



City of Colleyville City Council Agenda

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

Monday, October 6, 2014

City Council Chambers

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

CALL TO ORDER

PC-1 Presentation and discussion of the City's document repository software

PC-2 Presentation and discussion of proposed changes to the Water Conservation and Drought Contingency Plan

PC-3 Discussion of the October 6, 2014, City Council regular agenda items

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

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

Section 551.071 - Legal - Consultation with attorney regarding litigation - Billy McCullough v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding litigation - Michael S. Newman v. City of Colleyville and City of Keller

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

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

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

INVOCATION: Pastor Kyle Baughman, Bear Valley Church

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-14-3789

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

Proclamation in recognition of Goodwill Industries of Fort Worth Helping People With Disabilities Day, October 6, 2014 – Mayor Pro Tem Mike Taylor and Kristin Bostick, Director of Special Projects, Goodwill Industries of Fort Worth

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-14-3790

4a Approval of the minutes of the regular City Council meeting of September 16, 2014

4b Approval of the minutes of the Joint City Council and Colleyville Center Advisory Committee Worksession of September 23, 2014

4c Approval of the renewal of an Interlocal Agreement with Tarrant County for the Cheek-Sparger Road and Jackson Road Intersection Improvements, and authorize the city manager to execute the agreement

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

5a Ordinance O-14-1932

Approval of amendments to Chapter 7 - Sign Regulations, Section 7-190 (H) - Political Signs of the Land Development Code

5b Ordinance O-14-1933

Approval of amendments to Chapter 5 - Tree Preservation of the Land Development Code

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

6a Ordinance O-14-1934

Consideration of a zoning change from R-20-Single Family Residential zoning district to CN-Neighborhood Commercial zoning district on Lot 18, Block 2, of the Fair Way Addition, located at 8500 Precinct Line Road, Case ZC14-017

6b Ordinance O-14-1935

Consideration of a zoning change from the R-40-Single Family Residential zoning district to the R-30-Single Family Residential zoning district on Tracts 2A and 2A1A, Abstract 233, of the D. R. Blanton Survey, located at 5101 Bluebonnet Drive, Case ZC14-021

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-14-3791

Approval of an amendment to the Colleyville Pathways Plan to realign and change the required width of Trail Number 29

7b Resolution R-14-3792

Approval of a revised preliminary plat for The Reserve at Colleyville Addition located on 94.024 acres on the north and south side of Murphy Road, Case PC14-024

7c Resolution R-14-3793

Approval of a final plat on Lots 3-15, Block C; and Lots 1-5, Block F, of The Reserve at Colleyville Addition, Phase 2A, Case PC14-016

7d Resolution R-14-3794

Approval of a final plat on Lots 1-11, Block A; and Lots 1-3, Block B, of The Reserve at Colleyville Addition, Phase 2B, Case PC14-023

7e Resolution R-14-3795

Approval of a final plat on Lots 9-22, Block D; Lots 10-18, Block J; and Lots 1-9 and 14-21, Block K, of The Reserve at Colleyville Addition, Phase 2C, Case PC14-017

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

9. REPORTS

Colleyville Events Steering Committee Meeting Minutes - July 23, 2014

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR OCTOBER 6, 2014 - Reading and Public Hearing -Resolution R-14-3796**11. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, October 3, 2014, by 5:00 p.m.

Amy Shelley, TRMC
City Secretary

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

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



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-1

Agenda Date 10/06/2014

Type Pre Council

Department Information Services

Title

Presentation and discussion of the City's document repository software

Explanation

The purpose of this discussion is to provide the City Council with an overview of Colleyville's document repository system, and discuss future growth and expectations of the program.

Since 2002, Colleyville has utilized the Laserfiche digital document repository system. It was originally purchased for storing City Council agenda packets, minutes, ordinances, and resolutions. While publically sharing through a web link portal, the program has consistently grown into a Citywide project that provides a space for permanently stored digital documents. It provides an automated filing system for staff and citizens to readily search historical documents, as well as a public interface for governmental transparency, while streamlining records management and retention.

Attached is a presentation which outlines the purpose of this program, its history with the City, the value it adds, and a summary of its future improvements.

Attachments

1. Laserfiche City Document Repository Presentation



Laserfiche City Document Repository

Pre Council Meeting
October 6, 2014

For tonight's discussion:



- Purpose
- Availability
- History
- Future
- Summary

Purpose & Value



- Permanent repository for digital documents
- Document retrieval with keyword searching
- Public access to information with a City web portal
- Integration software systems for permanent document retention
- Protect records with comprehensive security & auditing
- Streamline records management

Availability & Transparency



- Hurst
- Euless
- North Richland Hills
- Grapevine
- Southlake
- Keller

The screenshot displays the City of Colleyville document management portal. The header includes the city logo, a search bar, and navigation links. The main content area shows a list of documents with columns for Name, Page Count, Volume Name, and Template Name. A sidebar on the left provides navigation options for various city documents.

City of Colleyville

Home Search City-of-Colleyville

City-of-Colleyville

Full Path
City-of-Colleyville
Creation Date
12/5/2012 12:52:09 PM
Last Modified
4/6/2014 4:57:36 PM

Entry Properties

Metadata

No Metadata Assigned

Southlake, Texas - Code of Ordinances

SOUTHLAKE CITY CODE - VOLUME I

SUPPLEMENT HISTORY TABLE

PART I - CHARTER

PART II - CODE OF ORDINANCES

Subpart A - GENERAL ORDINANCES Amended

Subpart B - LAND DEVELOPMENT CODE

CODE COMPARATIVE TABLE - ORDINANCES

STATE LAW REFERENCE TABLE

Name	Page Count	Volume Name	Template Name
Agenda Packets			
Audit Records			
Budgets			
Campaign Finance Reports & Filings			
Candidacy Applications			
Charter			
City Publications			
Conflict of Interest			
Election Information			
Financial Disclosure Statements			
Minutes			
Ordinances & Resolutions			
Reports & Studies			
Instructions for Searching Public Documents	2	CITY ADMINISTRATION000004	City Secretary

14 Entries

Document management portal covered by Laserfiche WebLink 9.2.1 © 1998-2012 Laserfiche

The listing below includes all legislation received by Municipal Code since the last update (printed or electronic) to the Code of Ordinances. This legislation has been enacted, but has not yet been codified.

Ordinance No. 895-C
WATER CONSERVATION PLAN
1 section(s) amended

History of Laserfiche



- Began in 1987, with a “philosophy to create simple and elegant enterprise content management solutions.”
- 34,000 organizations worldwide, including
 - Federal, state, and local government agencies
 - Fortune 1000 companies
 - U.S. Treasury, CIA, FBI, and all four branches of the military

Colleyville and Laserfiche



- 1990 - City Council established a records management program.
- 2001 - City Council approved the use of a records management system known as Laserfiche.
- 2002 – City began uploading all City Council agenda packets, minutes, ordinances, and resolutions.
- 2004 – Community Development began uploading relative agenda packets and minutes.

Colleyville and Laserfiche cont.



- 2007 - City Council adopted the Texas State Library and Archives Commission retention schedule.
- 2010 – Human Resources began converting paper files to electronic files.
- 2013 – Application integration for electronic file storage.
 - Munis Financials
 - Crimes Records Management System

Colleyville and Laserfiche cont.



- 2014 – Application integration cont.
 - Munis Payroll
 - CRW Systems
 - 3rd party scanning
- 2015 – Application integration cont.
 - Munis Utility Billing
 - 3rd party scanning continues

Future Improvements

- Increase City bandwidth
- Upgrade software versions
- Architectural change
- Add user licenses

Future cont.



Streamline Web Portal & Content search

[Home](#) [Browse](#) [Search](#)

Agendas

When searching for a PHRASE use the following format (no quotes): Ridglea Library. To find a partial term search using an asterisk. To find anything that STARTS with Ridglea use this format: Ridglea*. To find anything that ENDS with Ridglea use this format: *Ridglea.

Agenda Type **ALL AGENDAS**
Agenda Date
Search Phrase

[Home](#) [Browse](#) [Search](#)

Ordinances

To Find an Ordinance if you know the number, enter the Ordinance Number followed by an asterisk (i.e.) 17951*. When searching for a PHRASE use the following format (no quotes): Ridglea Urban Village. To find a partial term search using an asterisk. To find anything that STARTS with Ridglea use this format: Ridglea*. To find anything that ENDS with Ridglea use this format: *Ridglea.

Ordinance Number
Document Date
Search Phrase

Records & Public Information

Click the icons below to find public records available on the city website, or use the "Submit an Open Records Request" link to request information not available online.

Available Documents

Document Search

[Search All Documents](#)

Advanced Searches

- [Agendas](#)
- [Contracts](#)
- [Minutes](#)
- [Informal Reports](#)
- [Ordinances](#)
- [Resolutions](#)

Other Documents

The following documents are available online, but are not available through the public document search.

- [Mayor & Council Communications \(M&Cs\)](#)
- [Code and Charter](#)
- [City Budgets](#)
- [Financial Reports](#)
- [Police Records](#)
- [Municipal Court Records](#)
- [Issued Building Permits and Certificates of Occupancy](#)
- [Geographic Information System Data \(downloads\)](#)
- [Open Data Portal](#)

Notice

Be advised that there may be a charge for requested information. [View a list of price guidelines.](#)

More Information

Visit the [Records & Information Management page](#) for more information on how to submit a public information/open records request to the City of Fort Worth.

Future cont.



Offer additional training

- Linked video training (online users)
- Professional training for City Council and staff



Summary



- Annual increase in system demand
- Web link offers connection to public documents
- Allows staff efficiency in fulfilling information requests
- Helps to facilitate records management
- Increased internal utilization

Questions & Discussion



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number PC-2

Agenda Date 10/06/2014

Type Pre Council

Department Public Works

Title

Presentation and discussion of proposed changes to the Water Conservation and Drought Contingency Plan

Explanation

On May 3, 1994, City Council approved attached Ordinance O-94-948 adopting the City of Colleyville Water Conservation and Emergency Water Demand Management Plan. This was the City's initial effort to implement water conservation measures and was a requirement of the Texas Water Development Board as a condition of the 1994 utility bond sale. On September 5, 2006, City Council adopted the attached Ordinance O-06-1587 adopting a Water Conservation and Drought Contingency Plan (WCDCP). This ordinance updated Ordinance O-94-948 to be more consistent with the policies of the Tarrant Regional Water District (TRWD) and the Trinity River Authority (TRA). This ordinance update provided for water conservation measures, and prohibited certain water usages during times of water shortages and drought conditions. The provisions of the ordinance were modeled after similar water conservation and drought contingency plans developed by TRWD and TRA. The City's wholesale supplier of treated water is TRA. Trinity River Authority purchases raw water from TRWD and follows the adopted TRWD plan. Both the TRWD and the TRA plans were updated in 2014. The State of Texas requires that all water conservation and drought contingency plans be updated every five years. Attached Ordinance O-12-1834 updated the Colleyville WCDCP again in 2012, which is the current WCDCP for the City. In April 2014, TRA updated its WCDCP, which is attached to this briefing. There are a few differences between the current Colleyville plan and the recently updated TRA plan, the major difference being the allowed watering days, as shown in the tables below:

Colleyville Plan Watering Days:

Current Geographic Zones	Current Allowed Water Days*
A	Tuesday and Friday
B	Wednesday and Saturday
C	Thursday and Sunday
*No watering is allowed on Monday	

TRA Plan Watering Days:

Stage 1, Water Watch, Current Outdoor Watering Schedule		
Monday	No Outdoor Watering	Water System Recovery Day
Tuesday and Friday	Non-Residential Sites	Apartments, Parks, Common Areas, HOA's, Businesses
Wednesday and Saturday	Residential Addresses Ending in Even Numbers	0,2,4,6,8
Thursday and Sunday	Residential Addresses Ending in Odd Numbers	1,3,5,7,9

Colleyville chose to water based on geographic zones as opposed to addresses because at the time the 2006 plan was adopted, the L.D. Lockett above ground storage tank was not built, and it was determined that odd/even watering days would not provide adequate water supply to all parts of the City. A second difference between the current Colleyville plan and the recently updated TRA plan relates to the use of water in public areas that are open to the public-at-large, and have a high impact from frequent use. Under the TRA plan, those areas may be granted a variance if it is deemed to be beneficial to serve and protect the community amenity. The Colleyville plan "prohibits the use of water for recreational purposes, such as splash pads, unless the water is recyclable and can be made to conform to the established standards for water used in swimming pools." The splash pad at McPherson Park uses approximately 7,800 gallons per hour to operate when in continuous use. Historically, the splash pad has operated between Memorial Day and Labor Day, when no water restrictions were in place. Water usage at the splash pad for 2010 was 3,950,000 gallons; for 2011 the usage was 3,441,900 gallons, and for 2012 the usage was 3,844,900 gallons.

The third difference between the current Colleyville plan and the recently updated TRA plan is the TRA plan establishes specific goals for reduction in water usage as shown below. The Colleyville plan does not include specific goals for reduction, although overall usage in Colleyville has been reduced by approximately 23 percent, since stage one restrictions were put in place in June 2013, as compared to the same period of June 2012 through August 2013.

TRA Water Usage Reduction Goals	
Stage 1 (Water Watch)	5%
Stage 2 (Water Warning)	10%
Stage 3 (Water Emergency)	20%

On February 18, 2014, City Council approved attached Resolution R-14-3723, approving a contract with Garver, LLC, to develop a comprehensive master plan for the City's water and wastewater systems. One of the specific tasks to be performed by

Garver was to determine if the Overland Trail above ground storage tank and pump station was still required to provide adequate water service to our residents and businesses. This task has been completed and a copy of the report is attached. The study determined that under the current use of geographical zones for water restrictions, the Overland Trail tank and pump station needs to remain in place to meet peak period demands. However, if the City were to change watering days to odd and even, based on addresses, the Overland Trail tank and pump station would no longer be needed and it could be demolished and the land used for some other purpose or sold. If the decision is made to keep the tank and pump station in service, in order to meet current and projected future (2034) demands, a new, replacement two million gallon storage tank is required, at an estimated cost of \$2.5 million. If watering restrictions were not in place, and the peak demand of more than 19 million gallons a day was placed on the water system, it is unlikely that customer demand could be met without the Overland Trail storage tank and pump station operational upgrades unless the watering days are changed.

Staff recommends the City Council change the watering days effective March 1, 2015 to be consistent with the TRA WCDCP, and authorize staff to proceed with the demolition and disposal of the Overland Trail above ground storage tank and pump station. March 1, 2015 is recommended as the effective date for changing watering days in order to allow adequate time to communicate the change to our customers. Staff will utilize the web site, *E-News*, the *Colleyville Communicator* newsletter, local media, and all communication means available to get the word out. Staff is seeking direction on these recommendations. If City Council accepts these recommendations, staff will update the existing WCDCP and present the revised plan for consideration and adoption by City Council at a future date.

Attachments

1. Water Conservation and Drought Contingency Plan Update Presentation
2. Ordinance O-94-948
3. Ordinance O-06-1587
4. Ordinance O-12-1834
5. 2014 TRA Water Conservation and Drought Contingency Plan
6. Overland Trail Tank and Pump Station Report
7. Resolution R-14-3723

Water Conservation and Drought Contingency Plan Update

**Pre Council Meeting
October 6, 2014**



Overview

- History
- Plan Comparison (City and Trinity River Authority)
- Water/Wastewater Master Plan Study
- Proposed Changes
- Discussion and Questions

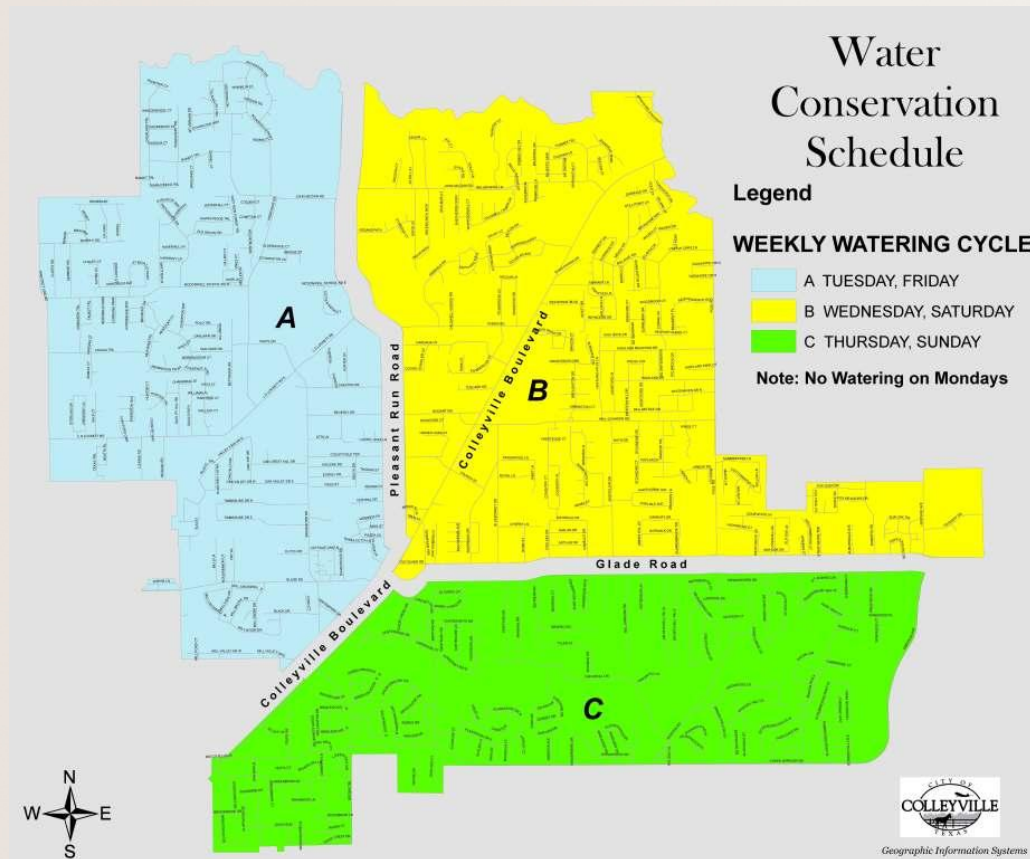
History

- May 1994 – Adopted Colleyville's first Water Conservation and Emergency Water Demand Management Plan
- September 2006 – Updated and adopted Colleyville Water Conservation and Drought Contingency Plan
- 2007 – Tarrant Regional Water District (TRWD) and Trinity River Authority (TRA) updated their water conservation plans
- June 2012 – Adopted revised Colleyville Water Conservation and Drought Contingency Plan
- April 2014 – TRA updated its Water Conservation and Drought Contingency Plan
- May 2014 – TRWD updated its Water Conservation and Drought Contingency Plan

Comparison of Plans (City vs. TRA)

- Different watering days (during drought stages)
 - TRA has a non-resident watering day
 - TRA's watering days are based on addresses (odd/even)
 - City's watering days are based on three geographic zones
- TRA plan sets goals for reduction in usage; Colleyville's does not
- TRA's plan provides for a variance for recreational facilities (such as splash pads); Colleyville's does not

Colleyville's Current Geographic Watering Zones



Splash Pad Water Usage

- Opened in McPherson Park – Summer 2010
- Operates on “push button” basis for 3 minutes
- Does not run 100% of time available (only when push button is activated)
- 130 gallons per minute = 7,800 gallons per hour
- Previously available 70 hours/week (10 hours/day)
- Splash pad season has historically been from Memorial Day to Labor Day

Water and Wastewater Master Plan Update

- Overall, water and sewer systems are in reasonably good condition, but many of the pipes are at or beyond their design life
- Scope of work included analysis and evaluation of Overland Trail ground storage tank and pump station
 - ❑ Watering zones (versus addresses) were put in place before the L.D. Lockett ground storage facility was put in service
 - ❑ Overland Trail facility is needed to meet future projected water demands with current geographic watering days
 - ❑ It is NOT needed if watering days are changed to odd and even addresses
 - ❑ Ground storage tank will have to be replaced if facility remains in use

Discussion and Questions

ORDINANCE O-94-948

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS ADOPTING "WATER CONSERVATION AND EMERGENCY WATER DEMAND MANAGEMENT PLAN"; PROVIDING A PENALTY OF NOT LESS THAN \$10.00 PER DAY NOR MORE THAN \$200.00 PER DAY FOR EACH DAY OF NON-COMPLIANCE WITH THE PROVISION THEREOF:

BE IT ORDAINED BY THE CITY OF COLLEYVILLE, TEXAS:

WHEREAS, the Texas Water Development Board (the "Board") rules require that the City adopt a "Water Conservation and Emergency Water Demand Management Plan" which has been approved by the Executive Director of the Board; and

WHEREAS, the City has previously submitted to the Texas Water Development Board a proposed "Water Conservation and Emergency Water Demand Management Plan" which has been reviewed and commented upon by the Board; and

WHEREAS, the City Council of the City now desires to evidence its approval of the "Water Conservation and Emergency Water Demand Management Plan" and adopt such plan as an official policy of the City;

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

SECTION I: Approval of the Plan: The City Council approves and adopts as the City's water conservation plan the "Water Conservation and Emergency Water Demand Management Plan" attached hereto as Exhibit "A" to be included in full as a part of this Ordinance as if recited verbatim herein. The City commits to implement the program according to the procedures set forth in the adopted plan.

SECTION II: The City shall report to the Texas Water Development Board annually on the implementation and effectiveness of the plan in accordance with the outline set forth in the plan.

SECTION III: In regards to implementation and enforcement of the Water Conservation and Emergency Water Demand Management Plan, the Mayor of Colleyville is designated as the official responsible for implementation and enforcement, according to the guidelines in the Water Conservation and Emergency Water Demand Management Plan attached.

SECTION IV: Users of city water, except for the City, that do not comply with Section III of the Emergency Water Demand Management Plan attached, shall be subject to a penalty and fine of not less than \$10.00 per day nor more than \$200.00 per day for each day of non-compliance and/or disconnection or discontinuance of water services to such users by the City.

SECTION V: The City Council finds and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a designed place of posting was readily accessible at all times to the general public; that all of the foregoing was done as required by law; and that this meeting has been open to the public as required by law at all times during which the Ordinance and subject matter thereof has been discussed, considered and formally acted upon.

The City Council ratifies, approves, and confirms such written notice and the contents and posting thereof.

AND SO IT IS ORDERED

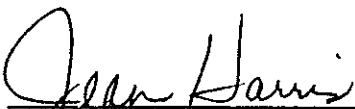
The first reading and public hearing being conducted on the 5th day of April, 1994.

The second reading and public hearing being conducted on the 19th day of April, 1994.

The third reading and public hearing being conducted on the 3rd day of May, 1994.

ATTEST:

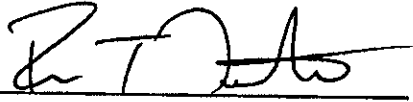
CITY OF COLLEYVILLE, TEXAS


Jean Harris, CMC
City Secretary


Ed McKnight
Mayor

0-94-948, Page 3

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in black ink, appearing to read 'R T Foster', written over a horizontal line.

Ross T. Foster
City Attorney

I. INTRODUCTION

A. BRIEF DESCRIPTION OF THE PLANNING AREA AND THE PROJECT

The City of Colleyville owns, maintains, and operates a water distribution and sewage collection system within the City. All budgets and utility rates are reviewed and established by the City Council. The City purchases a majority of its water from the Trinity River Authority (TRA). Colleyville also owns and maintains eight (8) Paluxy wells. These wells are used primarily as a back-up source of supply. TRA also receives and treats all of the City's collected wastewater flows.

Over the past several years, the area has experienced moderate to high growth. The City's current population is approximately 15,000. The City has approximately 50% of its land area available for development of which most will be developed into single family detached housing. The estimated ultimate build-out population of 32,000 reflects both land use and density projections from the City's 1987 Master Plan. This report outlines the City's water conservation and emergency water demand management program. The objective of the conservation program is to reduce the quantity required for each water using activity, insofar as is practical, through the implementation of efficient water use practices.

The emergency water demand management program provides procedures for voluntary and mandatory actions to be put into effect to temporarily reduce the demand placed upon the City's water supply system during a water shortage emergency. Emergency water demand management procedures include conservation but may also include prohibition of certain

uses. Both programs are tools that the City will have available to operate effectively in all situations.

The City of Colleyville is located in north central Texas, northeast of Fort Worth in Tarrant County. The City has applied for TWDB funding assistance under the State Revolving Fund (SRF) program to finance wastewater collection system improvements. The proposed project is comprised of 46 individual sewer lines ranging in size from 6" to 12" in diameter. The total length of line to be constructed is estimated at 55,000 linear feet. The purpose of the project is to provide sewer service to residents of Colleyville currently on private septic systems.

ORDINANCE 0-06-1587

APPROVAL TO REPLACE EMERGENCY ORDINANCE O-06-1579 AND AMENDING CHAPTER 98, ARTICLE II REGARDING WATER SERVICE AND WATER CONSERVATION PROVIDING FOR A DROUGHT CONTINGENCY PLAN

WHEREAS, there currently exists a drought situation in North Texas which, drought threatens the availability of a continuous and reliable potable water supply; and

WHEREAS, the City of Colleyville has been asked by the Trinity River Authority to adopt drought contingency provisions in order to better manage the precious resource of potable water; and

WHEREAS, in the absence of the Ordinance, the City of Colleyville may not be able to adequately protect its potable water supply, to ensure its availability for both regular and emergency consumption; and

WHEREAS, the City Council previously adopted Ordinance O-06-1579 as an emergency ordinance pursuant to Section 3.12 of the Charter; and

WHEREAS, the City Council wishes to adopt permanent provisions to assist in drought control protection; and

WHEREAS, all legal prerequisites for the passage of this Ordinance have been met, including but not limited to the requirements of the Texas Open Meetings Act and the City Charter; and

WHEREAS, the current drought situation and the inadequate regulations to respond to such a drought represent an emergency pursuant to Section 3.12 of the City Charter; and

WHEREAS, City Council has found that the passage of this Ordinance serves the best interests of the health, safety, and welfare of the public.

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

Sec. 1. THAT all of the above premises are found to be true and correct and are hereby incorporated into the body of this ordinance by reference as if copied in their entirety herein.

Sec. 2. THAT this Ordinance amends in its entirety and replaces Ordinance O-06-1579 pursuant to Section 3.12 of the Charter.

Sec. 3. THAT Chapter 98, Article II of the Code of Ordinances, is hereby amended as follows:

Section's 98-44, 98-45, 98-46, and 98-47 of the Code of Ordinances are hereby amended in their entirety and replaced as follows:

The City of Colleyville adopts and establishes a drought contingency plan as shown and provided for in the attached Exhibit "A", which is incorporated herein by reference.

Sec. 4. THAT any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 5. THAT the effective date of this ordinance shall be immediate upon its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 15th day of August 2006.

The second reading and public hearing being conducted on the 5th day of September 2006.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A"

WATER CONSERVATION & DROUGHT CONTINGENCY PLAN

Section 1. Non-essential water uses.

Water uses regulated or prohibited under this article (hereinafter referred to as the "Drought Contingency Plan" or the "Plan") are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 10 of this plan.

Section 2. Public education and notification.

(a) The City, by and through its Department of Public Works and Communications Department shall periodically provide the public with information about the plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage.

(b) When drought contingency measures appear to be necessary, the public will be notified through available news media and additional information on water conservation methods will be distributed. In the event that a trigger condition is reached, the public will be kept fully informed of the status of the drought condition through all available media.

(c) When a trigger condition has been reached and/or the Trinity River Authority informs the City that drought contingency measures may be necessary, the City Manager or his designee will order the initiation of a public notification process. The public notification process will include, but is not limited to the following:

(1) A notice of drought condition will be posted at City Hall.

(2) The notice will be circulated to local newspapers and radio stations via public service announcement. Information regarding the contingency measures for the drought condition will be posted on the City's web page.

(3) A brochure to each address in Colleyville explaining the plan through a saturation mailing.

Section 3. **Coordination with regional water planning groups.**

The service area of the City is located within the Texas Commission on Environmental Quality (TCEQ) Region 6, the Tarrant Regional Water District (T.R.W.D.) the City of Colleyville, Texas will provide a copy of this plan and any subsequent amendments to the TCEQ, Trinity River Authority (TRA), and Texas Water Development Board (TWDB) Region "C"

Section 4. **Rates.**

A tiered rate structure may be implemented to encourage conservation.

Section 5. **Authorization.**

The City Manager, or his designee, is hereby authorized and directed to implement the applicable provisions of the Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as needed.

Section 6. **Application.**

The provisions of this plan shall apply to all persons, customers, and property using water provided by the City. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section 7. **Definitions.**

For the purposes of this plan, the following definitions shall apply:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use means water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels, motels, restaurants and office buildings.

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer and Person means any person, company, or organization using water supplied by the City.

Domestic water use means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use means water uses that are neither essential nor required for the protection of public, health, safety, and welfare including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Watering Zones means predetermined areas of the city where irrigation is allowed on designated days.

Section 8. Triggering criteria for initiation and termination.

The City purchases 100 percent of its potable water from the Trinity River Authority. Therefore, the emergency water management triggering measures will be the same as those of T.R.A. Also, triggering criteria may be initiated as a result of short term deficiencies and or emergencies specific to the City of Colleyville and/or T.R.A.

Following are the triggering criteria for initiation and termination of drought response stages:

Stage 1: Water Awareness

Triggering criteria: Beginning on May 1st of each year or, when the T.R.A. water treatment plant is operating at greater than 85% capacity for seven consecutive days prior to May 1st, or limitations or failures within the City distribution system warrant implementation, the City Manager may enact conservation measures.

Stage 1, Awareness is intended to raise public awareness of potential drought problems. The City Manager or his designee may order the implementation of any of the actions listed below, as deemed necessary:

- Voluntary reductions in water use
- Prohibit residential or commercial lawn watering between the hours of 10:00 a.m. and 6:00 p.m. with the exception of watering by hand or with soaker hoses
- Accelerate public information efforts to teach and encourage reduced water use
- Issue a "Code Red" informing residents of restrictions
- Staff will begin a review of the problems which initiated the Stage 1 actions
- Intensify efforts on leak detection and repair for the City distribution system
- Notify major water users and work with them to achieve voluntary water use reduction
- Reduce City government use of water for street washing, vehicle washing, operation of ornamental fountains, landscape irrigation and

all other nonessential use

- Require rain and freeze sensors installed on all new irrigation systems
- Require existing irrigation systems to have rain and freeze sensors installed within 24 months
- Prohibit the operation of irrigation systems with broken or missing heads
- Prohibit the operation of irrigation systems which cause significant runoff
- Notify property owners in writing of operation of irrigation systems with broken or missing heads requesting repair or discontinuance within thirty days

Exemptions: Private water wells used for irrigation, street sweeping, dust control and newly installed lawns shall be exempt from this ordinance.

Enforcement: Violations of restrictions will result in a written warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 1 have been alleviated. If Stage 1 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered.

Stage 2: Water Watch

Triggering criteria: When the T.R.A. water plant is operating at greater than 90% capacity for seven consecutive days or, limitations or failures within the City distribution system warrant implementation.

Goals for reduction and actions available under Stage 2, water watch. The goal for water use reduction under Stage 2, Water Watch, is a ten percent (10%) reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or his designee may order the implementation of any of the actions listed below, as deemed necessary:

- Continue Stage 1 actions
- Develop and implement inter-local agreements with adjacent

municipalities for temporary water purchase

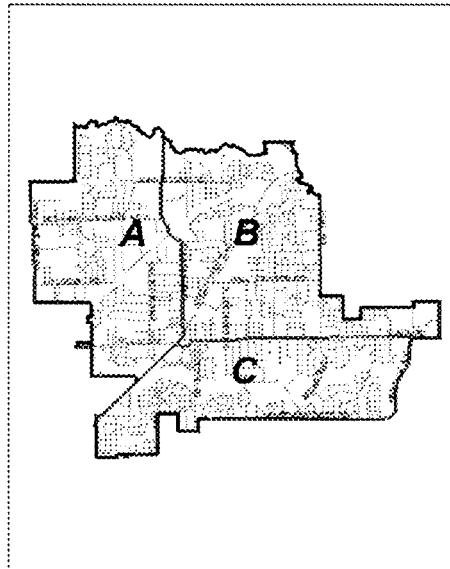
- Begin mandatory water use restrictions as follows:
 - Prohibit the hosing of paved areas, buildings or windows; operation of swimming pool draining followed by refilling, washing or rinsing vehicles by hose; using water in such a manner as to allow runoff or other water wastes.
 - Limit landscape watering at each service address to once every four days based on the watering zone per the schedule below:

Zone	Allowed Water Days
A	Tuesday and Friday
B	Wednesday and Saturday
C	Thursday and Sunday

Zone "A" is north of Colleyville Blvd. and west of Pleasant Run.

Zone "B" is north of Glade Rd. and east of Pleasant Run.

Zone "C" is south of Glade Rd. and east of Colleyville Blvd.



No watering will be allowed on Monday. These restrictions also apply to government facilities.

Exceptions: Foundations, and new plantings (first year) of grass, trees and shrubs may be watered with a hand-held or soaker hose on any day; nurseries may water plant stock only.

Enforcement: Violations of restrictions will result in a written warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 2 have been alleviated. If Stage 2 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until T.R.A. and the City determines that conditions exist which will allow termination of Stage 2 actions. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3: Water Warning

Triggering criteria: When the T.R.A. water treatment plant is operating at 95% capacity for seven consecutive days or, limitations or failures within the City distribution system warrant implementation. Stage 3 actions will not ordinarily be taken until Stage 2 actions have first been implemented.

Goals for reduction and actions available under Stage 3, Water Warning. The goal for water use reduction under Stage 3, Water Warning, is a 20 percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or his designee may order the implementation of any of the actions listed below, as deemed necessary:

- Continue implementation of all restrictions from previous stages
- Recommend and implement engineering alternatives for water reduction
- Foundations, shrubs, trees and landscape may be watered with a soaker or hand-held hose on the same four-day basis stated in Stage 2, for up to two hours
- Prohibit operations of ornamental fountains

Enforcement: Violations of restrictions will result in a written warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the

conditions which triggered Stage 3 have been alleviated. If Stage 3 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until T.R.A. and the City determines that conditions exist which will allow termination of Stage 3 actions. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4: Water Emergency

Triggering criteria: The T.R.A. water treatment plant is operating at 100% capacity for seven consecutive days or, limitations or failures within the City distribution system warrant implementation. Stage 4 actions will not ordinarily be taken until Stage 3 actions have first been implemented.

Goals for reduction and actions available under Stage 4, Water Emergency: The goal for water use reduction under Stage 4, Water Emergency, is a 25 percent reduction in the use that would have occurred in the absence of drought contingency measures. The City Manager or his designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The City must notify TCEQ within five business days if these measures are implemented:

- Continue implementation of all restrictions from previous stages
- Prohibit all commercial and residential landscape watering with the following exceptions:
 - Nurseries' plant stock may be watered once every four days based on the "watering zone" per the schedule in Stage 2
 - Foundations may be watered for a two-hour period between the hours of 6:00 p.m. and 10:00 a.m. with a soaker or hand-held hose on the four-day basis prescribed for landscape watering in Stage 2
- Any and all washing of vehicles is prohibited except for commercial car washes

- All commercial water users may be required to reduce water consumption by a percentage determined by the City Manager

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 4 have been alleviated. If Stage 4 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until T.R.A. and the City determines that conditions exist which will allow termination of Stage 4 actions. Upon termination of Stage 4, Stage 3 becomes operational.

Stage 5: Emergency Water Shortage

(a) *System outage due to failure of a major water system component--Triggering criteria:* A catastrophic failure within the T.R.W.D., T.R.A. water system, or the Colleyville water distribution system severely limiting the delivery of potable water.

Goals for reduction and actions available under Stage 5, Emergency Water Shortage: The goal for water use reduction under Stage 5, emergency water shortage, is a reduction to prevent public health emergencies that would have occurred in the absence of drought contingency measures. If circumstances warrant or if required by T.R.A., the City Manager or his designee can set a goal for a greater water use reduction.

The City Manager or his designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The City must notify TCEQ within five business days if these measures are implemented:

- Initiate or continue implementation of all restrictions from previous stages as directed by the city manager or his designee
- Prohibit all commercial and residential landscape watering. All commercial water users will be required to reduce water consumption by a percentage determined by the City Manager or his designee

(b) *Supply source contamination special precautions--Triggering criteria:*

Water system contamination caused by low distribution pressures (below 20 psi), repeated unacceptable microbiological samples, or failure to maintain adequate chlorine residuals. In the event of such contamination, the affected area shall be isolated from the distribution system immediately and special precautions shall be taken in accordance with subsection (q), "Special Precautions," of Section 290.46, "Minimum Acceptable Operating Practices for Public Drinking Water Systems," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Commission on Environmental Quality," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended.

Water customers in the affected area shall be notified immediately with a "boil water notice" and a letter explaining the situation and containing recommendations to the water customer regarding the use of bottled water. The "Flow chart" contained in Appendix H of Section 290.47, "Appendices," of Subchapter D, "Rules and Regulations for Public Water Systems," of Chapter 290, "Public Drinking Water," of Part 1, "Texas Commission on Environmental Quality," of Title 30, "Environmental Quality," of the Texas Administrative Code, in its current form and as it may hereafter be amended, shall be used to evaluate the response measures necessary to correct the condition.

Actions available (applied to all affected customers).

- Hand deliver boil water notice to all water customers affected
- Prohibit all water usage for human consumption for 24 to 36 hours, as determined by the City Manager or his designee

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$2,000.00 per incident.

Termination criteria: All initiated actions will remain in effect until the conditions which triggered Stage 5 have been alleviated. If Stage 5 is initiated because of water supply contamination, all initiated actions will remain in effect until the City Manager or his designee determines that conditions exist which will allow removal of Stage 5 actions.

Section 9

Variances.

(a) *Temporary variances.* The City Manager or his designee may in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (1) Compliance with this plan cannot be technically accomplished during

the duration of the water supply shortage or other condition for which the plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(b) *Exemptions.* Persons requesting an exemption from the provisions of this article shall file a petition for a variance with the City within 5 days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager or his designee and shall include the following:

(1) Name and address of the petitioner(s).

(2) Purpose of water use.

(3) Specific provision(s) of the plan from which the petitioner is requesting relief.

(4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.

(5) Description of the relief requested.

(6) Period of time for which the variance is sought.

(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.

(8) Other pertinent information as may be required by the City Manager or his designee.

(c) *Special conditions.* Variances granted by the City Manager or his designee shall be subject to the following conditions, unless waived or modified by the City Manager or his designee:

- Variances granted shall include a timetable for compliance
- Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements
- No variance shall be retroactive or otherwise justify any violation of the plan occurring prior to the issuance of the variance

Section 10. Penalty.

It shall be unlawful for any person to violate any provision of this article, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than \$2,000.00, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

ORDINANCE O-12-1834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS AMENDING THE CITY OF COLLEYVILLE CODE OF ORDINANCES, CHAPTER 98, ARTICLE II, REGARDING WATER SERVICE AND WATER CONSERVATION, REPEALING IN ITS ENTIRETY ORDINANCE O-94-948 AND ORDINANCE O-06-1587, PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, there continues to exist a need to conserve water due to potential drought conditions in North Texas, and such conditions threaten the availability of potable water on a long term basis; and

WHEREAS, the City of Colleyville has been asked by the Trinity River Authority to adopt drought contingency provisions in order to better manage the precious resource of potable water; and

WHEREAS, in the absence of an Ordinance, the City of Colleyville may not be able to adequately protect its potable water supply in order to ensure its availability for both regular and emergency consumption; and

WHEREAS, the City Council previously adopted Ordinance O-06-1587 and Ordinance O-08-1704 and amended Chapter 98 of the Municipal Code regarding water conservation and drought contingency planning; and

WHEREAS, all legal prerequisites for the passage of this Ordinance have been met, including but not limited to the requirements of the Texas Open Meetings Act and the City Charter; and

WHEREAS, City Council has found the passage of this Ordinance serves the best interests of the health, safety, and welfare of the public.

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

Sec. 1 THAT all of the above premises are found to be true and correct and are hereby incorporated into the body of this Ordinance by reference as if copied in their entirety herein.

Sec. 2 THAT this Ordinance entirely replaces Ordinance O-94-948 and Ordinance O-06-1587, pursuant to Section 3.11 of the City Charter.

Sec 3. THAT Chapter 98, Article II of the Code of Ordinances, is hereby amended as follows:

Sec. 98-41. - Water Conservation and Drought Contingency Plan adopted; report by City on implementation and effectiveness of plan.

(a) *Adoption and approval of plan.* The City Council approves and adopts as the City's Water Conservation and Drought Contingency Plan attached to Ordinance O-12-1834 as Exhibit "A" to be included in full as part of this division as if recited verbatim herein. The City commits to implement the program according to the procedures set forth in the plan.

(b) *Annual report to Water Development Board.* The City shall report to the State Water Development Board annually on water usage.

Sec. 98-42. - Administrative official designated.

In regard to implementation and enforcement of the Water Conservation and Drought Contingency Plan, the city manager is designated as the official responsible for implementation and enforcement, according to the guidelines in the Water Conservation and Drought Contingency Plan, attached as Exhibit "A", and adopted by reference in this division.

- Sec. 4. THAT any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provision of this Ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- Sec. 5. THAT the effective date of this ordinance shall be immediate upon its passage

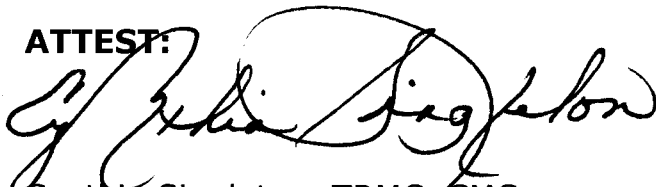
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 15th day of May 2012.

The second reading and public hearing being conducted on the 5th day of June 2012.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 5th day of June 2012.

ATTEST:


Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

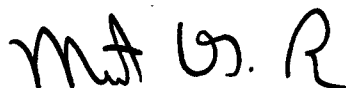

Matthew C. G. Boyle
City Attorney

Exhibit "A"

City of Colleyville Water Conservation and Drought Contingency Plan

Section 1. Purpose

The purpose of the Colleyville Water Conservation and Drought Contingency Plan (hereinafter referred to as the "plan") is as follows:

- (a) To conserve the available water supply in times of drought and emergency.
- (b) To maintain supplies for domestic water use, sanitation, and fire protection.
- (c) To protect and preserve public health, welfare, and safety.
- (d) To minimize the adverse impacts of water supply shortages.
- (e) To minimize the adverse impacts of emergency water supply conditions.

Section 2. Applicability

The provisions of this plan shall apply to all persons, customers, and properties using water provided by the City of Colleyville. The terms "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section 3. Definitions.

For the purposes of this plan, the following definitions shall apply:

- (a) Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
- (b) City means the City of Colleyville, Texas, a municipal corporation.
- (c) Commercial and institutional water use means water use, which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels, and motels, restaurants, and office buildings.
- (d) Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of

water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that the water supply is conserved and made available for future or alternative uses.

- (e) Customer means any person, company, or organization using water supplied by the City.
- (f) Domestic water use means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.
- (g) Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
- (h) Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way, and medians.
- (i) Irrigation maintenance means testing, repair, and/or replacement of existing system components, including but not limited to irrigation pipe, valves, heads, controllers, and wiring. Irrigation maintenance must be performed in compliance with existing statutes, building codes, and City ordinances.
- (j) Non-essential water use means water uses that are not essential or required for the protection of public, health, safety, and welfare. Water uses regulated or prohibited under this plan are considered non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water, which subjects the offender(s) to penalties as defined in Section 12 of this plan.
- (k) TCEQ means Texas Commission on Environmental Quality.
- (l) TRA means Trinity River Authority, the City's wholesale supplier of water.
- (m) TRWD means Tarrant Regional Water District.
- (n) TWDB means Texas Water Development Board.
- (o) Watering zones means predetermined areas of the City where irrigation is allowed on designated days.

Section 4. Coordination with regional water planning groups.

The service area of the City is located within TCEQ Region 6 and TRWD. TRA is the City's wholesale supplier of water. The City will provide a copy of this plan, and any subsequent amendments to the TCEQ, TRA, TRWD, and TWDB.

Section 5. Public education and notification.

- (a) The City, by and through its Public Works Department and other staff, shall periodically provide the public with information about the plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage.
- (b) When drought contingency measures appear to be necessary, the public will be notified through available news media, and additional information on water conservation methods will be distributed. In the event that a trigger condition is reached, the public will be kept fully informed of the status of the drought condition through all available media.
- (c) When a trigger condition has been reached and the Trinity River Authority informs the City that drought contingency measures may be necessary, the city manager or his/her designee will order the initiation of a public notification process. The public notification process will include, but is not limited to the following:
 - (1) A notice of drought condition will be posted at City Hall.
 - (2) The same notice will be circulated to local newspapers and radio stations via public service announcement.
 - (3) Information regarding the contingency measures for the drought condition will be posted on the City's web site.
 - (4) Appropriate signage will be posted in the public rights-of-way at key locations throughout the City.

Section 6. Initiation and Termination of Drought Response Stages

The city manager will, with the concurrence of the City Council, order the implementation of a drought response stage or water emergency when requested to do so by TRA or when he/she determines that conditions warrant the implementation of the plan.

Section 7. Drought and Emergency Response Stages and Measures

Water Awareness - Water awareness is intended to raise public awareness of the need for ongoing water conservation measures and potential drought problems. The actions listed below are in effect year round and are subject to being superseded by more severe measures when determined necessary by the city manager and/or TRA.

- (a) Voluntary reductions in water use.

- (b) Except for hand watering and the use of soaker hoses, the irrigation or watering of any lawn or landscape is prohibited between the hours of 10:00 a.m. and 6:00 p.m. at any time during the year. (Code of Ordinances, Section 98-46, a.)
- (c) Ongoing public information efforts to teach and encourage water conservation.
- (d) Notify major water users and work with them to achieve voluntary water use reduction.
- (e) Reduce City use of water for street cleaning, vehicle washing, operation of ornamental fountains, landscape irrigation, and all other non-essential use.
- (f) Prohibit the operation of irrigation systems with broken or missing heads.
- (g) Prohibit the operation of irrigation systems, which cause significant runoff.
- (h) Prohibit any form of irrigation or landscape watering device to operate during any form of precipitation.

Stage 1, Water Watch

Triggering and Terminating Conditions

- (a) TRA directs that Stage 1 measures be implemented.
- (b) Water demand is projected to approach the limit of permitted supply.
- (c) Supply source becomes contaminated.
- (d) Water supply system is unable to deliver water due to the failure or damage of major water system components.
- (e) The city manager, with concurrence of the City Council, determines that conditions warrant the declaration of a Stage 1 drought.

Stage 1 may terminate when authorized by TRA, and/or when the circumstances that caused the initiation of Stage 1 no longer prevail, or at the discretion of the city manager.

Actions Required under Stage 1, Water Watch

The city manager may order the implementation of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TRA, TRWD and TCEQ.

- (a) Continue Water Awareness actions.

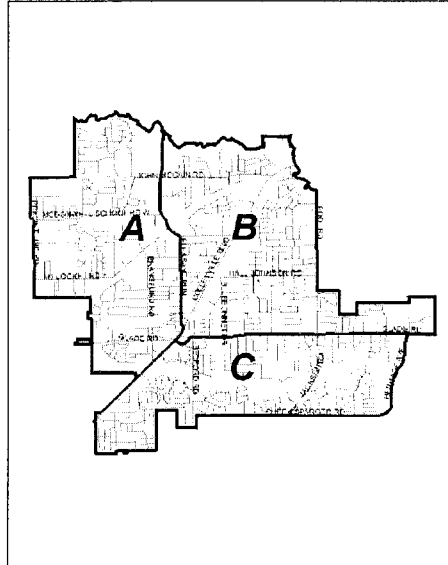
- (b) Prohibit hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, or other impervious surfaces, except to alleviate an immediate health or safety hazard.
- (c) Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting.
- (d) Prohibit using water in such a manner as to allow runoff or other waste, including:
 - (1) Failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - (2) Operating a permanently installed irrigation system with:
 - a. a broken head; (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (c) a head that is misting because of high water pressure;
 - b. during irrigation, allowing water to (a) run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (b) to pond in a street or parking lot to a depth greater than one quarter of an inch; or
 - c. use of water for recreational purposes such as splash pads unless the water is recyclable and can be made to conform to established standards for water used in public swimming pools.
- (e) Prohibit the draining and filling of swimming pools except as authorized elsewhere in this plan.
- (f) Limit landscape watering with sprinklers or irrigation systems at each service address to twice per week, based on the following schedule. This includes landscape watering of parks, golf courses and sports fields.

Zone	Allowed Water Days
A	Tuesday and Friday
B	Wednesday and Saturday
C	Thursday and Sunday

Zone "A" is north of Colleyville Boulevard and west of Pleasant Run Road.

Zone "B" is north of Glade Road and east of Pleasant Run Road.

Zone "C" is south of Glade Road and east of Colleyville Boulevard.



- (g) No watering will be allowed on Monday. These restrictions also apply to government facilities.

Exceptions:

- (a) Twice per week watering restrictions do not apply to locations using well water or treated wastewater effluent, or water from ponds that are naturally fed (from sources other than the public water supply).
- (b) Foundations may be watered up to two hours on any day by a handheld hose; or using a soaker hose or drip system placed within 24-inches of the foundation that does not produce a spray of water above the ground.
- (c) Newly installed shrubs (first year) and trees may be watered up to two hours on any day by a handheld hose, drip irrigation, soaker hose, or tree bubbler. Tree watering is limited to an area not to exceed the drip line of a tree.
- (d) Establishing new turf is discouraged. If new hydro-mulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, there are no watering restrictions for the first six weeks while it is being established. A sign issued by the City of Colleyville must be prominently displayed during the establishment period. After that, the watering restrictions set forth in this stage apply. (This exception does not include over seeding with rye or other winter grasses since turf already exists.)
- (e) Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Public Works Director, if the Public Works Director determines that a property cannot be completely irrigated with an

average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be watered on different days. A sign issued by the City of Colleyville that states such exemption has been granted must be prominently displayed for the duration of the exemption.

- (f) Drip irrigation systems
- (g) Misting systems for public gatherings, including outdoor eating venues.
- (h) Irrigation systems that are undergoing repair provided a licensed irrigation contractor or property owner is on site and doing necessary repair work. Irrigation repair work may take place anytime during the day, provided no irrigation zones are operating continuously for more than two minutes.
- (i) Swimming pools that are being repaired for leaks (this does not include cleaning) may be emptied and filled for the specific purpose of structural repairs.
- (j) Swimming pools that have been declared a health hazard due to lack of proper maintenance (vacant property, for example) may be emptied and refilled for the purpose of eliminating the health hazard. Owners of such pools may be subject to other enforcement actions as determined by the City's code enforcement officer.
- (k) Flushing of fire hydrants to ensure water quality complies with state requirements.
- (l) Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Further, such washing may be exempt from these requirements if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (m) Skinned areas of sports fields may be watered as needed for dust control.
- (n) Plant stock at commercial plant nurseries.
- (o) All users are encouraged to use Texas native and drought tolerant plants in landscaping.

In addition to the above restrictions, the following additional measures will be taken:

- (a) Continue public education efforts on ways to reduce water use.
- (b) Increase enforcement efforts.

- (c) Audit all City irrigation systems to ensure proper condition, settings, and operation.
- (d) Hotels, restaurants, and bars are encouraged to serve drinking water to patrons on an "as requested" basis.
- (e) Identify and encourage voluntary reduction measures by high-volume water users through water use audits.

Stage 2, Water Warning

Triggering and Terminating Conditions

- (a) TRA directs that Stage 2 measures be implemented.
- (b) Water demand is projected to approach the limit of permitted supply.
- (c) Supply source becomes contaminated.
- (d) Water supply system is unable to deliver water due to the failure or damage of major water system components.
- (e) The city manager, with concurrence of the City Council, finds that conditions warrant the declaration of a Stage 2 drought.

Stage 2 may terminate when authorized by TRA, and/or when the circumstances that caused the initiation of Stage 2 no longer prevail, or at the discretion of the city manager.

Actions available under Stage 2, Water Warning

The city manager may order the implementation of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TRA, TRWD and TCEQ.

- (a) Continue Stage 1 actions.
- (b) Limit landscape watering with sprinklers or irrigation systems at each service address to one day per week, based on the following schedule. This includes landscape watering of parks, golf courses and sports fields.

Zone	Allowed Water Days
A	Tuesday
B	Wednesday
C	Thursday

- (c) Prohibit the use of water for dust control, except as required to protect public health.
- (d) Landscape watering of municipal parks, golf courses, and sports fields is limited to once every seven days; or once every seven days per irrigation station if a variance is granted by the Public Works Director. (See exceptions to outdoor watering restrictions for rules that apply to facilities with large multi-station irrigation systems.)
- (e) Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (f) Prohibit wet street sweeping.
- (g) Prohibit watering for dust control on skinned areas of sports fields.
- (h) Prohibit filling of swimming pools with automatic valves.

Exceptions:

- (a) Once per week watering restrictions do not apply to locations using well water or treated wastewater effluent, or water from ponds that are naturally fed (from sources other than the public water supply).
- (b) Foundations may be watered up to two hours on the two watering days allowed in Stage 1 by handheld hose; or using a soaker hose or drip system placed within 24-inches of the foundation that does not produce a spray of water above the ground.
- (c) Newly installed shrubs (first year) and trees may be watered up to two hours on any day by handheld hose, drip irrigation, soaker hose, or tree bubbler. Tree watering is limited to an area not to exceed the drip line of a tree.
- (d) Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Public Works Director, if the Public Works Director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be watered on different days. A sign issued by the City of Colleyville that states such exemption has been granted must be prominently displayed for the duration of the exemption.
- (e) All users are encouraged to wait until the current drought or emergency situation has passed before establishing new landscaping and turf. If new hydro-mulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, there are no watering restrictions for the first six weeks while it is being established. A sign issued by the City of Colleyville must be prominently displayed during the establishment period. After that,

the watering restrictions set forth in this stage apply. (This exception does not include over seeding with rye or other winter grasses since turf already exists.)

- (f) Drip irrigation systems
- (g) Misting systems for public gatherings, including outdoor eating venues.
- (h) Irrigation systems that are undergoing repair provided a licensed irrigation contractor or property owner is on site and doing necessary repair work. Irrigation repair work may take place anytime during the day, provided no irrigation zones are operating continuously for more than two minutes.
- (i) Swimming pools that are being repaired for leaks (this does not include cleaning) may be emptied and filled for the specific purpose of structural repairs.
- (j) Swimming pools that have been declared a health hazard due to lack of proper maintenance (vacant property, for example) may be emptied and refilled for the purpose of eliminating the health hazard. Owners of such pools may be subject to other enforcement actions as determined by the City's code enforcement officer.
- (k) Flushing of fire hydrants to ensure water quality complies with state requirements.
- (l) Plant stock at commercial plant nurseries.
- (m) All users are encouraged to use Texas native and drought tolerant plants in landscaping.

In addition to the above restrictions, the following additional measures will be taken:

- (a) Further accelerate public education efforts on ways to reduce water use.
- (b) Increase frequency of media releases on water supply conditions.
- (c) Continue increased enforcement efforts.
- (d) Audit irrigation systems to ensure proper condition, settings, and operation.
- (e) Continue to identify and encourage voluntary reduction measures by high-volume water users through water use audits.

Stage 3, Water Emergency

Triggering and Terminating Conditions

- (a) TRA directs Stage 3 measures to be implemented.
- (b) Water demand is projected to approach the limit of permitted supply.

- (c) Supply source becomes contaminated.
- (d) Water supply system is unable to deliver water due to the failure or damage of major water system components.
- (e) The city manager, with concurrence of the City Council, finds that conditions warrant the declaration of a Stage 3 drought.

Stage 3 may terminate when authorized by TRA, and/or when the circumstances that caused the initiation of Stage 3 no longer prevail, or at the discretion of the city manager.

Actions Available under Stage 3, Water Emergency

The city manager may order the implementation of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TRA and TRWD.

- (a) Continue Stage 1 and 2 actions.
- (b) Prohibit all landscape watering, including at parks, golf courses, and sports fields.
- (c) Prohibit establishment of new landscaping.

Exceptions:

- (a) Watering restrictions do not apply to locations using well water or treated wastewater effluent, or water from ponds that are naturally fed (from sources other than the public water supply).
- (b) Foundations may be watered up to two hours on the two watering days allowed in Stage 1, but only between the hours of midnight to 10:00 a.m. and between the hours of 6:00 p.m. to midnight, by handheld hose; or using a soaker hose or drip system placed within 24-inches of the foundation that does not produce a spray of water above the ground.
- (c) Newly installed shrubs (first year) and trees may be watered up to two hours on any day by handheld hose, drip irrigation, soaker hose, or tree bubbler. Tree watering is limited to an area not to exceed the drip line of a tree.
- (d) Vehicle washing is restricted to commercial car wash or commercial service station and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.
- (e) Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or

where such fountains or ponds are equipped with a recirculation system.

- (f) Prohibit the draining, filling, or refilling of swimming pools, wading pools and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels; however they may not be refilled using automatic fill valves. Hotels, restaurants, and bars are required to serve drinking water to patrons on an "on requested" demand" basis.
- (g) Stock at commercial plant nursery may be watered only with a hand-held hose, hand-held watering can, or drip irrigation system.
- (h) Commercial water users are required to reduce water use by a set percentage determined by the Public Works Director.

In addition to actions listed above:

- (a) Continue actions available under Stages 1 and 2.
- (b) Implement viable alternative water supply strategies.
- (c) Continue to issue media releases explaining emergency situation.
- (d) Reduce City water use to maximum extent possible.
- (e) Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds and fountain construction. Pools already permitted and under construction may be completely filled with water.
- (f) Landscape watering at municipal parks, golf courses, and sports fields is prohibited.

Section 8. Procedure for Curtailment of Water Supplies

Any mandatory reduction to deliveries from TRWD to its customers shall be distributed as required by Texas Water Code §11.039. In addition, every wholesale water supply contract entered into or renewed after adoption of this plan, including contract extensions, shall include a provision that water will be distributed in accordance with the Texas Water Code §11.039 in case of a water shortage resulting from drought.

To the extent not prevented by enforcement of provisions in the Water District's wholesale contracts in effect before November 28, 1999, TRWD will implement pro rata curtailment of water deliveries pursuant to Texas Water Code §11.039.

Section 9. Procedure for Granting Variances to the Plan

- (a) The city manager or his/her designee may grant variances from the provisions of this plan as outlined below:
 - (1) The applicant must sign a compliance agreement form provided by the city manager or his/her designee, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.
 - (2) Granting of a variance must not cause an immediate significant reduction in the City's water supply.
 - (3) The extreme hardship or need requiring the variance must relate to health, safety or welfare of the person requesting it.
 - (4) The health, safety, or welfare of other persons must not be adversely affected by granting the variance.
- (b) The city manager or his/her designee may revoke a variance granted when the city manager determines that:
 - (1) The conditions of subsection (a) above are not being met or are no longer applicable; or
 - (2) The terms of the compliance agreement are being violated; or
 - (3) The health, safety or welfare of other persons requires revocation.
- (c) Variances shall be granted or denied at the discretion of the city manager. All petitions for variances should be in writing and should include the following information:
 - (1) Name and address of petitioner(s).
 - (2) Purpose of water use.
 - (3) Specific provisions from which relief is requested.
 - (4) Detailed statement of the adverse effect of the provision from which relief is requested.
 - (5) Description of the relief requested.
 - (6) Period of time for which the variance is sought.
 - (7) Alternative measures that will be taken to reduce water use.
 - (8) Other pertinent information.

Section 10. Enforcement

Violations of restrictions will first result in a warning, and then subsequent violations will result in a citation with a fine as provided for in Section 1-6 of the Code of Ordinances.

Section 11. Penalty

It shall be unlawful for any person to violate any provision of this article, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than \$2,000.00 for each offense, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Trinity River Authority of Texas

Tarrant County Water Supply Project

***Water Conservation & Drought Contingency
Plan***

***April 2005
Revised April 2009
Revised April 2014***



***Prepared
by
Trinity River Authority of Texas***

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Trinity River Authority of Texas Tarrant County Water Supply Project Water Conservation & Drought Contingency Plan

1. INTRODUCTION

The Trinity River Authority of Texas (Authority) is a governmental agency of the State of Texas created as a conservation and reclamation district under Article XVI, Section 59 of the Constitution pursuant to Chapter 518, Acts of the 54th Legislature of Texas, Regular Session, 1955, as amended. The Authority has specific authority to construct, own and operate water supply, treatment, and distribution facilities and sewerage gathering, transmission, treatment, and disposal facilities, to charge for such services, and to make contracts in reference thereto with municipalities and others.

The Authority's defined territory includes all of Dallas, Tarrant, Ellis, Navarro, Chambers Counties, and the principal watershed portions of Anderson, Freestone, Henderson, Houston, Kaufman, Leon, Madison, Polk, San Jacinto, Trinity, Walker, and Liberty Counties. The Authority is governed by a Board of 25 directors who are appointed by the Governor with the advice and consent of the Texas Senate. The first directors were appointed for staggered terms, and directors thereafter have served six-year terms. Three of the directors are appointed from the area-at-large; three directors are from Tarrant County; four are from Dallas County; and one director is from each of the other 15 counties.

This Water Conservation Plan and Drought Contingency Plan pertains to the use of water by the Authority's Contracting Parties of the Tarrant County Water Supply Project (TCWSP) and are intended to meet the requirements of the Texas Commission on Environmental Quality (TCEQ), Texas Water Development Board (TWDB), and the Tarrant Regional Water District.

2. WATER CONSERVATION PLAN

2.1 Introduction

The Authority provides wholesale treated water to five Contracting Parties of the TCWSP. As the Contracting Parties retail utility systems are separate from the Authority's treated water system, the Authority does not have the ability to implement most of the water conservation measures discussed in this Program. The Contracting Parties shall be able to implement these measures as a part of their respective retail water supply operations. The

Authority's role in this program will include the administration and promotion of the Water Conservation Plan, public education and information, and investigations into wastewater reuse.

2.2 Planning Area Description

Raw water for the Authority's TCWSP comes from the Tarrant Regional Water District (TRWD) East Texas Water System. Raw water is impounded in the Cedar Creek and Richland-Chambers Lakes in East Texas and moved to the greater Tarrant County area by a District pipeline network. There is a tap in the line that allows water to flow into Village Creek, which is the principal tributary of Lake Arlington.

The Authority pumps raw water from Lake Arlington, treats it and delivers it on a wholesale basis to five cities in northeast Tarrant County. Originally established in 1974 to provide 6 mgd of treated water for the cities of Bedford and Euless, this project has been expanded six times, including the last expansion to its current capacity of 87 mgd completed in 2008. In 1980, the plant's service area was expanded to include the City of Colleyville and parts of Grapevine and North Richland Hills. The expansion of the plant's capacity is in response to population growth within the customer cities. The TCWSP system will ultimately deliver 118 mgd to the wholesale cities.

For more detailed information on the TCWSP service area such as population and historical water use information, please see Appendix A.

2.3 Conservation Goals

The Authority's water conservation goals are to: (1) provide an adequate supply of high-quality treated water to meet the needs of its wholesale customers; and to (2) encourage its wholesale customers to adopt and implement water conservation plans that will reduce per capita and peak use demands.

The Authority's water conservation program is predicated on the fact that the implementation of conservation measures must occur largely at the local level. The Authority's program is focused on encouraging and supporting initiatives by wholesale customers.

The Authority will assist its customers in the development of water conservation programs. TRWD has developed a *Model Water Conservation Plan for TRWD Customers* and a *Model Drought Contingency Plan for TRWD Customers*, which the Authority customers can use to develop their own water conservation and drought contingency plans.

As part of the model water conservation plan, the Authority requires water utility customers to provide Annual water conservation reports, modeled after the Utility Profile developed by TCEQ. The Authority will review these reports and compile the information as part of its own annual conservation report, which will be submitted to TRWD's water conservation coordinator.

In order to set a wholesale water supplier goal for municipal water conservation, baseline per capita water use must first be determined. It was determined to use figures reported by the Texas Water Development Board for each of the system's customer cities. Using these data, the Cities of Bedford, Colleyville, Euless, Grapevine, and North Richland Hills used a rolling average of 198 gpcd during that period. These numbers are higher than reported in the previous Water Conservation and Drought Contingency Plan for two reasons. The first is that Texas Water Development Board (TWDB) figures for total population and consumption are used in lieu of the NTCOG figures, which were used previously. This was done to be consistent across plans for the Authority, as well as with data used by the TWDB for other purposes. The second is that this time period includes several years of exceptional and extreme drought conditions, during which water use is known to increase. This is clearly seen during 2011, which was the driest year on record for the State as a whole. We can also confirm that per capita water consumption has not significantly increased based upon total plant production, which does not trend upward despite increases in population (Figure 1). The Authority uses the gpcd values as a means of establishing relative use against which future use can be measured. The values reported here should not be used as an actual representation of water used by a given individual.

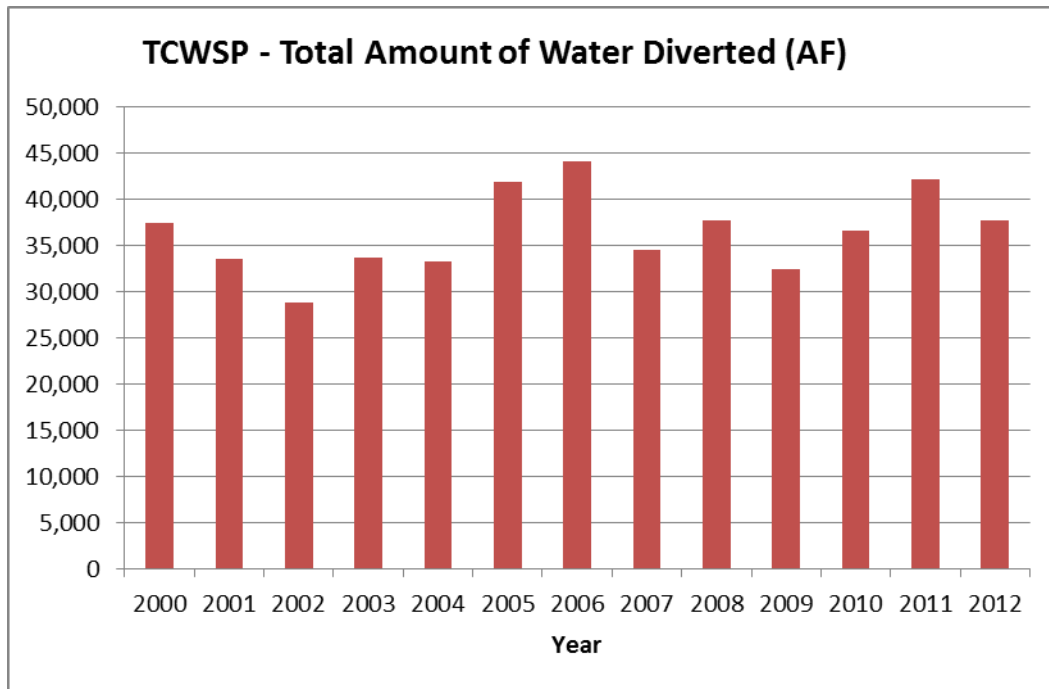


Figure 1. Total amount of water diverted from Lake Arlington by the Tarrant County Water Supply Project. According to the graph, there has been no appreciable increase in water use from 2000 to 2012.

In a special report to the 79th Legislature, the TWDB recommends a minimum annual reduction of one percent total GPCD, based upon a five-year rolling average until at such time as the entity achieves a total GPCD of 140 or less. The per capita use does not include the effect of new water conservation measures that may be adopted by the Authority customers. Following are targets for reduction to municipal per capita use due to the implementation of this water conservation and drought contingency plan and the plans to be developed by its customers.

- The target for the five-year (2019) municipal per capita water use for the Authority's customers is 194 gallons per capita per day in an average climatic year. This represents a five percent reduction of ten gallons per capita per day from 2014 to 2019.
- The target for the ten-year (2024) municipal per capita water use for the Authority's customers is 184 gallons per capita per day in an average climatic year. This represents a decrease of nine and a half gallons per capita per day, or five percent from 2019 to 2024.

Projected total per capita water use figures are based on average climate conditions. Per capita water use in years with less precipitation, especially during the summer, should be more than projected here.

- The TRWD estimates that over the next five years approximately two percent of its water supplies will be derived from indirect reuse. Credit for reuse is included in the five and ten year goals.

The long-term goal for conservation is to increase water use efficiency and reduce the waste of water. However, the Authority has limited control of water use because it is a wholesale provider of those supplies. Achievement of significant water conservation savings can only occur if each retail water user sets and implements its own water conservation programs.

2.4 Metering Water Diverted from the Source of Supply

The Authority meters the amount of raw water pumped from Lake Arlington to the TCWSP water treatment plant. In addition, treated water pumped from the TCWSP water treatment plant to each customer city is metered by the Authority. The Contracting Parties then meter water delivered to their customers. As a wholesale water supplier, The Authority has instituted a monitoring and record management program to assure that its customers are charged appropriately for their water use.

One of the goals of the Authority's water conservation program is to maintain unaccounted water below five percent in every year.

2.5 Monitoring and Record Management Program

Each year the Authority's records, including water sales, deliveries, and losses are audited by an independent auditor. In addition, flow records and reports are routinely audited by the Authority's internal auditor.

2.6 Metering/Leak Detection and Repair Program

Master metering of the wholesale customer by the Authority, will provide an accurate accounting of water use by each retail system.

The Contracting Parties shall meter all retail water uses and will be encouraged to provide a master meter as well as metering of all utility, city and other public facilities. The Contracting Parties will manage their ongoing leak detection, location and repair programs. Waterline leaks are detected by utility personnel while reading meters, maintaining their water and wastewater systems, and while performing other routine surveillance programs.

Additionally, periodic water audits shall be utilized to determine if leaks exist which have gone undetected.

In addition, the Authority will monitor for leaks any water storage, delivery, and distribution system components used to transport treated water prior to delivery to the wholesale customers. Any reported leaks will be repaired in a timely manner.

Starting in March of 2014, TRA began a program to use free-swimming acoustic sensors to locate leaks within the TCWSP distribution system. The sensors are deployed in pipelines and are carried by the water stream to an extraction point. While in the pipeline, sensors record information on location while listening for leaks. Because the sensors have no motors and do not generate noise, they are capable of detecting pinhole-sized leaks. This technology should greatly increase TRA's ability to detect and repair water leaks, reducing water loss.

2.7 Reservoir Operations Plan

This requirement is not applicable to the TCWSP.

2.8 Water Supply Contracts

Every contract for the wholesale sale of water by the Authority entered into, renewed, or extended after the adoption of this water conservation and drought contingency plan will include a requirement that the wholesale customer and any wholesale customers of that wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code. This requirement will extend to each successive wholesale customer in the resale of water. All customers Plans must be reviewed and approved by Authority staff before water sales contracts are signed.

2.9 Enforcement Procedure and Official Adoption

Resolution No. R-1400 adopts the Water Conservation Plan for the Trinity River Authority by the Authority's Board of Directors. The General Manager, or his/her designee(s), is authorized and directed to implement the applicable provisions of the Plan. The General Manager, or his/her designee(s), will act as the administrator of the plan, oversee the execution and implementation of the plan, and will be responsible for keeping adequate records for program verification.

2.10 Coordination with Regional Planning Groups

The water service area of the TCWSP is located within Region C, and the Authority has provided a copy of the Plan to Region C.

2.11 Review and Update of Water Conservation Plan

As required by TCEQ rules, the Authority will review and update this Water Conservation Plan in May 2019 and every five years thereafter. The Water Conservation Plan will be updated as appropriate based on new or updated information.

3. DROUGHT CONTINGENCY PLAN

3.1 Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Authority adopts the following Drought Contingency Plan.

The purpose of the Plan is as follows:

- To conserve the available water supply in times of drought and emergency.
- To maintain supplies for domestic water use, sanitation, and fire protection.
- To protect and preserve public health, welfare, and safety.
- To minimize the adverse impacts of water supply shortages.
- To minimize the adverse impacts of emergency water supply conditions.

3.2 Public Involvement

Opportunity for the wholesale water customers to provide input into the preparation of the Plan was provided by the Authority by means of supplying the Contracting Parties with a copy of the Plan and receiving comments by email. Notification was placed on the Authority's public Web site offering to make the plan available for review by the public at the Authority's General Office. The Plan will be adopted under the open meetings requirement of the TCEQ during the April 2014 Board of Directors meeting. The Authority recognizes the need for developing a regional approach to implementing water conservation strategies. The Authority is working closely with the TRWD and other water suppliers to create an educational campaign with unified themes and messages. The campaign will be designed to provide people with

information and tools that can be used to save water. The extensive effort will consist of multiple methods to reach and educate the public, which may include:

- Television ads
- Radio ads
- Transit ads
- Billboards
- Yard signs
- Newspaper and magazine ads
- Messages on gasoline pumps (“pump toppers”)
- Movie theater ads
- Mall ads
- Fact sheets
- Web site
- An ongoing print and media relations campaign with print and electronic media.
- Other outreach programs, such as a traveling exhibit for community events and meetings with representatives of plumbing, landscape irrigation, nurseries, and other industries with influence on water use.

The specifics of the public outreach and education campaign will vary depending on the circumstances of future droughts, but this current example shows the Authority’s commitment to an appropriate drought response.

3.3 Wholesale Water Customer Education

The Authority will periodically provide wholesale customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. A copy of the Plan will be provided to each wholesale water customer.

3.4 Coordination with Regional Water Planning Groups

The water service area of the TCWSP is located within the Region C, and the Authority has provided a copy of the Plan to Region C.

3.5 Criteria for Initiation and Termination of Drought Response Stages

Initiation of Drought Response Stages

The General Manager, or his/her designee(s), may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought stage is initiated:

- The designated representative(s) of primary customers will be notified by telephone or email with a follow-up letter that provides details of the reasons for initiation of the drought stage;
- The public will be notified through local media following the notification of primary wholesale customers; and
- If any mandatory provisions of the drought contingency plan are activated, the Authority will notify the Executive Director of the TCEQ within five business days.

The General Manager, or his/her designee(s), may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs.

The trigger conditions in the Plan pertaining to TRWD's system volume were established following an intensive study of the North Texas climate and its impact on water supplies by Hydrosphere, an engineering firm based in Boulder, Colorado. The study projected the effects of simulated weather patterns on the combined storage capacity of TRWD reservoirs. Using computer simulations, Hydrosphere compared the water savings that would be achieved at various trigger points with and without outdoor watering restrictions in place. Under severe drought conditions, the estimated water savings that would be achieved by implementing the Plan would extend water supplies by several months. The Authority also has triggers which relate to the capacity of the Tarrant County Water Supply Project (TCWSP).

Termination of a Drought Stage

The General Manager, or his/her designee(s), will order the termination of a drought response stage or water emergency when the conditions for termination are met at his/her discretion. The following actions will be taken when a drought stage is terminated:

- The designated representative(s) of primary wholesale customers will be notified by telephone with a follow-up letter or email;

- The public will be notified through local media following the notification of primary wholesale customers; and
- When mandatory provisions of the drought contingency plan that have been activated are terminated, the Authority will notify the Executive Director of the TCEQ within five business days.

The General Manager, or his/her designee(s), may decide, under special circumstances, not to order the termination of a drought response stage or water emergency even though conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage.

3.6 Drought Response Stages

Stage 1, Water Watch

Triggering and Terminating Conditions

TRWD has initiated Stage 1 – Water Watch for one or more of the following reasons:

- Total combined raw water supply in TRWD western and eastern division reservoirs drops below 75% (25% depleted) of conservation storage capacity.
- Water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- Water demand is projected to approach the limit of permitted supply.
- Supply source becomes contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- The General Manager finds that conditions warrant the declaration of a Stage 1 drought.

Subject to paragraphs regarding the Termination of a Drought Response stage, Stage 1, Water Watch will be terminated when the total combined raw water supply in TRWD's western and eastern division reservoirs exceeds 95% of conservation storage or remains above 85% for 90 consecutive days, whichever occurs first.

Goal for Use Reduction

The goal for water use reduction under Stage 1, Water Watch, is to decrease use by five percent. If circumstances warrant, the General Manager can set a goal for greater water use reduction.

Water Use Reduction Actions under Stage 1, Water Watch

The General Manager may order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ. TRWD must notify TCEQ within five business days if any mandatory measures are implemented.

- Require customers (including indirect customers) to initiate Stage 1 in their drought contingency plans. Indirect customers include any successive wholesale customers of TRWD's primary wholesale customers to the extent provided for in water sales contracts.

All Water Users

- Maximum of twice per week watering for hose-end sprinklers and automatic irrigation systems based on odd/even addresses and day of week schedule.

Stage 1, Water Watch, Outdoor Watering Schedule		
Monday	No Outdoor Watering	Water System Recovery Day
Tuesday and Friday	Non-Residential Sites	Apartments, Parks, Common Areas, HOA's, Businesses
Wednesday and Saturday	Residential Addresses Ending in Even Numbers	0,2,4,6,8
Thursday and Sunday	Residential Addresses Ending in Odd Numbers	1,3,5,7,9

Exceptions:

- Watering with a handheld hose, soaker hose or drip irrigation may occur any day and any time.
- The use of water necessary to protect the health, safety, or welfare of the public.
- Water use necessary for the repair of an irrigation system, plumbing line, fountain, etc. in the presence of person making repair.

- Variances may be available through the water utility department for the following:
 - o Establishing new turfgrass and/or landscaping. Variances granted for establishing new turfgrass or landscaping will be for a maximum of 30 days from the date of approval then maximum of twice per week watering schedule applies.
 - o Variances do not apply to the installation of cool season grasses (overseeding).
 - o Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Water Utilities Director, if the Water Utilities Director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than twice per week.
 - o Restrictions do not apply to well water, reclaimed water, or other alternative water sources.
- No watering with hose-end sprinklers and/or automatic spray irrigation systems between 10 a.m. and 6 p.m.
- Water waste is prohibited - which includes the following:
 - o failure to repair a controllable leak, including, broken sprinkler heads, leaking valves, leaking or broken pipes or faucets;
 - o knowingly operating an irrigation system with: (a) a broken head; (b) a head that is out of adjustment and spraying into the street, parking area, or sidewalk; or (c) a system that is misting/fogging due to excessive water pressure; or
 - o allowing any water to: (a) run off property forming a stream of water for a distance of 50 feet or greater; (b) run into a storm drain; or (c) pond to a depth of ¼ inch or greater; or
 - o allowing or causing an irrigation system or other lawn watering device to operate during any form of precipitation or when temperatures are at or below 32 degrees Fahrenheit.
- Discourage hosing of paved areas.

- Discourage hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting or maintenance.
- Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive-pressure shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Companies with an automated on-site vehicle washing facility may wash its vehicles at any time.
- Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk.

City and Local Governments

In addition to the action items listed above:

- Review conditions and problems that caused Stage 1. Take corrective action.
- Increase public education efforts on ways to reduce water use.
- Increase enforcement efforts.
- Intensify leak detection and repair efforts.
- Audit all city and local government irrigation systems to ensure proper condition, settings, and operation.
- Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- Landscape watering of municipal parks, golf courses and athletic fields is restricted to a twice per week watering schedule; or twice per week per irrigation station if a variance is granted by the Water Utilities Director. (See exceptions to outdoor watering restrictions in all water users category above for facilities with large multi-station irrigation systems.)

Exceptions:

- Golf courses may water greens and tee boxes as necessary, however, use of spray irrigation may not be done between 10 a.m. and 6 p.m. Encouraged to reduce water use by five percent.
- Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or

exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent.

- Public areas that are open to the public at-large and have a high-impact from frequent use may be allowed additional watering, with a variance granted by the Water Utilities Director, if it is deemed to be beneficial to serve and protect the community amenity. Examples may include but are not limited to: outdoor amphitheaters, demonstration gardens, public art exhibits, outdoor learning areas, arboretums, etc.
- Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Notify wholesale customers of actions being taken and request them to implement the same drought stage and measures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering of parks, golf courses and athletic fields is restricted to the twice per week watering schedule; or twice per week per irrigation station if a variance is granted by the water provider. (See exceptions to outdoor watering restrictions in all water users category above for facilities with large multi-station irrigation systems.)

Exceptions:

- Golf courses may water greens and tee boxes as necessary, however, use of spray irrigation may not be done between 10 a.m. and 6 p.m. Encouraged to reduce water use by five percent.
- Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent.
- Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions.
- Hotels, restaurants, and bars are encouraged to serve drinking water to patrons per request only.

- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Car wash facilities must keep equipment in good working order and inspect equipment regularly to be sure there are no leaks, no broken or misdirected nozzles, and operating efficiently.
- All commercial and industrial customers are encouraged to audit irrigation systems to ensure proper condition, settings, and operation. If irrigation audit or repair occurs during restricted watering times or days, a sign indicating such work is taking place must be placed in public view until job is completed.

Stage 2, Water Warning

Triggering and Terminating Conditions

TRWD has initiated Stage 2 – Water Warning for one or more of the following reasons:

- Total raw water supply in TRWD western and eastern division reservoirs drops below 60% (40% depleted) of conservation storage capacity.
- Water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- Water demand is projected to approach the limit of permitted supply.
- Supply source becomes contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- The General Manager finds that conditions warrant the declaration of a Stage 2 drought.

Subject to preceding paragraphs regarding the Termination of a Drought Response stage, Stage 2, Water Warning, will be terminated when the total combined raw water supply in TRWD's western and eastern division reservoirs exceeds 75% of conservation storage or remains at or above 70% for 30 consecutive days, whichever occurs first.

Goal for Use Reduction

The goal for water use reduction under Stage 2, Water Warning, is to decrease use by 10 percent. If circumstances warrant, the General Manager can set a goal for greater water use reduction.

Water Use Reduction Actions under Stage 2, Water Warning

The General Manager may order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ. TRWD must notify TCEQ within five business days if any mandatory measures are implemented.

- Continue or initiate any actions available under Stage 1.
- Require customers (including indirect customers) to initiate Stage 2 in their drought contingency plans. Indirect customers include any wholesale customer of TRWD's primary wholesale customers to the extent provided for in water sales contracts.
- Initiate engineering studies to evaluate water supply alternatives should conditions worsen.

All Water Users

- Maximum of once per week watering for hose-end sprinklers and automatic irrigation systems based on odd/even addresses and day of week schedule.
- Once per week watering schedule will be determined at such time as necessary by TRWD and its primary water customers. Due to the variation in water storage and delivery systems of TRWD customers, specific watering days per address may vary across TRWD's service area.

Exceptions:

- Watering with a handheld hose, soaker hose or drip irrigation may occur any day and any time.
- Variances may be available through the water utility department for the following:
 - o All users are encouraged to wait until the current drought or emergency situation has passed before establishing new landscaping. Variances granted for establishing new turfgrass or landscaping will be for a maximum of 30 days from the date of approval then maximum of twice-per-week watering schedule applies.
 - o Variances do not apply to the installation of cool season grasses (overseeding).
 - o Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Water Utilities Director, if the Water Utilities Director determines that a property cannot be completely irrigated with an average of three-quarters

of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than once per week.

- o Restrictions do not apply to well water, reclaimed water, or other alternative water sources.
- Encourage the use of covers for all types of pools, hot tubs, and Jacuzzi type pools when not in use.

City and Local Governments

In addition to the actions listed above:

- Continue or initiate any actions available under Stage 1.
- Review conditions or problems that caused Stage 2. Take corrective action.
- Increase frequency of media releases on water supply conditions.
- Further accelerate public education efforts on ways to reduce water use.
- Landscape watering of municipal parks, golf courses and athletic fields is restricted to a once-per-week schedule; or once-per-week per irrigation station if a variance is granted by the water provider. (See Stage 1 exceptions to outdoor watering restrictions in all water users category for facilities with large multi-station irrigation systems.)

Exceptions:

- Golf courses may water greens and tee boxes as necessary, however, use of spray irrigation may not be done between 10 a.m. and 6 p.m. Encouraged to reduce water use by ten percent.
- Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by ten percent.
- Eliminate non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Notify wholesale customers of actions being taken and request them to implement the same drought stage and measures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering of municipal parks, golf courses and athletic fields is restricted to a once-per-week schedule; or once-per-week per irrigation station if a variance is granted by the water provider. (See Stage 1 exceptions to outdoor watering restrictions in all water users category for rules that apply to facilities with large multi-station irrigation systems.)

Exceptions:

- Golf courses may water greens and tee boxes as necessary, however, use of spray irrigation may not be done between 10 a.m. and 6 p.m. Encouraged to reduce water use by ten percent.
- Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by ten percent.
- Use of water from hydrants for any purpose other than firefighting related activities, or other activities necessary to maintain public health, safety and welfare, requires a variance issued by the Water Utilities Director. Fire hydrant use may be limited to only designated hydrants. Upon declaration of this drought stage, all holders or applicants of a Water Fire Hydrant Meter Agreement are required to apply for a variance as set forth in this plan. If conditions allow, as determined by the Water Utilities Director, the use of water from hydrants may continue until the Water Utilities Director or his/her official designee issues a determination on the petition for variance. If conditions do not allow, the Water Utilities Director may require all fire hydrant meters to be immediately returned from the field, pending determination of each petition for variance.

Stage 3, Water Emergency

Triggering and Terminating Conditions

TRWD has initiated Stage 3 – Water Emergency for one or more of the following reasons:

- Total raw water supply in TRWD western and eastern division reservoirs drops below 45% (55% depleted) of conservation storage capacity.
- Water demand exceeds the amount that can be delivered to customers.

- Water demand for all or part of the TRWD delivery system approaches delivery capacity because delivery capacity is inadequate.
- One or more of TRWD's water supply sources has become limited in availability.
- Water demand is projected to approach the limit of permitted supply.
- Supply source becomes contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- The General Manager finds that conditions warrant the declaration of a Stage 3 drought.

Subject to preceding paragraphs regarding the Termination of a Drought Response stage, Stage 3, Water Emergency, will be terminated when the total combined raw water supply in TRWD's western and eastern division reservoirs exceeds 60% of conservation storage or remains at or above 55% for 30 consecutive days, whichever occurs first.

Goal for Use Reduction

The goal for water use reduction under Stage 3, Water Emergency, is to decrease use by 20 percent. If circumstances warrant, the General Manager can set a goal for greater water use reduction.

Water Use Reduction Actions under Stage 3, Water Emergency

The General Manager can order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ. TRWD must notify TCEQ within five business days if these measures are implemented.

- Continue actions available under Stages 1 and 2.
- Require customers (including indirect customers) to initiate Stage 3 in their drought contingency plans. Indirect customers include any wholesale customer of TRWD's primary wholesale customers to the extent provided for in water sales contracts.

All Water Users

- Prohibit all outdoor watering.

Exceptions:

- Watering with hand-held hose, soaker hose or drip irrigation system may occur any day and any time. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).

- Restrictions do not apply to well water, reclaimed water, or other alternative water sources.
- Irrigation of new landscapes and/or turfgrass installations is prohibited by means of automatic irrigation system or hose-end sprinkler. Variances may be granted for those landscape projects started prior to the initiation of stage 3 drought restrictions. However, variances will not be granted for the irrigation of new landscape and/or turfgrass installations after the initiation of Stage 3 drought restrictions.
- Prohibit washing of paved areas by any means except where a variance is granted to alleviate a possible public health and safety risk. Any power washing activities must be performed by a professional power washing service utilizing high efficiency equipment and a vacuum recovery system where possible.
- Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting with high-pressure equipment. Must be performed by a professional power washing service utilizing high efficiency equipment and a vacuum recovery system where possible.
- Vehicle washing is restricted to commercial car washes, commercial service stations, or professional washing services only. This includes home and charity car washing. The washing of garbage trucks and vehicles used to transport food and/or other perishables may take place as necessary for health, sanitation, or public safety reasons.
- Prohibit permitting of private pools. Pools already permitted may be completed and filled. Existing private and public pools may add water to maintain pool levels, but may not be drained and refilled.
- Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or water quality.

City and Local Governments

- Continue or initiate any actions available under Stages 1 and 2.
- Review conditions or problems that caused Stage 3. Take corrective action.
- Increase frequency of media releases explaining emergency situation and/or water supply conditions.
- Landscape watering at municipal parks, golf courses, and sports fields is prohibited. Variances may be granted by the water provider under special circumstances.

Exceptions:

- Golf course greens and tee boxes may be watered by hand as necessary; however watering may not be done between 10 a.m. and 6 p.m.
- Variances should be available for watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. A water use management plan must be submitted to the Water Utilities Director detailing how each area will comply with stage 3 drought measures.
- Professional and college sports fields (playing fields with a stadium only – not surrounding landscaping) may be watered as necessary to maintain league standards.
- If TRWD has imposed a reduction in water available to customers, impose the same percent reduction on wholesale customers.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users. Landscape watering of municipal parks, golf courses and athletic fields is prohibited. Variances may be granted by the water provider under special circumstances.

Exceptions:

- Golf course greens and tee boxes may be watered by hand as necessary; however watering may not be done between 10 a.m. and 6 p.m.
- Variances should be available for watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events to protect the health and safety of the players, staff, or officials present for the athletic event. A water use management plan must be submitted to the Water Utilities Director detailing how each area will comply with stage 3 drought measures.
- Professional and college sports fields (playing fields with a stadium only – not surrounding landscaping) may be watered as necessary to maintain league standards.
- Commercial water users may be required to reduce water use by a set percentage as determined by the Water Utilities Director.

3.7 Procedure for Curtailment of Water Supplies

Any mandatory reduction to deliveries from TRWD to its customers shall be distributed as required by Texas Water Code §11.039. In addition, every wholesale water supply contract entered into or renewed after adoption of this plan, including contract extensions, shall include a provision that water will be distributed in accordance with the Texas Water Code §11.039 in case of a water shortage resulting from drought.

To the extent not prevented by enforcement of provisions in the Water District's wholesale contracts in effect before November 28, 1999, TRWD will implement pro rata curtailment of water deliveries pursuant to Texas Water Code §11.039.

3.8 Procedure for Granting Variances to the Plan

The General Manager, or his/her designee(s), may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan to a customer if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- Compliance with this Plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.
- Variances shall be granted or denied at the discretion of the General Manager, or his/her designee(s). All petitions for variances should be in writing and should include the following information:
 - o Name and address of petitioner(s).
 - o Purpose of water use.
 - o Specific provisions from which relief is requested.
 - o Detailed statement of the adverse effect of the provision from which relief is requested.
 - o Description of the relief requested.
 - o Period of time for which the variance is sought.
 - o Alternative measures that will be taken to reduce water use.
 - o Other pertinent information.

3.9 Procedure for Enforcing Mandatory Water Restrictions

TRWD customers (direct and indirect) shall provide the Authority with an order, ordinance, or resolution to demonstrate adequate enforcement provisions for the customer's own drought contingency plan.

Mandatory water use restrictions may be imposed in Stage 1, Stage 2, and Stage 3 drought stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, the customer will be given a written warning that they have violated one or more of the mandatory water use restrictions.
- The Authority may petition the TCEQ to initiate formal enforcement action against customers that repeatedly fail to comply with the mandatory water use restrictions implemented during any stage of this water conservation and drought contingency plan.

3.10 Review and Update of Drought Contingency Plan

As required by TCEQ rules, the Authority will review and update this Plan in May 2019 and every five years thereafter. The Plan will be updated as appropriate based on new or updated information.

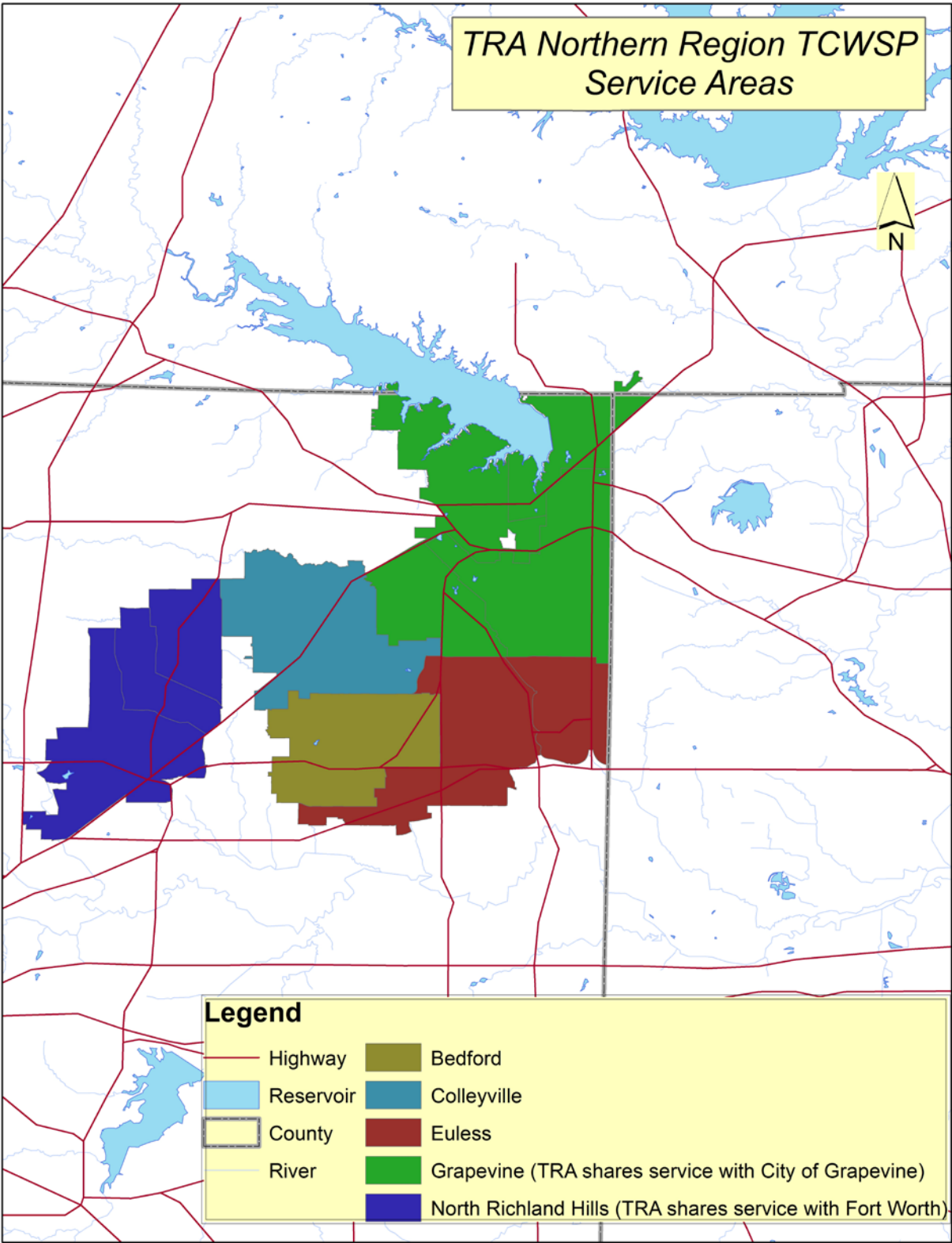
3.11 Severability

It is hereby declared to be the intention of the Authority that the sections, paragraphs, sentences, clauses, and phrases of the Plan are severable and, if any phrase, clause, sentence, paragraph, or section of the Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the Plan, since the same would not have been enacted by the Authority without the incorporation into the Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

APPENDIX A

Profile and Water Conservation Plan Requirements for Wholesale Public Water Suppliers

Tarrant County Water Supply Project Service Areas



Projected Populations and Water Demands for 2020 and 2030
for TRA TCWSP Customer Cities

WUG	Projected Population for		Projected Municipal Water Demand for (in Acre-Feet)	
	2020	2030	2020	2030
Bedford	52,395	54,407	10,447	10,665
Colleyville	28,000	28,000	9,190	9,127
Eules	60,416	63,854	10,760	11,158
Grapevine	55,000	60,000	18,298	19,827
North Richland Hills	73,503	79,341	13,832	14,753

Source: 2011 Region C Water Plan Report

Description of Tarrant County Water Supply Project

The Trinity River Authority's Tarrant County Water Supply Project was originally established in 1974 and provides regional treated water service to five Contracting Cities. The project is an 87 MGD water treatment plant, located at the boundary between the City of Fort Worth and the City of Euless. Treatment consists of settling, flocculation, filtration with multi-media and ozonation. The plant works consist of nine miles of raw transmission pipelines from Lake Arlington to the treatment plant, raw water intake, pumping stations, booster pump, treated water pump stations, treated water transmission pipelines, three distribution booster pump stations, Murphy Pump Station and Storage, including fifteen metering control stations.

APPENDIX B

Water Conservation Implementation Report Public Water Supplier

Overland Trail Tank and Pump Station Report



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www.GarverUSA.com



TECHNICAL MEMORANDUM

To: City of Colleyville
Attn: Bob Lowry, P.E.
From: Jeff Sober, P.E.
RE: Overland Trail GST and PS

Date: September 5, 2014

Introduction. The purpose of this technical memorandum (TM) is to determine the feasibility of permanently decommissioning versus rehabilitating the Overland Trail ground storage tank (GST) and pump station (PS). The combination of those facilities is referred to simply as Overland Trail.

Overland Trail is located within the high pressure plane of the City of Colleyville's distribution system, and is presently offline due to the poor condition of the existing GST. Currently, the LD Lockett GST and PS (LD Lockett) supplies all water that is pumped into the high plane. LD Lockett also contains a low plane PS which relies on the same GST as the high plane PS. However, this memorandum focuses only on the high plane system, with the understanding that improvements to the high plane will benefit the low plane (by increasing flow capacity for the LD Lockett low plane facility).

High Plane Overview

The high plane covers the northwest portion of the City's water distribution system (see Figure 1).

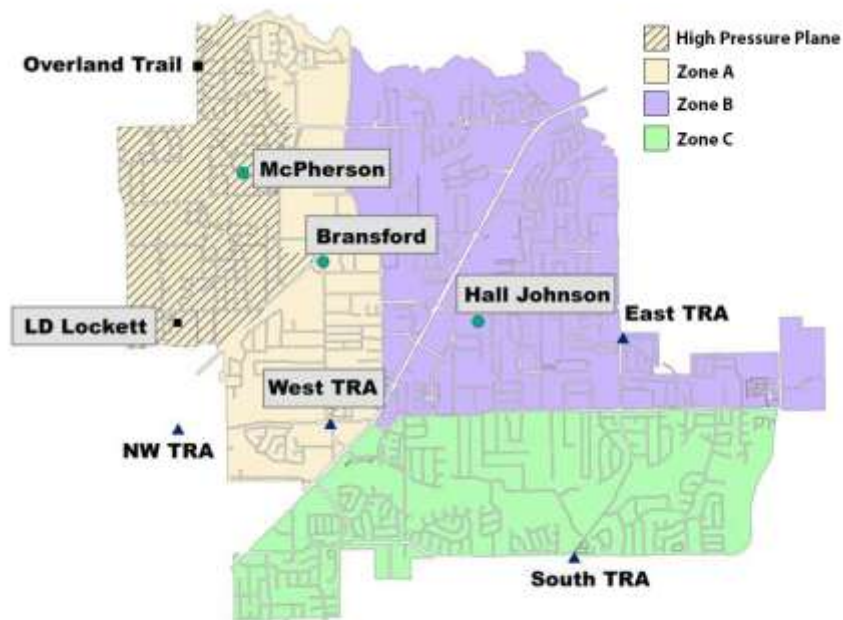


Figure 1 – Pressure Plane Distribution

Approximately 15% of the system resides within the high plane, with the majority of the system (approximately 85%) being covered by the low plane. The high plane pumps at LD Lockett are the only entry route for water into the high plane. Storage is provided within the high plane by the McPherson elevated storage tank (EST), which has a capacity of approximately 1 million gallons (MG). Overland Trail is also located within the high plane, and is supplied by the high pressure plane interconnecting piping.

High Plane Supply and Storage

Active

Water is currently conveyed to the high plane by two sets of pumps at LD Lockett, as displayed in following table.

LD Lockett High Plane Pump Station					
Type	# of Pumps	Shutoff Head (ft)	Design Flow (gpm)	Design Head (ft)	Pumping Capacity (MGD)
Average Flow	2	211	750	204	2.16
Peak Flow	2	264	1,500	227	4.32

The design head for the peak flow pumps is greater than the shutoff head for the average flow pumps. Therefore, assuming the peak flow pumps are operating near their design point, the average flow pumps will not be able to operate concurrently with the peak flow pumps. The maximum flow rate of water from LD Lockett into the high plane is estimated at 3,000 gpm (4.320 MGD). The McPherson EST provides storage within the high plane, with a maximum volume of 1.000 MG.

Inactive

Overland Trail consists of a 1.2 MG GST and four pumps, as shown in the following table.

Overland Trail Pump Station				
Type	# of Pumps	Design Flow (gpm)	Design Head (ft)	Pumping Capacity (MGD)
Average Flow	2	500	150	1.44
Peak Flow	2	750	150	2.16

However, the pumps at Overland Trail are limited by the size of the GST, and are capable of supplying the total GST amount of 1.2 MG.

Total

The current maximum total amount of water that can be utilized with the high plane is the sum of the volume of water that can be pumped into the zone through LD Lockett and the storage within the McPherson EST. Additional capacity is available if Overland Trail is brought back into service.

The maximum day supply for the existing infrastructure is shown in the following table.

Facility	Maximum Daily Supply Volume (MG)
LD Lockett	4.320
McPherson EST	1.000
Total (Active Facilities)	5.320
Overland Trail (Inactive)	1.200

Demand Analysis

The planning horizon for the current study is 20 years, so this analysis included evaluations with present (2014) and future (2034) demand levels.

Overall System Demands. The current and projected water demands are summarized in the following table.

Demand Condition	Current Usage		2034 Future Usage	
	(gpcd)	(MGD)	(gpcd)	(MGD)
Base	122	2.879	122	3.345
Average	303	7.031	342	9.378
Maximum	823	19.423	823	22.567

High Plane Demands. The City's system is currently divided into three watering zones, and watering is allowed on the following schedule:

- Zone A: Tuesday and Friday
- Zone B: Wednesday and Saturday
- Zone C: Thursday and Sunday
- No watering: Monday

Daily data provided by the City was analyzed to develop a relationship between high and low plane demands and the relationship of watering zones. The average total system usage on no watering days for the period of July 1 through August 14, 2014 was 7.091 MGD. This value was assumed to be the base summer usage.

The maximum day usage of 19.423 MGD is expected to occur on a Zone B watering day, as Zone B contains the largest number of meters and historically produces the maximum demand since watering zones were implemented. Assuming the base usage remains constant at 7.091 MGD, the excess usage on the maximum day would be 12.332 MGD. The maximum excess usage for Zone B (12.332 MGD) is 1.71 times the peak Zone B excess usage during the period of record. This ratio of 1.71 is used for all zones in developing the anticipated maximum day usage by watering zone, as shown in the following table.

Watering Zone	Base Usage (MGD)	Excess Usage for Period of Record (MGD)	Excess Usage Peak Ratio (MGD)	Maximum Day Excess Usage (MGD)	Total Maximum Day Usage (MGD)
A	7.091	5.196	1.713	8.903	15.993
B	7.091	7.197	1.713	12.332	19.423
C	7.091	6.213	1.713	10.646	17.736

The water meter billing records from 2013 were then analyzed and applied to each zone and pressure plane, as follows:

Watering Zone	Pressure Plane	Number of Meters	Percentage of Meters with Zone	Percentage of Meters within System
A	High	1,541	49.1%	14.2%
A	Low	1,595	50.9%	14.7%
B	Low	4,503	100.0%	41.6%
C	Low	3,195	100.0%	29.5%

Zone A Maximum Day Demands. The usage within each pressure plane is the combination of the base and excess demands for the plane. Based on the previous meter data, the total of Zone A Maximum 15.993 MGD is divided as follows:

- High Plane: 5.384 MGD
- Low Plane: 10.610 MGD

For future (2034) projected maximum day usage, it is assumed that the average per capita demand will remain the same and that the ratio of high plane to low plane usage will remain constant for Zone A watering days. This assumption was made following investigation of the number of undeveloped parcels within different planes and watering zones. The projected maximum day usage for Zone A watering days is presented in the following table.

Area	2014 Usage (MGD)	2034 Usage (MGD)
Total System	15.993	18.582
High Plane	5.384	6.255
Low Plane	10.610	12.327

Comparison of Usage and Supply on a Daily Basis

The existing infrastructure is insufficient to supply peak demands if the maximum usage exceeds the maximum supply. Comparison of the maximum day usage values (current and projected) with the existing maximum supply reveals a deficiency for both demand scenarios.

	2014	2034
Maximum Supply Capacity (MGD)	5.320	5.320
Maximum Usage (MGD)	5.384	6.255
Supply Surplus/ Deficit (MGD)	-0.064	-0.935

Comparison of Usage and Supply on an Hourly Basis

A scenario was developed with the hydraulic model to assess the high plane under existing maximum day demand conditions. Specifically, the scenario was set-up with demands representative of a maximum day event during a Zone A watering day. Diurnal curves were also generated and implemented based on historical usage rates.

The model was set-up with the following conditions, which attempt to maximize the ability of the infrastructure to provide adequate supply to the high plane:

- McPherson EST Initial Level: 840.00' (at overflow level)
- LD Lockett PS High Plane Peak Flow Pumps: ON at McPherson EST level of 838.00', OFF at McPherson EST level of 839.95'
- LD Lockett GST Initial Level: 693.00'
- NW TRA Meter Station Open/Close Status: OPEN at LD Lockett GST level of 688.00', CLOSED at LD Lockett GST level of 693.00'
- NW TRA Meter Station Maximum Flow: 4,200 gpm

It is assumed that the high plane average flow pumps at LD Lockett cannot operate concurrent to the high plane peak flow pumps. Therefore, the high plane average flow pumps were not set to turn on during this model simulation.

Two scenarios were completed as follows:

- 2014 Max Day with no Overland Trail
- 2014 Max Day with Overland Trail

Figures 2 and 3 document the simulation results.

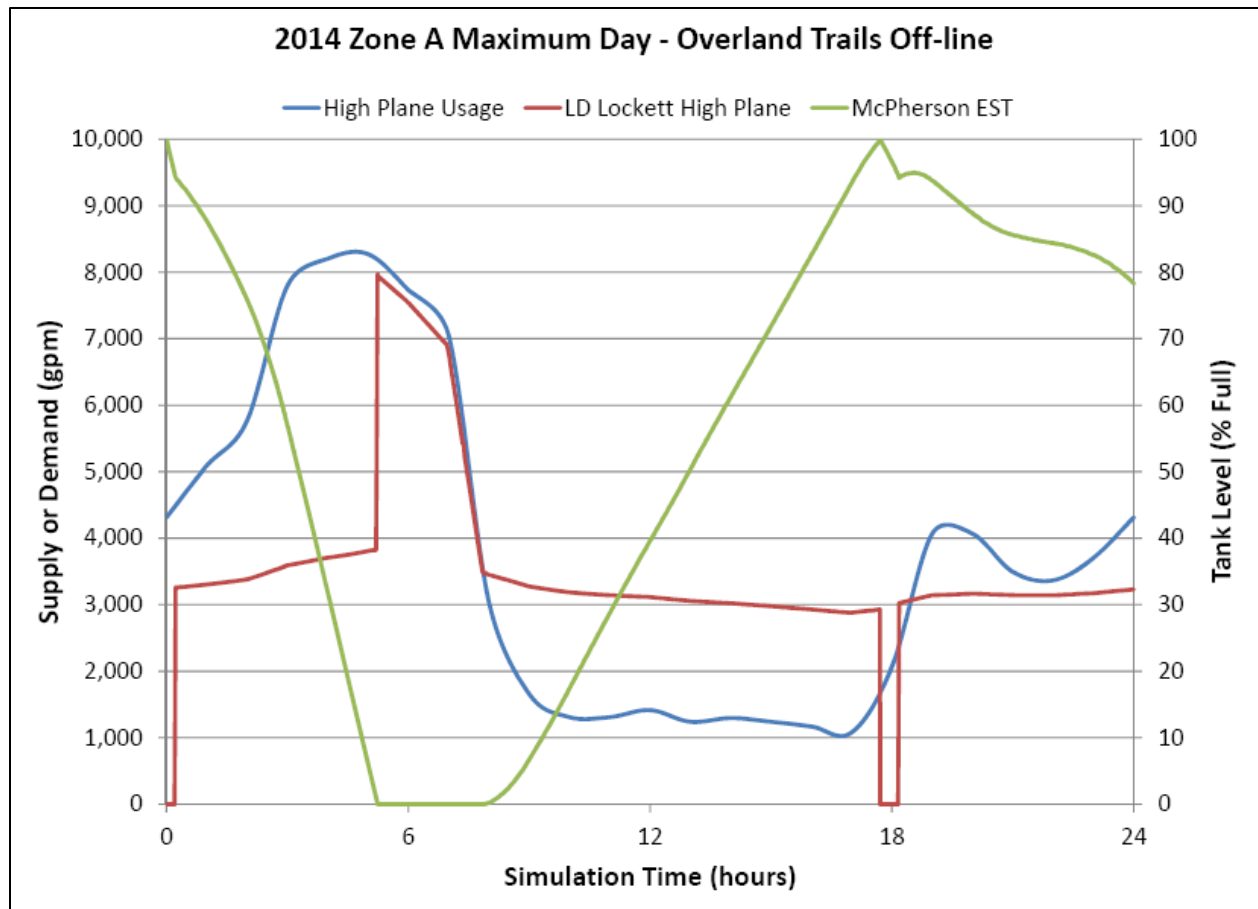


Figure 2 – Simulation with OT off-line

Consistent with the previous Daily Basis calculations, the system is unable to keep up with a peak day demand without Overland Trail online. McPherson EST is drained for a significant portion of time, and at approximately the 5 hour mark, the system hits 0 pressure, which unrealistically increases LD Lockett's pumping capacity. This is not a feasible scenario.

The following Figure 3, however, demonstrates that placing Overland Trail back online helps the system to recover from the hourly peak demand, without draining McPherson EST for an extended period of time.

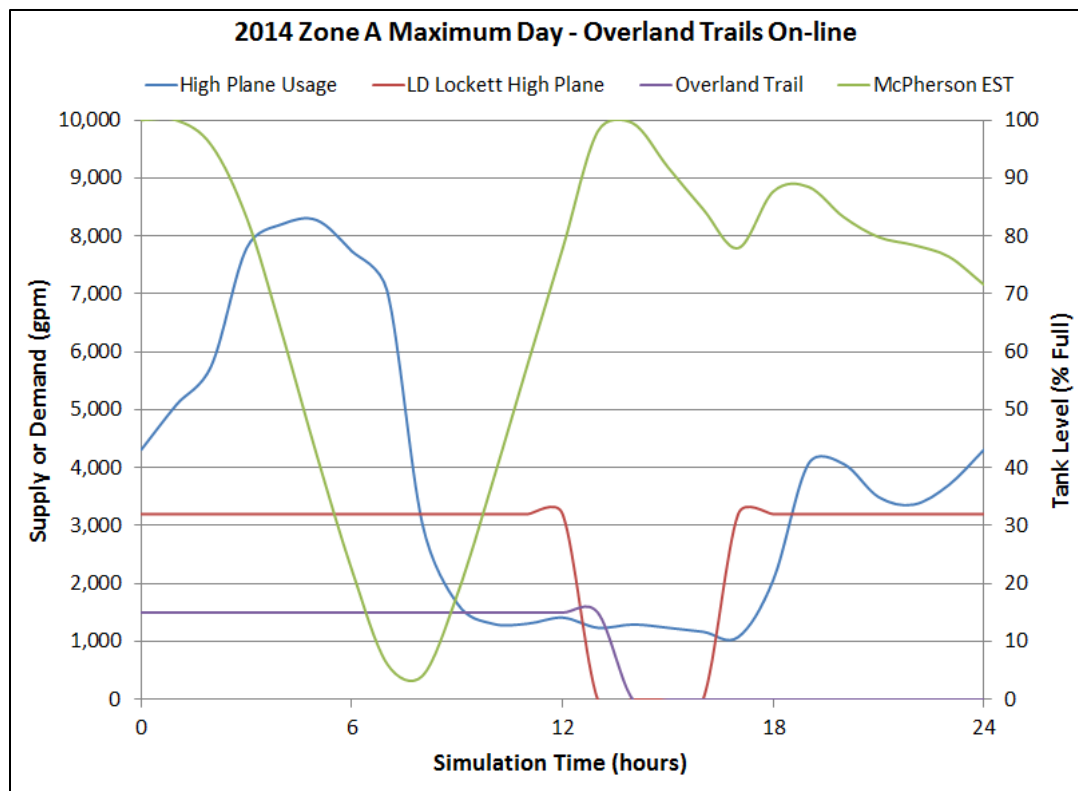


Figure 3 – Simulation with OT on-line

It was then assumed that a future scenario without Overland Trail would not be feasible, and modeling was conducted to determine the required sizing for the Overland Trail GST, assuming all Overland Trail pumps were utilized in a peak day scenario. As displayed in Figure 4, a GST volume of 2 MG provides adequate storage within the system to avoid extended draining of the McPherson EST. However, the tank is drained for a period of approximately one hour, and the system is completely dependent upon LD Lockett and Overland Trail for that time period, until the system demand decrease allows the tanks to catch back up. This scenario can be avoided by implementation of future pumping upgrades at either Overland Trail or LD Lockett.

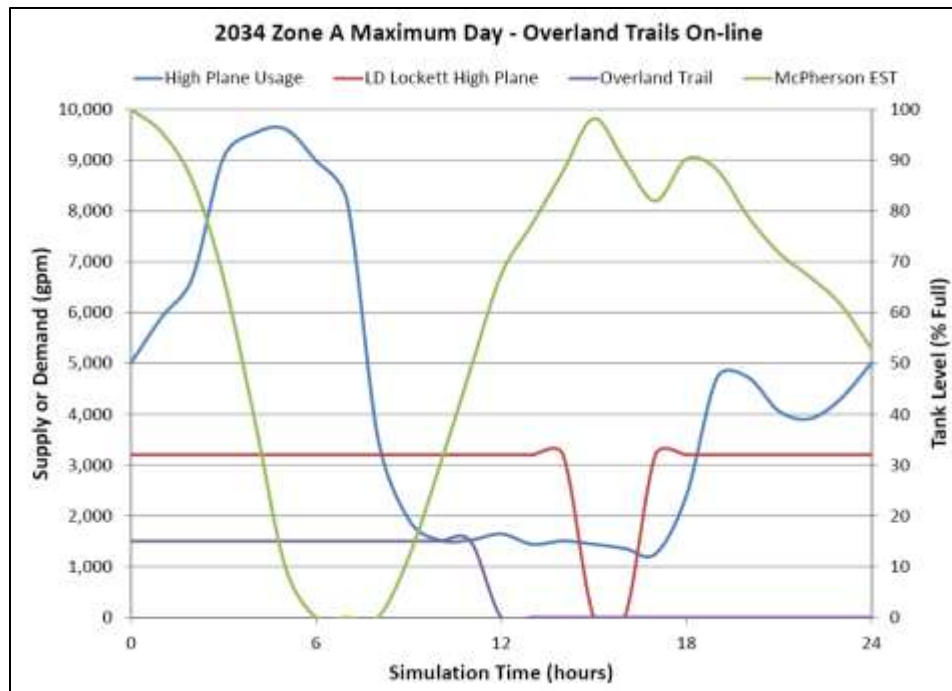


Figure 4 - Future Simulation with OT Online

Alternative to Improvements under Zone Watering Restrictions

The high pressure plane meters account for 14.2% of the total system demand. Assuming that the City elects to remove zone watering restrictions and water on an alternative City-wide usage schedule (such as odd/even address usage), the peak demand in each zone could decrease significantly. Potential high pressure plane usage numbers are shown in the following table

Max Day High Pressure Plane Usage (MG)		
	2014	2034
Current zone restrictions	5.384	6.255
Existing system capacity	5.32	5.32
Zoneless city-wide restrictions	2.76	3.20

Summary and Conclusions. The existing (2014) and projected (2034) maximum day usage in the high plane are estimated at 5.384 and 6.255 MG, respectively. Utilizing historical data, population and flow projections, and current zone watering restrictions, the existing infrastructure (i.e., LD Lockett and McPherson EST) is not capable of meeting this current and future demand.

Rehabilitation of Overland Trail with a new 2.0 MG GST and utilizing the existing pumping infrastructure would result in an addition of supply to the high plane adequate to cover present needs, and allow for the City to implement future pumping improvements to fully address the future peak day.

However, an alternative to these improvements would be the implementation of a new watering policy that provides equal restrictions across the City, and removes zones entirely. This scenario would not require additional maximum day storage and pumping capacity infrastructure within the high plane, and would avoid identified capital improvements for the City of Colleyville, while providing the same overall peak demand capacity. This is the preferred approach by the City, and will be incorporated in existing and future models.

RESOLUTION R-14-3723

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
FEBRUARY 18, 2014**

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

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of February 4, 2014
 - b. Approval of an engineering services agreement with Garver, LLC, to develop a comprehensive master plan for the City's water and wastewater systems, in an amount not to exceed \$497,999, and authorize the city manager to execute the agreement

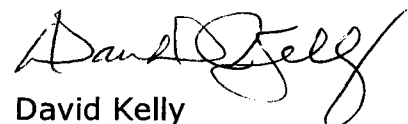
AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS
ON THIS THE 18TH DAY OF FEBRUARY 2014.

ATTEST:


Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-3

Agenda Date 10/06/2014

Type Pre Council

Department City Secretary

Title

Discussion of the October 6, 2014, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

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

Agenda Number 1

Agenda Date 10/06/2014

Type Executive Session

Department City Secretary

Title

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

Section 551.071 - Legal - Consultation with attorney regarding litigation - Billy McCullough v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding litigation - Michael S. Newman v. City of Colleyville and City of Keller

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

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

Attachments

RESOLUTION R-14-3789

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF
OCTOBER 6, 2014**

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

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

Sec. 1. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 6TH DAY OF OCTOBER 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem



City of Colleyville City Council Agenda Briefing

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

Agenda Number 3

Agenda Date 10/06/2014

Type Announcements, Proclamations and Presentations

Department City Secretary

Title

Proclamation in recognition of Goodwill Industries of Fort Worth Helping People With Disabilities Day, October 6, 2014 – Mayor Pro Tem Mike Taylor and Kristin Bostick, Director of Special Projects, Goodwill Industries of Fort Worth

Attachments

1. Proclamation in recognition of Goodwill Industries of Fort Worth Helping People With Disabilities Day

Proclamation

CITY OF

Colleyville,
Texas

WHEREAS: October serves as National Disability Employment Awareness Month; and

WHEREAS, Goodwill Industries International Inc. is the largest employer of people with disabilities in the world, creating a global effort to helping people with disabilities; and

WHEREAS, Goodwill Industries of Fort Worth is the non-profit leader in helping people with disabilities achieve maximum independence in their communities, having assisted 42,768 people in Tarrant County and surrounding areas in 2013; and

WHEREAS, ninety-three percent of all revenue generated by Goodwill Industries of Fort Worth provides for an extensive variety of job training and placement services for disabled and/or disadvantaged individuals seeking to be self-sufficient citizens.

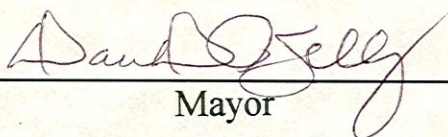
NOW, THEREFORE, I, DAVID KELLY, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the Colleyville City Council and the citizens of Colleyville, do hereby proclaim October 6, 2014 to be

GOODWILL INDUSTRIES OF FORT WORTH HELPING PEOPLE WITH DISABILITIES DAY

in the City of Colleyville and call upon all citizens to recognize that lives of dependence can be transformed into lives of independence through the power of work.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville, Texas, affixed this a 6th day of October 2014.





Mayor



RESOLUTION R-14-3790

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT
ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
OCTOBER 6, 2014**

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

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of September 16, 2014
 - b. Approval of the minutes of the Joint City Council and Colleyville Center Advisory Committee Worksession of September 23, 2014
 - c. Approval of the renewal of an Interlocal Agreement with Tarrant County for the Cheek-Sparger Road and Jackson Road Intersection Improvements, and authorize the city manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 6TH DAY OF OCTOBER 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem



City of Colleyville City Council Minutes - Draft

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

Tuesday, September 16, 2014

City Council Chambers

Mayor David Kelly called the Pre Council meeting of the Colleyville City Council to order on September 16, 2014, at 5:33 p.m.

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

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

PC-1 Discussion and update on City communication and marketing activities

Communications and Marketing Director Mona Gandy presented this item and briefed the City Council.

Mayor Kelly questioned staff regarding if the analytics represent a new user. Director Gandy replied there is about a 50-50 split between new users and returning users.

Councilmember Putnam questioned staff regarding if a user is an IP address. Director Gandy replied she does not know how it is measured, but every visit is a user.

Mayor Pro Tem Taylor questioned staff regarding if there is a way to monitor and track the users. Director Gandy replied not through Google Analytics; however, other software is available, which are paid programs.

Mayor Pro Tem Taylor questioned staff regarding if the IP address is generic, so that no one would necessarily know who that person is. Director Gandy replied it can capture geographic information, but not a specific area.

Councilmember Mogged questioned staff regarding if the number of sessions represents the number of people hitting the website. Director Gandy replied

the sessions represent the visit to the site, not the page views. She added the page views are monitored separately.

Councilmember Mogged stated the users must be unique. Director Gandy explained it may not be unique IP addresses, rather unique visitors.

Mayor Kelly questioned staff regarding if Google definitions could be provided to City Council later. Director Gandy replied yes.

Mayor Kelly stated it may be beneficial to see what the territorial analytics represent. Director Gandy added Economic Development does use this information.

Mayor Pro Tem Taylor questioned staff regarding if the *Colleyville E-Communicator* is distributed to a registered email. Director Gandy replied this is distributed to subscribers.

Councilmember Hart stated those are unique email addresses. Director Gandy concurred.

Councilmember Putnam questioned staff regarding how people know about this. Director Gandy replied it is sent out through the City's newsletter and Facebook page.

Mayor Pro Tem Taylor stated those people who have said they want it. Director Gandy replied yes

Mayor Pro Tem Taylor stated he would like it named, *Colleyville E-News* rather than *City E-News*.

Councilmember Putnam questioned staff regarding if Colleyville CloseBuy could be tied into the Mobile App. Director Gandy replied it is.

Councilmember Putnam questioned staff regarding why the *City E-Newsletter* is hard to find on the website. Director Gandy replied she will add a "button" on the front page for the newsletter for easy access.

Councilmember Putnam questioned staff regarding if money is spent to promote Facebook. Director Gandy replied no.

Councilmember Putnam questioned staff regarding why the meetings are not promoted on social media. Director Gandy replied staff could, but once we start something, from a communications stand point, we have to sustain doing it.

Mayor Pro Tem Taylor stated we should be more aggressive with social media. Director Gandy replied staff can certainly take a look at that, but it is something that has to be managed. She stated staff will make a much more concerted effort to ensure all media avenues are being used.

Mayor Kelly questioned staff regarding the cable usage and if people are moving away from it. Director Gandy replied it is proprietary.

Councilmember Putnam stated Time Warner should not have any cable competition. Mayor Kelly stated the municipal channels are not covered on Direct TV or Verizon. Director Gandy explained the Round Rock, Texas area cable viewership had dropped 40 percent.

Mayor Pro Tem Taylor suggested hot links to be available as social media is expanded.

Councilmember Hart questioned if the City website or meetings will be linked to the mobile app. Director Gandy replied there will be links to specific projects, such as Glade Road and SH26, since those projects are individual websites. She added the City information will also be responsive from the website.

Councilmember Putnam questioned if it was the advertising or the offerings that received no attraction for Colleyville CloseBuy. Director Gandy replied there were several things that created issues.

Mayor Pro Tem Taylor stated the ads just do not pique an interest from a Colleyville perspective, especially since the ads are so well done, that you have no idea it is in Colleyville.

Councilmember Wollin stated being placed in *Community Impact* is a good location, since it is a local magazine that people tend to keep and look at over and over again.

Councilmember Hart questioned staff regarding if it goes to every household. Director Gandy replied yes, and it is free.

Councilmember Wollin stated the *Community Impact* goes to Colleyville, Grapevine, and Southlake, but when the market study was done, a lot of people come from the south, Bedford and Hurst. She then questioned staff regarding how those are managed. Director Gandy replied she thought the same thing, but when departments were asked, such as Parks, the majority come from Grapevine.

Councilmember Short questioned staff regarding if the database of email addresses are being used for any other items. Director Gandy replied the hard copy of the newsletter is distributed.

Councilmember Short questioned staff regarding if the email addresses are captured when signing up for other things. Director Gandy replied staff will ask for their email so that other items can be distributed. She stated we want the citizens to be comfortable with giving out their email address.

Councilmember Short questioned staff regarding if an email address is provided with the Library card. Library and Recreation Director Mary Rodne replied yes.

Mayor Pro Tem Taylor stated there has to be a way to categorize items on the website to create hot buttons.

PC-2 Presentation and discussion of fees and charges

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

Councilmember Mogged questioned staff regarding if one plan review is completed as part of the fee, but there is no fee for further review. Manager Lothery replied correct, and the proposed fee is to recover those costs for the additional review.

Councilmember Short questioned staff regarding what the two and three percent represent. Manager Lothery replied construction value.

Councilmember Short questioned staff regarding if the County charges an additional fee for easement filings. Manager Lothery replied yes, and this increase will better help recover the County's cost.

Mayor Kelly questioned staff regarding the number of pages that are usually filed with the County. Manager Lothery replied at least five pages, sometimes more.

Mayor Kelly stated if we know how much the County is going to charge, per page, then the cost can be passed on to the applicant. Manager Lothery stated the fee could be structured to capture those costs and not have to be amended periodically.

Councilmember Mogged stated it then becomes transparent that the fee is to cover the County fee.

Councilmember Putnam questioned staff regarding why the water tap fees have remained so low for so long. Public Works Director Bob Lowry replied not knowing for sure.

Councilmember Hart stated it is good to update it now.

Councilmember Mogged questioned staff regarding why the cost recovery is not more closely representative of the average fee. Director Lowry replied the fees would have to go up every year in order to recover the total costs.

Councilmember Mogged suggested rounding the fee up some in order to come closer to the actual cost of recovery. Manager Lothery asked if \$1,050 (1" tap fee), and \$1,400 (2" tap fee) would be sufficient.

Mayor Kelly questioned staff regarding if the costs go up each year. Director Lowry replied yes, due to inflationary costs.

Mayor Kelly suggested the actual costs may need to be reviewed every year, otherwise, the fee schedule has to be amended. Director Lowry stated it would more likely be a year behind.

Manager Lothery explained these fees can be reviewed every year with the other service fees.

Councilmember Putnam stated it is being tracked now, as in the past it was not.

Councilmember Mogged questioned staff regarding how many times a year is the fee charged. City Manager Jennifer Fadden replied these fees are assessed with each new building and new home.

Councilmember Mogged suggested the fees to be at \$1,100 and \$1,400 for this coming year, and every year after the fees are to be reviewed.

Councilmember Short questioned staff regarding the impact fee. Director Lowry replied the impact fee is the demand on the system and nothing to do with the tap fee.

Mayor Pro Tem Taylor stated not knowing this fee ever being brought forward. Councilmember Hart concurred. Director Lowry replied it has been in place for many years.

Mayor Kelly asked City Council if they are good with the suggested \$1,100 and \$1,400 water tap fee. Councilmembers concurred, especially since it keeps Colleyville competitive.

Councilmember Hart questioned staff regarding why Bedford charges so much more for a two inch tap. Director Lowry replied most residential taps are less than one inch; therefore, he suspects that every city calculates a little differently.

Mayor Pro Tem Taylor stated there seems to be a larger gap between the one inch and two inch fee, especially in comparison to the other cities; why is it only a \$300 difference for Colleyville? Director Lowry replied Colleyville charges the market in the meter, and it covers the cost.

Mayor Pro Taylor questioned staff regarding why this is being presented tonight, when the budget is actually being considered for adoption for tonight. Manager Lothery stated this item was previously scheduled, but it has been bumped to tonight. She stated in the future, these items will be addressed before budget adoption.

Councilmember Short questioned staff regarding if the one and two inch taps are the only option. Director Lowry replied these account for 99 percent of the water taps.

Councilmember Hart questioned staff regarding why after-hours is available for the reconnection of water. City Manager Jennifer Fadden replied it is available for those persons who return home from work to find out their water is turned off.

Mayor Kelly questioned staff regarding what the equipment cost encompasses. City Manager Jennifer Fadden replied the use of the vehicle and the standard fuel rate.

Councilmember Putnam questioned staff regarding why Southlake is so low, especially since they are not looking for cost recovery. Councilmember Mogged stated there may be a hardship level for their citizens. Mayor Kelly added Southlake may subsidize those costs.

Mayor Pro Tem Taylor stated we do not need to be dipping into the property taxes for subsidizing these costs.

Councilmember Mogged questioned staff regarding how many reconnections are taking place each year. Manager Lothery replied 435 for non-payment in 2013, and 213 year to date for 2014.

Councilmember Mogged stated the dollar amount is relatively minor compared to the water tap fee discussion. Manager Lothery stated the majority of the reconnections are done during business hours, and normally there are two to three after-hours reconnections per month.

Councilmember Putnam questioned staff regarding if this is strictly for delinquent accounts. Manager Lothery concurred.

Councilmember Short questioned staff regarding if the customer is given the option of waiting until the next day. Director Lowry replied staff takes care of it immediately, since it can be considered a health risk.

Councilmember Hart questioned staff regarding if there are smart valves available to be done electronically. City Manager Jennifer Fadden replied yes, but at a considerable cost, and the return on investment is about 20 years.

Councilmember Putnam stated fees, in which staff is not clear on the purpose of what it would apply to, should be eliminated.

Councilmember Mogged questioned staff regarding if the fire alarm system fees are for commercial installation. Manager Lothery replied commercial installation, and one time for expansion.

Councilmember Mogged questioned staff regarding what is causing the fees to be increased. Fire Chief Brian Riley replied the fees have not been increased since 2010, and there has been an increase in inspections and demand. Manager Lothery stated the expanded tier system helps appropriately charge for each case.

Councilmember Putnam questioned staff regarding the frequency of the after-built inspections. Chief Riley replied for the one time expansion. City Manager Jennifer Fadden added prior to the issuance of a certificate of occupancy.

Councilmember Mogged questioned staff regarding what is the cost recovery, before any changes are made, relative to the resident and non-resident fees for athletic field use. City Manager Jennifer Fadden stated it is about 10 percent of the cost to maintain our athletic fields.

Councilmember Hart questioned staff regarding if the McPherson Park Pavilion is used more. City Manager Jennifer Fadden replied yes.

PC-3 Presentation and discussion of credit card acceptance and fees

Finance Manager Karen Hines presented this item and briefed the City Council.

Mayor Pro Tem Taylor questioned staff regarding if all daily items, citywide, are available to make a credit card payment. Manager Hines replied yes. City Manager Jennifer Fadden explained that Colleyville Center can be paid online after the booking contract is in place; utility billing; Library, building permits; and municipal court.

Mayor Pro Tem Taylor stated we should not be subsidizing anything, these are a matter of a transaction cost for a matter of convenience. Manager Hines replied the \$34,734 covers the fees.

Mayor Kelly stated the highest fee to charge is four percent, and currently the City is charging four percent.

Mayor Pro Tem Taylor questioned staff regarding if we get charged for the transaction through the service provider. Manager Hines replied it depends on the location and which software is used.

Councilmember Mogged questioned staff regarding if we charged fees for processing checks. Manager Hines replied we have not experienced anything like that.

Councilmember Hart questioned staff regarding if advertising has been done for the option to pay electronically. Manager Hines replied information was provided on the website, when it was first offered.

Mayor Pro Tem Taylor expressed his appreciation for staff and their efforts to bring forward these systems.

Councilmember Short questioned staff regarding if there is an advantage to encourage credit card usage versus check or cash. Manager Hines replied there are fees associated with both, like normal bank fees and depository services. She stated we try and stay competitive.

Councilmember Short questioned staff regarding if four percent is enough to push a credit card user away. Manager Hines replied there are some who choose not to use their credit card because of this fee; however, we ensure

the customer knows that there is a fee. She explained that Finance analyzes these fees every year to ensure we are not taking more in than necessary.

PC-4 Discussion of the September 16, 2014, City Council regular agenda items

Mayor Kelly explained for agenda items 5b and 5c, the applicant has requested a continuance to the October 21, 2014 meeting.

Mayor Kelly explained for agenda item 6c there is specific required language to be made for the motion, and he is willing to handle that motion.

Councilmember Wollin questioned staff regarding what is included in the rehab portion for the median at Church Street, agenda item 4g. City Manager Jennifer Fadden explained staff has recently asked the landscape architect to design the median since the previous owner of the Town Center development, has been responsible for that median; however, with the new ownership, there are no documents in which to hold that owner responsible for that median.

Councilmember Wollin stated she would like to see more details regarding the landscape and amenity improvements for City Park, agenda item 4h. Parks Manager James Hubbard replied he would be happy to provide the engineering plans. Councilmember Wollin stated she expected more details to be provided. City Manager Jennifer Fadden explained the information could be provided, but it would not be available for tonight, and that this item could be delayed so that the plans can be seen beforehand. Councilmember Wollin stated she would like that.

Councilmember Wollin questioned staff regarding agenda item 4i, relative to the gas well site. City Manager Jennifer Fadden explained that the location and the topography of the pad site prohibit access to the pad site to the south of the property. City Attorney Matthew Boyle stated the City, through the road repair remediation agreement, has the ability to control, and they are not allowed use of the road without our permission, and we can condition our permission upon reasonable conditions.

Councilmember Wollin questioned staff regarding if other restrictions can be outlined like truck condition (no emissions), and timing, and traffic control. City Attorney Matthew Boyle replied the City can dictate the truck route and the times during the day, and road repair.

Councilmember Wollin stated she does not want our personnel to be involved with traffic control.

Mayor Pro Tem Taylor stated based on this request, they have to use Heritage Avenue from Glade Road to the proposed point of entry. City Manager Jennifer Fadden stated the truck route has not been established, and it will not be established until they have identified a driller for the site.

Mayor Pro Tem Taylor stated he did not believe the truck traffic could use the bridge to the south. City Manager Jennifer Fadden stated a weight limit has not been posted for that bridge.

Councilmember Wollin stated she wants to ensure Colleyville citizens are not impacted by the road condition, and that the road will go back to what it was originally, before the gas well site. City Manager Jennifer Fadden stated the City can control the truck route and the times of day for truck travel.

Councilmember Short stated there is an emergency access easement to the north into the Eules residential development, how will that work? City Manager Jennifer Fadden stated it will be used for emergency vehicles only, not truck traffic.

Councilmember Short questioned staff regarding if the homes will be there before the pad site. City Manager Jennifer Fadden replied the pad site will be constructed first, prior to the issuance of any residential building permits.

City Attorney Matthew Boyle stated a section could be added to the Interlocal Agreement relative to the hours, days, and management of traffic.

Councilmember Wollin questioned staff regarding if there are other items that need to be added to this to protect Colleyville. City Manager Jennifer Fadden stated not knowing of anything else that Colleyville can control.

Councilmember Wollin questioned staff regarding what are the consequences if we do not agree to do this. City Manager Jennifer Fadden stated the issuance of building permits are being held until this agreement is made, so there could be some legal issues with the former property owner.

Councilmember Mogged questioned staff regarding agenda item 4e relative to the plan around the bridge. Public Works Director Bob Lowry stated there are no plans to do anything with the bridge, as it has been deemed as a historical structure.

Councilmember Short stated to bring the bridge out of the floodplain would be at a substantial cost.

Mayor Kelly adjourned the Pre Council meeting at 7:16 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Kelly at 7:58 p.m.

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

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Recreation and Library Director Mary Rodne, Parks Manager James Hubbard, City Engineer Jeremy Hutt, Finance Manager Karen Hines, Community Development Director Ron Ruthven, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley.

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

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

Section 551.071 - Legal - Consultation with attorney regarding the Municipal Court Judge contract and status

Section 551.071 - Legal - Consultation with attorney regarding litigation - Billy McCullough v. City of Colleyville

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

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

Mayor Kelly explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or

action taken during this time. The meeting was recessed at 7:16 p.m. and reconvened at 7:17 p.m.

INVOCATION: Mayor Pro Tem Mike Taylor

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

Mayor Kelly explained the applicant for agenda items 5b and 5c has requested a continuance to the October 21, 2014 meeting.

2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-14-3779

This resolution was not needed.

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

Councilmember Wollin announced the Garden Club will be hosting Howard Garrett, "The Dirt Doctor", on Wednesday, October 1, 2014 at the Colleyville Center. She encouraged everyone to attend to hear the benefits of organic gardening and landscaping, along with tips and best practices of planting.

Councilmember Mogged announced the Colleyville Lion's Club Hole-in-One Shoot-out starting on Friday, September 19, 2014. He encouraged everyone to attend the event.

Mayor Kelly expressed his appreciation to Mayor Pro Tem Taylor and Councilmember Mogged for their representation of Colleyville at the annual Grapefest Mayor's Stomp. He stated they came in first place.

Proclamation recognizing Constitution Week, September 17-23, 2014 - Mary Alice Stam, Chapter Regent, Daughters of the American Revolution, Captain Nathaniel Mills Chapter

Mayor Kelly presented Mary Alice Stam, Chapter Regent, Daughters of the American Revolution, Captain Nathaniel Mills Chapter, a proclamation in recognition of Constitution Week. Ms. Stam expressed her appreciation to Colleyville for the recognition.

In recognition of Colleyville's featured business - McDonald's, Tyrous Ingram, owner, 5609 Colleyville Boulevard - Mayor David Kelly and Economic Development Director Marty Wieder

Mayor Kelly and Economic Development Director Marty Wieder recognized Tyrous Ingram, owner, McDonalds, 5609 Colleyville Boulevard, as the featured business of the month. Mr. Ingram expressed his appreciation to Colleyville for the recognition.

Recognition of employees' years of service

Mayor Kelly recognized the following employees for years of service.

Fire Chief Brian Riley; Economic Development Director Marty Wieder; Administrative Court Clerk Melinda Davis; and Field Operations Manager Ken Tywater, for their years of service.

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-14-3780

- 4a** Approval of the minutes of the regular City Council meeting of September 2, 2014
- 4b** Approval to award a janitorial services contract to Oriental Building Services, Inc., acting as a primary vendor through the City of Arlington Interlocal Agreement, in an amount not to exceed \$132,550.88, and authorize the city manager to execute the contract, subject to the approval of funding in the Fiscal Year 2015 (FY 2015) budget
- 4c** Approval of Service Agreements between the City of Colleyville and Trane Service Group, through the Texas Cooperative Purchasing Network (TCPN), to provide for year four of a five year agreement for the inspection, maintenance, and repair of the HVAC systems in the Colleyville City Hall, Colleyville Public Library, and Colleyville Justice Center, in an amount not to exceed \$63,577.84, and authorize the city manager to execute the agreements, subject to approval of funding in the Fiscal Year 2015 (FY 2015) budget
- 4d** Approval to extend an ongoing annual agreement with Autobahn Motor Cars to sponsor the loan of a vehicle to the Colleyville Police

Department for the expressed use of the Colleyville Heritage High School Resource Officer

- 4e** Approval of an Interlocal Agreement with Tarrant County for the rehabilitation of Jackson Road, from the bridge over Little Bear Creek to just south of Glade Road, and authorize the city manager to execute the agreement, subject to approval of funding in the Fiscal Year 2015 (FY 2015) budget
- 4f** Approval to renew the Grounds Maintenance Mowing Contract with Whitmore and Sons, Inc., in an amount not to exceed \$140,513.96, and authorize the city manager to execute same, and any associated change orders, in an amount not to exceed \$25,000, subject to the approval of funding in the Fiscal Year 2015 (FY 2015) budget
- 4g** Approval of a contract renewal for the Horticultural Grounds Maintenance Contract to the Lawn Firm, in an amount not to exceed \$147,189, and authorize the city manager to execute the contract, and any associated change orders, in an amount not to exceed \$25,000, subject to the approval of funding in the Fiscal Year 2015 (FY 2015) budget
- 4h** Approval of a contract with AquaGreen Global, LLC, for City Park landscape and amenity improvements, in an amount not to exceed \$254,747.90, and authorize the city manager to execute the contract
- 4i** Approval of an Interlocal Agreement between the City of Colleyville and the City of Euless regarding access to and use of Heritage Avenue

Mayor Kelly read Resolution R-14-3780 in its entirety, by omitting item 4h of at the request of Councilmember Wollin.

Mayor Kelly opened the public hearing at 8:18 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:18 p.m.

Councilmember Wollin moved to approve Resolution R-14-3780 as read. Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

Mayor Kelly thanked Autobahn Motor Cars for the use of a vehicle for the school resource officer.

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

5a Ordinance O-14-1923

Approval to amend the City of Colleyville Code of Ordinances, Chapter 14-Animals, repealing in its entirety, Ordinance O-10-1787; amending Chapter 102 - Vehicles For Hire, by adding Sec. 102-31 - Commercial Horse Drawn Carriages

Mayor Kelly read the caption of Ordinance O-14-1923.

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

Mayor Kelly opened the public hearing at 8:25 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:25 p.m.

Councilmember Mogged questioned staff regarding if the regulations for the small monkeys is the same as dogs and cats relative to licensing and insurance. Chief Holder replied yes.

Mayor Kelly moved to approve Ordinance O-14-1923. Councilmember Short seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

5b Ordinance O-14-1927

Consideration of a zoning change from the R-20-Single Family Residential zoning district to the PUD-C-Planned Unit Development Commercial zoning district on 1.36 acres of Lots 1 and 2, Block 1, of the Sunrise Terrace Addition, located at 1105 Glade Road, Case ZC14-009

Mayor Kelly explained the applicant has requested this item be continued, with a public hearing, to the October 21, 2014 meeting. He stated a motion would need to be made to accept the continuance of this item.

Mayor Kelly moved to continue Ordinance O-14-1927 to the October 21, 2014 City Council meeting. Mayor Pro Tem Taylor seconded the motion.

The motion to continue carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

5c Ordinance O-14-1926

Request for approval of an amendment to the Future Land Use Map of the Colleyville Master Plan for Lots 1 and 2, Block 1, of the Sunrise Terrace Addition located at 1105 Glade Road, from a Single Family Residential to an Office Land Use Designation, Case GC14-014

Mayor Kelly explained the applicant has requested this item be continued, with a public hearing, to the October 21, 2014 meeting. He stated a motion would need to be made to accept the continuance of this item.

Mayor Kelly moved to continue Ordinance O-14-1927 to the October 21, 2014 City Council meeting. Mayor Pro Tem Taylor seconded the motion.

The motion to continue carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

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

6a Ordinance O-14-1928

Amending Ordinance O-13-1882 relating to the Fiscal Year 2014 budget

Mayor Kelly read the caption of Ordinance O-14-1928.

There was no presentation made by staff.

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

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

Mayor Kelly questioned staff regarding the approximate amount of revenues over expenditures. Strategic Services Manager Adrienne Lothery replied the number has not been identified, but that sales tax has been one of the revenues that has been identified over expenditures.

Councilmember Wollin moved to approve Ordinance O-14-1928. Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

6b Ordinance O-14-1929

Adoption of the proposed Fiscal Year 2015 (FY 2015) budget

Mayor Kelly read the caption of Ordinance O-14-1929.

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

Mayor Kelly opened the public hearing at 8:32 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:32 p.m.

Mayor Pro Tem Taylor expressed his appreciation to staff for the management of the budget. Mayor Kelly concurred.

Mayor Pro Tem Taylor moved to approve Ordinance O-14-1929. Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

6c Ordinance O-14-1930

Adoption of the Ad Valorem Tax Rate for Fiscal Year 2015 (FY 2015)

Mayor Kelly read the caption of Ordinance O-14-1930.

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

Mayor Kelly opened the public hearing at 8:34 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:34 p.m.

Mayor Kelly questioned staff regarding if the City's tax rate has remained the same for the past eight years. Assistant City Manager/Chief Financial Officer Terry Leake replied yes.

Mayor Pro Tem Taylor stated the City is not spending more than what is being brought into the City.

Mayor Kelly moved to approve Ordinance O-14-1930 that the property tax rate be increased by the adoption of a tax rate of 0.355900, which is effectively a 1.81 percent increase in the tax rate. Mayor Pro Tem Taylor seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

6d Ordinance O-14-1931

Adoption of the Colleyville Economic Development Corporation Fiscal Year 2015 (FY 2015) Budget

Mayor Kelly read the caption of Ordinance O-14-1931.

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

Mayor Kelly opened the public hearing at 8:40 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:40 p.m.

Councilmember Wollin moved to approve Ordinance O-14-1931. Mayor Kelly seconded the motion.

Mayor Kelly questioned staff regarding if the funding for the CEDC budget is based on the ½ percent sales tax. Manager Lothery replied correct.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

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

7a Ordinance O-14-1932

Approval of amendments to Chapter 7 - Sign Regulations, Section 7-190 (H) - Political Signs of the Land Development Code

Mayor Kelly read the caption of Ordinance O-14-1932.

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

Mayor Kelly opened the public hearing at 8:44 p.m.

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

Councilmember Putnam questioned staff regarding the timing of the placement of the political signs. City Secretary Amy Shelley explained that these regulations are specific to the early voting polling location. Mayor Kelly added the same rules apply for posting on private property.

Councilmember Mogged stated having a concern for the timing in which political signs may be placed on the public property. He stated some additional time may need to be allowed for people to put out signs.

Councilmember Mogged stated having a concern for the 30 foot distance between identical signs, he suggested something a little more relaxed than 30 feet. Mayor Kelly stated there is a limited amount of space on the public property, and in order to be fair to all participants, there needs to be a distance outlined.

Councilmember Putnam suggested there being a buffer period in which signs can be placed since there could be a mad dash to place signs as soon as the polls open.

Mayor Kelly questioned staff regarding if there are any state rules that govern the timing of the placement of the signs. City Secretary Amy Shelley replied no, but the school district has specific timing.

Mayor Kelly questioned staff regarding the school district regulations. City Secretary Amy Shelley replied signs may be placed starting at 5:00 p.m. the day before the election, and the signs must be removed by 10:00 a.m. the day following the election.

Councilmembers Mogged and Putnam agreed with those regulations.

Mayor Pro Tem Taylor questioned staff regarding the nine gauge diameter metal posts for the signs. City Secretary Amy Shelley replied it is the wire frame used for the two by two signs, like garage sale signs.

City Manager Jennifer Fadden asked City Council if they would like to mirror the school district requirements for both early voting and Election Day voting relative to the timing of the placement of the signs. Councilmembers concurred.

Mayor Pro Tem Taylor stated he would like the signs to be able to be left in place if the early voting and Election Day polling location is the same. Mayor Kelly concurred.

This was a first reading; therefore, City Council did not take any action.

7b Ordinance O-14-1933

Approval of amendments to Chapter 5 - Tree Preservation of the Land Development Code

Mayor Kelly read the caption of Ordinance O-14-1933.

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

Mayor Kelly opened the public hearing at 9:07 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 9:07 p.m.

Mayor Kelly stated this update helps to clarify some issues the City has had in the past with developers not wanting to follow the policy, and this will help with stopping the clear-cutting of properties.

Councilmember Wollin suggested a phone number should be placed on the signs posted in the tree protected area.

Mayor Kelly suggested there be a requirement for a per caliper inch be put back on the property, rather than paying into a fund. He stated he would like staff or the applicant to make the determination whether planting of trees or paying into the fund is necessary.

Mayor Pro Tem Taylor stated he would rather the trees be planted than to take money for the tree fund.

Councilmember Wollin stated she would agree to that if there was some sort of stipulation regarding how the trees are to be planted. Mayor Pro Tem Taylor concurred.

Councilmember Putnam stated he agreed with Mayor Kelly in that it should be at City Council's discretion for a remedy.

Mayor Kelly stated it could be possible that the trees be planted under mitigation, or the applicant can request to pay monetary damages.

Councilmember Mogged questioned staff regarding what can be done at the front end of the process to make these regulations clear. Mayor Pro Tem Taylor stated if the applicant knows the penalty, they are going to want to follow the plan. Mayor Kelly stated the applicant may not convey that to their subcontractor, and therefore the penalty has not been that bad, and they have gone around the plan. Director Ruthven stated there have been many processes put in place, in the last six months, to clarify this on the front end.

Mayor Kelly stated the developers are supposed to follow the Land Development Code.

Councilmember Putnam questioned staff regarding the impact on residential if the intent is not to clear-cut the trees to build a home, and how will that be

managed. Director Ruthven replied they will have to meet the requirements and all of the mitigation factors. He added everything within the setback envelope, except for heritage trees, would be exempt.

City Manager Jennifer Fadden asked staff to clarify if the drive approach is included in the exempted area. Director Ruthven replied no, just the setback envelope.

Councilmember Putnam stated he does not want to see this become a tool to extract a lot of money from a homeowner just to develop a property.

Mayor Kelly stated part of the purpose is to preserve the trees, so that hopefully a homeowner will look at the placement of the home, rather than ripping out a bunch of trees.

Councilmember Mogged stated the driveway approach may need to be considered as exempt, especially since there needs to be a way to get to the street without having to mitigate for trees, and penalize people on their property. Councilmember Putnam concurred.

Councilmember Mogged stated most are going to avoid having to tear down trees.

Mayor Kelly stated he does not want to get into an issue when homeowners are cutting down trees just because they can or want to. He added the preservation of the trees should be first and foremost.

Mayor Pro Tem Taylor stated the developers and the development of the subdivisions are the ones who should be penalized. He stated he does not want to be intrusive on the homeowners. Councilmember Putnam concurred, but added he does see the loophole that needs to be closed.

This was a first reading; therefore, City Council did not take any action.

8. RESOLUTION(S): READING AND PUBLIC HEARING

8a Resolution R-14-3781

Adoption of the Fiscal Year 2015 to 2019 (FY 2015-2019) Capital Improvement Program (CIP)

Mayor Kelly read Resolution R-14-3781 in its entirety.

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

Mayor Kelly opened the public hearing at 9:33 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:33 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-14-3781, Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 6 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Jody Short, and Tom Hart

Nay: 1 – Councilmember Chris Putnam

8b Resolution R-14-3782

Consideration of appointments to the Historical Preservation Committee

Mayor Kelly read Resolution R-14-3782 in its entirety.

Mayor Kelly opened the public hearing at 9:34 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:34 p.m.

Mayor Kelly moved to approve Resolution R-14-3782 with the following appointments: Nancy Coplen, Marilyn Keith, Louis Miller, Walt Mills, Cynthia Phillips, and Jeffrey Moschel.

Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

8c Resolution R-14-3783

Consideration of appointments to the Library Board

Mayor Kelly read Resolution R-14-3783 in its entirety.

Mayor Kelly opened the public hearing at 9:37 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:37 p.m.

Councilmember Wollin moved to approve Resolution R-14-3783 with the following appointments: Victoria Kennedy-Ziegler Place 2; Molly Skinner Place 4; Vernon Noronha Place 6; Charna Gray Place 7; and Cecilia Monacelli, President of the Friends of the Colleyville Public Library and Nancy Tuuling, President of the Colleyville Public Library Foundation to serve as ex-officio members with terms concurrent with their terms on each organization.

Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

8d Resolution R-14-3784

Consideration of appointments to the Metroport Teen Court Advisory Board

Mayor Kelly read Resolution R-14-3784 in its entirety.

Mayor Kelly opened the public hearing at 9:38 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:38 p.m.

Councilmember Mogged moved to approve Resolution R-14-3784 with the following appointments: Catherine Burton and Rich Hendler. Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

8e Resolution R-14-3785

Consideration of appointments to the Planning and Zoning Commission

Mayor Kelly read Resolution R-14-3785 in its entirety.

Mayor Kelly opened the public hearing at 9:39 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:39 p.m.

Councilmember Wollin moved to approve Resolution R-14-3782 with the following appointments: Jim Gotcher Place 1; Jeff Byerly Place 2; David Wheelwright Place 3; and David Phelps Place 4.

Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

8f Resolution R-14-3786

Consideration of appointments to the Senior Center Advisory Committee

Mayor Kelly read Resolution R-14-3786 in its entirety.

Mayor Kelly opened the public hearing at 9:41 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:41 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-14-3786 with the following appointments: Charna Gray, Anna King, Mike Leathers, Debra Minea, and Molly Skinner.

Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

8g Resolution R-14-3787

Consideration of appointments to the Zoning Board of Adjustment

Mayor Kelly read Resolution R-14-3787 in its entirety.

Mayor Kelly opened the public hearing at 9:43 p.m.

There was no one present wishing to speak concerning this item and Mayor Kelly closed the public hearing at 9:43 p.m.

Mayor Kelly moved to approve Resolution R-14-3787 with the following appointments: Judson Orlando Place 1; Jason Elms Place 2; Mike Leathers Place 3; Larry Kainer Alternate 1; Dee Kamerman Alternate 2.

Councilmember Wollin seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

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

James Spisak, 105 Franklin Court, stated having concerns that the developer for the subdivision next to his neighborhood is not following the City Council ordinance for said subdivision. He added having concerns about a possible pipeline along Bear Creek.

Kathleen Hennessey, 5013 Stonebridge Drive, thanked Mayor Kelly for his assistance during a vehicle accident along Glade Road today. She stated having concerns for dog owners not having their dogs on leashes at Sparger Park. She stated she would like signs to be posted about keeping dogs on a leash, and for the dog owners to adhere to the rules.

10. REPORTS

Planning and Zoning Commission Meeting Minutes - July 14, 2014

Planning and Zoning Commission Meeting Minutes - August 11, 2014
Zoning Board of Adjustment Meeting Minutes - June 10, 2014
Monthly Financial Report - August 2014

There was no discussion of this item.

11. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR SEPTEMBER 16, 2014 - READING AND PUBLIC HEARING - RESOLUTION R-14-3788.

This resolution was not needed.

12. ADJOURNMENT

There being no further business before the City Council, Councilmember Putnam moved to adjourn, and Mayor Kelly seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor David Kelly, Mayor Pro Tem Mike Taylor, and Councilmembers Carol Wollin, Chuck Mogged, Chris Putnam, Jody Short, and Tom Hart

Mayor Kelly adjourned the City Council meeting at 9:54 p.m.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 6TH DAY OF OCTOBER 2014.

Minutes taken and prepared by:

*Amy Shelley, TRMC
City Secretary*



**City of Colleyville
Joint City Council and
Colleyville Center
Advisory Committee
Worksession
MINUTES - DRAFT**

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

Tuesday, September 23, 2014
6:00 p.m.

Colleyville Center
5301 Riverwalk Drive

OPTIONAL TOUR OF COLLEYVILLE CENTER - 5:45 P.M.

1. CALL TO ORDER

Mayor David Kelly called the Joint City Council and Colleyville Center Advisory Committee worksession to order on September 23, 2014, at 6:11 p.m.

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

Absent: Councilmember Chris Putnam

Colleyville Center Advisory Committee members Chair Mark Johnson, Judith Goodwin, Louis C. Miller, Fred Mills, Paul Vigiletti, Earlene Garvey, Julie George, Tom Westerman, and Darla Dennison were present.

Absent: Committee members Sue Anne Martinez, Tevon Taylor, Irma Villalobos, and Mike Bolton

City Manager Jennifer Fadden, Assistant City Manager/Chief Financial Officer Terry Leake, Economic Development Director Marty Wieder, Community Development Director Ron Ruthven, Strategic Services Manager Adrienne Lothery, Colleyville Center Manager Leslie Hill, Library and Recreation Director Mary Rodne, Colleyville Center Administrative Assistant Marilyn Gilbert, and City Secretary Amy Shelley were present.

2. PRESENTATION AND DISCUSSION

2a Presentation and discussion of the Colleyville Center Site Master Plan as a component of the Comprehensive Plan

Colleyville Center Manager Leslie Hill gave a presentation on the Colleyville Center, which provided background, utilization, and potential building and site improvements.

Councilmember Mogged questioned staff regarding the replacement of windows. Manager Hill replied some of the windows need to be replaced because of moisture and fogging issues.

Mayor Pro Tem Taylor questioned staff regarding if the windows are single paned. Manager Hill replied she believed most are single paned windows. Member Miller replied he thought most were double paned windows.

Councilmember Mogged questioned staff regarding if any thought had been given to a vestibule area. Manager Hill replied it could be added to the list.

Councilmember Hart questioned staff regarding alcohol sales in the area. Manager Hill replied Grapevine, North Richland Hills, and Hurst, all sell alcohol in their event centers. Member Vigiletti added that the Piazza in the Village provides for alcohol.

Jim Carillo, Halff Associates Inc., facilitated a discussion on future use and plans for the site.

Mayor Kelly stated it will be tough for Colleyville Center to compete in all areas, because of its size. He stated there is some uniqueness, in that you are not in an office type building, with very neat surroundings such as lakes, trees, and such. He stated it is not just the same meeting place in which others provide for. He stated the cost recovery is better than most, and it is managed by a great facilities manager. He stated to obtain higher levels; the cost recovery is not the best. He stated he would like everyone to consider how the external features can enhance the internal features.

Member Vigiletti stated Colleyville Center has a unique footprint, and as it grows, the footprint needs to remain the same. He asked what it is that Colleyville Center is missing, that other cities have, which help bring in more people and make it a showplace for people.

Member Mills stated events can be made to work here, like the Red, White, and Sousa event and how well it took place. He stated the performing arts events have been cut back, but there are some who would like the focus to come back to the performing arts. He stated it would be nice for Colleyville to attract the local theatre and host those events.

Councilmember Mogged questioned staff regarding the reasons people or events are being turned down. Manager Hill replied there is not enough room to accommodate break-out space for separate sessions. She added currently one rental is available per weekend, even though there are requests for morning events.

Mayor Kelly questioned staff regarding if the reason for the one rental on the weekend is staff related. Manager Hill replied yes. She added they have many requests to hold shower events, but in addition, there is not enough room to have two different clients at the same time.

Assistant Gilbert stated smaller meetings are currently being held in the mornings.

Mayor Pro Tem Taylor questioned staff regarding if the competition, with other facilities, will affect Colleyville Center. Manager Hill replied yes, but only from a weekend event standpoint, not from a civic center, non-profit standpoint.

Mayor Pro Tem Taylor stated it may be time to redefine the Colleyville Center in what we are and who we want to be. He added we are strong in our fiscal policies, and does Colleyville Center fit that as well?

Member George stated if we are going to change anything, it is the weekday business traffic, by having multiple rooms (like the one we are in) for break-out space. She stated the challenges with renting the outside and the inside, at the same time, can be overcome. Manager Hill agreed.

Mayor Pro Tem Taylor stated this building was built by fundraising efforts, and there was nothing around it when it was built.

Member Vigiletti stated another banquet hall will create issues because of staffing limitations. He added Colleyville Center is uniquely placed, but there would be parking issues, if the banquet hall is expanded.

Councilmember Short stated maybe only having one event in the facility, is the attraction. He added it creates a different type of environment. Member Vigiletti stated originally it was to be a multi-purpose building, not just to be used as a hall. Member George stated you might lose that special feeling with more than one event taking place at a time.

Mayor Pro Tem Taylor questioned staff regarding if there is a report of the breakdown of the rentals. Manager Hill replied 90 percent of the time the community groups use the small rooms.

Councilmember Hart stated if 47 percent of the volume is made up of community groups, we need to ensure that they are kept satisfied. Manager Hill replied from a philosophical perspective, we are meeting their needs.

Mayor Pro Tem Taylor stated the non-profits are only 18 percent of the revenue.

Councilmember Short questioned staff regarding if community groups are being turned away because of the lack of space. Manager Hill replied homeowner associations (HOAs) are being turned away.

Member Mills stated the HOAs go to Market Street or other locations within the City to hold their meetings.

Member Garvey suggested using the Justice Center as meeting space.

Chairman Johnson stated he is not concerned about Grapevine and its competition, since it will be a recreation center. He stated being concerned about Hurst because of the road construction, but you do have to use their catering services. He stated the fees for Colleyville Center were originally benchmarked by using Plano, Garland, and Lancaster, since we draw from those cities. Manager Hill stated clients also come from other cities, such as Fort Worth, McKinney, Arlington, and Oklahoma.

Member Mills stated he would like to see six to eight performing art events in Colleyville. Member Vigiletti concurred.

Councilmember Mogged questioned the membership if the pricing at Colleyville Center was the issue for the art events. Member Vigiletti replied yes.

Member Mills stated the City should work with those organizations. He stated he would like to see a community theatre in Colleyville.

Mayor Kelly stated there could be a structure outside to be able to hold receptions.

Councilmember Short stated the sport associations used to utilize the facility, now they do not. Mayor Kelly stated those events conflict with wedding events, and now they use church facilities for the registrations.

Member Miller stated the land area is the limiting factor. He stated the Red, White, and Sousa event was great, and it was held at Colleyville Center. He suggested reworking the water areas, and plant more trees. He stated the fees are such to recover the cost of the use of the facility. He stated those outside users are the ones who pay those bills. He suggested defining the outdoor space.

Member George stated the items needs in which to be considered for public art need to take into consideration the people who are renting the facility for a wedding event.

Chairman Johnson stated the drainage for the facility may need to be redesigned. Mayor Kelly stated it could be done, but there are costs associated with that.

Member Westerman stated the streets could be closed for events. Chairman Johnson stated this already occurs.

Councilmember Mogged stated with Scenario 3 (Major External Enhancements), parking would become an issue.

Mayor Pro Tem Taylor stated one of the complaints he gets, with the balustrada, is the traffic behind the photo. Mr. Carillo stated there are options to help with that.

Mayor Pro Tem Taylor stated a parking structure could provide the buffer from the residents.

Mayor Kelly stated this creates the community area in which the citizens can come and enjoy.

Member Mills asked how much usable land space is available. He stated this becomes the community focus with more land and area, especially since it is right in the center of Colleyville, and it is valuable to the citizens of Colleyville.

Mayor Kelly stated the water areas created an issue with the Red, White, and Sousa event.

Member Garvey stated there could be a building with a restroom facility by the parking garage.

Member Vigiletti suggested using the land more than just twice a year. Mayor Kelly stated performing groups have specific requirements.

Mayor Kelly stated it would be nice if Colleyville Center had an actual kitchen, rather than a catering kitchen.

Councilmember Mogged stated more rooms is really the big thing, but not sure how that will work.

Member Vigiletti stated storage needs to be considered as well.

Member Garvey suggested making the area behind the Justice Center as a parking lot rather than a parking garage. She stated if more space is needed in the future, the garage could then be built.

Councilmember Short stated the neighbors will probably not like any change.

Councilmember Mogged stated they would be good with it remaining the same.

Mayor Pro Tem Taylor stated this can be laid out as the main event center, but there will need to be more parking.

Member Westerman stated he would like for Colleyville Center to remain functional while under construction. Mr. Carillo stated construction could be phased accordingly.

3. ADJOURNMENT

Mayor Kelly adjourned the worksession at 7:57 p.m.

*APPROVED BY A VOTE OF ___ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE
6TH DAY OF OCTOBER 2014.*

Minutes taken and prepared by:

Amy Shelley, TRMC
City Secretary



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4c

Agenda Date 10/06/2014

Number Resolution R-14-3790

Type Resolution

Department Public Works

Title

Approval of the renewal of an Interlocal Agreement with Tarrant County for the Cheek-Sparger Road and Jackson Road Intersection Improvements, and authorize the city manager to execute the agreement

Explanation

Reading and Public Hearing

On May 13, 2006, Tarrant County voters approved a transportation bond program and four propositions related to improvements to County facilities. Included in the approved transportation bond program were local arterial projects, four intersection improvements and one street widening within Colleyville. For each project, the City of Colleyville is obligated to participate in at least 50 percent of the total cost of the project. The Cheek-Sparger Road and Jackson Road Intersection Improvement Project was included in the voter approved Tarrant County bond program in the amount of \$535,415.

This project is currently under construction and is scheduled to be completed in Fiscal Year 2015. It is the requirement of the Tarrant County Commissioners Court for all projects that include County cost participation to be subject to a renewal of the original Interlocal Agreement each calendar year that the project has not been completed. The project was originally expected to be completed in Fiscal Year 2014, but due to a utility conflict that resulted in a several month delay, the project will continue into Fiscal Year 2015. In order for the City of Colleyville to maintain eligibility to receive the County's share of funding for the Cheek-Sparger Road and Jackson Road Intersection Improvement Project, it is necessary for City Council to approve a renewal of the original Interlocal Agreement with Tarrant County. This Interlocal Agreement was most recently renewed by Resolution R-13-3677 (attached) on October 2, 2013 and was originally approved by Resolution R-12-3532 (attached) on September 18, 2012. This agreement is expected to go before the County Commissioners Court at the next available session.

The attached agreement provides for the County to reimburse the City of Colleyville for 50 percent of total costs incurred on the Jackson Road and Cheek-Sparger Road Intersection Improvement Project, or \$535,415, whichever is less. Due to the cost of the overall project, the County will provide a reimbursement amount of \$535,415.

Financial Impact

The City shall receive a total reimbursement amount of \$535,415 upon the completion of the construction.

Recommendation

Approve

Attachments

1. Proposed Renewal of Interlocal Agreement
2. Resolution R-12-3532
3. Resolution R-13-3677

BACKGROUND

1. Tarrant County ("COUNTY") and the City of Colleyville ("CITY") entered into an Agreement approved by Tarrant County Commissioners Court Order No. 113974, for the cooperative funding of improvements to the intersection of Jackson Road at Cheek-Sparger Road ("Project") as described in the 2006 Tarrant County Bond Program.
2. The Project is not complete and the COUNTY and the CITY desire to renew the Agreement for the 2015 Fiscal Year.

Therefore, the COUNTY and CITY agree to the following

1. The COUNTY and the CITY renew the Agreement for the COUNTY's 2015 Fiscal Year with the Agreement to expire September 30, 2015 or the completion of the Project as determined by the COUNTY, whichever occurs sooner.
2. The COUNTY and CITY agree to the revised payment schedules.
3. All terms and conditions of the original Agreement as amended remain in effect except to the extent modified by this Renewal.

APPROVED on this day the _____ day of _____, 20____, by
Tarrant County.

Commissioners Court Order No. _____.

TARRANT COUNTY
STATE OF TEXAS

CITY

County Judge

Signature

APPROVED AS TO FORM:

***APPROVED AS TO FORM AND
CONTENT:***

District Attorney's Office*

City Attorney

*By law, the District Attorney's Office may only approve contracts for its clients. We reviewed this document from our client's legal perspective. Other parties may not rely on this approval. Instead, those parties should seek contract review from independent counsel.

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF
\$_____:

Certification of Funds Available as follows:

Fiscal year ending September 30, 2007	\$
Fiscal year ending September 30, 2008	\$
Fiscal year ending September 30, 2009	\$
Fiscal year ending September 30, 2010	\$
Fiscal year ending September 30, 2011	\$
Fiscal year ending September 30, 2012	\$
Fiscal year ending September 30, 2013	\$
Fiscal year ending September 30, 2014	\$214,166
Fiscal year ending September 30, 2015	\$321,249

**All future years funding is contingent on future debt issuance
and renewal of this contract**

Fiscal year ending September 30, 2016	\$

	\$535,415

Auditor's Office

ATTACHMENT A

Project Information

City: City of Colleyville
Project Name: Jackson at Cheek-Sparger Intersection Improvements

Proposed Project Schedule

	Start Date	Duration (mo)	End Date *
Design:	-	-	-
ROW Acquisition:	-	-	-
Utility Relocation:	-	-	-
Construction:	Jan-2014	13	Feb-2015

- * COUNTY payments by completed phase are contingent upon the COUNTY'S reasonable determination that the work regarding the project phase for which payment is expected is successfully completed, as determined by the COUNTY. COUNTY plans to issue debt for all phases of this project, therefore payment remains contingent on debt issuance in accordance with applicable law.

Once Construction commences, COUNTY payment shall be made by fiscal quarter prorated over the life of the construction but contingent upon reasonable progress in construction as may be determined by the COUNTY.

Proposed County Payment by Phase

Design:	\$
ROW Acquisition:	\$
Utility Relocation:	\$
Construction:	\$535,415
County Funding	
Total:	\$535,415

Proposed County Payment by Calendar Quarter (SUBJECT TO CHANGE)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
2007		\$	\$	\$
2008	\$	\$	\$	\$
2009	\$	\$	\$	\$
2010	\$	\$	\$	\$
2011	\$	\$	\$	\$
2012	\$	\$	\$	\$
2013	\$	\$	\$	\$
2014	\$	\$107,083	\$107,083	\$107,083
2015	\$107,083	\$107,083	\$	\$
2016	\$	\$	\$	\$

RESOLUTION R-12-3532

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 18, 2012

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

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

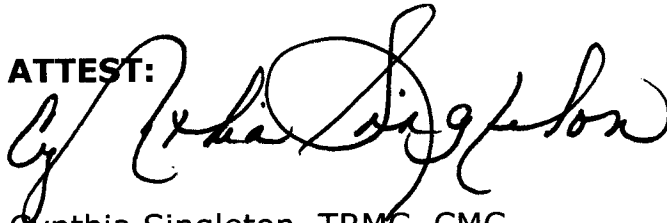
- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of September 4, 2012
 - b. Approval of a bid award for Horticultural Grounds Maintenance Contract to the Lawn Firm, in an amount not to exceed \$145,734, and authorizing the city manager to execute same, and any associated change orders, in an amount not to exceed \$25,000, and subject to the approval of funding in the Fiscal Year 2013 (FY 2013) budget
 - c. Approval to renew the Grounds Maintenance Mowing Contract with Whitmore and Sons, Inc., in an amount not to exceed \$137,980.29, and authorize the city manager to execute same, and any associated change orders, in an amount not to exceed \$25,000, and subject to the approval of funding in the Fiscal Year 2013 (FY 2013) budget
 - d. Approval of an Interlocal Agreement with Tarrant County for the Jackson Road and Cheek-Sparger Road Intersection Improvements, and authorize the city manager to execute the agreement
 - e. Approval of an Interlocal Agreement with Tarrant County for the John McCain Road and Pleasant Run Road Intersection Improvements, and authorize the city manager to execute the agreement

- f. Approval of an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt from the Tarrant County Precinct Three Maintenance Department, at the County's contract price, and authorize the city manager to execute the agreement

AND IT IS SO RESOLVED.

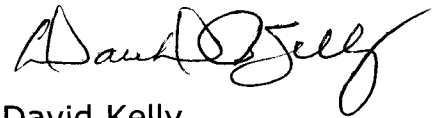
APPROVED BY A VOTE OF 7 AYES, 0 NAYS AND 0
ABSTENTIONS ON THIS THE 18TH DAY OF SEPTEMBER 2012.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

RESOLUTION R-13-3677

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
OCTOBER 2, 2013**

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

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

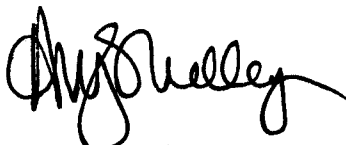
- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the City Council worksession of September 16, 2013
 - b. Approval of the minutes of the regular City Council meeting of September 17, 2013
 - c. Approval of Progressive Waste Solutions' Consumer Price Index (CPI) rate adjustment of 3.29 percent, for commercial and roll-off accounts only, and establishing the effective date of the adjustment to be November 1, 2013
 - d. Approval of a final plat on 10.07 acres on Lot 1, Block 1, Stajduhar Addition, located at 816 W. L. D. Lockett Road, Case PC13-015
 - e. Approval of a final plat for 12.0 acres on Tracts 3, 3E, and 3F, of Abstract 936 of the Joseph M. Looney Survey, and Lot 1, Block 1, of the Bone Addition, located at 5008 and 5100 Bluebonnet Drive, Case PC13-016
 - f. Approval to purchase four Chevrolet Tahoe patrol vehicles, and all equipment, from Caldwell Country Chevrolet, in an amount not to exceed \$201,676. Approval to purchase one Ford Fusion administrative vehicle, and all equipment, from Philpott Ford, in an amount not to exceed \$18,523.75; both approved state vendors, bid through the Cooperative Purchasing Program with the State of Texas
 - g. Approval and adoption of the City of Colleyville Landscape Branding manual

- h. Approval of the renewal of an Interlocal Agreement with Tarrant County for the Cheek-Sparger Road and Jackson Road Intersection Improvements, and authorize the city manager to execute the agreement
- i. Approval of an Interlocal Agreement with Tarrant County for the rehabilitation of Lavaca Trail, and authorize the city manager to execute the agreement

AND IT IS SO RESOLVED.

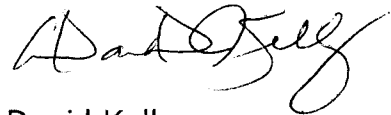
APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS
ON THIS THE 2ND DAY OF OCTOBER 2013.

ATTEST:



Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 10/06/2014

Number Ordinance O-14-1932

Type Ordinance

Department City Secretary

Title

Approval of amendments to Chapter 7 - Sign Regulations, Section 7-190 (H) - Political Signs of the Land Development Code

Explanation

Second Reading and Public Hearing

There were no speakers regarding this item at the September 16, 2014 City Council meeting.

City Council directed staff to update the language in the proposed ordinance to reflect that the timing of the placement of the political signs, during both early voting and Election Day, would mirror the regulations outlined by the Grapevine-Colleyville Independent School District (GCISD). The school district regulations do not include written policy to reflect the timing of the placement of the signs; however, beginning with the May 2014 general election, their policy included, "*On election day, signage may be placed 100 feet from the designated entry to a GCISD polling place beginning at 6 a.m. All signage must be removed by 10 a.m. on the day following an election.*" Staff has attached an excerpt of GCISD's policy, relative to electioneering, as well as an email from the school district to this agenda briefing.

City Council also directed staff to update the language in the proposed ordinance to reflect that the political signs could remain in place in the event that the early voting and Election Day polling location were held in the same facility.

Staff has updated the proposed ordinance to include the following language:

g. Said political sign(s) may be placed beginning 48 hours prior to the first day of the early voting period, and must be removed no later than three (3) days after early voting of said election, unless the polling location for Election Day is held in the same location as early voting, then the signs shall be removed by 10:00 a.m. on the day following the election;

h. For a location used for Election Day only, said political sign(s) shall be placed beginning at 6:00 a.m. on Election Day, and shall be removed by 10:00 a.m. on the day following the election.

Staff has also included an updated mark-up of the proposed changes to Chapter 7 -

Sign Regulations, Section 7-190 (H) - Political Signs.

First Reading and Public Hearing

Staff is proposing amendments to Section 7-190 (H) - Political Signs of Chapter 7 - Sign Regulations of the Land Development Code as outlined below.

Section 7-190(H) - Political Signs

Beginning September 1, 2013, a new state law (HB 259) was enacted and codified in the Texas Election Code, Section 61.003 (attached) regarding temporary political signs at a publicly owned building when being used as a polling location. This law makes it *"illegal to prohibit temporary political signs; however, the legislation does allow for the enactment of reasonable regulations concerning the time, place, and manner of electioneering. Electioneering includes the posting, use, or distribution of political signs or literature."*

The City of Colleyville has a contractual agreement with Tarrant County to administer all municipal, state, and local elections, and they utilize City Hall as an early voting polling location, which is publicly owned property. As a point of reference, historically Tarrant County has utilized the Bransford Elementary School property as the polling location on Election Day, and the school district provides regulations for the placement of political signs on that subject property.

Staff has attached an electioneering designations exhibit which is provided during City Council Candidate Orientation, as well as to any other candidates during state or local elections for the polling location of City Hall, which depicts the prohibited areas of electioneering. However, in reviewing Chapter 7 - Sign Regulations, Section 7-190 (H) - Political Signs of the Land Development Code, staff recognized that the existing political sign regulations were in conflict with the recently adopted state statutes, and therefore made changes to the electioneering designations exhibit. This exhibit was revised last year to be used during the May 2014 election, and to accommodate state statute to allow electioneering on the building premise, outside of the state required 100 foot distance markers. The exhibit was also reviewed and approved by the city attorney to ensure its compliance with the new state law.

Chapter 7 did not include any provisions to regulate the time, place, or manner of political signs; therefore, staff is proposing the following changes to the existing political sign regulations.

H. Political Signs – A political sign shall be allowed in any zoning district. No political sign shall be attached to any utility, light, or traffic signal pole. A political sign shall not be illuminated. Political signs shall be subject to the following additional regulations.

1. Political Signs on Publicly Owned Property – A political sign shall not be placed upon

any publicly owned property including but not limited to City parks, City facilities, school district property, or state or federally owned property, except for the following:

- a. Said political sign(s) shall be placed in the perimeter landscaped area on the subject property being used as a polling location in accordance with Texas Election Code Section 61.003 or 85.036;
- b. Said political sign(s) shall not exceed four (4) square feet in area;
- c. Said political sign(s) shall be attached to a metal stake, not to exceed a 9 gauge diameter, driven into the ground;
- d. Said political sign(s) shall not encroach upon any tree roots, irrigation lines, and any other underground vegetation, or structure;
- e. Said political sign(s) shall not extend over any sidewalk, street, or driveway;
- f. Said political sign(s) shall not be placed within 30 feet of an identical sign(s);
- g. Said political sign(s) shall be placed beginning on the first day of the early voting period, and shall be removed within three (3) days after early voting of said election;
- h. Said political sign(s) shall be placed beginning when the polls open on Election Day and ending when the polls close on Election Day for an election day polling place.

Staff has included a mark-up of the proposed changes of Chapter 7 - Sign Regulations, Section 7-190 (H) - Political Signs, for City Council's consideration, which will eliminate any conflict with the Land Development Code, and state statutes relative to political signs.

A complete copy of Chapter 7 - Sign Regulations is attached to this agenda briefing; however, the proposed ordinance is specific to include only the section amendment.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Texas Election Code - Section 61.003 - Electioneering and Loitering Near Polling Place
2. Grapevine-Colleyville Independent School District Election Policy
3. Email Correspondence from GCISD

4. Electioneering Designations - City Hall
5. Chapter 7 - Sign Regulations of the Land Development Code
6. Mark-up of Chapter 7 - Sign Regulations, Section 7-190 (H) - Political Signs
7. Ordinance O-14-1932

Texas Election Code - Section 61.003 - Electioneering and Loitering Near Polling Place

ELECTION CODE

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1350, Sec. 3, eff. Sept. 1, 1997.

Sec. 61.002. OPENING POLLING PLACE FOR VOTING. At the official time for opening the polls for voting, an election officer shall open the polling place entrance and admit the voters.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE.

(a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

(1) loiters; or

(2) electioneers for or against any candidate, measure, or political party.

(a-1) The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's premises outside of the area described in Subsection (a), but may enact reasonable regulations concerning the time, place, and manner of electioneering.

(b) In this section:

(1) "Electioneering" includes the posting, use, or distribution of political signs or literature.

(2) "Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(c) An offense under this section is a Class C misdemeanor.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 235 (H.B. 259), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 235 (H.B. 259), Sec. 2, eff. June 14, 2013.

Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK. (a) A person commits an offense if, during the

Grapevine-Colleyville Independent School District Election Policy

Grapevine-Colleyville ISD
220906

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

3. Has not executed a contract with a county elections officer under which the District and the county share early voting polling places for the election.

The District shall designate as an early voting polling place for the election any early voting polling place, other than a polling place established under Election Code 85.062(e) (temporary branch polling place), established by the county and located in the District.

A shared polling place established under Election Code 85.010 that is designated as a main early voting polling place by any political subdivision must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place under Election Code 85.002 for the political subdivision making the designation.

Election Code 85.010

ELECTIONEERING

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

"Electioneering" includes the posting, use, or distribution of political signs or literature.

"Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

"Early voting period" is described at Election Code 85.001.

A district that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting periods, as applicable, prohibit electioneering on the building's premises outside of the area described above. The District may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 61.003, 85.036

BILINGUAL MATERIALS
SPANISH

Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.

Election Code 272.002

An election precinct may apply for an exemption from the requirement to provide election materials in Spanish if official census in-

Email Correspondence from GCISD

Amy Shelley

Subject: FW: Political signs

From: Paula Barbaroux [mailto:Paula.Barbaroux@gcisd.net]
Sent: Tuesday, September 23, 2014 8:14 PM
To: Amy Shelley
Cc: Kim Hutto; Rosalie Mcgee; Deborah Baan
Subject: Re: Political signs

Amy,
This would be the preferred standard going forward. Thank you!

Electioneering signage shall not be placed on District property prior to election day. On election day, signage may be placed 100 feet from the designated entry to a GCISD polling place beginning at 6 a.m. All signage must be removed by 10 a.m. on the day following an election.

Paula E. Barbaroux, J.D. RTSBA | Chief Operations Officer | Grapevine-Colleyville ISD | Expect • Relate • Innovate | paula.barbaroux@gcisd.net | ☎ 817.251.5560 | LEAD 2021 Strategic Plan

From: Paula Barbaroux [mailto:Paula.Barbaroux@gcisd.net]
Sent: Thursday, September 18, 2014 9:50 PM
To: Amy Shelley
Subject: Re: Political signs

Hi Amy,
Our team has reviewed statutory information and District Board Policy to respond to your questions. Below we have provided information that will help you.

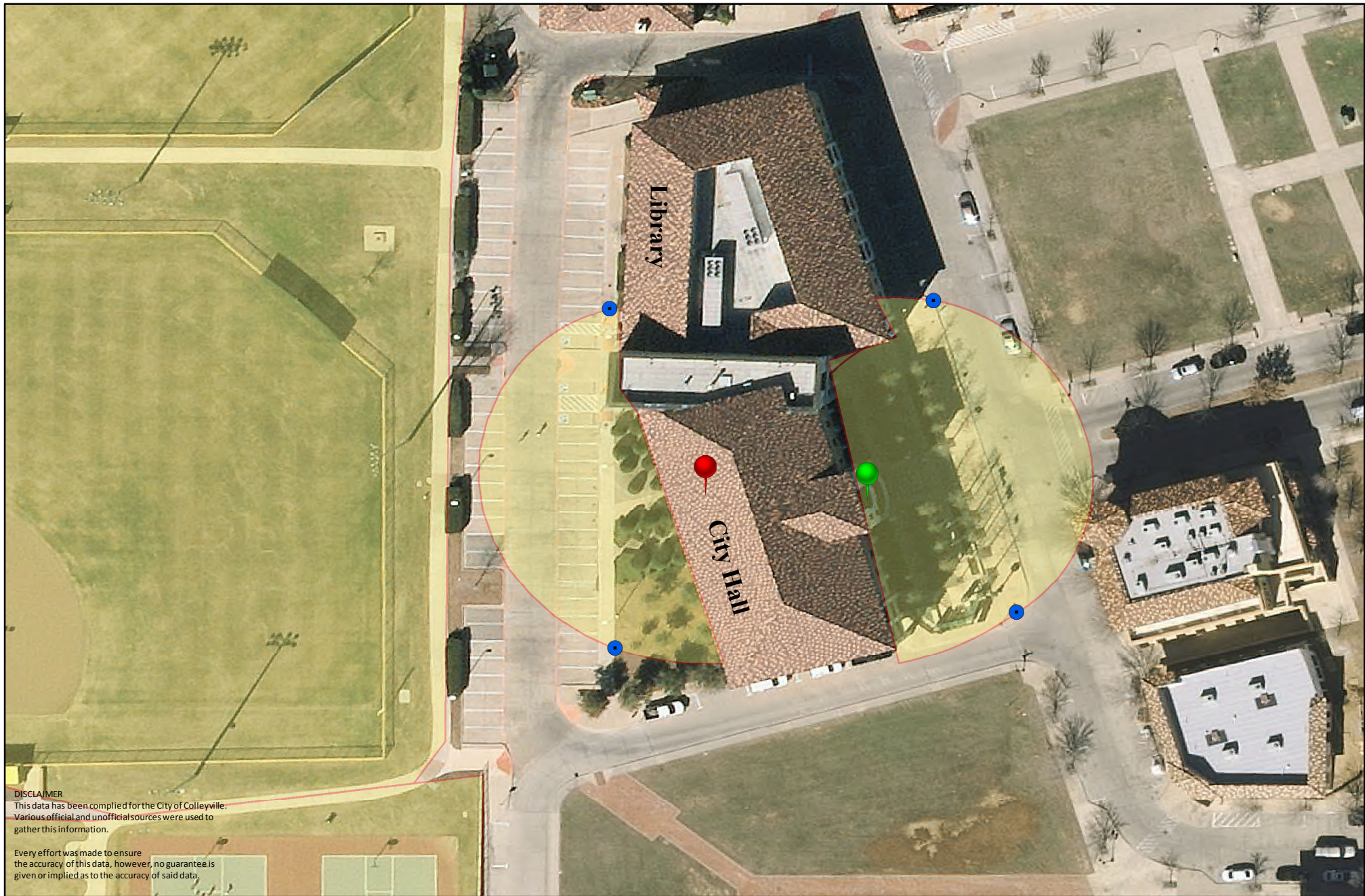
- Electioneering – No signs may be placed on school property prior to election day. On election day, signs may be placed on school property if at least 100 feet from the entrance to the designated polling location within the school or district facility.
- HB 250 (effective 9/1/13) - Prohibits a city that owns a building used as a polling place from restricting electioneering during early voting and on Election day, including the posting, use, or distribution of political signs or literature on the building's premises outside the prescribed limits, but allows a city to enact reasonable regulations concerning time, place, and manner of electioneering.
- Additionally, the district shares the attached TXDOT information with school board candidates.

Thank you!

Paula E. Barbaroux | Chief Operations Officer | 817.251.5560
Because Your Future Matters Today

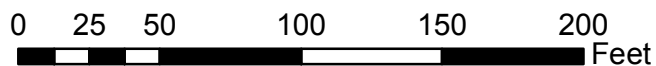
Redefining Education

CONFIDENTIALITY NOTICE: This e-mail message, including all attachments, is for the sole use of the intended recipient(s) and may contain confidential student and/or employee information. Unauthorized use and/or disclosure are prohibited under the Family Education & Privacy Act, Texas Government Code and Texas Education Code. If you are not the intended recipient, you may not use, copy or disseminate this information. Please call the sender immediately or reply by e-mail and destroy all copies of the original message, including attachments.



Electioneering Designations- City Hall Colleyville, Texas

Electioneering is Prohibited
within the shaded area.



Legend

- Front Door
- Back Door
- Markers
- 100ft From Entrance

Chapter 7

Sign Regulations

Rev. 02/16/2010

Section 7-100 Purpose of This Chapter

The purpose of this Chapter is to establish a comprehensive and balanced system of street graphics to facilitate an easy and pleasant communication between people and their environment and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. It is the intent of this Chapter to establish standards, which regulate the design, construction, location, height, size and maintenance of signs and sign structures by authorizing the use of street graphics, which are:

- A. Compatible with their surroundings;
- B. Appropriate to the activity that displays them;
- C. Expressive of the identity of individual activities and the community as a whole;
- D. Legible in the circumstances in which they are seen; and
- E. Protective of property values.

Section 7-105 Authorization for Adoption of This Chapter

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

- A. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorize a municipality to adopt ordinances, rules, or police regulation that is for the good government, peace, or for the trade and commerce of the municipality.
- B. *The Home Rule Charter of the City of Colleyville*, which authorize the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 7-110 Variances and Appeals

Any person seeking approval of a sign or sign structure inconsistent with this Chapter, may request a variance from, or appeal a decision of an administrative official to the Sign Board of Appeals using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 7-115 Definitions

The definitions for this Chapter are found in *Chapter 2 – Definitions* of this Land Development Code.

Section 7-120 Responsibility for Compliance

The permittee, owner, agent, person or persons having the beneficial use of the property, the owner of the land or structure on which the sign is located, and the person in charge of erecting the sign are all subject to the provisions of this Chapter.

Section 7-125 Violations and Penalties

Any person, firm or corporation violating any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to the penalty provision contained in *Chapter 1-General Provisions* of this Land Development Code.

Section 7-130 General Conditions Applicable to All Signs

The following general conditions shall be applicable to all signs, except where a provision contained elsewhere in this Chapter specifies a different requirement.

- A. Compliance Required – No person, firm or corporation shall erect a new sign, or alter an existing sign, or sign structure, unless said sign conforms to the provisions of this Chapter.
- B. Sign Area – No sign shall exceed the maximum area provided for in this Chapter. The sign area permitted in this Chapter shall apply to the maximum size of a single sign face, except where a provision allows an alternate method for calculating sign area. When the two faces of a sign are separated by an angle of twenty (20) degrees or more, the maximum sign area shall be the total of all non-parallel sign faces.
- C. On-Premises Requirement – All signs shall be located on the same premises where the product or merchandise being advertised is located, except where a specific provision in this Chapter provides for off-premises advertising.
- D. Maximum Height – No sign shall exceed the maximum height provided for in this Chapter. In determining the maximum height of a sign, no sign shall be located on a mound where the surrounding grade has been altered by more than eighteen (18") inches for purposes of artificially increasing the overall height of a sign above that allowed by the height regulations in this Chapter.
- E. Wind Pressure and Dead Load Requirements – All permanent signs shall be designed and constructed to withstand a wind pressure of not less than 35 pounds per square foot of area.
- F. Sign Contractor Registration – It shall be unlawful for any person, firm or corporation to engage in the business of erecting permanent signs in the city unless such person, firm or corporation is the holder of a valid registration with the City to perform such work. In extending the rights and privileges of such registration, the City of Colleyville makes no statement of the technical competency of those registered, and no manner of license is proffered.
- G. Engineering Requirements and Construction Standards – The construction of all signs shall comply with the structural requirements of the City of Colleyville Building Code. Where required by the enforcement official, the construction plans shall be signed and sealed by a professional engineer registered in the State of Texas. Any electrical installations shall comply with the City of Colleyville Electrical Code. No unfinished metal shall be allowed on the exterior surface of a sign or sign support.
- H. Signs in Right-of-Way Prohibited – No sign shall be erected in, extend into or over, a public right-of-way, except where a provision in this Chapter allows such location, or with the approval by the City Council of a *Right-of-Way Encroachment Agreement*.
- I. Interference with Safety Provisions – No sign shall be erected in such a manner that any portion of its surface or supports will interfere with the free ingress or egress of any fire escape, exit, standpipe, or window, or obstruct any required ventilator or door stairway.
- J. Illumination – Illumination of a sign shall only be allowed where a provision contained in this Chapter allows illumination for a specific sign classification or construction type. No sign located in a residential zoning district shall be illuminated, except where illumination is provided by a provision in this Chapter. Such sign illumination shall not produce glare or direct illumination across the property lines of the premises.

- K. Electronic Message Signs Along State Highways: – Electronic signs placed along state highways shall be allowed to change messages at a minimum of every ten (10) seconds. The display of time and/or temperature may change at an interval of every three (3) seconds. Only one electronic sign shall be allowed per property. These provisions shall only be considered for commercial and institutional signs that are located on properties adjacent to Precinct Line Road, State Highway 26, or State Highway 121.
- L. Loss of Required Parking – No sign shall be constructed within the limits of a parking area that results in a reduction in the number of required parking spaces.
- M. Signs in Planned Unit Developments and property with a Special Use Permit – All signs shall comply with the regulations in this Chapter, unless an ordinance for a Planned Unit Development (PUD) or a Special Use Permit (SUP) contains a provision that authorizes a variation from the regulations in this Chapter.

Section 7-135 Permits, Fees and Inspections

- A. Permit Required – It shall be unlawful for any person to erect a new sign, relocate, enlarge or replace an existing sign, or sign face, regulated by this Chapter without first obtaining a permit from the Building Permit Office, except where an exemption is provided for in this Chapter. No permit shall be issued unless the proposed sign complies with the requirements of this Chapter.
- B. Permit Fee – Where a permit is required by this Chapter, no application for a sign permit shall be approved which is not accompanied by a permit fee in accordance with the applicable fee schedule. Said fee schedule shall be established by separate ordinance by the City Council. The enforcement official shall not issue a sign permit to any person who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this Chapter, until such fees are paid.
- C. Application for Sign Permit – Application for a sign permit shall be made in writing upon forms furnished by the enforcement official. Such application shall contain sufficient information as determined by the enforcement official, including plans of the proposed sign, whereby the enforcement official may determine that the proposed sign is in conformance with the requirements of this Chapter.
- D. Permit Expiration – No sign permit shall be valid for more than 180 days from the date of issuance of the permit, except where a specific time period is provided elsewhere in this Chapter.
- E. Temporary Sign Permit – Where required by this Chapter, a sign permit for a temporary sign shall be valid only for the period specified by the enforcement official. A temporary sign which has not been removed on or before the last day authorized by the sign permit shall be deemed a violation of this Chapter.
- F. Permit Revocable – The enforcement official may suspend or revoke any sign permit issued in error or on the basis of incorrect or false information supplied, or whenever such permit was issued in violation of any provision of this Chapter. Any sign constructed that is the subject of a revoked permit shall be removed by the person in control of the sign or premises upon which the sign is located within ten (10) days of written notice of revocation. Notice of revocation shall be deemed to have been received when deposited in the mail, addressed to the owner of the premises, the owner of the sign, and/or the tenant for whose benefit the sign is erected as listed on the permit application.
- G. Inspections – All signs shall be subject to inspection by the enforcement official. The building official shall establish inspection procedures and provide copies of such procedures upon request.
- H. Investigation Fees – Whenever any work for which a permit is required by this Chapter has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected, whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee.

Section 7-140 Signs Exempt From These Regulations

The following signs or forms of advertising shall be exempt from the regulations contained in this Chapter:

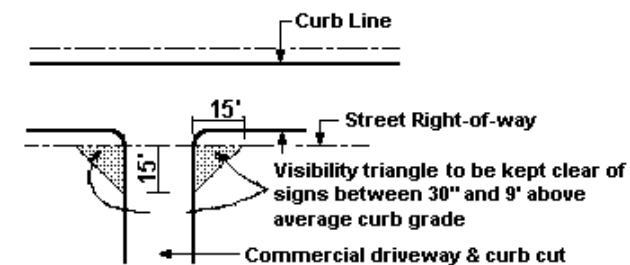
- A. Any sign erected by or under the authority of the City of Colleyville on property owned by the City of Colleyville.
- B. Street identification signs, public notices, and warning signs installed by any City, County, State or Federal agency.
- C. Residential nameplates or subdivision identification plaques attached to a perimeter screening wall not exceeding two (2) square feet in area.
- D. Historical markers placed by a city, county, state or national historical preservation organization.
- E. Official vehicle inspection station signs, holiday lights and decorations, or works of art.
- F. Signs located on-premises or inside a building and which are not displayed so as to be legible from a public street, including, but not limited to, such signs as credit card decals, hours of operation signs, emergency contact information, barber poles, etc.
- G. On-site traffic control signs on commercial properties, such as Stop, Yield, and similar traffic control signs containing no commercial message.
- H. "No Parking" or "Towing" signs authorized by City Ordinance.
- I. "No Dumping Allowed" signs posted to deter illegal dumping.
- J. Underground utility warning signs not exceeding one (1) square foot in size and similar safety signs.
- K. Signs on railway property, which references the operation of such railway.
- L. Security Warning, Neighborhood Watch or Crime Watch signs under two (2) square feet.
- M. Flags, emblems and insignia of any governmental body.
- N. Corporate flags displayed on a freestanding pole, which do not exceed 35 feet in height. The flag shall not exceed 32 square feet in area. The flagpole shall be setback a minimum of 20 feet from the front property line and 8 feet from the side property line.
- O. Drive-through menu boards not located in front of the building.
- P. Scoreboards, including the identification of donors.

Section 7-145 Permanent Freestanding Signs – General Conditions

- A. Permits – A permit shall be required prior to construction of any permanent freestanding sign, except where an exemption is provided for in these regulations. A permit shall be required for the removal and replacement of an interchangeable panel for a sign structure designed for such purpose.
- B. Certificate of Occupancy Required – No permit for a permanent freestanding sign shall be approved, except where a business exists with a valid Certificate of Occupancy or where a Certificate of Occupancy has been submitted for the premises on which the sign is to be located.
- C. Construction Standards – The construction of all permanent freestanding signs shall comply with the structural requirements of the Colleyville building code. No permanent wood signs shall be allowed.

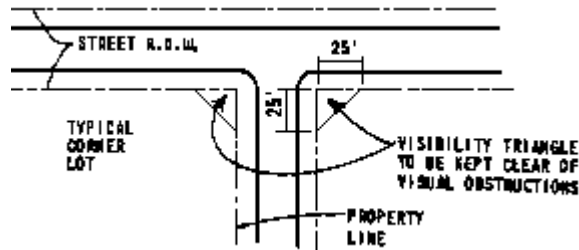
- D. Illumination – A permanent freestanding sign may be illuminated. All electrical facilities shall require separate electrical permits and shall be installed in accordance with the City of Colleyville electrical code. Lighting shall be installed so as to avoid any glare or reflection onto adjacent property, or create a traffic hazard on a public street. When determined necessary by the enforcement official, illuminated signs shall be shielded to minimize glare on residentially zoned property.
- E. Pedestrian Clearance – No permanent freestanding sign may project over a pedestrian walkway, unless there is a minimum of eight (8') feet of clearance provided from the bottom of the sign to the grade below the sign.
- F. Public Right-of-Way – No permanent freestanding sign shall project over or into a public right-of-way, except where a provision in this Chapter provides for a sign within a right-of-way or with the approval by the City Council of a *Right-of-Way Encroachment and Joint Use Agreement*. A sign may encroach over or into a public access easement that is located on private property, provided a minimum of eight (8') feet of clearance is provided over a walkway and a minimum of fourteen (14') feet of clearance is provided over a driving area.

- G. Commercial Driveway Visibility Triangles – sign, including the pole of a sign, shall be erected or maintained in such a manner so to obstruct or interfere with a clear line of sight for the drivers of approaching motor vehicles within a visibility triangle located on each side of a commercial driveway which intersects with a public street right-of-way or public access easement. The triangular area shall be formed by extending from the imaginary intersection point of the street right-of-way line with the edge of the driveway a distance of fifteen (15) feet and connecting these points with an imaginary line, thereby making a triangle. Within this triangle, vision shall be clear at elevations between thirty inches (30") and nine feet (9') above the average curb grade.



Commercial Driveway Visibility Triangle

- H. Street Intersection Visibility Triangles – No sign shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25') feet back from the property corner along both streets. Within this triangle, vision shall be clear at elevations between thirty inches (30") and nine feet (9') above the average curb grade.



- I. Attachments to Freestanding Sign – No guys, braces, attachments, banners, flags, balloons, or other similar devices shall be attached to any permanent freestanding sign.

Section 7-150 Permanent Freestanding Signs – Sign Classifications & Regulations

No permanent freestanding sign shall be constructed or displayed unless said sign is in conformance with the sign classifications and standards contained in this Section.

- A. General Business Signs – The purpose of a general business sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located. A general business sign may provide advertising for a single or multi-tenant occupancy. All general business signs shall be subject to the following additional regulations:

1. *Construction Design*: All general business signs shall be designed and constructed as a monument

sign as defined in this Land Development Code.

2. **Districts Permitted:** A general business sign shall be allowed only in zoning districts in accordance with Table 7-1.
3. **Maximum Number:** One general business sign shall be allowed for each 250 feet of street frontage, or portion thereof, for each lot. Where a building encompasses more than one lot, each lot shall qualify for a general business sign. If the site is a corner lot, each frontage shall be allowed additional signs using the same formula described in this paragraph. The sign(s) shall be located adjacent to and within the qualifying street frontage. Additional signs are not permitted by adding different street frontages to total more than 250 feet.
4. **Specifications:** The maximum area, height, spacing and setbacks of a general business sign shall conform to the specifications contained in Table 7-2, except where provided as follows:
 - a. **Maximum Area:** One-hundred and twelve square feet (112 s.f.), overall structure size.
 - b. **Base and Column Requirements:** At a minimum, a general business sign shall be constructed to include a base and columns as described below. Said base and columns shall be included in the calculation for determining the overall structure size for compliance with these regulations.

Diagram illustrating the dimensions and components of a General Business Sign with columns and base. The sign is 14 feet wide and 8 feet high. It includes a base and columns on each end. The base is 18 inches high and extends the full width of the sign. The columns are 18 inches wide and extend the full height of the sign. The central area is labeled 'Max. Structure size 112 s. f.'.

 - i. **Base:** A general business sign shall be constructed with a base that extends the entire length of the face of the sign structure. Said base shall be a minimum of eighteen inches (18") in height and shall be constructed of brick, stone, or of a material similar to that of the primary building on the lot.
 - ii. **Columns:** A general business sign shall be constructed with columns constructed on each end of the face of the sign structure. Said columns shall be a minimum of eighteen inches (18") in width as viewed from the front and side elevations and shall extend the entire height of the face of the sign structure. Said columns shall be constructed of brick, stone, or of a material similar to that of the primary building on the lot.
 - iii. **Sign Face Offset Requirement:** The vertical plane of the advertising image area shall be offset a minimum of two inches (2") from the vertical plane of the base and columns required above.
 - c. **Maximum Height:** Eight feet (8').
 - d. **Minimum Setback:** Eight feet (8') from an abutting street right-of-way. Thirty feet (30') from any side or rear property line adjacent to another property.
 - e. **Minimum Thickness:** The advertising image area of a general business sign shall not be less than four and one-half inches (4-½") between vertical face planes.
5. **Changeable Reader Board:** A general business sign may include a changeable reader board area, provided the combined gross surface area does not exceed the maximum allowable message area and provided that no more than fifty (50%) percent of the maximum allowable message area may be used as a changeable reader board area. A permit is not required to change the message on a changeable reader board. For purpose of this regulation, a changeable reader board may include an electronic message area.
6. **Spacing:** Where a lot qualifies for an additional general business sign, a general business sign shall be a minimum of one hundred (100') feet from another general business sign situated on the same lot.
7. **Two Frontage Lots:** A lot that abuts two (2) or more street frontages shall be allowed a general

business sign for each street frontage, provided minimum spacing requirements are in compliance.

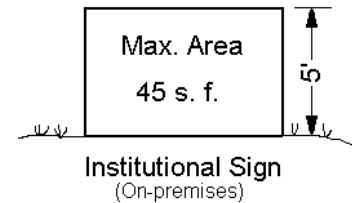
B. Institutional Signs – These regulations provide for on-premises and off-premises institutional signs to assist the public with the location of these types of uses.

1. **On-Premises Institutional Sign:** The purpose of an on-premises institutional sign is to identify schools, churches, hospitals or similar public or quasi-public institutions. One on-premises institutional sign per street frontage shall be allowed on the premises where the institution is located and in accordance with Table 7-1. All on-premises institutional signs shall be constructed as a monument sign as defined in this Land Development Code. The maximum area, height, spacing, and setbacks of an on-premises institutional sign shall conform to the specifications contained in Table 7-2, provided that an on-premises institutional sign located within a commercial zoning district may comply with the requirements of a general business sign.

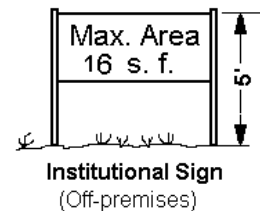
- a. **Minimum Setback:** Eight feet (8') from an abutting street right-of-way and thirty feet (30') from any side or rear property line adjacent to another property.

- b. **Minimum Thickness:** No on-premises institutional sign shall be less than four and one-half inches (4-½") between vertical face planes.

- c. **Changeable Reader Board:** An on-premises institutional sign may include a changeable reader board area, provided the combined gross surface area does not exceed the maximum allowable sign area and provided that no more than fifty (50%) percent of the maximum allowable sign area may be used as a changeable reader board area. A permit is not required to change the message on a changeable reader board. For purpose of this regulation, a changeable reader board may include an electronic message area.

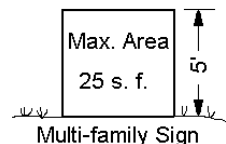


2. **Off-Premises Institutional Sign:** The purpose of an off-premises institutional sign is to provide direction to a school, church, hospital or similar public or quasi-public institution. An off-premises institutional signs may be placed on private property with the permission of the property owner. No more than two (2) off-premises institutional signs shall be allowed per institution. The signs shall not exceed sixteen (16) square feet in area nor exceed five (5') feet in height. An off-premises institutional sign is not required to be constructed as a permanent monument sign.

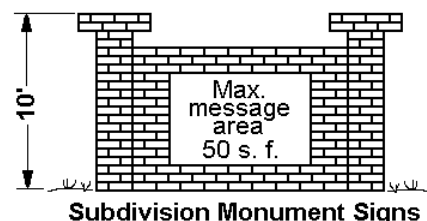


C. Multi-family Signs – The purpose of a multi-family sign is to identify the name of a multi-family residential development. All multi-family signs shall be constructed as a monument sign as defined in this Land Development Code and be constructed using the same standards as a General Business Sign, except for maximum area and height, which are established in this paragraph. One multi-family sign per street frontage shall be allowed in zoning districts in accordance with Table 7-1. The maximum area, height, spacing, setbacks of a multi-family sign shall conform to the specifications contained in Table 7-2 and the following additional requirements.

1. **Minimum Thickness:** No multi-family sign shall be less than four and one-half inches (4-½") between vertical face planes.



- D. **Subdivision Monument Signs** – The regulations for subdivision monument signs are intended to allow residential developments to have large grand-entrance structures at the main entrances to a subdivision. All subdivision monument sign structures shall be constructed to avoid the creation of a sight visibility obstruction for vehicular traffic entering and exiting the subdivision. No more than two subdivision monument signs shall be allowed per subdivision entrance. No subdivision monument sign structure shall exceed ten (10') feet in height and the message area shall not exceed fifty (50) square feet.



Subdivision monument signs shall be allowed in accordance with Table 7-1. Subdivision monument signs shall not be located within a public right-of-way, except with the approval by the City Council of a *Right-of-Way Joint Use Agreement*. The maximum area, height, spacing and setbacks of a subdivision monument sign shall conform to the specifications contained in Table 7-2.

- E. **Traffic Directional Signs** – The purpose of a traffic directional sign is to guide vehicular traffic into or out of an institutional use or commercial business by identifying a public entrance and exit for vehicular traffic. No more than two traffic directional signs per entrance or exit shall be allowed in accordance with Table 7-1, provided additional traffic directional signs shall be allowed when located behind the building setback line. The maximum area and height of a traffic directional sign shall conform to the specifications contained in Table 7-2. No permit shall be required for a traffic directional sign, provided all such signs shall comply with the regulations contained in this section.

Section 7-155 Special Purpose Sign Districts & Regulations

The following special purpose sign districts are hereby created to provide additional signage provisions that due to special circumstances are not applicable to all locations within the city.

- A. **Freeway Overlay Zone** – The area situated within 250 feet from the right-of-way line of State Highway 121 shall be defined as the Freeway Overlay Zone for the purpose of this sign regulation.

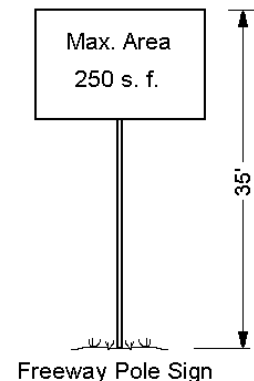
1. **Freeway Pole Signs:** The purpose of a freeway pole sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located for businesses located adjacent to State Highway 121. Freeway pole signs shall be subject to the following regulations.

- a. **Districts Permitted:** A freeway pole sign shall be allowed in zoning districts in accordance with Table 7-1, but only for when the sign is situated within the freeway overlay zone.

- b. **Maximum Number:** No more than one freeway pole sign and one general business sign shall be allowed for each lot.

- c. **Specifications:** The maximum area, height, spacing and setback of a freeway pole sign shall conform to the specifications contained in Table 7-2.

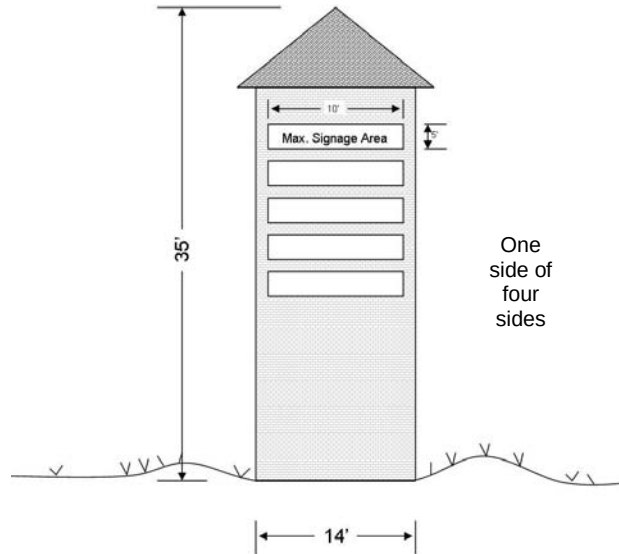
- d. **Changeable Reader Board:** A freeway pole sign may include a changeable reader board area, provided the combined gross surface area does not exceed the maximum allowable sign area and provided that no more than fifty (50%) percent of the maximum allowable sign area may be used as a changeable reader board area. A permit is not required to change the message on a changeable reader board. A changeable reader board may include an electronic message area.



- B. **Major Multi-Tenant Shopping Center Sign Areas** – A Special Purpose Sign District for a Major Multi-Tenant Shopping Center may be approved by the City Council provided the following minimum requirements are met. A Major Multi-Tenant Shopping Center shall include retail shopping centers that contain more than four (4) tenants and contain a minimum of 100,000 square feet of gross floor area for the purpose of this sign regulation.

1. **Major Shopping Center Landmark Signs:** The purpose of a major shopping center landmark sign is to identify a major shopping center and the name of a business, profession, service, product or activity conducted, sold or offered within the major shopping center. A landmark sign shall mean a free standing four-sided sign that provides an effective area for multi-tenant advertisement and shall only be permitted within a major multi-tenant shopping center area as defined above.

- a. *Permit:* A permit shall be required for a landmark sign upon the review and approval of the City Council.
- b. *Specifications:* All landmark signs shall comply with the following minimum requirements:
 - i. *Maximum Height:* Thirty five feet (35').
 - ii. *Maximum Base Dimensions:* Fourteen feet (14') by fourteen feet (14').
 - iii. *Maximum Effective Area of Signage:* Five feet (5') in height and ten feet (10') width.
 - iv. *Architectural Features:* Landmark signs shall be architecturally compatible to the principle building(s) on the property or overall architectural theme of a development. Decorative roof and wall design features, such as parapets, ridges, and eaves, etc. shall be incorporated into the design to provide visual interest. A flat roof line with no articulation is not permitted.
 - v. *Signage:* Signage for each tenant shall be uniform in size, color and method of construction.



Major Shopping Center Landmark Signs

Section 7-160 Permanent Freestanding Signs – Allowable Districts

No permit for a permanent freestanding sign shall be issued nor shall a permanent freestanding sign be constructed or displayed unless said sign is situated in a district authorized by Table 7-1 below:

Table 7 - 1 Allowable Districts for Permanent Freestanding Signs																	
Sign Classification	Permit Required (Y or N)	Residential Districts								Commercial Districts						Special Districts	
		R15	R20	R30	R40	RE	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML	AG	PUD
General Business Signs	Y									P	P	P	P	P	P		(1)
Freeway Pole Signs	Y									(2)	(2)	(2)	(2)	(2)	(2)		(2)
Institutional Signs	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Multi-family Signs	Y							P									(3)
Subdivision Monument Signs	Y	P	P	P	P	P	P	P	P								P
Traffic Directional Signs	N	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	P	P	P	P	P	P	P	(1)

Notes for Table 7-1:

- (1) Permitted where the PUD ordinance allows commercial uses
- (2) Permitted only in the Freeway Overlay Zone
- (3) Permitted where the PUD ordinance allows multi-family uses
- (4) Permitted for Institutional uses in the applicable districts

Legend: **P** = Sign permitted in this district

(1) = Sign permitted in this district per special footnote

Section 7-165 Permanent Freestanding Signs – Area, Height and Setback Requirements

No permit for a permanent freestanding sign shall be issued nor shall a permanent freestanding sign be constructed or displayed that exceeds the maximum area, height and minimum setback requirements contained in Table 7-2 below:

Table 7 - 2 Area, Height and Setback for Permanent Freestanding Signs						
Type of Sign	Maximum Sign Area	Maximum Sign Height	Minimum Front Property Line Setback (1)	Minimum Side Property Line Setback	Minimum Spacing B/T Next Free-Stand. Sign	Special Conditions
General Business Signs	112 s. f. (2)	8 ft. (2)	8 ft.	30 ft.	60 ft. (7)	1 per 250' street frontage
Freeway Pole Signs	250 s. f.	35 ft.	8 ft.	30 ft.	60 ft. (7)	1 per lot (3)
Institutional Signs (on-premises)	45 s f. (4)	5 ft.	8 ft.	30 ft.	60 ft.	1 per street frontage
Institutional Signs (off-premises)	16 s f.	5 ft.	none	none	none	Maximum of two signs
Multi-family Signs	25 s. f.	5 ft.	8 ft.	30 ft.	60 ft.	1 per street frontage
Subdivision Monument Signs	(8)	10 ft.	0 ft.	0 ft. (5)	n/a	Maximum 2 per entrance
Traffic Directional Signs (6)	6 s. f.	30 inches	0 ft.	0 ft.	0 ft.	2 per curb cut

Notes for Table 7-2:

- (1) Any street frontage shall be considered a front property line
- (2) Maximum structure size.
- (3) Only permitted within 250 feet of Hwy. 121 right-of-way.
- (4) An on-premises Institutional Sign located in a non-residential zoning district may be constructed in accordance with the General Business Sign regulations for the applicable zoning district.
- (5) Signs on a street island must be designed to permit appropriate driver visibility- joint use agreement required.
- (6) Spacing requirements for Freestanding Signs are not applicable to Traffic Directional Signs.
- (7) 100 feet between signs when signs are located on the same lot.
- (8) Maximum message area is 50 s.f.

Section 7-170 Permanent Attached Signs – General Conditions

- A. Permit – A permit shall be required prior to construction of any permanent attached sign, except where an exemption is specifically provided for in these regulations.
- B. Certificate of Occupancy Required – No permit for a permanent attached sign shall be approved, except where a business exists with a valid certificate of occupancy or where a certificate of occupancy has been submitted for the premises on which the sign is to be located.
- C. Construction Standards – The construction of all permanent attached signs shall comply with the structural requirements of the Colleyville building code.
- D. Illumination – A permanent attached sign may be illuminated, however, illuminated attached signs on rear building facades are prohibited. All electrical facilities shall require separate electrical permits and shall be installed in accordance with the City of Colleyville electrical code. Lighting shall be installed so as to avoid any glare or reflection onto adjacent property, or create a traffic hazard on a public street. When determined necessary by the enforcement official, illuminated signs shall be shielded to minimize glare on residentially zoned property.
- E. Pedestrian Clearance – No permanent attached sign may project over a pedestrian walkway, unless there is a minimum of eight (8') feet of clearance provided from the bottom of the sign to the grade below the sign.
- F. Public Right-of-Way – No permanent attached sign shall project over or into a public right-of-way, except where a provision in this Chapter provides for a sign within a right-of-way or with the approval by the City Council of a *Right-of-Way Encroachment and Joint Use Agreement*. A sign may encroach over or into a public access easement located on private property, provided a minimum of eight (8') feet of clearance is provided over a walkway and a minimum of fourteen (14') feet of clearance is provided over a driving area.

Section 7-175 Permanent Attached Signs – Classification and Regulations

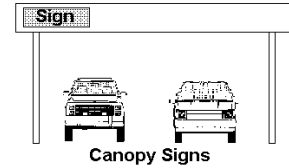
No permit for a permanent attached sign shall be issued nor shall a permanent attached sign be constructed or displayed unless said sign is in compliance with the sign classifications and standards contained in this Section and is situated in a district authorized by Table 7-3.

- A. Awning Signs – The purpose of an awning sign is to provide an advertising message on the face of an awning. An awning may extend across the entire width of a building or tenant space. An awning may extend above the apparent roof line of the building, provided the awning extends across seventy-five (75%) percent of the entire width of the building façade to which it is attached. An awning shall not exceed six (6') feet in height.

The sign area on an awning shall not exceed 20% of the area of the awning and shall extend for no more than 50% of the length of the awning. A permit shall be required for an awning sign. Awning signs may be illuminated.

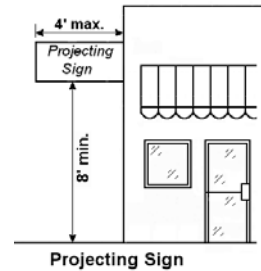


- B. Canopy Signs – A canopy sign shall be no greater in size than 20% of the face of the canopy of which it is a part or to which it is attached and shall not extend beyond the face of the canopy either vertically or horizontally. An illuminated strip may be incorporated into the canopy.



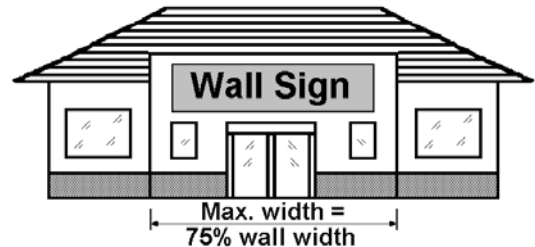
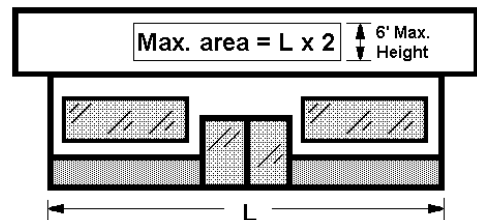
- C. Projecting Signs – The purpose of a projecting sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located by providing an advertising message that is perpendicular to the wall of the building to which it is attached. A projecting sign shall be allowed in zoning districts in accordance with Table 7-3 and shall comply with the following additional regulations:

1. *Number of Signs:* One (1) projecting sign shall be allowed for each single tenant building or for each tenant in a multi-occupancy structure. However, no tenant storefront shall have a projecting sign in combination with a wall sign on the same building elevation.
2. *Maximum Area:* A projecting sign shall not exceed twenty (20) square feet. The plane of the message area shall not exceed eighteen (18") inches from the plane of the message area on the opposite side of the sign.
3. *Horizontal Projection:* A projecting sign shall not project more than four (4') feet from any wall facing and shall not be closer than two (2') feet from a curb line. A projecting sign shall not extend above the apparent roof line of the building.
4. *Clearance:* Every projecting sign shall be a minimum of eight (8') feet above the grade over a walking area or fourteen (14') feet over a vehicular maneuvering area. Projection signs shall not project over any property line or right-of-way line.
5. *Illumination:* A projecting sign may be illuminated.

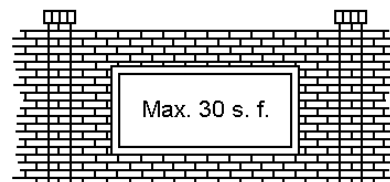


- D. Wall Signs - A wall sign shall only be allowed over the premises on which it advertises and may be illuminated; provided, illuminated wall signs on rear building facades are prohibited. Wall signs shall comply with the following additional regulations:

1. *Maximum Area:* The total area of all wall signs on a single tenant building or occupancy space of a multi-tenant building shall not exceed the product of two times the lineal width of the wall on which such signs are located. For purpose of this regulation, on multi-tenant buildings, the width of each lease space shall be used to calculate each sign width.
2. *Maximum Height:* Six feet (6'), provided that no wall sign shall extend above the wall to which it is attached.
3. *Maximum Width:* Seventy-five percent (75%) of the width of the wall area to which it is attached. When more than one wall sign is used, the combination of the sign widths, when placed side by side, shall not exceed seventy-five (75%) of the width of the wall to which they are attached.
4. *Horizontal Projection:* No wall sign shall project from the vertical plane of the wall more than eighteen inches (18").



- E. Subdivision Wall Signs or Plaques - Subdivision wall signs or plaques shall not exceed thirty (30) square feet in area. Subdivision wall signs or plaques are limited to two per



Subdivision Wall Plaque

subdivision entryway and may be illuminated. A subdivision wall sign or plaque shall be attached to a fence or screening wall. For purposes of this regulation, the size of the graphic and sign text shall be used to measure sign size.

Section 7-180 Permanent Attached Signs – Allowable Districts

No permit for a permanent attached sign shall be issued nor shall a permanent attached sign be constructed or displayed unless said sign is situated in a district authorized by Table 7-3 below:

Table 7 - 3 Allowable Districts for Permanent Attached Signs																	
Sign Classification	Permit Required (Y or N)	Residential Districts								Commercial Districts						Special Districts	
		R15	R20	R30	R40	RE	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML	AG	PUD
Awning Signs	Y									P	P	P	P	P	P		(1)
Canopy Signs	Y									P	P	P	P	P	P		(1)
Projecting Signs	Y									P	P	P	P	P	P		(1)
Subdivision Wall Signs or Plaques	Y	P	P	P	P	P	P	P	P							P	P
Wall Signs	Y									P	P	P	P	P	P		(1)

Notes for Table 7-3:

(1) Permitted where the PUD ordinance allows commercial uses

Legend: **P** = Sign permitted in this district

(1) = Sign permitted in this district
per special footnote

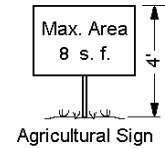
Section 7-185 Temporary Signs – General Conditions

- A. Permit – A permit approved by the enforcement officer prior to the construction or display of some classifications of temporary signs is required to determine compliance with these regulations and to establish the beginning and ending display periods.
- B. Certificate of Occupancy Required – No temporary sign shall be constructed or erected, except where a business exists with a valid certificate of occupancy or where a certificate of occupancy has been submitted for the premises on which the sign is to be located, unless a provision in this Section allows a sign to be displayed off-premises.
- C. Illumination – No temporary sign may be illuminated, except where a regulation provides for illumination. Lighting, where allowed, shall be installed so as to avoid any glare or reflection onto adjacent property, or create a traffic hazard on a public street. When determined necessary by the enforcement official, illuminated signs shall be shielded to minimize glare on residentially zoned property.

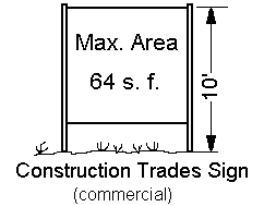
Section 7-190 Temporary Business Signs – Classifications & Number Allowed

No permit for a temporary sign shall be issued nor shall a temporary sign be constructed or displayed unless said sign is in compliance with the sign classifications and standards contained in this Section and is situated in a district authorized by Table 7-3. Where a provision exempts certain classifications of temporary signs from the permit requirement, said temporary signs shall comply with all other provisions for temporary signs.

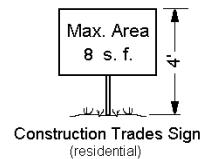
- A. **Agricultural Signs** – The purpose of an agricultural sign is to identify the temporary seasonal sales of produce, crops, animals or poultry that are produced or raised on the farm or ranch on which the sign is placed. An agricultural sign may be displayed in zoning districts in accordance with Table 7-4. One agricultural sign shall be allowed per lot, parcel or tract of land, provided the property contains a minimum of one (1) acre. The maximum gross surface area of the sign shall be eight (8) square feet. Agricultural signs shall have a maximum height of four (4') feet.



- B. **Construction Trades Signs** – The purpose of a construction trades sign is to denote the architect, engineer, financial institution or building trades contractor involved in a construction project. Construction trades signs shall be regulated as either commercial or residential, which shall be allowed in accordance with Table 7-4. The maximum area, height, spacing and setbacks of a Construction Trades Sign shall conform to the specifications contained in Table 7-5.

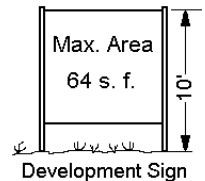


Construction trades signs shall not be erected until a building permit has been submitted for building construction and shall be removed upon completion of the construction project or occupancy of the structure, whichever is applicable. Construction trades signs shall not be illuminated. No permit or fee shall be required for a construction trades sign.



- C. **Development Signs** – The purpose of a development sign is to advertise a proposed residential subdivision or commercial project. A development sign shall be allowed in accordance with Table 7-4. A development sign shall not be illuminated. The maximum area, height, spacing and setbacks of a development sign shall conform to the specifications contained in Table 7-5. A permit shall be required for a development sign,

A development sign shall be removed when the project is 90% complete or within three years from start of construction, whichever is less. For the purpose of this provision, a subdivision shall be deemed 90% complete when 90% of the lots within the subdivision are sold.



- D. **Garage Sale Signs** – The purpose of a garage sale sign is to announce the sale of household possessions. Garage sale signs shall be allowed in any zoning district in accordance with Table 7-4. The maximum area, height, spacing and setbacks of a garage sale sign shall conform to the specifications contained in Table 7-5 and shall comply with the following additional regulations:

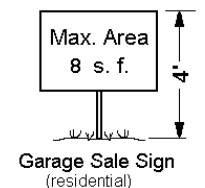
1. **Duration:** A garage sale sign shall not be posted more than twenty-four (24) hours prior to the beginning of the sale and shall be removed within twenty-four (24) hours following the end of the sale.

2. **Illumination:** A garage sale sign shall not be illuminated.

3. **Permit:** No permit or fee shall be required for any garage sale sign.

4. **Single-family residential on-premises:** One garage sale sign per street frontage shall be allowed, but only on the premises where the garage sale is being conducted and where there is an existing residential use.

5. **Neighborhood-wide garage sales:** Two garage sale signs per subdivision entrance shall be allowed for a neighborhood-wide garage sale sponsored by a homeowner's association (HOA). The garage sale sign may be off-premises from where the actual garage sale is conducted, but the sign shall be located on property, including a street right-of-way, that is within the limits of the homeowner's association. The HOA must be registered with the Colleyville Code Enforcement Department.

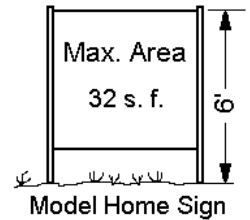


- E. **Missing Pet Signs** – The purpose of a missing pet sign is for the pet owner to alert the immediate area or neighborhood where the pet owner resides that a pet is lost or missing.

1. *Number of Signs:* There shall be no more than four (4) signs allowed per pet owner.
2. *Location of Signs:* Signs may be placed on the private property where the pet owner resides and within the following street rights-of-way: Rights-of-way at street intersections that are located within a 1,000 foot radius of the pet owner's residence. No signs may be placed upon any telephone poles.
3. *Duration:* missing pet sign(s) may be posted for a period of not more than ten days.
4. *Illumination:* A missing pet sign shall not be illuminated.
5. *Permit:* No permit or fee shall be required for any missing pet sign.
6. *Sign Dimensions and colors:* Signs shall be placed on the ground and shall not exceed four (4) feet in height and shall not exceed eight (8) square feet in area. The background and/or primary color of the sign shall be white.

F. Home Occupation Signs – (refer to Chapter 3 of the Land Development Code regarding Home Occupations).

G. Model Home Signs – The purpose of a model home sign is to provide advertising of a typical completed residential dwelling. A model home sign shall be allowed in any residential zoning district in accordance with Table 7-4, provided the sign and the model home are located in the subdivision being developed. Model home signs are limited to one per premises. A model home sign permit may not exceed a period of 24 months, provided if the model home is sold prior to the expiration of the 24 month period, the sign shall be removed when the sale is completed. The maximum area, height, spacing and setbacks of a Model Home sign shall conform to the specifications contained in Table 7-5.



H. Political Signs – A political sign shall be allowed in any zoning district. No political sign shall be attached to any utility, light, or traffic signal pole. A political sign shall not be illuminated. Political signs shall not be placed upon any property public owned property, but may be placed on any private property or within the public right-of-way adjacent to private property with the approval of the adjacent property owner, subject to the following additional regulations.

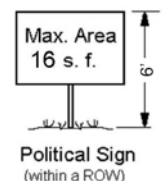
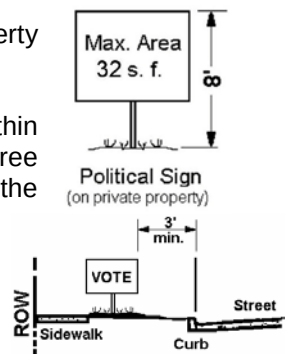
1. *Political Signs on Private Property* – A political sign situated on private property shall not exceed thirty-two (32) square feet, nor exceed eight (8) feet in height.

2. *Political Signs within a public right-of-way* – A political sign may be placed within the public right-of-way, provided no portion of the sign shall be closer than three (3) feet from the edge of the street pavement and further provided no part of the sign extends over any sidewalk. A political sign situated within a public right-of-way shall not exceed sixteen (16) square feet in area nor exceed six (6) feet in height.

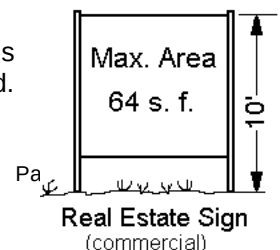
a. A political sign shall not be erected within a public right-of-way more than thirty (30) days prior to the date of the official election and shall be removed within seven (7) days after said election.

b. A political sign shall not be placed within a roadway median or block vehicular visibility.

3. No permit or fee shall be required for a political sign.

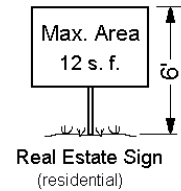


I. Real Estate Signs (Commercial) – The purpose of a commercial real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located.



A commercial real estate sign shall be allowed in accordance with Table 7-4. A commercial real estate sign shall not be illuminated. The maximum area and height of a commercial real estate sign shall conform to the requirements contained in Table 7-5. Commercial real estate signs shall be removed within seven (7) days following the completion of the sale, rental or lease of the premises. No permit or permit fee shall be required for a commercial real estate sign.

- J. **Real Estate Signs (Residential)** – The purpose of a residential real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located. A residential real estate sign shall not be illuminated. A residential real estate sign shall be allowed in a residential district in accordance with Table 7-4. The maximum area and height of a residential real estate sign shall conform to the requirements contained in Table 7-5. All signs shall be removed within seven (7) days following the completion of the sale, rental or lease of the premises. No permit or permit fee shall be required for a residential real estate sign.



- K. **Temporary Business Signs** – The purpose of a temporary business sign is to provide advertising for specific periods of time to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located.

1. **Requirements:** Temporary business signs shall conform to the following additional regulations:

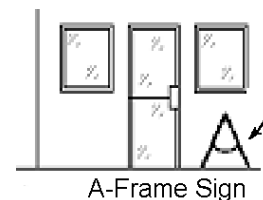
- Maximum number:** One per business occupancy holding a valid certificate of occupancy.
- Illumination:** None allowed.
- Permit Requirements:** A temporary business sign permit shall not be valid for more than 30 consecutive days and there shall be a thirty (30) day non-display period between permits. No more than three temporary business sign permits shall be issued per calendar year per business occupancy.
- Permit Fee:** A permit fee shall be charged for a temporary business sign. The permit fee shall be established by City Council.
- Districts Allowed:** Temporary business signs shall be allowed in zoning districts in accordance with Table 7-4.

2. **Types of Temporary Business Signs:** A business tenant may choose any one of the following types of sign structures:

- Flexible Banner Signs:** Banners shall be kept in good repair and remain firmly anchored or secured to the face of the building or may be suspended below the apparent lower edge of an overhanging covered walkway, provided the banner is firmly secured to the columns supporting the building. A flexible banner sign may not be freestanding. A flexible banner sign shall not exceed fifty (50) square feet nor exceed six (6) feet in height.
- A-Frame Signs:** The purpose of an A-frame sign is to provide temporary advertising during business hours of a commercial occupancy.

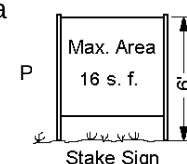
- (1). **Maximum height and area shall conform to the following table:**

Maximum heights and areas of A-Frame Signs		
	Max. Area	Max. Height
Located on a sidewalk	8 s. f.	4 feet
Located in a yard	24 s. f.	6 feet



- (2). **Time duration:** Only displayed during business hours.

- (3). **Placement:** Only allowed on private property, but may be located on a



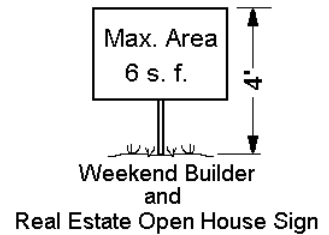
public sidewalk, provided a width of four feet (4) shall remain free from intrusion.

- c. *Stake Signs:* A stake sign shall not exceed sixteen (16) square feet, nor exceed six (6) feet in height.

- L. **Weekend Builder / Real Estate Open House Signs** – The purpose of Weekend Builder / Real Estate Open House Signs is to assist the general public by providing direction to available residential properties in Colleyville. Signs that advertise developments located outside the corporate limits of Colleyville shall be prohibited.

1. **Open House Sign Definition:** A means of advertising and marketing a property that is for sale. A period of time during which a builder, developer, or real estate agency markets the home by inviting buyers in for a public viewing to see the interior without making an appointment.

2. Weekend builder / real estate open house signs may be placed on private property or in the public right-of-way with the approval of the adjacent property owner, provided the advertiser has a valid annual permit required by these regulations. Signs placed within the public right-of-way shall be situated not more than five (5) feet from the right-of-way line and shall be no closer than three (3) feet from the edge of the sign to the edge of the street pavement. No weekend builder / real estate open house sign shall block vehicular visibility. Approval of an annual permit does not grant unlimited access or use of the public right-of-way, therefore, it shall be the responsibility of the builder, owner, or real estate agency to secure permission of the property owner for placement of the signs on private property or in the adjacent street right-of-way.



Open house signs shall not be posted within visibility triangles. No sign shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25') feet back from the property corner along both streets. Within this triangle, vision shall be clear at elevations between thirty inches (30") and nine feet (9') above the average curb grade.

3. A builder, developer, or real estate agency must be registered with the City of Colleyville to qualify and participate as a weekend advertiser or for open house signs. An annual permit is required for each builder, developer or real estate agency, which shall expire on December 31 each year. The permit fee shall be established by separate ordinance approved by the City Council.

Note: For purpose of this regulation a real estate agency shall be defined as the real estate broker or owner holding a franchised agency.

4. A weekend builder / real estate open house sign shall not exceed six (6) square feet in area and four (4) in height. No sign shall be placed on trees, utility poles, traffic control signs or within a street median or encroach over a sidewalk.
5. *Maximum number of Weekend Builder Signs:* The maximum number of signs displayed at any one time for a weekend builder shall not exceed twenty (20) signs for any subdivision.
6. *Maximum number of Real Estate Open House Signs:* The maximum number of signs displayed at any one time for a real estate agency shall not exceed twenty (20) signs, provided no more than two (2) signs shall be displayed within the right-of-way for any single residential property. One (1) on-site open house sign shall be located on the premises of the open house for property identification. The sign shall be in accordance with the open house sign maximum effective area specifications. The house shall be open for a public viewing to see the interior without making an appointment for the entire period during which open house signs advertise the property. Real estate open house signs shall be limited to directing traffic to an open house.

All open house signs shall include the open house address, open house date(s), and open house public viewing time(s). Open house viewing times shall refer to the availability of the public to view

the interior of a home without making an appointment. The information shall be located on the advertising surface of the sign and shall not be attached to the pole of the sign.

7. Weekend builder signs may be exhibited from 12:00 noon on Friday till 12:00 noon on the following Monday. Open house signs may be exhibited only between the hours of 12:00 midnight Friday to 12:00 midnight on the following Sunday. A holiday falling on a Friday or a Monday will be considered as part of the weekend.

- M. Window Signs - Window signs may be placed so as not to obscure more than 25% of the visible window area. Where multiple windows exist, fronting on the single elevation, the 75% visibility shall be maintained for the total window area on said elevation.
- N. Temporary Construction Entrance Signs – The enforcement official is hereby authorized to approve temporary signs to direct traffic to the entrance of a commercial business when the driveway that provides access to the business or the street immediately abutting the business is under construction.

Section 7-195 Temporary Signs – Permitted Districts

No temporary sign shall be displayed unless said sign is situated in a district authorized by Table 7-4.

Table 7-4 Permitted Districts for Temporary Signs																	
Sign Classification	Permit Required (Y or N)	Residential Districts								Commercial Districts						Special Districts	
		R15	R20	R30	R40	RE	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML	AG	PUD
Agricultural Signs	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Special Event Signs	N	See Section 7-205															
Construction Trades Signs (Commercial)	N									P	P	P	P	P	P		(1)
Construction Trades Signs (Residential)	N	P	P	P	P	P	P	P	P							P	(2)
Development Signs	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garage Sale Signs (3)	N	P	P	P	P	P	P	P	P	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)
Missing Pet Signs	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home Occupation Signs	N	See Home Occupations in Chapter 3 of the Land Development Code															
Model Home Signs	Y	P	P	P	P	P	P	P								P	(2)
Pole Banners	Y	See Section 7-205.E															
Political Signs	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)
Real Estate Sign (Commercial)	N									P	P	P	P	P	P		(2)
Real Estate Sign (Residential)	N	P	P	P	P	P	P	P	P							P	(1)
Temporary Business Signs	Y									P	P	P	P	P	P		(1)
Banner Signs	Y	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	P	P	P	P	P	P		(1)
A-Frame Signs	Y									P	P	P	P	P	P		(1)
Stake Signs	Y									P	P	P	P	P	P		(1)
Weekend Builder / RE Signs	Y	See Section 7-190.K															

Notes for Table 7-4:

(1) Permitted where the PUD ordinance allows commercial uses.

(2) Permitted where the PUD ordinance allows residential uses.

Legend

P = Sign permitted in this district

(3) Property must contain a residential use.

(1) = Sign permitted in this district
per footnote

(4) Where an Institutional use occupies the premises

Section 7-200 Temporary Signs – Area & Setback Requirements

All temporary signs shall be constructed in accordance with the requirements listed in Table 7-5:

Table 7-5 Maximum Area, Height and Setback of Temporary Signs					
Type of Sign	Max. Area	Max. Height	Front Property Line Setback	Side Property Line Setback	Special Conditions
Agricultural Signs	8 s. f.	4 ft.	none	none	one acre lot min.
Community Special Events Signs	See Section 7-205 for regulations				
Construction Trades Signs (Commercial)	64 s. f.	10 ft.	none	none	none
Construction Trades Signs (Residential)	8 s. f.	4 ft.	none	none	none
Development Signs	64 s. f.	10 ft.	none	none	none
Garage Sale Signs (single-family residential)	8 s. f.	4 ft.	none	none	1 per frontage
Garage Sale Signs (neighborhood-wide)	32 s. f.	6 ft.	none	none	2 per subdivision entrance
Missing Pet Signs	8 s. f.	4 ft.	none	none	4 signs max. allowed on pet owner's property and in ROW at street intersections within 1,000 foot radius of pet's home
Model Home Signs	32 s.f.	6 ft.	none	none	24 months
Pole Banners	See Section 7-205.E for regulations				
Political Signs (on private property)	32 s. f.	8 ft.	none	none	none
Political Signs (within a public right-of-way)	16 s. f.	6 ft.	none	none	none
Real Estate Signs (Commercial)	64 s. f.	10 ft.	none	none	none
Real Estate Signs (Residential)	12 s. f.	6 ft.	none	none	none
Temporary Business Signs					
<i>Banner Signs</i>	50 s. f.	6 ft.	none	none	3 permits per calendar year / 30 days between permits / permits valid for 30 days
<i>A-Frame Signs (Located in a yard)</i>	24 s. f.	6 ft.	none	none	
<i>A-Frame Signs (Located on a sidewalk)</i>	8 s. f.	4 ft.	none	none	
<i>Stake Signs</i>	16 s. f.	6 ft.	none	none	
Weekend Builder / Real Estate Open House Sign	See Section 7-190.K for regulations				

Section 7-205 Temporary Community Special Event Signs

The purpose of this regulation is to provide temporary advertising for certain community special events sponsored by public and quasi-public agencies, churches and other religious institutions located within the corporate limits of the City of Colleyville. Signs shall be allowed in accordance with the following:

A. Qualifying Entities – The following public and semi-public agencies, churches and other religious institutions located within the corporate limits of the City of Colleyville shall be permitted to have community special event signs in accordance with the provisions of this section.

1. *City of Colleyville*: Signs advertising an event conducted and sponsored by the City of Colleyville may be placed on any private property or in the public right-of-way adjacent to the private property with the approval of the adjacent property owner. Signs placed within the public right-of-way shall be situated not more than five (5) feet from the right-of-way line and shall not block vehicular visibility.
2. *Public and Semi-Public Schools*: Signs advertising an event conducted and sponsored by a public or semi-public school may be placed on property owned by the public or semi-public school or within the adjacent right-of-way. Signs placed within the public right-of-way adjacent to property owned by the public or semi-public school shall be situated not more than five (5) feet from the right-of-way line and shall not block vehicular visibility.
3. *Colleyville Area Chamber of Commerce*: Signs advertising the Colleyville Business Expo sponsored by the Colleyville Area Chamber of Commerce may be placed on any private property or in the public right-of-way adjacent to the private property with the approval of the adjacent property owner. Signs placed within the public right-of-way shall be situated not more than five (5) feet from the right-of-way line and shall not block vehicular visibility.
4. *Churches and Other Religious Institutions*: Signs advertising an event conducted and sponsored by a church or other religious institution located within the corporate limits of the City of Colleyville may be placed only on the premises where the event is located or within the public right-of-way adjacent to the premises where the event is located. Signs placed within the public right-of-way shall be situated not more than five (5) feet from the right-of-way line and shall not block vehicular visibility.
5. *Non-Profit Civic Organizations Not Listed Above*: For the purpose of this section, a non-profit civic organization shall be a not-for-profit community organization that has as its primary objective charitable fundraising, community betterment or youth sports promotion and participation. Signs advertising an event conducted and sponsored by a non-profit civic organization may be placed on any private property or in the public right-of-way adjacent to the private property with the approval of the adjacent property owner. Signs placed within the public right-of-way shall be situated not more than five (5) feet from the right-of-way line and shall not block vehicular visibility. Sign dimensions shall be consistent with the provisions of Section “B(3) and (4)” below. Directional signs may be placed no sooner than 24 hours prior to the event and shall be removed no later than 24 hours after the conclusion of the event.

B. Types and Maximum Area of Signs Allowed – The following types of community special event signs shall be allowed, provided the sign does not exceed the maximum area and height established below.

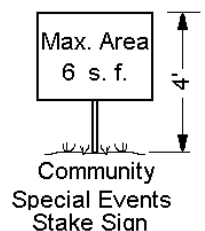
1. *Flexible Banner Signs*: Banners shall be kept in good repair and remain firmly anchored or secured to the face of the building or may be suspended below the apparent lower edge of an overhanging covered walkway, provided the banner is firmly secured to the columns supporting the building. A flexible banner sign may be freestanding. A flexible banner sign shall not exceed fifty (50) square feet nor exceed six (6) feet in height.



2. *Stake Signs*: Signs shall not exceed six (6) square feet in area nor exceed four (4) feet in height.

3. *Exceptions to Stake Sign Requirements for Non-Profit Civic Organizations*: Stake signs for non-profit civic organizations shall adhere to the stake sign location and size requirements for political signs found in Section 7-190(H)(1) and (2).

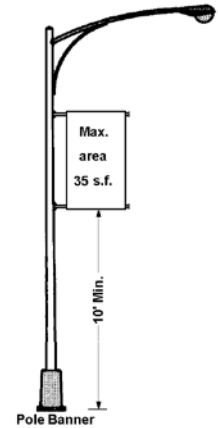
4. *Banner Sign Requirements for Non-Profit Civic Organizations*: There shall be no size restrictions for banner signs until June 30, 2012. Thereafter, banner sign dimensions shall conform to the requirements of Section B(1) above.



- C. Time Duration – Signs for City of Colleyville sponsored events may be erected for any length of time. All other signs allowed under this section may be erected 21 days prior to the activity and shall be removed not later than the first business day after the event.

D. Pole Banner Signs

1. *Pole Banners:* The purpose of a pole banner sign is to provide advertising for a community event. Pole banners may be erected on utility and other designated poles within the public right-of-way subject to the following restrictions:
2. *Permit:* A permit is required from the building permit office and may only be issued to a non-profit organization for the purpose of advertising a function or event to which the general public is invited in Colleyville. Applications shall be considered on a first-come, first-served basis.
3. *Permit Duration:* No permit shall be approved for a period exceeding twenty-one (21) consecutive days. The pole banners shall be removed on the first business day after the last day of the event.
4. *Commercial Message:* A pole banner may only advertise the name, date, phone number and website of the community event. Any commercial message of a sponsor is limited to twenty-five percent (25%) of the sign area.
5. *Maximum area and height:* Thirty-five (35) square feet in area per pole and thirty-five feet (35') from the ground, provided the banner maintains a minimum of ten feet (10') of clearance between the bottom of the pole banner and the ground.
7. *Location:* Pole banners may be installed only on poles identified by the City that include the appropriate hardware for such installation.



- E. Permit – Other than events sponsored by the City of Colleyville, a temporary sign permit shall be obtained prior to the placement of any signs allowed by this section.

Section 7-210 Special Advertising Provisions

- A. Grand Openings – The purpose of the grand opening signage provision is to allow the enforcement official to issue a permit to a new business, or to a business that has substantially remodeled, as defined herein, for the purpose of obtaining special advertisement signage for a temporary period. The following regulations apply to grand opening sign permits:
1. *Eligibility:* Upon issuance of a certificate of occupancy and within one year thereafter, a business shall be allowed to receive a grand opening sign permit when one of the following conditions applies:
 - a. When a certificate of occupancy has been issued to the new business, or
 - b. When a certificate of occupancy has been issued to an existing business, which has substantially remodeled and the cost of the renovation exceeds sixty (60) percent of the current value of the building, or lease-space, excluding the value of the land, according to the most recently approved tax roll.
 2. *Allowable Signs:* Signs may include a combination of pennants, tethered or inflatable balloons, and one (1) temporary business sign. The height and area of such signs shall be limited to the applicable regulations for the sign classification. A temporary business sign may be placed off-premises with the permission of the property owner during the period of the grand opening sign permit. The permit holder shall be the responsible party for compliance with the grand opening sign permit regulations.
 3. *Permit:* A permit shall be required for a business to utilize the grand opening signage provisions. No permit fee shall be required for a grand opening sign permit. The use of a grand opening sign permit

shall have no effect on the number of subsequent temporary sign permits that may be authorized for a business occupancy.

4. **Duration:** A grand opening sign permit shall be valid for a period not to exceed sixty (60) consecutive calendar days

Exception: A permit for a search light shall be a separate permit and not be granted any rights authorized under the grand opening provisions of this Section.

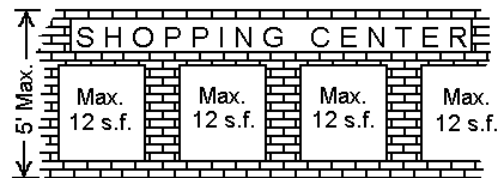
- B. **Search Lights** – A search light may be used as a sign in any non-residential zoning district. A search light shall be located a minimum of 50 feet from any public right-of-way and positioned so that all beams of light emitted have a minimum angle of 30 degrees from grade level. A search light may not generate light of an intensity in excess of 1,600 million foot candle power. No more than four beams of light may be projected from any premises. All search lights must be designed and maintained so as to prevent any light from being directed at any portion of a street or adjoining property. No light emitted shall be of such intensity to cause impairment of the vision of the driver of any vehicle upon a public right-of-way or private roadway. No search light may be operated between the hours of 11:00 P.M., and 7:00 A.M.

1. **Permit:** A permit shall be required to place a search light at a business location.
2. **Duration:** Permits for search lights shall be limited to periods of seven (7) consecutive days and permits shall be limited to one per premises for each 6 month period.

- C. **Major Shopping Center Overlay Zone** – The purpose of a major shopping center overlay zone is to reduce the overall number of signs situated along a public street by providing shared advertising privileges within a major development and by providing off-premises advertising alternatives for businesses located on lots which do not have frontage along a major public transportation thoroughfare. Developments which satisfy the criteria contained in this Section shall qualify for the sign provisions contained in this Section.

1. **General Qualification Criteria:** A commercial development which has a single or multi-occupancy building containing a minimum of one hundred thousand (100,000) square feet of floor area and situated on a single platted lot or on two or more contiguous platted lots shall qualify as a major shopping center. In addition to those lots which satisfy the general qualification criteria described in this paragraph, any adjacent or non-adjacent lots platted within the development that are platted under the same subdivision name shall also be eligible for the sign provisions contained in this Section.
2. **Shared and Off-Premises Signage Privileges:** A lot located within the limits of a major shopping center overlay zone may contain a sign that advertises a single or multi-tenant business occupancy located on another lot within the same major shopping center overlay zone, provided that the sign structure complies with the regulations applicable to the classification of sign constructed.

3. **Major Shopping Center Entry-Wall Signs and Plaques:** The purpose of a major shopping center entry-wall sign and plaque is to identify a major shopping center and the name of a business, profession, service, product or activity conducted, sold or offered within the major shopping center. Two sign structures shall be allowed per vehicular entrance and may be illuminated. The maximum height of the entry-wall structure shall not exceed five (5) feet. The maximum area of a sign plaque shall not exceed twelve (12) square feet. There shall be a minimum of three (3) feet spacing between sign plaques.



Major Shopping Center
Entry-Wall Sign and Plaque

4. **Permit:** A permit shall be required for a major shopping center entry-wall sign.

Section 7-215 Prohibited Signs

The signs described in this Section shall be prohibited within the corporate limits of the City of Colleyville.

- A. Off-Premises Signs – Off premises signs, including billboards, are prohibited in the City of Colleyville, except where specifically allowed by these regulations.
- B. Obscene Signs – It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.
- C. Portable Signs – No person shall erect or allow to be displayed on the premises owned or controlled by him a portable sign. No person shall attach any sign to a trailer, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. A temporary sign allowed by these regulations may be constructed on skids where there is no opportunity for the sign supports to be installed in the ground.
- D. Roof Sign – Signs mounted on roofs or above a parapet are not permitted.
- E. Painting, Marking, Attaching, Materials to Streets, Sidewalks, etc. – No person shall attach any sign, whether consisting of paper, plastic, or paint, or stencil or write any name, number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, whether public or private, utility pole, public building, fence or structure except as allowed by the sign code.
- F. Attaching Signs to Fences or Utility Poles – No person shall attach a sign to a fence or a utility pole, except a small sign identifying the name of the fence company not discernable from the street.
- G. Moving and Flashing Signs – No person shall erect or allow to be displayed upon premises owned or controlled any illuminated, animated, moving or flashing sign.

Exception: Only a sign, which has illumination, that is turned on and off, changes in light intensity, color or copy, at a rate equivalent to, or no more often than once every five (5) minutes, is permitted. It is further provided that a sign, which uses illumination to provide time of day and/or temperature, only shall not constitute a flashing sign.

- H. Balloons and Inflatable Advertising – No person shall erect or allow to be displayed as a sign, any balloon, flag, pennant or other floating or inflatable advertising device anchored to the ground or to any other structure, except as allowed by a grand opening sign permit.
- I. Non-Combustible Material – Any sign with either direct or indirect illumination which is attached to the sign shall be constructed of non-combustible materials. Such signs shall be supported by non-combustible supports.
- J. Simulation of Traffic Control Signs – No sign shall obstruct the free and clear vision at any location, where as a result of the position, size, movement, shape, color, fashion, manner or intensity of illumination or any other characteristics, such sign may interfere with vehicular or pedestrian traffic. Nor shall any person erect or allow to be displayed upon premises owned or controlled by him any sign in such a manner as to interfere with, obstruct the view of or be confused with, any authorized traffic sign, signal, or device, including, without limitation, signs making use of the words "stop," "go," "look," "slow," "danger," or any other similar word, phrase, symbol or character, or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.
- K. Non-Defined Signs – No person shall erect or allow to be displayed upon premises owned or controlled by him any sign that is not specifically allowed by this Chapter.

Section 7-220 Sign Maintenance

No person shall allow a sign located on a premises owned by him, or which he has control of, to display or contain any of the following defects or conditions:

- A. where the elements of the surface or background can be seen as viewed from the intended viewing distance to have portions of the finished material flaked, broken off, missing or otherwise not in harmony or consistency with the rest of the surface; or
- B. where the structural supports or frame members are visibly bent, broken, dented, deteriorated or torn; or
- C. where a panel is visibly cracked or in the case of wood and other similar products, splintered in such a way as to constitute unsightly or harmful conditions-, or
- D. the sign, or its elements are twisted leaning or at angles other than those at which it was originally erected; or
- E. where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or
- F. where the sign or its elements are not in compliance with the requirements of any building, electrical, sign or other type of code construction standards adopted by the City of Colleyville.

Section 7-225 Enforcement

- A. Authority - The enforcement official is hereby authorized and directed to enforce all the provisions of this Chapter.
- B. Right of Entry - Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, the enforcement official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the enforcement official by this Chapter, provided that if such building or premises is occupied, he shall first present proper credentials and request entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the enforcement official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
- C. Removal of Certain Signs Upon Notice – When a sign is constructed or erected in violation of these regulations, the property owner and/or tenant shall be given notice to remove said sign or alter said sign so as to comply with the regulations contained in this Chapter. Notice shall require compliance with these regulations within not more than ten (10) days from the date notice is served. Notice may be hand delivered or deposited in the United States mail, addressed to the property owner at the address shown on the most current tax roll of the City, or the tenant as shown on the utility billing records of the City. If the owner cannot be found, or if the notice is refused, or if the notice is returned by the United States Postal Service, then the owner may be notified by posting notice on or near the front door of each building on the premises where the violation exists at least ten (10) days prior to further action or by posting notice on a placard attached to a stake driven into the ground on the premises where the violation exists at least ten (10) days prior to further action.

EXCEPTION: Illegal Temporary Signs – The enforcement official is hereby authorized to remove without notice any illegal temporary signs placed on public property or within a right-of-away. Such signs shall be impounded and may be destroyed by the City.

- D. Dilapidated or Deteriorated Signs – Upon determination by the enforcement official that a sign is in a dilapidated or deteriorated condition or declared unsafe, dangerous or poses a threat to the safety of the general public, the enforcement official shall give notice of said determination to the owner of the property on which the sign is erected. Said notice shall specify a time period of not more than ten (10) days in which said dilapidated or deteriorated condition must be corrected.
 - 1. Failure by the owner of the property to correct the dilapidated or deteriorated sign or remove the same within the time provided in the notice shall constitute a violation of this Chapter.

2. When a property owner, agent, or tenant fails to abate a sign declared to be unsafe and dangerous within the time period allowed, the enforcement official is hereby authorized to contract for such work to abate the unsafe or dangerous condition and charge the property owner for the costs of such abatement. If the actual charges to the City are not paid within thirty (30) days, the City shall file a lien against the property.
3. A sign which has been substantially destroyed or dismantled for any purpose other than maintenance operations or for changing letters, symbols or other matters on the sign. The sign shall be deemed to be substantially destroyed or dismantled if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.

Section 7-230 Nonconforming Signs

A sign which does not conform to the regulations prescribed in this Chapter and existed lawfully on the date of adoption of this Chapter, or amendment hereto, shall be declared a nonconforming sign and may exist in its present form. A nonconforming sign may be maintained, but shall not be altered, or moved unless a permit be issued pursuant to the provisions of this Chapter. The right to continue a nonconforming sign shall cease and such shall be removed whenever:

- A. A sign is altered, moved or relocated without a permit pursuant to the provisions of this Chapter.
Exception: A sign face of a nonconforming sign may be replaced, provided no alterations to the sign structure are made.
- B. A sign is destroyed and the cost to repair exceeds 60% of the replacement cost on the date of the damage.
- C. A sign leans such that an angle between the sign and the ground is 75 degrees or less.

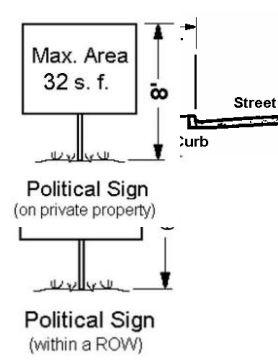
Section 7-235 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-02-1321	01/15/2002	Community Special Event Signs
O-02-1353	08/07/2002	Grand Opening Signs
O-03-1428	11/18/2003	Revision of entire chapter
O-04-1456	04/06/2004	Political sign revisions
O-08-1657	02/05/2008	Landmark Signs
O-08-1684	07/01/2008	Prohibited Signs
O-08-1685	07/01/2008	Weekend Builder/Real Estate Open House Signs revisions
O-09-1719	06/02/2009	Electronic Sign Regulations revisions
O-10-1742	02/16/2010	Temporary Sign Revisions

Mark-up of Chapter 7 – Sign Regulations, Section 7-190(H) – Political Signs

- H. Political Signs – A political sign shall be allowed in any zoning district. No political sign shall be attached to any utility, light, traffic signal pole. A political sign shall not be illuminated. ~~Political signs shall not be placed upon any property public owned property, but may be placed on any private property or within the public right-of-way adjacent to private property with the approval of the adjacent property owner.~~ (This provision has been revised and listed in (3)(b) below.) Political signs shall be subject to the following additional regulations.

1. Political Signs on Publicly Owned Property – A political sign shall not be placed upon any publicly owned property including but not limited to City parks, City facilities, school district property, or state or federally owned property, except for the following:
 - a. Said political sign(s) shall be placed in the perimeter landscaped area on the subject property being used as a polling location in accordance with Texas Election Code Section 61.003 or 85.036;
 - b. Said political sign(s) shall not exceed four (4) square feet in area;
 - c. Said political sign(s) shall be attached to a metal stake, not to exceed a 9 gauge diameter, driven into the ground;
 - d. Said political sign(s) shall not encroach upon any tree roots, irrigation lines, and any other underground vegetation, or structure;
 - e. Said political sign(s) shall not extend over any sidewalk, street, or driveway;
 - f. Said political sign(s) shall not be placed within 30 feet of an identical sign(s);
 - g. Said political sign(s) may be placed beginning 48 hours prior to the first day of the early voting period, and must be removed no later than three (3) days after early voting of said election, unless the polling location for Election Day is held in the same location as early voting, then the signs shall be removed by 10:00 a.m. on the day following the election;
 - h. For a location used for Election Day only, said political sign(s) shall be placed beginning at 6:00 a.m. on Election Day, and shall be removed by 10:00 a.m. on the day following the election.
2. *Political Signs on Private Property* – A political sign situated on private property shall not exceed thirty-two (32) square feet, nor exceed eight (8) feet in height.
3. *Political Signs within a public right-of-way* – A political sign may be placed within the public right-of-way, provided no portion of the sign shall be closer than three (3) feet from the edge of the street pavement and further provided no part of the sign extends over any sidewalk. A political sign situated within a public right-of-way shall not exceed sixteen (16) square feet in area nor exceed six (6) feet in height.
 - a. A political sign shall not be erected within a public right-of-way more than thirty (30) days prior to the date of the official election and shall be removed within seven (7) days after said election.
 - b. A political sign shall not be placed on any private property, or within public right-of-way adjacent to private property without the private property owner approval.
 - c. A political sign shall not be placed within a roadway median or block vehicular visibility.
4. No permit or fee shall be required for a political sign.

ORDINANCE O-14-1932

AMENDING CHAPTER 7 - SIGN REGULATIONS OF THE LAND DEVELOPMENT CODE, REGARDING POLITICAL SIGNS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City Council of the City of Colleyville desires to amend certain portions of the Land Development Code regarding political signs; and

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

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

Sec. 1. THAT Section 7-190 (H) – Political Signs, of Chapter 7 - Sign Regulations, of the Land Development Code, is hereby amended in its entirety to read as follows:

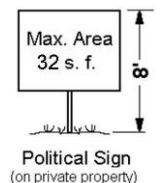
H. Political Signs – A political sign shall be allowed in any zoning district. No political sign shall be attached to any utility, light, or traffic signal pole. A political sign shall not be illuminated. Political signs shall be subject to the following additional regulations.

1. *Political Signs on Publicly Owned Property* – A political sign shall not be placed upon any publicly owned property including but not limited to City parks, City facilities, school district property, or state or federally owned property, except for the following:

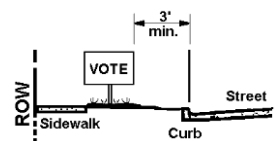
a. Said political sign(s) shall be placed in the perimeter landscaped area on the subject property being used as a polling location in accordance with Texas Election Code Section 61.003 or 85.036;

- b. Said political sign(s) shall not exceed four (4) square feet in area;
- c. Said political sign(s) shall be attached to a metal stake, not to exceed a 9 gauge diameter, driven into the ground;
- d. Said political sign(s) shall not encroach upon any tree roots, irrigation lines, and any other underground vegetation, or structure;
- e. Said political sign(s) shall not extend over any sidewalk, street, or driveway;
- f. Said political sign(s) shall not be placed within 30 feet of an identical sign(s);
- g. Said political sign(s) may be placed beginning 48 hours prior to the first day of the early voting period, and must be removed within three (3) days after early voting of said election, unless the polling location for Election Day is held in the same location as early voting, then the signs shall be removed by 10:00 a.m. on the day following the election;
- h. For a location used for Election Day only, said political sign(s) shall be placed beginning at 6:00 a.m. on Election Day, and shall be removed by 10:00 a.m. on the day following the election.

2. *Political Signs on Private Property* – A political sign situated on private property shall not exceed thirty-two (32) square feet, nor exceed eight (8) feet in height.

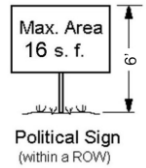


3. *Political Signs within a public right-of-way* – A political sign may be placed within the public right-of-way, provided no portion of the sign shall be closer than three (3) feet from the edge of the street pavement and further provided no part of the sign extends over any sidewalk.



A political sign situated within a public right-of-way shall not exceed sixteen (16) square feet in area nor exceed six (6) feet in height.

- a. A political sign shall not be erected within a public right-of-way more than thirty (30) days prior to the date of the official election and shall be removed within seven (7) days after said election.



- b. A political sign shall not be placed on any private property, or within public right-of-way adjacent to private property without the private property owner approval.
- c. A political sign shall not be placed within a roadway median or block vehicular visibility.

4. No permit or fee shall be required for a political sign.

- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 5. THAT this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16th day of September 2014.

The second reading and public hearing being conducted on the 6th day of October 2014.

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

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 10/06/2014

Number Ordinance O-14-1933

Type Ordinance

Department Community Development

Title

Approval of amendments to Chapter 5 - Tree Preservation of the Land Development Code

Explanation

Second Reading and Public hearing

There were no speakers at the September 16, 2014 meeting.

Based on discussion at the September 16, 2014 meeting, staff has made the following modifications:

Section 5.10(A)1b - The following underlined clarification has been added regarding the exemption status of a single family resident on properties that are larger than two acres where more than five protected trees are proposed for removal: *"For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require the resident to comply with the mitigation and preservation provisions of this chapter if it is deemed that an attempt to "clear-cut" all or a portion of the property in being made where no new accessory building, pool, building addition or other similar construction, not involving a principal permitted use, is being proposed as part of a submitted active building permit application."*

Section 5.10(B)2b - Given City Council discussion concerning the possible exemption of residential driveways at the September 16, 2014 meeting, staff has added the following language under exempted areas for "new residential subdivisions that include public or private street dedications" and for "existing platted residential lots and new residential subdivisions with no new public or private street dedications": *"Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting."*

Section 5.11(B)6 - A phone number requirement for site signage has been added as follows in the underlined portion of the text: *"All trees located within an orange fenced area are considered protected. To report any tree protection violations, please contact*

(phone number designated by the Administrative Official)"

Additionally, staff has added language related to sign design and dimensions as follows: *"Lettering shall be a minimum of 8 inches in height, shall be legible and able to be read from a passing vehicle on any adjacent roadway. The sign dimensions shall, at a minimum, be five feet in width and height. The overall sign height shall be a minimum of eight (8) feet in height measured from the ground to the top of the sign. The sign colors shall be as follows: lettering shall be black, the sign background shall be fluorescent green."*

Section 5.12(A)1 - Based on comments received from the City's third party landscape architect that performs reviews of tree preservation plans, it was recommended that the planting requirements for ornamental trees be set at a minimum of three (3) inches in caliper width. This is due to the fact that, unlike medium and large trees, ornamental trees cannot be purchased at a size that is larger. Therefore, staff has amended this section to require ornamental tree plantings at a minimum of three (3) inches in caliper width with medium and larger tree plantings to be a minimum of six (6) inches in caliper width. This section now reads as follows:

"All medium and large, and palm replacement trees shall be a minimum of six inches (6") diameter when measured one foot (1') above the soil line and a minimum of 12 feet in height when planted. All screening and ornamental trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight (8) feet in height when planted."

Examples-

a. A total of 18" diameter to be removed shall be replaced with 3 – 6" diameter medium, large or palm trees.

b. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter screening and ornamental trees."

Given the above changes, in order to limit the amount of ornamental trees that may be planted for mitigation in any one situation, staff has added the following provision to Section 5.12(A)4b: *"A minimum of 75 percent of all replacement trees planted as part of the required mitigation for a development under the provisions of this section shall be classified as a medium and large tree as listed on the replacement tree list."*

Section 5.13(A) - Based on discussion at the September 16, 2014 City Council meeting, staff has amended the civil penalties section to require that trees be planted as part of any civil penalty with the option to pay into the tree preservation fund in lieu of planting new trees only being allowed by the City Council through an appeal request. The entire section has been changed as follows:

"Civil Penalties: If any protected tree is removed from any real property without a tree removal permit, or if a protected tree is injured during construction where an active tree removal permit has been issued because of failure to follow required tree protection measures of this chapter such that the tree dies or may reasonably be expected to die, the City shall have the authority to impose the following penalty:

1. The violator shall plant new trees at a rate that is three times the diameter inches of tree(s) removed. All plantings shall meet the requirements of Section 5.12. For example, if a 20 inch diameter width tree is removed in violation of this Chapter, then a minimum of 60 inches of new trees shall be planted. A planting plan for the new trees shall be provided to the Administrative Official no later than 30 days from the date of the offense. The new trees shall be planted no later than 90 days from the date of the offense or, if the site is under construction, the new trees shall be planted when all other required landscaping and/or mitigation is planted. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is addressed through the submittal of an approved planting plan and/or the planting of new trees. In the event that the trees are not planted within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the trees are planted.

2. If the violator, due to property constraints or other impediments, cannot plant the required new trees mentioned in Section One, the violator may petition the City Council through the appeal process mentioned in Section 5.14 to allow a monetary penalty in lieu of the above planting requirements. Said monetary penalty shall be a minimum of \$750.00 per caliper inch of diameter width of the protected tree(s) removed or damaged, payable to the tree preservation fund mentioned above. If a tree is removed without authorization and the size of the tree cannot be determined given the lack of a tree survey or other official documentation, then the minimum penalty shall be \$15,000.00 per tree. If approved by the City Council, said penalties shall be paid no later than 30 days from the action of the City Council. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is paid. In the event that the penalty is not paid within the prescribed timeframe, the City may impose a lien on the property until such time the penalty is paid."

First Reading and Public Hearing

Based on discussion at the April 1, 2014 and September 2, 2014 Pre Council meetings, staff proposes amendments to Chapter 5-Tree Preservation of the Land Development Code for consideration and approval by the City Council. Also attached is a review of other cities' tree regulations.

Enforcement of Tree Preservation Regulations. To date, enforcement of the City's tree preservation regulations has been through a mix of utilization of a third party

landscape architecture firm and existing City staff. Effective October 1, 2014, the parks maintenance supervisor, who is a certified arborist, will be assisting to enforce the tree preservation regulations on a part-time basis while also maintaining his current duties. Therefore, as of October 1, 2014, the enforcement of Chapter 5-Tree Preservation in the Land Development Code will be detailed as follows:

- Processing and administration of tree removal permits: community development department staff;
- Review of tree preservation plans: third party landscape architecture firm;
- Cursory inspections of development sites for compliance with tree preservation regulations in conjunction with other required inspections: public works construction inspectors, building inspectors, plans examiner, and planning and development coordinator;
- Detailed, scheduled inspections of development sites for compliance with tree preservation regulations: parks maintenance supervisor (arborist)
- Code enforcement of tree preservation regulations (when needed): code enforcement officer (police department), and code compliance/storm water officer (public works)
- Expert review of tree health and preservation issues and expert field determinations: parks maintenance supervisor (arborist) and third party landscape architecture firm, if needed.

Proposed Amendments

The following is a summary of the significant changes proposed to the Chapter in chronological order, by section number including, how the specific amendment has changed since the April 1, 2014 and September 2, 2014 Pre Council meetings where applicable:

- All Sections - Section Breaks/Structure/Clarifications: More uniform structure and additional section breaks have been added in order to make the Chapter easier to review and navigate. Clarifications and removal of redundant or confusing terms and graphics have also been added or removed.
- Section 5.7(B) - Fees: Tree related fees are proposed to be moved from Chapter 2 of the Colleyville Code of Ordinances to Chapter 5 - Tree Preservation of the Land Development Code. The City's continued heavy use of a third party landscape architect to perform plan reviews remains unchanged. However, rather than invoice the developer each time the City is invoiced by the third party firm, staff proposes increasing the tree removal permit fee such that the third party costs, along with much of the City's administrative costs, are recovered in the actual permit fee. As an

example, the average cost for a third party review of the tree preservation plan on a 20 acre subdivision is \$4,000.

Staff proposes amending the fee structure, as follows:

1. The resident of a single family home removing all or a portion of a tree which exists on the lot of record on which the single family home is built:.....no fee required.

Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require payment of a fee per sub-section two below.

NOTE: Based on discussion at the September 2, 2014 Pre Council meeting, staff has increased the acreage threshold above to two acres from one, and staff has increased the protected tree threshold from one to five.

2. All other properties including right-of-way:.....\$50.00, plus \$25.00 per protected tree on the property, right-of-way, or development site. For residential subdivisions, the entire subdivision shall be considered the development site. Upon application submittal, the total number of protected trees on the site shall be indicated on the application form in order to determine the fee, which shall be paid at the time of submittal. If, upon review of the application and/or tree preservation plan, it is determined that the amount of protected trees tallied is incorrect, the difference in the fee calculation shall be paid, or refunded, prior to the issuance of the tree removal permit.

For example, in the case of a new subdivision that contained 500 protected trees total, the total tree removal permit fee would be \$12,550. As mentioned above, the increased fee amount would allow better recovery of administrative costs related to tree preservation, and would also cover the cost of retaining the third party landscape architect.

The following is a breakdown of a possible fee structure discussed at the April 1, 2014 Pre Council meeting, and current staff recommendations:

\$50.00 - Tree Removal Permit - change recommended as described above.

\$500.00 - Tree Removal Permit for new commercial construction – not recommended; is replaced by proposed change described above.

\$1,000.00 - Tree Removal Permit for new residential subdivision less than five acres in size - not recommended; is replaced by proposed change described above.

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

acres in size - not recommended; is replaced by proposed change described above.

- Section 5.7(C) - Addition of Submittal Timing Requirements: For clarification purposes, staff proposes adding the following submittal requirements to this section:

"C. Timing of Submittal: The tree preservation plan shall be submitted as follows:

1. New subdivisions that include new streets and/or significant public improvements – submitted on or before the subdivision plat application submittal.
2. New commercial construction – submitted on or before the submittal of the required administrative site plan application.
3. New home construction on existing platted lots – submitted on or before the building permit application submittal.
4. All other situations – as required by the administrative official."

- Section 5.9(B) - Modifications to Minimum Preservation Requirements: This section has been amended to require the calculation of the existing tree canopy by using the formula for the area of circle (pi times radius squared) with the total diameter width of the tree designated as the radius. This is also the formula for determining the critical root zone area. The purpose of this change is to better assist both the applicant and the City in reviewing the minimum preservation requirements.

At the April 1, 2014 Pre Council meeting, this was proposed, conceptually as Section 5.8(1). There were no changes discussed at the September 2, 2014 Pre Council meeting.

- Section 5.9(C) - Exemption Provisions for Preserving Native Tree Stands: The purpose of this addition is to incentivize a more context sensitive approach in preserving native tree clusters by designating preservation areas on the tree preservation plan and exempting all other trees outside of the preservation area from the mitigation and protection provisions of the Chapter. The goal of this amendment would be to maximize the preservation of existing groups of native tree species such that the root systems of the trees to be preserved are not disturbed, and the tree clusters are left in their natural condition. The exemption could be permitted subject to the following conditions:

1. The preservation area(s) shall, at a minimum, meet the requirements of Section A above with the following exception: the 50 percent credit provision shall not apply to the exemption provisions of this section;
2. The proposed preservation area(s) shall be identified on the tree preservation plan;

3. A minimum of 80 percent of the trees identified within the preservation area on the plan shall be regionally native trees, not classified as exempt, with emphasis given to native oak species;
4. Where possible, preserved trees should be grouped together with as few detached, designated preservation areas on the tree preservation plan as possible;
5. Final approval of the exemption provisions of this section shall be required by the administrative official. If approved, notwithstanding the requirements of Section C below, then all trees not located within a preservation area on the tree preservation plan shall be classified as exempt from the mitigation provisions of Section 5.12 and the protection provisions of this Chapter.
6. Approved preservation areas shall contain a perimeter fence, meeting the requirements of this Chapter, around the entire preservation area until the development construction receives approval of a final inspection from the City. Said fence shall be placed a minimum of five feet from the outside edge of the drip line of any tree within said area. No earthwork, vehicle and equipment storage, or encroachments of any kind are permitted within the preservation area. No undergrowth shall be removed from a preservation area.

This was discussed at the April 1, 2014 Pre Council meeting as a potential tree conservation plan. This effectively meets the intent of conserving the City's native urban forest through incentivizing conservation through the existing minimum preservation requirements. There were no changes discussed at the September 2, 2014 Pre Council meeting.

- Section 5.10(A)1b - Persons Exempt from the Chapter Regulations: Based on City Council discussion at the April 1, 2014 Pre Council meeting, staff proposes the following change to the exemption granted to the resident of a single family home. The purpose of this addition is to effectively close the current loophole in the regulations that would allow a resident to "clear-cut" their property in order to provide a sales incentive to a potential developer or builder that may be interested in subdividing the property or redeveloping the property as a "tear down and rebuild".

"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. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require the resident to comply with the mitigation and preservation provisions of this chapter if it is deemed that an attempt to "clear-cut" all or a portion of the property is being made. Any decision of the administrative official may be appealed per the provisions in Section 5.13. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available

meeting.”

As mentioned above, based on discussion at the September 2, 2014 Pre Council meeting, staff has increased the acreage threshold above to two acres from one, and staff has increased the protected tree threshold from one to five. This was originally proposed and discussed at the April 1, 2014 Pre Council meeting.

- Section 5.10(C) - Exempted Tree Species: Cottonwood trees under 18 inches in diameter width have been added as a tree exempted from the tree preservation regulations. The reason for the 18 inch requirement is that once Cottonwoods become mature they provide large, pleasing shade canopies. However, given the ease and speed with which they proliferate, when they are younger, they present a nuisance.

In addition to Cottonwood trees, other trees may be declared exempt per the following proposed language: “other regionally non-native tree species not listed on the tree replacement list in Section 5.14 and as determined by the administrative official based on the written recommendation of a certified arborist and/or landscape architect contracted or employed by the City, may be declared as exempt. Said written recommendation shall be kept on file in the appropriate development records for the property for which the determination is made.”

Based on discussion at the September 2, 2014 Pre Council meeting concerning exempting Eastern Red Cedar trees, staff proposes the following language addition to Section 5.10(C) – Exempted Tree Species:

“Cedar trees (Cupressaceae family) - Exceptions: Any species of cedar utilized for required landscape screening as required by the Land Development Code or the provisions of any other City ordinance and/or conditional variance, shall not be considered as exempt. Additionally, any Eastern Red Cedar planted as a replacement tree per the provisions of this Chapter shall not be considered as exempt. Otherwise, any Eastern Red Cedar that does not meet the above exceptions shall be considered exempt only if the tree is less than 13 inches in diameter width.”

Discussion of exempted species at the April 1, 2014 Pre Council meeting also included a request to list Eastern Red Cedar as an exempted species.

- Section 5.11(B) – Pre Construction: Given discussion at the April 1, 2014 Pre Council meeting concerning clearly delineating protected trees on a construction site, staff proposes the following changes:

- Protective fencing: all protective fencing must be orange construction fencing, a minimum of four feet in height, in order to be clearly visible. Currently, snow fencing and chain link fencing is allowed in addition to orange construction fencing.

- Signage: staff proposes the following requirements as it relates to site signage:

"Prior to, and during, construction activities, a sign(s), clearly visible from any adjacent roadways, shall be placed by the developer stating the following: "All trees located within an orange fenced area are considered protected. To report any tree protection violations, please contact the City of Colleyville". The administrative official may require the addition of more specific contact information to the sign. Lettering shall be legible and able to be read from a passing vehicle on any adjacent roadway. The sign dimensions shall, at a minimum, be five feet in width and height."

The purpose of this signage would be twofold: First, it would remind subcontractors on site about the protective fencing and critical root zone requirements and second, it would provide concerned citizens information on the importance of tree preservation in the City, and a way to report any violations.

Regarding discussion at the September 2, 2014 Pre Council meeting, staff has clarified that tree protection measures apply to public, as well as, private construction projects with the exception of right-of-way, which remains unchanged. There was also discussion concerning the parking of vehicles under protected trees. This prohibition already exists in Section 5.11(A)4, which states:

"Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the critical root zone of trees."

Additionally, given discussion concerning tree preservation buffers at the September 2, 2014 Pre Council meeting, staff proposes the following addition to Section 5.11(D):

"Special Designated Tree Protection Areas by Other Ordinances and Plats: Any specifically classified tree, landscape, or other similar type of classification that prescribes that trees and/or existing landscaping shall be protected within a specifically defined area as a condition of a zoning ordinance such as PUD or SUP, variance and/or plat shall, at a minimum, meet the following provisions:

1. During any construction activities, said area shall be completely contained within a fenced area meeting the tagging and fencing requirements for tree protection in this Chapter.
2. Unless authorized as part of the original approving language for said area, no trees, landscaping, soil, or vegetation of any kind may be removed, or otherwise disturbed, within said area, and no construction of any kind may occur.
3. Unless noted as part of the original approving language for said area, the exemption provisions for the resident of a single family home shall apply regarding the provisions of this section."

- Section 5.12 – Mitigation Requirements: Based on discussion at the September 2, 2014 City Council Pre Council meeting, staff proposes amending the minimum

mitigation through replanting requirements by requiring that a minimum six (6) inch caliper tree, with a minimum height of 12 feet, be planted rather, than a minimum three (3) inch caliper tree, with a minimum height of eight (8) feet, be planted.

This was not discussed at the April 1, 2014 Pre Council meeting.

- Section 5.13 - Penalties and Violations: Given the City Council's desire to add more punitive measures to the regulations as a greater deterrent to violations, staff has added the following section:

"Civil Penalties: If any protected tree is removed from any real property without a tree removal permit, or if a protected tree is injured because of failure to follow required tree protection measures of this Chapter such that the tree dies or may reasonably be expected to die, the City shall have the authority to impose a monetary penalty of \$750 per caliper inch of diameter width of the protected tree(s) removed or damaged, payable to the tree preservation fund mentioned above. If a tree is removed without authorization and the size of the tree cannot be determined given the lack of a tree survey or other official documentation, then the minimum penalty shall be \$15,000 per tree. Said penalties shall be paid no later than 30 days from the date of the offense. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is paid. In the event that the penalty is not paid within the prescribed timeframe, the City may impose a lien on the property until such time the penalty is paid."

Based on discussion at the September 2, 2014 Pre Council meeting, staff has increased the civil penalty from \$500 per caliper inch to \$750 per caliper inch with the minimum penalty for the removal of a tree where the size cannot be determined increased to \$15,000 from \$10,000.

This was initially discussed at the April 1, 2014 Pre Council meeting.

- Section 5.14 - Appeals: All appeal authority would be changed from the Planning and Zoning Commission to the City Council. This is a new section as discussed at the April 1, 2014 Pre Council meeting, with only a change in the section number.

This was initially discussed at the April 1, 2014 Pre Council meeting with no change proposed at the September 2, 2014 Pre Council meeting.

Financial Impact

The fiscal impact of this item will result in higher tree removal permit fees, and civil penalties for violation of the regulations as described in the briefing.

Recommendation

Approve

Attachments

1. Summary of Select City Tree Preservation Requirements
2. Proposed Amendments to Chapter 5-Tree Preservation
3. Ordinance O-14-1933

Summary of Select City Tree Preservation Requirements

	Eules	Bedford	Hurst	N. Richland Hills	Keller	Southlake	Grapevine	Austin	Flower Mound	<i>Colleyville</i>
Mitigation Requirements	N/A	replant, inch-for-inch	replant, inch-for-inch; or pay at \$60 per caliper inch	replant, inch-for-inch; or pay at market rate per caliper inch	replant, inch-for-inch; or pay at \$100 minimum per caliper inch	replant, inch-for-inch; or pay at market rate per caliper inch	replant, inch-for-inch; or pay at market rate per caliper inch	Varies. Maximum mitigation payment for Heritage trees = \$300 per inch	replant, inch-for-inch; or pay at market rate per caliper inch	replant, inch-for-inch; or pay at \$250 or \$500 per caliper inch
Minimum Preservation Requirements	N/A	no	no	no	no	yes	no	yes	yes, incentivised but not required	yes
Exempted Areas										
<i>Residential</i>	N/A	determined by building official	setback envelope, ROW, easements	setback envelope, ROW, easements, fire lanes	setback envelope, ROW, easements	per tree conservation plan for the property	setback envelope, ROW, easements	none	Buildable area	setback envelope, ROW, easements
<i>Commercial</i>	N/A	determined by building official	building footprint	building footprint	setback envelope, ROW, easements	per tree conservation plan for the property	building footprint	none	Buildable area	building footprint
Penalty for Violation	N/A	up to \$2,000 per day	up to \$2,000 per day plus \$100 per inch	up to \$500 per day or \$100 per inch	up to \$500 per day plus \$250 per inch	up to \$2,000 per day plus \$200 per inch	up to \$2,000 per day	up to \$2,000 per day plus \$300 per inch max.	up to \$2,000 per day plus \$750 per inch max.	up to \$2,000 per day
Exemptions from Preservation Requirements	N/A	city, utilities, staff determination	homeowner/ resident, city, utilities	homeowner/ resident, city, utilities	homeowner, city, utilities	homeowner/ resident, city, utilities	resident, city, utilities	none	homeowner/ resident, city, utilities	resident, city, utilities
Enforcement Resources	N/A	building inspector	building inspector	code enforcement, building inspector	code enforcement, building/public works inspector	arborist/landscape architect	code enforcement, building inspector	City arborist department	arborist	third party consultant; mix of current development staff
Appeal Process	N/A	Building Commission	P&Z, then City Council	City Council	Tree Board	Tree Board; P&Z, then City Council	City Council	Land Use Commission	Environmental Conservation Commission	P&Z

Proposed Amendments to Chapter 5-Tree Preservation

Chapter 5 Tree Preservation

(10/6/2014)(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

Except where provided in this chapter, aAny 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.

Proposed Amendments to Chapter 5-Tree Preservation

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.~~

24. All municipal / public domain property.

Section 5.7 ~~Permit and Fee Requirements~~ 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 per the following schedule: ~~in the amount established by the schedule of fees approved by the City Council.~~

1. The resident of a single family home removing all or a portion of a tree which exists on the lot of record on which the single family home is built:.....no fee required. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require payment of a fee per sub-section two -below only if the Administrative Official determines an intent to "clear cut" the property as described in Section 5.10(A)1b.

2. All other properties including rights-of-way:.....\$50.00, plus \$25.00 per protected tree on the property, right-of-way, or development site. For residential subdivisions, the entire subdivision shall be considered the development site. Upon application submittal, the total number of protected trees on the site, including exempted areas, shall be indicated on the application form in order to determine the fee, which shall be paid at the time of submittal. If, upon review of the application and/or tree preservation plan, it is determined that the amount of protected trees tallied is incorrect, the difference in the fee calculation shall be paid, or refunded, prior to the issuance of the tree removal permit.

Section 5.8 Submittal Requirements for Tree Removal Permits

Proposed Amendments to Chapter 5-Tree Preservation

Any tree removal permit request that requires the removal of a protected tree shall be accompanied by a tree preservation plan. As determined by the Administrative Official, tree removal permit applications that require no fee as listed in Section 5.7(B) above or require the removal of a minimal amount of trees on existing developed properties or within existing rights-of-way may not require a complete tree preservation plan and may only require a description of the trees to be removed showing

~~AC.~~—An application involving a limited portion of a site or right of way 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.

~~BE.~~ Any tree removal permit request that requires the removal of a protected tree shall be accompanied by a tree preservation plan. As determined by the Administrative Official, tree removal permit applications that require no fee as listed in Section 5.7(B) above or require the removal of a minimal amount of trees on existing developed properties, within existing rights-of-way, or within new subdivision plats where no new streets are included, may not require a tree preservation plan.

~~ACF.~~ TREE PRESERVATION PLAN — Note: a tree preservation plan shall be submitted with a tree removal permit application form including payment of the required fee. The items required on a tree preservation plan shall, at a minimum, include the following; 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.~~
4.—Location of trunks, ~~and~~ canopies and species of all ~~existing protected~~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. All protected trees shall be assigned a unique number classification.

~~5.~~
5.—Proposed general areas or locations of the replacement trees.

6. Locations of all critical root zones as defined in Chapter 2 — Definitions.

~~DC.~~—Additionally, tree information required shall be summarized in tabular form on the preservation plan mitigation table in a format matching the (see example below) and shall include:

Proposed Amendments to Chapter 5-Tree Preservation

71. The detailed list of trees to be removed including the classification number, exempt or non-exempt status, and whether the tree is to be saved or removed.-

82. The total diameter of trees to be removed.

93. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 5.1543 for replacement tree list.)

10. The tree preservation plan must be prepared and sealed by a registered landscape architect in the State of Texas.

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

~~E.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.~~

BFJ. Permit Validity: Permits for tree removal issued in connection with a building permit, subdivision plat and site plan shall be valid for the period of that plat's, 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 ~~thirtyninety~~ (390) days after the issue date on the permit.

C. Timing of Submittal: The tree preservation plan shall be submitted as follows:

1. New subdivisions that include new streets and/or significant public improvements – submitted on or before the subdivision plat application submittal.

2. New commercial construction – submitted on or before the submittal of the required administrative site plan application.

3. New home construction on existing platted lots – submitted on or before the building permit application submittal.

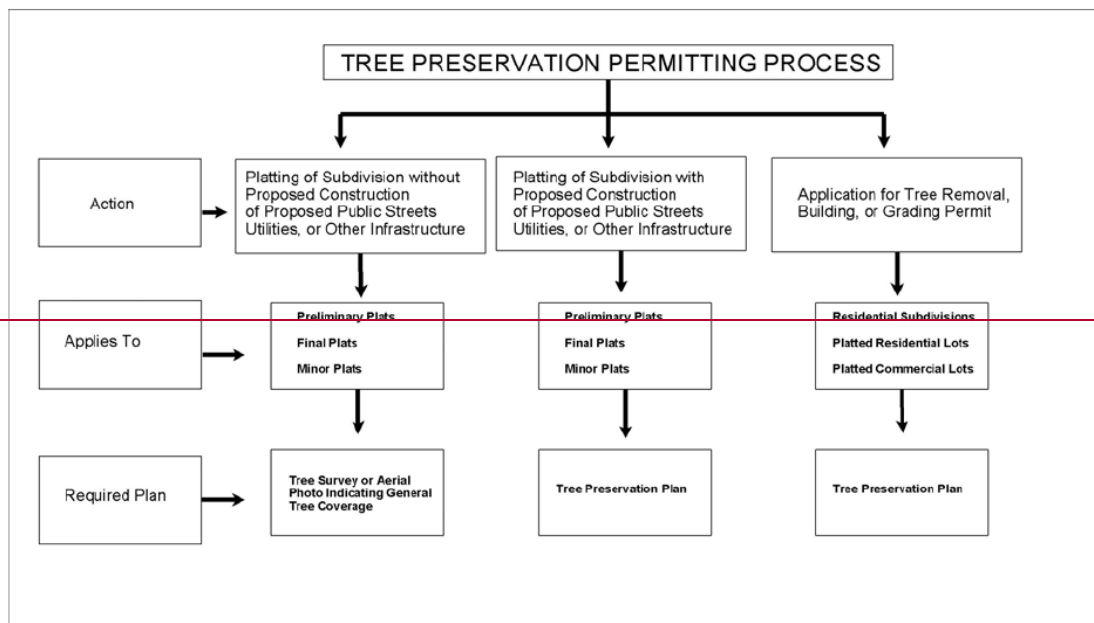
4. All other situations – as required by the Administrative Official.

D. Construction Plan Notations - The following notes shall be required to be shown on all construction plans:-

Proposed Amendments to Chapter 5-Tree Preservation

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 truck 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.
- Pruning to provide clearance for structures, vehicular traffic and equipment shall take place before construction begins.
7. _____

Proposed Amendments to Chapter 5-Tree Preservation



Section 5.98 Minimum Tree Preservation Requirements

- A. Whenever a new residential subdivision plat is submitted for review, 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 compliance with the minimum tree preservation requirements of this section. 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 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 plat application.
- B. 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:

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

For the purpose of this section, canopy coverage shall be calculated based on the formula for the area of a circle with the individual tree radii equaling the diameter inches of the trunk of each protected tree measured at 4.5 feet above the base of the tree where it meets the ground. This calculation method may apply to developments approved, but not finalized, prior to October 6, 2014. Protected trees located within any of the exempted areas specified in Section 5.10(B)C below may be credited toward the minimum existing

Proposed Amendments to Chapter 5-Tree Preservation

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 shall~~ not be eligible for mitigation~~ed for~~ as described in Section 5.12~~9~~.

C. Exemption Provisions for Preserving Native Tree Stands: Given the requirements of Section B above, as an incentive for preserving groups of native trees in place, a development may be exempted from the mitigation requirements of Section 5.12. The purpose of the exemption would be to reward a more context sensitive approach in preserving native tree clusters such that the root systems of the trees to be preserved are not disturbed and the tree clusters left in their natural condition. In order to meet this exemption, the development must meet the following conditions:

- 1. The preservation area(s) shall, at a minimum, meet the requirements of Section B above with the following exception: the 50% credit provision shall not apply to the exemption provisions of this section;
- 2. The proposed preservation area(s) shall be identified on the tree preservation plan;
- 3. A minimum of 80% of the trees identified within the preservation area on the plan shall be regionally native trees, not classified as exempt, with emphasis given to native oak species;
- 4. Where possible, preserved trees should be grouped together with as few detached, -designated preservation areas on the tree preservation plan as possible;
- 5. Final approval of the exemption provisions of this section shall be required by the Administrative Official. If approved, notwithstanding the requirements of Section D below, then all trees not located within a preservation area on the tree preservation plan shall be classified as exempt from the mitigation provisions of Section 5.12 and the protection provisions of this chapter.
- 6. Approved preservation areas shall contain a perimeter fence, meeting the requirements of this chapter, around the entire preservation area until the development construction receives approval of a final inspection from the City. Said fence shall be placed a minimum of five feet from the outside edge of the drip line of any tree within said area. No earthwork, vehicle and equipment storage, or—and encroachments of any kind are permitted within the preservation area. No undergrowth shall be removed from a preservation area.

DCB. 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 any exempted area, ~~as defined in the sections below.~~

Section 5.10 Exempt and Non-Exempt Provisions

AG. Exempted ~~Areas, Persons and Tree Species~~ from preservation requirements:

1. 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 these provisions shall not be required to obtain tree removal permits.

Proposed Amendments to Chapter 5-Tree Preservation

- 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, may 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. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require the resident to comply with the mitigation and preservation provisions of this chapter if it is deemed that an attempt to "clear-cut" all or a portion of the property in being made where no new accessory building, pool, building addition or other similar construction, not involving a principal permitted use, is being proposed as part of a submitted active building permit application. Any decision of the Administrative Official may be appealed per the provisions in Section 5.13. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
- 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 (building setback envelope).
 - (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 as part of the construction of a new subdivision only.
 - (4) An employee of the City of Colleyville and a public utility. Persons specifically performing work on a public improvement as part of a new subdivision plat or a separate dedication instrument in a dedicated public right-of-way, drainage or utility easement are hereby exempt. For the purpose of this sub-section, public improvements shall include any drainage facilities, utilities or streets/sidewalks/trails. Fences, gates and open space amenities are not considered public improvements.

Proposed Amendments to Chapter 5-Tree Preservation

B. Exempted Areas

~~1. 1.~~ 1. New Residential Subdivisions ~~that includewith~~ public or private sStreet ~~d~~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; lots containing private streets.
- b. Easements, only where new public improvements or facilities are being constructed
- c. Residential setback envelope
- d. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.

~~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.~~

22. Existing Platted Residential Lots and New Residential Subdivisions with no new public or private -sStreet Dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:

- a. Residential setback envelope
- b. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.

3. Platted Commercial/Institutional 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/institutional building footprint and any tree located within five feet of said building footprint.-

C. Exempted Tree Species

~~4.~~ 1. Exempted Tree Species: The following tree species shall be exempt from the tree preservation requirements of this chapter:

Proposed Amendments to Chapter 5-Tree Preservation

- a. Mesquite
- b. Hackberry
- c. Chinese Tallow

d. Cottonwood Trees under 18 inches in diameter width

e. Cedar trees (Cupressaceae family) - Exceptions: Any species of cedar utilized for required landscape screening as required by the Land Development Code or the provisions of any other City ordinance and/or conditional variance shall not be considered as exempt. Additionally, any eEastern Red Cedar planted as a replacement tree per the provisions of this chapter shall not be considered as exempt. Otherwise, any eastern red cedar that does not meet the above exceptions shall be considered exempt only if the tree is less than 13 inches in diameter width.

fe. Other regionally non-native tree species not listed on the tree replacement list in Section 5.14 and as determined by the Administrative Official based on the written recommendation of a certified arborist and/or landscape architect contracted or employed by the City. Said written recommendation shall kept on file in the appropriate development records for the property for which the determination is made.

~~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.~~

Proposed Amendments to Chapter 5-Tree Preservation

(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 5.119 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, public and private, 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 with 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. Tree Identification: All protected trees shall be tagged with the unique classification number described in Section 5.8. Said number shall correspond to the number listed on the tree protection plan and shall be clearly visible and legible on a metallic surface located between four and five feet above the base of the tree. The classification number shall remain on the tree until all construction is complete and final approval has been obtained by the City.

32. Protective Fencing: All protected trees shall have protective fencing located at the tree's critical root zone. The protective fencing shall may be comprised of snow fencing, orange vinyl construction fencing, chain link fence or other similar fencing with a minimum of four-foot (4') approximate height. The protective fencing may be located within the critical root zone of the specimen tree for approved construction only as determined by the Administrative Official. The fencing shall follow the delineation of the approved construction. In order to protect the trunk, the trunks of

Proposed Amendments to Chapter 5-Tree Preservation

all protected trees shall be wrapped with orange vinyl construction fencing such that the trunk will be easily visible during construction activities.

43. 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.

54. 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.

6. Site Signage: Prior to, and during, construction activities, a sign(s), clearly visible from any adjacent roadways, shall be placed by the developer stating the following: "All trees located within an orange fenced area are considered protected. To report any tree protection violations, please contact (phone number designated by the Administrative Official)the City of Colleyville". The Administrative Official may require the addition of more specific contact information to the sign. Lettering shall be a minimum of 8 inches in height, shall be legible and able to be read from a passing vehicle on any adjacent roadway. The sign dimensions shall, at a minimum, be five feet in width and height, The overall sign height shall be a minimum of eight (8) feet in height measured from the ground to the top of the sign. The sign colors shall be as follows: lettering shall be black, the sign background shall be fluorescent green.

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").

Proposed Amendments to Chapter 5-Tree Preservation

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.

D. Special Designated Tree Protection Areas by Other Ordinances and Plats: Any specifically classified tree, landscape or other similar type of classification that prescribes that trees and/or existing landscaping shall be protected within a specifically defined area as a condition of a zoning ordinance such as PUD or SUP, variance and/or plat shall, at a minimum, meet the following provisions:

1. During any construction activities, said area shall be completely contained within a fenced area meeting the tagging and fencing requirements for tree protection in this chapter.
2. Unless authorized as part of the original approving language for said area, or where another code requirement applies to the maintenance and upkeep of high grass, weeds and other related nuisances, no trees, landscaping, soil or vegetation of any kind may be removed, or otherwise disturbed, within said area and no construction of any kind may occur except -
3. Unless noted as part of the original approving language for said area, the exemption provisions for the resident of a single family home shall apply regarding the provisions of this section.

Section 5.1~~20~~ Mitigation Requirements 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)5the provisions of this chapter 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. All medium and large, and palm rReplacement trees shall be a minimum of sixthree inches (63") diameter when measured one foot (1') above the soil line and a minimum of 12 feeteight feet (8') in height when planted. All screening and ornamental trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight (8) feet in height when planted.

Proposed Amendments to Chapter 5-Tree Preservation

Examples-

- a. A total of 18" diameter to be removed shall be replaced with 36 – 63" diameter medium, large or palm trees.
 - b. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter screening and ornamental 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 threeone years from the date of the final inspection and acceptance of the project. In instances where a replacement tree satisfies a landscaping requirement as regulated in Chapter 4-Landscaping and Buffering, then said tree shall be maintained per the provisions of Chapter 4.
 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.
 - a. 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-three (31) year guarantee, plus fifteen percent (15%) to cover administrative cost.
 - 5.b. A minimum of 75 percent of all replacement trees planted as part of the required mitigation for a development under the provisions of this section shall be classified as a medium and large tree as listed on the replacement tree list
- 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. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy.
- 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. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy. or;

Proposed Amendments to Chapter 5-Tree Preservation

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 and non-criminal penalties mentioned below 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. 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 5.132 Penalties and Violations

A. Civil Penalties: If any ~~protected~~-protected tree is removed from any real property without a tree removal permit, or if a protected tree is injured during construction where an active tree removal permit has been issued -because of failure to follow required tree protection measures of this chapter such that the tree dies or may reasonably be expected to die, the City shall have the authority to impose the following penalty:

—1. —The violator shall plant new trees at a rate that is three times the diameter inches of tree(s) removed. All plantings shall meet the requirements of Section 5.12. For example, if a 20 inch diameter width tree is removed in violation of this Chapter, then a minimum of 60 inches of new trees shall be planted. A planting plan for the new trees shall be provided to the Administrative Official no later than 30 days from the date of the offense. The new trees shall be planted no later than 90 days from the date of the offense or, if the site is under construction, the new trees shall be planted when all other required landscaping and/or mitigation is planted. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is addressed through the submittal of an approved planting plan and/or the planting of new trees. In the event that the trees are not planted within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the trees are planted.

2. If the violator, due to property constraints or other impediments, cannot plant the required new trees mentioned in Section One, the violator may petition the City Council through the appeal process mentioned in Section 5.14 to allow a monetary penalty in lieu of the above planting requirements. Said monetary penalty shall be a minimum of \$750.00 per caliper inch of diameter width of the protected tree(s) removed or damaged, payable to the tree preservation fund mentioned above. If a tree is removed without authorization and the size of the tree cannot be

Proposed Amendments to Chapter 5-Tree Preservation

determined given the lack of a tree survey or other official documentation, then the minimum penalty shall be \$15,000.00 per tree. If approved by the City Council, ssaid penalties shall be paid no later than 30 days from the action of the City Councildate of the offense. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is paid. In the event that the penalty is not paid within the prescribed timeframe, the City may impose a lien on the property until such time the penalty is paid.

B. ~~Penalty for Violation~~Criminal Penalty: In addition to the civil penalties of this chapter, anyAny 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.

E.

Section 5.143 Appeals

Any appeal to the provisions of this chapter and/or any appeal to a decision of the Administrative Official relative to the provisions of this chapter shall be heard by the City Council..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 5.1~~541~~ 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	

Proposed Amendments to Chapter 5-Tree Preservation

	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.~~

Proposed Amendments to Chapter 5-Tree Preservation

Section 5.1~~63~~ 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
<u>O-14-1933XXXX</u>	<u>10/6/2014</u>	<u>Comprehensive amendments including incentives for preserving native tree stands, addition of fees, changes to penalties and other modifications</u>

ORDINANCE O-14-1933

AMENDING CHAPTER 5-TREE PRESERVATION OF THE LAND DEVELOPMENT CODE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City of Colleyville desires to amend Chapter 5-Tree Preservation in its entirety; and

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

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

- Sec. 1. THAT *Chapter 5-Tree Preservation* of the Land Development Code, is hereby amended in its entirety to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 4. THAT this ordinance shall take effect immediately from and after its passage.
- Sec. 5. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16th day of September 2014.

The second reading and public hearing being conducted on the 6th day of October 2014.

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

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A"

Chapter 5 Tree Preservation

(10/6/2014)

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

Except where provided in this chapter, 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:

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- A. Properties which are regulated by this Chapter:
 - 1. Any real property upon which any protected tree is located.
 - 2. All municipal / public domain property.

Section 5.7 Permit and Fee Requirements

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 per the following schedule:
 - 1. The resident of a single family home removing all or a portion of a tree which exists on the lot of record on which the single family home is built:.....*no fee required. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require payment of a fee per sub-section two below only if the Administrative Official determines an intent to "clear cut" the property as described in Section 5.10(A)1b.*
 - 2. All other properties including rights-of-way:.....*\$50.00, plus \$25.00 per protected tree on the property, right-of-way, or development site. For residential subdivisions, the entire subdivision shall be considered the development site. Upon application submittal, the total number of protected trees on the site, including exempted areas, shall be indicated on the application form in order to determine the fee, which shall be paid at the time of submittal. If, upon review of the application and/or tree preservation plan, it is determined that the amount of protected trees tallied is incorrect, the difference in the fee calculation shall be paid, or refunded, prior to the issuance of the tree removal permit.*

Section 5.8 Submittal Requirements for Tree Removal Permits

Any tree removal permit request that requires the removal of a protected tree shall be accompanied by a tree preservation plan. As determined by the Administrative Official, tree removal permit applications that require no fee as listed in Section 5.7(B) above or require the removal of a minimal amount of trees on existing developed properties or within existing rights-of-way may not require a complete tree preservation plan and may only require a description of the trees to be removed showing a limited portion of a site or right of way may be based on an exhibit showing only that portion of the site.

- A. TREE PRESERVATION PLAN – Note: a tree preservation plan shall be submitted with a tree removal permit application form including payment of the required fee. The items required on a tree preservation plan shall, at a minimum, include the following:
 - 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.

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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, canopies and species of all existing protected 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. All protected trees shall be assigned a unique number classification.
5. Proposed general areas or locations of the replacement trees.
6. Locations of all critical root zones as defined in Chapter 2 – Definitions.

Additionally, tree information required shall be summarized in tabular form on the mitigation table in a format matching the example below and shall include:

7. The detailed list of trees to be removed including the classification number, exempt or non-exempt status, and whether the tree is to be saved or removed.
8. The total diameter of trees to be removed.
9. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 5.15 for replacement tree list.)
10. The tree preservation plan must be prepared and sealed by a registered landscape architect in the State of Texas.

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

- B. Permit Validity: Permits for tree removal issued in connection with a building permit, subdivision plat and site plan shall be valid for the period of that plat's, 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 thirty (30) days after the issue date on the permit.
- C. Timing of Submittal: The tree preservation plan shall be submitted as follows:
 1. New subdivisions that include new streets and/or significant public improvements – submitted on or before the subdivision plat application submittal.

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2. New commercial construction – submitted on or before the submittal of the required administrative site plan application.
 3. New home construction on existing platted lots – submitted on or before the building permit application submittal.
 4. All other situations – as required by the Administrative Official.
- D. Construction Plan Notations - The following notes shall be required to be shown on 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 truck 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 5.9 Minimum Tree Preservation Requirements

- A. Whenever a new residential subdivision plat is submitted for review, 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 compliance with the minimum tree preservation requirements of this section. In the event

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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 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 plat application.

- B. 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 canopy tree coverage</i>	<i>Minimum percentage of the existing protected canopy 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%

For the purpose of this section, canopy coverage shall be calculated based on the formula for the area of a circle with the individual tree radii equaling the diameter inches of the trunk of each protected tree measured at 4.5 feet above the base of the tree where it meets the ground. This calculation method may apply to developments approved, but not finalized, prior to October 6, 2014. Protected trees located within any of the exempted areas specified in Section 5.10(B) 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 shall not be eligible for mitigation as described in Section 5.12.

- C. Exemption Provisions for Preserving Native Tree Stands: Given the requirements of Section B above, as an incentive for preserving groups of native trees in place, a development may be exempted from the mitigation requirements of Section 5.12. The purpose of the exemption would be to reward a more context sensitive approach in preserving native tree clusters such that the root systems of the trees to be preserved are not disturbed and the tree clusters left in their natural condition. In order to meet this exemption, the development must meet the following conditions:

1. The preservation area(s) shall, at a minimum, meet the requirements of Section B above with the following exception: the 50% credit provision shall not apply to the exemption provisions of this section;
2. The proposed preservation area(s) shall be identified on the tree preservation plan;
3. A minimum of 80% of the trees identified within the preservation area on the plan shall be regionally native trees, not classified as exempt, with emphasis given to native oak species;
4. Where possible, preserved trees should be grouped together with as few detached, designated preservation areas on the tree preservation plan as possible;
5. Final approval of the exemption provisions of this section shall be required by the Administrative Official. If approved, notwithstanding the requirements of Section D below, then all trees not located within a preservation area on the tree preservation

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plan shall be classified as exempt from the mitigation provisions of Section 5.12 and the protection provisions of this chapter.

6. Approved preservation areas shall contain a perimeter fence, meeting the requirements of this chapter, around the entire preservation area until the development construction receives approval of a final inspection from the City. Said fence shall be placed a minimum of five feet from the outside edge of the drip line of any tree within said area. No earthwork, vehicle and equipment storage, or encroachments of any kind are permitted within the preservation area. No undergrowth shall be removed from a preservation area.
- D. 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 any exempted area.

Section 5.10 Exempt and Non-Exempt Provisions

A. Exempted Persons

1. 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 these 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, may 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. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require the resident to comply with the mitigation and preservation provisions of this chapter if it is deemed that an attempt to "clear-cut" all or a portion of the property in being made where no new accessory building, pool, building addition or other similar construction, not involving a principal permitted use, is being proposed as part of a submitted active building permit application. Any decision of the Administrative Official may be appealed per the provisions in Section 5.13. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
 - 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.

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- 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 (building setback envelope).
 - (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 as part of the construction of a new subdivision only.
 - (4) An employee of the City of Colleyville and a public utility. Persons specifically performing work on a public improvement as part of a new subdivision plat or a separate dedication instrument in a dedicated public right-of-way, drainage or utility easement are hereby exempt. For the purpose of this sub-section, public improvements shall include any drainage facilities, utilities or streets/sidewalks/trails. Fences, gates and open space amenities are not considered public improvements.

B. Exempted Areas

- 1. New Residential Subdivisions that include public or private 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; lots containing private streets.
 - b. Easements, only where new public improvements or facilities are being constructed
 - c. Residential setback envelope
 - d. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
- 2. Existing Platted Residential Lots and New Residential Subdivisions with no new public or private street Dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Residential setback envelope
 - b. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of

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an application fee and said request shall be scheduled on the next available meeting.

3. Platted Commercial/Institutional 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/institutional building footprint and any tree located within five feet of said building footprint.

C. Exempted Tree Species

1. 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
- d. Cottonwood Trees under 18 inches in diameter width
- e. Cedar trees (Cupressaceae family) - Exceptions: Any species of cedar utilized for required landscape screening as required by the Land Development Code or the provisions of any other City ordinance and/or conditional variance shall not be considered as exempt. Additionally, any Eastern Red Cedar planted as a replacement tree per the provisions of this chapter shall not be considered as exempt. Otherwise, any eastern red cedar that does not meet the above exceptions shall be considered exempt only if the tree is less than 13 inches in diameter width.
- f. Other regionally non-native tree species not listed on the tree replacement list in Section 5.14 and as determined by the Administrative Official based on the written recommendation of a certified arborist and/or landscape architect contracted or employed by the City. Said written recommendation shall kept on file in the appropriate development records for the property for which the determination is made.

Section 5.11 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, public and private, 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.

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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. Tree Identification: All protected trees shall be tagged with the unique classification number described in Section 5.8. Said number shall correspond to the number listed on the tree protection plan and shall be clearly visible and legible on a metallic surface located between four and five feet above the base of the tree. The classification number shall remain on the tree until all construction is complete and final approval has been obtained by the City.
 3. Protective Fencing: All protected trees shall have protective fencing located at the tree's critical root zone. The protective fencing shall be comprised of orange vinyl construction fencing, with a minimum of four-foot (4') approximate height. The protective fencing may be located within the critical root zone of the specimen tree for approved construction only as determined by the Administrative Official. 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.
 4. 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.
 5. 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.
 6. Site Signage: Prior to, and during, construction activities, a sign(s), clearly visible from any adjacent roadways, shall be placed by the developer stating the following: "All trees located within an orange fenced area are considered protected. To report any tree protection violations, please contact (phone number designated by the Administrative Official)". The Administrative Official may require the addition of more specific contact information to the sign. Lettering shall be a minimum of 8 inches in height, shall be legible and able to be read from a passing vehicle on any adjacent roadway. The sign dimensions shall, at a minimum, be five feet in width and height. The overall sign height shall be a minimum of eight (8) feet in height measured from the ground to the top of the sign. The sign colors shall be as follows: lettering shall be black, the sign background shall be fluorescent green.

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- 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.
- D. Special Designated Tree Protection Areas by Other Ordinances and Plats: Any specifically classified tree, landscape or other similar type of classification that prescribes that trees and/or existing landscaping shall be protected within a specifically defined area as a condition of a zoning ordinance such as PUD or SUP, variance and/or plat shall, at a minimum, meet the following provisions:
1. During any construction activities, said area shall be completely contained within a fenced area meeting the tagging and fencing requirements for tree protection in this chapter.
 2. Unless authorized as part of the original approving language for said area, or where another code requirement applies to the maintenance and upkeep of high grass, weeds and other related nuisances, no trees, landscaping, soil or vegetation of any kind may be removed, or otherwise disturbed, within said area and no construction of any kind may occur except
 3. Unless noted as part of the original approving language for said area, the exemption provisions for the resident of a single family home shall apply regarding the provisions of this section.

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Section 5.12 Mitigation Requirements

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 the provisions of this chapter 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. All medium and large, and palm replacement trees shall be a minimum of six inches (6") diameter when measured one foot (1') above the soil line and a minimum of 12 feet in height when planted. All screening and ornamental trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight (8) feet in height when planted.

Examples-

- a. A total of 18" diameter to be removed shall be replaced with 3 – 6" diameter medium, large or palm trees.
 - b. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter screening and ornamental trees.
2. All replacement trees shall be a species listed on the replacement tree list and guaranteed for three years from the date of the final inspection and acceptance of the project. In instances where a replacement tree satisfies a landscaping requirement as regulated in Chapter 4-Landscaping and Buffering, then said tree shall be maintained per the provisions of Chapter 4.
 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.
 - a. 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 three (3) year guarantee, plus fifteen percent (15%) to cover administrative cost.

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- b. A minimum of 75 percent of all replacement trees planted as part of the required mitigation for a development under the provisions of this section shall be classified as a medium and large tree as listed on the replacement tree list
- 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. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy.
- 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. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy. 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 and non-criminal penalties mentioned below 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. 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 5.13 Penalties and Violations

- A. Civil Penalties: If any protected tree is removed from any real property without a tree removal permit, or if a protected tree is injured during construction where an active tree removal permit has been issued because of failure to follow required tree protection measures of this chapter such that the tree dies or may reasonably be expected to die, the City shall have the authority to impose the following penalty:
 - 1. The violator shall plant new trees at a rate that is three times the diameter inches of tree(s) removed. All plantings shall meet the requirements of Section 5.12. For example, if a 20 inch diameter width tree is removed in violation of this Chapter, then a minimum of 60 inches of new trees shall be planted. A planting plan for the new trees shall be provided to the Administrative Official no later than 30 days from the date of the offense. The new trees shall be planted no later than 90 days from the date of the offense or, if the site is under construction, the new trees shall be planted when all other required landscaping and/or mitigation is planted. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is addressed through the submittal of an approved planting plan and/or the planting of new trees. In the event that the trees are not planted within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the trees are planted.

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2. If the violator, due to property constraints or other impediments, cannot plant the required new trees mentioned in Section One, the violator may petition the City Council through the appeal process mentioned in Section 5.14 to allow a monetary penalty in lieu of the above planting requirements. Said monetary penalty shall be a minimum of \$750.00 per caliper inch of diameter width of the protected tree(s) removed or damaged, payable to the tree preservation fund mentioned above. If a tree is removed without authorization and the size of the tree cannot be determined given the lack of a tree survey or other official documentation, then the minimum penalty shall be \$15,000.00 per tree. If approved by the City Council, said penalties shall be paid no later than 30 days from the action of the City Council. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is paid. In the event that the penalty is not paid within the prescribed timeframe, the City may impose a lien on the property until such time the penalty is paid.

- B. Criminal Penalty: In addition to the civil penalties of this chapter, 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.

Section 5.14 Appeals

Any appeal to the provisions of this chapter and/or any appeal to a decision of the Administrative Official relative to the provisions of this chapter shall be heard by the City Council.

Section 5.15 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	

Exhibit "A"

	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 5.16 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
O-14-1933	10/6/2014	Comprehensive amendments including incentives for preserving native tree stands, addition of fees, changes to penalties and other modifications



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 10/06/2014

Number Ordinance O-14-1934

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from R-20-Single Family Residential zoning district to CN-Neighborhood Commercial zoning district on Lot 18, Block 2, of the Fair Way Addition, located at 8500 Precinct Line Road, Case ZC14-017

Explanation

First Reading and Public Hearing

Robert Comstock, with L125 Partners, Ltd., has submitted a request to change the zoning on 0.51 acres, located at 8500 Precinct Line Road. The applicant is requesting to rezone the property from the R-20-Single Family Residential zoning district to the CN-Neighborhood Commercial zoning district. The applicant is seeking a zoning change in order to build a professional office building. The CN-Neighborhood Commercial zoning district permits professional and general office uses.

Existing Conditions. The subject property is undeveloped and platted as Lot 18, Block 2, Fair Way Addition.

Non-Discretionary Zoning Request. As the rezoning request does not involve a discretionary zoning category such as a Special Use Permit or Planned Unit Development, and is instead, a rezoning request from one non-discretionary zoning district to another non-discretionary zoning district, no extra conditions or exactions may be added to the proposed ordinance as part of any approval by the City Council.

Lot Dimensions and Setbacks. The CN-Neighborhood Commercial zoning district regulations, in the Land Development Code, require a minimum lot size of 10,000 square feet with a minimum lot width of 100 feet and lot depth of 120 feet. Although the minimum lot dimensions would require a minimum lot size of 12,000 square feet based on the minimum requirement of a 100' x 120' lot, the purpose of this requirement is to allow a minimum lot depth that leaves enough room for parking and the building location from the street while also requiring a minimum lot size in the case of an irregular shaped lot such as a cul-de-sac lot. Per Section 3.24 G, Schedule of District Regulations, in the Land Development Code, the following zoning standards apply for the CN-Neighborhood Commercial zoning district:

Minimum Front Yard Setback: 40 feet

Minimum Side Yard Setbacks: 15 feet

Minimum Rear Yard Setback: 10 feet

Maximum Lot Coverage: 40 percent
Maximum Building Height: 2 stories/35 feet

The current dimensions of the lot meet the minimum standards of the Land Development Code for the CN zoning district.

Surrounding Development Trends. The property to the north is zoned PUDC-Planned Unit Development Commercial district, approved in 2003 for use as an office building, and is developed with an office building. The property to the east is zoned R-20-Single Family Residential and developed as a single family detached home. The property to the south is zoned R-20-Single Family Residential and is undeveloped. The property to the west is within the City of North Richland Hills and developed as retail uses.

Master Plan. Section D of Goals, Objectives and Policy Statements in the 2004 Master Plan states under Priority One the goal of "Establish first-class commercial areas that provide benefit to the City and enhance community sustainability. As an objective/policy under this goal, the plan states "encourage and support the Precinct Line Road corridor as a new commercial area in the western area of the city". In terms of what land uses are considered commercial in the Master Plan, retail, office and service uses are considered commercial. However, the Future Land Use Plan primarily designates vacant commercial properties Citywide for retail uses, even though the market may never realistically support retail uses on all vacant commercial properties. The broad retail future land use designations are further supported by another objective policy under this goal, which states "Promote the building-out of the remaining vacant commercial areas with revenue generating businesses". That said, given the value of commercial office uses in increasing daytime population and ad valorem tax value, they can be considered an economically sustainable land use while meeting the goals of the Master Plan. In fact, in more dense retail situations, office is frequently mixed with retail.

In the case of the subject property, and the other two commercial properties to the north, which are zoned for office uses, given the their mid-block status with no corner lots located at intersections, relatively small lot size and frontage on a seven-lane regional arterial, office is an ideal land use. Therefore, the rezoning request is consistent with the Colleyville Master Plan, adopted in 2004, which designates the subject property for retail uses, but with the goal of being developed as a larger "commercial area," as mentioned in the Master Plan reference above.

Public Notification. Staff mailed notices to 11 property owners within 200 feet, as well as any Homeowners Associations within 500 feet of the subject property regarding this request. The school district where the subject property is located within Colleyville was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. To date, staff has received no correspondence regarding this request. There was one speaker in support of the

request, who owns property within 200 feet of the subject property, at the Planning and Zoning Commission meeting.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the September 8, 2014 meeting by a vote of 6-0.

Summary. As explained above, the rezoning request is consistent with the Colleyville Master Plan, adopted in 2004, which designates the subject property for retail uses. Additionally, the proposed development is consistent with the existing office developments approved at 8504 and 8508 Precinct Line Road in 2003 and 2013 respectively.

Financial Impact

There is no financial impact to the City.

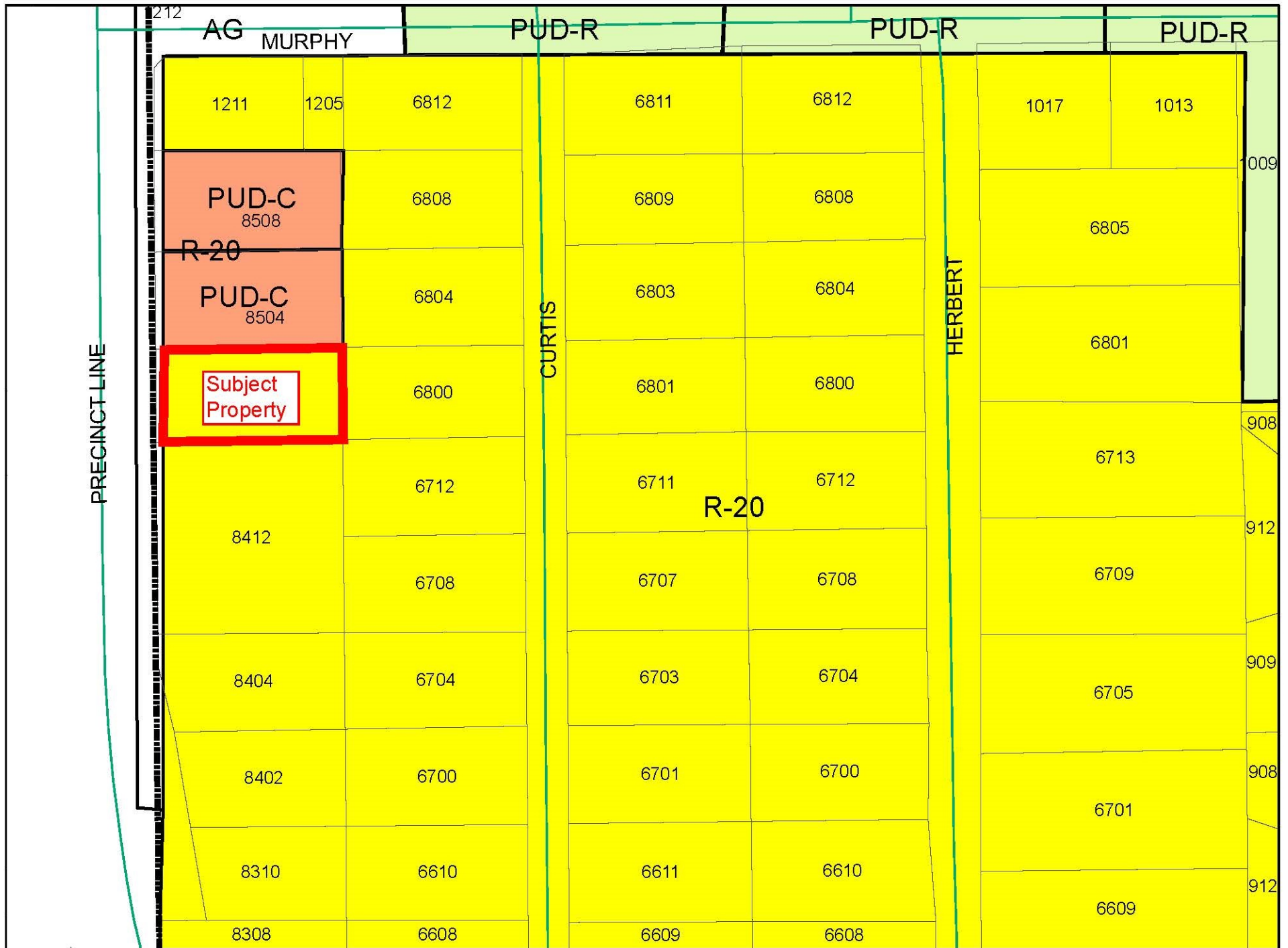
Recommendation

Approve

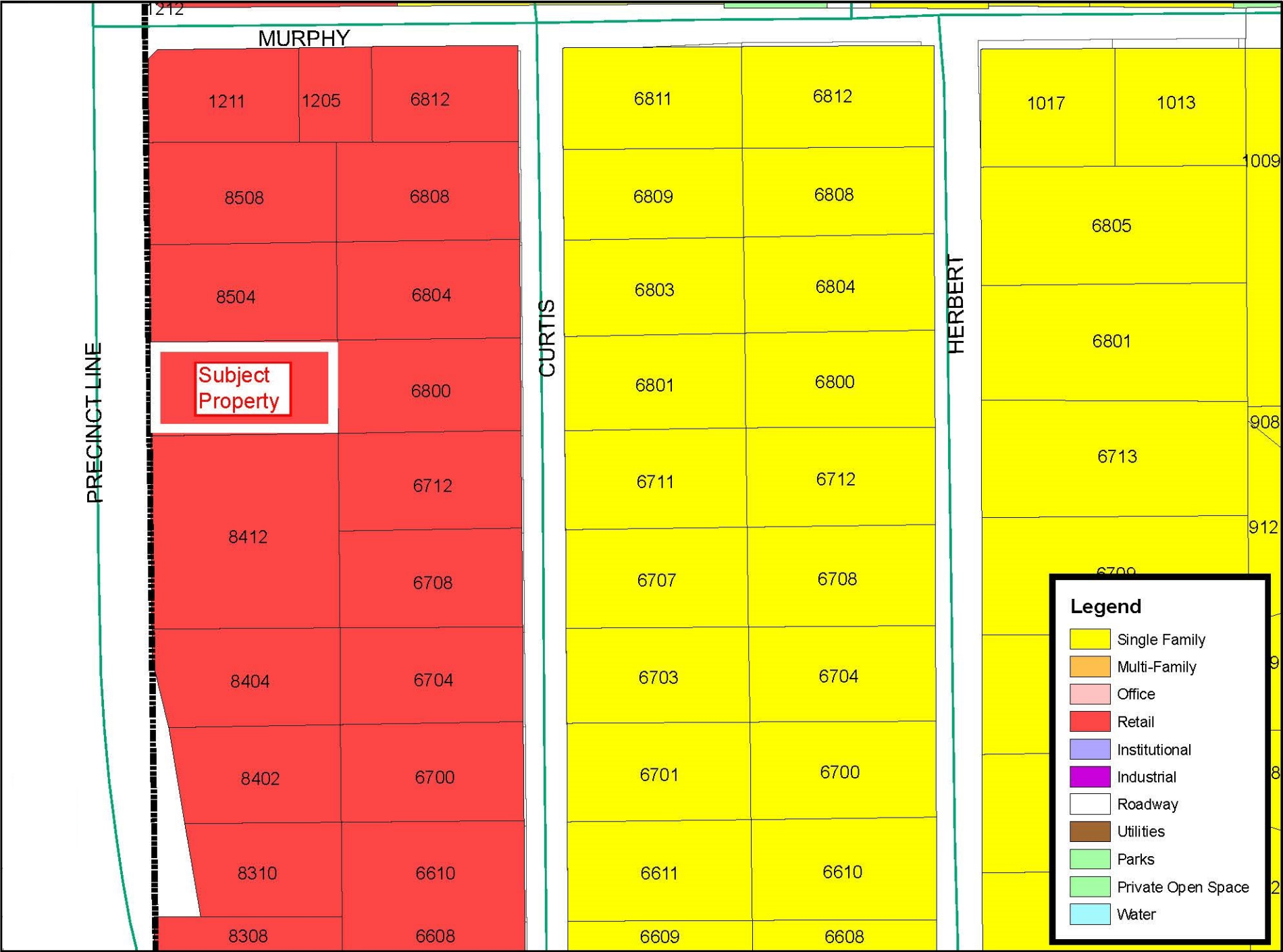
Attachments

1. Location and Zoning Map
2. Future Land Use Plan
3. Aerial
4. Notification List
5. Buffer Map (Notification Area)
6. Planning and Zoning Commission Speaker Card
7. Statement of Planning Objectives
8. Zoning Exhibit
9. Ordinance O-14-1934

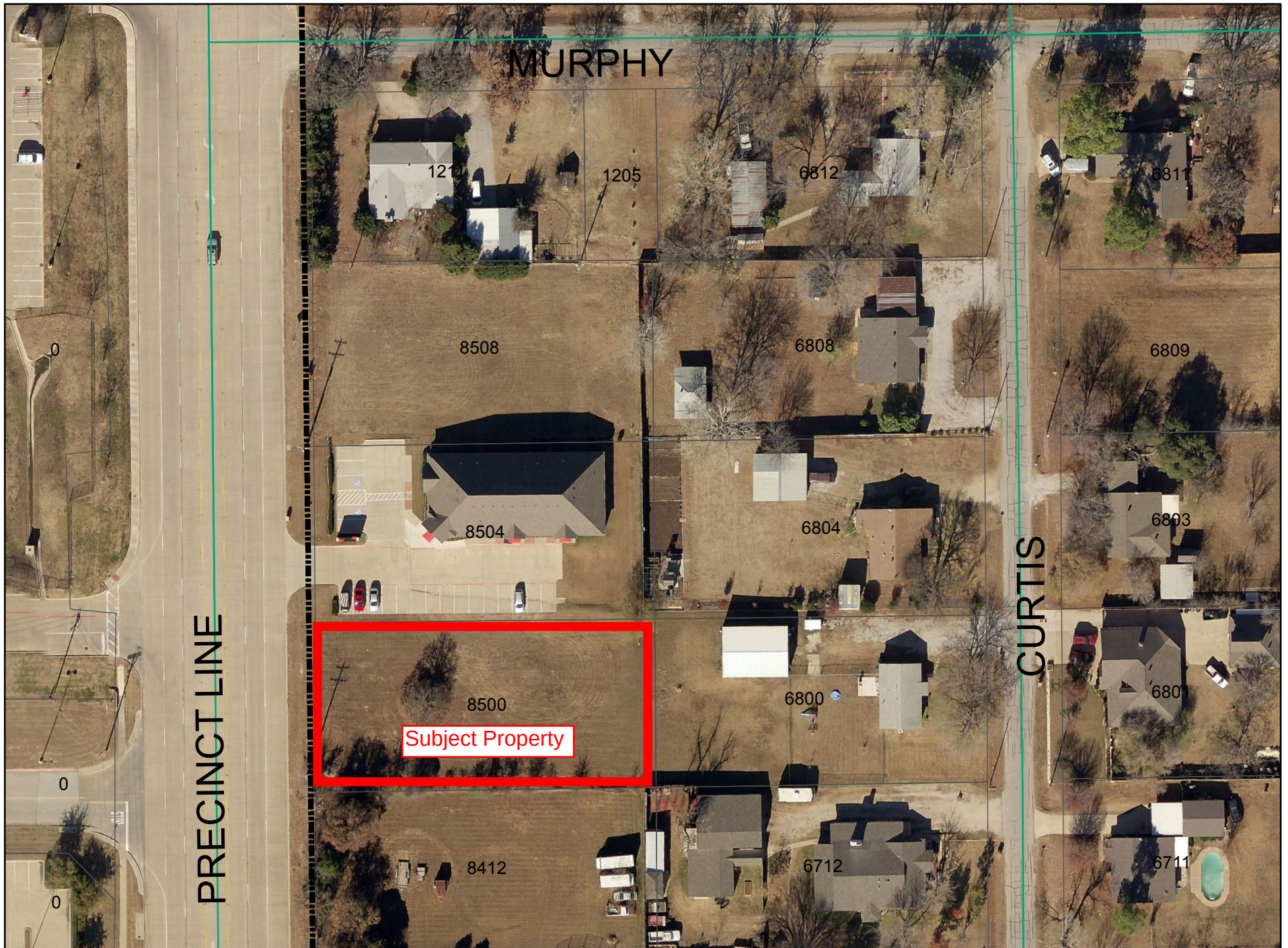
Location and Zoning Map



Future Land Use Plan



Aerial



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
7000 INVESTORS LP	8504 PRECINCT LINE RD STE 100	COLLEYVILLE	TEXAS	76034	008504 PRECINCT LINE RD
LAPRADE, JOY L	6800 CURTIS RD	COLLEYVILLE	TEXAS	76034	006800 CURTIS RD
WILLIAMS, SUE REGION	4904 DELTA CT	NORTH RICHLAND HILLS	TEXAS	76180	008500 PRECINCT LINE RD
BOLLING, CECIL ETUX SAMMIE	6712 CURTIS RD	COLLEYVILLE	TEXAS	76034	006712 CURTIS RD
BOYD, M LESLIE	6708 CURTIS RD	COLLEYVILLE	TEXAS	76034	008412 PRECINCT LINE RD
BOYD, WILLIAM S III ETUX ANITA	6708 CURTIS RD	COLLEYVILLE	TEXAS	76034	006708 CURTIS RD
GREENWAY ENTERPRISES INC	1313 HARDAGE LN	COLLEYVILLE	TEXAS	76034	008508 PRECINCT LINE RD
ALECU FAMILY TR	6308 REMINGTON PKWY	COLLEYVILLE	TEXAS	76034	006808 CURTIS RD
MCCANN, ALVIN L ETUX GLENDA S	6804 CURTIS RD	COLLEYVILLE	TEXAS	76034	006804 CURTIS RD
KELLER ISD	350 KELLER PKWY	KELLER	TEXAS	76248	COURTESY NOTICE
CITY OF NORTH RICHLAND HILLS	7301 N.E. LOOP 820	NORTH RICHLAND HILLS	TEXAS	76180	COURTESY NOTICE
ROBERT COMSTOCK, APPLICANT	5592 DAVIS BLVD. #100	NORTH RICHLAND HILLS	TEXAS	76180	APPLICANT

Public hearing notices were mailed
Friday, Aug. 29, 2014, by Taci Wrisley

The map displays the location of the proposed site, labeled 8500, which is highlighted with a red circle and a hatched pattern. The site is situated at the intersection of Precinct Line Rd and Curtis Rd. Surrounding streets include North Tarrant, Herbert Rd, and Benja. The map also shows the City of North Richland Hills to the west and the City of Tarrant to the east. A compass rose indicates the orientation, with North (N) at the top, South (S) at the bottom, East (E) to the right, and West (W) to the left. The map includes various lot numbers and precinct boundaries.

8500 Precinct Line Road

 Properties within 200 feet
 Subject Property
 Parcels



Planning and Zoning Commission Speaker Card

Date: 9-8-14

SPEAKER CARD

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

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

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

Agenda Item Number: 4a?

Name: 7000 INVESTORS - David Hall

Address: 8504 DIRECT LINE RD

City: Collegeville State: TX Zip Code: 76034

Telephone Number: 817-581-6666 Representing: 7000 INVESTORS
(organization/self)

I understand I am limited to speaking for five minutes.

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

Signed: _____

This information is a Public Record.

Statement of Planning Objectives

August 20, 2014

Re: ZC 14-016 R20 to CN 8500 Precinct Line Road

To whom it may concern:

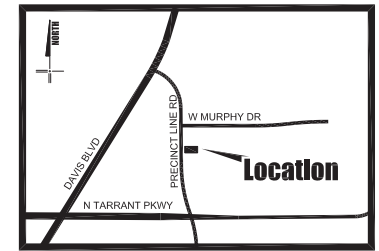
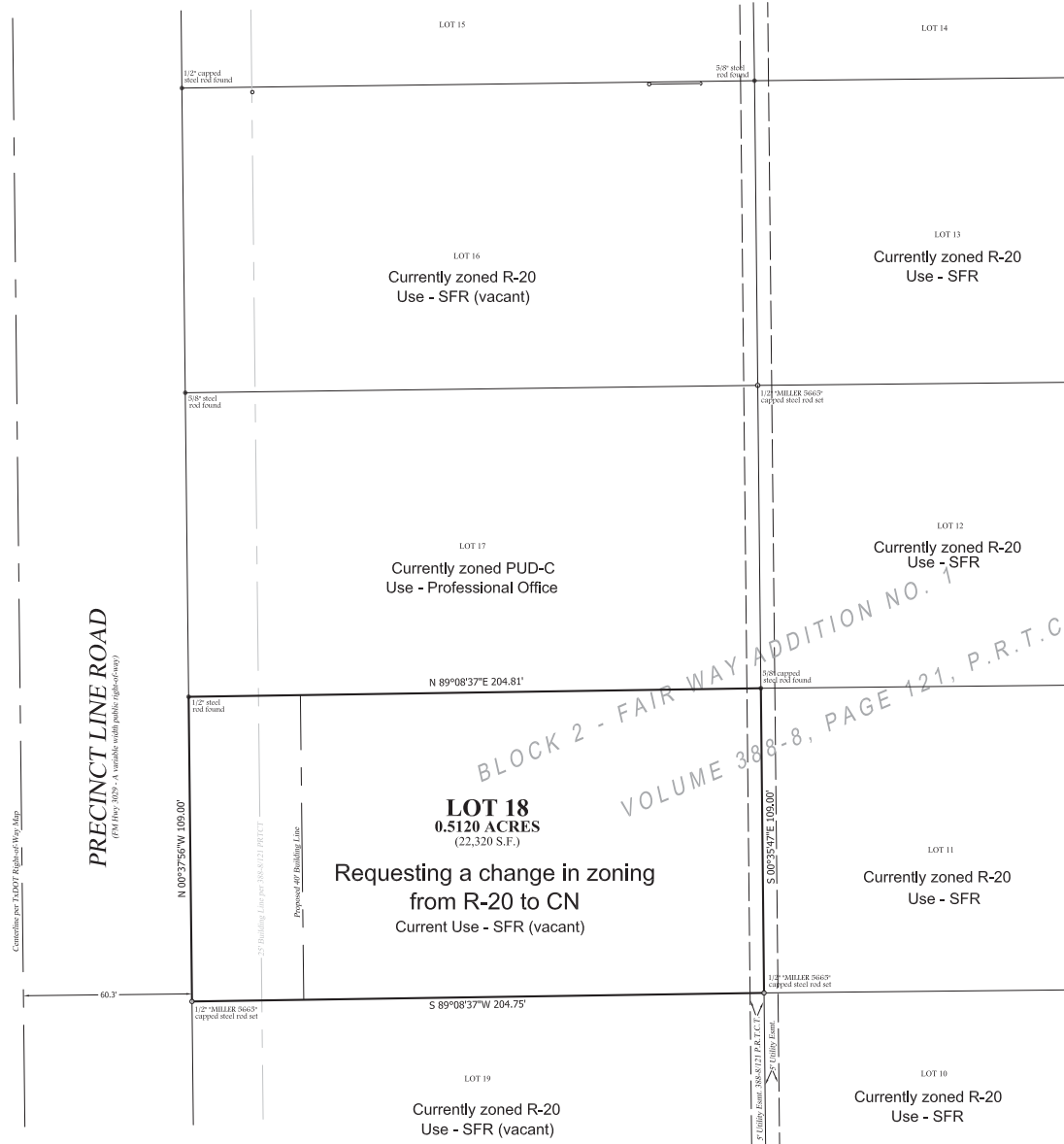
It is my intent to build a quality, attractive professional building on the property located at 8500 Precinct Line Road. This building will be approximately 4400sf. It will be a very nice structure that both the city and I will be proud of and will enhance the surrounding area. Should you have any questions, please call me at (817) 271-0052.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Comstock", written in a cursive style.

Robert Comstock

Zoning Exhibit



LEGAL DESCRIPTION: Lot 18, Block 2, Fair Way Addition, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Volume 388-8, Page 121 in the Plat Records of Tarrant County, Texas

OWNER/APPLICANT:
910 Double Springs Partners, Ltd.
Robert P. Comstock, Reg. Agent
5583 Davis Blvd., Ste. 200
N Richland Hills Tx 76180
Office: 817-424-5995
Fax: 817-424-5113

KNOW ALL MEN BY THESE PRESENTS:

That I, Jason B. Rawlings, Registered Professional Land Surveyor No. 5655 licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

Jason B. Rawlings Date



MILLER
Surveying, Inc.
Residential • Commercial • Municipal
430 Mid Cities Blvd.
Hurst, Texas 76054
817.577.1052 Fax 817.577.0972
www.MillerSurveying4nc.com

Zoning Exhibit LOT 18, BLOCK 2 FAIR WAY ADDITION NO. 1

an addition to the City of Colleyville, Tarrant County, Texas according to the plat recorded in Volume 388-8, Page 121, Plat Records, Tarrant County, Texas

Date of Preparation - July 2014

Requesting a change in zoning from R-20 to CN

ORDINANCE O-14-1934

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 0.51 ACRES ON LOT 18, BLOCK 2, OF THE FAIR WAY ADDITION, LOCATED AT 8500 PRECINCT LINE ROAD, FROM THE R-20-SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO THE CN-NEIGHBORHOOD COMMERCIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case ZC14-017; 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; and 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 changing the zoning on 0.51 acres on Lot 18, Block 2, of the Fair Way Addition, located at 8500 Precinct Line Road, from the R-20-Single Family Residential zoning district to the CN-Neighborhood Commercial zoning district, as depicted in the attached 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 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. 5. 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. 6. 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. 7. 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 6th day of October 2014.

The second reading and public hearing being conducted on the 21st day of October 2014.

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

ATTEST:

CITY OF COLLEYVILLE

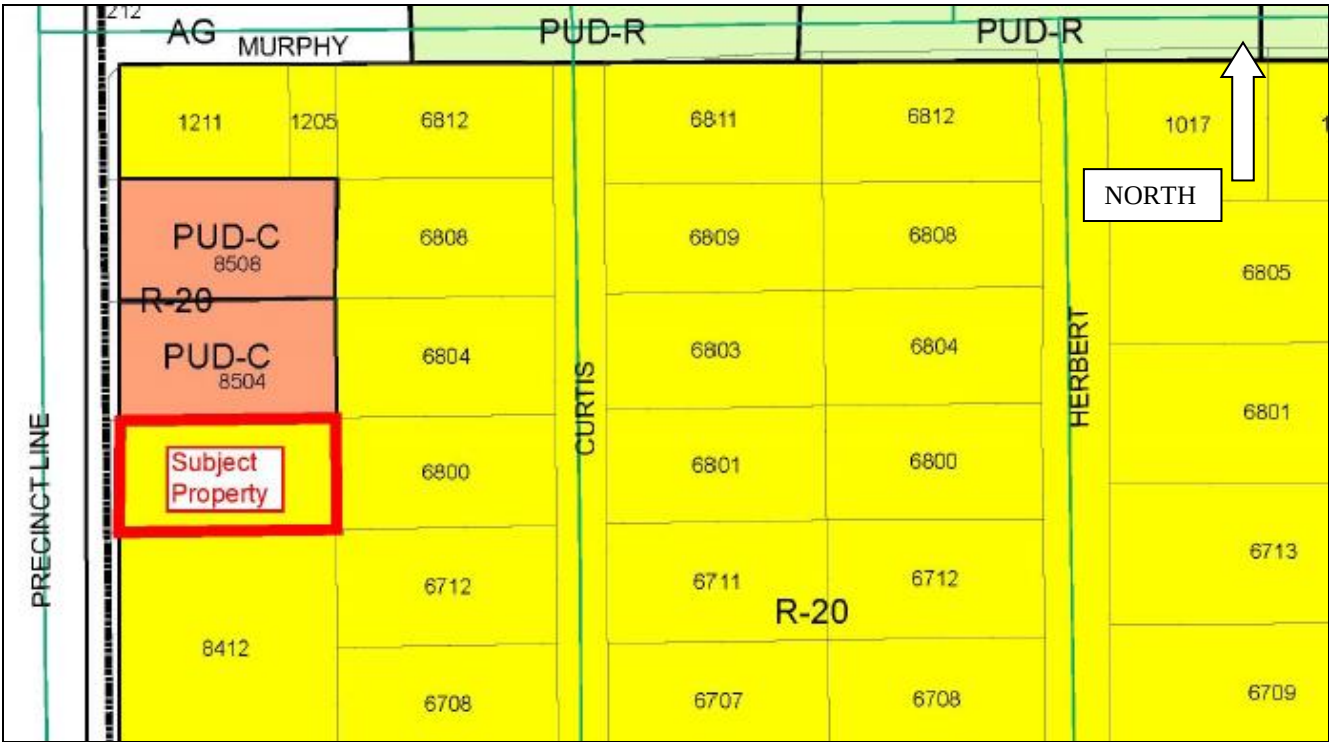
Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A"- Location and Zoning Map





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6b

Agenda Date 10/06/2014

Number Ordinance O-14-1935

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from the R-40-Single Family Residential zoning district to the R-30-Single Family Residential zoning district on Tracts 2A and 2A1A, Abstract 233, of the D. R. Blanton Survey, located at 5101 Bluebonnet Drive, Case ZC14-021

Explanation

First Reading and Public Hearing

Larry Stewart has submitted a request to change the zoning on 2.56 acres, located at 5101 Bluebonnet Drive. The applicant is requesting to rezone the property from the R-40-Single Family Residential zoning district to the R-30-Single Family Residential zoning district. The applicant is seeking a zoning change in order to create three (3) single family residential lots. A zoning exhibit and Statement of Planning Objectives are attached to this briefing.

Existing Conditions. The subject property is not platted and contains a single family home.

Non-Discretionary Zoning Request. As the rezoning request does not involve a discretionary zoning category such as a Special Use Permit or Planned Unit Development, and is instead, a rezoning request from one non-discretionary zoning district to another non-discretionary zoning district, no extra conditions or exactions may be added to the proposed ordinance as part of any approval by the City Council.

Statement of Planning Objectives. A Statement of Planning Objectives is attached to this briefing. The applicant has indicated that the purpose of this rezoning is to subdivide the property into three (3) 30,000 square feet residential lots. The applicant will be the developer of the site and builder of the homes.

Lot Dimensions and Setbacks. Per Section 3.24 G, Schedule of District Regulations, in the Land Development Code, the R-30-Single Family zoning district regulations require a minimum lot size of 30,000 square feet with a minimum lot width of 125 feet and lot depth of 125 feet. The following additional standards are applicable to the R-30 zoning designation:

Minimum Front Yard Setback: 35 feet
Minimum Side Yard Setbacks: 10 feet

Minimum Rear Yard Setback: 25 feet
Maximum Lot Coverage: 25 percent
Maximum Building Height: 2.5 stories/35 feet

The proposed conceptual plan meets the minimum standards of the Land Development Code for the R-30 zoning district.

Area Analysis of Residential Lots. There are a total of 34 lots zoned R-40-Single Family Residential or larger, including the subject property, that front along Cherry Lane, Rose Street, Bluebonnet Drive, and Glade Road between the Chelsea Park Addition and Bluebonnet Drive. Of these properties, 18 contain less than 40,000 square feet in area and six (6) properties contain less than 30,000 square feet in area.

Surrounding Development Trends. The property to the south is zoned R-20-Single Family Residential and developed as a single family detached home. The properties to the west are zoned PUD-R and under development as single family detached homes. The properties to the north and east are zoned R-40 Single Family Residential and developed as single family detached homes.

Master Plan. The Future Land Use Plan designates the subject property for single family residential uses. The proposed rezoning is consistent with the Future Land Use Plan.

Public Notification. Staff mailed notices to 14 property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. The school district where the subject property is located within Colleyville was notified per state law. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. To date, no correspondence has been received regarding this request.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the September 8, 2014 meeting by a vote of 5-1.

Summary. The proposed zoning change is consistent with the Future Land Use Plan, which designates the subject property as single family residential uses. The proposed 2.56 acres meet the minimum standards of the Land Development Code for the R-30 zoning district given the applicant's intention to subdivide the property into three (3) lots.

Financial Impact

There is no financial impact to the City.

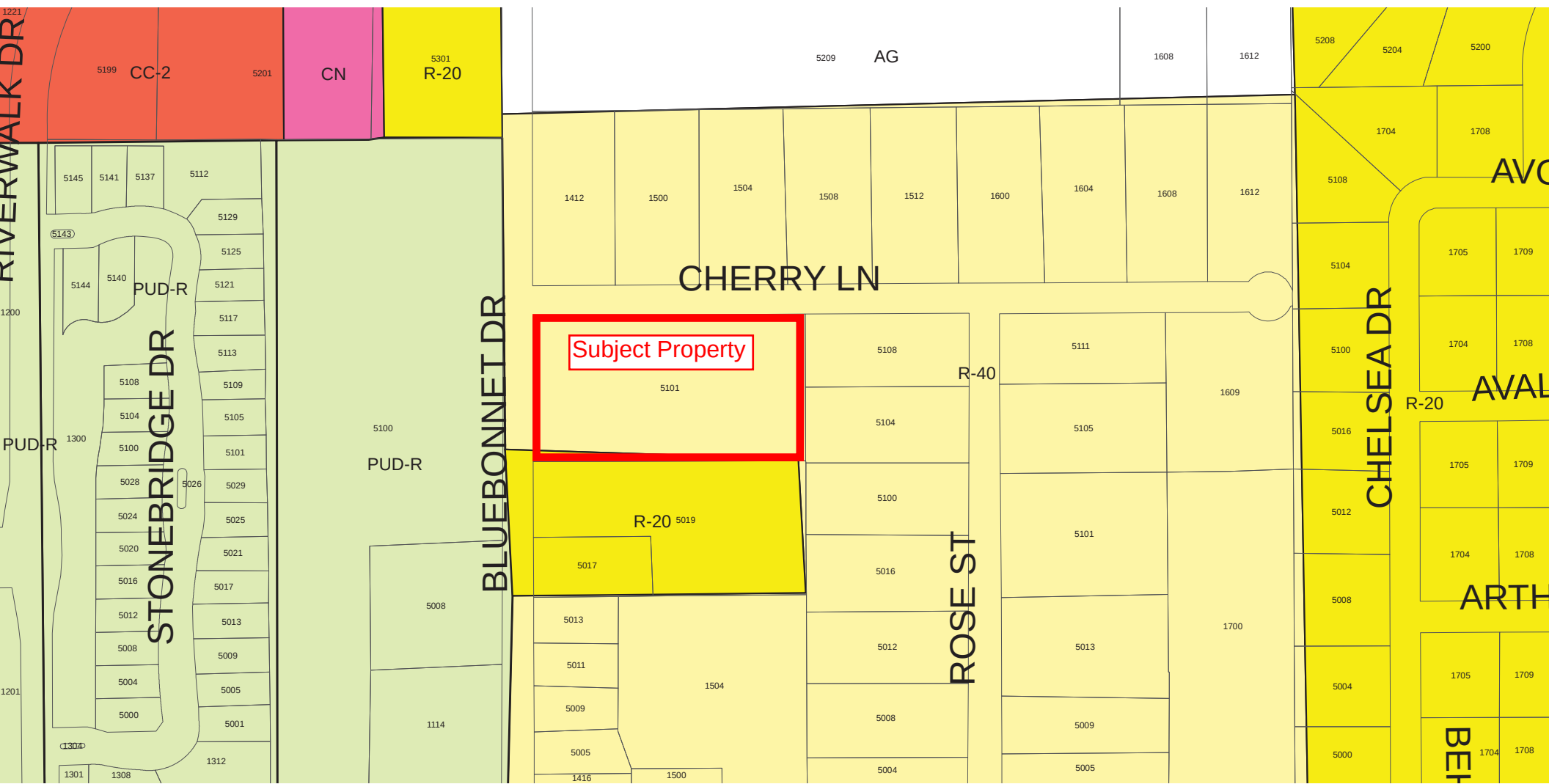
Recommendation

Approve

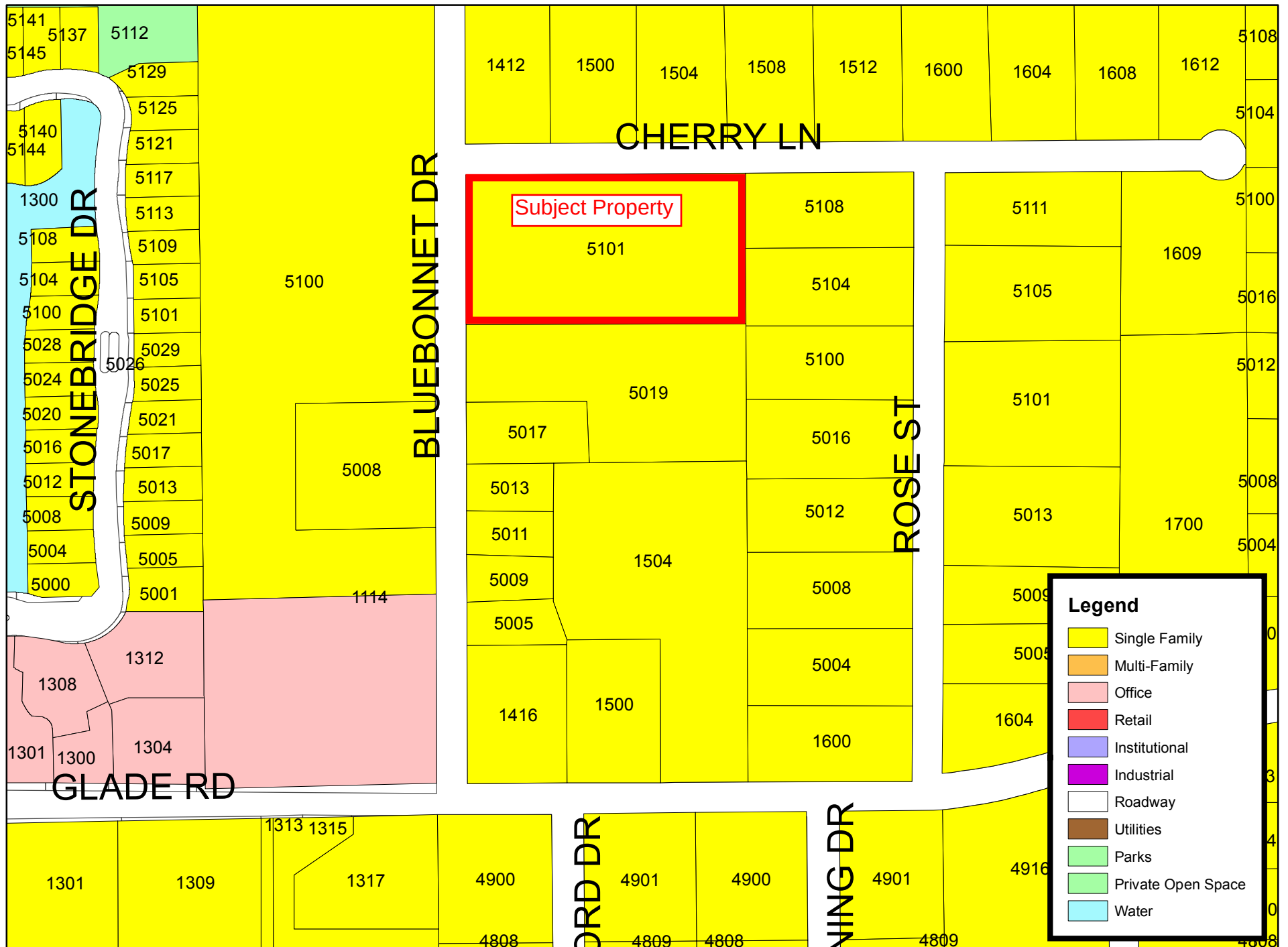
Attachments

1. Location and Zoning Map
2. Future Land Use Map
3. Aerial
4. Notification List
5. Buffer Map (Notification Area)
6. Statement of Planning Objectives
7. Zoning Exhibit
8. Ordinance O-14-1935

Location and Zoning Map



Future Land Use Map



Aerial



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
SPEIGHT CONSTRUCTION LTD	5137 DAVIS BLVD	N. RICHLAND HILLS	TEXAS	76180	001504 CHERRY LN
TURNER, RUTH	PO BOX 145	COLLEYVILLE	TEXAS	76034	005101 BLUEBONNET DR
TERRA MANNA PRESERVATION LLC	395 W STATE HIGHWAY 114	SOUTHLAKE	TEXAS	76092	005008 BLUEBONNET DR
COBB, JESSE G ETUX LOLA M	1508 CHERRY LN	COLLEYVILLE	TEXAS	76034	001508 CHERRY LN
BARTOLOMEI, JUAN C	209 W MCDONWELL SCHOOL RD	COLLEYVILLE	TEXAS	76034	001512 CHERRY LN
DAVIS, ALAN T ETUX MARY C	1500 CHERRY LN	COLLEYVILLE	TEXAS	76034	001500 CHERRY LN
DOUGLASS, GEORGE W JR ETUX BER	1412 CHERRY LN	COLLEYVILLE	TEXAS	76034	001412 CHERRY LN
WILLIAMS, JAMES R JR ETUX BETH	5108 ROSE ST	COLLEYVILLE	TEXAS	76034	005108 ROSE ST
CALLAHAN, JAMES M ETUX MARY R	5019 BLUEBONNET RD	COLLEYVILLE	TEXAS	76034	005019 BLUEBONNET DR
HALLEY, WILLIAM LEE	5100 ROSE ST	COLLEYVILLE	TEXAS	76034	005100 ROSE ST
CLARK, HARRY P ETUX LINDA L	5104 ROSE ST	COLLEYVILLE	TEXAS	76034	005104 ROSE ST
GARDNER, DAVID & JACKIE A	5017 BLUEBONNET RD	COLLEYVILLE	TEXAS	76034	005017 BLUEBONNET DR
PHAGAN, QUELL I	5016 ROSE ST	COLLEYVILLE	TEXAS	76034	005016 ROSE ST
TERRA MANNA PRESERVATION LLC	395 W STATE HIGHWAY 114	SOUTHLAKE	TEXAS	76092	005100 BLUEBONNET DR
BRIDGES AT RIVERWALK	PO BOX 1183	COLLEYVILLE	TEXAS	76034	COURTESY NOTICE
GRAPEVINE-COLLEYVILLE ISD	3051 IRA E. WOODS AVE	GRAPEVINE	TEXAS	76051	COURTESY NOTICE
LARRY STEWART, APPLICANT	PO BOX 1497	COLLEYVILLE	TEXAS	76034	APPLICANT

Public hearing notices were mailed Fri.,
Aug. 29, 2014 by Taci Wrisley

5101 Bluebonnet Drive



Statement of Planning Objectives

The reason for the rezoning request is homeowners wanting to have 30,000 feet lots to build homes for their families in the City. Due to the fact that this particular tract already has the street frontage to do it makes it a great opportunity for those families.

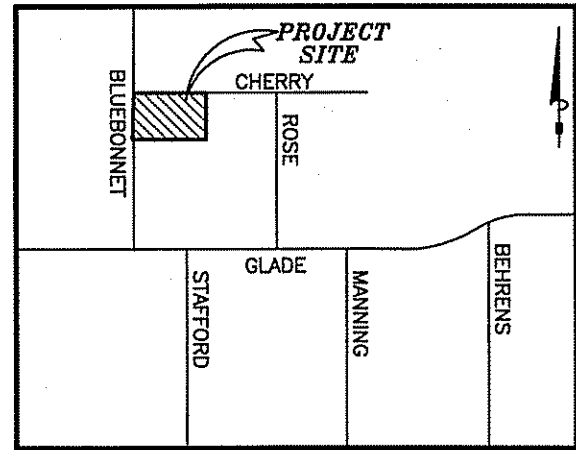
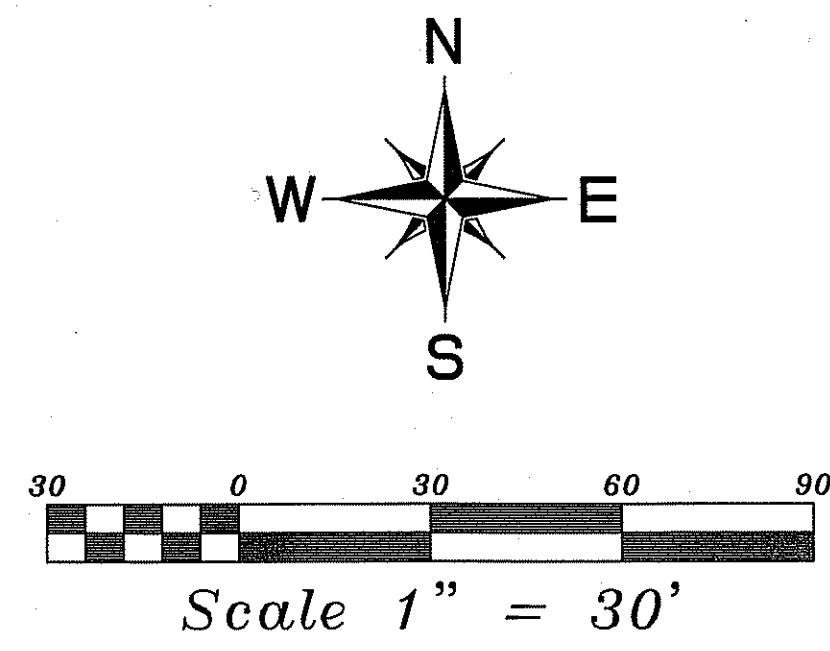
Larry Stewart Custom Homes will be the only home builder for the three lots.

We have two of the lots reserved to begin as soon as approval is granted. The third lot is also planned to start within one year.

Thank you for your consideration,

Larry Stewart

Zoning Exhibit



VICINITY MAP

ZONED R-20

D.R. BLANTON SURVEY
ABSTRACT NO. 233

40' B.L.

OWNER:
ESTATE OF RUTH TURNER
JOHN P. TURNER, EXECUTOR
P.O. BOX 145
COLLEYVILLE, TEXAS 76034

OWNERS REPRESENTATIVE
LARRY STEWART CUSTOM HOMES
LARRY STEWART
P.O. BOX 1497
COLLEYVILLE, TEXAS 76034
817.251.5832

ENGINEER:
KELLIE ENGINEERING, INC.
ED KELLIE
P.O. BOX 471898
FORT WORTH, TEXAS 76147
817.455.1396

SURVEYOR:
LOYD BRANSOM SURVEYORS, INC.
CHARLES B. HOOKS, JR. RPLS
1028 N. SYLVANIA AVE
FORT WORTH, TEXAS 76111
817.834.3477
FAX 817.831.9818

14-699E
08-21-14
BH

BLUEBONNET DRIVE

LOT 1
COMMUNITY HOME ADDITION
VOL. 388-R, PG. 40
P.R.T.C.T.
ZONED R-40

LOT 2
COMMUNITY HOME ADDITION
VOL. 388-R, PG. 40
P.R.T.C.T.
ZONED R-40

LOT 3
COMMUNITY HOME ADDITION
VOL. 388-R, PG. 40
P.R.T.C.T.
ZONED R-40

LOT 4
COMMUNITY HOME ADDITION
VOL. 388-R, PG. 40
P.R.T.C.T.
ZONED R-40

CHERRY AVENUE

35' B.L.

LOT 1
BLOCK 2
41848.51 S.F.

LOT 2
BLOCK 2
33782.43 S.F.

LOT 3
BLOCK 2
33577.53 S.F.

LOT 1, BLOCK 1
TURNER ADDITION
VOL. 388-207, PG. 73
P.R.T.C.T.
ZONED R-20

LOT 2, BLOCK 1
TURNER ADDITION
VOL. 388-207, PG. 73
P.R.T.C.T.
ZONED R-20

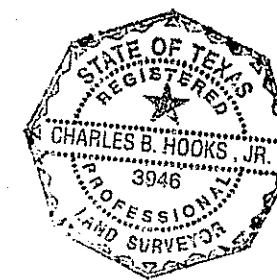
BEING A TRACT OF LAND OUT OF THE D.R. BLANTON SURVEY, ABSTRACT NO. 233
TARRANT COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED
IN DEED RECORDED IN VOLUME 2410, PAGE 289, DEED RECORDS, TARRANT
COUNTY, TEXAS,

BEGINNING AT CAPPED IRON PIN (MOAK) FOUND IN THE SOUTH R.O.W. LINE OF CHERRY AVENUE FOR THE
NORTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE NORTHWEST CORNER OF LOT 10,
COMMUNITY HOME ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING
TO PLAT RECORDED IN VOLUME 388-R, PAGE 40, PLAT RECORDS, TARRANT COUNTY, TEXAS;
THENCE SOUTH 00 DEGREES 31 MINUTES 23 SECONDS WEST 239.11 FEET ALONG THE WEST LINE OF
LOTS 10 AND 11, SAID COMMUNITY HOME ADDITION TO A CAPPED IRON PIN (MOAK) FOUND FOR THE
SOUTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE NORTHEAST CORNER OF LOT 1,
BLOCK 1, TURNER ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING
TO PLAT RECORDED IN VOLUME 388-207, PAGE 73, PLAT RECORDS, TARRANT COUNTY, TEXAS;
THENCE NORTH 89 DEGREES 53 MINUTES 20 SECONDS WEST 461.84 FEET ALONG THE NORTH LINE OF
SAID LOT 1, BLOCK 1, TURNER ADDITION TO A CAPPED IRON PIN (MOAK) FOUND IN THE EAST LINE OF
BLUEBONNET DRIVE FOR THE SOUTHWEST CORNER OF TRACT BEING DESCRIBED;
THENCE NORTH 00 DEGREES 19 MINUTES 09 SECONDS EAST 243.94 FEET ALONG THE EAST LINE OF
SAID BLUEBONNET DRIVE TO A CAPPED IRON PIN (MOAK) FOUND IN THE SOUTH R.O.W. LINE OF SAID
CHERRY AVENUE FOR THE NORTHWEST CORNER OF TRACT BEING DESCRIBED;
THENCE NORTH 89 DEGREES 17 MINUTES 24 SECONDS WEST 462.70 FEET ALONG SAID R.O.W. TO THE
POINT OF BEGINNING AND CONTAINING 2.56 ACRES OF LAND, MORE OR LESS

ZONING EXHIBIT
CURRENT ZONING - R-40
PROPOSED ZONING - R-30

PROPOSED
LOTS 1, 2 AND 3, BLOCK 2
TURNER ADDITION
AN ADDITION TO THE CITY OF COLLEYVILLE,
TARRANT COUNTY, TEXAS

BEING A TRACT OF LAND OUT OF THE D.R. BLANTON SURVEY, ABSTRACT NO. 233
TARRANT COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED
IN DEED RECORDED IN VOLUME 2410, PAGE 289, DEED RECORDS, TARRANT
COUNTY, TEXAS,



THIS IS TO CERTIFY THAT I, CHARLES B. HOOKS, JR., A REGISTERED
PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HAVING
PLATTED THE ABOVE SUBDIVISION FROM A ACTUAL SURVEY ON THE
GROUND, AND THAT ALL LOT CORNERS, AND ANGLE POINTS, AND
POINTS OF CURVE 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.
08-15-14
CHARLES B. HOOKS, JR. RPLS
TEXAS REGISTRATION NO. 3946

ORDINANCE O-14-1935

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 2.56 ACRES ON TRACTS 2A & 2A1A, ABSTRACT 233, OF THE D. R. BLANTON SURVEY, LOCATED AT 5101 BLUEBONNET DRIVE, FROM THE R-40-SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO THE R-30-SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case ZC14-021; 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; and 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 changing the zoning on 2.56 acres on Tracts 2A & 2A1A, Abstract 233, of the D. R. Blanton Survey, located at 5101 Bluebonnet Drive, from the R-40-Single Family Residential zoning district to the R-30-Single Family Residential zoning district, as depicted in the attached Exhibit "A" and Exhibit "B".
- 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 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. 5. 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. 6. 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. 7. 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 6th day of October 2014.

The second reading and public hearing being conducted on the 21st day of October 2014.

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

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit “A”- Location and Zoning Map

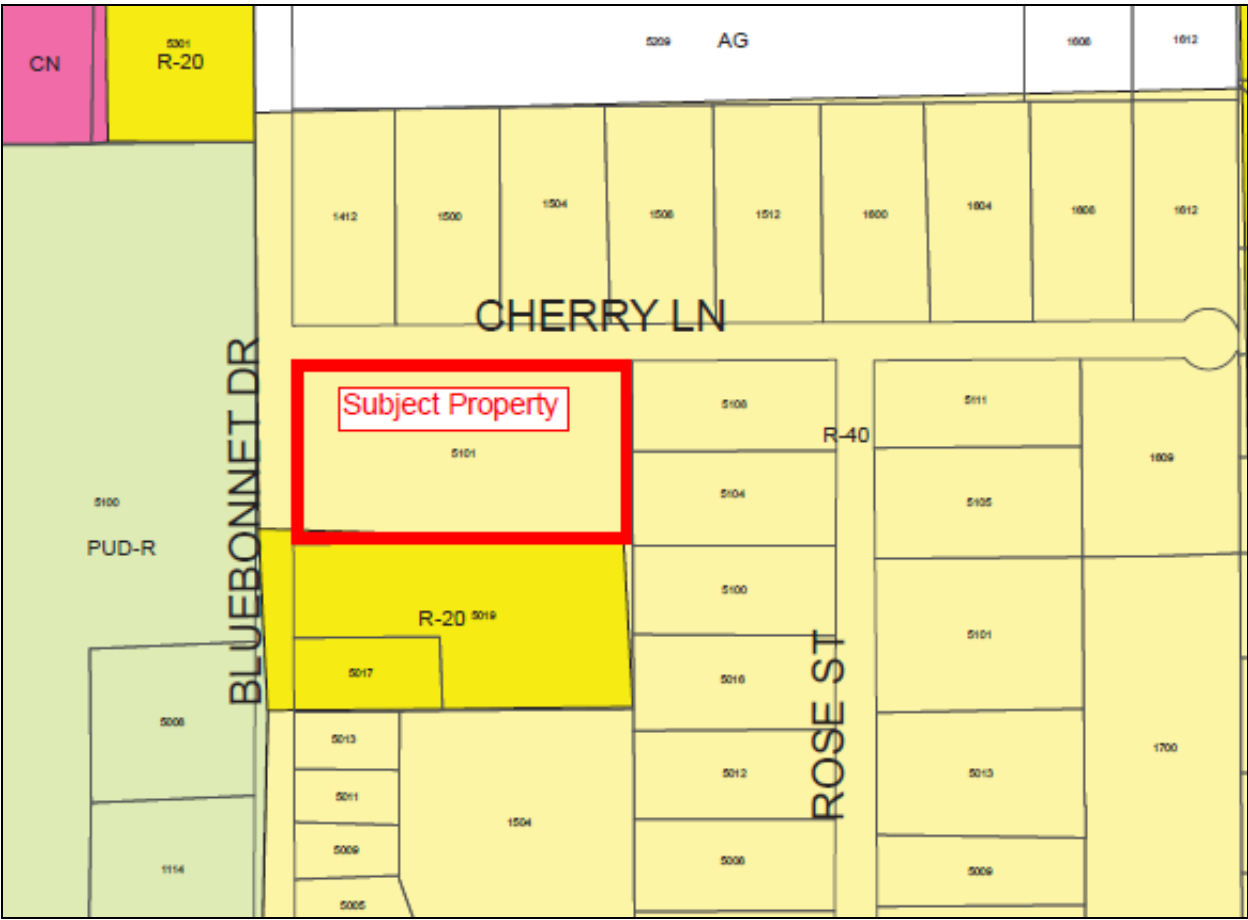


Exhibit “B”- Metes & Bounds Description

BEING A TRACT OF LAND OUT OF THE D.R. BLANTON SURVEY, ABSTRACT NO. 233 TARRANT COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 2410, PAGE 289, DEED RECORDS, TARRANT COUNTY, TEXAS, BEGINNING AT CAPPED IRON PIN (MOAK) FOUND IN THE SOUTH R.O.W. LINE OF CHERRY AVENUE FOR THE NORTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE NORTHWEST CORNER OF LOT 10, COMMUNITY HOME ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 388-R, PAGE 40, PLAT RECORDS, TARRANT COUNTY, TEXAS; THENCE SOUTH 00 DEGREES 31 MINUTES 23 SECONDS WEST 239.11 FEET ALONG THE WEST LINE OF LOTS 10 AND 11, SAID COMMUNITY HOME ADDITION TO A CAPPED IRON PIN (MOAK) FOUND FOR THE SOUTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 1, TURNER ADDITION, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 388-207, PAGE 73, PLAT RECORDS, TARRANT COUNTY, TEXAS; THENCE NORTH 89 DEGREES 53 MINUTES 20 SECONDS WEST 461.84 FEET ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 1, TURNER ADDITION TO A CAPPED IRON PIN (MOAK) FOUND IN THE EAST LINE OF BLUEBONNET DRIVE FOR THE SOUTHWEST CORNER OF TRACT BEING DESCRIBED; THENCE NORTH 00 DEGREES 19 MINUTES 09 SECONDS EAST 243.94 FEET ALONG THE EAST LINE OF SAID BLUEBONNET DRIVE TO A CAPPED IRON PIN (MOAK) FOUND IN THE SOUTH R.O.W. LINE OF SAID CHERRY AVENUE FOR THE NORTHWEST CORNER OF TRACT BEING DESCRIBED; THENCE NORTH 89 DEGREES 17 MINUTES 24 SECONDS WEST 462.70 FEET ALONG SAID R.O.W. TO THE POINT OF BEGINNING AND CONTAINING 2.56 ACRES OF LAND, MORE OR LESS



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 10/06/2014

Number Resolution R-14-3791

Type Resolution

Department City Manager

Title

Approval of an amendment to the Colleyville Pathways Plan to realign and change the required width of Trail Number 29

Explanation

Reading and Public Hearing

Staff recommends an amendment to the 2005 Colleyville Pathways Plan to realign and change the required width of Trail Number 29. Attached is an exhibit titled "Proposed Trail 29 Alignment" showing the existing and proposed alignments of Trail Number 29.

Background. The Colleyville Pathways Plan, first adopted by City Council in September 1998 and updated on October 18, 2005, by attached Resolution R-05-2609, establishes the plan for the long range development of the sidewalk and trail system for the community. The Colleyville Pathways Plan identified a need for an east/west trail located in the northwest corner of the community that would ultimately connect the Precinct Line Road corridor to the Old Grove Trail, McPherson Park, and John McCain Road. This trail segment was identified as the Beddo Creek Trail, or Trail Number 29. This trail segment was planned as a 0.7 mile long, 10 foot wide trail that would travel along the northern City limit line from Precinct Line Road to a private open space lot within the Whittier Heights subdivision. When the location of this trail segment was originally identified as a need, the properties along the trail route were primarily undeveloped.

Amendments to Trail Number 29. As properties in the vicinity of the trail route developed over the past several years, the location of the proposed trail has been amended by City Council to better coordinate connectivity of pedestrian pathways among the new developments. With the development of The Reserve at Colleyville, Trail Number 29 was relocated south to Murphy Road. The revised trail route was approved by the City Council on December 18, 2007, by attached Resolution R-07-2916. The revised route planned for the 10 foot wide trail to extend from Precinct Line Road eastward within the right-of-way along the north side of Murphy Road, within The Reserve at Colleyville development. The trail followed Murphy Road to the intersection with Schubert Street, where it turned north, ending and connecting to a private open space lot within the Whittier Heights subdivision.

A second amendment to Trail 29 was approved by City Council on April 15, 2008, by attached Resolution R-08-2960. During construction of an initial phase of The Reserve

at Colleyville, the developer requested that the width of the trail be reduced to allow for a meandering design in order to accommodate existing trees and additional amenities that were being added near the entrance to the subdivision. This resolution allowed the developer to construct a section of trail within The Reserve at Colleyville with a minimum width of six feet.

Current Trail Alignment. Trail 29 extends from Precinct Line Road eastward within the right-of-way along the north side of Murphy Road to The Reserve at Colleyville development.

Somerset Manor is the development that is just west of The Reserve at Colleyville and completed the public improvements associated with the development in 2014. As a result of the Somerset Manor development, the developer was required to construct the trail section along the frontage of their respective development. This section of trail was constructed eight feet in width and is located along Murphy Road as shown on the exhibit titled "Proposed Trail 29 Connectivity".

Approximately 250 linear feet of trail remains to be constructed along 1212 Murphy Road. This will be a requirement of the redevelopment of that property. This section of trail will complete the remaining portion of Trail Number 29 that is needed to connect to the Precinct Line Road Corridor.

The Reserve at Colleyville is currently being developed in phases. The initial phases were completed, and the developer is in the process of final plats for the remaining phases to complete Murphy Road to the east and Schubert Street to the north, as seen in items 7b and 7e on this agenda. If the existing Colleyville Pathways Plan is not amended, the developer will be required to construct Trail 29, per the alignment stated within Resolution R-07-2916. This existing alignment ends the trail at a private open space lot within the Whittier Heights subdivision that is controlled by the home owners association and has not been designated for public use as shown on the attached Whittier Heights plat, and does not have a companion public trail connection.

Proposed Trail Route and Width. Staff recommends the alignment and width of the trail be amended to connect the trail to an existing pedestrian pathway, and to provide a consistent width with the section of trail that is located within The Reserve at Colleyville development. The proposed resolution will amend the alignment and the required width of Trail 29.

The new alignment will follow Murphy Road and then make a 90 degree turn to the north along Schubert Street approximately 450 feet to the north side of Riverpath. Trail 29 will then extend along the north side of Riverpath and terminate at the sidewalk system located along Whittier Lane. The north side of Riverpath is preferred, over the south side, due to the north alignment allowing for the access ramp to be placed near a property line, versus the center of a residential lot. The new alignment is shown on an exhibit titled "Proposed Trail 29 Alignment". This trail will provide a

pedestrian connection to the sidewalks within the Whittier Heights subdivision leading to the trails within the Old Grove subdivision and McPherson Park. The connectivity of the network will be achieved upon the completion of this trail section, and it can be seen on the attached exhibit titled "Proposed Trail 29 Connectivity".

Summary. Given that the majority of Trail 29 has been constructed as a six foot wide trail, staff recommends that the remaining section be constructed with a minimum width of six feet as well. This will allow for the trail to have a consistent width, with the already constructed section, and it will better accommodate the trail being constructed in the right-of-way of the residential homes.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Resolution R-05-2609
2. Resolution R-07-2916
3. Resolution R-08-2960
4. Whittier Heights Plat
5. Proposed Trail 29 Alignment
6. Proposed Trail 29 Connectivity
7. Resolution R-14-3791

RESOLUTION R-05-2609

**A RESOLUTION ADOPTING THE "COLLEYVILLE PATHWAYS PLAN", DATED
SEPTEMBER 2005, TO BE USED AS THE GUIDE FOR FUTURE TRAIL AND
SIDEWALK PROJECTS IN COLLEYVILLE**

WHEREAS, the City Council of the City of Colleyville desires to update the 1998 Colleyville Pathways Plan to reflect changing conditions that have occurred in the community; and

WHEREAS, the Colleyville Sidewalk Committee has reviewed the document and forwarded a recommendation to the Colleyville Parks and Recreation Advisory Board; and

WHEREAS, a public hearing has been held by the Colleyville Parks and Recreation Advisory Board to receive citizen comments: and

WHEREAS, the Colleyville Parks and Recreation Advisory Board has forwarded a recommendation to the City Council for adoption of the final draft of the Colleyville Pathways Plan, dated September 2005.

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

Sec. 1. THAT the document entitled "Colleyville Pathways Plan", dated September 2005, is hereby adopted.

Sec. 2. THAT the Colleyville Pathways Plan, dated September 2005, shall be used as a guide for future development of public trails and sidewalks in Colleyville.

AND IT IS SO RESOLVED.

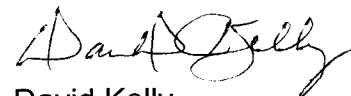
PASSED BY A VOTE OF 5 AYES, 0 NAYS AND 0 ABSTENTIONS ON
THIS THE 18th DAY OF October 2005.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

RESOLUTION R-07-2916

**A RESOLUTION AMENDING TRAIL NUMBER 29 IN THE COLLEYVILLE
PATHWAYS PLAN, DATED SEPTEMBER 2005**

WHEREAS, the City Council of the City of Colleyville adopted the Colleyville Pathways Plan with the approval of Resolution R-05-2609; and

WHEREAS, the City Council desires to amend Trail Number 29 by changing the proposed trail route to reflect an interconnection between The Reserve at Colleyville and Whittier Heights subdivisions.

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

Sec. 1. THAT the document entitled "Colleyville Pathways Plan", dated September 2005, is hereby amended to incorporate the revised trail route for Trail Number 29, as shown on the attached Exhibit "A". If the necessary off-site land conveyance of Lot 12 is not made to allow for Alternate A to carry off-site within 6 months, the Alternate B alignment shall be the trail route.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 6 AYES, 0 NAYS AND 0
ABSTENTIONS ON THIS THE 18th DAY OF December 2007.

ATTEST:



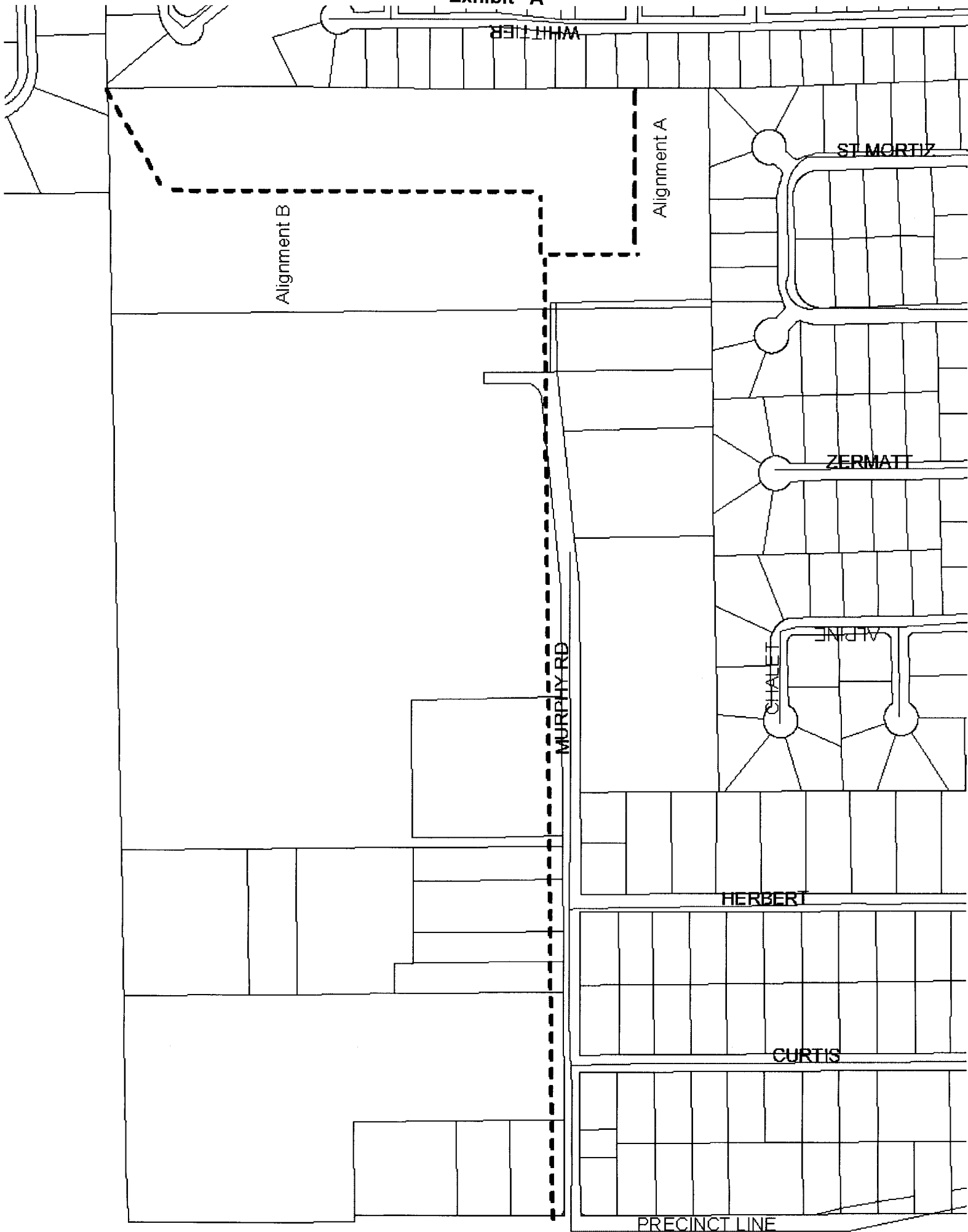
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

Exhibit "A"



RESOLUTION R-08-2960

**A RESOLUTION APPROVING COUNCIL ACTION
UNDER CONSENT ITEMS AT THE REGULAR
COUNCIL MEETING OF APRIL 15, 2008**

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

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

- Sec. 1. THAT the agenda decisions approved by Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting held on April 1, 2008
 - b. Amendment to the Economic Development Capital Improvement Program for Fiscal Years 2008-2012 of the Colleyville Economic Development Corporation
 - c. Approval of a request by RP25 Development, L.P, to reduce the width of a portion of the proposed trail on Murphy Road

AND IT IS SO RESOLVED.

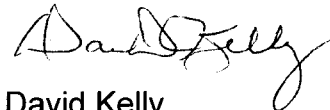
APPROVED BY A VOTE OF 7 AYES, 0 NAYS AND 0 ABSTENTIONS
ON THIS THE 15th DAY OF April 2008.

ATTEST:



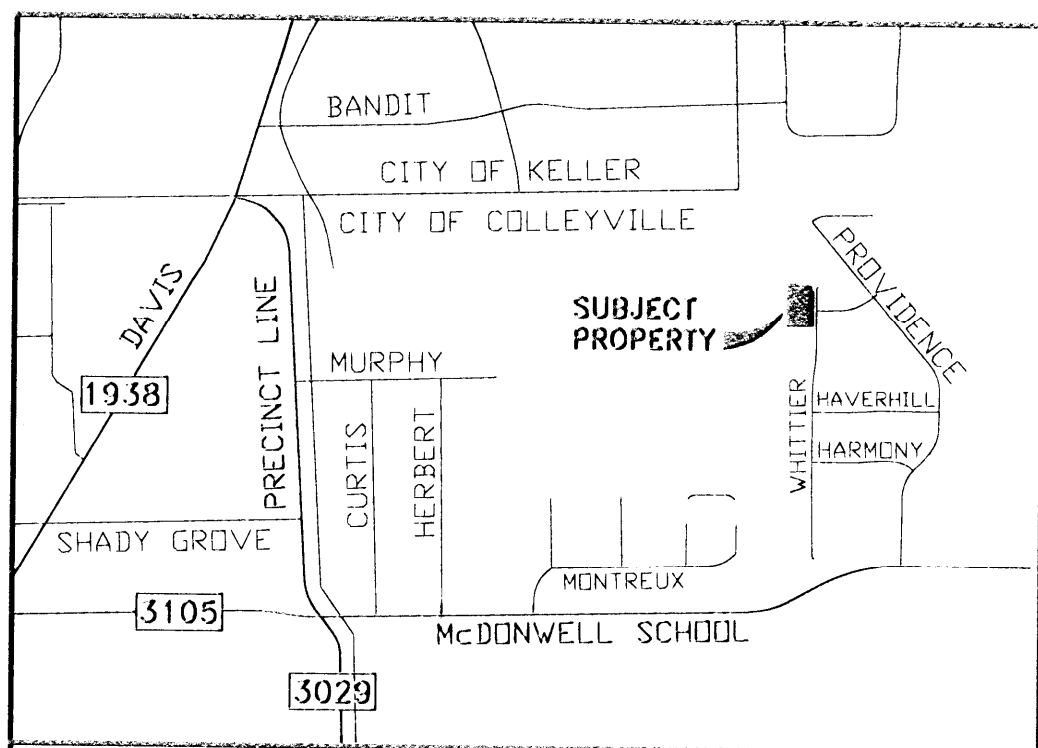
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE

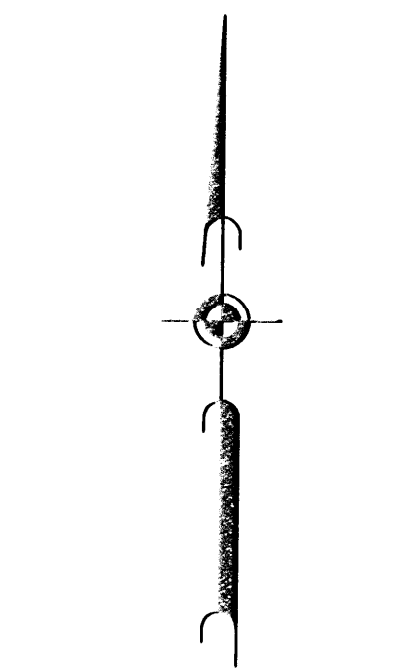


David Kelly
Mayor

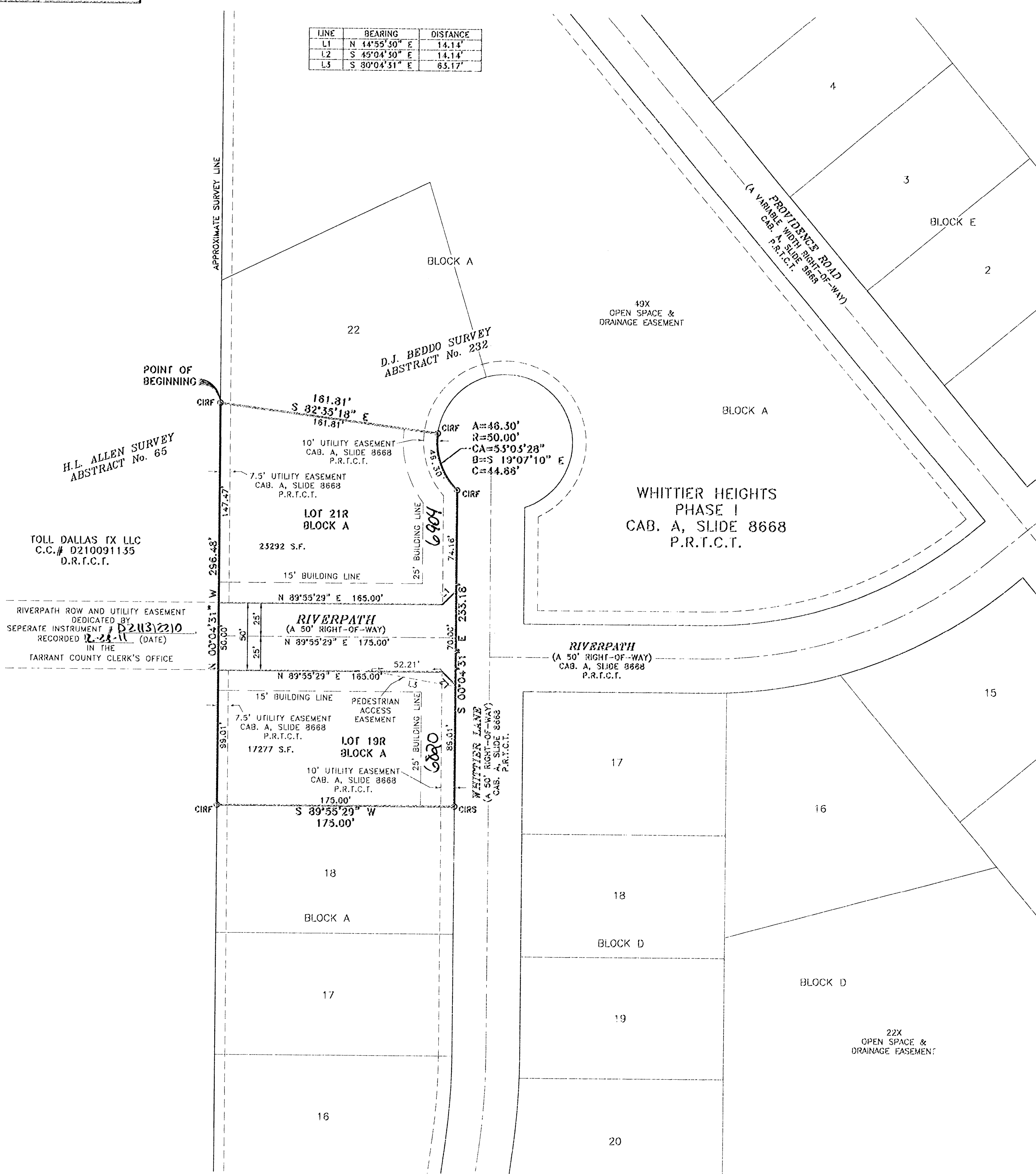
Whittier Heights Plat



VICINITY MAP
NOT TO SCALE



LINE	BEARING	DISTANCE
L1	N 14°55'50" E	14.14'
L2	S 45°04'30" E	14.14'
L3	S 90°04'31" E	85.17'



LEGEND
 IRF IRON ROD FOUND
 CIRF 1/2" IRON ROD WITH PLASTIC CAP
 STAMPED "GOODWIN MARSHALL" FOUND
 CIRS 5/8" IRON ROD WITH YELLOW
 PLASTIC CAP STAMPED "JACOBS" SET
 D.R.T.C.T. DEED RECORDS, TARRANT COUNTY, TEXAS
 P.R.T.C.T. PLAT RECORDS, TARRANT COUNTY, TEXAS

SURVEYOR'S NOTES:

- 1) ALL CORNERS SET ARE MONUMENTED WITH A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "JACOBS", UNLESS OTHERWISE NOTED.
- 2) BEARING BASIS IS WHITTIER HEIGHTS, PHASE I, AN ADDITION TO THE CITY OF COLLEYVILLE, ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 8668, PLAT RECORDS, TARRANT COUNTY, TEXAS.

OWNER'S CERTIFICATE

STATE OF TEXAS X
 COUNTY OF TARRANT X

WHEREAS TOLL DALLAS TX LLC IS THE OWNER OF A 1.155 ACRE TRACT OF LAND SITUATED IN THE D.J. BEDDO SURVEY, ABSTRACT NO. 232, CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, AND BEING ALL OF LOTS 19, 20 & 21, BLOCK A OF WHITTIER HEIGHTS, PHASE I, AN ADDITION TO THE CITY OF COLLEYVILLE, AS RECORDED IN CABINET A, SLIDE 8668, PLAT RECORDS, TARRANT COUNTY, TEXAS. SAID 1.155 ACRE TRACT, WITH REFERENCE BEARING BASIS BEING THE MONUMENTED WEST LINE OF SAID WHITTIER HEIGHTS, PHASE I, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "GOODWIN MARSHALL" FOUND FOR THE NORTHWEST CORNER OF SAID LOT 21, BLOCK A AND THE SOUTHWEST CORNER OF LOT 22, BLOCK A OF SAID WHITTIER HEIGHTS, PHASE I;

THENCE, SOUTH 82 DEGREES 55 MINUTES 18 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 21, BLOCK A AND THE SOUTH LINE OF SAID LOT 22, BLOCK A, A DISTANCE OF 161.81 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "GOODWIN MARSHALL" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 21, BLOCK A AND THE SOUTHEAST CORNER OF SAID LOT 22, BLOCK A, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF WHITTIER LANE, (A 50' RIGHT-OF-WAY), AS RECORDED IN CABINET A, SLIDE 8668, PLAT RECORDS, TARRANT COUNTY, TEXAS, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 53 DEGREES 03 MINUTES 28 SECONDS, A RADIUS OF 50.00 FEET, AND A LONG CHORD WHICH BEARS SOUTH 19 DEGREES 07 MINUTES 10 SECONDS EAST, A DISTANCE OF 14.86 FEET;

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WHITTIER LANE, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE LEFT, AND ALONG THE EAST LINE OF SAID LOT 21, BLOCK A, AN ARC DISTANCE OF 46.30 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "GOODWIN MARSHALL" FOUND FOR CORNER;

SOUTH 00 DEGREES 04 MINUTES 31 SECONDS EAST, ALONG THE EAST LINES OF SAID LOTS 19, 20 & 21, BLOCK A, A DISTANCE OF 233.18 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR THE SOUTHEAST CORNER OF SAID LOT 19, BLOCK A AND THE NORTHEAST CORNER OF LOT 18, BLOCK A OF SAID WHITTIER HEIGHTS, PHASE I;

THENCE, SOUTH 89 DEGREES 55 MINUTES 29 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 19, BLOCK A AND THE NORTH LINE OF SAID LOT 18, BLOCK A, A DISTANCE OF 175.00 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "GOODWIN MARSHALL" FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 19, BLOCK A AND THE NORTHWEST CORNER OF SAID LOT 18, BLOCK A;

THENCE, NORTH 00 DEGREES 04 MINUTES 31 SECONDS WEST, ALONG THE WEST LINES OF SAID LOTS 19, 20 & 21, BLOCK A, A DISTANCE OF 236.48 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.155 ACRES OF LAND, MORE OR LESS.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

THAT WE, TOLL DALLAS TX LLC, OWNERS, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREBY DESCRIBED PROPERTY AS, A REPLAT OF LOTS 19, 20 & 21, BLOCK A OF WHITTIER HEIGHTS, PHASE I, AN 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 HEREON, AND DO HEREBY RESERVE THE EASEMENTS SHOWN ON THIS PLAT FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS IN WHICH ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THESE EASEMENTS, AND ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON THE SAID EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING AND PATROLLING, WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE, THIS PLAT APPROVED SUBJECT TO ALL PLATING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF COLLEYVILLE, TEXAS.

WITNESS MY HAND THIS 28th DAY OF December, 2011.

TOLL DALLAS TX LLC

STATE OF TEXAS
 COUNTY OF TARRANT

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED Robert A. Paul, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THE 29th DAY OF December, 2011.

Meghan Lee Metcalf
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY PRINTED NAME: Meghan Lee Metcalf

MY COMMISSION EXPIRES: 06/06/2013



SURVEYOR'S CERTIFICATE

I, MICHAEL J. BAITUP, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY DECLARE THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY ON THE LAND, UNDER MY DIRECTION AND SUPERVISION, AND UPON COMPLETION OF CONSTRUCTION, 5/8" IRON RODS WITH YELLOW PLASTIC CAP STAMPED "JACOBS" WILL BE SET AT ALL SUBDIVISION BOUNDARY CORNERS AND "X" CUTS PLACED AT RIGHT-OF-WAY CENTERLINE INTERSECTIONS AND POINTS OF CURVATURE UNLESS OTHERWISE NOTED. THE MONUMENTS OR MARKS SET, OR FOUND, ARE SUFFICIENT TO ENABLE RETRACEMENT.

Michael J. Baitup
 MICHAEL J. BAITUP
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 4574



PLANNING AND ZONING COMMISSION APPROVAL

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLLEYVILLE, TEXAS VOTED AFFIRMATIVELY ON THIS 28th DAY OF December, 2011, TO APPROVE THIS PLAT.

Chairman, Planning and Zoning Commission
 Attest: Secretary, Planning and Zoning Commission

A
 REPLAT
 OF
 LOTS 19, 20 & 21, BLOCK A
 OF
 WHITTIER HEIGHTS
 PHASE I
 CABINET A, SLIDE 8668
 P.R.T.C.T.
 OUT OF THE
 D.J. BEDDO SURVEY, ABSTRACT NO. 232
 CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS
 1.155 ACRES / 2 LOTS
 2 RESIDENTIAL LOTS
 (LOT 19R & 21R, BLOCK A)
 &
 1 RIGHT-OF-WAY DEDICATION
 (RIVERPATH)

OWNER/DEVELOPER: TOLL DALLAS TX LLC
 2557 GRAPEVINE PARKWAY
 Suite 100, GRAPEVINE, TX 76051
 Phone: 817-329-8770
 Fax: 817-488-2496

ENGINEER/SURVEYOR:



THIS PLAT FILED IN CABINET D212009458 Date 1/13/12

DECEMBER 2011

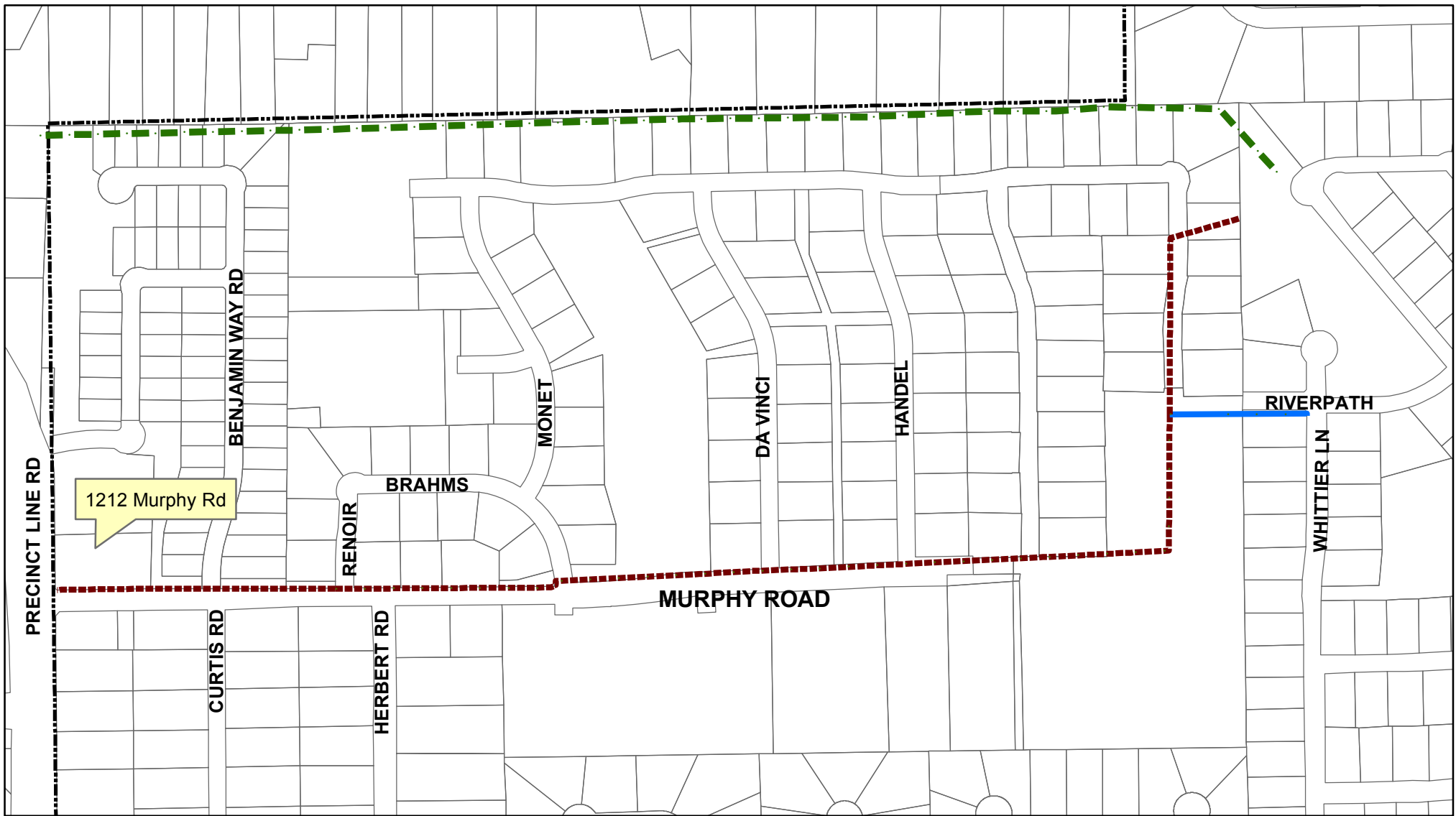
SHEET 1 OF 1

lots 19, 20 & 21

WHITTIER HEIGHTS, PHASE I

REPLAT OF LOTS 19, 20 & 21, BLOCK A OF WHITTIER HEIGHTS - PHASE I

FILE NO:



PROPOSED TRAIL 29 ALIGNMENT



0 150 300 600
Feet

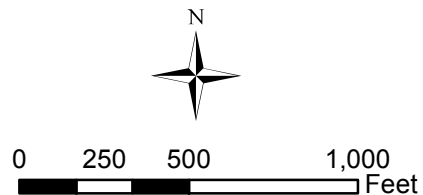
Legend

Trails

-  Original Trail Alignment 2005
-  Proposed Trail Alignment
-  Current Trail Alignment (Revised 2007)
-  City Limit



PROPOSED TRAIL 29 CONNECTIVITY



- Legend**
- Trails**
- Ranking**
- Trail
 - City Limit
 - Subdivisions

RESOLUTION R-14-3791

**A RESOLUTION AMENDING TRAIL NUMBER 29 IN THE COLLEYVILLE
PATHWAYS PLAN, DATED SEPTEMBER 2005**

WHEREAS, the City Council adopted the Colleyville Pathways Plan with the approval of Resolution R-05-2609; and

WHEREAS, the City Council amended the Colleyville Pathways Plan with the approval of Resolution R-07-2916; and

WHEREAS, the City Council desires to amend Trail Number 29 by changing the proposed trail route to reflect an interconnection between The Reserve at Colleyville and Whittier Heights subdivisions, and reduce the minimum required width to six feet.

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

Sec. 1. THAT the document entitled "Colleyville Pathways Plan," dated September 2005, is hereby amended to incorporate the revised trail route for Trail Number 29, and the reduced trail width from the minimum required width to six feet, as shown on the attached Exhibit "A".

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON
THIS THE 6TH DAY OF OCTOBER 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem

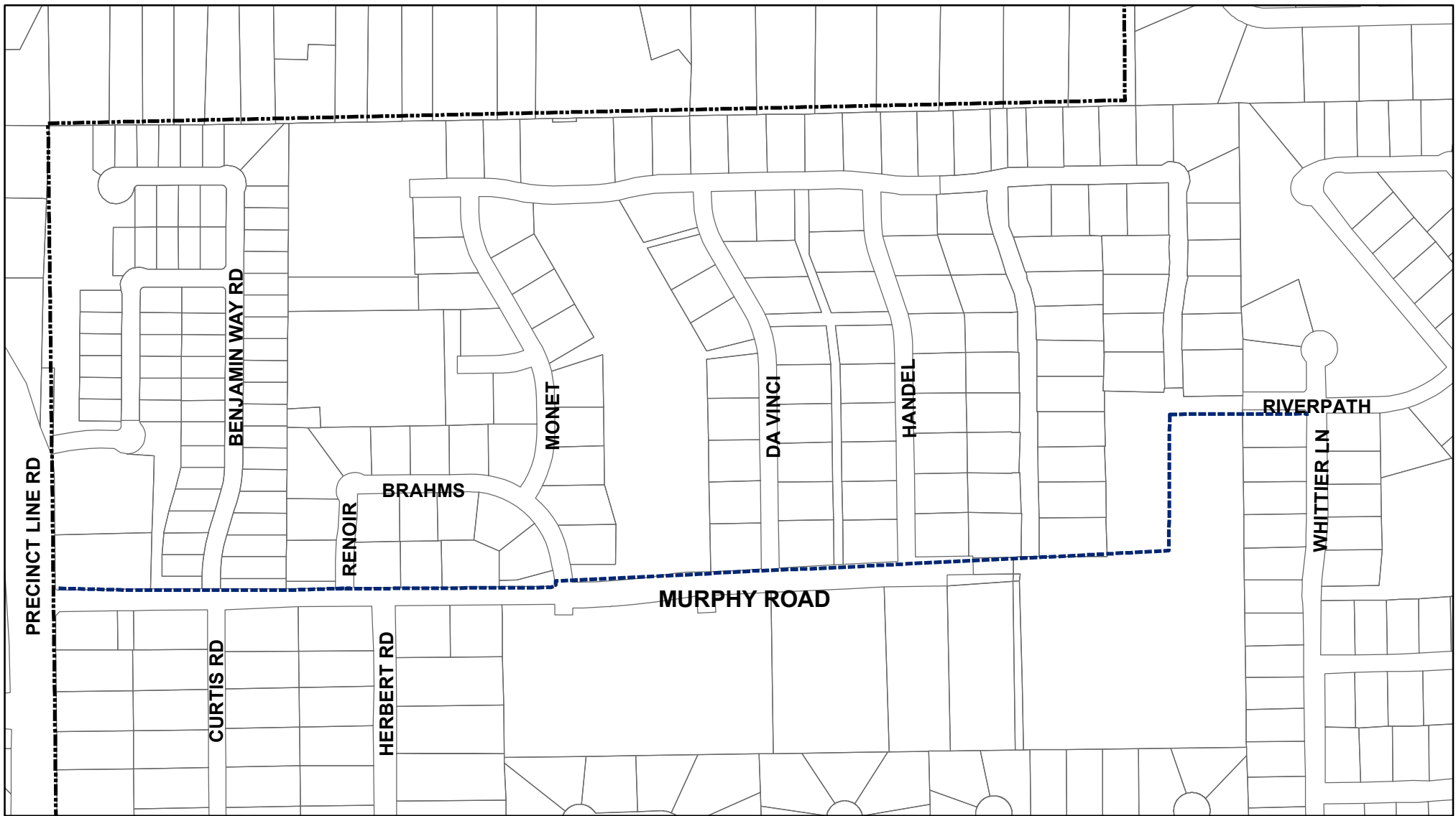
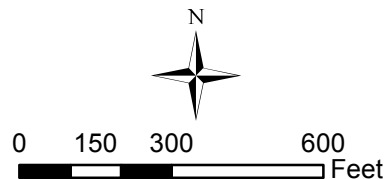


EXHIBIT A RESOLUTION R-14-3791



Legend

— Proposed

— City Limit



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7b

Agenda Date 10/06/2014

Number Resolution R-14-3792

Type Resolution

Department Community Development

Title

Approval of a revised preliminary plat for The Reserve at Colleyville Addition located on 94.024 acres on the north and south side of Murphy Road, Case PC14-024

Explanation

Reading and Public Hearing

Jacobs Engineering, on behalf of the property owner, Toll Brothers, has submitted a revised Preliminary Plat of The Reserve at Colleyville that contains a decrease in single family lots, a decrease in open space square footage, modified open space lot (public use areas) locations, and a roadway connection with the adjacent Whittier Heights subdivision. The preliminary plat and the final plat for Phase 1 of this development were approved by the City Council on December 18, 2007. The final plat for Phase 2A-1 was approved by City Council on November 19, 2013. The following is an analysis of the revised preliminary plat.

Zoning. The proposed development is located in a PUDR (attached Ordinance O-99-1153) zoning district. The subject property was originally included in the site for the proposed Glenwood development. Portions of the Glenwood development later became platted as the Whittier Heights and Old Grove Additions. The revised preliminary plat has been reviewed per the regulations of the Land Development Code and the standards contained in the PUDR ordinance for this development. The revised preliminary plat is in compliance with these regulations.

Phasing of Development. The Land Development Code permits subdivision plats to be phased, provided the preliminary plat shows the proposed phases of the development. According to the preliminary plat, this development will be platted in five separate phases, though multiple phases may be approved concurrently.

City Council Approval. On January 21, 2014 the City Council approved amendments to Chapter 8-Plat Review Procedures in the Land Development Code such that most plats required final approval only from the Planning and Zoning Commission. The remaining plats that require final City Council approval are preliminary plats and final plats that involve more than one phase.

Revised Preliminary Plat. The original preliminary plat approved in 2007 contained a total of 171 single family residential lots and 10 open space lots (public use areas). The proposed revised preliminary plat contains 169 single family residential lots and 12

open space lots (public use areas). The areas of Phases 1 and 2A-1 of the development that have been final platted and contain no changes from the original preliminary plat are shown as a lighter shade on the attached revised preliminary plat.

Phase 1, Block L originally consisted of eight single family lots and one open space lot. Block L within the revised preliminary plat consists of five single family lots and one open space lot. The reduction of the three residential lots accommodates an increase of open space area by approximately 31,500 square feet. These lots were previously approved within the final plat, therefore, an amending plat with the proposed lot configuration may be approved by staff.

Phase 2A consists of 18 single family lots, one open space lot and is consistent with the original preliminary plat. The final plat must be approved by City Council.

Phase 2B consists of 14 single family lots and two open space lots. An additional open space lot was created within this phase. Public Use Area #12 provides 5,799 square feet of open space. The final plat must be approved by City Council.

Phase 2C consists of 40 single family lots and one open space lot. Lot 23, Block D was eliminated in order to provide the roadway connection to the Whittier Heights subdivision at Riverpath. Two single family lots were added to Block K. The final plat must be approved by City Council.

Single Family Lots. The revised preliminary plat reduced the total number of single family lots from 171 to 169 lots. Lot 23, Block D, located in Phase 2C, was removed from the plat in order to provide roadway access to the Whittier Heights subdivision. Three single family lots were removed in order to increase the size of Public Use Area #2R, located in Block L, Phase 1. Lots 20 and 21, Block K, in Phase 2C were added to offset the overall reduction in lots.

Open Space Lots. The applicant has relocated open space lots throughout the development and reduced the total open space by approximately 13,000 square feet. A total of 5,799 square feet of open space was added to Public Use Area #12, located in Phase 2B. An amendment to Public Use Area #2R, located in Block L, Phase 1 increased the open space from 3,911 square feet to 35,380 square feet. Public Use Area #9, located in Phase 2C and consisting of 58,489 square feet, was removed from the plat. Public Use Area #12, consisting of 4,347 square feet, was added within Phase 2C.

The percentage of open space within The Reserve at Colleyville is 12.5%, while the entire PUDR zoning district, Ordinance O-99-1153, which includes The Reserve at Colleyville, Whittier Heights, and Old Grove subdivisions contains approximately 19.6% open space. The Land Development Code permits public open space adjacent to a PUDR zoning district to be included within the open space calculations. McPherson Park is adjacent to this PUDR zoning district and increases the amount of total open

space to approximately 31.9%.

Within the Land Development Code, PUD – Planned Unit Development, Section 3.23, J.3.a.ii., states:

3. Definition of Common Open Space. For the purpose of this section, common open space is defined as follows:

a. Common Open Space may include:

ii. golf courses, parks, and public open space areas adjacent to the development, which are readily accessible.

Sidewalks and Trails. Trail 29 (per the 2005 Colleyville Pathways Plan) on the Colleyville Pathways Plan is required to be constructed along the north side of Murphy Road and then north along Schubert on the west side of the street. The trail must be a minimum of eight feet in width and constructed by the homebuilder of the adjacent lot prior to the final inspection. Sidewalks are required along all interior streets. The internal sidewalks must be at least 4-feet wide, and must be installed when any new residence is constructed on a lot.

Item 7a on this City Council agenda is requesting approval of an amendment to the Colleyville Pathways Plan to realign and change the required width of Trail 29. If item 7A is approved, the realignment would continue to route the trail along Murphy Road and Schubert, but would permit an extension through the new Riverpath emergency access road into the Whittier Heights subdivision. This will provide a pedestrian connection to the sidewalks within Whittier Heights leading to the trails within the Old Grove subdivision and McPherson Park.

Additionally, the trail width would be reduced to six feet to remain consistent with the existing portions of the trail within The Reserve.

Access. Access to the development is along Murphy Road. An emergency access has been provided with the extension of Riverpath to the Whittier Heights subdivision.

Riverpath Access to Whittier Heights. On October 1, 2012, the City Council approved a City/Developer agreement (CDA) that allows the developer to install an emergency access gate at the boundary of The Reserve at Colleyville and the Whittier Heights developments across Riverpath. The gate will be constructed upon completion of the extension of Riverpath. A replat of Whittier Heights was also approved on October 1, 2012, dedicating an emergency access easement that allows Riverpath to connect to both developments.

A final CDA was approved by Resolution R-12-3560 (attached) on November 20, 2012, subject to the developer constructing new emergency access gates in the Old Grove

and Broughton developments within 180 days of the agreement. The required emergency access gates in the Old Grove and Broughton developments were constructed and approved by the City within the 180 day timeframe. The Land Development Code requires the roadway within the emergency access easement to be constructed of concrete and be a minimum of 24 feet in width.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the September 8, 2014 meeting by a vote of 6-0.

Summary. The proposed development satisfies the requirements of the Land Development Code and Ordinance 0-99-1153.

Financial Impact

There is no financial impact to the City.

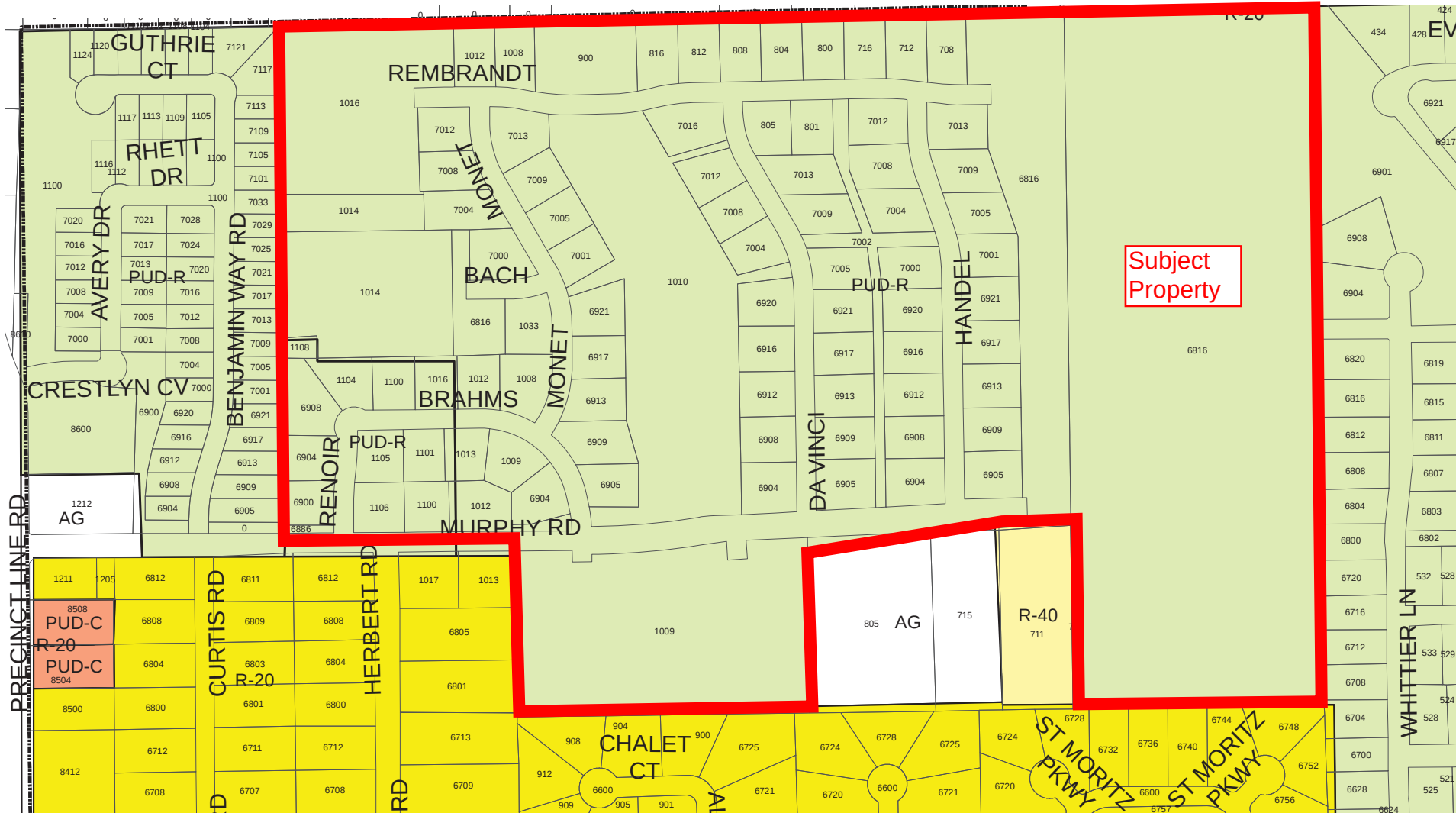
Recommendation

Approve

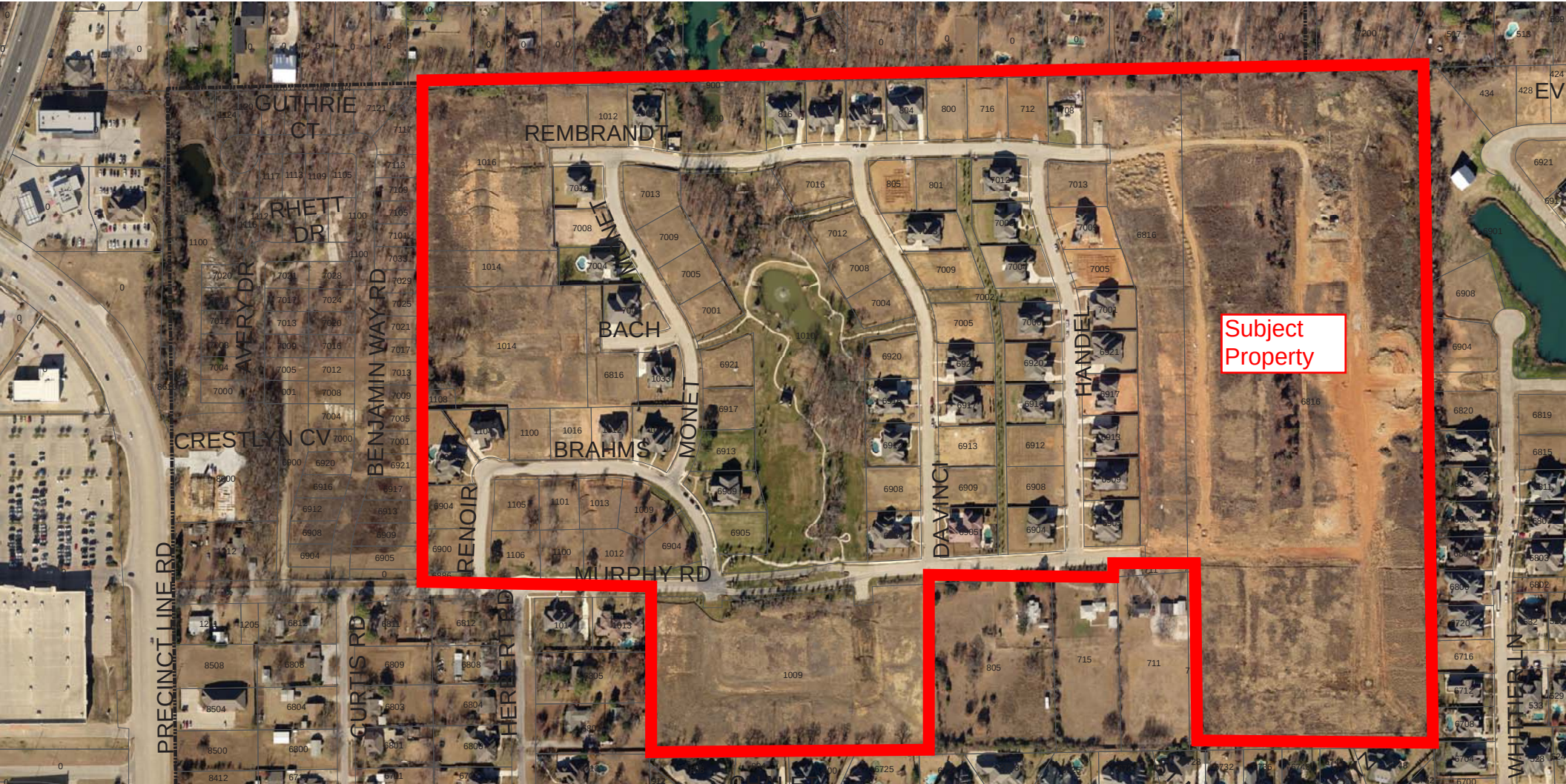
Attachments

1. Location and Zoning Map
2. Aerial
3. Revised Preliminary Plat - The Reserve at Colleyville
4. Original Preliminary Plat - The Reserve at Colleyville
5. Final Plat - Phase One
6. Open Space Comparison Exhibit
7. Ordinance O-99-1153
8. Resolution R-12-3560
9. Resolution R-14-3792

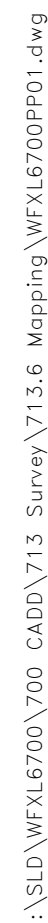
Location and Zoning Map



Aerial



THE RESERVE AT COLLEYVILLE



THE RESERVE AT COLLEYVILLE



THE RESERVE AT COLLEYVILLE, PHASE 1



NOTES:

1. ALL PUBLIC USE AREAS (P.U.A.) LOTS WILL BE MAINTAINED AND OWNED BY THE HOMEOWNER'S ASSOCIATION.
2. REFER TO TREE MITIGATION PLAN FOR LOTS WITH TREE REPLACEMENT OPPORTUNITIES.
3. SUBDIVISION ACCEPTANCE CONTINGENT UPON APPROVAL OF DEVELOPERS AGREEMENT ASSOCIATED WITH LIFT STATION IMPROVEMENTS.

FINAL PLAT
OF
THE RESERVE AT COLLEYVILLE
PHASE 1
IN THE
J. HARRELL SURVEY, ABSTRACT NO. 798
IN THE
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS
46.795 ACRES
77 RESIDENTIAL LOTS / 5 PUBLIC USE AREAS
OWNER/DEVELOPER: RP25 DEVELOPMENT, L.P.
13350 DALLAS PARKWAY
18TH FLOOR, TOWER II
DALLAS, TEXAS 75240

ENGINEER/SURVEYOR: **Carter::Burgess**
CARTER & BURGESS, INC.
7950 ELMBROOK DRIVE, SUITE 250
DALLAS, TX 75247-4961
(214) 638-0145

THIS PLAT FILED IN CABINET A, SLIDE ¹²⁵³¹
12532 FEBRUARY 2008 SHEET 1 OF 2
FILE NO: 01-8074

Open Space Comparison Exhibit



SCALE: 1" = 100'

THE RESERVE AT COLLEYVILLE REVISED PRELIMINARY PLAT COMPARISON EXHIBIT AUGUST 2014

JACOBS

1999 BRYAN STREET, SUITE 1200
DALLAS, TX 75201-3138
PHONE 214-638-0145
FAX 214-638-0447
Jacobs Engineering Group Inc.
Texas Registration #2966

ORDINANCE O-99-1153

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 187 ACRES OUT OF THE S. HARRELL SURVEY, A-798, TRACTS 1J, 1J1, 1J1A, 1J3, 1J4, AND 1J2; THE H.L. ALLEN SURVEY, A-65, TRACTS 1, 1C, 1B, AND 1A; THE D.J. BEDDO SURVEY, A-232, TRACTS 1C, 2A, 2B, 1A, AND 1B; AND LOT 1, BLOCK 1, PURCELL ADDITION; THE MARY M. FREEMAN SURVEY, A-533, TRACT 2A7A, AND THE WILLIAM C. COOK SURVEY, A-295, TRACT 4D1 FROM THE AG (AGRICULTURE) AND THE R40 (SINGLE FAMILY RESIDENTIAL) TO THE PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS AND AUTHORIZING PUBLICATION:

WHEREAS, an application for a zoning change was filed by David Bagwell, The David Bagwell Company, on November 12, 1998, under Case No. Z-98-031; and

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

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

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

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

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

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

Sec. 1. THAT the Master Plan, the Zoning Ordinance of the City of Colleyville, Texas, and the accompanying Zoning Map (Exhibit A) are hereby amended insofar as they relate to certain land located in Colleyville, Texas, described by metes and bounds (Exhibit B), by changing the zoning of said property from the AG and R40 districts to the PUD-R district, together with all site plans which are only conceptual in nature, supporting documents, and other conditions and restrictions imposed and approved by the Council which are incorporated herein by reference including, but not limited to the conceptual site plan (Exhibit C); and subject to the following conditions:

1. PERMITTED USES

The PUD-R shall have three (3) land uses as indicated on Exhibit C and the primary land use for each area shall be as follows:

- a. Areas 1A & 1B shall consist of single family dwelling units.
- b. Area 2 shall consist of a church.
- c. Area 3 shall be open space.

2. PLATTING & PHASING

- a. Prior to the issuance of any development permits on the subject property and as a condition to the development of the property the developer shall obtain approval of a preliminary plat and final plat of the property, which may be in phases. In approving the preliminary and final plat the approving body shall exercise complete discretion over roadway design, lot size, lot shape, building lines, set-back lines, open space, and all other aspects of the plat; provided, the approving body shall not approve anything inconsistent with the other conditions of this ordinance.
- b. The general limits of all phases of development shall be shown on the preliminary plan. Each phase shall be numbered to represent the sequential development phases anticipated. Any deviation from the approved development sequence shall require approval from the City Council.
- c. This development shall be subject to all impact fees in accordance with the Colleyville Subdivision Regulations.

3. DENSITY

The average residential density is permitted to be 1.8 dwelling units per acre over the combined acreage of Areas 1A & B, 2 & 3.

4. STREETS AND SIDEWALKS

- a. No street intersection shall be allowed on McDonwell School Road which aligns with the McDonwell School Road/Remington Parkway intersection. Street intersections along McDonwell School Road shall maintain a minimum of 300 feet separation between centerlines.
- b. Sidewalks shall be required for all lots within this development, except no sidewalks shall be required in rights-of-way adjacent to open space areas where a sidewalk is proposed on the opposite side of the same right-of-way. Sidewalks in rights-of-way adjacent to each lot frontage or side-yard shall be constructed by the lot owner no later than the date of occupancy of the home on the lot.
- c. Street rights-of-way shall be a minimum width of 50 feet, except for single loaded streets which may have a 40 foot right-of-way width with a 5 foot utility easement abutting the unloaded side of the street.
- d. All streets in this PUD shall be thirty-one feet (31') wide and be constructed of five inch (5"), 3,000 p.s.i. concrete.
- e. The City's street design standards (tangency between curves, radius requirements, etc.) shall be waived, except that a minimum radius shall not be less than twenty-five feet (25').

5. DRAINAGE

- a. All drainage facilities shall be designed and constructed in accordance with the Colleyville Subdivision Regulations.
- b. It shall not be the responsibility of the developer to improve any off-site drainage structures or any other public facilities.
- c. At developer's election, pursuant to a grading plan acceptable to the City Engineer, only one side-yard swale between and behind lots may be utilized for lot drainage; retaining wall construction, lot benching and drainage swale construction shall not be the responsibility of the developer but shall be the responsibility of builders on individual lots and shall not be

required of the developer for City acceptance of public improvements.

- d. Lot-to-lot drainage shall be allowed in a grading plan acceptable to the City Engineer across two lots contiguous with one another and adjacent to the lot(s) where drainage begins, i.e. drainage shall be allowed from the drainage source lot(s) across two other lots which are adjacent on to the other.
- e. In order to preserve trees, no pilot channels shall be required.
- f. There shall be no prohibition against regrading, expanding, and/or eliminating existing ponds and against adding additional ponds on the property in order to accomplish developer's storm drainage plan, as long as it otherwise meets City standards and is acceptable to the City Engineer.
- g. As approved by the City Engineer, City park land adjacent to the development may be utilized for storm water retention and/or detention purposes.

6. LOT REQUIREMENTS AND SETBACKS

- a. All lot dimensions and building setback lines shall be in accordance with the Colleyville Zoning Regulations and Subdivision Regulations, except where amended by this ordinance.
- b. The minimum lot size in Areas 1A & 1B shall be 13,000 square feet and the average size of all residential lots in Areas 1A & 1B shall not be less than 16,000 square feet.
- c. One side yard of any lot may be as narrow as six (6) feet, provided the total width of any two adjacent side yards shall not be less than twenty (20) feet. On lots with an area of less than 16,000 square feet, front yard setbacks may be twenty-five feet (25'), and rear yard setbacks may be ten feet (10'). On any lot with an area greater than 16,000 s.f. that backs to open space, the rear yard setback may be ten feet (10').
- d. The minimum lot width for any lot in Areas 1A & 1B under 16,000 s.f. may be eighty (80) feet if approved by the City Council.

7. PARKS

- a. The provisions of the Colleyville Pathways plan shall be incorporated in the project. Pathways shall be designated on the preliminary plan and final plat in a dedicated public right-of-way. Pathways shall be constructed by the developer for each phase of development. Within each phase of development, pathways shall be completed prior to the issuance of any building permit for residential development in that phase.
- b. Each phase of development is subject to the parkland dedication requirements contained in the Colleyville Subdivision Regulations.
- c. The development shall contain open space which totals twenty percent (20%) of the total area contained in this development as shown on Exhibit C. The City shall not accept the dedication of any open space until all environmental issues are addressed to the City's satisfaction. The developer shall submit to the City an environmental study, audit or assessment demonstrating that the property is in a condition which would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally related problems.
- d. Tree mitigation is waived for Area 3.
- e. A 72.5-foot greenbelt setback shall be provided along the north side of McDonwell School Road. Said greenbelt shall be consistent with the greenbelt setback in the Westmont Addition.

8. SIGNAGE

- a. Developer is permitted to erect at locations approved by the City Engineer entry structures with or without permanent signage (which signage must comply with the City sign ordinance and be properly permitted) in the rights-of-way of perimeter roads at their intersection with internal streets not to exceed twenty-five feet (25') in height, i.e. in the sight triangle areas of such intersections, provided that said structures do not obstruct the view of traffic as determined by the City Engineer.

Sec. 2. THAT notwithstanding any other provisions of the Code, including Section 1-7 of the Code, it is the intention of the City Council in approving this ordinance that no provision or section is severable from any other provision or section. It is further the intent of the City Council that in the event any portion of this ordinance is declared invalid by any court of competent jurisdiction, then the entire ordinance shall be invalid.

Sec. 3. THAT any person, firm or corporation violating any of the provisions of this ordinance as read together with the Zoning Ordinance of the City of Colleyville shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Sec 4. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 23rd day of March, 1999.

The second reading and public hearing being conducted on the 6th day of April, 1999. Tabled at second reading, approved April 20, 1999.

ATTEST:


Jean Harris, CMC
City Secretary

CITY OF COLLEYVILLE:

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

If the Mayor shall neglect to approve or object to any such proceedings for a longer period than seven (7) days after the ordinance or resolution is placed in the office of the City Secretary as aforesaid, the same shall become effective immediately upon publication as required by law.

Exhibit A
Ordinance O-99-1153
PUD-R

TRACT I:

Lot, tract or parcel of land, lying and being situated in Tarrant County, Texas, being out of the Joseph Harrell Survey, Abst. #798, and the H.L. Allen Survey, Abst. #65, in said Tarrant County, and being described by metes and bounds as follows:

BEGINNING 686 ft. North 89 1/2 degrees East from the Northwest corner of the Joseph Harrell Survey Abst. #798, an iron pin the Northeast corner of a 20 acre tract of land as shown in Volume 756, Page 498 Deed of Trust Records of Tarrant County, Texas;

THENCE North 89 1/2 degrees East with fence line at 1954 ft. the Northeast corner of said Harrell Survey and the Northwest corner of the North "ELL" of the H.L. Allen Survey, in all 2605 ft. an iron pin the Northeast corner of said Allen Survey, the Northeast corner of a tract of land deeded to W.E. Roussey et ux as shown in Volume 1478, Page 285 Deed Records of Tarrant County, Texas.

THENCE South 1/4 degrees East with fence line and the East line of said Allen Survey, 1760 ft. an iron pin the Southeast corner of said Roussey tract;

THENCE West with fence line and the South line of said Roussey tract, 618.3 ft. an iron pin;

THENCE North 477.2 ft. an iron pin;

THENCE West 1414.3 ft. an iron pin;

THENCE South 84 1/4 degrees West 149 ft. an iron pin the Southeast corner of a tract of land as shown in Volume 2528, Page 354 Deed Records of Tarrant County, Texas;

THENCE North 434 ft., an iron pin, its Northeast corner;

THENCE West 340 ft. an iron pin in the East line of a tract of land shown in Volume 2379, Page 539, Deed Records of Tarrant County, Texas;

THENCE North 50 ft. its Northeast corner an iron pin;

THENCE West 90 ft. an iron pin, its Northwest corner in the East line of said 20 acre tract;

THENCE North with the East line and fence line 786 ft. to the place of beginning; being 52.5 acres of land out of the Joseph Harrell Survey and 26 acres of land out of the H.L. Allen Survey, in all 78.5 acres of land more or less.

TRACT II:

7.24 acres out of the above 10 acre tract and BEGINNING at a point which stands 1727.55 feet South and 1264.22 feet East of the Northwest corner of the Joseph Harrell Survey, said Northwest corner also being the Northwest corner of a 20 acre tract recorded in Volume 756, Page 498, Deed Records of Tarrant County, Texas, and said beginning point being the Southwest corner of the 10 acre tract;

THENCE North 413.46 feet along fence line and West line of said 10 acre tract;

THENCE North 89 degrees 29 minutes East 733.94 feet to iron pin for corner;

THENCE South 1 degree 49 minutes East 430 feet to iron pin set in South line of said 10 acre tract;

THENCE North 88 degrees 48 minutes West along the South line of said 10 acre tract 750 feet to POINT OF BEGINNING.

Tract III

Lot 1, Block 1, of PURCELL ADDITION, an Addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-130, Page 93, of the Plat Records of Tarrant County, Texas.

Tract IV

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas and being a portion of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 4779, Page 614 of the Deed Records of Tarrant County, Texas and being more particularly described by notes and bounds as follows:

BEGINNING at an iron rod found for the northwest corner of the Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-130, Page 64 of the Plat Records of Tarrant County, Texas:

THENCE S 15°47'28"E, with the west line of said Weidholt Addition, a distance of 247.86 feet to an iron rod found for corner;
THENCE S 89°49'30"E, with the south line of Lot 1 of said Weidholt Addition, a distance of 76.78 feet to an iron rod found for corner;
THENCE N 89°19'57"E, with the south line of Lots 2 and 3 of said Weidholt Addition, a distance of 222.57 feet to an iron rod found for corner;
THENCE S 00°31'09"E, a distance of 911.11 feet to an iron rod found for corner;
THENCE N 89°43'33"W, a distance of 418.94 feet to an iron rod found for corner;
THENCE N 00°25'17"W, a distance of 461.82 feet to an iron rod set for corner;
THENCE S 89°34'42"W, a distance of 407.45 feet to an iron rod found for corner;
THENCE N 00°40'45"W, a distance of 517.00 feet to an iron rod found for corner;
THENCE N 62°06'48"E, a distance of 55.55 feet to an iron rod found for corner;
THENCE N 68°25'23"E, a distance of 236.10 feet to an iron rod found for corner;
THENCE N 73°10'29"E, a distance of 288.19 feet to the POINT OF BEGINNING and containing 14.798 acres or 644,618 square feet of land, more or less.

Tract V

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas, said tract of land being all or intended to be all of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 3881, Page 454 of the Deed Records of Tarrant County, Texas, and being more particularly described by notes and bounds as follows:

BEGINNING at an iron rod found for corner being South, a distance of 1342.0 feet and West, a distance of 420.42 feet from the northeast corner of the D. J. Heddo Survey, Abstract No. 232 as per said deed recorded in Volume 3881, Page 454 of the Deed Records of Tarrant County, Texas:

THENCE N 89°58'10"W, a distance of 405.39 feet to an iron rod set for corner;
THENCE N 00°40'45"W, a distance of 458.64 feet to an iron rod found for corner;
THENCE N 89°34'42"E, a distance of 407.45 feet to an iron rod set for corner;
THENCE S 00°25'17"E, a distance of 461.82 feet to the POINT OF BEGINNING and containing 4.294 acres or 187,041 square feet of land, more or less.

Tract VI

DESCRIPTION OF PROPERTY

Being a tract of land situated in the B.J. BEDDO SURVEY, Abstract No. 132, City of Colleyville, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for the northwest corner of Lot 1, Block 1, Purcell Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 188-130, Page 33 of the Plat Records of Tarrant County, Texas;

THENCE S 00°00'51" W, with the west line of said Purcell Addition, a distance of 1277.63 feet to an iron rod set in the north line of McDonnell School Road;

THENCE S 86°39'53" W, a distance of 677.28 feet to an iron rod found for corner;

THENCE N 00°48'08" W, a distance of 832.13 feet to an iron rod found for the northeast corner of a 30.42 acre tract of land donated to K. Yazhair as recorded in Volume 7886, Page 177 of the Deed Records of Tarrant County, Texas, said iron rod also being the southeast corner of a 78.5 acre tract of land donated to W.R. Cole as recorded in Volume 2591, Page 128 of the Deed Records of Tarrant County, Texas;

THENCE N 00°02'42" W, with the east line of said W.R. Cole tract, a distance of 419.05 feet to an iron rod found at a fence corner;

THENCE N 00°31'50" W, continuing with the east line of said W.R. Cole tract, a distance of 1340.99 feet to an iron rod found for the northeast corner of said W.R. Cole tract;

THENCE N 89°07'19"E, a distance of 1223.36 feet to an iron pipe found for the southwest corner of Lukasey-Holley Subdivision, an addition to the City of Colleyville, Tarrant County, Texas, as recorded Volume 388-117, Page 58 of the Plat Records of Tarrant County, Texas;

THENCE N 89°00'58" E, with the south line of said Lukasey-Holley Subdivision, a distance of 230.76 feet to an iron rod found for the southeast corner of said Lukasey-Holley Subdivision, said iron rod also being the southwest corner of a 4.0 acre tract of land donated to T. Benton as recorded in Volume 8238, Page 425 of the Deed Records of Tarrant County, Texas;

THENCE N 89°13'12" E, with the south line of said T. Benton tract, a distance of 76.46 feet to an iron rod found for corner;

THENCE N 89°25'25" E, a distance of 661.55 feet to an iron rod found for the southeast corner of said T. Benton tract, said iron rod also being the southwest corner of a 1.31 acre tract of land donated to D. Skelton as recorded in Volume 8395, Page 216 of the Deed Records of Tarrant County, Texas;

THENCE N 89°24'45"E, with the south line of said D. Skelton tract, a distance of 133.44 feet to an iron rod found for corner;

THENCE S 86°52'22" E, a distance of 199.28 feet to an iron rod found for the southeast corner of said D. Skelton tract;

THENCE S 46°36'59" E, a distance of 26.23 feet to an iron rod found for the most northerly northwest corner of Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-123, Page 64 of the Plat Records of Tarrant County, Texas;

THENCE S 50°48'53" W, with the northwesterly line of said Weidholt Addition, a distance of 182.25 feet to an iron rod found for corner;

THENCE S 60°20'45" W, a distance of 131.84 feet to an iron rod found for the most westerly corner of said Weidholt Addition, said iron rod also being the most northerly corner of a tract of land donated to J. Weidholt as recorded in Volume 4777, Page 613 of the Deed Records of Tarrant County, Texas;

THENCE S 73°18'29" W, with the most northerly line of said J. Weidholt tract, a distance of 280.19 feet to an iron rod found for corner;

THENCE S 48°25'23" W, a distance of 236.10 feet to an iron rod found for corner;

THENCE S 63°06'48" W, a distance of 55.35 feet to an iron rod found for the northwest corner of said J. Weidholt tract;

THENCE S 00°40'45" E, passing an iron rod found for the southwest corner of said J. Weidholt tract at a distance of 517.00 feet, in all a distance of 973.64 feet to an iron rod set for corner;

THENCE S 89°52'28" W, a distance of 515.65 feet to an iron rod set at a fence corner;

THENCE S 88°46'10" W, a distance of 225.29 feet to an iron rod found for the northeast corner of said Lot 1, Block 1, Purcell Addition;

THENCE S 89°04'31" W, with the north line of said Purcell Addition, a distance of 395.84 feet to the POINT OF BEGINNING and containing 30.394 acres or 3,501,991 square feet of land, more or less.

Tract VII

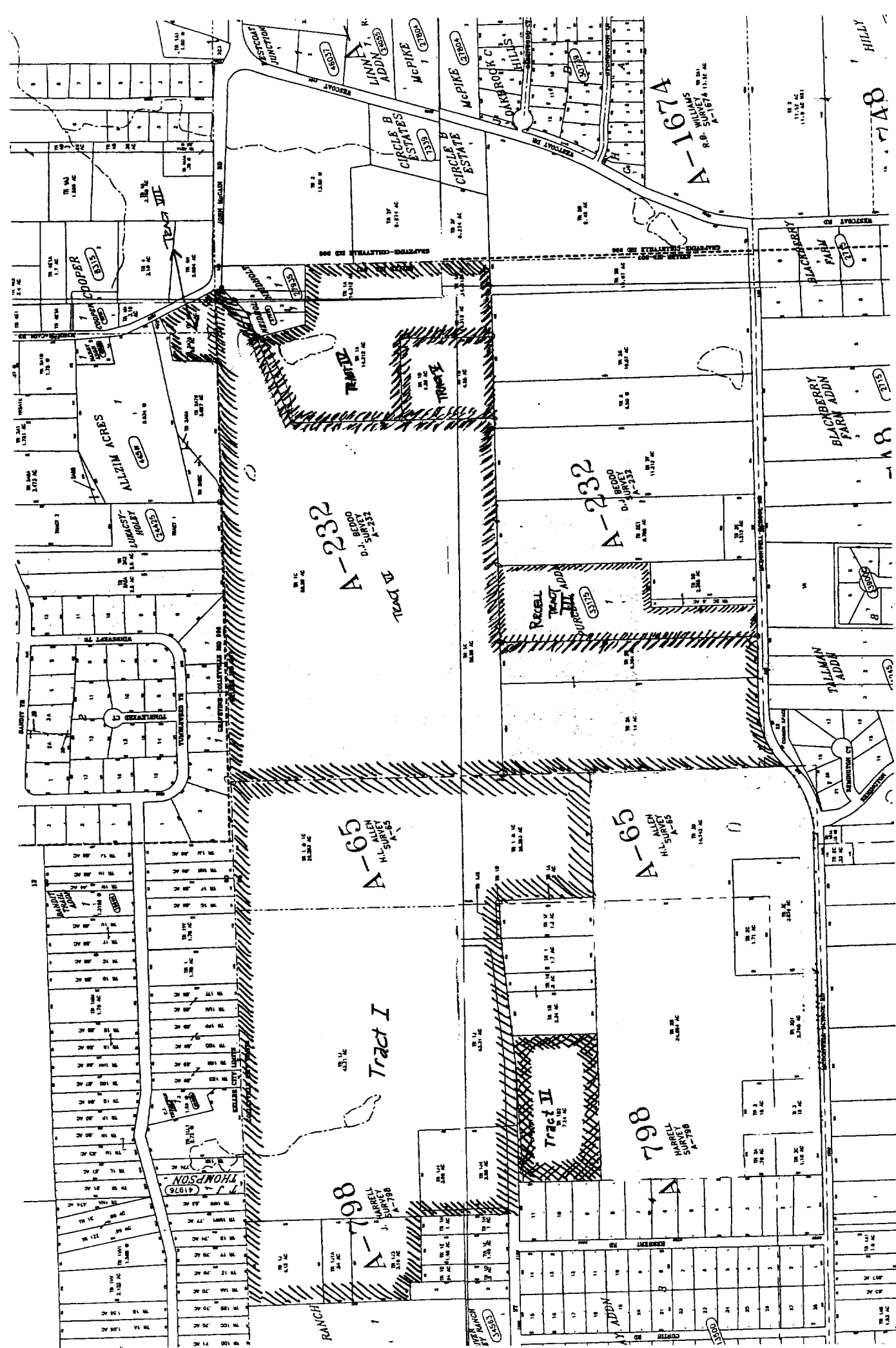
FIELD NOTES

FOR A TRACT OF LAND IN THE M. M. FREEMAN SURVEY, ABSTRACT NO. 533 AND THE W. E. CROOK SURVEY, ABSTRACT NO. 295, SITUATED IN TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

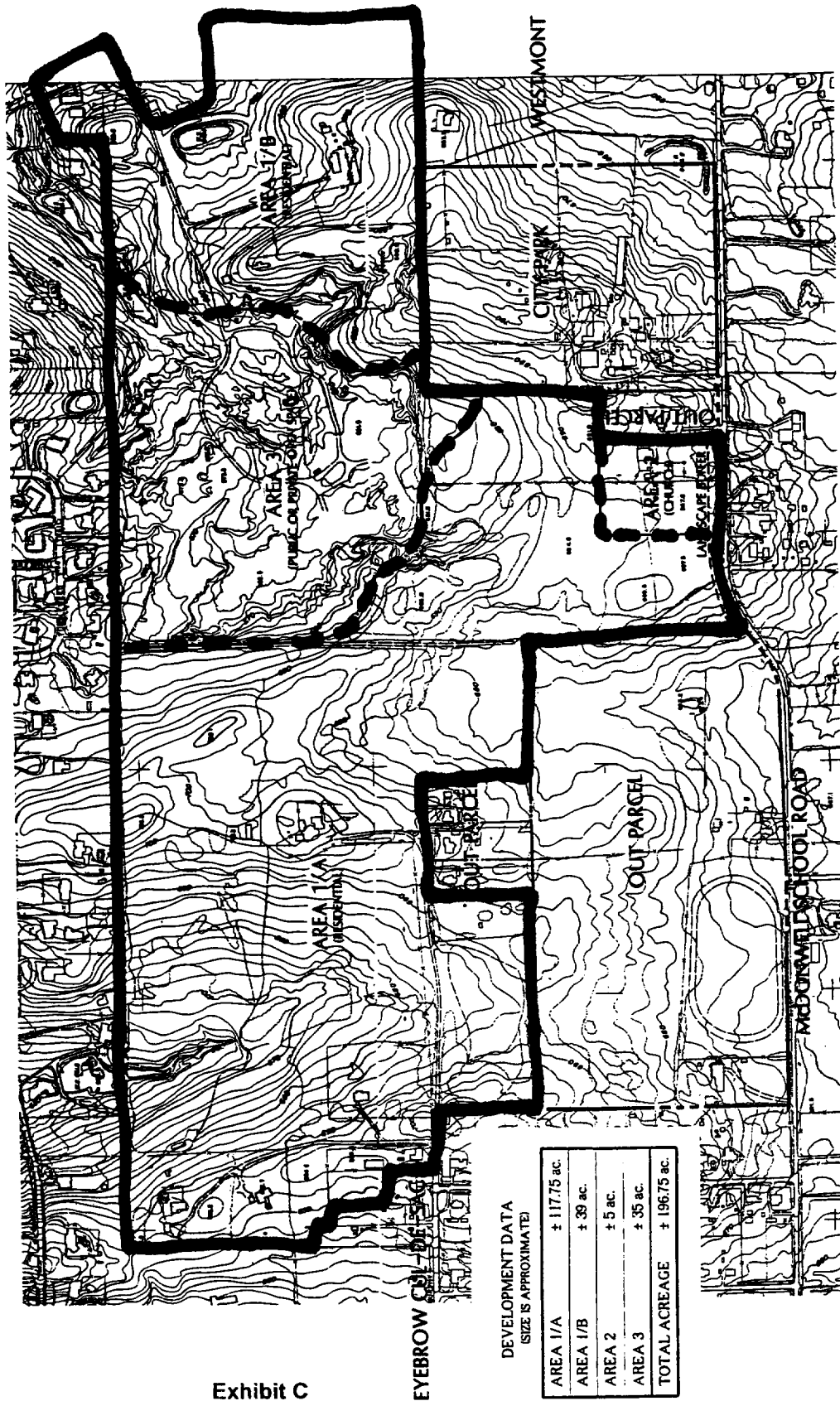
- BEGINNING at an iron pin in the West line of John McCain Road, said point being, by deed calls, S. 89° - 51' - 40" E. 552.74 feet, S. 1° - 39' E. 150.0 feet, S. 5° - 08' E. 92.2 feet and S. 26° - 04' - 05" E. 194.52 feet from the Southwest corner of a called 7.018 acre tract as described in a deed of record in Volume 3560, Page 281, Deed Records, Tarrant County, Texas;
- THENCE S. 26° - 04' - 03" E. 314.32 feet continuing along the West line of said John McCain Road to an iron pin set in same for corner;
- THENCE N. 87° - 05' - 22" W. 199.27 feet to an iron pin found at the occupied Southeast corner of said Freeman Survey and the Southwest corner of said Crook Survey;
- THENCE S. 89° - 12' - 30" W. 133.53 feet to a bolt found for corner;
- THENCE N. 4° - 05' - 44" W. 203.87 feet along a fence line to a 3" metal fence corner post for corner;
- THENCE N. 69° - 42' - 40" E. 58.01 feet to an iron pin found for corner;
- THENCE N. 86° - 25' - 55" E. 79.53 feet to an iron pin found for corner;
- THENCE N. 58° - 43' - 46" E. 87.96 feet to the POINT OF BEGINNING and containing 1.511 acres.



Walter W. Ward
4-6-89



Map showing tract numbers
for Exhibit "B"



DEVELOPMENT DATA
(SIZE IS APPROXIMATE)

AREA 1/A	± 117.75 ac.
AREA 1/B	± 39 ac.
AREA 2	± 5 ac.
AREA 3	± 35 ac.
TOTAL ACREAGE	± 196.75 ac.

Exhibit C
Conceptual Site Plan
Ordinance O-99-1153

THE DAVID BAGWELL COMPANY
8222 DOUGLAS AVENUE, SUITE 770
DALLAS, TEXAS 75225

GLENWOOD
CONCEPTUAL LAND USE PLAN
COLLEYVILLE, TEXAS
APRIL 1999

RESOLUTION R-12-3560

**A RESOLUTION APPROVING A CITY/DEVELOPER AGREEMENT
BETWEEN TOLL BROTHERS, INC. AND THE CITY OF COLLEYVILLE FOR
THE CONSTRUCTION OF EMERGENCY ACCESS GATES IN THE OLD
GROVE ADDITION AND BROUGHTON ADDITION AND AUTHORIZING
THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, Section 1(2) of Resolution R-12-3546, approved by the City Council on October 1, 2012, requires that Toll Brothers, Inc. and its affiliates shall submit for City Council consideration, a City/Developer Agreement (CDA), whereby Toll Brothers and its affiliates agrees to fund, either all, or in part, and construct new emergency access gates, in place of the existing gates in the Broughton Addition and the Old Grove Addition, and;

WHEREAS, Toll Brothers, Inc. has agreed to the terms of said agreement in accordance with Resolution R-12-3546.

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

Sec. 1. THAT the CDA between Toll Brothers, Inc. and the City of Colleyville for the construction of emergency access gates in Old Grove Addition and Broughton Addition, attached as Exhibit "A", is hereby approved.

Sec. 2. THAT the CDA shall be executed upon the signature of the city manager.

AND IT IS SO RESOLVED.

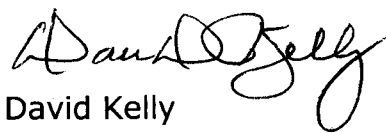
PASSED BY A VOTE OF 4 AYES, 2 NAYS AND 0 ABSTENTIONS
ON THIS THE 20TH DAY OF NOVEMBER 2012.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

Exhibit "A"

City of Colleyville City/Developer Agreement for Construction of Emergency Access Gates by Toll Brothers

That, Toll Brothers, Inc. and its affiliates, hereinafter called "Developer" and the City of Colleyville, Tarrant County, Texas, hereinafter called "City", enters into the following agreement (The "Agreement"), which shall become effective on November 20, 2012.

Whereas Resolution R-12-3546, approved by the Colleyville City Council on October 1, 2012, Section 1(2) states the following:

"Prior to issuance of a permit to install the emergency access gates allowed by this resolution, Toll Brothers, Inc. and its affiliates shall submit for City Council consideration, a City/Developer Agreement (CDA), whereby Toll Brothers and its affiliates agrees to fund, either all, or in part, and construct new emergency access gates, in place of the existing gates in the Broughton Addition and the Old Grove Addition, within an agreed upon time frame by both Toll Brothers, Inc. and the City of Colleyville. The new gates shall, at a minimum, meet the requirements of Section 14-138 in the Land Development Code. If the CDA mentioned in this section is not approved by the City Council within 90 days from the date of this resolution, then this resolution shall expire."

NOW, THEREFORE, for and in consideration of the conditions of Resolution R-12-3546, the City and Developer agree to the following terms:

1. The Developer agrees to construct a new emergency access gate at John McCain Road within the existing emergency access easement located within Block E, Old Grove Addition. Said gate shall meet all requirements of the Land Development Code including but not limited to Section 14-138.
2. The Developer agrees to construct a new emergency access gate at Sanders Lane, Wyatt Drive and Burnham Circle within the existing emergency access easement located within Lots 50 and 51, Block A, Broughton Addition. Said gate shall meet all requirements of the Land Development Code including but not limited to Section 14-138.

Exhibit "A"

3. Prior to construction of said gates, the developer shall submit a copy of the construction bid/cost and gate schematics for said gates for approval by the city manager or her designee. Once approved, gate construction may commence. Upon completion of said gates and a final, approved inspection by the City, the City agrees to waive the building permit fees for any new homes built by Toll Brothers, Inc. such that the total fee waiver(s) shall not exceed a total of 50% of the construction cost for the two gates mentioned above. However, the total amount of building permit fees waived by the City shall not exceed \$25,000.00 for both gates combined. Said fee waivers shall take effect for all new home permits submitted by Toll Brothers, Inc. upon approval of the final gate inspection by the City. Said fee waiver shall apply to each consecutive new home permit for Toll Brothers, Inc. until the 50% threshold described above is met; at which time all permit fee waivers as described in this section shall cease.
4. The two emergency gates mentioned above shall be constructed and approved within 180 days of the approval date of this Agreement by the City Council. If said gates are not constructed and approved within the required 180 days, then this agreement, and Resolution R-12-3546, shall become null and void.

This Amendment is duly executed by the parties hereto as of the date set forth below.

Toll Brothers, Inc. and its Affiliates

By: Rob Paul


Name: Rob Paul, Division President

11-29-12
Date

CITY OF COLLEYVILLE


Name: Jennifer Fadden, City Manager

11/20/12
Date

RESOLUTION R-14-3792

**A RESOLUTION APPROVING A REVISED PRELIMINARY PLAT FOR
THE RESERVE AT COLLEYVILLE ADDITION**

WHEREAS, the Planning and Zoning Commission recommended approval of the revised preliminary plat for The Reserve at Colleyville Addition on September 8, 2014.

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

Sec. 1. THAT the revised preliminary plat for The Reserve at Colleyville Addition, attached as Exhibit "A", is hereby approved.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 6TH DAY OF OCTOBER 2014.

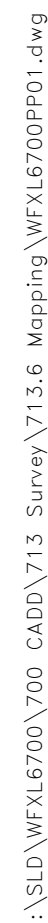
ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem

THE RESERVE AT COLLEYVILLE





City of Colleyville City Council Agenda Briefing

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

Agenda Number 7c

Agenda Date 10/06/2014

Number Resolution R-14-3793

Type Resolution

Department Community Development

Title

Approval of a final plat on Lots 3-15, Block C; and Lots 1-5, Block F, of The Reserve at Colleyville Addition, Phase 2A, Case PC14-016

Explanation

Reading and Public Hearing

Jacobs Engineering, on behalf of the property owner, Toll Brothers, has submitted a request to approve the final plat for phase 2A of The Reserve at Colleyville. The final plat consists of 8.13 acres that includes 18 single family residential lots and one open space (or public use area) lot.

The preliminary plat (attached) and final plat for phase one (attached) for The Reserve at Colleyville were approved by City Council on December 18, 2007. A revised preliminary plat is also on this meeting's agenda.

City Council Approval. On January 21, 2014 the City Council approved amendments to Chapter 8-Plat Review Procedures in the Land Development Code such that most plats required final approval only from the Planning and Zoning Commission. The remaining plats that require final City Council approval are preliminary plats and final plats that involve more than one phase.

Zoning. The Reserve at Colleyville is zoned PUDR-Planned Unit Development Residential by attached Ordinance O-99-1153. This ordinance also includes the Whittier Heights and Old Grove developments. The plat has been reviewed per the regulations of the Land Development Code and the standards contained in the PUDR ordinance for this development. The plat is in compliance with these regulations.

Development Fees. Park land dedication fees are required, in the amount of \$1,802 per residential lot. Park land dedication fees are due at the time of final plat, and must be paid before the final plat is recorded with the County Clerk's office.

Roadway impact fees are due in the amount of \$4,941 per residential lot at the time of the building permit application.

Perimeter street improvement fees are not required for this development since the applicant is improving the road as part of the development.

Water and Wastewater impact fees are due at the time of the building permit application for each lot and are determined by the size of the meter. Fees for a typical 5/8" meter are \$2,491 for the water impact fee, and \$643 for the wastewater impact fee.

Sidewalks. All new streets require a minimum four foot sidewalk to be installed by the homebuilder prior to the final inspection.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the September 8, 2014 meeting by a vote of 6-0.

Summary. The proposed development satisfies the requirements of PUDR Ordinance 0-99-1153 and the Land Development Code. Since the plat indicates that development will occur in phases, the final plat requires approval by City Council.

Financial Impact

There is no financial impact to the City.

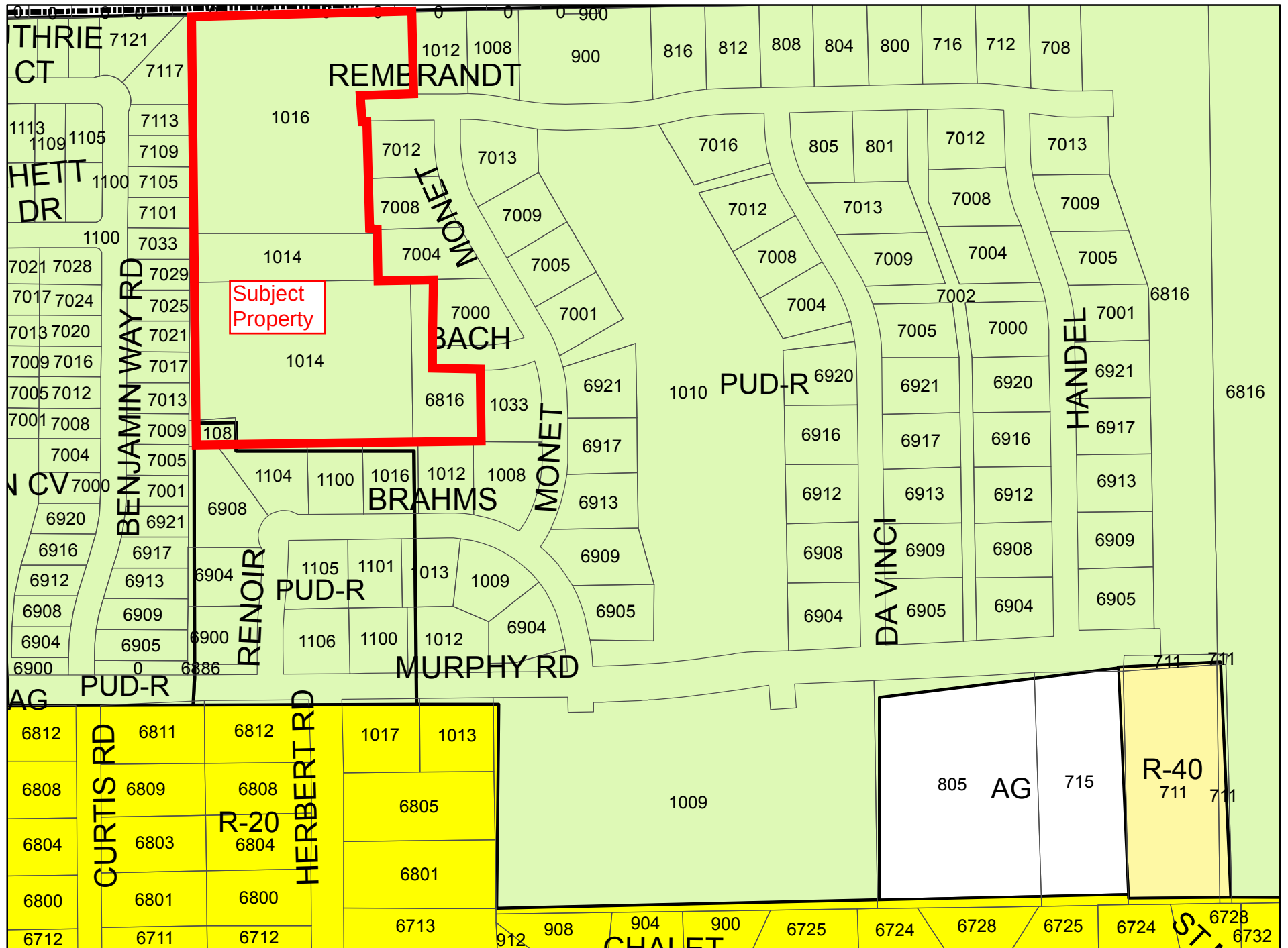
Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Final Plat - The Reserve at Colleyville, Phase 2A
4. Preliminary Plat - The Reserve at Colleyville
5. Final Plat - Phase One
6. Ordinance O-99-1153
7. Resolution R-14-3793

Location and Zoning Map



Aerial



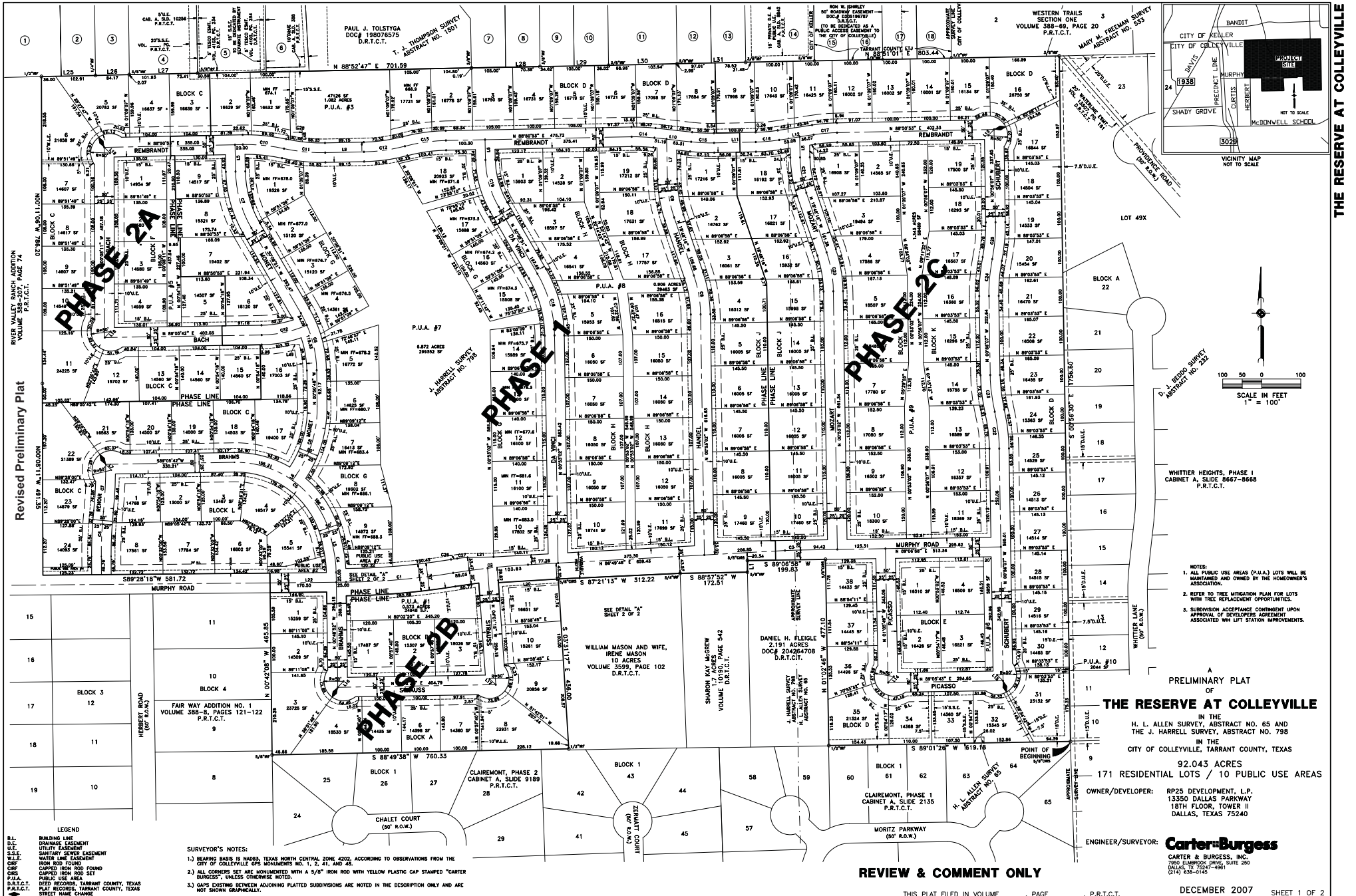
THE RESERVE AT COLLEYVILLE, PHASE 2A



SLIDE _____ AUGUST 2014 SHEET 1 OF 1

THIS PLAT FILED IN CABINET _____, SLIDE _____ AUGUST 2014 SHEET 1 OF 1

Preliminary Plat - The Reserve at Colleyville



THE RESERVE AT COLLEYVILLE, PHASE 1



NOTES:

1. ALL PUBLIC USE AREAS (P.U.A.) LOTS WILL BE MAINTAINED AND OWNED BY THE HOMEOWNER'S ASSOCIATION.
2. REFER TO TREE MITIGATION PLAN FOR LOTS WITH TREE REPLACEMENT OPPORTUNITIES.
3. SUBDIVISION ACCEPTANCE CONTINGENT UPON APPROVAL OF DEVELOPERS AGREEMENT ASSOCIATED WITH LIFT STATION IMPROVEMENTS.

FINAL PLAT
OF
THE RESERVE AT COLLEYVILLE
PHASE 1
IN THE
J. HARRELL SURVEY, ABSTRACT NO. 798
IN THE
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS
46.795 ACRES
77 RESIDENTIAL LOTS / 5 PUBLIC USE AREAS
OWNER/DEVELOPER: RP25 DEVELOPMENT, L.P.
13350 DALLAS PARKWAY
18TH FLOOR, TOWER II
DALLAS, TEXAS 75240

ENGINEER/SURVEYOR: **Carter::Burgess**
CARTER & BURGESS, INC.
7950 ELMBROOK DRIVE, SUITE 250
DALLAS, TX 75247-4961
(214) 638-0145

THIS PLAT FILED IN CABINET A, SLIDE 12531
12532 FEBRUARY 2008 SHEET 1 OF 2
 FILE NO: 01-8074

ORDINANCE O-99-1153

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 187 ACRES OUT OF THE S. HARRELL SURVEY, A-798, TRACTS 1J, 1J1, 1J1A, 1J3, 1J4, AND 1J2; THE H.L. ALLEN SURVEY, A-65, TRACTS 1, 1C, 1B, AND 1A; THE D.J. BEDDO SURVEY, A-232, TRACTS 1C, 2A, 2B, 1A, AND 1B; AND LOT 1, BLOCK 1, PURCELL ADDITION; THE MARY M. FREEMAN SURVEY, A-533, TRACT 2A7A, AND THE WILLIAM C. COOK SURVEY, A-295, TRACT 4D1 FROM THE AG (AGRICULTURE) AND THE R40 (SINGLE FAMILY RESIDENTIAL) TO THE PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS AND AUTHORIZING PUBLICATION:

WHEREAS, an application for a zoning change was filed by David Bagwell, The David Bagwell Company, on November 12, 1998, under Case No. Z-98-031; and

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

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

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

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

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

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

Sec. 1. THAT the Master Plan, the Zoning Ordinance of the City of Colleyville, Texas, and the accompanying Zoning Map (Exhibit A) are hereby amended insofar as they relate to certain land located in Colleyville, Texas, described by metes and bounds (Exhibit B), by changing the zoning of said property from the AG and R40 districts to the PUD-R district, together with all site plans which are only conceptual in nature, supporting documents, and other conditions and restrictions imposed and approved by the Council which are incorporated herein by reference including, but not limited to the conceptual site plan (Exhibit C); and subject to the following conditions:

1. PERMITTED USES

The PUD-R shall have three (3) land uses as indicated on Exhibit C and the primary land use for each area shall be as follows:

- a. Areas 1A & 1B shall consist of single family dwelling units.
- b. Area 2 shall consist of a church.
- c. Area 3 shall be open space.

2. PLATTING & PHASING

- a. Prior to the issuance of any development permits on the subject property and as a condition to the development of the property the developer shall obtain approval of a preliminary plat and final plat of the property, which may be in phases. In approving the preliminary and final plat the approving body shall exercise complete discretion over roadway design, lot size, lot shape, building lines, set-back lines, open space, and all other aspects of the plat; provided, the approving body shall not approve anything inconsistent with the other conditions of this ordinance.
- b. The general limits of all phases of development shall be shown on the preliminary plan. Each phase shall be numbered to represent the sequential development phases anticipated. Any deviation from the approved development sequence shall require approval from the City Council.
- c. This development shall be subject to all impact fees in accordance with the Colleyville Subdivision Regulations.

3. DENSITY

The average residential density is permitted to be 1.8 dwelling units per acre over the combined acreage of Areas 1A & B, 2 & 3.

4. STREETS AND SIDEWALKS

- a. No street intersection shall be allowed on McDonwell School Road which aligns with the McDonwell School Road/Remington Parkway intersection. Street intersections along McDonwell School Road shall maintain a minimum of 300 feet separation between centerlines.
- b. Sidewalks shall be required for all lots within this development, except no sidewalks shall be required in rights-of-way adjacent to open space areas where a sidewalk is proposed on the opposite side of the same right-of-way. Sidewalks in rights-of-way adjacent to each lot frontage or side-yard shall be constructed by the lot owner no later than the date of occupancy of the home on the lot.
- c. Street rights-of-way shall be a minimum width of 50 feet, except for single loaded streets which may have a 40 foot right-of-way width with a 5 foot utility easement abutting the unloaded side of the street.
- d. All streets in this PUD shall be thirty-one feet (31') wide and be constructed of five inch (5"), 3,000 p.s.i. concrete.
- e. The City's street design standards (tangency between curves, radius requirements, etc.) shall be waived, except that a minimum radius shall not be less than twenty-five feet (25').

5. DRAINAGE

- a. All drainage facilities shall be designed and constructed in accordance with the Colleyville Subdivision Regulations.
- b. It shall not be the responsibility of the developer to improve any off-site drainage structures or any other public facilities.
- c. At developer's election, pursuant to a grading plan acceptable to the City Engineer, only one side-yard swale between and behind lots may be utilized for lot drainage; retaining wall construction, lot benching and drainage swale construction shall not be the responsibility of the developer but shall be the responsibility of builders on individual lots and shall not be

required of the developer for City acceptance of public improvements.

- d. Lot-to-lot drainage shall be allowed in a grading plan acceptable to the City Engineer across two lots contiguous with one another and adjacent to the lot(s) where drainage begins, i.e. drainage shall be allowed from the drainage source lot(s) across two other lots which are adjacent on to the other.
- e. In order to preserve trees, no pilot channels shall be required.
- f. There shall be no prohibition against regrading, expanding, and/or eliminating existing ponds and against adding additional ponds on the property in order to accomplish developer's storm drainage plan, as long as it otherwise meets City standards and is acceptable to the City Engineer.
- g. As approved by the City Engineer, City park land adjacent to the development may be utilized for storm water retention and/or detention purposes.

6. LOT REQUIREMENTS AND SETBACKS

- a. All lot dimensions and building setback lines shall be in accordance with the Colleyville Zoning Regulations and Subdivision Regulations, except where amended by this ordinance.
- b. The minimum lot size in Areas 1A & 1B shall be 13,000 square feet and the average size of all residential lots in Areas 1A & 1B shall not be less than 16,000 square feet.
- c. One side yard of any lot may be as narrow as six (6) feet, provided the total width of any two adjacent side yards shall not be less than twenty (20) feet. On lots with an area of less than 16,000 square feet, front yard setbacks may be twenty-five feet (25'), and rear yard setbacks may be ten feet (10'). On any lot with an area greater than 16,000 s.f. that backs to open space, the rear yard setback may be ten feet (10').
- d. The minimum lot width for any lot in Areas 1A & 1B under 16,000 s.f. may be eighty (80) feet if approved by the City Council.

7. PARKS

- a. The provisions of the Colleyville Pathways plan shall be incorporated in the project. Pathways shall be designated on the preliminary plan and final plat in a dedicated public right-of-way. Pathways shall be constructed by the developer for each phase of development. Within each phase of development, pathways shall be completed prior to the issuance of any building permit for residential development in that phase.
- b. Each phase of development is subject to the parkland dedication requirements contained in the Colleyville Subdivision Regulations.
- c. The development shall contain open space which totals twenty percent (20%) of the total area contained in this development as shown on Exhibit C. The City shall not accept the dedication of any open space until all environmental issues are addressed to the City's satisfaction. The developer shall submit to the City an environmental study, audit or assessment demonstrating that the property is in a condition which would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally related problems.
- d. Tree mitigation is waived for Area 3.
- e. A 72.5-foot greenbelt setback shall be provided along the north side of McDonwell School Road. Said greenbelt shall be consistent with the greenbelt setback in the Westmont Addition.

8. SIGNAGE

- a. Developer is permitted to erect at locations approved by the City Engineer entry structures with or without permanent signage (which signage must comply with the City sign ordinance and be properly permitted) in the rights-of-way of perimeter roads at their intersection with internal streets not to exceed twenty-five feet (25') in height, i.e. in the sight triangle areas of such intersections, provided that said structures do not obstruct the view of traffic as determined by the City Engineer.

Sec. 2. THAT notwithstanding any other provisions of the Code, including Section 1-7 of the Code, it is the intention of the City Council in approving this ordinance that no provision or section is severable from any other provision or section. It is further the intent of the City Council that in the event any portion of this ordinance is declared invalid by any court of competent jurisdiction, then the entire ordinance shall be invalid.

Sec. 3. THAT any person, firm or corporation violating any of the provisions of this ordinance as read together with the Zoning Ordinance of the City of Colleyville shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Sec 4. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 23rd day of March, 1999.

The second reading and public hearing being conducted on the 6th day of April, 1999. Tabled at second reading, approved April 20, 1999.

ATTEST:


Jean Harris, CMC
City Secretary

CITY OF COLLEYVILLE:

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

If the Mayor shall neglect to approve or object to any such proceedings for a longer period than seven (7) days after the ordinance or resolution is placed in the office of the City Secretary as aforesaid, the same shall become effective immediately upon publication as required by law.

Exhibit A
Ordinance O-99-1153
PUD-R

TRACT I:

Lot, tract or parcel of land, lying and being situated in Tarrant County, Texas, being out of the Joseph Harrell Survey, Abst. #798, and the H.L. Allen Survey, Abst. #65, in said Tarrant County, and being described by metes and bounds as follows:

BEGINNING 686 ft. North 89 1/2 degrees East from the Northwest corner of the Joseph Harrell Survey Abst. #798, an iron pin the Northeast corner of a 20 acre tract of land as shown in Volume 756, Page 498 Deed of Trust Records of Tarrant County, Texas;

THENCE North 89 1/2 degrees East with fence line at 1954 ft. the Northeast corner of said Harrell Survey and the Northwest corner of the North "ELL" of the H.L. Allen Survey, in all 2605 ft. an iron pin the Northeast corner of said Allen Survey, the Northeast corner of a tract of land deeded to W.E. Roussey et ux as shown in Volume 1478, Page 285 Deed Records of Tarrant County, Texas.

THENCE South 1/4 degrees East with fence line and the East line of said Allen Survey, 1760 ft. an iron pin the Southeast corner of said Roussey tract;

THENCE West with fence line and the South line of said Roussey tract, 618.3 ft. an iron pin;

THENCE North 477.2 ft. an iron pin;

THENCE West 1414.3 ft. an iron pin;

THENCE South 84 1/4 degrees West 149 ft. an iron pin the Southeast corner of a tract of land as shown in Volume 2528, Page 354 Deed Records of Tarrant County, Texas;

THENCE North 434 ft., an iron pin, its Northeast corner;

THENCE West 340 ft. an iron pin in the East line of a tract of land shown in Volume 2379, Page 539, Deed Records of Tarrant County, Texas;

THENCE North 50 ft. its Northeast corner an iron pin;

THENCE West 90 ft. an iron pin, its Northwest corner in the East line of said 20 acre tract;

THENCE North with the East line and fence line 786 ft. to the place of beginning; being 52.5 acres of land out of the Joseph Harrell Survey and 26 acres of land out of the H.L. Allen Survey, in all 78.5 acres of land more or less.

TRACT II:

7.24 acres out of the above 10 acre tract and BEGINNING at a point which stands 1727.55 feet South and 1264.22 feet East of the Northwest corner of the Joseph Harrell Survey, said Northwest corner also being the Northwest corner of a 20 acre tract recorded in Volume 756, Page 498, Deed Records of Tarrant County, Texas, and said beginning point being the Southwest corner of the 10 acre tract;

THENCE North 413.46 feet along fence line and West line of said 10 acre tract;

THENCE North 89 degrees 29 minutes East 733.94 feet to iron pin for corner;

THENCE South 1 degree 49 minutes East 430 feet to iron pin set in South line of said 10 acre tract;

THENCE North 88 degrees 48 minutes West along the South line of said 10 acre tract 750 feet to POINT OF BEGINNING.

Tract III

Lot 1, Block 1, of PURCELL ADDITION, an Addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-130, Page 93, of the Plat Records of Tarrant County, Texas.

Tract IV

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas and being a portion of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 4779, Page 614 of the Deed Records of Tarrant County, Texas and being more particularly described by notes and bounds as follows:

BEGINNING at an iron rod found for the northwest corner of the Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-130, Page 64 of the Plat Records of Tarrant County, Texas:

THENCE S 15°47'28"E, with the west line of said Weidholt Addition, a distance of 247.86 feet to an iron rod found for corner;
THENCE S 89°49'30"E, with the south line of Lot 1 of said Weidholt Addition, a distance of 76.78 feet to an iron rod found for corner;
THENCE N 89°19'57"E, with the south line of Lots 2 and 3 of said Weidholt Addition, a distance of 222.57 feet to an iron rod found for corner;
THENCE S 00°31'09"E, a distance of 911.11 feet to an iron rod found for corner;
THENCE N 89°43'33"W, a distance of 418.94 feet to an iron rod found for corner;
THENCE N 00°25'17"W, a distance of 461.82 feet to an iron rod set for corner;
THENCE S 89°34'42"W, a distance of 407.45 feet to an iron rod found for corner;
THENCE N 00°40'45"W, a distance of 517.00 feet to an iron rod found for corner;
THENCE N 62°06'48"E, a distance of 55.55 feet to an iron rod found for corner;
THENCE N 68°25'23"E, a distance of 236.10 feet to an iron rod found for corner;
THENCE N 73°10'29"E, a distance of 200.19 feet to the POINT OF BEGINNING and containing 14.798 acres or 644,618 square feet of land, more or less.

Tract V

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas, said tract of land being all or intended to be all of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 3881, Page 454 of the Deed Records of Tarrant County, Texas, and being more particularly described by notes and bounds as follows:

BEGINNING at an iron rod found for corner being South, a distance of 1342.0 feet and West, a distance of 420.42 feet from the northeast corner of the D. J. Heddo Survey, Abstract No. 232 as per said deed recorded in Volume 3881, Page 454 of the Deed Records of Tarrant County, Texas:

THENCE N 89°58'10"W, a distance of 405.39 feet to an iron rod set for corner;
THENCE N 00°40'45"W, a distance of 458.64 feet to an iron rod found for corner;
THENCE N 89°34'42"E, a distance of 407.45 feet to an iron rod set for corner;
THENCE S 00°25'17"E, a distance of 461.82 feet to the POINT OF BEGINNING and containing 4.294 acres or 187,041 square feet of land, more or less.

Tract VI

DESCRIPTION OF PROPERTY

Being a tract of land situated in the B.J. BEDDO SURVEY, Abstract No. 232, City of Colleyville, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for the northwest corner of Lot 1, Block 1, Purcell Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 188-130, Page 33 of the Plat Records of Tarrant County, Texas;

THENCE S 00°00'51" W, with the west line of said Purcell Addition, a distance of 1277.63 feet to an iron rod set in the north line of McDonnell School Road;

THENCE S 86°39'53" W, a distance of 677.28 feet to an iron rod found for corner;

THENCE N 00°48'08" W, a distance of 832.13 feet to an iron rod found for the northeast corner of a 30.42 acre tract of land donated to K. Yazhair as recorded in Volume 7886, Page 177 of the Deed Records of Tarrant County, Texas, said iron rod also being the southeast corner of a 78.5 acre tract of land donated to W.R. Cole as recorded in Volume 2591, Page 128 of the Deed Records of Tarrant County, Texas;

THENCE N 00°02'42" W, with the east line of said W.R. Cole tract, a distance of 419.05 feet to an iron rod found at a fence corner;

THENCE N 00°31'50" W, continuing with the east line of said W.R. Cole tract, a distance of 1340.99 feet to an iron rod found for the northeast corner of said W.R. Cole tract;

THENCE N 89°07'19"E, a distance of 1223.36 feet to an iron pipe found for the southwest corner of Lukasey-Holley Subdivision, an addition to the City of Colleyville, Tarrant County, Texas, as recorded Volume 388-117, Page 58 of the Plat Records of Tarrant County, Texas;

THENCE N 89°00'58" E, with the south line of said Lukasey-Holley Subdivision, a distance of 230.76 feet to an iron rod found for the southeast corner of said Lukasey-Holley Subdivision, said iron rod also being the southwest corner of a 4.0 acre tract of land donated to T. Benton as recorded in Volume 8238, Page 425 of the Deed Records of Tarrant County, Texas;

THENCE N 89°13'12" E, with the south line of said T. Benton tract, a distance of 76.46 feet to an iron rod found for corner;

THENCE N 89°25'25" E, a distance of 661.55 feet to an iron rod found for the southeast corner of said T. Benton tract, said iron rod also being the southwest corner of a 1.31 acre tract of land donated to D. Skelton as recorded in Volume 8395, Page 216 of the Deed Records of Tarrant County, Texas;

THENCE N 89°24'45"E, with the south line of said D. Skelton tract, a distance of 133.44 feet to an iron rod found for corner;

THENCE S 86°52'22" E, a distance of 199.28 feet to an iron rod found for the southeast corner of said D. Skelton tract;

THENCE S 46°36'59" E, a distance of 26.23 feet to an iron rod found for the most northerly northwest corner of Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-123, Page 64 of the Plat Records of Tarrant County, Texas;

THENCE S 50°48'53" W, with the northwesterly line of said Weidholt Addition, a distance of 182.25 feet to an iron rod found for corner;

THENCE S 60°20'45" W, a distance of 131.84 feet to an iron rod found for the most westerly corner of said Weidholt Addition, said iron rod also being the most northerly corner of a tract of land donated to J. Weidholt as recorded in Volume 4777, Page 613 of the Deed Records of Tarrant County, Texas;

THENCE S 73°18'29" W, with the most northerly line of said J. Weidholt tract, a distance of 280.19 feet to an iron rod found for corner;

THENCE S 48°25'23" W, a distance of 236.10 feet to an iron rod found for corner;

THENCE S 63°06'48" W, a distance of 55.35 feet to an iron rod found for the northwest corner of said J. Weidholt tract;

THENCE S 00°40'45" E, passing an iron rod found for the southwest corner of said J. Weidholt tract at a distance of 517.00 feet, in all a distance of 973.64 feet to an iron rod set for corner;

THENCE S 89°52'28" W, a distance of 515.65 feet to an iron rod set at a fence corner;

THENCE S 88°46'10" W, a distance of 225.29 feet to an iron rod found for the northeast corner of said Lot 1, Block 1, Purcell Addition;

THENCE N 89°04'31" W, with the north line of said Purcell Addition, a distance of 395.84 feet to the POINT OF BEGINNING and containing 30.394 acres or 3,503,991 square feet of land, more or less.

Tract VII

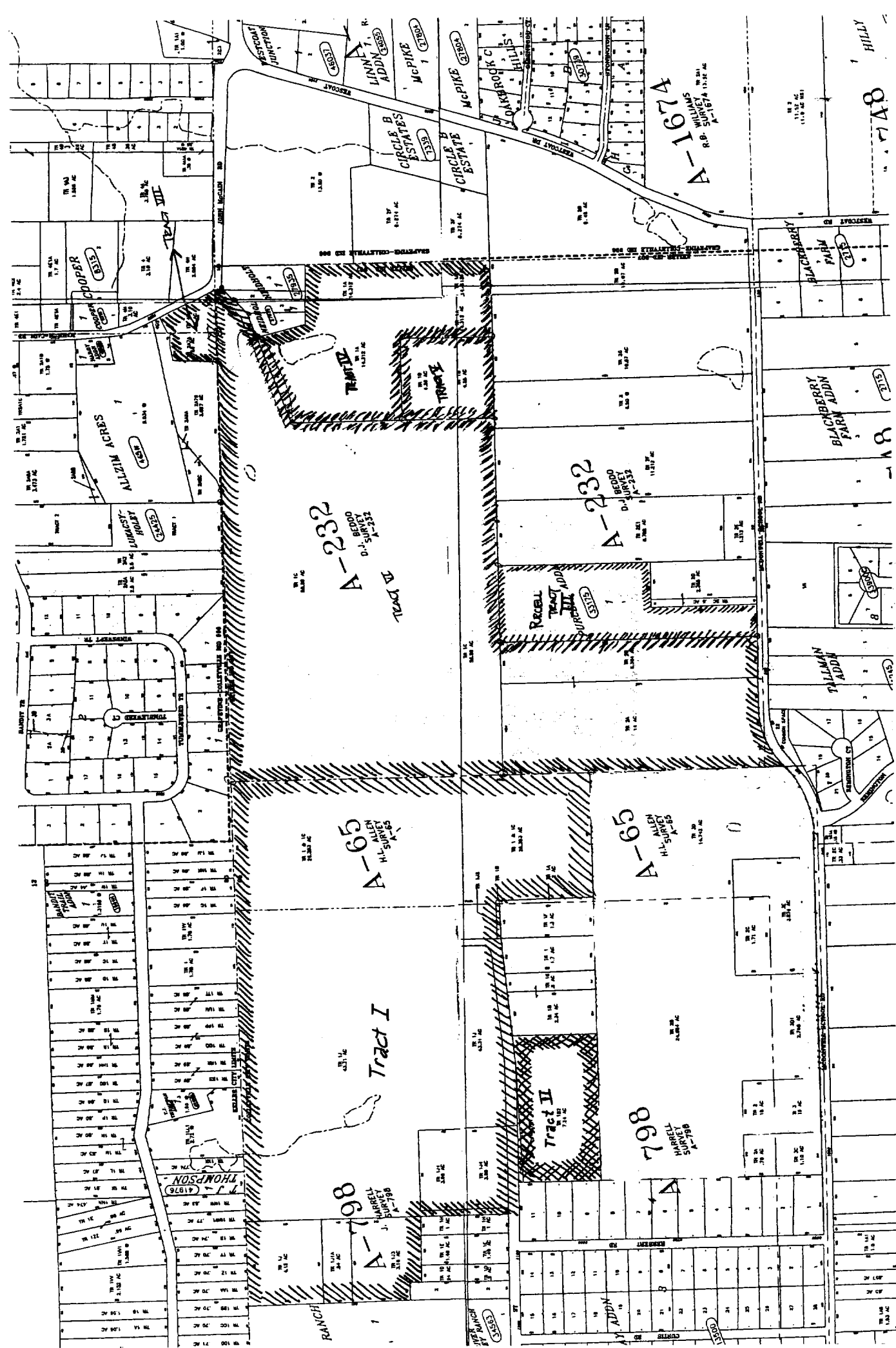
FIELD NOTES

FOR A TRACT OF LAND IN THE M. M. FREEMAN SURVEY, ABSTRACT NO. 533 AND THE W. E. CROOK SURVEY, ABSTRACT NO. 295, SITUATED IN TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

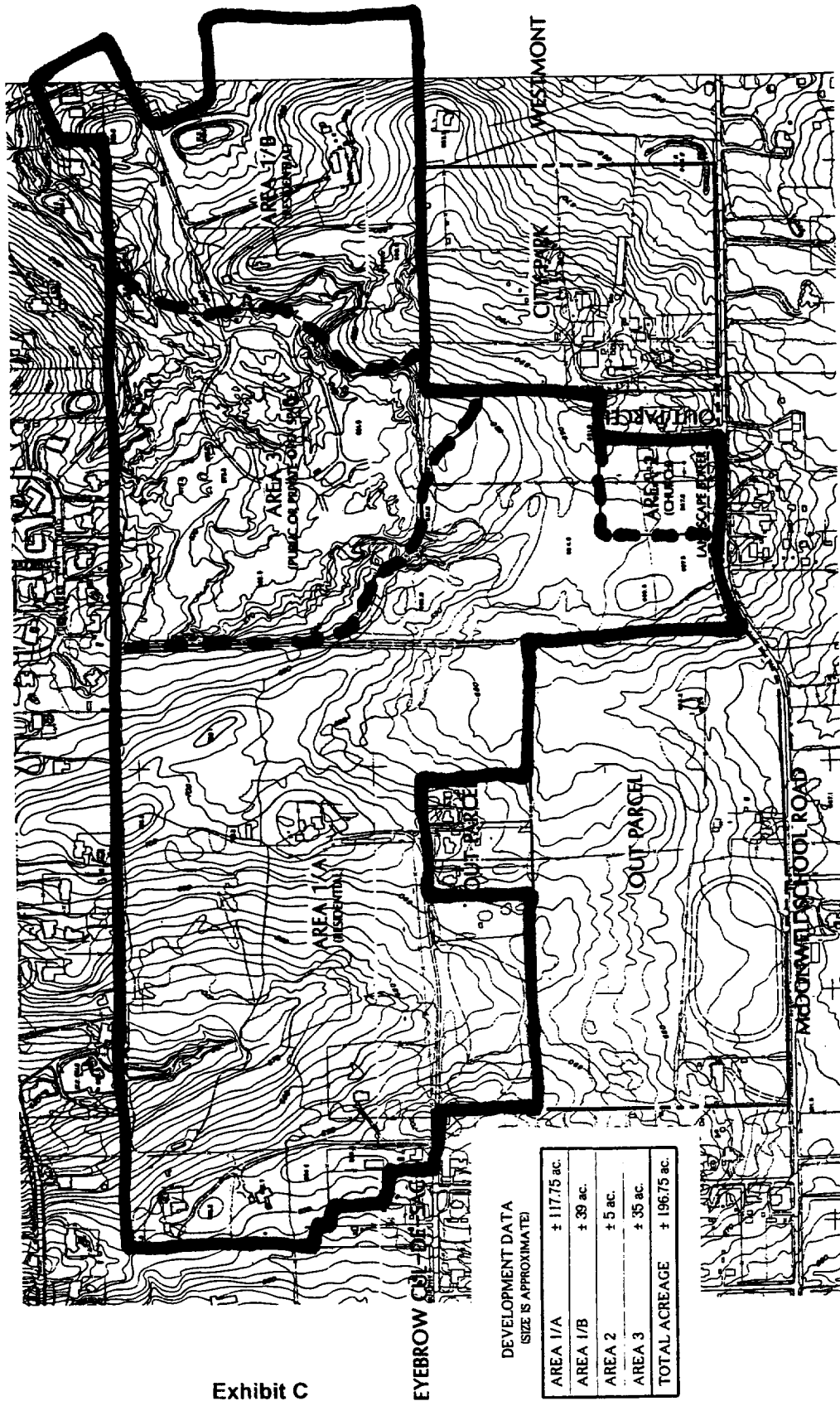
- BEGINNING at an iron pin in the West line of John McCain Road, said point being, by deed calls, S. 89° - 51' - 40" E. 552.74 feet, S. 1° - 39' E. 150.0 feet, S. 5° - 08' E. 92.2 feet and S. 26° - 04' - 05" E. 194.52 feet from the Southwest corner of a called 7.018 acre tract as described in a deed of record in Volume 3560, Page 281, Deed Records, Tarrant County, Texas;
- THENCE S. 26° - 04' - 03" E. 314.32 feet continuing along the West line of said John McCain Road to an iron pin set in same for corner;
- THENCE N. 87° - 05' - 22" W. 199.27 feet to an iron pin found at the occupied Southeast corner of said Freeman Survey and the Southwest corner of said Crook Survey;
- THENCE S. 89° - 12' - 30" W. 133.53 feet to a bolt found for corner;
- THENCE N. 4° - 05' - 44" W. 203.87 feet along a fence line to a 3" metal fence corner post for corner;
- THENCE N. 69° - 42' - 40" E. 58.01 feet to an iron pin found for corner;
- THENCE N. 86° - 25' - 55" E. 79.53 feet to an iron pin found for corner;
- THENCE N. 58° - 43' - 46" E. 87.96 feet to the POINT OF BEGINNING and containing 1.511 acres.



Walter W. Ward
4-6-89



Map showing tract numbers
for Exhibit "B"



DEVELOPMENT DATA
(SIZE IS APPROXIMATE)

AREA 1/A	± 117.75 ac.
AREA 1/B	± 39 ac.
AREA 2	± 5 ac.
AREA 3	± 35 ac.
TOTAL ACREAGE	± 196.75 ac.

Exhibit C
Conceptual Site Plan
Ordinance O-99-1153

THE DAVID BAGWELL COMPANY
8222 DOUGLAS AVENUE, SUITE 770
DALLAS, TEXAS 75225

GLENWOOD
CONCEPTUAL LAND USE PLAN
COLLEYVILLE, TEXAS
APRIL 1999

RESOLUTION R-14-3793

**A RESOLUTION APPROVING A FINAL PLAT FOR
THE RESERVE AT COLLEYVILLE ADDITION, PHASE 2A**

WHEREAS, the Planning and Zoning Commission recommended approval of the final plat for The Reserve at Colleyville Addition, Phase 2A on September 8, 2014.

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

Sec. 1. THAT the final plat for The Reserve at Colleyville Addition, Phase 2A, attached as Exhibit "A" – Plat Exhibit, is hereby approved.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 6TH DAY OF OCTOBER 2014.

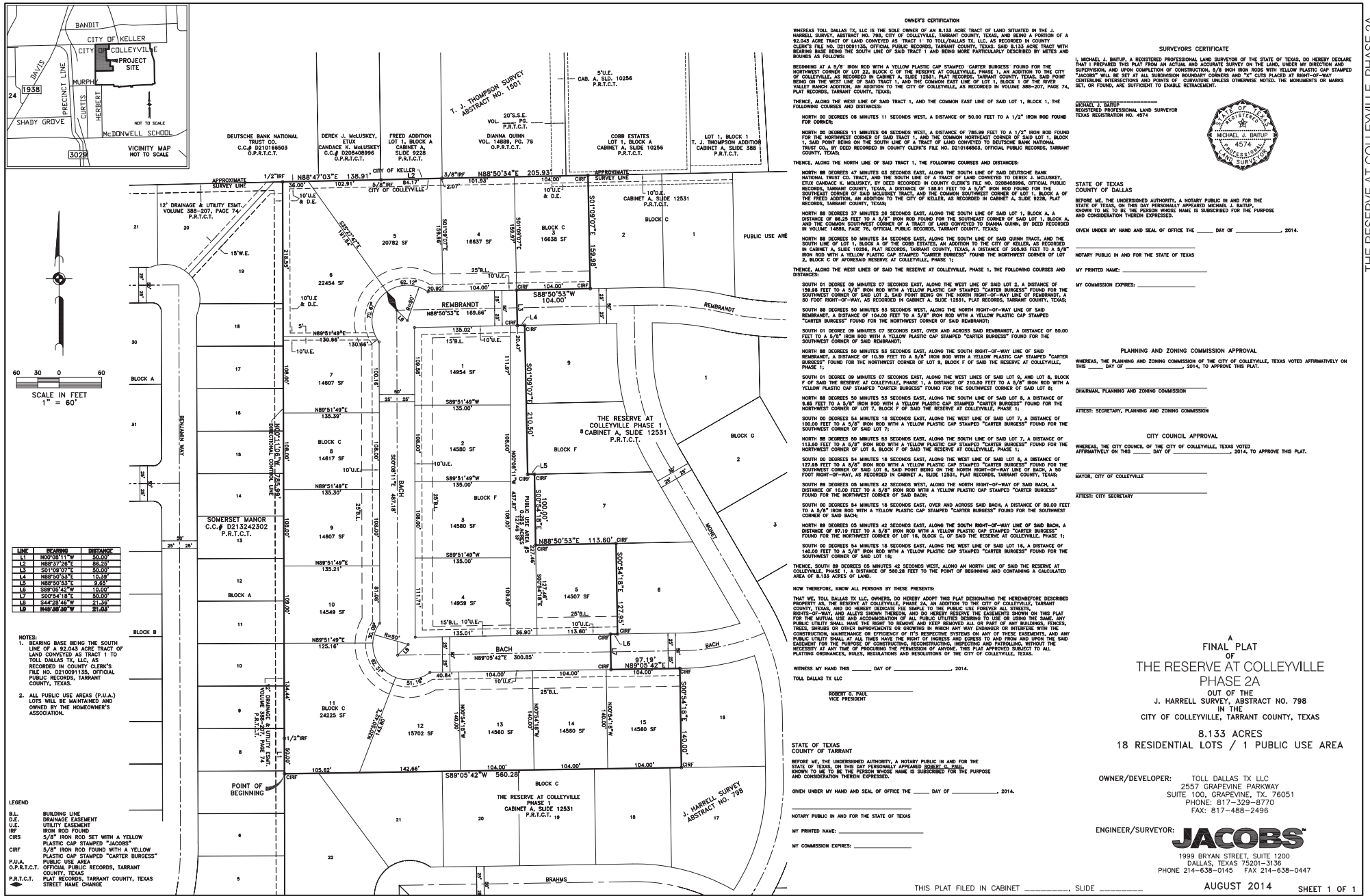
ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem

Exhibit "A" - Plat Exhibit



THE RESERVE AT COLLEVILLE, PHASE 2A



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7d

Agenda Date 10/06/2014

Number Resolution R-14-3794

Type Resolution

Department Community Development

Title

Approval of a final plat on Lots 1-11, Block A; and Lots 1-3, Block B, of The Reserve at Colleyville Addition, Phase 2B, Case PC14-023

Explanation

Reading and Public Hearing

Jacobs Engineering, on behalf of the property owner, Toll Brothers, has submitted a request to approve the final plat for phase 2B of The Reserve at Colleyville. The final plat consists of 7.11 acres that includes 14 single family residential lots and two open space (or public use areas) lots.

The preliminary plat (attached) and final plat for phase one (attached) for The Reserve at Colleyville were approved by City Council on December 18, 2007. A revised preliminary plat is also on this meeting's agenda.

City Council Approval. On January 21, 2014 the City Council approved amendments to Chapter 8-Plat Review Procedures in the Land Development Code such that most plats required final approval only from the Planning and Zoning Commission. The remaining plats that require final City Council approval are preliminary plats and final plats that involve more than one phase.

Zoning. The Reserve at Colleyville is zoned PUDR-Planned Unit Development Residential by attached Ordinance O-99-1153. This ordinance also includes the Whittier Heights and Old Grove developments. The plat has been reviewed per the regulations of the Land Development Code and the standards contained in the PUDR ordinance for this development. The plat is in compliance with these regulations.

Development Fees. Park land dedication fees are required, in the amount of \$1,802 per residential lot. Park land dedication fees are due at the time of final plat, and must be paid before the final plat is recorded with the County Clerk's office.

Roadway impact fees are due in the amount of \$4,941 per residential lot at the time of the building permit application.

Perimeter street improvement fees are not required for this development since the applicant is improving the road as part of the development.

Water and Wastewater impact fees are due at the time of the building permit application for each lot and are determined by the size of the meter. Fees for a typical 5/8 inch meter are \$2,491 for the water impact fee, and \$643 for the wastewater impact fee.

Sidewalks. All new streets require a minimum four foot sidewalk to be installed by the homebuilder prior to the final inspection.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the September 8, 2014 meeting by a vote of 6-0.

Summary. The proposed development satisfies the requirements of PUDR Ordinance 0-99-1153 and the Land Development Code. Since the plat indicates that development will occur in phases, the final plat requires approval by City Council.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

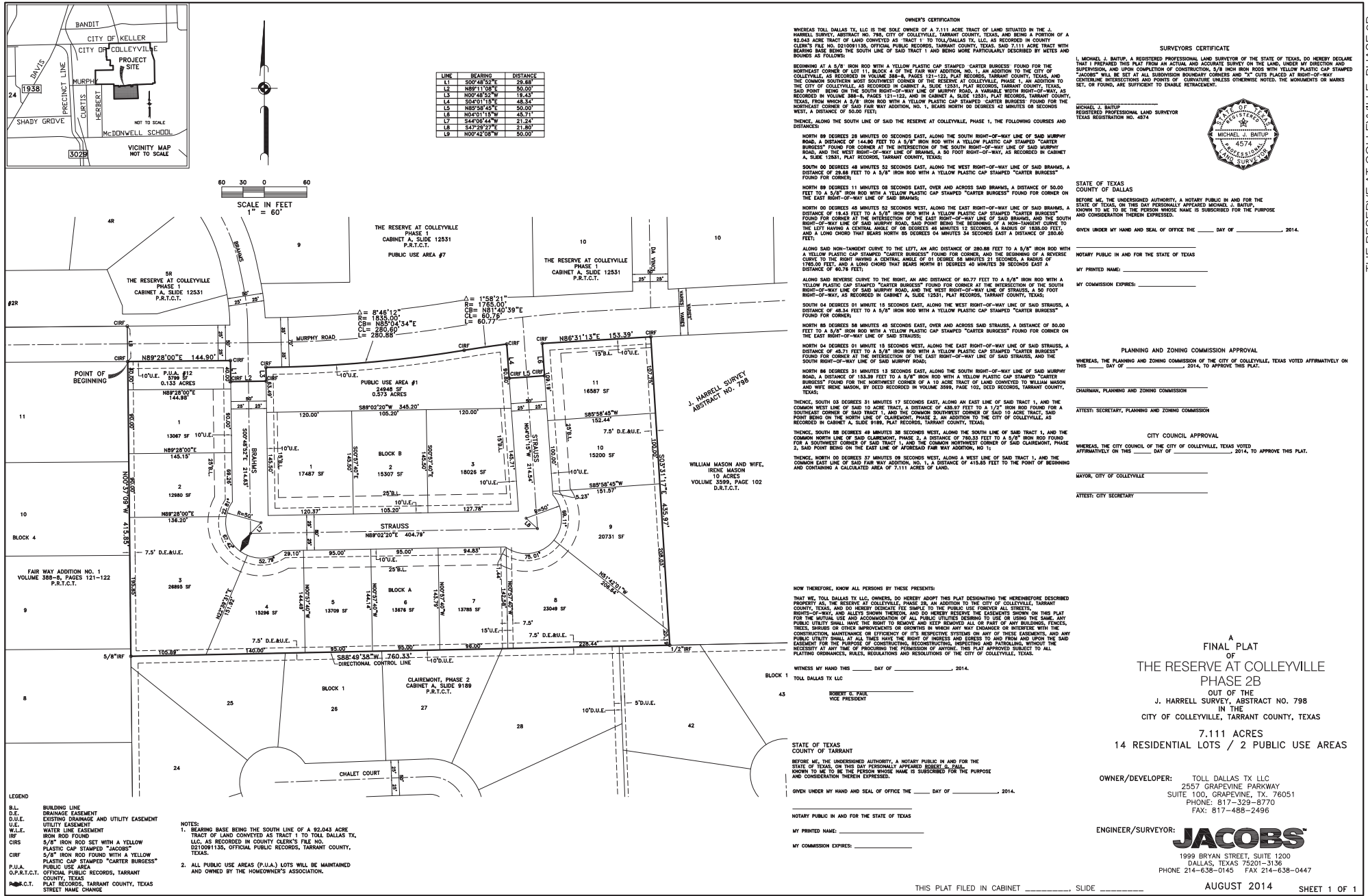
Attachments

1. Location and Zoning Map
2. Aerial
3. Final Plat - The Reserve at Colleyville Phase 2B
4. Preliminary Plat - The Reserve at Colleyville
5. Final Plat - Phase One
6. Ordinance O-99-1153
7. Resolution R-14-3794

Aerial

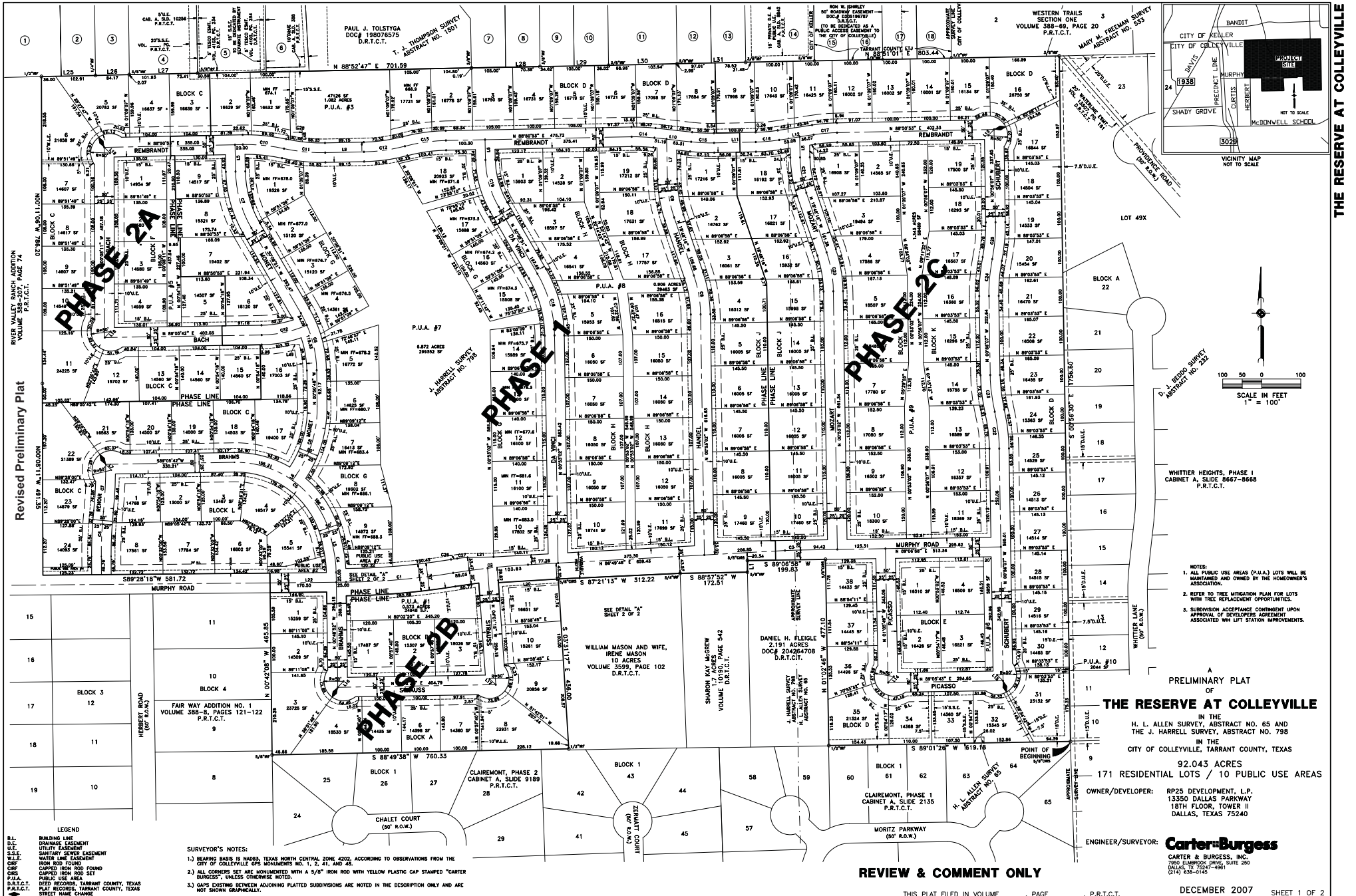


Final Plat - The Reserve at Colleyville Phase 2B



THE RESERVE AT COLLEYVILLE, PHASE 2B

Preliminary Plat - The Reserve at Colleyville



THE RESERVE AT COLLEYVILLE, PHASE 1



ENGINEER/SURVEYOR: **Carter::Burgess**
CARTER & BURGESS, INC.
7550 ELMBROOK DRIVE, SUITE 250
DALLAS, TX 75247-4961
(214) 638-0145

THIS PLAT FILED IN CABINET A, SLIDE 12531
12532 FEBRUARY 2008 SHEET 1 OF 2
 FILE NO: 01-8074

ORDINANCE O-99-1153

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 187 ACRES OUT OF THE S. HARRELL SURVEY, A-798, TRACTS 1J, 1J1, 1J1A, 1J3, 1J4, AND 1J2; THE H.L. ALLEN SURVEY, A-65, TRACTS 1, 1C, 1B, AND 1A; THE D.J. BEDDO SURVEY, A-232, TRACTS 1C, 2A, 2B, 1A, AND 1B; AND LOT 1, BLOCK 1, PURCELL ADDITION; THE MARY M. FREEMAN SURVEY, A-533, TRACT 2A7A, AND THE WILLIAM C. COOK SURVEY, A-295, TRACT 4D1 FROM THE AG (AGRICULTURE) AND THE R40 (SINGLE FAMILY RESIDENTIAL) TO THE PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS AND AUTHORIZING PUBLICATION:

WHEREAS, an application for a zoning change was filed by David Bagwell, The David Bagwell Company, on November 12, 1998, under Case No. Z-98-031; and

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

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

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

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

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

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

Sec. 1. THAT the Master Plan, the Zoning Ordinance of the City of Colleyville, Texas, and the accompanying Zoning Map (Exhibit A) are hereby amended insofar as they relate to certain land located in Colleyville, Texas, described by metes and bounds (Exhibit B), by changing the zoning of said property from the AG and R40 districts to the PUD-R district, together with all site plans which are only conceptual in nature, supporting documents, and other conditions and restrictions imposed and approved by the Council which are incorporated herein by reference including, but not limited to the conceptual site plan (Exhibit C); and subject to the following conditions:

1. PERMITTED USES

The PUD-R shall have three (3) land uses as indicated on Exhibit C and the primary land use for each area shall be as follows:

- a. Areas 1A & 1B shall consist of single family dwelling units.
- b. Area 2 shall consist of a church.
- c. Area 3 shall be open space.

2. PLATTING & PHASING

- a. Prior to the issuance of any development permits on the subject property and as a condition to the development of the property the developer shall obtain approval of a preliminary plat and final plat of the property, which may be in phases. In approving the preliminary and final plat the approving body shall exercise complete discretion over roadway design, lot size, lot shape, building lines, set-back lines, open space, and all other aspects of the plat; provided, the approving body shall not approve anything inconsistent with the other conditions of this ordinance.
- b. The general limits of all phases of development shall be shown on the preliminary plan. Each phase shall be numbered to represent the sequential development phases anticipated. Any deviation from the approved development sequence shall require approval from the City Council.
- c. This development shall be subject to all impact fees in accordance with the Colleyville Subdivision Regulations.

3. DENSITY

The average residential density is permitted to be 1.8 dwelling units per acre over the combined acreage of Areas 1A & B, 2 & 3.

4. STREETS AND SIDEWALKS

- a. No street intersection shall be allowed on McDonwell School Road which aligns with the McDonwell School Road/Remington Parkway intersection. Street intersections along McDonwell School Road shall maintain a minimum of 300 feet separation between centerlines.
- b. Sidewalks shall be required for all lots within this development, except no sidewalks shall be required in rights-of-way adjacent to open space areas where a sidewalk is proposed on the opposite side of the same right-of-way. Sidewalks in rights-of-way adjacent to each lot frontage or side-yard shall be constructed by the lot owner no later than the date of occupancy of the home on the lot.
- c. Street rights-of-way shall be a minimum width of 50 feet, except for single loaded streets which may have a 40 foot right-of-way width with a 5 foot utility easement abutting the unloaded side of the street.
- d. All streets in this PUD shall be thirty-one feet (31') wide and be constructed of five inch (5"), 3,000 p.s.i. concrete.
- e. The City's street design standards (tangency between curves, radius requirements, etc.) shall be waived, except that a minimum radius shall not be less than twenty-five feet (25').

5. DRAINAGE

- a. All drainage facilities shall be designed and constructed in accordance with the Colleyville Subdivision Regulations.
- b. It shall not be the responsibility of the developer to improve any off-site drainage structures or any other public facilities.
- c. At developer's election, pursuant to a grading plan acceptable to the City Engineer, only one side-yard swale between and behind lots may be utilized for lot drainage; retaining wall construction, lot benching and drainage swale construction shall not be the responsibility of the developer but shall be the responsibility of builders on individual lots and shall not be

required of the developer for City acceptance of public improvements.

- d. Lot-to-lot drainage shall be allowed in a grading plan acceptable to the City Engineer across two lots contiguous with one another and adjacent to the lot(s) where drainage begins, i.e. drainage shall be allowed from the drainage source lot(s) across two other lots which are adjacent on to the other.
- e. In order to preserve trees, no pilot channels shall be required.
- f. There shall be no prohibition against regrading, expanding, and/or eliminating existing ponds and against adding additional ponds on the property in order to accomplish developer's storm drainage plan, as long as it otherwise meets City standards and is acceptable to the City Engineer.
- g. As approved by the City Engineer, City park land adjacent to the development may be utilized for storm water retention and/or detention purposes.

6. LOT REQUIREMENTS AND SETBACKS

- a. All lot dimensions and building setback lines shall be in accordance with the Colleyville Zoning Regulations and Subdivision Regulations, except where amended by this ordinance.
- b. The minimum lot size in Areas 1A & 1B shall be 13,000 square feet and the average size of all residential lots in Areas 1A & 1B shall not be less than 16,000 square feet.
- c. One side yard of any lot may be as narrow as six (6) feet, provided the total width of any two adjacent side yards shall not be less than twenty (20) feet. On lots with an area of less than 16,000 square feet, front yard setbacks may be twenty-five feet (25'), and rear yard setbacks may be ten feet (10'). On any lot with an area greater than 16,000 s.f. that backs to open space, the rear yard setback may be ten feet (10').
- d. The minimum lot width for any lot in Areas 1A & 1B under 16,000 s.f. may be eighty (80) feet if approved by the City Council.

7. PARKS

- a. The provisions of the Colleyville Pathways plan shall be incorporated in the project. Pathways shall be designated on the preliminary plan and final plat in a dedicated public right-of-way. Pathways shall be constructed by the developer for each phase of development. Within each phase of development, pathways shall be completed prior to the issuance of any building permit for residential development in that phase.
- b. Each phase of development is subject to the parkland dedication requirements contained in the Colleyville Subdivision Regulations.
- c. The development shall contain open space which totals twenty percent (20%) of the total area contained in this development as shown on Exhibit C. The City shall not accept the dedication of any open space until all environmental issues are addressed to the City's satisfaction. The developer shall submit to the City an environmental study, audit or assessment demonstrating that the property is in a condition which would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally related problems.
- d. Tree mitigation is waived for Area 3.
- e. A 72.5-foot greenbelt setback shall be provided along the north side of McDonwell School Road. Said greenbelt shall be consistent with the greenbelt setback in the Westmont Addition.

8. SIGNAGE

- a. Developer is permitted to erect at locations approved by the City Engineer entry structures with or without permanent signage (which signage must comply with the City sign ordinance and be properly permitted) in the rights-of-way of perimeter roads at their intersection with internal streets not to exceed twenty-five feet (25') in height, i.e. in the sight triangle areas of such intersections, provided that said structures do not obstruct the view of traffic as determined by the City Engineer.

Sec. 2. THAT notwithstanding any other provisions of the Code, including Section 1-7 of the Code, it is the intention of the City Council in approving this ordinance that no provision or section is severable from any other provision or section. It is further the intent of the City Council that in the event any portion of this ordinance is declared invalid by any court of competent jurisdiction, then the entire ordinance shall be invalid.

Sec. 3. THAT any person, firm or corporation violating any of the provisions of this ordinance as read together with the Zoning Ordinance of the City of Colleyville shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Sec 4. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 23rd day of March, 1999.

The second reading and public hearing being conducted on the 6th day of April, 1999. Tabled at second reading, approved April 20, 1999.

ATTEST:


Jean Harris, CMC
City Secretary

CITY OF COLLEYVILLE:

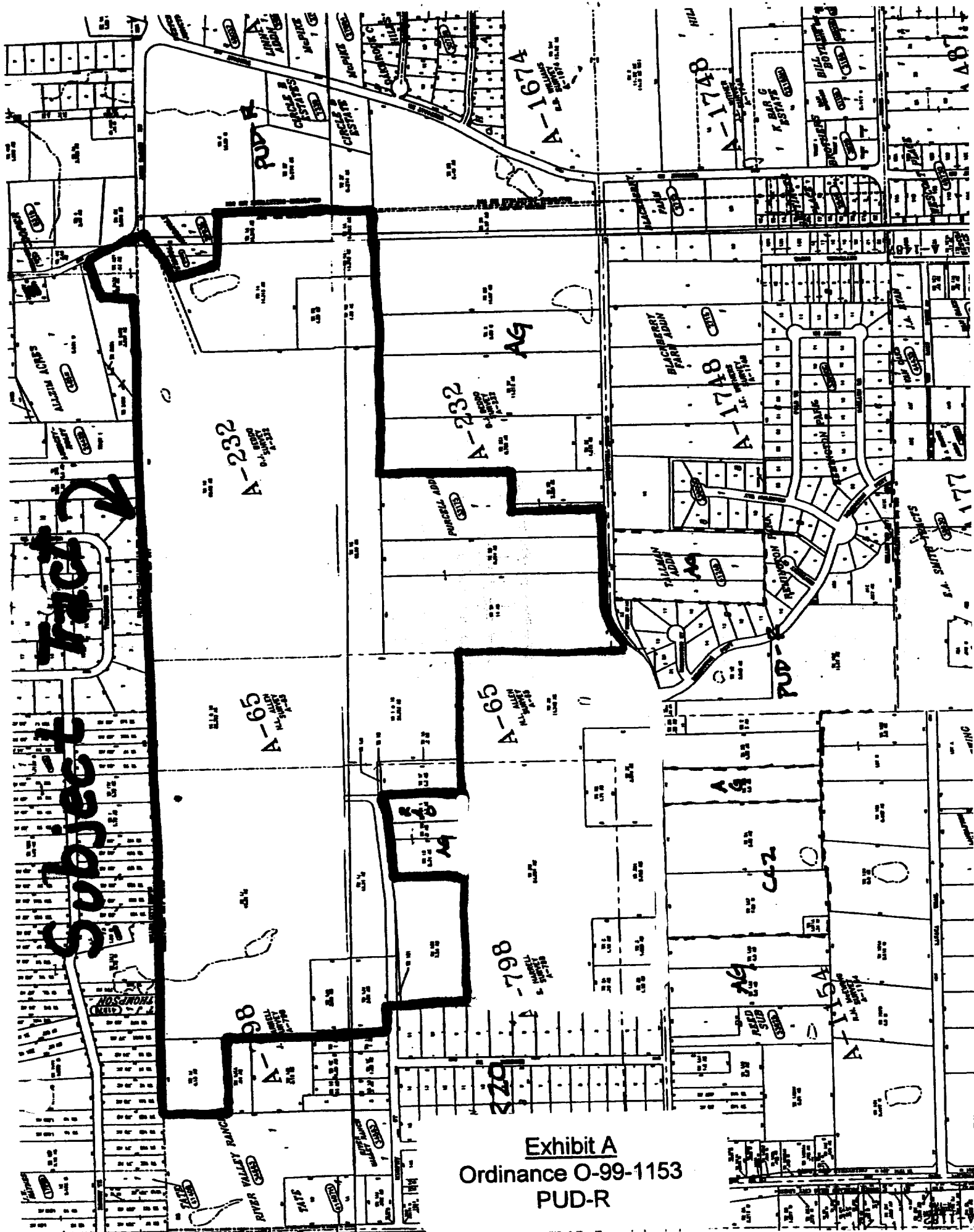
Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

If the Mayor shall neglect to approve or object to any such proceedings for a longer period than seven (7) days after the ordinance or resolution is placed in the office of the City Secretary as aforesaid, the same shall become effective immediately upon publication as required by law.

Exhibit A
Ordinance O-99-1153
PUD-R



TRACT I:

Lot, tract or parcel of land, lying and being situated in Tarrant County, Texas, being out of the Joseph Harrell Survey, Abst. #798, and the H.L. Allen Survey, Abst. #65, in said Tarrant County, and being described by metes and bounds as follows:

BEGINNING 686 ft. North 89 1/2 degrees East from the Northwest corner of the Joseph Harrell Survey Abst. #798, an iron pin the Northeast corner of a 20 acre tract of land as shown in Volume 756, Page 498 Deed of Trust Records of Tarrant County, Texas;

THENCE North 89 1/2 degrees East with fence line at 1954 ft. the Northeast corner of said Harrell Survey and the Northwest corner of the North "ELL" of the H.L. Allen Survey, in all 2605 ft. an iron pin the Northeast corner of said Allen Survey, the Northeast corner of a tract of land deeded to W.E. Roussey et ux as shown in Volume 1478, Page 285 Deed Records of Tarrant County, Texas.

THENCE South 1/4 degrees East with fence line and the East line of said Allen Survey, 1760 ft. an iron pin the Southeast corner of said Roussey tract;

THENCE West with fence line and the South line of said Roussey tract, 618.3 ft. an iron pin;

THENCE North 477.2 ft. an iron pin;

THENCE West 1414.3 ft. an iron pin;

THENCE South 84 1/4 degrees West 149 ft. an iron pin the Southeast corner of a tract of land as shown in Volume 2528, Page 354 Deed Records of Tarrant County, Texas;

THENCE North 434 ft., an iron pin, its Northeast corner;

THENCE West 340 ft. an iron pin in the East line of a tract of land shown in Volume 2379, Page 539, Deed Records of Tarrant County, Texas;

THENCE North 50 ft. its Northeast corner an iron pin;

THENCE West 90 ft. an iron pin, its Northwest corner in the East line of said 20 acre tract;

THENCE North with the East line and fence line 786 ft. to the place of beginning; being 52.5 acres of land out of the Joseph Harrell Survey and 26 acres of land out of the H.L. Allen Survey, in all 78.5 acres of land more or less.

TRACT II:

7.24 acres out of the above 10 acre tract and BEGINNING at a point which stands 1727.55 feet South and 1264.22 feet East of the Northwest corner of the Joseph Harrell Survey, said Northwest corner also being the Northwest corner of a 20 acre tract recorded in Volume 756, Page 498, Deed Records of Tarrant County, Texas, and said beginning point being the Southwest corner of the 10 acre tract;

THENCE North 413.46 feet along fence line and West line of said 10 acre tract;

THENCE North 89 degrees 29 minutes East 733.94 feet to iron pin for corner;

THENCE South 1 degree 49 minutes East 430 feet to iron pin set in South line of said 10 acre tract;

THENCE North 88 degrees 48 minutes West along the South line of said 10 acre tract 750 feet to POINT OF BEGINNING.

Tract III

Lot 1, Block 1, of PURCELL ADDITION, an Addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-130, Page 93, of the Plat Records of Tarrant County, Texas.

Tract IV

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas and being a portion of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 4779, Page 614 of the Deed Records of Tarrant County, Texas and being more particularly described by notes and bounds as follows:

BEGINNING at an iron rod found for the northwest corner of the Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-130, Page 64 of the Plat Records of Tarrant County, Texas:

THENCE S 15°47'28"E, with the west line of said Weidholt Addition, a distance of 247.86 feet to an iron rod found for corner;
THENCE S 89°49'30"E, with the south line of Lot 1 of said Weidholt Addition, a distance of 76.78 feet to an iron rod found for corner;
THENCE N 89°19'57"E, with the south line of Lots 2 and 3 of said Weidholt Addition, a distance of 222.57 feet to an iron rod found for corner;
THENCE S 00°31'09"E, a distance of 911.11 feet to an iron rod found for corner;
THENCE N 89°43'33"W, a distance of 418.94 feet to an iron rod found for corner;
THENCE N 00°25'17"W, a distance of 461.82 feet to an iron rod set for corner;
THENCE S 89°34'42"W, a distance of 407.45 feet to an iron rod found for corner;
THENCE N 00°40'45"W, a distance of 517.00 feet to an iron rod found for corner;
THENCE N 62°06'48"E, a distance of 55.55 feet to an iron rod found for corner;
THENCE N 68°25'23"E, a distance of 236.10 feet to an iron rod found for corner;
THENCE N 73°10'29"E, a distance of 200.19 feet to the POINT OF BEGINNING and containing 14.798 acres or 644,618 square feet of land, more or less.

Tract V

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas, said tract of land being all or intended to be all of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 3881, Page 454 of the Deed Records of Tarrant County, Texas, and being more particularly described by notes and bounds as follows:

BEGINNING at an iron rod found for corner being South, a distance of 1342.0 feet and West, a distance of 420.42 feet from the northeast corner of the D. J. Heddo Survey, Abstract No. 232 as per said deed recorded in Volume 3881, Page 454 of the Deed Records of Tarrant County, Texas:

THENCE N 89°58'10"W, a distance of 405.39 feet to an iron rod set for corner;
THENCE N 00°40'45"W, a distance of 458.64 feet to an iron rod found for corner;
THENCE N 89°34'42"E, a distance of 407.45 feet to an iron rod set for corner;
THENCE S 00°25'17"E, a distance of 461.82 feet to the POINT OF BEGINNING and containing 4.294 acres or 187,041 square feet of land, more or less.

Tract VI

DESCRIPTION OF PROPERTY

Being a tract of land situated in the B.J. BEDDO SURVEY, Abstract No. 132, City of Colleyville, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for the northwest corner of Lot 1, Block 1, Purcell Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 188-130, Page 33 of the Plat Records of Tarrant County, Texas;

THENCE S 00°00'51" W, with the west line of said Purcell Addition, a distance of 1277.63 feet to an iron rod set in the north line of McDonnell School Road;

THENCE S 86°39'53" W, a distance of 677.28 feet to an iron rod found for corner;

THENCE N 00°48'08" W, a distance of 832.13 feet to an iron rod found for the northeast corner of a 30.42 acre tract of land donated to K. Yazhair as recorded in Volume 7886, Page 177 of the Deed Records of Tarrant County, Texas, said iron rod also being the southeast corner of a 78.5 acre tract of land donated to W.R. Cole as recorded in Volume 2591, Page 128 of the Deed Records of Tarrant County, Texas;

THENCE N 00°02'42" W, with the east line of said W.R. Cole tract, a distance of 419.05 feet to an iron rod found at a fence corner;

THENCE N 00°31'50" W, continuing with the east line of said W.R. Cole tract, a distance of 1340.99 feet to an iron rod found for the northeast corner of said W.R. Cole tract;

THENCE N 89°07'19"E, a distance of 1223.36 feet to an iron pipe found for the southwest corner of Lukasey-Holley Subdivision, an addition to the City of Colleyville, Tarrant County, Texas, as recorded Volume 388-117, Page 58 of the Plat Records of Tarrant County, Texas;

THENCE N 89°00'58" E, with the south line of said Lukasey-Holley Subdivision, a distance of 230.76 feet to an iron rod found for the southeast corner of said Lukasey-Holley Subdivision, said iron rod also being the southwest corner of a 4.0 acre tract of land donated to T. Benton as recorded in Volume 8238, Page 425 of the Deed Records of Tarrant County, Texas;

THENCE N 89°13'12" E, with the south line of said T. Benton tract, a distance of 76.46 feet to an iron rod found for corner;

THENCE N 89°25'25" E, a distance of 661.55 feet to an iron rod found for the southeast corner of said T. Benton tract, said iron rod also being the southwest corner of a 1.31 acre tract of land donated to D. Skelton as recorded in Volume 8395, Page 216 of the Deed Records of Tarrant County, Texas;

THENCE N 89°24'45"E, with the south line of said D. Skelton tract, a distance of 133.44 feet to an iron rod found for corner;

THENCE S 86°52'22" E, a distance of 199.28 feet to an iron rod found for the southeast corner of said D. Skelton tract;

THENCE S 46°36'59" E, a distance of 26.23 feet to an iron rod found for the most northerly northwest corner of Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-123, Page 64 of the Plat Records of Tarrant County, Texas;

THENCE S 50°48'53" W, with the northwesterly line of said Weidholt Addition, a distance of 182.25 feet to an iron rod found for corner;

THENCE S 60°20'45" W, a distance of 131.84 feet to an iron rod found for the most westerly corner of said Weidholt Addition, said iron rod also being the most northerly corner of a tract of land donated to J. Weidholt as recorded in Volume 4777, Page 613 of the Deed Records of Tarrant County, Texas;

THENCE S 73°18'29" W, with the most northerly line of said J. Weidholt tract, a distance of 280.19 feet to an iron rod found for corner;

THENCE S 48°25'23" W, a distance of 236.10 feet to an iron rod found for corner;

THENCE S 63°06'48" W, a distance of 55.35 feet to an iron rod found for the northwest corner of said J. Weidholt tract;

THENCE S 00°40'45" E, passing an iron rod found for the southwest corner of said J. Weidholt tract at a distance of 517.00 feet, in all a distance of 973.64 feet to an iron rod set for corner;

THENCE S 89°52'28" W, a distance of 515.65 feet to an iron rod set at a fence corner;

THENCE S 88°46'10" W, a distance of 225.29 feet to an iron rod found for the northeast corner of said of Lot 1, Block 1, Purcell Addition;

THENCE N 89°04'31" W, with the north line of said Purcell Addition, a distance of 395.84 feet to the POINT OF BEGINNING and containing 30.394 acres or 3,503,991 square feet of land, more or less.

Tract VII

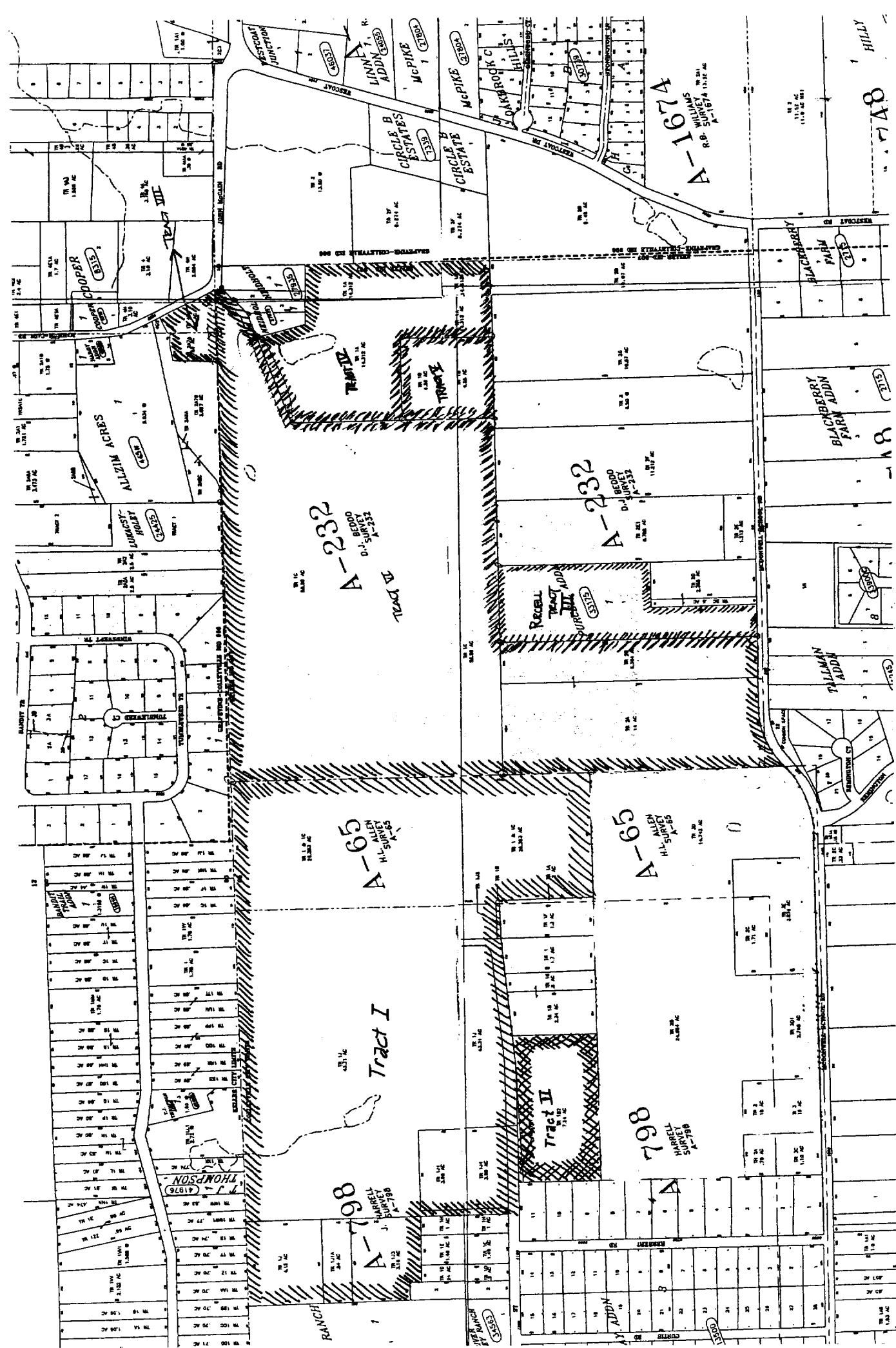
FIELD NOTES

FOR A TRACT OF LAND IN THE M. M. FREEMAN SURVEY, ABSTRACT NO. 533 AND THE W. E. CROOK SURVEY, ABSTRACT NO. 295, SITUATED IN TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

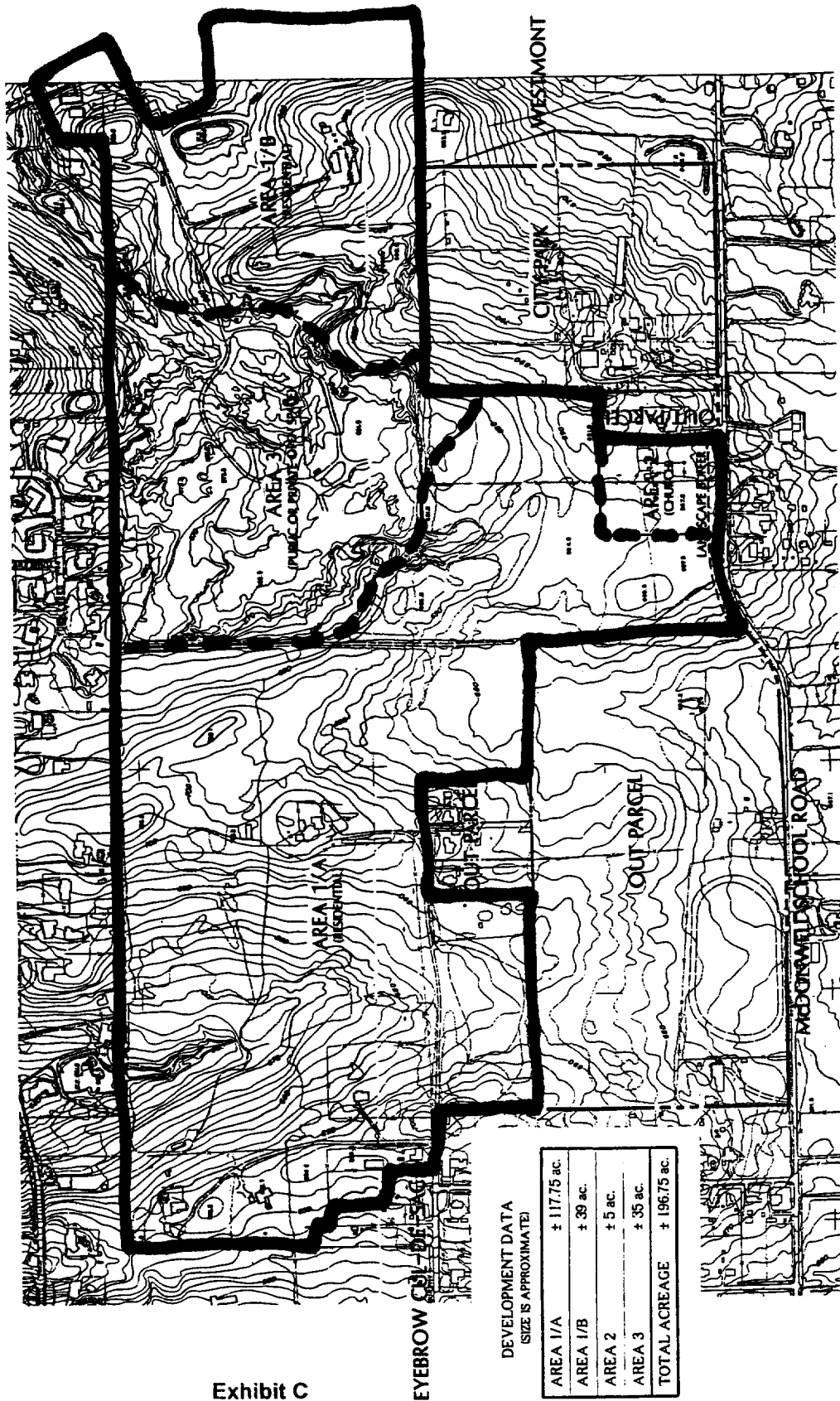
- BEGINNING at an iron pin in the West line of John McCain Road, said point being, by deed calls, S. 89° - 51' - 40" E. 552.74 feet, S. 1° - 39' E. 150.0 feet, S. 5° - 08' E. 92.2 feet and S. 26° - 04' - 05" E. 194.52 feet from the Southwest corner of a called 7.018 acre tract as described in a deed of record in Volume 3560, Page 281, Deed Records, Tarrant County, Texas;
- THENCE S. 26° - 04' - 03" E. 314.32 feet continuing along the West line of said John McCain Road to an iron pin set in same for corner;
- THENCE N. 87° - 05' - 22" W. 199.27 feet to an iron pin found at the occupied Southeast corner of said Freeman Survey and the Southwest corner of said Crook Survey;
- THENCE S. 89° - 12' - 30" W. 133.53 feet to a bolt found for corner;
- THENCE N. 4° - 05' - 44" W. 203.87 feet along a fence line to a 3" metal fence corner post for corner;
- THENCE N. 69° - 42' - 40" E. 58.01 feet to an iron pin found for corner;
- THENCE N. 86° - 25' - 55" E. 79.53 feet to an iron pin found for corner;
- THENCE N. 58° - 43' - 46" E. 87.96 feet to the POINT OF BEGINNING and containing 1.511 acres.



Walter W. Ward
4-6-89



Map showing tract numbers
for Exhibit "B"



DEVELOPMENT DATA
(SIZE IS APPROXIMATE)

AREA 1/A	± 117.75 ac.
AREA 1/B	± 39 ac.
AREA 2	± 5 ac.
AREA 3	± 35 ac.
TOTAL ACREAGE	± 196.75 ac.

Exhibit C
Conceptual Site Plan
Ordinance O-99-1153

THE DAVID BAGWELL COMPANY
8222 DOUGLAS AVENUE, SUITE 770
DALLAS, TEXAS 75225

GLENWOOD
CONCEPTUAL LAND USE PLAN
COLLEYVILLE, TEXAS
APRIL 1999

MESA
DESIGN GROUP



RESOLUTION R-14-3794

**A RESOLUTION APPROVING A FINAL PLAT FOR
THE RESERVE AT COLLEYVILLE ADDITION, PHASE 2B**

WHEREAS, the Planning and Zoning Commission recommended approval of the final plat for The Reserve at Colleyville Addition, Phase 2B on September 8, 2014.

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

Sec. 1. THAT the final plat for The Reserve at Colleyville Addition, Phase 2B, attached as Exhibit "A" – Plat Exhibit, is hereby approved.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 6TH DAY OF OCTOBER 2014.

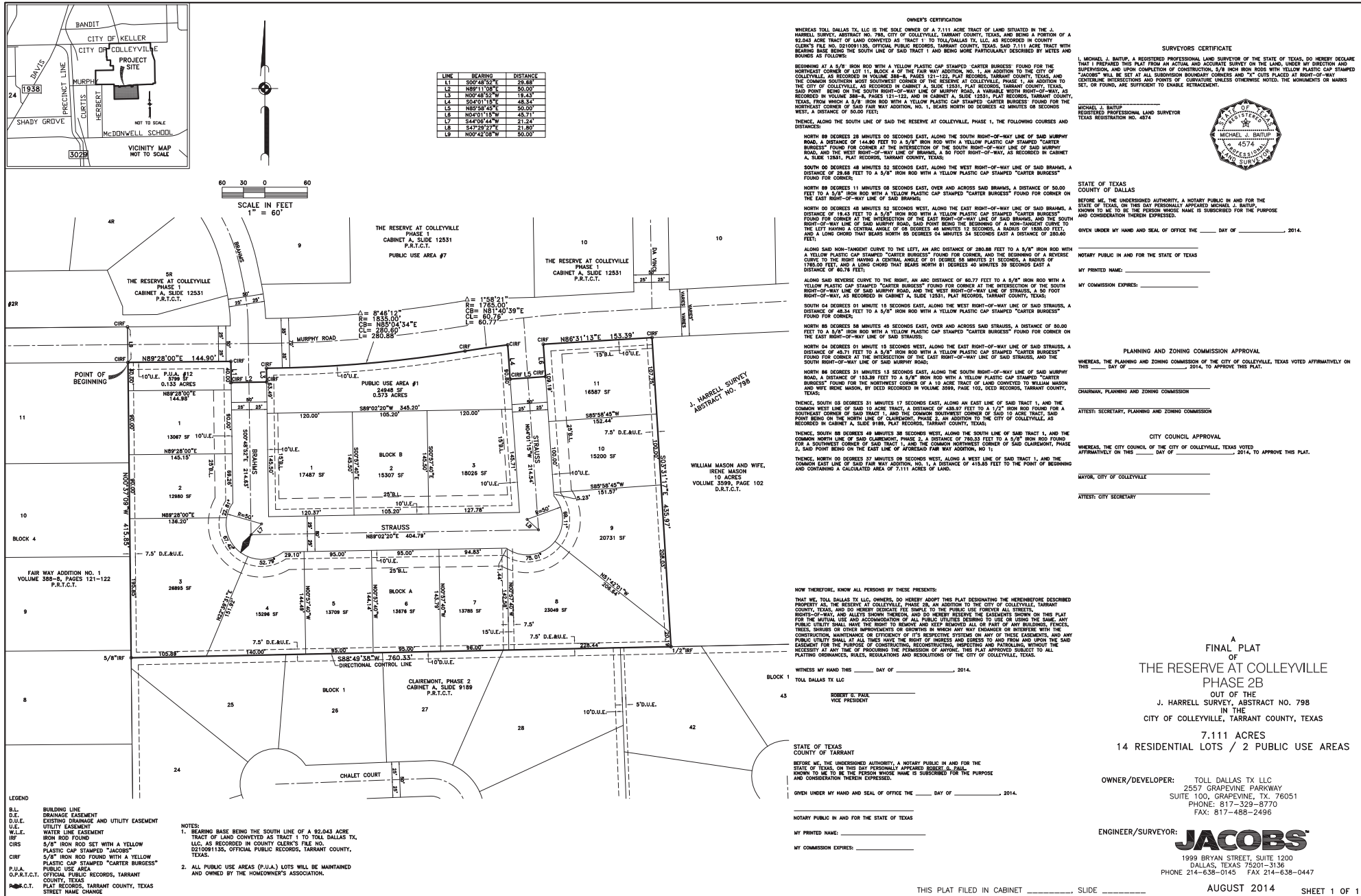
ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem

Exhibit "A" - Plat Exhibit



THE RESERVE AT COLLEYVILLE, PHASE 2B



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7e

Agenda Date 10/06/2014

Number Resolution R-14-3795

Type Resolution

Department Community Development

Title

Approval of a final plat on Lots 9-22, Block D; Lots 10-18, Block J; and Lots 1-9 and 14-21, Block K, of The Reserve at Colleyville Addition, Phase 2C, Case PC14-017

Explanation

Reading and Public Hearing

Jacobs Engineering, on behalf of the property owner, Toll Brothers, has submitted a request to approve the final plat for Phase 2C of The Reserve at Colleyville. The final plat consists of 18.43 acres that includes 40 single family residential lots and one open space (or public use area) lot.

The preliminary plat (attached) and final plat for Phase 1 (attached) for The Reserve at Colleyville were approved by City Council on December 18, 2007. A revised preliminary plat is also on this meeting's agenda.

City Council Approval. On January 21, 2014 the City Council approved amendments to Chapter 8-Plat Review Procedures in the Land Development Code such that most plats required final approval only from the Planning and Zoning Commission. The remaining plats that require final City Council approval are preliminary plats and final plats that involve more than one phase.

Zoning. The Reserve at Colleyville is zoned PUDR-Planned Unit Development Residential by attached Ordinance O-99-1153. This ordinance also includes the Whittier Heights and Old Grove developments. The plat has been reviewed per the regulations of the Land Development Code and the standards contained in the PUDR ordinance for this development. The plat is in compliance with these regulations.

Access. Street access to Riverpath has been provided with the removal of Lot 23, Block D.

Development Fees. Park land dedication fees are required, in the amount of \$1,802 per residential lot. Park land dedication fees are due at the time of final plat, and must be paid before the final plat is recorded with the County Clerk's office.

Roadway impact fees are due in the amount of \$4,941 per residential lot at the time of the building permit application.

Perimeter street improvement fees are not required for this development since the applicant is improving the road as part of the development.

Water and Wastewater impact fees are due at the time of the building permit application and are determined by the size of the meter. Fees for a typical 5/8 inch meter are \$2,491 for the water impact fee, and \$643 for the wastewater impact fee.

Sidewalks and Trails. All new streets require a minimum four foot sidewalk to be installed by the homebuilder prior to the final inspection. Trail 29 (per the 2005 Colleyville Pathways Plan) on the Colleyville Pathways Plan is required to be constructed along the north side of Murphy Road and then north along Schubert on the west side of the street. The trail must be a minimum of eight feet in width and constructed by the homebuilder of the adjacent lot prior to the final inspection.

Item 7a on this City Council agenda is requesting approval of an amendment to the Colleyville Pathways Plan to realign and change the required width of Trail 29. If item 7a is approved, the realignment would continue to route the trail along Murphy Road and Schubert, but would permit an extension through the new Riverpath emergency access road into the Whittier Heights subdivision. This will provide a pedestrian connection to the sidewalks within Whittier Heights leading to the trails within the Old Grove subdivision and McPherson Park.

Additionally, the trail width would be reduced to six feet to remain consistent with the existing portions of the trail within The Reserve.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the September 8, 2014 meeting by a vote of 6-0.

Summary. The proposed development satisfies the requirements of PUDR Ordinance 0-99-1153 and the Land Development Code. Since the plat indicates that development will occur in phases, the final plat requires approval by City Council.

Financial Impact

There is no financial impact to the City.

Recommendation

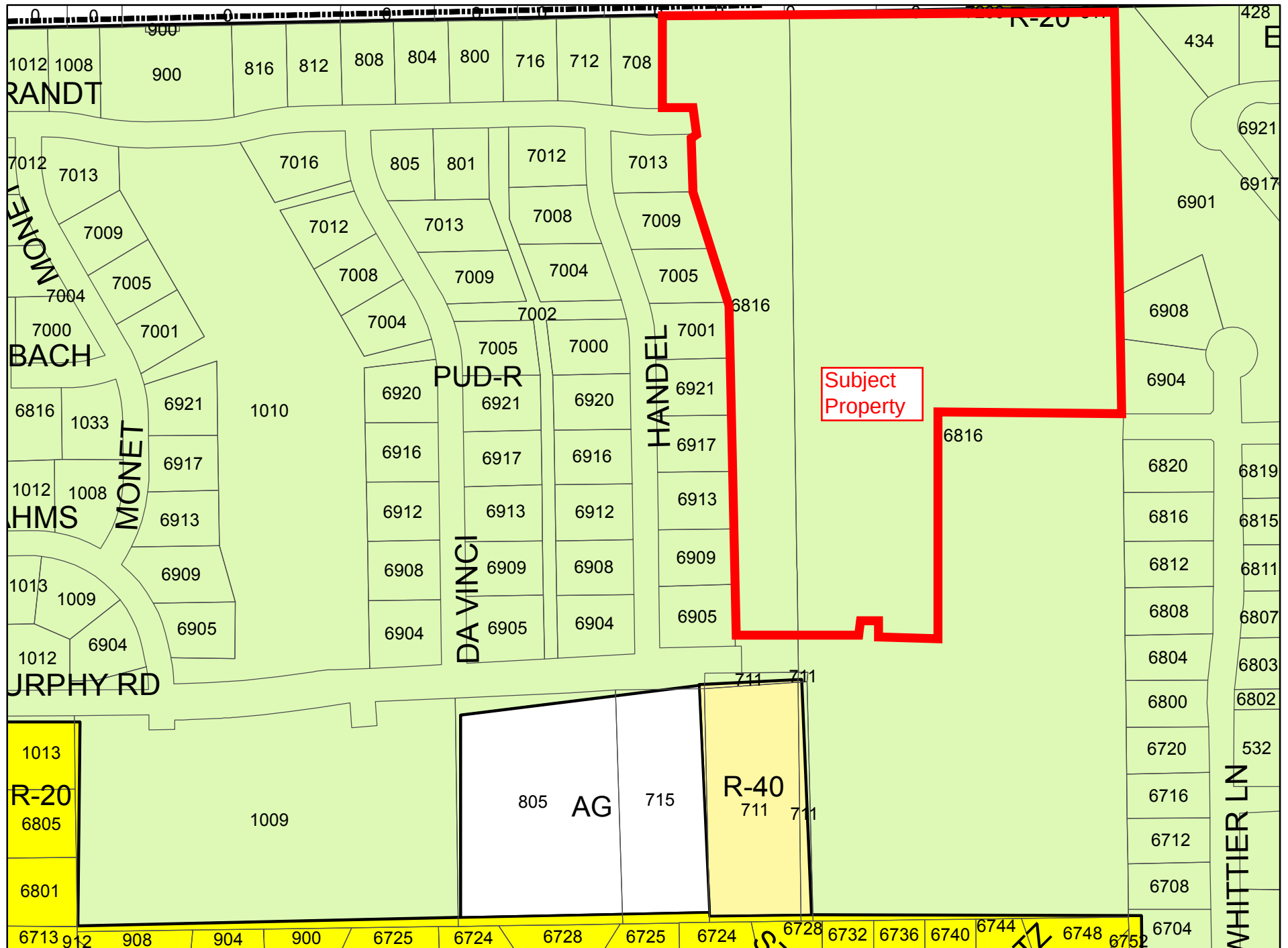
Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Final Plat - The Reserve at Colleyville Phase 2C

4. Preliminary Plat - The Reserve at Colleyville
5. Final Plat - Phase One
6. Ordinance O-99-1153
7. Resolution R-14-3795

Location and Zoning Map



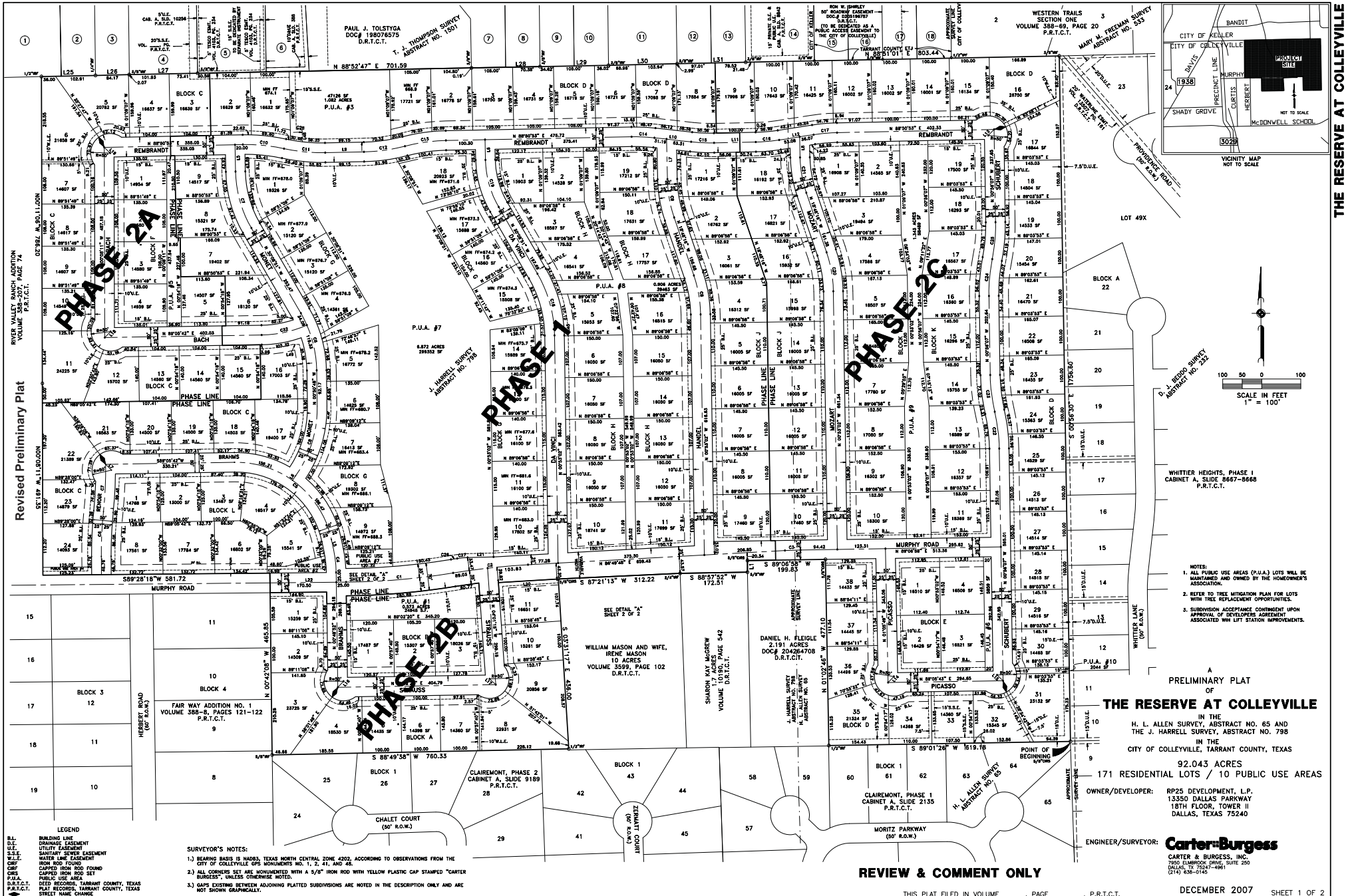
Aerial



THE RESERVE AT COLLEYVILLE, PHASE 2C



Preliminary Plat - The Reserve at Colleyville



THE RESERVE AT COLLEYVILLE, PHASE 1



NOTES:

1. ALL PUBLIC USE AREAS (P.U.A.) LOTS WILL BE MAINTAINED AND OWNED BY THE HOMEOWNER'S ASSOCIATION.
2. REFER TO TREE MITIGATION PLAN FOR LOTS WITH TREE REPLACEMENT OPPORTUNITIES.
3. SUBDIVISION ACCEPTANCE CONTINGENT UPON APPROVAL OF DEVELOPERS AGREEMENT ASSOCIATED WITH LIFT STATION IMPROVEMENTS.

FINAL PLAT
OF
THE RESERVE AT COLLEYVILLE
PHASE 1
IN THE
J. HARRELL SURVEY, ABSTRACT NO. 798
IN THE
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS
46.795 ACRES
77 RESIDENTIAL LOTS / 5 PUBLIC USE AREAS
OWNER/DEVELOPER: RP25 DEVELOPMENT, L.P.
13350 DALLAS PARKWAY
18TH FLOOR, TOWER II
DALLAS, TEXAS 75240

ENGINEER/SURVEYOR: **Carter::Burgess**
CARTER & BURGESS, INC.
7950 ELMBROOK DRIVE, SUITE 250
DALLAS, TX 75247-4961
(214) 638-0145

THIS PLAT FILED IN CABINET A, SLIDE 12531
12532 FEBRUARY 2008 SHEET 1 OF 2
 FILE NO: 01-8074

ORDINANCE O-99-1153

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 187 ACRES OUT OF THE S. HARRELL SURVEY, A-798, TRACTS 1J, 1J1, 1J1A, 1J3, 1J4, AND 1J2; THE H.L. ALLEN SURVEY, A-65, TRACTS 1, 1C, 1B, AND 1A; THE D.J. BEDDO SURVEY, A-232, TRACTS 1C, 2A, 2B, 1A, AND 1B; AND LOT 1, BLOCK 1, PURCELL ADDITION; THE MARY M. FREEMAN SURVEY, A-533, TRACT 2A7A, AND THE WILLIAM C. COOK SURVEY, A-295, TRACT 4D1 FROM THE AG (AGRICULTURE) AND THE R40 (SINGLE FAMILY RESIDENTIAL) TO THE PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) DISTRICT; PROVIDING FOR A PENALTY FOR VIOLATIONS AND AUTHORIZING PUBLICATION:

WHEREAS, an application for a zoning change was filed by David Bagwell, The David Bagwell Company, on November 12, 1998, under Case No. Z-98-031; and

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

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

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

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

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

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

Sec. 1. THAT the Master Plan, the Zoning Ordinance of the City of Colleyville, Texas, and the accompanying Zoning Map (Exhibit A) are hereby amended insofar as they relate to certain land located in Colleyville, Texas, described by metes and bounds (Exhibit B), by changing the zoning of said property from the AG and R40 districts to the PUD-R district, together with all site plans which are only conceptual in nature, supporting documents, and other conditions and restrictions imposed and approved by the Council which are incorporated herein by reference including, but not limited to the conceptual site plan (Exhibit C); and subject to the following conditions:

1. PERMITTED USES

The PUD-R shall have three (3) land uses as indicated on Exhibit C and the primary land use for each area shall be as follows:

- a. Areas 1A & 1B shall consist of single family dwelling units.
- b. Area 2 shall consist of a church.
- c. Area 3 shall be open space.

2. PLATTING & PHASING

- a. Prior to the issuance of any development permits on the subject property and as a condition to the development of the property the developer shall obtain approval of a preliminary plat and final plat of the property, which may be in phases. In approving the preliminary and final plat the approving body shall exercise complete discretion over roadway design, lot size, lot shape, building lines, set-back lines, open space, and all other aspects of the plat; provided, the approving body shall not approve anything inconsistent with the other conditions of this ordinance.
- b. The general limits of all phases of development shall be shown on the preliminary plan. Each phase shall be numbered to represent the sequential development phases anticipated. Any deviation from the approved development sequence shall require approval from the City Council.
- c. This development shall be subject to all impact fees in accordance with the Colleyville Subdivision Regulations.

3. DENSITY

The average residential density is permitted to be 1.8 dwelling units per acre over the combined acreage of Areas 1A & B, 2 & 3.

4. STREETS AND SIDEWALKS

- a. No street intersection shall be allowed on McDonwell School Road which aligns with the McDonwell School Road/Remington Parkway intersection. Street intersections along McDonwell School Road shall maintain a minimum of 300 feet separation between centerlines.
- b. Sidewalks shall be required for all lots within this development, except no sidewalks shall be required in rights-of-way adjacent to open space areas where a sidewalk is proposed on the opposite side of the same right-of-way. Sidewalks in rights-of-way adjacent to each lot frontage or side-yard shall be constructed by the lot owner no later than the date of occupancy of the home on the lot.
- c. Street rights-of-way shall be a minimum width of 50 feet, except for single loaded streets which may have a 40 foot right-of-way width with a 5 foot utility easement abutting the unloaded side of the street.
- d. All streets in this PUD shall be thirty-one feet (31') wide and be constructed of five inch (5"), 3,000 p.s.i. concrete.
- e. The City's street design standards (tangency between curves, radius requirements, etc.) shall be waived, except that a minimum radius shall not be less than twenty-five feet (25').

5. DRAINAGE

- a. All drainage facilities shall be designed and constructed in accordance with the Colleyville Subdivision Regulations.
- b. It shall not be the responsibility of the developer to improve any off-site drainage structures or any other public facilities.
- c. At developer's election, pursuant to a grading plan acceptable to the City Engineer, only one side-yard swale between and behind lots may be utilized for lot drainage; retaining wall construction, lot benching and drainage swale construction shall not be the responsibility of the developer but shall be the responsibility of builders on individual lots and shall not be

required of the developer for City acceptance of public improvements.

- d. Lot-to-lot drainage shall be allowed in a grading plan acceptable to the City Engineer across two lots contiguous with one another and adjacent to the lot(s) where drainage begins, i.e. drainage shall be allowed from the drainage source lot(s) across two other lots which are adjacent on to the other.
- e. In order to preserve trees, no pilot channels shall be required.
- f. There shall be no prohibition against regrading, expanding, and/or eliminating existing ponds and against adding additional ponds on the property in order to accomplish developer's storm drainage plan, as long as it otherwise meets City standards and is acceptable to the City Engineer.
- g. As approved by the City Engineer, City park land adjacent to the development may be utilized for storm water retention and/or detention purposes.

6. LOT REQUIREMENTS AND SETBACKS

- a. All lot dimensions and building setback lines shall be in accordance with the Colleyville Zoning Regulations and Subdivision Regulations, except where amended by this ordinance.
- b. The minimum lot size in Areas 1A & 1B shall be 13,000 square feet and the average size of all residential lots in Areas 1A & 1B shall not be less than 16,000 square feet.
- c. One side yard of any lot may be as narrow as six (6) feet, provided the total width of any two adjacent side yards shall not be less than twenty (20) feet. On lots with an area of less than 16,000 square feet, front yard setbacks may be twenty-five feet (25'), and rear yard setbacks may be ten feet (10'). On any lot with an area greater than 16,000 s.f. that backs to open space, the rear yard setback may be ten feet (10').
- d. The minimum lot width for any lot in Areas 1A & 1B under 16,000 s.f. may be eighty (80) feet if approved by the City Council.

7. PARKS

- a. The provisions of the Colleyville Pathways plan shall be incorporated in the project. Pathways shall be designated on the preliminary plan and final plat in a dedicated public right-of-way. Pathways shall be constructed by the developer for each phase of development. Within each phase of development, pathways shall be completed prior to the issuance of any building permit for residential development in that phase.
- b. Each phase of development is subject to the parkland dedication requirements contained in the Colleyville Subdivision Regulations.
- c. The development shall contain open space which totals twenty percent (20%) of the total area contained in this development as shown on Exhibit C. The City shall not accept the dedication of any open space until all environmental issues are addressed to the City's satisfaction. The developer shall submit to the City an environmental study, audit or assessment demonstrating that the property is in a condition which would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally related problems.
- d. Tree mitigation is waived for Area 3.
- e. A 72.5-foot greenbelt setback shall be provided along the north side of McDonwell School Road. Said greenbelt shall be consistent with the greenbelt setback in the Westmont Addition.

8. SIGNAGE

- a. Developer is permitted to erect at locations approved by the City Engineer entry structures with or without permanent signage (which signage must comply with the City sign ordinance and be properly permitted) in the rights-of-way of perimeter roads at their intersection with internal streets not to exceed twenty-five feet (25') in height, i.e. in the sight triangle areas of such intersections, provided that said structures do not obstruct the view of traffic as determined by the City Engineer.

Sec. 2. THAT notwithstanding any other provisions of the Code, including Section 1-7 of the Code, it is the intention of the City Council in approving this ordinance that no provision or section is severable from any other provision or section. It is further the intent of the City Council that in the event any portion of this ordinance is declared invalid by any court of competent jurisdiction, then the entire ordinance shall be invalid.

Sec. 3. THAT any person, firm or corporation violating any of the provisions of this ordinance as read together with the Zoning Ordinance of the City of Colleyville shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Sec 4. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 23rd day of March, 1999.

The second reading and public hearing being conducted on the 6th day of April, 1999. Tabled at second reading, approved April 20, 1999.

ATTEST:


Jean Harris, CMC
City Secretary

CITY OF COLLEYVILLE:

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

If the Mayor shall neglect to approve or object to any such proceedings for a longer period than seven (7) days after the ordinance or resolution is placed in the office of the City Secretary as aforesaid, the same shall become effective immediately upon publication as required by law.

Exhibit A
Ordinance O-99-1153
PUD-R

TRACT I:

Lot, tract or parcel of land, lying and being situated in Tarrant County, Texas, being out of the Joseph Harrell Survey, Abst. #798, and the H.L. Allen Survey, Abst. #65, in said Tarrant County, and being described by metes and bounds as follows:

BEGINNING 686 ft. North 89 1/2 degrees East from the Northwest corner of the Joseph Harrell Survey Abst. #798, an iron pin the Northeast corner of a 20 acre tract of land as shown in Volume 756, Page 498 Deed of Trust Records of Tarrant County, Texas;

THENCE North 89 1/2 degrees East with fence line at 1954 ft. the Northeast corner of said Harrell Survey and the Northwest corner of the North "ELL" of the H.L. Allen Survey, in all 2605 ft. an iron pin the Northeast corner of said Allen Survey, the Northeast corner of a tract of land deeded to W.E. Roussey et ux as shown in Volume 1478, Page 285 Deed Records of Tarrant County, Texas.

THENCE South 1/4 degrees East with fence line and the East line of said Allen Survey, 1760 ft. an iron pin the Southeast corner of said Roussey tract;

THENCE West with fence line and the South line of said Roussey tract, 618.3 ft. an iron pin;

THENCE North 477.2 ft. an iron pin;

THENCE West 1414.3 ft. an iron pin;

THENCE South 84 1/4 degrees West 149 ft. an iron pin the Southeast corner of a tract of land as shown in Volume 2528, Page 354 Deed Records of Tarrant County, Texas;

THENCE North 434 ft., an iron pin, its Northeast corner;

THENCE West 340 ft. an iron pin in the East line of a tract of land shown in Volume 2379, Page 539, Deed Records of Tarrant County, Texas;

THENCE North 50 ft. its Northeast corner an iron pin;

THENCE West 90 ft. an iron pin, its Northwest corner in the East line of said 20 acre tract;

THENCE North with the East line and fence line 786 ft. to the place of beginning; being 52.5 acres of land out of the Joseph Harrell Survey and 26 acres of land out of the H.L. Allen Survey, in all 78.5 acres of land more or less.

TRACT II:

7.24 acres out of the above 10 acre tract and BEGINNING at a point which stands 1727.55 feet South and 1264.22 feet East of the Northwest corner of the Joseph Harrell Survey, said Northwest corner also being the Northwest corner of a 20 acre tract recorded in Volume 756, Page 498, Deed Records of Tarrant County, Texas, and said beginning point being the Southwest corner of the 10 acre tract;

THENCE North 413.46 feet along fence line and West line of said 10 acre tract;

THENCE North 89 degrees 29 minutes East 733.94 feet to iron pin for corner;

THENCE South 1 degree 49 minutes East 430 feet to iron pin set in South line of said 10 acre tract;

THENCE North 88 degrees 48 minutes West along the South line of said 10 acre tract 750 feet to POINT OF BEGINNING.

Tract III

Lot 1, Block 1, of PURCELL ADDITION, an Addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-130, Page 93, of the Plat Records of Tarrant County, Texas.

Tract IV

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas and being a portion of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 4779, Page 614 of the Deed Records of Tarrant County, Texas and being more particularly described by notes and bounds as follows:

BEGINNING at an iron rod found for the northwest corner of the Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-130, Page 64 of the Plat Records of Tarrant County, Texas:

THENCE S 15°47'28"E, with the west line of said Weidholt Addition, a distance of 247.86 feet to an iron rod found for corner;

THENCE S 89°49'30"E, with the south line of Lot 1 of said Weidholt Addition, a distance of 76.78 feet to an iron rod found for corner;

THENCE N 89°19'57"E, with the south line of Lots 2 and 3 of said Weidholt Addition, a distance of 222.57 feet to an iron rod found for corner;

THENCE S 00°31'09"E, a distance of 911.11 feet to an iron rod found for corner;

THENCE N 89°43'33"W, a distance of 418.94 feet to an iron rod found for corner;

THENCE N 00°25'17"W, a distance of 461.82 feet to an iron rod set for corner;

THENCE S 89°34'42"W, a distance of 407.45 feet to an iron rod found for corner;

THENCE N 00°40'45"W, a distance of 517.00 feet to an iron rod found for corner;

THENCE N 62°06'48"E, a distance of 55.55 feet to an iron rod found for corner;

THENCE N 68°25'23"E, a distance of 236.10 feet to an iron rod found for corner;

THENCE N 73°10'29"E, a distance of 288.19 feet to the POINT OF BEGINNING and containing 14.798 acres or 644,618 square feet of land, more or less.

Tract V

Being a tract of land situated in the D. J. Heddo Survey, Abstract No. 232, City of Colleyville, Tarrant County, Texas, said tract of land being all or intended to be all of that certain tract of land donated to Jerry W. Weidholt as recorded in Volume 3881, Page 454 of the Deed Records of Tarrant County, Texas, and being more particularly described by notes and bounds as follows:

BEGINNING at an iron rod found for corner being South, a distance of 1342.0 feet and West, a distance of 420.42 feet from the northeast corner of the D. J. Heddo Survey, Abstract No. 232 as per said deed recorded in Volume 3881, Page 454 of the Deed Records of Tarrant County, Texas:

THENCE N 89°58'10"W, a distance of 405.39 feet to an iron rod set for corner;

THENCE N 00°40'45"W, a distance of 458.64 feet to an iron rod found for corner;

THENCE N 89°34'42"E, a distance of 407.45 feet to an iron rod set for corner;

THENCE S 00°25'17"E, a distance of 461.82 feet to the POINT OF BEGINNING and containing 4.294 acres or 187,041 square feet of land, more or less.

Tract VI

DESCRIPTION OF PROPERTY

Being a tract of land situated in the B.J. BEDDO SURVEY, Abstract No. 232, City of Colleyville, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for the northwest corner of Lot 1, Block 1, Purcell Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 188-130, Page 33 of the Plat Records of Tarrant County, Texas;

THENCE S 00°00'51" W, with the west line of said Purcell Addition, a distance of 1277.63 feet to an iron rod set in the north line of McDonnell School Road;

THENCE S 86°39'53" W, a distance of 677.28 feet to an iron rod found for corner;

THENCE N 00°48'08" W, a distance of 832.13 feet to an iron rod found for the northeast corner of a 30.42 acre tract of land donated to K. Yazhair as recorded in Volume 7886, Page 177 of the Deed Records of Tarrant County, Texas, said iron rod also being the southeast corner of a 78.5 acre tract of land donated to W.R. Cole as recorded in Volume 2591, Page 128 of the Deed Records of Tarrant County, Texas;

THENCE N 00°02'42" W, with the east line of said W.R. Cole tract, a distance of 419.05 feet to an iron rod found at a fence corner;

THENCE N 00°31'50" W, continuing with the east line of said W.R. Cole tract, a distance of 1340.99 feet to an iron rod found for the northeast corner of said W.R. Cole tract;

THENCE N 89°07'19"E, a distance of 1223.36 feet to an iron pipe found for the southwest corner of Lukasey-Holley Subdivision, an addition to the City of Colleyville, Tarrant County, Texas, as recorded Volume 388-117, Page 58 of the Plat Records of Tarrant County, Texas;

THENCE N 89°00'58" E, with the south line of said Lukasey-Holley Subdivision, a distance of 230.76 feet to an iron rod found for the southeast corner of said Lukasey-Holley Subdivision, said iron rod also being the southwest corner of a 4.0 acre tract of land donated to T. Benton as recorded in Volume 8238, Page 425 of the Deed Records of Tarrant County, Texas;

THENCE N 89°13'12" E, with the south line of said T. Benton tract, a distance of 76.46 feet to an iron rod found for corner;

THENCE N 89°25'25" E, a distance of 661.55 feet to an iron rod found for the southeast corner of said T. Benton tract, said iron rod also being the southwest corner of a 1.31 acre tract of land donated to D. Skelton as recorded in Volume 8395, Page 216 of the Deed Records of Tarrant County, Texas;

THENCE N 89°24'45"E, with the south line of said D. Skelton tract, a distance of 133.44 feet to an iron rod found for corner;

THENCE S 86°52'22" E, a distance of 199.28 feet to an iron rod found for the southeast corner of said D. Skelton tract;

THENCE S 46°36'59" E, a distance of 26.23 feet to an iron rod found for the most northerly northwest corner of Weidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-123, Page 64 of the Plat Records of Tarrant County, Texas;

THENCE S 50°48'53" W, with the northwesterly line of said Weidholt Addition, a distance of 182.25 feet to an iron rod found for corner;

THENCE S 60°20'45" W, a distance of 131.84 feet to an iron rod found for the most westerly corner of said Weidholt Addition, said iron rod also being the most northerly corner of a tract of land donated to J. Weidholt as recorded in Volume 4777, Page 613 of the Deed Records of Tarrant County, Texas;

THENCE S 73°18'29" W, with the most northerly line of said J. Weidholt tract, a distance of 280.19 feet to an iron rod found for corner;

THENCE S 48°25'23" W, a distance of 236.10 feet to an iron rod found for corner;

THENCE S 63°06'48" W, a distance of 55.35 feet to an iron rod found for the northwest corner of said J. Weidholt tract;

THENCE S 00°40'45" E, passing an iron rod found for the southwest corner of said J. Weidholt tract at a distance of 517.00 feet, in all a distance of 973.64 feet to an iron rod set for corner;

THENCE S 89°52'28" W, a distance of 515.65 feet to an iron rod set at a fence corner;

THENCE S 88°46'10" W, a distance of 225.29 feet to an iron rod found for the northeast corner of said of Lot 1, Block 1, Purcell Addition;

THENCE N 89°04'31" W, with the north line of said Purcell Addition, a distance of 395.84 feet to the POINT OF BEGINNING and containing 30.394 acres or 3,503,991 square feet of land, more or less.

Tract VII

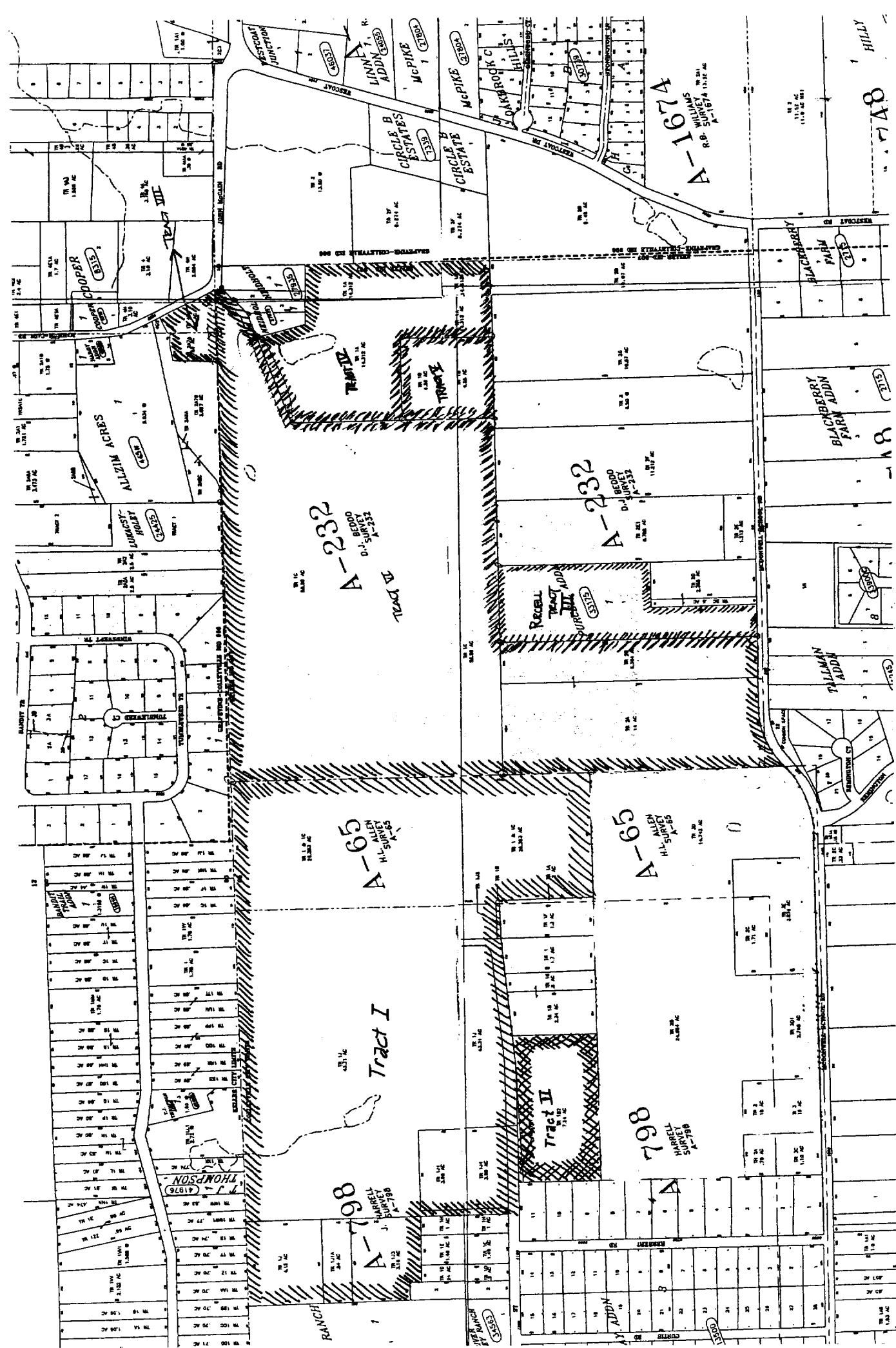
FIELD NOTES

FOR A TRACT OF LAND IN THE M. M. FREEMAN SURVEY, ABSTRACT NO. 533 AND THE W. E. CROOK SURVEY, ABSTRACT NO. 295, SITUATED IN TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

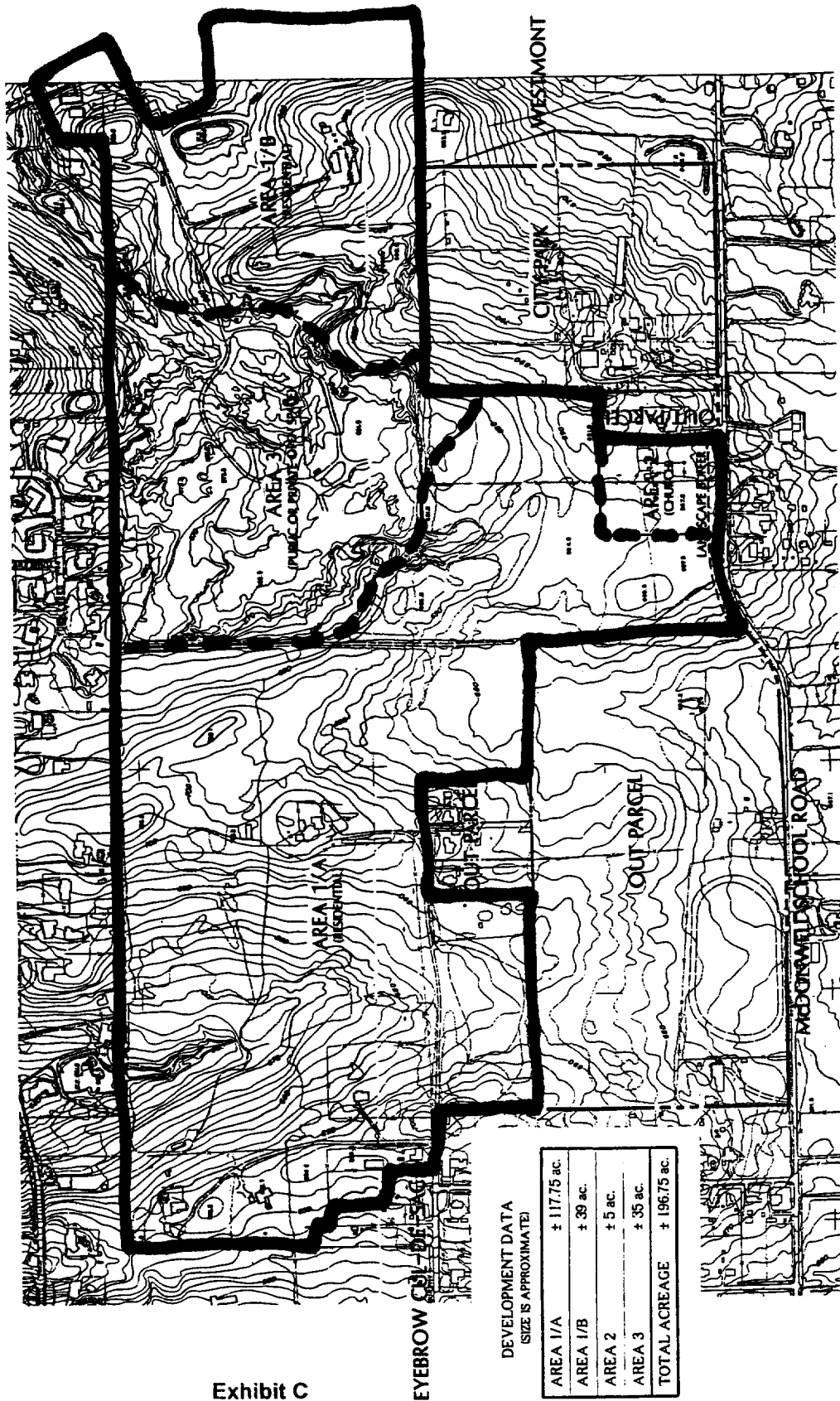
- BEGINNING at an iron pin in the West line of John McCain Road, said point being, by deed calls, S. 89° - 51' - 40" E. 552.74 feet, S. 1° - 39' E. 150.0 feet, S. 5° - 08' E. 92.2 feet and S. 26° - 04' - 05" E. 194.52 feet from the Southwest corner of a called 7.018 acre tract as described in a deed of record in Volume 3560, Page 281, Deed Records, Tarrant County, Texas;
- THENCE S. 26° - 04' - 03" E. 314.32 feet continuing along the West line of said John McCain Road to an iron pin set in same for corner;
- THENCE N. 87° - 05' - 22" W. 199.27 feet to an iron pin found at the occupied Southeast corner of said Freeman Survey and the Southwest corner of said Crook Survey;
- THENCE S. 89° - 12' - 30" W. 133.53 feet to a bolt found for corner;
- THENCE N. 4° - 05' - 44" W. 203.87 feet along a fence line to a 3" metal fence corner post for corner;
- THENCE N. 69° - 42' - 40" E. 58.01 feet to an iron pin found for corner;
- THENCE N. 86° - 25' - 55" E. 79.53 feet to an iron pin found for corner;
- THENCE N. 58° - 43' - 46" E. 87.96 feet to the POINT OF BEGINNING and containing 1.511 acres.



Walter W. Ward
4-6-89



Map showing tract numbers
for Exhibit "B"



DEVELOPMENT DATA
(SIZE IS APPROXIMATE)

AREA 1/A	± 117.75 ac.
AREA 1/B	± 39 ac.
AREA 2	± 5 ac.
AREA 3	± 35 ac.
TOTAL ACREAGE	± 196.75 ac.

Exhibit C
Conceptual Site Plan
Ordinance O-99-1153

THE DAVID BAGWELL COMPANY
8222 DOUGLAS AVENUE, SUITE 770
DALLAS, TEXAS 75225

GLENWOOD
CONCEPTUAL LAND USE PLAN
COLLEYVILLE, TEXAS
APRIL 1999

MESA
DESIGN GROUP



RESOLUTION R-14-3795

**A RESOLUTION APPROVING A FINAL PLAT FOR
THE RESERVE AT COLLEYVILLE ADDITION, PHASE 2C**

WHEREAS, the Planning and Zoning Commission recommended approval of the final plat for The Reserve at Colleyville Addition, Phase 2C on September 8, 2014.

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

Sec. 1. THAT the final plat for The Reserve at Colleyville Addition, Phase 2C, attached as Exhibit "A", is hereby approved.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 6TH DAY OF OCTOBER 2014.

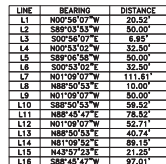
ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem

THE RESERVE AT COLLEYVILLE, PHASE 2C



CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	17°55'14"	325.0'	N09°50'39" W	101.24'	101.65'
C2	17°39'08"	300.0'	N09°58'42" E	92.06'	92.43'
C3	7°41'01"	450.0'	N85°00'22" E	60.30'	60.35'
C4	7°41'01"	450.0'	N85°00'22" E	60.30'	60.35'
C5	12°06'05"	450.0'	N05°05'56" E	94.87'	95.04'
C6	12°06'05"	450.0'	N05°05'56" E	94.87'	95.04'

NOTES:

1. BEARING BASE BEING THE SOUTH LINE OF A 92.043 ACRE TRACT OF LAND CONVEYED AS TRACT 1 TO TOLL DALLAS TX, LLC, AS RECORDED IN COUNTY CLERK'S FILE NO. D210091135, OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS.
2. ALL PUBLIC USE AREAS (P.U.A.) LOTS WILL BE MAINTAINED AND OWNED BY THE HOMEOWNER'S ASSOCIATION.

AUGUST 2014 SHEET 1 OF 1

SHEET 1 OF 1



City of Colleyville City Council Agenda Briefing

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

Agenda Number 9

Agenda Date 10/06/2014

Type Report

Department City Secretary

Title

Colleyville Events Steering Committee Meeting Minutes - July 23, 2014

Attachments

1. Events Steering Committee Meeting Minutes - July 23, 2014



City of Colleyville

Colleyville Events Steering Committee Minutes

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

Wednesday, July 23, 2014
4:30 p.m.

Colleyville Public Library
110 Main Street

1. CALL TO ORDER

Chairperson Amy Redfearn called the meeting of the Colleyville Events Steering Committee to order at 4:30 p.m.

Roll Call

Present: Chair Amy Redfearn, J. Walt Mills, Mary Lou Dove, Ryan Milakovich, Sandra McIntosh, Manjiri Joshi and Patti Tanaka. Staff present: Mary Rodne, Lisa Escobedo, Kristi Isbell and Kathy Moore.

2. APPROVAL OF MINUTES

May 28, 2014

A motion was made by Walt Mills and seconded by Ryan Milakovich to approve the May 28, 2014 meeting minutes as presented. The motion carried with a unanimous vote.

3. REGULAR AGENDA ITEMS

3a Discussion and Evaluation of the Red, White and Sousa Event

Library and Recreation Director Mary Rodne gave an overview of the Red, White and Sousa event held on June 27, 2014, at the Colleyville Center. She stated that the overall feedback on the event had been very good and that approximately 4,000 had attended. Director Rodne added that staff had compiled a list of items for review to aid in the set-up process for future special events being held at the Colleyville Center venue. Additionally, Rodne informed the Committee that the food truck vendors were satisfied with their sales and added that an uninvited food vendor had showed up at the event and set up. It was noted that the vendor had been allowed to stay. Rodne added that the incident had been reported to the coordinator of the food trucks and that he was going to investigate the matter.

Following there was a lengthy discussion concerning the new venue and ways to make it better for the upcoming year. Suggestions included adding more shaded areas, the addition of a DJ, adding more patriotic music, having additional strolling entertainment and the possibility of a laser light show.

Director Rodne informed the Committee that staff would be presenting to City Council recommendations for upcoming special events for fiscal year 2015 (FY 2015). Rodne questioned the group on their preference to continue with Red, White and Sousa or to offer a difference type of music event. Discussion ensued concerning possible future events, the goal and purpose for each event, the need to look at other City facilities to use as venues, along with the need to update the Colleyville Special Events Policy.

Rodne stated that the Committee's recommendation to keep the Red, White and Sousa event in July and to create a new larger fall event would be presented to City Council and that staff would be seeking Council direction for all future special events.

3b Discussion and Direction of Future Special Events

Future special events were discussed along with the Red, White and Sousa discussion item. There was additional discussion on the Community Decorated Tree display in front of City Hall with miscellaneous ideas for themed trees.

3c Discussion of Items for Future Agendas

No items were brought forward for future agendas, however the Committee agreed to meet again on September 24, 2014.

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

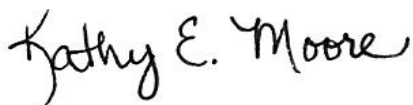
There were no citizen's comments/presentations regarding items not on the agenda.

5. ADJOURNMENT

Chairperson Amy Redfearn moved to adjourn the meeting, and Mary Lou Dove seconded the motion. The meeting of the Colleyville Events Steering Committee was adjourned at 5:30 p.m.

APPROVED BY A VOTE OF 4 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 24th DAY OF *September*, 2014.

Minutes taken and prepared by:



Kathy Moore
Administrative Secretary

RESOLUTION R-14-3796

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
OCTOBER 6, 2014**

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

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

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

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 6TH DAY OF OCTOBER 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Mike Taylor
Mayor Pro Tem