home.
- e. Within 60 days of the certificate of occupancy being issued, all lots must be fully irrigated.
- f. A sign identifying the development shall be built at the southwest corner of the entry to the subdivision as shown on the attached Exhibit “D” labeled Entry Landscape Plan. The sign shall meet the requirements of the Land Development Code and shall not be located within any street right-of-way.
- g. A masonry, or stone, retaining wall shall be constructed, and, where applicable, replace any existing retaining wall structure or material along the creek prior to the acceptance of final public improvements by the Engineering department. The wall shall be approved by, and meet the specifications of, the Engineering department and shall be maintained by the homeowner’s association.

- 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.

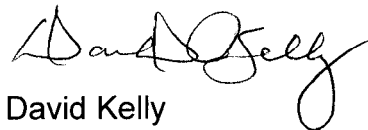
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 5th day of February 2008.

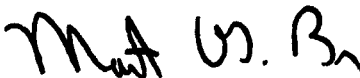
The second reading and public hearing being conducted on the 19th day of February 2008.

ATTEST:

Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

The map shows a grid of lots and blocks. Key features include:

- Streets:** Glade, Chatsworth, Alexander, and a street labeled "JO CAROL".
- Lots and Blocks:** Numerous lots are numbered, including 1100, 1104, 1108, 1112, 1116, 1120, 1200, 1204, 1208, 1212, 1216, 1300, 1304, 1308, 1312, 1316, 1320, 1324, 1328, 1332, 1336, 1340, 1344, 1348, 1352, 1356, 1360, 1364, 1368, 1372, 1376, 1380, 1384, 1388, 1392, 1396, 1400, 1404, 1408, 1412, 1416, 1420, 1424, 1428, 1432, 1436, 1440, 1444, 1448, 1452, 1456, 1460, 1464, 1468, 1472, 1476, 1480, 1484, 1488, 1492, 1496, 1500, 1504, 1508, 1512, 1516, 1520, 1524, 1528, 1532, 1536, 1540, 1544, 1548, 1552, 1556, 1560, 1564, 1568, 1572, 1576, 1580, 1584, 1588, 1592, 1596, 1600, 1604, 1608, 1612, 1616, 1620, 1624, 1628, 1632, 1636, 1640, 1644, 1648, 1652, 1656, 1660, 1664, 1668, 1672, 1676, 1680, 1684, 1688, 1692, 1696, 1700, 1704, 1708, 1712, 1716, 1720, 1724, 1728, 1732, 1736, 1740, 1744, 1748, 1752, 1756, 1760, 1764, 1768, 1772, 1776, 1780, 1784, 1788, 1792, 1796, 1800, 1804, 1808, 1812, 1816, 1820, 1824, 1828, 1832, 1836, 1840, 1844, 1848, 1852, 1856, 1860, 1864, 1868, 1872, 1876, 1880, 1884, 1888, 1892, 1896, 1900, 1904, 1908, 1912, 1916, 1920, 1924, 1928, 1932, 1936, 1940, 1944, 1948, 1952, 1956, 1960, 1964, 1968, 1972, 1976, 1980, 1984, 1988, 1992, 1996, 2000, 2004, 2008, 2012, 2016, 2020, 2024, 2028, 2032, 2036, 2040, 2044, 2048, 2052, 2056, 2060, 2064, 2068, 2072, 2076, 2080, 2084, 2088, 2092, 2096, 2100, 2104, 2108, 2112, 2116, 2120, 2124, 2128, 2132, 2136, 2140, 2144, 2148, 2152, 2156, 2160, 2164, 2168, 2172, 2176, 2180, 2184, 2188, 2192, 2196, 2200, 2204, 2208, 2212, 2216, 2220, 2224, 2228, 2232, 2236, 2240, 2244, 2248, 2252, 2256, 2260, 2264, 2268, 2272, 2276, 2280, 2284, 2288, 2292, 2296, 2300, 2304, 2308, 2312, 2316, 2320, 2324, 2328, 2332, 2336, 2340, 2344, 2348, 2352, 2356, 2360, 2364, 2368, 2372, 2376, 2380, 2384, 2388, 2392, 2396, 2400, 2404, 2408, 2412, 2416, 2420, 2424, 2428, 2432, 2436, 2440, 2444, 2448, 2452, 2456, 2460, 2464, 2468, 2472, 2476, 2480, 2484, 2488, 2492, 2496, 2500, 2504, 2508, 2512, 2516, 2520, 2524, 2528, 2532, 2536, 2540, 2544, 2548, 2552, 2556, 2560, 2564, 2568, 2572, 2576, 2580, 2584, 2588, 2592, 2596, 2600, 2604, 2608, 2612, 2616, 2620, 2624, 2628, 2632, 2636, 2640, 2644, 2648, 2652, 2656, 2660, 2664, 2668, 2672, 2676, 2680, 2684, 2688, 2692, 2696, 2700, 2704, 2708, 2712, 2716, 2720, 2724, 2728, 2732, 2736, 2740, 2744, 2748, 2752, 2756, 2760, 2764, 2768, 2772, 2776, 2780, 2784, 2788, 2792, 2796, 2800, 2804, 2808, 2812, 2816, 2820, 2824, 2828, 2832, 2836, 2840, 2844, 2848, 2852, 2856, 2860, 2864, 2868, 2872, 2876, 2880, 2884, 2888, 2892, 2896, 2900, 2904, 2908, 2912, 2916, 2920, 2924, 2928, 2932, 2936, 2940, 2944, 2948, 2952, 2956, 2960, 2964, 2968, 2972, 2976, 2980, 2984, 2988, 2992, 2996, 3000, 3004, 3008, 3012, 3016, 3020, 3024, 3028, 3032, 3036, 3040, 3044, 3048, 3052, 3056, 3060, 3064, 3068, 3072, 3076, 3080, 3084, 3088, 3092, 3096, 3100, 3104, 3108, 3112, 3116, 3120, 3124, 3128, 3132, 3136, 3140, 3144, 3148, 3152, 3156, 3160, 3164, 3168, 3172, 3176, 3180, 3184, 3188, 3192, 3196, 3200, 3204, 3208, 3212, 3216, 3220, 3224, 3228, 3232, 3236, 3240, 3244, 3248, 3252, 3256, 3260, 3264, 3268, 3272, 3276, 3280, 3284, 3288, 3292, 3296, 3300, 3304, 3308, 3312, 3316, 3320, 3324, 3328, 3332, 3336, 3340, 3344, 3348, 3352, 3356, 3360, 3364, 3368, 3372, 3376, 3380, 3384, 3388, 3392, 3396, 3400, 3404, 3408, 3412, 3416, 3420, 3424, 3428, 3432, 3436, 3440, 3444, 3448, 3452, 3456, 3460, 3464, 3468, 3472, 3476, 3480, 3484, 3488, 3492, 3496, 3500, 3504, 3508, 3512, 3516, 3520, 3524, 3528, 3532, 3536, 3540, 3544, 3548, 3552, 3556, 3560, 3564, 3568, 3572, 3576, 3580, 3584, 3588, 3592, 3596, 3600, 3604, 3608, 3612, 3616, 3620, 3624, 3628, 3632, 3636, 3640, 3644, 3648, 3652, 3656, 3660, 3664, 3668, 3672, 3676, 3680, 3684, 3688, 3692, 3696, 3700, 3704, 3708, 3712, 3716, 3720, 3724, 3728, 3732, 3736, 3740, 3744, 3748, 3752, 3756, 3760, 3764, 3768, 3772, 3776, 3780, 3784, 3788, 3792, 3796, 3800, 3804, 3808, 3812, 3816, 3820, 3824, 3828,

EXHIBIT "B"-Legal Description

Carmel Place Estates
Colleyville, Texas

FIELD NOTES

to that certain tract situated in the George W. Teeter Survey, Abstract Number 1543, in the City of Colleyville, Tarrant County, Texas, and being the same tract described in the deed to Clifton R. Duke and wife, Candace J. Duke recorded in Volume 6318, Page 328 of the Deed Records of Tarrant County, Texas; the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of Sunrise Terrace Section One according to the plat recorded in Volume 388-31, Page 66 of the Plat Records of Tarrant County, Texas, from which a found 1/2 inch rebar bears North 12 Degrees East a distance of 0.54 feet;

THENCE North 89 Degrees 48 Minutes 17 Seconds East, with the north line of the tract described in the deed to Clifton R. Duke and wife, Candace J. Duke recorded in Volume 6318, Page 328 of the Deed Records of Tarrant County, Texas (said tract hereinafter referred to as the "Duke tract") a distance of 272.06 feet to a 1/2 inch rebar found at the northeast corner thereof and the northwest corner of the tract described in the deed to Robert Gene Hubbard recorded in Volume 5804, Page 444 of the said Deed Records;

THENCE South 01 Degree 37 Minutes 46 Seconds East, with the east line of the said Duke tract and the west line of the said Hubbard tract described in the deed recorded in Volume 5804, Page 444 and the west line of another tract to said Robert Gene Hubbard this one recorded in Volume 5804, Page 446 of the said Deed Records a total distance of 969.16 feet to a 5/8 inch rebar found at a salient corner in the north line of Block 1 of The Lakes of Somerset recorded in Cabinet A, Slide 312 of the said Plat Records;

THENCE South 00 Degrees 06 Minutes 01 Second West, with the north line of said Block 1 a distance of 15.97 feet to a 1/2 inch rebar found at a reentrant corner of said north line;

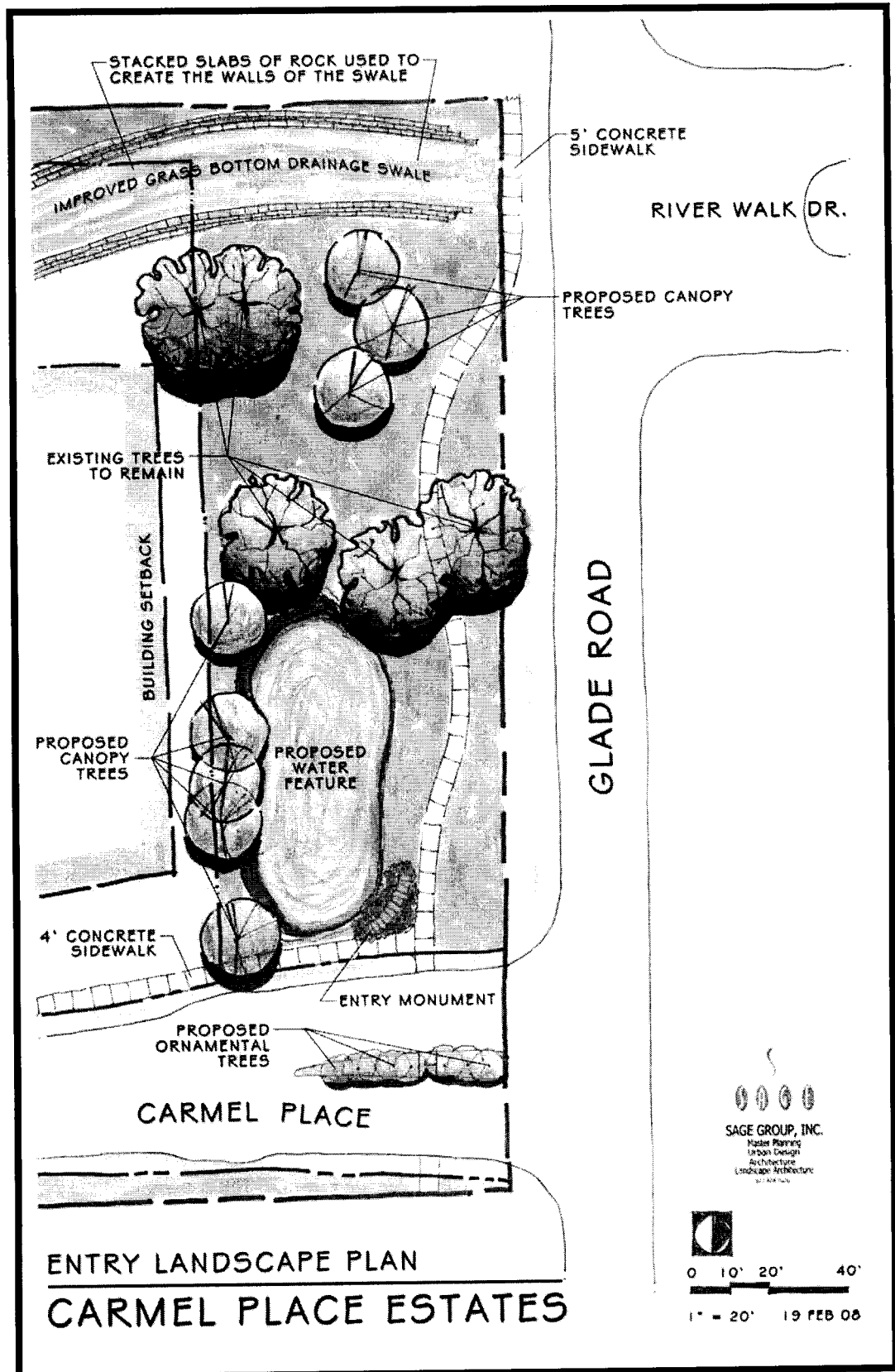
THENCE North 89 Degrees 37 Minutes 43 Seconds West, continuing with the north line of Block 1 a distance of 26.39 feet to a bend in said north line, from which a 5/8 inch rebar found bears North 36 Degrees West a distance of 0.38 feet;

THENCE North 89 Degrees 20 Minutes 40 Seconds West, continuing with the north line of Block 1 a distance of 270.19 feet to a 2 inch iron pipe (said pipe was removed by others and set in another location and shown hereon) found at the southeast corner of Sunrise Terrace Section Two recorded in Volume 388-38, Page 91 of the said Plat Records and the southwest corner of the Duke tract;

THENCE North 00 Degrees 10 Minutes 37 Seconds West, with the west line of the Duke tract and the east line of said Sunrise Terrace Sections One & Two a distance of 980.56 feet returning to the PLACE OF BEGINNING and enclosing 6.419 acres.

[illegible]

EXHIBIT "D"- Entry Landscape Plan





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3c	Agenda Date 05/12/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Consideration of a variance to the provisions of Chapter 5-Tree Preservation in the Land Development Code on 2.3 acres located on Lot 1, Block 1 of the Baylor-Emerus Addition located at 5500 Colleyville Boulevard, Case GC14-011

Explanation

Duke Realty is requesting a variance to the tree preservation requirements contained in Chapter 5-Tree Preservation in the Land Development Code for property located 5500 Colleyville Boulevard.

The subject property currently contains a 16,165 square foot building that is under construction that will house a new Baylor-Emerus hospital. The zoning for the hospital was approved by a Special Use Permit under Ordinance O-13-1872 (attached) on May 7, 2013. Completion of the building is scheduled for June 2014.

Variance Request. Chapter 5-Tree Preservation (attached) requires that any variance to the chapter be heard by the Planning and Zoning Commission. The decision of the Commission is final.

The applicant is requesting a variance to Section 5.8(A), which states: "Minimum Existing Tree Preservation Requirements: When any new construction occurs, there shall be a minimum number of trees protected on the property. For new residential subdivisions, the entire boundary of the subdivision shall be considered as one property for the purpose of this section."

According to the exhibit provided by the applicant, 40.5 percent of the subject property was covered by a protected tree canopy before construction began. Based on the total existing protected tree canopy on the property before construction began of 40.5 percent, a minimum of 50 percent of the protected canopy must be preserved in place. The following is a breakdown of the requirement (this information is also provided on the attached table):

Total pre-developed canopy coverage – 40.5% or 40,875 square feet of canopy coverage

Total preservation requirement – 50% or 20,438 square feet of canopy coverage

Total existing canopy coverage as of 5/9/2014 – 10.422 square feet.

Section 5.8(A) further states that “protected trees located within any of the exempted areas may be credited toward the minimum existing preservation coverage requirements in the above table such that no more than 50% of the existing protected trees may be credited within an exempt area.

Given this allowance, 5,211 square feet of bonus area may be credited back to the overall existing canopy coverage, leaving a total existing canopy coverage of 15,633 square feet. This leaves a final required protected canopy coverage deficiency of 4,805 square feet. Therefore, the applicant is requesting a variance to this requirement.

Staff Recommendation. Given the minimum tree preservation requirements noted above, once the minimum amount of required protected trees are removed from the property, it is effectively impossible to remove the violation status of this section from the property without the approval of a variance given the inability to restore a mature tree canopy to a property. Given that condition, staff recommends that, as a condition of approval for the variance, the applicant be required to pay the mitigation cost per caliper inch based on the existing tree protection deficiency. Based on an average caliper inch per canopy square foot for the subject property of 0.01736, the canopy deficiency of 4,805 square feet equates to a total of 83 caliper inches. Therefore, at the rate of mitigation rate of \$250.00 per caliper inch per Section 5.10(B), the total restorative fee requirement would be \$20,851.53. Per the requirements of Section 5.10(B), the monies would be deposited into the tree preservation fund, which is used by the City in order to plant trees on public properties.

Tree Mitigation Requirements. It should be understood that the overall tree mitigation requirements for the subject property based on the protected trees removed versus trees required to be mitigated for Section 5.10 are not part of this variance request. The applicant states that they intend to adhere to those requirements through the replanting of trees on the subject property. As stated above, this variance request only applies to the minimum existing canopy protection requirements contained in Section 5.8(A).

Recommendation

Approval with the following conditions:

The applicant is required to pay a minimum of \$20,851.53 into the City of Colleyville tree preservation fund as a restorative canopy charge prior to the issuance of the Certificate of Occupancy for the primary structure on the subject property.

Attachments

1. Location Map
2. Applicant's Request
3. Baylor-Emerus Site Tree Canopy Preservation Analysis
4. 2006 Aerial Showing Pre-Developed Tree Canopy
5. Tree Coverage Exhibit
6. Original Tree Survey
7. Ordinance O-13-1872
8. Chapter 5-Tree Preservation

Location Map



Applicant's Request



14241 N. Dallas Parkway, Suite 1000
Dallas, TX 75254
Phone: (972) 361-6700
Fax: (972) 361-6800

April 23, 2014

City of Colleyville
100 Main Street
Colleyville, TX 76034

Re: *Baylor Emergency Medical Center at Colleyville*
Variance Request for Violation of Code Section 5.8 – Tree Preservation Requirements

To whom it may concern:

As the representative of Duke Realty BEMC Colleyville Development LLC, the property owner for the Baylor Emergency Medical Center at Colleyville, I request a variance for the current violation of the city of Colleyville Code Section 5.8 regarding tree preservation requirements. According to the Existing Tree Preservation Requirements table in this section, a minimum of 50% of the existing protected tree canopy must be preserved. Due to the constraints of the site, we were only able to maintain 39.3% of the existing protected canopy. Duke Realty understands the importance of maintaining canopy coverage and will provide additional trees on site to help restore the canopy coverage as well as improve the aesthetics of the site and community. Please see attached variance application, tree survey and application fee. Feel free to contact me at 972-361-6711 if you have any questions.

Sincerely,

DUKE REALTY CORPORATION

A handwritten signature in blue ink, appearing to read "A. Zimmerman".

Amanda L. Zimmerman
Assistant Project Manager

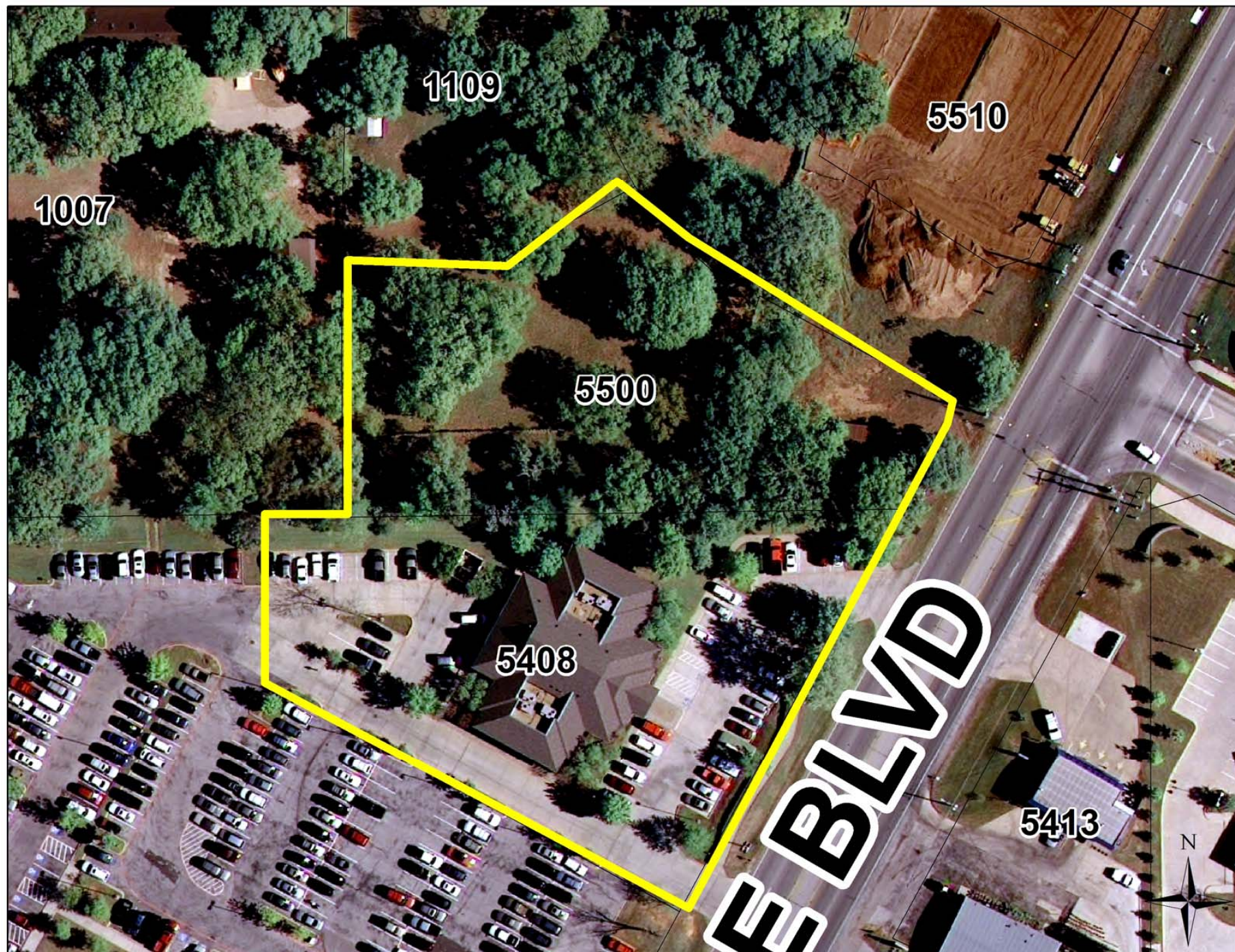
Encl.

cc: File
Gordon Adkison, Duke Realty Corporation
Steve Wheeler, Duke Realty Corporation
Leonard Reeves, Studio 13
Joe Roberts, Emerus Hospitals

Baylor-Emerus Site Tree Canopy Preservation Analysis

Total Pre-Developed Canopy Coverage	40,875	square feet
Total Canopy Removed	30,453	square feet
Total Canopy Remaining	10,422	square feet
Total 50% Canopy Coverage Required	20,438	square feet
Total Canopy Deficiency	10,016	square feet
Total Bonus Area Allowed	5,211	square feet
Total Canopy Remaining Including Bonus Area	15,633	
Total Final Canopy Deficiency Including Bonus Area	4,805	square feet
Average Caliper Inch per unit of Canopy Area	0.01736	inches
Total Restorative Canopy Mitigation Required in Caliper Inches	83.40612	inches
Total Restorative Canopy Mitigation Cost based on \$250.00 per caliper inch	\$20,851.53	

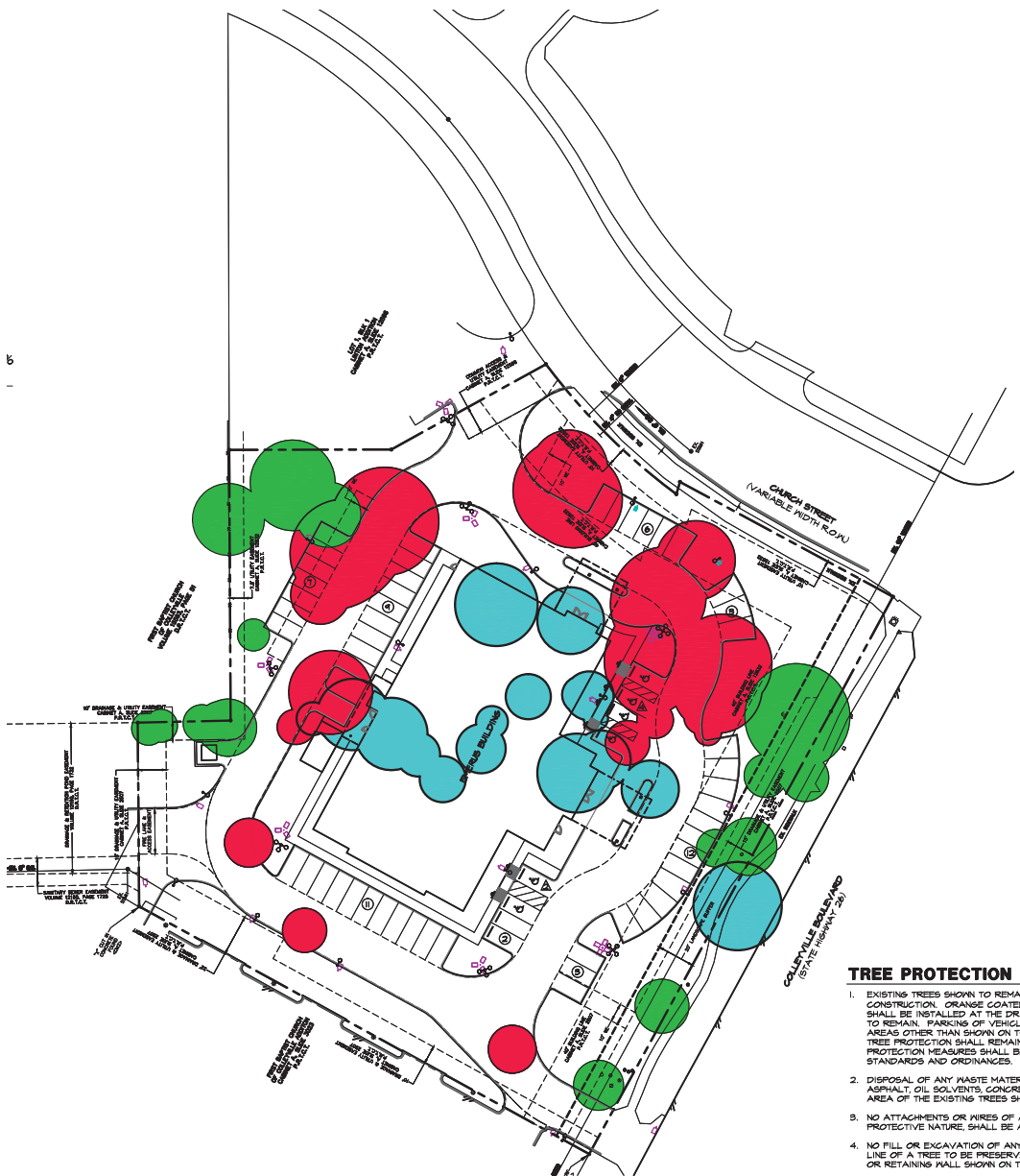
2006 Aerial Showing Pre-Developed Tree Canopy



Tree Coverage Exhibit

Printed by: Station7 Plot Date: 5/9/2014 11:10 AM

Drawing: S:\Projects\PM0005\PM0005-TR-Exhibit Saved By: Station7 Save Time: 2/26/2014 8:04 AM



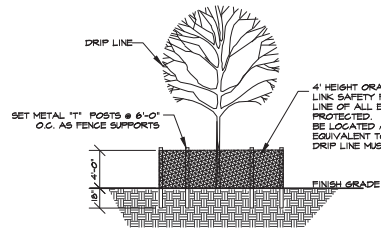
LEGEND

- EXISTING TREE TO REMOVE
- EXISTING TREE TO REMAIN
- EXISTING TREE TO REMOVE (EXEMPT)
- SITE AREA = 100,847.56 SF
- TREE COVERAGE = 40,875 SF (40.55% CANOPY COVERAGE)
- TREE COVERAGE REMOVE = 18,165 SF @ 44.4%
- TREE COVERAGE REMOVE (EXEMPT) = 10,900 SF @ 26.9% (50% TOWARDS CANOPY COVERAGE (15.5%))
- TREE COVERAGE REMAIN = 11,722 SF @ 28.7% + 50% EXEMPT @ 15.5% = 42.2%

NOTE: TREE CANOPY COVERAGE CALCULATIONS REFLECT 1 FOOT OF RADIUS OF TREE CANOPY PER 1 CALIPER INCH SURVEYED. NUMBERS SHOWN ACCOUNT FOR THE FULL CANOPY OF EACH TREE.

TREE PROTECTION NOTES

- EXISTING TREES SHOWN TO REMAIN ARE TO BE PROTECTED DURING CONSTRUCTION. ORANGE COATED CHAINLINK FENCING (MIN. 4'-0" HEIGHT) SHALL BE INSTALLED AT THE DRIP LINE OF ALL TREES OR TREE GROUPS TO REMAIN. PARKING OF VEHICLES OR PERFORMING WORK WITHIN THESE AREAS OTHER THAN SHOWN ON THE PLAN WILL NOT BE ALLOWED. THE TREE PROTECTION SHALL REMAIN DURING CONSTRUCTION. OTHER TREE PROTECTION MEASURES SHALL BE IN ACCORDANCE WITH THE CITY'S STANDARDS AND ORDINANCES.
- DISPOSAL OF ANY WASTE MATERIAL SUCH AS, BUT NOT LIMITED TO, PAINT, ASPHALT, OIL SOLVENTS, CONCRETE, MORTAR, ETC. WITHIN THE CANOPY AREA OF THE EXISTING TREES SHALL NOT BE ALLOWED.
- NO ATTACHMENTS OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE NATURE, SHALL BE ATTACHED TO ANY TREE.
- NO FILL OR EXCAVATION OF ANY NATURE SHALL OCCUR WITHIN THE DRIP LINE OF A TREE TO BE PRESERVED UNLESS THERE IS A SPECIFIED WELL OR RETAINING WALL SHOWN ON THE GRADING PLAN.
- NO MATERIALS SHALL BE STORED WITHIN THE DRIP LINE AREA OF A TREE TO BE PRESERVED.



1 TREE PROTECTION DETAIL

NOT TO SCALE

- NOTES:
- FENCE TO BE MAINTAINED AND REPAIRED AS NEEDED DURING CONSTRUCTION.
 - NO CONSTRUCTION TRAFFIC, GRADING, STORAGE OR WASTE DISPOSAL ALLOWED WITHIN THE FENCED AREA AROUND TREES.

Studio 13 Design Group, P.L.L.C.
1110 Stewart Lane, Suite 201
Lewisville, Texas 75077
(940) 443-1000
TRM-FRM-000040

City of Colleyville
January 29, 2014

NORTH

90 15 0 30
1" = 50' - 0"

Bar is one inch on original drawing. If not one inch on this sheet, adjust scale as necessary.

One Inch

TREE SURVEY

Tree Survey / Tree Mitigation

Emerus Emergency Hospital

City of Colleyville, Tarrant County, Texas

DATE	BY	PLAN REVIEW REVISIONS
7-8-2013	LWR	Issued for Permit & Pricing
10-22-2013	JAC	Per City Meeting
10-22-2013	LWR	

PROJECT

PWP006

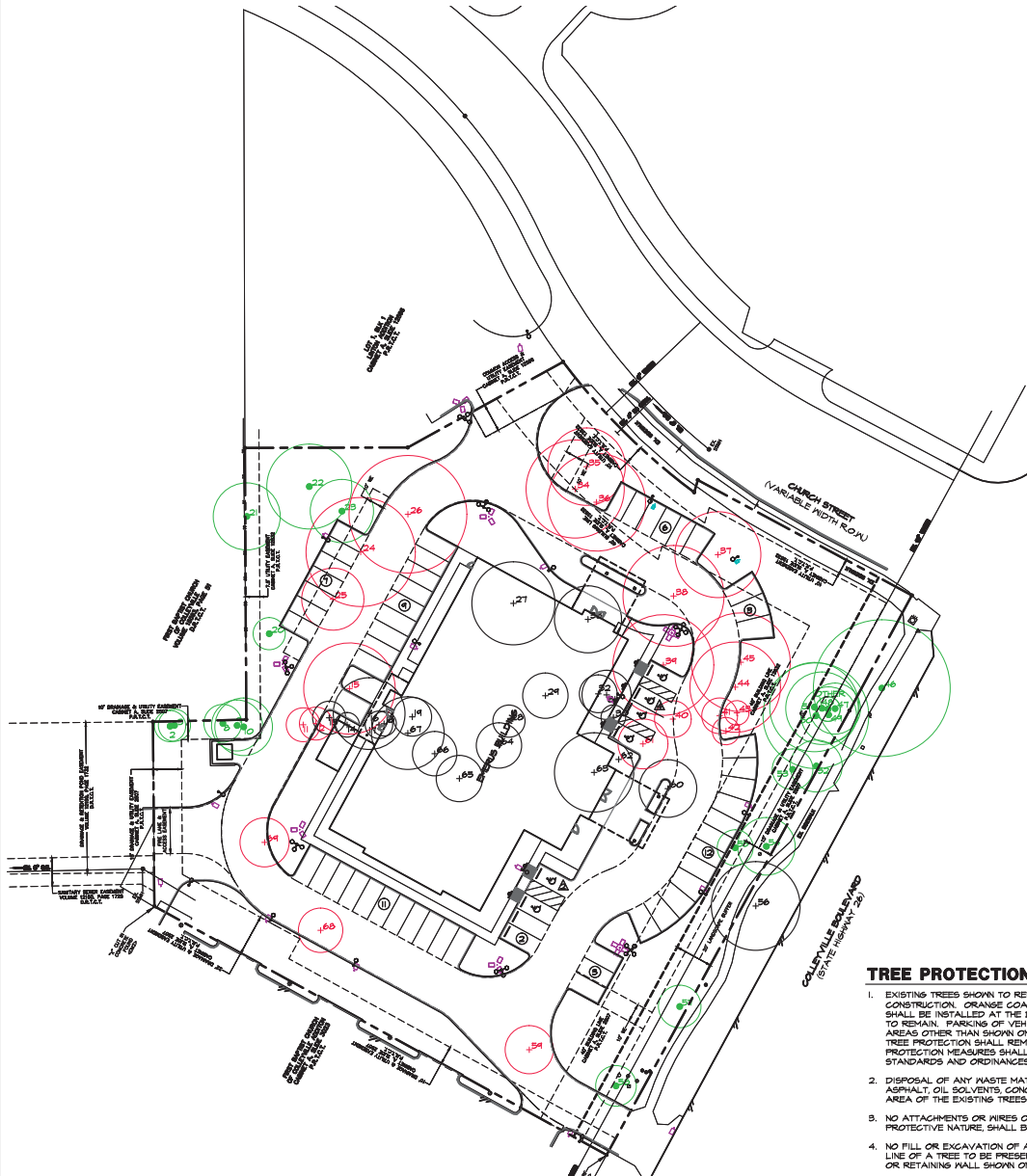
SHEET

TR1 of 1

Final Tree Survey

Plotted by Station Plot Date: 1/26/2014 12:58 PM

Drawing: S:\Projects\WMP005\WMP005-TR.dwg Saved By: Station* Save Time: 1/26/2014 12:57 PM



LEGEND

EXISTING TREE TO REMOVE



EXISTING TREE TO REMAIN

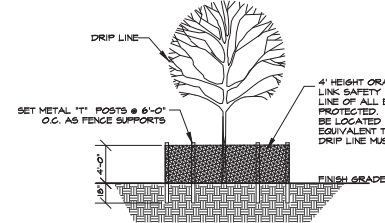


EXISTING TREE TO REMOVE (EXEMPT)



TREE PROTECTION NOTES

- EXISTING TREES SHOWN TO REMAIN ARE TO BE PROTECTED DURING CONSTRUCTION. ORANGE COATED CHAINLINK FENCING (MIN. 4'-0" HEIGHT) SHALL BE INSTALLED AT THE DRIP LINE OF ALL TREES OR TREE GROUPS TO REMAIN. PARKING OF VEHICLES OR PERFORMING WORK WITHIN THESE AREAS OTHER THAN SHOWN ON THE PLAN WILL NOT BE ALLOWED. THE TREE PROTECTION SHALL REMAIN DURING CONSTRUCTION. OTHER TREE PROTECTION MEASURES SHALL BE IN ACCORDANCE WITH THE CITY'S STANDARDS AND ORDINANCES.
- DISPOSAL OF ANY WASTE MATERIAL SUCH AS, BUT NOT LIMITED TO, PAINT, ASPHALT, OIL SOLVENTS, CONCRETE, MORTAR, ETC. WITHIN THE CANOPY AREA OF THE EXISTING TREES SHALL NOT BE ALLOWED.
- NO ATTACHMENTS OR WIRES OF ANY KIND, OTHER THAN THOSE OF A PROTECTIVE NATURE, SHALL BE ATTACHED TO ANY TREE.
- NO FILL OR EXCAVATION OF ANY NATURE SHALL OCCUR WITHIN THE DRIP LINE OF A TREE TO BE PRESERVED UNLESS THERE IS A SPECIFIED KILL OR RETAINING WALL SHOWN ON THE GRADING PLAN.
- NO MATERIALS SHALL BE STORED WITHIN THE DRIP LINE AREA OF A TREE TO BE PRESERVED.



TREE PROTECTION DETAIL

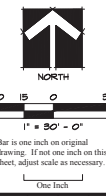
- NOT TO SCALE
- FENCE TO BE MAINTAINED AND REPAIRED AS NEEDED DURING CONSTRUCTION.
 - NO CONSTRUCTION TRAFFIC, DRIVING, STORING, OR PAVING SHALL BE ALLOWED WITHIN THE FENCED AREA AROUND TREES.

Emerus Emergency Hospital Colleyville, Texas						
TR. NO.	SIZE	COMMON NAME	SCIENTIFIC NAME	STATUS	EXEMPT / NON-EXEMPT	REMOVE / REMAIN
1						Chute
2	8.25	American Elm	Ulmus Americana	UL		Save
3	8.5	Cherrybark	Malva Aspidochloa	UL		Save
4						Chute
5						Chute
6						Chute
7						Chute
8	10	Blackjack Oak	Quercus Macrocarpa	UL		Save
9	13.5	Cottonwood	Populus deltoides	UL		Save
10	15.25	Cottonwood	Populus deltoides	UL		Save
11	9	American Elm	Ulmus Americana	Good		Remove
12	8.75	American Elm	Ulmus Americana	UL		Remove
13	8.75	American Elm	Ulmus Americana	UL	Exempt	Remove
14	6.5	Minnow	Albizia julibrissin	UL	Exempt	Remove
15	24.25	Post Oak	Quercus Stellata	UL	Exempt	Remove
16	19	Post Oak	Quercus Stellata	UL	Exempt	Remove
17	7.25	Minnow	Albizia julibrissin	UL	Exempt	Remove
18	6.5	American Elm	Ulmus Americana	Good	Exempt	Remove
19	10.25	Cherry Laurel	Prunus Carolina	Good	Exempt	Remove
20	6.5	Post Oak	Quercus Stellata	UL		Save
21	17.75	Post Oak	Quercus Stellata	Good		Save
22	22.5	Post Oak	Quercus Stellata	Good		Save
23	16.75	Post Oak	Quercus Stellata	Good		Save
24	26	Post Oak	Quercus Stellata	Good		Remove
25	16.5	Post Oak	Quercus Stellata	UL		Remove
26	31.5	Post Oak	Quercus Stellata	Good		Remove
27	25	Post Oak	Quercus Stellata	Good		Remove
28	8.5	American Elm	Ulmus Americana	Good	Exempt	Remove
29	12	Post Oak	Quercus Stellata	UL	Exempt	Remove
30	6.5	Post Oak	Quercus Stellata	UL	Exempt	Remove
31	13	Post Oak	Quercus Stellata	UL	Exempt	Remove
32	10	Post Oak	Quercus Stellata	UL	Exempt	Remove
33	17.75	Post Oak	Quercus Stellata	Good	Exempt	Remove
34	26	Post Oak	Quercus Stellata	UL		Remove
35	23.5	Post Oak	Quercus Stellata	Good		Remove
36	26	Post Oak	Quercus Stellata	UL		Remove
37	22.75	Post Oak	Quercus Stellata	Remove Trunk	Exempt	Remove
38	26.75	Post Oak	Quercus Stellata	Good		Remove
39	26.75	Post Oak	Quercus Stellata	Good		Remove
40	13.75	Post Oak	Quercus Stellata	Good		Remove
41	9.5	Post Oak	Quercus Stellata	UL		Remove
42	7.25	Pine	Pinus SP	UL		Remove
43	6.5	Post Oak	Quercus Stellata	UL		Remove
44	24	Post Oak	Quercus Stellata	UL		Remove
45	26.25	Post Oak	Quercus Stellata	UL		Remove
46	26.25	Post Oak	Quercus Stellata	UL		Save
47	13.5	Post Oak	Quercus Stellata	UL		Save
48	6.5	Post Oak	Quercus Stellata	UL		Save
49	14.5	Post Oak	Quercus Stellata	UL		Save
50	26	Post Oak	Quercus Stellata	Good		Save
51	13	Post Oak	Quercus Stellata	UL		Save
52	13.75	Red Oak	Quercus shumardii	Good		Save
53	10.75	Red Oak	Quercus shumardii	Good		Save
54	15.25	Red Oak	Quercus shumardii	Good		Save
55	9.5	Red Oak	Quercus shumardii	UL		Save
56	23.5	Sycamore	Platanus Occidentalis	Remove Trunk	Exempt	Remove
57	11.25	Red Maple	Acer Rubrum	Remove Trunk		Save
58	10.75	Red Maple	Acer Rubrum	Remove Trunk		Save
59	12.75	Red Oak	Quercus shumardii	Good		Remove
60	15.25	Red Oak	Quercus shumardii	Good	Exempt	Remove
61	13.25	Red Oak	Quercus shumardii	Good		Remove
62	15.75	Post Oak	Quercus Stellata	Leaning Trunk	Exempt	Remove
63	21	Blackjack Oak	Quercus Macrocarpa	Good	Exempt	Remove
64	12	Red Oak	Quercus shumardii	UL	Exempt	Remove
65	12.25	Red Oak	Quercus shumardii	Good	Exempt	Remove
66	11.75	Red Oak	Quercus shumardii	Good	Exempt	Remove
67	16.25	Cherrybark	Malva Aspidochloa	Remove Trunk	Exempt	Remove
68	11.75	Red Oak	Quercus shumardii	Good		Remove
69	13	Ash	Fraxinus Americana	Leaning Trunk		Remove

TREE SPECIES	NUMBER OF TREES CHUTE	TOTAL CALIPER INCHES (PRIVATE)	NUMBER OF EXEMPT TREES REMOVED	CALIPER INCHES EXEMPT TO BE REMOVED	NUMBER OF NON-EXEMPT TREES REMOVED	CALIPER INCHES NON-EXEMPT TO BE REMOVED
Post Oak	34	632	9	13.75	15	116.25
American Elm	5	49.75	3	23.75	2	17.75
Cherrybark	2	27.75	1	19.25	0	0
Blackjack Oak	2	31	0	0	0	0
Cottonwood	2	28.75	0	0	0	0
Minnow	2	13.75	1	13.75	0	0
Cherry Laurel	1	10.25	1	10.25	0	0
Pine	1	7.25	0	0	1	7.25
Sycamore	1	23.5	1	23.5	0	0
Red Oak	10	125	4	51.25	2	24.5
Ash	1	13	0	0	1	13
Red Maple	2	22	0	0	0	0
Total	63	984	22	301.5	21	301.75

STUDIO 183
DESIGN GROUP

Studio 183 Design Group, PLLC
1110 West Loop, Suite 201
Lewisville, Texas 76077
(940) 383-0888



TREE SURVEY
Tree Survey / Tree Mitigation
Emerus Emergency Hospital
City of Colleyville, Tarrant County, Texas

DATE	BY	PLAN REVIEW / REVISIONS
7/26/2013	LAKE	Issued for Permit & Pricing
10/22/2013	LAKE	2. PERMITS
10/22/2013	LAKE	3. Revised Per City Meeting 1/24/2014

PROJECT
PWP006

SHEET
TR1 of 1

ORDINANCE O-13-1872

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 1A, BLOCK 1, OF THE BAYLOR HEALTH CARE SYSTEM ADDITION AND LOT 2R, BLOCK 1 OF THE LINTON ADDITION LOCATED AT 5408 AND 5500 COLLEYVILLE BOULEVARD BY AUTHORIZING A SPECIAL USE PERMIT FOR A HOSPITAL WITH A PRIMARY USE AS AN EMERGENCY ROOM; 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 rezoning under Case No. ZC13-002; and

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

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

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan 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 the official zoning map by authorizing a Special Use Permit for a hospital with a primary use as an emergency room on Lot 1A, Block 1, of the Baylor Health Care System Addition and Lot 2R, Block 1, of the Linton Addition located at 5408 and 5500 Colleyville Boulevard, as depicted on the location and zoning map, Exhibit "A".
- Sec. 3. 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. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The hospital with a primary use as an emergency room facility authorized by this special use permit shall not exceed 16,165 feet in area.
- b. The bed count in this emergency room facility shall not exceed a total of 17 beds, which shall include emergency room (ER) beds, inpatient beds, triage beds, exam room for the semi-

private rooms, or other beds.

- c. The layout shall be generally consistent with Exhibit "B," conceptual site plan.
- d. The specific use shall be for emergency room medical care only, as referenced in Exhibit "C," Statement of Planning Objectives.
- e. The operating hours for this establishment shall be 24 hours a day, seven (7) days a week.

2. PARKING AND ACCESS

- a. A minimum of 57 parking spaces shall be required.

3. LANDSCAPING

- a. All landscaping and buffering shall meet the minimum requirements of Chapter 4-Landscaping and Buffering in the Land Development Code.

4. BUILDING DESIGN AND CONSTRUCTION

- a. The building design of the business shall be generally consistent with the attached Exhibit "D". Otherwise the final design shall, at a minimum, have a design score of at least 30 as required in Chapter 6 of the Land Development Code. All exterior surfaces shall adhere to the design standards as required by Chapter 6 of the Land Development Code.
- b. All dumpsters shall, at a minimum, be screened with a minimum eight foot high masonry wall and shall, otherwise, meet the requirements for dumpster screening in the Land Development Code.
- c. This Special Use Permit shall automatically expire upon the abandonment of the business known as "Baylor Emergency Medical Center," a change in the use, or upon the expiration or termination of the Certificate of Occupancy.

Sec. 5. 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. 6. 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. 7. 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. 8. 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.

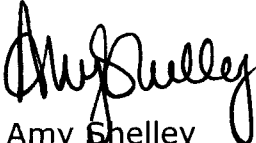
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16th day of April, 2013.

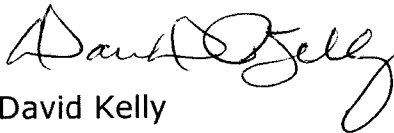
The second reading and public hearing being conducted on the 7th day of May, 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 7th day of May 2013.

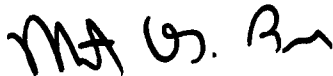
ATTEST:


Amy Shelley
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "MA G. Boyle", with a stylized flourish at the end.

Matthew C. G. Boyle
City Attorney

Exhibit "A" - Location and Zoning Map

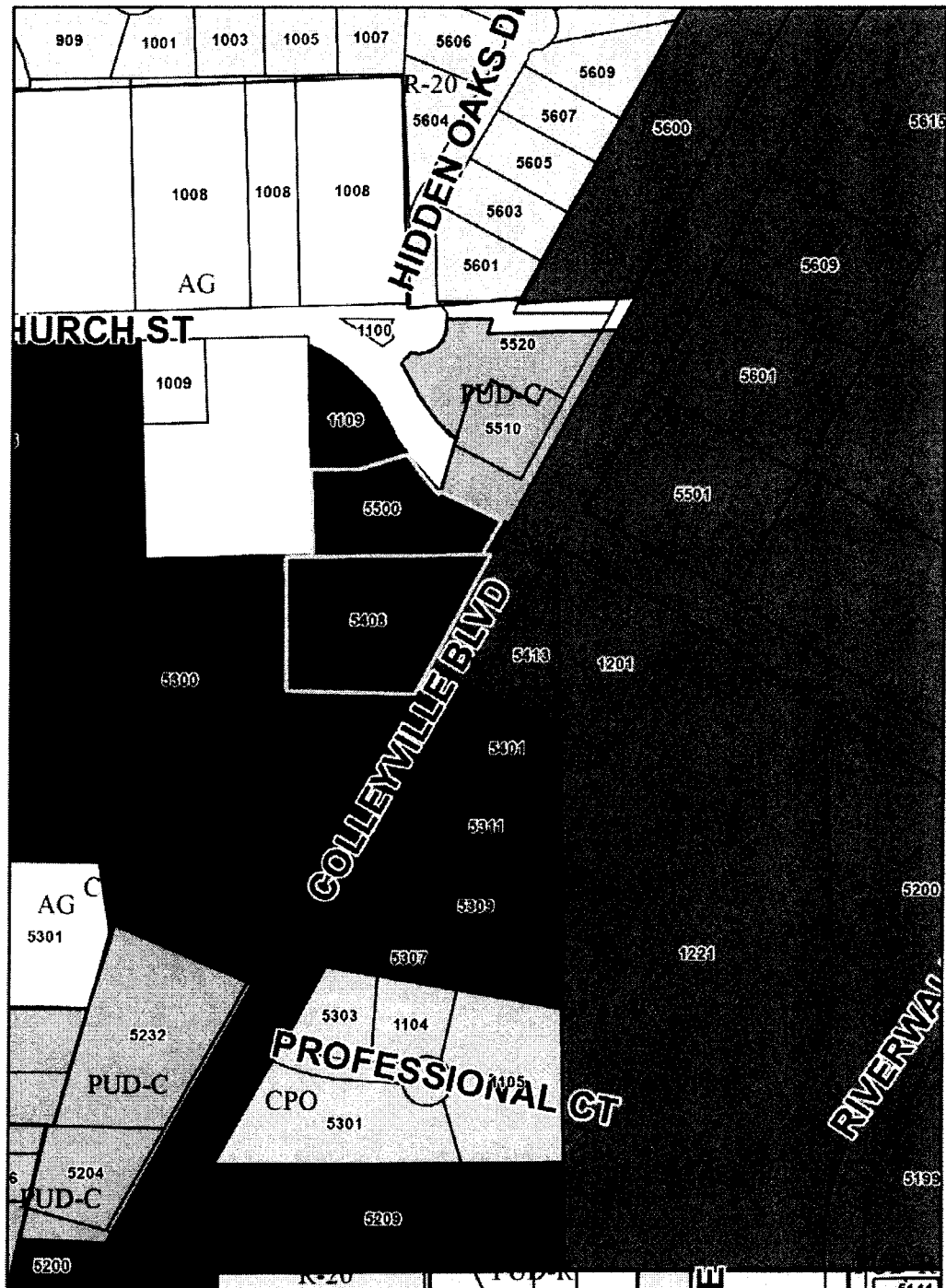


Exhibit “B” – Conceptual Site Plan

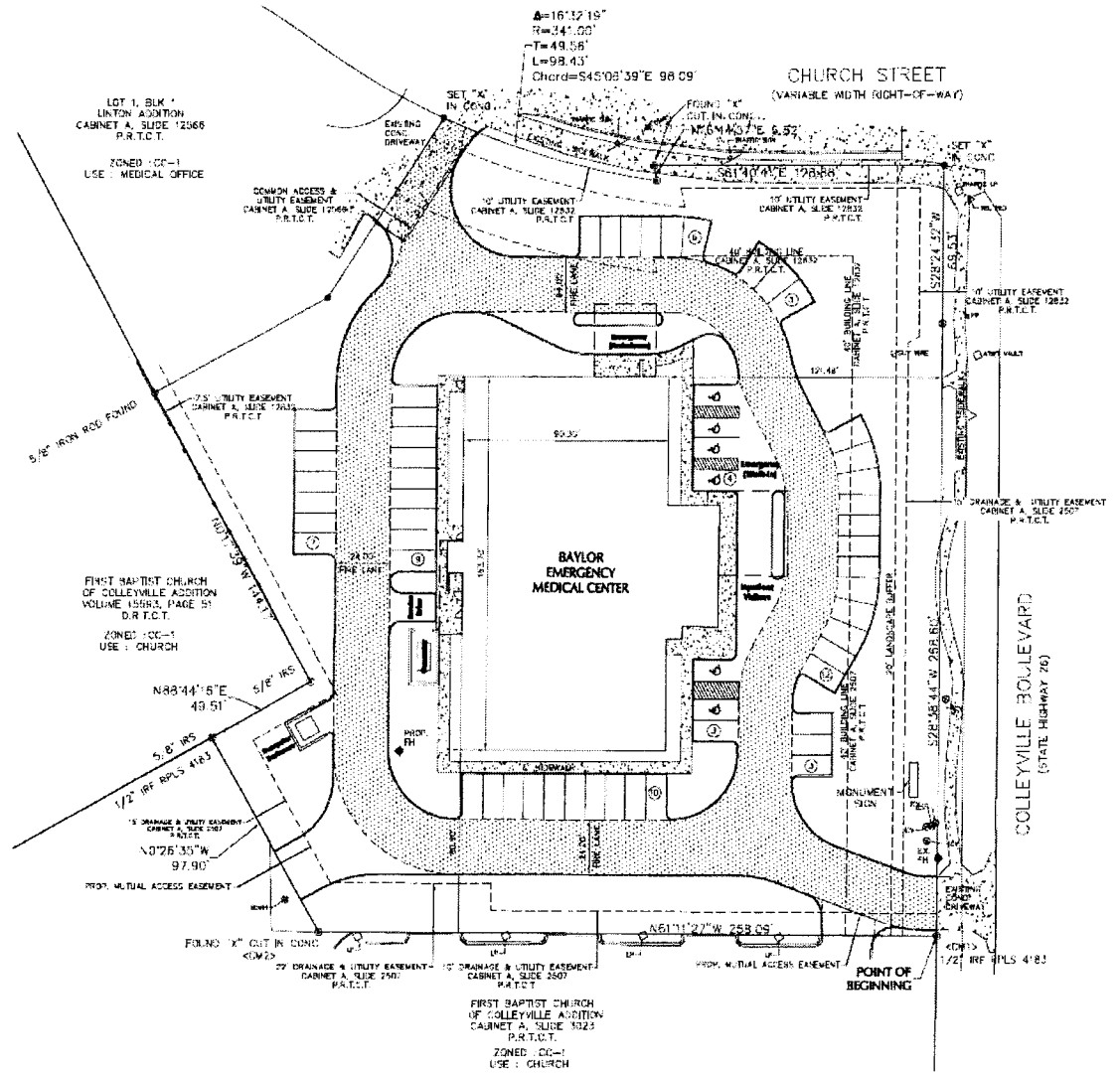


Exhibit “C” – Statement of Planning Objectives

Statement of Planning Objectives

The objective of this Special Use Permit request is to allow a hospital use on the subject property currently zoned Village Retail (CC1). The Baylor Health Care System has selected Colleyville as a market to construct a new 16,165 square foot hospital facility. This small, boutique hospital will include 7 exam room beds and 8 inpatient beds. Approximately 30- 40 associates will be employed at the new facility. Each associate may participate in a comprehensive medical plan along with other competitive benefits. Baylor Emergency Medical Center brings an efficient and patient centered approach to the delivery of emergency care. On average, Baylor Emergency Medical Center patients see an ER physician within 15 minutes of check-in. Our facility will be staffed with a board certified ER physician 24 hours a day, 7 days a week. Services at this facility will include:

- High quality care, 24 hours a day, 7 days a week. Our facility never closes.
- ER lab results in under 15 minutes on average.
- On site X-ray and CT facilities.
- Certification at the highest level of emergency room medicine.

Approximately 25 patients will visit the facility each day. 75% of those patients are located within 18 minutes of this facility.

The following preliminary construction schedule has been established by the design team:

Permit Submittal Date:	June, 2013
Construction Start:	August, 2013
Building Turnover:	March, 2014
Opening:	May, 2014

Although this Baylor facility will have no Sales Tax impact as we are selling medical services and not equipment or goods, our estimated annual revenue is projected to be \$6,000,000-\$9,000,000. The estimated development cost will be approximately \$10,000,000. This facility is a for-profit entity and therefore will be subject to property and personal property taxes. Our facility will enhance the City's objective of becoming a medical center for the region.

A vacant Baylor Family Care facility currently exists on the southern portion of this property. This facility will be demolished as part of the site improvements.

We respectfully request the City allow a hospital use on this property.

Exhibit "D" Exterior Elevations and Renderings

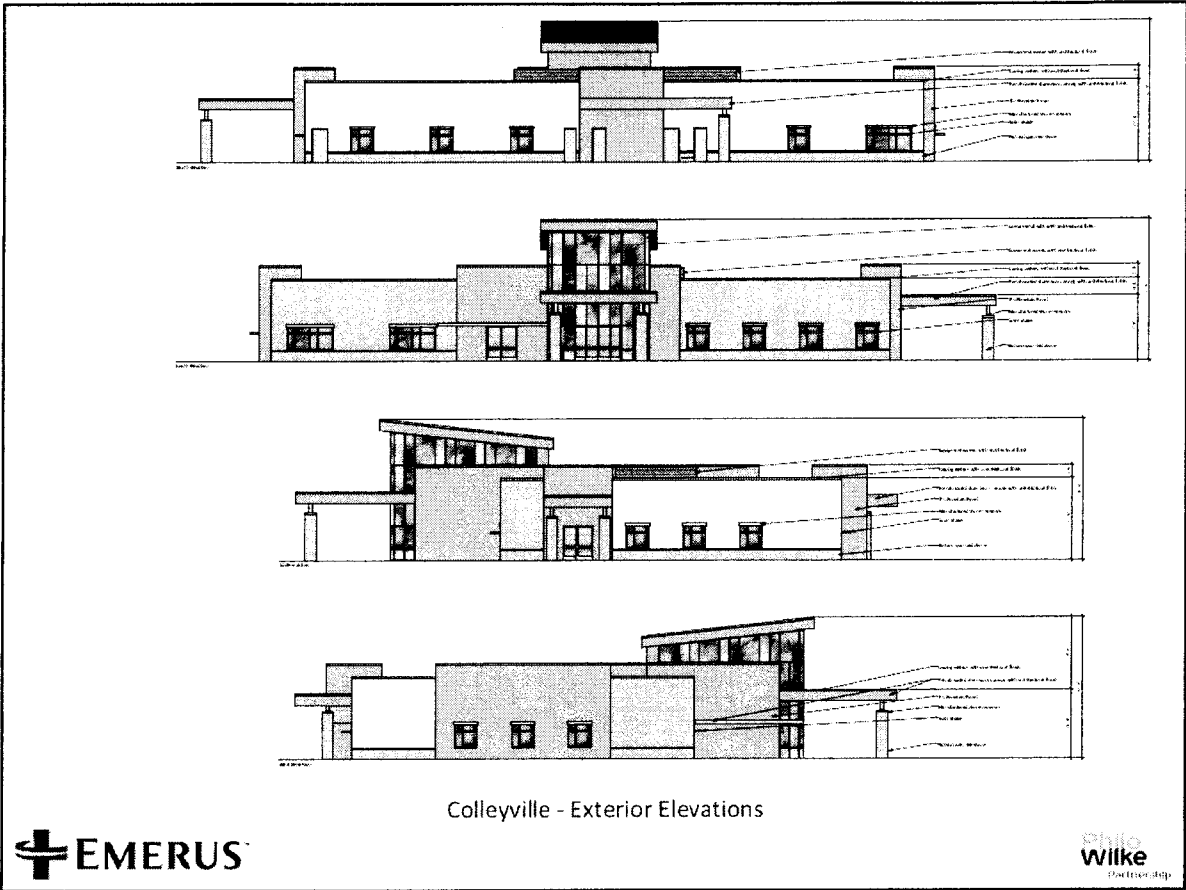
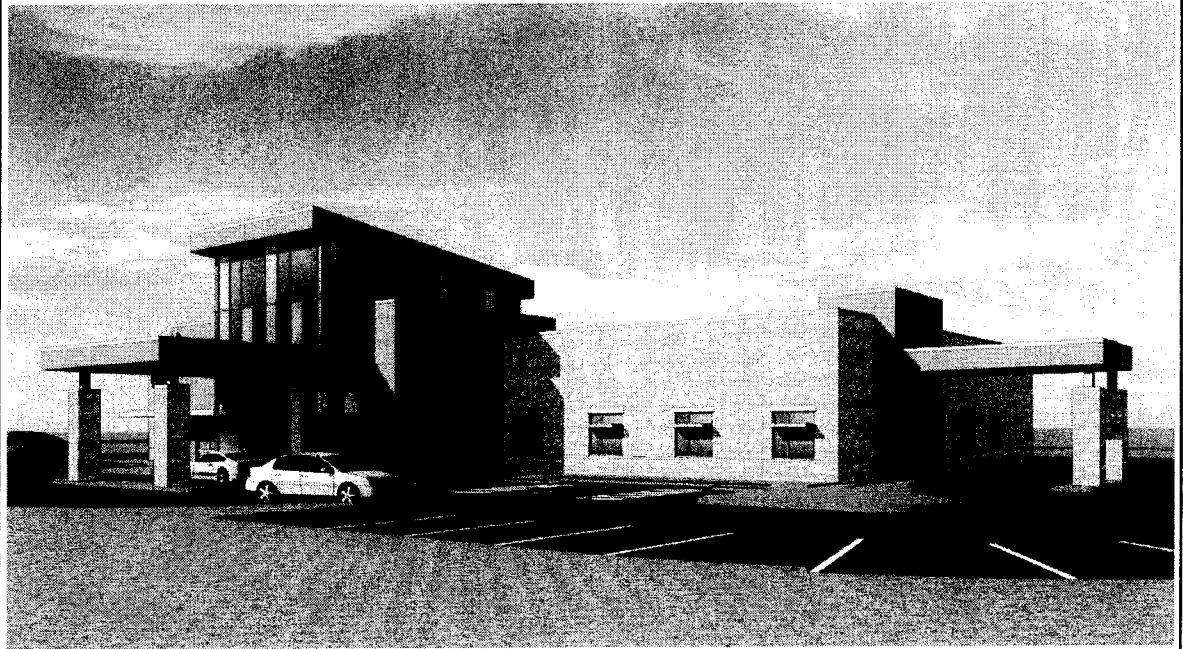


Exhibit "D" Exterior Elevations and Renderings - Continued



Colleyville - Perspective



Chapter 5

Tree Preservation

(11/04/2009)

Section 5.1 Purpose of This Chapter

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

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

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

Prohibit the indiscriminate clear cutting of property.

Section 5.2 Authorization for Adoption of This Chapter

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

Section 5.3 Variances and Appeals

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

Section 5.4 Definitions

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

Section 5.5 Tree Removal Permit

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

Section 5.6 Applicability

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

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

Section 5.7 Submittal, Review and Approval Process and Administrative Procedures

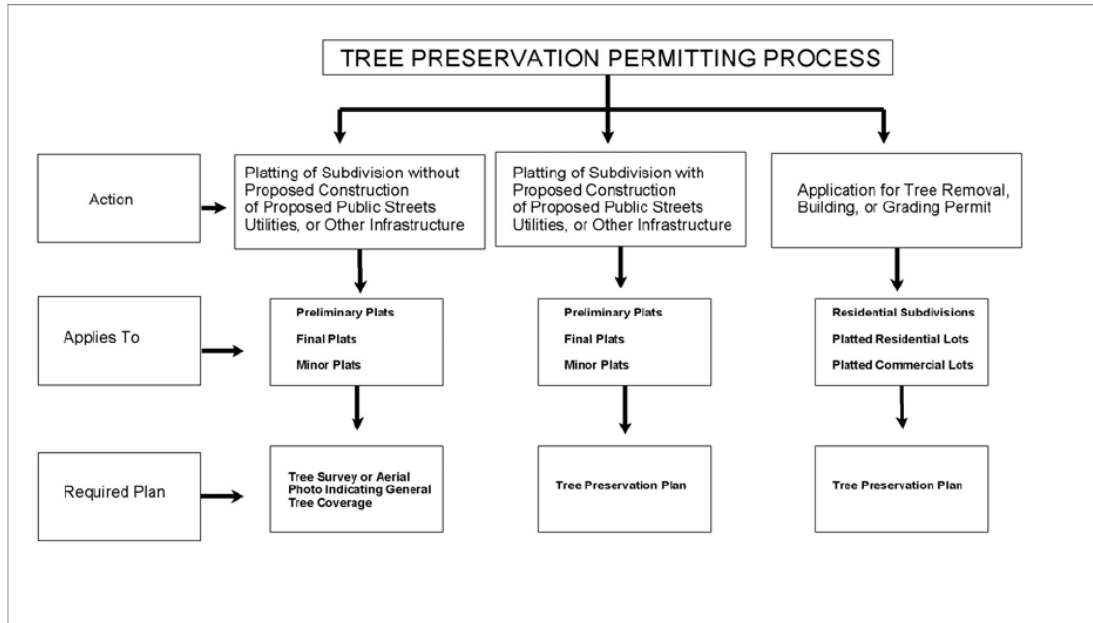
The Administrative Official is responsible for the review and approval or disapproval of all requests for tree removal permits. The request shall be submitted in accordance with the requirements specified herein.

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

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

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

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



Section 5.8 Tree Preservation Requirements

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

Existing Tree Coverage Preservation Requirements:

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

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

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

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

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

Section 5.9 Tree Protection

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

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

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

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

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

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

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

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

Section 5.10 Mitigation and Violations

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

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

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

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

Examples-

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

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

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

Section 5.11 Replacement Tree List

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

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

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

Section 5.12 Construction Plan Requirements

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

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

Section 5.13 Amendments

Reserved for listing of amendments to this Chapter.

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



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3d	Agenda Date 05/12/2014	Number
Type Regular Agenda Items		
Department Community Development		

Title

Request for a vacating plat on Lot 13-R, Block 8, of the Oak Crest Hills Addition located at 313 Oak Valley Drive, Case PC14-008

Explanation

This plat request was denied by the Planning and Zoning Commission at the request of the applicant at the April 14, 2014 Planning and Zoning Commission meeting in order to allow the applicant to return with a new plat application showing a modified request. The modifications from the previous plat are as follows:

- The applicant is showing a 12.5 right-of-way dedication for Bransford Road, which is 2.5 less than the 15 foot dedication requirement.
- The applicant is showing a ten foot side yard setback from Bransford Road, which is 20 feet less than the 30 feet required.

The remainder of the briefing remains unchanged from the April 15, 2014 briefing except where the above conditions are addressed.

Ryan Panno, the applicant, is requesting approval of a vacating plat in order to revert Lot 13R, Block 8, Oak Crest Hills Addition to the original four single family lots on 2.496 acres, located at 313 East Oak Valley Drive approved as part of the original Oak Crest Hills Addition plat on April 12, 1966 (attached). The applicant is requesting the vacating plat in order to construct four single family detached homes on the subject property. The subject property fronts East Oak Valley Drive and Bransford Road and is currently vacant. The property was previously the site of the Colleyville City Hall building before the current City Hall was constructed.

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

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

Minimum Front Yard Setback: 30 feet

Minimum Side Yard Setback: 10 feet

Minimum Rear Yard Setback: 25 feet

Maximum Lot Coverage: 30 percent

Although the lot widths are slightly less than 100 feet at the front property lines along East Oak Valley Drive, they are 100 feet in width at the 30 foot front building line. According to the Land Development Code, lot width is measured at the front building line.

History of Property. The subject properties were replatted, per the attached replat, on August 26, 1985 in order to place the City Hall building on the property. The City Hall building was then demolished in 2003 given the opening of the current City Hall building at 100 Main Street. The property has been vacant since 2003. On December 17, 2013, the City Council approved the sale of the subject property to the applicant under Resolution R-13-3697 (attached). Among other conditions, the sale of the property is contingent upon the approval of a vacating plat for the property.

Request for Waivers. The applicant is requests to dedicate 12.5 feet of right-of-way for Bransford Road, rather than the required 15 feet. Bransford Road is designated as a Major Collector (Four Lane) on the Master Thoroughfare Plan, which requires 80 feet of right-of-way. Therefore, as part of the platting process, 40 feet of right-of-way is required to be dedicated west of the centerline of Bransford Road for the subject property. When the original plat was approved, Bransford Road required only a 50 foot right-of-way. The reason for the waiver request is that, although the plat is a vacating plat and is proposing to bring back the original lot configuration, the plat must meet all current Land Development Code requirements.

Given that an established 30 foot front setback exists along Bransford Road for properties primarily to the south of the subject property, the applicant is required to indicate a 30 foot setback along Bransford Road given the R20 front yard setback requirement of 30 feet. The applicant is requesting a waiver to this requirement and shows a 10 foot setback along Bransford Road.

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

Summary. The Oak Crest Hills Addition Vacating Plat complies with the requirements of the Land Development Code with the exception of the right-of-way dedication requirement for Bransford Road and building setback along Bransford Road. Given the waiver request, staff recommends denial due to technical non-compliance with the Land Development Code.

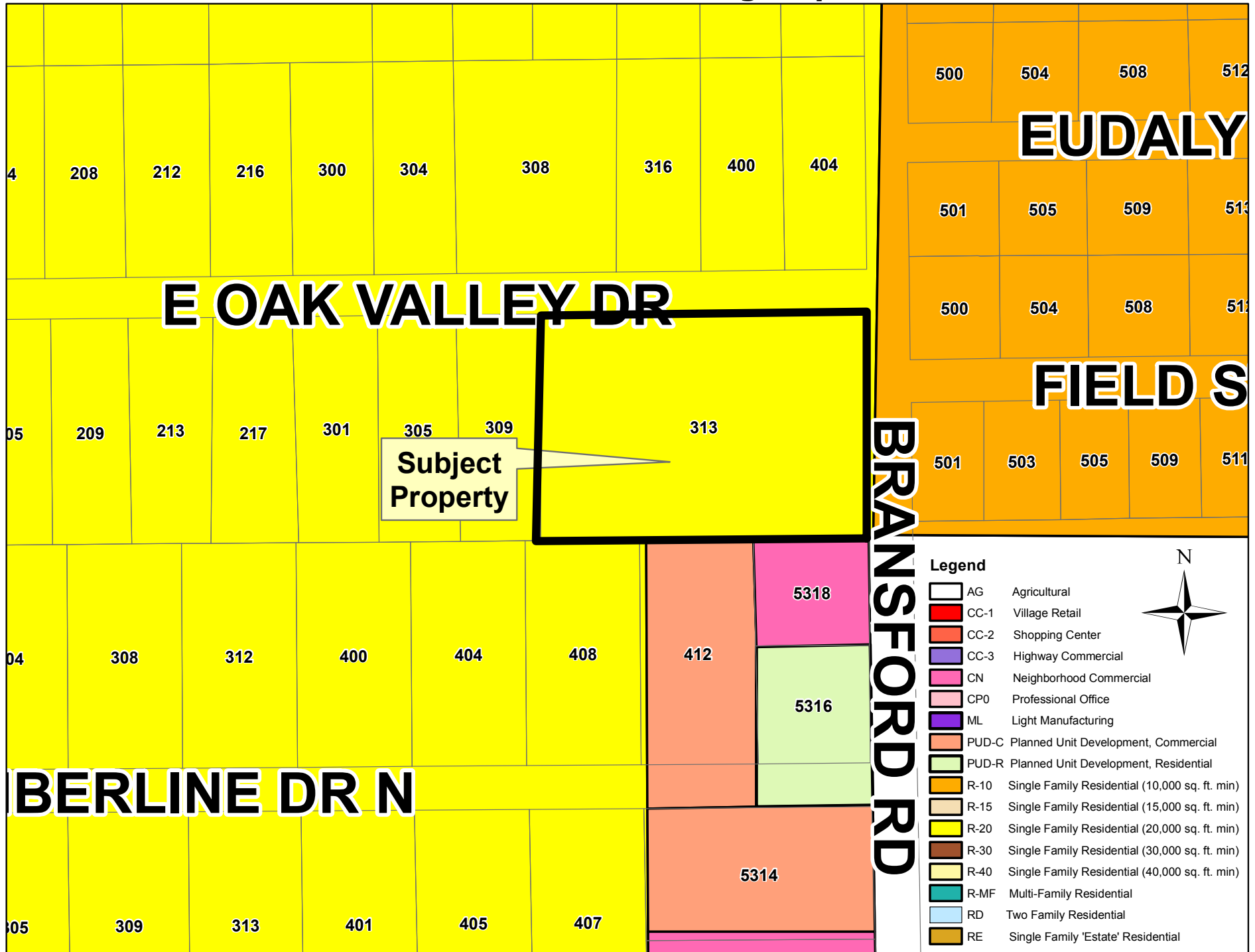
Recommendation

Denial

Attachments

1. Location and Zoning Map
2. Aerial
3. Vacating Plat Exhibit
4. April 14, 2014 Vacating Plat Denied by Planning and Zoning Commission
5. Oak Crest Hills Final Plat
6. Oak Crest Hills Replat Lot 13-R
7. Resolution R-13-3697

Location and Zoning Map



EUDALY

E OAK VALLEY DR

FIELD S

BRANSFORD RD

BERLINE DR N

Subject Property

Addresses visible on the map include: 208, 212, 216, 300, 304, 308, 316, 400, 404, 500, 504, 508, 512, 501, 505, 509, 513, 209, 213, 217, 301, 305, 309, 313, 501, 503, 505, 509, 511, 308, 312, 400, 404, 408, 412, 5318, 5316, 5314, 309, 401, 405, 407, 5313.

FIELD S

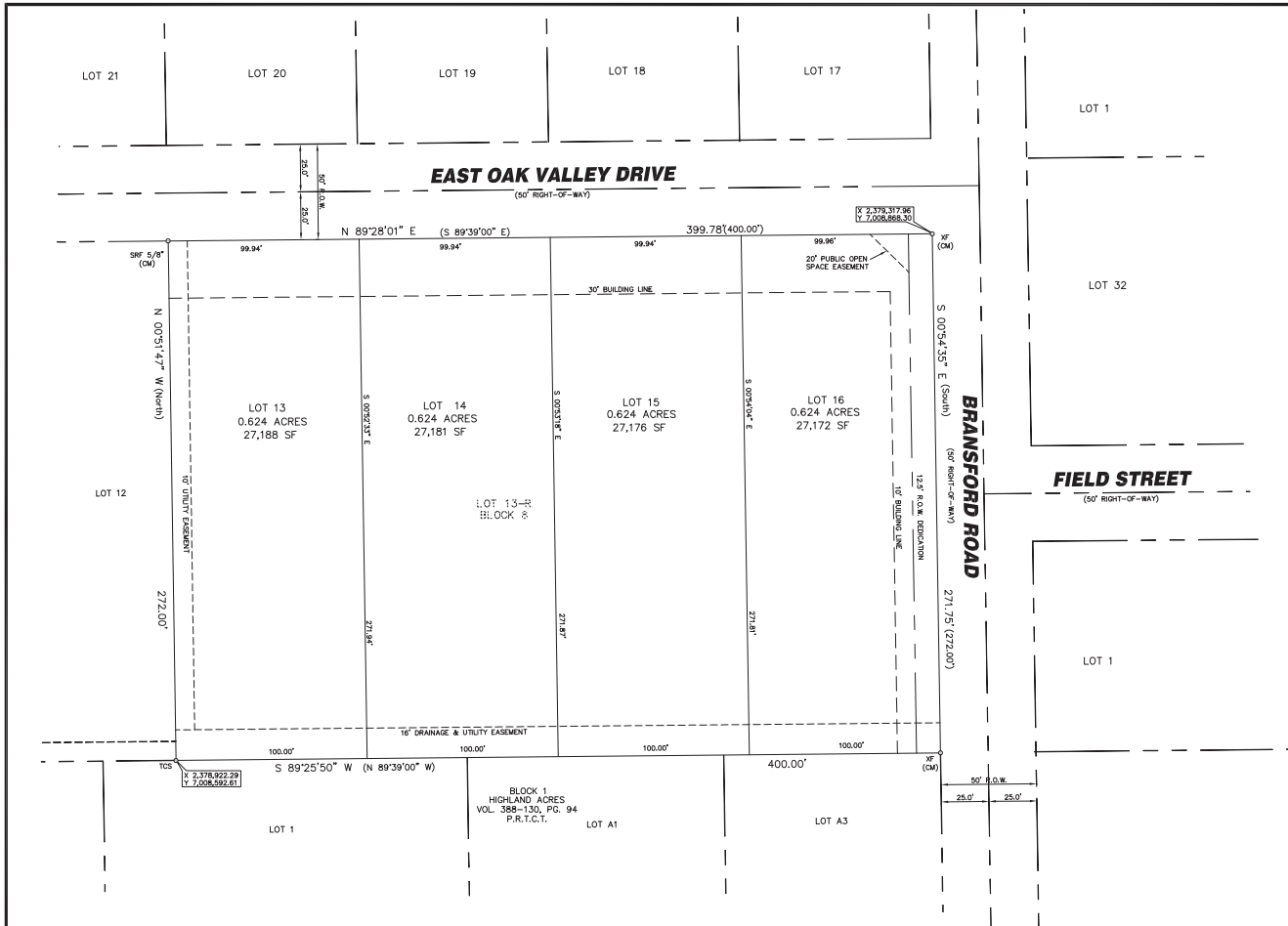
E OAK VALLEY DR

BRANSFORD RD

BERLINE DR N

Subject Property

Vacating Plat Exhibit



STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEGINNING at "+" cut in concrete found at the intersection of the South right-of-way line of Oak Valley Drive (a 50 foot wide right-of-way) and the West right-of-way line of Bransford Road (a 50 foot wide right-of-way), said point being the Northeast corner of said Lot 13-R;

THENCE South 89°25'50" West departing said West right-of-way and with the North line of said Highland Acres for a distance of 400.00 feet to a 5/8-inch steel rod with "TERRACORP" cap set at the Southeast corner of Lot 12, Block 8, Oak Crest Hills Addition, an addition to the City of Colleyville, Tarrant County, Texas according to the plat thereof recorded in Volume 388-29, Page 415 of the Plat Records of Tarrant County, Texas;

THENCE North 89°28'01" East with said South right-of-way line for a distance of 399.78 feet to the POINT OF BEGINNING.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

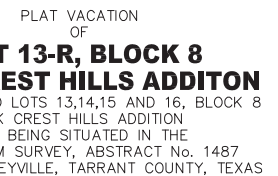
WITNESS our hands this ____ day of _____, 2014

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2014.

This is to certify I, Neil D. Culver a Registered Professional Land Surveyor of the State of Texas, having platted the above subdivision from an actual survey on the ground and that all lot corners, angle points and point of curvature shall be properly marked on the ground by required monuments and markers in accordance with the provisions of Chapter 9 of the City of Colleyville Code and that this plat correctly represents that survey made by me or under my direction and supervision.

Neil D. Culver
Registered Professional Land Surveyor
Texas Registration No. 5211



 TerraCorp Associates LLC
3960 Broadway Blvd. Ste 236
Garland, TX 75043
ph. 972-805-4529, fax 972-805-4527
www.terracorpsurvey.com TBPLS Reg No. 101858-00

A map of the area around the proposed site, showing roads like Highway 100, Highway 101, and Highway 102, and various locations including Oak Creek, Oak Valley, and Oak Ridge. The proposed site is marked with a black dot and labeled 'SITE'.

VICINITY MAP

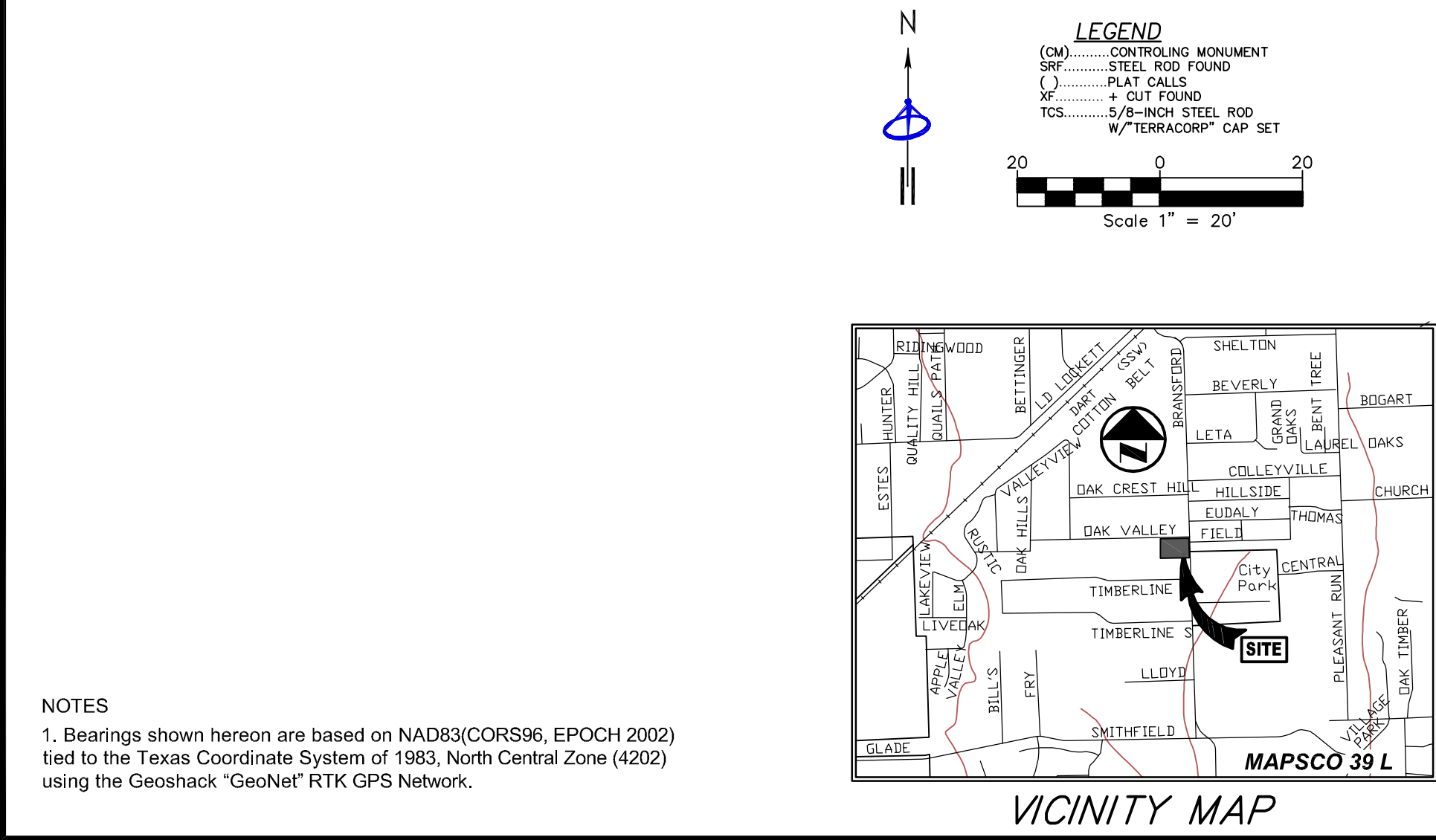
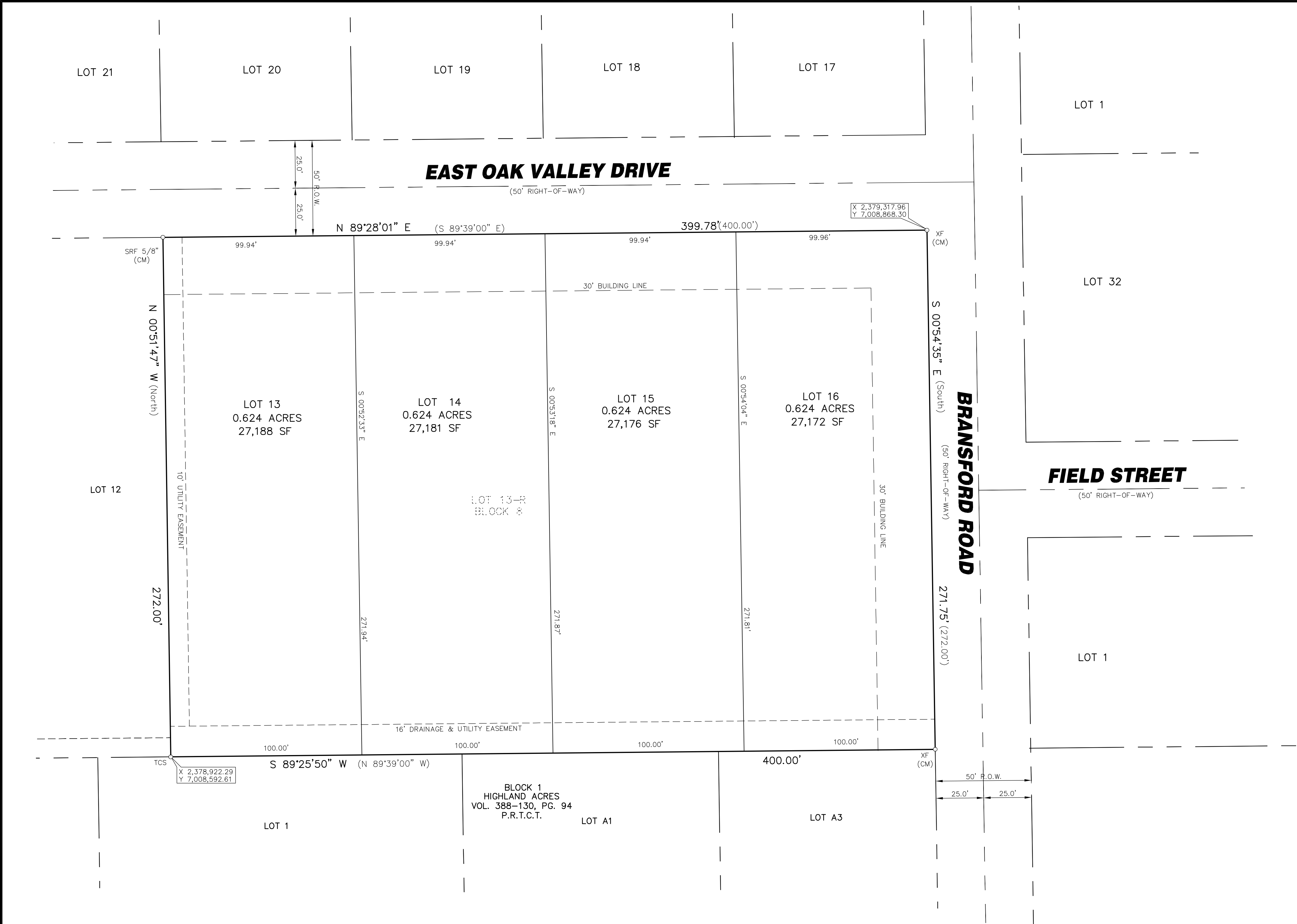
Date _____

Community Development Director _____

Public Works Director _____

2/25/2014
OWNER:
GARY PANNO INC
PO BOX 715
COLLEYVILLE, TX 76034

April 14, 2014 Vacating Plat Denied by Planning and Zoning Commission



NOTES
1. Bearings shown hereon are based on NAD83(CORS96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202) using the Geosnack "GeoNet" RTK GPS Network.

STAFF APPROVAL AUTHORITY
This Amending Plat is approved in accordance with Section 212.0065 of the Texas Local Government Code and the City of Colleyville Subdivision Regulations.

Date _____

Community Development Director _____

Public Works Director _____

OWNER'S DEDICATION
STATE OF TEXAS §
COUNTY OF TARRANT §

WHEREAS Gary Panno Inc. is the owner of Lot 13R, in Block 8, of Oak Crest Hills Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-190, Page 54, Plat Records, Tarrant County, Texas, said tract being more particularly described as follows;

BEGINNING at "+" cut in concrete found at the intersection of the South right-of-way line of Oak Valley Drive (a 50 foot wide right-of-way) and the West right-of-way line of Bransford Road (a 50 foot wide right-of-way), said point bing the Northeast corner of said Lot 13-R;

THENCE South 00°54'35" East with said West right-of-way line for a distance of 271.75 feet to a "+" cut in concrete found at the Northeast corner of Block 1, Highland Acres, an addition to the City of Colleyville, Tarrant County, Texas according to the plat thereof recorded in Volume 388-130, Page 94 of the Plat Records of Tarrant County, Texas;

THENCE South 89°25'50" West departing said West right-of-way and with the North line of said Highland Acres for a distance of 400.00 feet to a 5/8-inch steel rod with "TERRACORP" cap set at eh Southeast corner of Lot 12, Block 8, Oak Crest Hills Addition, an addition to the City of Colleyville, Tarrant County, Texas according to the plat thereof recorded in Volume 388-29, Page 415 of the Plat Records of Tarrant County, Texas;

THENCE North 00°51'47" West with the East line of said Lot 12 Drive for a distance of 272.00 feet to a 5/8-inch steel rod found in the said South right-of-way line of Oak Valley;

THENCE North 89°28'01" East with said South right-of-way line for a distance of 399.78 feet to the POINT OF BEGINNING.

CONTAINING: 108,718 square feet or 2.496 acres of land, more or less

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That, Gary Panno Inc. the owner, does hereby adopt this plat designating the hereinbefore described property as **LOTS 13, 14, 15 & 16, BLOCK 8, OAK CREST HILLS ADDITION**, an addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, right-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same, any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, an any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of construction, reconstruction, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. this plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

WITNESS our hands this ____day of _____, 2014

Ryan Panno
Owner

Gary Panno
Owner

STATE OF TEXAS §
COUNTY OF TARRANT §

Before me, the undersigned notary public in and for said county and state on this day personally appeared Ryan Panno and Christie A. Panno, known to me to be the persons whose names are subscribed to the forgoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

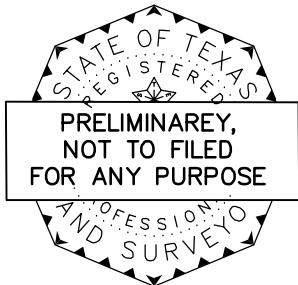
GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____day of _____, 2014,

NOTARY PUBLIC IN AND FOR TARRANT COUNTY
MY PRINTED NAME
MY COMMISSION EXPIRES:

This is to certify the I, Neil D. Culver a Registered Professional Land Surveyor of the State of Texas, having platted the above subdivision from an actual survey on the ground and that all lot corners, angle points and point of curvature shall be properly marked on the ground by required monuments and markers in accordance with the provisions of Chapter 9 of the City of Colleyville Code and that this plat correctly represents that survey made by me or under my direction and supervision.

PRELIMINARY NOT TO BE
FILED FOR ANY PURPOSE

Neil D. Culver
Registered Professional Land Surveyor
Texas Registration No. 5211



PLAT VACATION
OF
LOT 13-R, BLOCK 8
OAK CREST HILLS ADDITON
REVERTING TO LOTS 13,14,15 AND 16, BLOCK 8
OAK CREST HILLS ADDITION
AND BEING SITUATED IN THE
O.C. STRUM SURVEY, ABSTRACT No. 1487
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS
This plat filed by Instrument # _____, Date _____

2/25/2014

OWNER:
GARY PANNO INC
PO BOX 715
COLLEYVILLE, TX 76034

TerraCorp Associates LLC
3960 Broadway Blvd. Ste 236
Garland, TX 75043
ph. 972-805-4529, fax 972-805-4527
www.terracorpssurvey.com TBPLS Reg No. 101858-00

MAP OF BLOCKS 7 and 8,
OAK CREST HILLS
AN ADDITION TO COLLEYVILLE
TARRANT COUNTY, TEXAS
OUT OF THE J. J. NEWTON SURVEY, ABST. No. 117

OUT OF THE J. J. NEWTON SURVEY, ARST. NO. 1176

Billie 212

TERAY STANLEY

→ no permit to be issued for Oct 15th
over 99 = 47 frontage (Feb. 6.25.13

0000

2000

2. THEORY

1

APPROVED: 4-12-66
DATE
CITY OF COLLEYVILLE, TEXAS
BY: ERENA
MAYOR
BY: Helen Bailey
CITY SECRETARY

OWNER- NU-WAY FOUNDATION, INC.
P.O. BOX 13245
FORT WORTH, TEXAS

1" = 200'
SURVEYED BLKS 7-8
Nov 1964

W. R. "Bob" HARVEY
Reg. Public Surveyor
6800 Meadowbrook Dr.
Fort Worth, Texas
Phone GL-1-5931

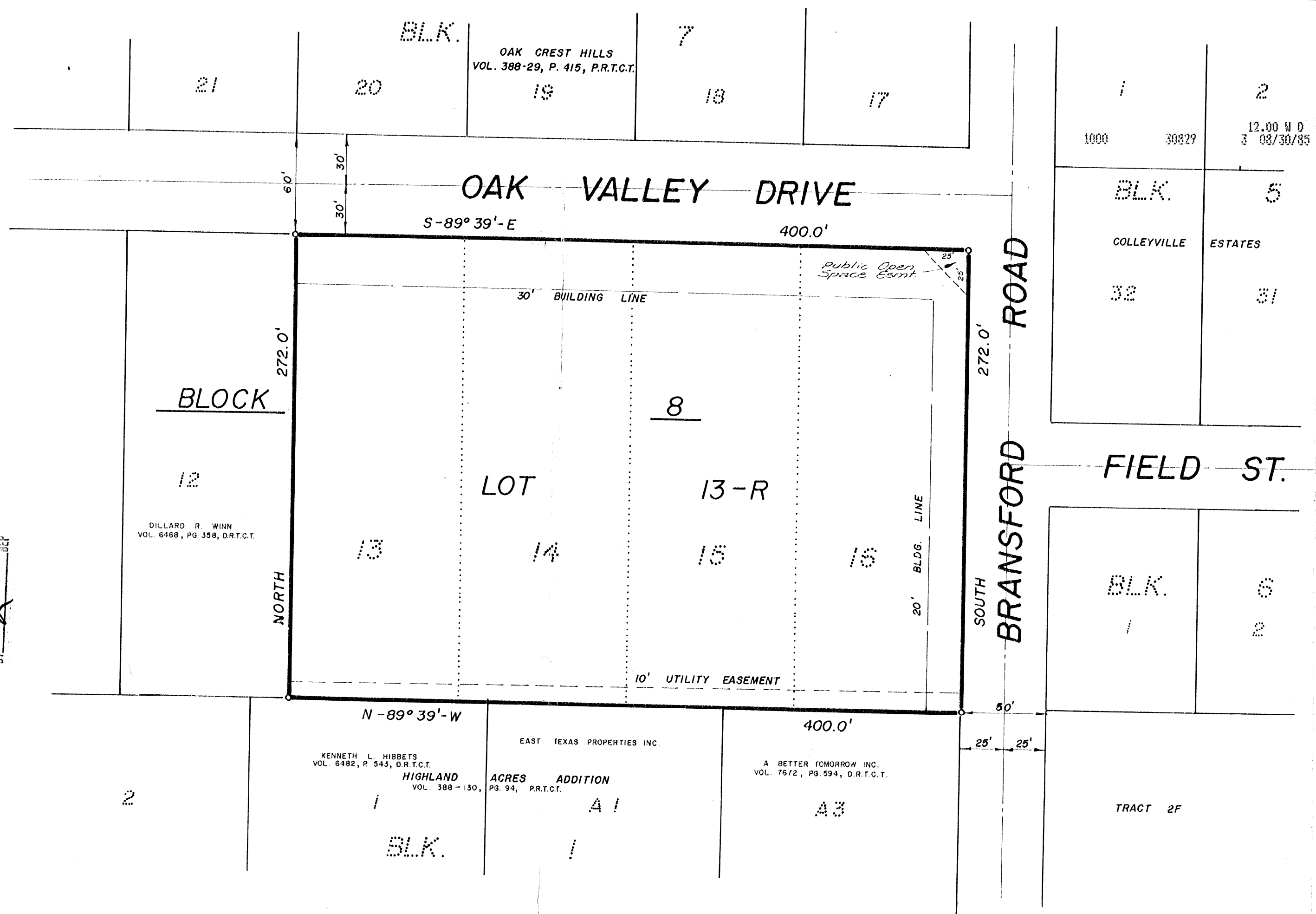
Oak Crest Hills Replat Lot 13-R

FILED
TARRANT COUNTY TEXAS

30 AUG 30 11:02

MADISON HUFFMAN
COUNTY CLERK

BLK. 8



NOTE: IRON RODS AT ALL CORNERS.

PLAT REVISION

LOT 13-R, BLOCK 8 OAK CREST HILLS

AN ADDITION TO THE CITY OF COLLEYVILLE,
TARRANT COUNTY, TEXAS.

BEING A REVISION OF LOTS 13, 14, 15, & 16, BLOCK 8,
OAK CREST HILLS, AN ADDITION TO THE CITY OF
COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING
TO THE PLAT RECORDED IN VOLUME 388-29,
PAGE 415, PLAT RECORDS OF TARRANT COUNTY,
TEXAS.

COUNTY OF TARRANT
STATE OF TEXAS
I hereby certify that this instrument was FILED on this
date and at the time stamped hereon by me and was duly
RECORDED in the Volume and Page of the Plat Records
of Tarrant County, Texas, as stamped hereon by me.
AUG 30 1985
Madison Huffman
COUNTY CLERK
TARRANT COUNTY, TEXAS

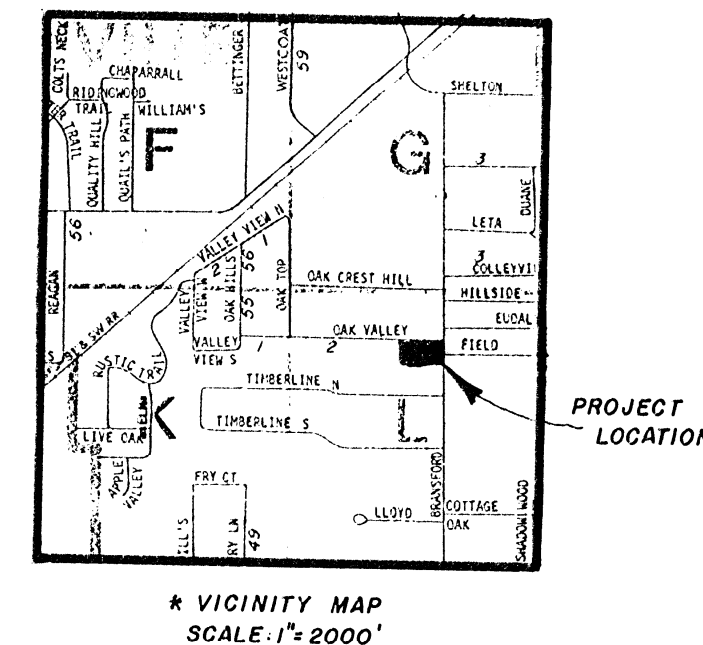
SURVEYOR:

S SURTEX INC.
CONSULTING ENGINEERS
REGISTERED PUBLIC SURVEYORS
LAND PLANNERS

3020 RACE STREET
FORT WORTH, TEXAS 76111

OWNER-DEVELOPER

CITY OF COLLEYVILLE
P.O. BOX 185
COLLEYVILLE, TEXAS 76034



STATE OF TEXAS *
COUNTY OF TARRANT *

WHEREAS, The City of Colleyville, acting by and through the
undersigned, its duly authorized agent, is the sole owner of the
following described real property, to wit:

SITUATED in the City of Colleyville, Tarrant County, Texas, and being
all of Lots 13, 14, 15 and 16, Block 8, Oak Crest Hills, an addition
to the City of Colleyville, Tarrant County, Texas, according to the
plat recorded in Volume 388-29, Page 415, of the Plat Records of
Tarrant County, Texas.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, The City of Colleyville, acting by and through the undersigned
its duly authorized agent, does hereby adopt this plat designating the
hereinabove described real property as Lot 13-R, Block 8, Oak Crest
Hills, an addition to the City of Colleyville, Tarrant County, Texas,
and does hereby dedicate to the public use of the streets, (alleys,
parks) and easements shown thereon.

WITNESSED MY HAND, this the 27th day of August, 1985.

Buck J. Hubbard, Mayor
LaVada M. Johnson, City Secretary

STATE OF TEXAS *
COUNTY OF TARRANT *

BEFORE ME, the undersigned authority, on this date personally appeared
Buck J.R. Hubbard and LaVada M. Johnson, known to me to be the person
whose name is subscribed to the foregoing instrument, and acknowledged
to me that he executed the same for the purposes and consideration
therein expressed, in the capacity therein stated and as the act and
deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the 27th day of
August, 1985.

Janet Baker
My commission expires 9-14-85



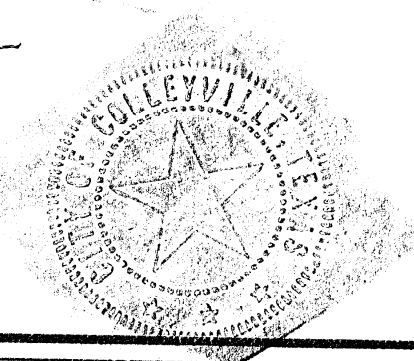
THIS is to certify that I, Shaun G. Spooner, a Registered Public
Surveyor of the State of Texas, having plotted the above tract of land
from an actual survey on the ground; that all corners, angle points
and points of curve shall be properly marked on the ground, and that
this plat correctly represents that survey made by me or under my
direction and supervision.

Shaun G. Spooner
SHAUN G. SPOONER
TEXAS REGISTRATION NO. 4183



APPROVED August 26, 1985
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS.
BY Buck J. Hubbard
MAYOR
BY LaVada M. Johnson
SECRETARY

Judy Ottwood
Huffman



2-85-521

* VICINITY MAP REPRINTED FROM 1985 MAPSCO.

JOB NO. 85-5-14051

RESOLUTION R-13-3697

**A RESOLUTION APPROVING CITY COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF
DECEMBER 17, 2013**

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; and

WHEREAS, the City solicited sealed bids for the potential sale of a parcel of land owned by the City of Colleyville, consisting of 2.5 acres, located on Lot 13R, Block 8, of the Oak Crest Hills Addition, 313 Oak Valley Drive; and

WHEREAS, the minimum bid requirement was \$834,000, an amount which exceeds the City's appraised value for the parcel; and

WHEREAS, the City opened sealed bids on Monday, December 9, 2013, at 2:00 p.m. and the highest bid for the parcel was in the amount of \$836,460.

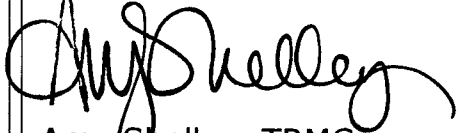
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT the above findings are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
- Sec. 2. THAT the sale of the parcel on Lot 13R, Block 8, of the Oak Crest Hills Addition, 313 Oak Valley Drive, in the amount of \$836,460, to Gary Panno Inc., is hereby approved.
- Sec. 3. THAT the city manager is authorized to execute all associated documents for the transaction.

AND IT IS SO RESOLVED.

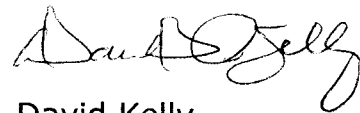
APPROVED BY A VOTE OF 1 AYES, 0 NAYS AND 0
ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:



Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4a	Agenda Date 05/12/2014	Number
Type Regular Agenda Items		
Department Community Development		
Title		
Approval of the updated bylaws for the Planning and Zoning Commission		

Explanation

Update

Based on the Planning and Zoning Commission's recommendations made at the April 14, 2014 meeting, staff has clarified the difference between an open and closed meeting; the Planning and Zoning Commission Chairman may recommend an extension of speaking time for the applicant; the Planning and Zoning Commission may direct questions following the rebuttal; and staff has renumbered the updated sections accordingly. The mark-up and final bylaw documents are attached to this agenda briefing.

All boards, commissions and committees were asked to review and update their current bylaws and to submit them in a new uniformed template provided by the City Secretary's office.

Since the Planning and Zoning Commission did not have specific bylaws outlined, staff has incorporated the approved Rules of Procedure (attached to this agenda briefing) into this new bylaw template.

The proposed bylaws for the Planning and Zoning Commission is attached for the consideration of approval. Once approved, the new bylaws will be presented to City Council for their approval.

Attachments

1. Planning and Zoning Commission Rules of Procedure
2. Initial Proposed Planning and Zoning Commission Bylaws
3. Bylaw Mark-ups from the April 14, 2014 Planning and Zoning Commission Meeting
4. Final Planning and Zoning Commission Bylaws

**RULES OF PROCEDURE
PLANNING AND ZONING COMMISSION
OF THE CITY OF COLLEYVILLE, TEXAS**

ARTICLE I – DECLARATION OF POLICY

It is hereby declared to be the policy of the Planning and Zoning Commission of the City of Colleyville, Texas that members are appointed to serve the City of Colleyville and the community. Members of the Commission are to attend and participate in the proceedings of the Commission. The Commission shall conduct itself in accordance with all applicable law.

ARTICLE II - ORGANIZATION

Section A. Officers.

The officers of the Commission shall be a Chairman and a Vice-Chairman. The membership of the Commission shall be in accordance with Article XI, Section 11.01 of the Charter of the City of Colleyville. The Commission shall elect its Chairman and Vice-Chairman from among its members once a year, at its first regular meeting following the appointment of its new members, or as deemed necessary.

1. The Chairman shall preside at all meetings. The Chair shall rule on all procedural matters, subject only to being over-ridden by the contrary vote of 4 Commission members. The Chairman shall call special meetings as may be needed for the orderly conduct of the business of the Commission. The Chairman also signs the minutes of each meeting of the Commission and all Plats.
2. The Vice-Chairman shall preside at commission meetings in the absence of the Chairman and shall fulfill all the duties of the Chairman. Should the Chairman resign, or that office become vacant for other reasons, the Vice-Chairman shall act as Chairman until election of a new Chairman.
3. The Commission shall appoint a Recording Secretary to record the minutes of the proceedings of every meeting. The appointment shall be made at time of re-election of officers.

ARTICLE III - MEETINGS

Section A. Arrangements

1. Time and Place. The regular meeting place of the Commission shall be in the Council Chamber in the City Hall. The Commission shall, from time to time, set a schedule for its regular meetings which shall not occur less frequently than once a month. Special meetings may be called by the Commission or by its Chairman. All meetings shall be open to the public.

2. Quorum. Four (4) members present shall be necessary to constitute a quorum of the Commission.
3. Preparation. The Chairman shall secure from staff all such materials and analyses as may be useful to the Commission in considering any matter before it.
4. Work Session. Work sessions of the Commission shall be at the call of the Chairman. The meeting place for work sessions shall be at the discretion of the Chairman. All work sessions shall be open to the public.
5. Representation. Any person seeking a change in zoning or presenting any other matter to the Commission shall appear before the Commission in person, by agent, or by attorney.
- .6. Except as legally permitted executive sessions discussions, all deliberations of the Commission shall be conducted, and all of its decisions shall be made, at a meeting that is open to the public.

Section B. Conduct of Meeting.

1. Hearings.
 - a. The Chairman shall call for each application or proposal. The Chairman shall read the public notice and request staff to present the facts on the application or proposal. The Chairman will subsequently open a public hearing.
 - b. The applicant and any experts, invited by the applicant, of said application shall have up to 20 minutes to present their case for adoption of their application.
 - c. The Commission shall hear other interested parties, individually and separately. Each person shall be allowed no more than five (5) minutes to address the Commission. No questions nor debate shall be permitted during the public hearing.
 - d. The applicant shall be permitted up to a five (5) minute rebuttal.
 - e. Following the rebuttal, the Commission may direct questions to the applicant, proponents, opponents or staff.
 - f. The Chairman may request a recommendation from the city staff.
 - g. The public hearing shall then be closed by the Chairman after which the applicant or citizens may NOT present additional testimony unless the public hearing is reopened by the Commission.

Section C. Voting Procedure.

1. To call a measure for vote requires a motion being made and the same motion being seconded. Once made and seconded, debate shall follow. Once made and seconded, a motion can only be disposed of by a vote of the Commission, unless both the movant and the second agree to either revise or withdraw the motion.
2. When the question is put to a vote, the Chairman shall call the roll with each member answering "Aye," or "Nay," or "Not Voting." Consistent with the City Charter, the affirmative vote of at least 4 members of the Commission is required to take any action. Any member of the Commission "Not Voting" shall give a statement of his reason for not voting. On completion of the roll call, the Chairman shall announce the results and the effect of the motion.
3. The Planning and Zoning Commission shall comply with all applicable conflict of interest laws.
4. Members shall not leave the meeting table to discuss pending matters with members of the audience, nor shall members of the audience discuss matters with individual Commission members during the meeting.

ARTICLE IV - AMENDMENTS

These rules of procedure may be amended after introduction of the proposed amendment at a regular meeting and voted upon at the next meeting and shall become effective upon an affirmative vote of the Commission.

~~

PASSED AND APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLLEYVILLE ON THE 2nd DAY OF November, 2006. (AMENDED THE RULES OF PROCEDURE PREVIOUSLY APPROVED ON THE 27TH DAY OF JULY, 1987, and amended on October 23, 2000.)

~~

ADOPTED:

ATTESTED:

Signed: Jeff Byerly

Signed: Amy Shelley

Chairman

Board Secretary

Filed in the Office of the City Secretary this 27 day of November, 2006.

Signed: Cynthia Singleton

City Secretary

INITIAL PROPOSED PLANNING AND ZONING COMMISSION BYLAWS

ARTICLE I – Identification and Purpose

The Planning and Zoning Commission was established by the City Council of Colleyville, Texas, by Ordinance 08 on May 18, 1956; however, several amendments to this ordinance have been approved and codified through the Colleyville City Charter and the Colleyville Code of Ordinances. The purpose of the Planning and Zoning Commission is to act as an advisory board to the City Council relating to all physical development, proposed changes to zoning, the platting and/or the subdividing of land in the City.

ARTICLE II – Membership

- 2.1 The Planning and Zoning Commission shall consist of seven (7) members, who shall be appointed by the City Council for a two (2) year term; three (3) members shall be appointed each odd-numbered year and four (4) members shall be appointed each even-numbered year. Places on the Planning and Zoning Commission shall be numbered one (1) through seven (7).
- 2.2 Members must be residents of Colleyville, Texas, unless City Council waives the residency requirement.
- 2.3 Members shall serve without compensation and until their successors are appointed.
- 2.4 Vacancies created by resignation, removal by vote of a majority of the City Council, or by any other reason, shall be filled by the City Council for the remainder of the term.
- 2.5 If a member of the Planning and Zoning Commission fails to maintain a seventy-five percent (75%) attendance record for all regularly scheduled meetings, the Chairman or staff liaison, will notify the City Secretary. City Council may, at its discretion, declare a vacancy, advertise the open position, or appoint a replacement without advertising.

ARTICLE III – Officers

- 3.1 The officers of the Planning and Zoning Commission shall be the Chairman and the Vice-Chairman.
- 3.2 The Planning and Zoning Commission shall elect the Chairman and Vice-Chairman from among the members once a year, at the first regular meeting following the appointment of the new members, or as deemed necessary.
- 3.3 The Chairman shall preside at all meetings and be a voting member. The Chairman shall rule on all procedural matters, subject only to being over-ridden by the contrary vote of four (4) Planning and Zoning Commission members.
- 3.4 The Chairman shall call special meetings and/or work sessions as may be needed for the orderly conduct of the business of the Planning and Zoning Commission.
- 3.5 The Chairman shall sign all plats approved by the Planning and Zoning Commission.
- 3.6 The Vice-Chairman shall preside at Planning and Zoning Commission meetings in the absence of the Chairman, and shall fulfill all of the duties of the Chairman. Should the Chairman resign, or that office become vacant for other reasons, the Vice-Chairman shall act as Chairman until the election of a new Chairman.
- 3.7 The Planning and Zoning Commission shall appoint a Recording Secretary to record the minutes of the proceedings of every meeting. This appointment shall be made at the time of the election of the officers. The Recording Secretary is usually a staff member.

ARTICLE IV – Duties and Responsibilities

- 4.1 The Planning and Zoning Commission shall be responsible to and act as an advisory body to the City Council, and shall have and perform such additional duties as may be prescribed by ordinance.
- 4.2 The Planning and Zoning Commission recommends a City plan for the physical development of the City.

- 4.3 The Planning and Zoning Commission recommends approval or disapproval of proposed changes in the Zoning Plan.
- 4.4 The Planning and Zoning Commission exercises control over the platting or subdividing of land within the corporate limits of the City and outside same corporate limits to the extent authorized by state law; provided, however, this grant of authority shall not limit the City Council's right to provide that the City Council shall have final approval of plats, as provided by state law.
- 4.5 The Master Plan for the physical development of the City of Colleyville shall contain the Planning and Zoning Commission's recommendation for growth, development, and beautification of the City. A copy of the Master Plan, or any part thereof, shall be forwarded to the City Council, which may adopt this plan in whole or in parts, and may adopt any amendment thereto after at least one (1) public hearing on the proposed action. The Planning and Zoning Commission shall act on such plan, or part thereof, and again forward it to the City Council for consideration.
- 4.6 All amendments to the Master Plan recommended by the Planning and Zoning Commission shall be submitted in the same manner as outlined above to the City Council for approval, and all other recommendations affecting the Master Plan shall be accompanied by a recommendation from the Planning and Zoning Commission.
- 4.7 Upon adoption of the Master Plan by the City Council, no subdivision, street, park, or any public way, ground, or space, public building, or structure, or public utility, whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized, by the City until and unless the location and extended thereof shall have been submitted to the Planning and Zoning Commission and approved by the City Council. In case of Planning and Zoning Commission disapproval, they shall communicate their reasons to the City Council, which shall have the power to overrule such disapproval. The widening, narrowing, relocating, vacating, or change in the use of any street, alley, or public way, or ground, or sale of any public building, or real property, shall be subject to similar submission and approval of the Planning and Zoning Commission, and failure to approve may be similarly overruled by the City Council.
- 4.8 The Planning and Zoning Commission members will take the Attorney General Texas Open Meetings Act on-line training course, available at this link: http://www.oag.state.tx.us/open/og_training.shtml#22; or

the member may obtain a DVD of the training course from the City Secretary, and provide a copy of the Certificate of Course Completion to the City Secretary. The training must be completed no later than the 90th day, after the date the member takes the oath of office, or otherwise assumes responsibilities as a member of the governmental body.

ARTICLE V – Meetings

- 5.1 Regular meetings shall be held not less than once a month at City Hall, located at 100 Main Street. Regular, special, or work session meeting date, time, and location may be changed as necessary.
- 5.2 Except as legally permitted executive session discussions, all deliberations of the Planning and Zoning Commission shall be conducted, and all of its decisions shall be made, at a meeting that is open to the public.
- 5.3 A majority of the members shall constitute a quorum; however, no action shall be approved with less than four (4) affirmative votes.
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ARTICLE II – Membership

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- 2.2 Members must be residents of Colleyville, Texas, unless City Council waives the residency requirement.
- 2.3 Members shall serve without compensation and until their successors are appointed.
- 2.4 Vacancies created by resignation, removal by vote of a majority of the City Council, or by any other reason, shall be filled by the City Council for the remainder of the term.
- 2.5 If a member of the Planning and Zoning Commission fails to maintain a seventy-five percent (75%) attendance record for all regularly scheduled meetings, the Chairman or staff liaison, will notify the City Secretary. City Council may, at its discretion, declare a vacancy, advertise the open position, or appoint a replacement without advertising.

ARTICLE III – Officers

- 3.1 The officers of the Planning and Zoning Commission shall be the Chairman and the Vice-Chairman.
- 3.2 The Planning and Zoning Commission shall elect the Chairman and Vice-Chairman from among the members once a year, at the first regular meeting following the appointment of the new members, or as deemed necessary.
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- 4.2 The Planning and Zoning Commission recommends a City plan for the physical development of the City.

- 4.3 The Planning and Zoning Commission recommends approval or disapproval of proposed changes in the Zoning Plan.
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- 4.6 All amendments to the Master Plan recommended by the Planning and Zoning Commission shall be submitted in the same manner as outlined above to the City Council for approval, and all other recommendations affecting the Master Plan shall be accompanied by a recommendation from the Planning and Zoning Commission.
- 4.7 Upon adoption of the Master Plan by the City Council, no subdivision, street, park, or any public way, ground, or space, public building, or structure, or public utility, whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized, by the City until and unless the location and extended thereof shall have been submitted to the Planning and Zoning Commission and approved by the City Council. In case of Planning and Zoning Commission disapproval, they shall communicate their reasons to the City Council, which shall have the power to overrule such disapproval. The widening, narrowing, relocating, vacating, or change in the use of any street, alley, or public way, or ground, or sale of any public building, or real property, shall be subject to similar submission and approval of the Planning and Zoning Commission, and failure to approve may be similarly overruled by the City Council.
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