



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, March 23, 2015

City Council Chambers

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

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

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

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

TECHNOLOGY BRIEFING BY INFORMATION SYSTEMS DEPARTMENT

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

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

- 1. APPROVAL OF MINUTES
February 9, 2015**
- 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA AS A PUBLIC HEARING ITEM**
- 3. REGULAR AGENDA ITEMS**

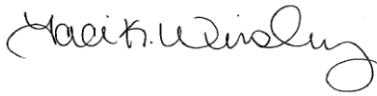
- 3a** Consideration of a final plat on 31.301 acres of Abstract 441 of the Jesse Doss Survey, located at 2800 Heritage Avenue, Case PC15-003

4. PUBLIC HEARING AGENDA ITEMS

- 4a** Consideration of a replat on Lot 18, Block 2, of the Fair Way Addition (No. 1), located at 8500 Precinct Line Road, PC14-028

5. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards March 20, 2015 by 5:00 p.m.



Taci Wrisley
Planning and Zoning Assistant

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

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

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



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
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Monday, February 9, 2015

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on February 9, 2015 at 7:00 p.m.

Roll Call

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

Staff Present: Chris Fuller, Adam Marsh, Taci Wrisley, Patia Boomsma, Rob McKeown, Brian Riley, and Matt Butler (City Attorney)

1. APPROVAL OF MINUTES

Commissioner Phelps made a motion to approve the minutes as corrected. Commissioner Gotcher seconded.

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

Aye: 7 – Knox, Tornes, Wheelwright, Gotcher, Davis, Phelps, and Byerly

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

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

3. PUBLIC HEARING AGENDA ITEMS

3a Consideration of a zoning change from the AG-Agricultural zoning district to the R-20- Single Family Residential zoning district on 2.682 acres of Abstract No. 331 of the A.J. Caldwell Survey, located at 6105 Waller Lane, Case ZC14-029

Adam Marsh presented the case and briefed the Commission.

The public hearing was opened at 7:05 p.m.

Rekha Gazulapalli, on behalf of the applicant, came forward and briefed the Commission.

Commissioner Tornes questioned Mrs. Gazulapalli regarding how many homes were going to be built on the property. Mrs. Gazulapalli replied two (2) for now and eventually there will be four (4).

There being no one else wishing to speak, the public hearing was closed at 7:07 p.m.

The public hearing was re-opened at 7:07 p.m.

Brett Fisher, 5710 Ponderosa Court, came forward and spoke in opposition to the case.

Dee Ann Naler, 6101 Waller Lane, came forward and spoke in opposition to the case.

Jay McMeans, 6013 Cooks Lane, came forward and spoke in opposition to the case.

Karin Fisher, 5710 Ponderosa Court, wished to record her opposition but did not wish to speak.

Glenda Webber, 5706 Ponderosa Street, wished to record her opposition but did not wish to speak.

There being no one else wishing to speak, the public hearing was closed at 7:16 p.m.

Commissioner Gotcher questioned staff regarding whether the zoning of the property was the only thing up for consideration at this time. Adam Marsh replied yes.

Commissioner Tornes questioned staff regarding whether the applicant would need to come back to the Planning and Zoning Commission for final approval of the layout of the properties. Adam Marsh replied yes.

Commissioner Wheelwright questioned staff regarding the process for approval on drainage plans. Adam Marsh replied the applicant would be required to submit drainage plans for staff approval and would have to meet the requirements in the Land Development Code.

Commissioner Tornes questioned staff regarding whether there were

any future plans for improvements on Cooks Lane. Adam Marsh replied no.

Chairman Byerly questioned staff regarding drainage and utility easements. Adam Marsh replied drainage and utility easements would be shown and addressed on the plat when it is brought forward. He further explained all existing drainage and utility easements would be protected.

Chairman Byerly questioned staff regarding whether Waller Lane or Cooks Lane were on the Master Thoroughfare Plan and what the density for this addition would be. Adam Marsh replied Waller Lane and Cooks Lane were not on the Master Thoroughfare Plan and the density for this development would be 1.49 dwelling units per acre.

Discussion continued regarding calculation of the density.

Commissioner Wheelwright questioned staff regarding whether the property would be considered transitional. Adam Marsh replied no.

Discussion occurred regarding surrounding zoning districts.

Commissioner Phelps questioned Mrs. Gazulapalli regarding the need for four (4) lots. Mrs. Gazulapalli replied they would like to have the maximum number of lots possible for family members to build on.

Commissioner Gotcher made a motion to approve Case ZC14-029. Commissioner Tornos seconded.

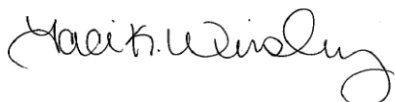
The motion to approve Case ZC14-029 carried by the following vote carried by the following vote:

Aye: 7 – Knox, Tornos, Wheelwright, Gotcher, Davis, Phelps, and Byerly

4. ADJOURNMENT

The meeting adjourned at 7:25 p.m.

The minutes were written and prepared by:



Taci Wrisley

Planning and Zoning Assistant

The meeting minutes were approved on March 23, 2015 by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
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Agenda Number 3a	Agenda Date 03/23/2015	Number
Type Regular Agenda Items		
Department Community Development		

Title

Consideration of a final plat on 31.301 acres of Abstract 441 of the Jesse Doss Survey, located at 2800 Heritage Avenue, Case PC15-003

Explanation

Jay Volk, representing Creekside Colleyville Investment LLC, has submitted a request to approve the Phase Five final plat for the Creekside at Colleyville addition, which includes 41 single family residential lots and two open space lots on 31.301 acres. The Phase One final plat was approved by the City Council on November 19, 2013 and is currently under construction. The Phase Two final plat was approved by the City Council on July 15, 2014. The Phase Three final plat was approved August 19, 2014. The Phase Four final plat is currently in review. The Phase Five final plat is consistent with the preliminary plat (attached), which was approved by the City Council on July 15, 2014 by Resolution R-14-3766.

City Council Approval Required. 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.

Detailed Site Plan. A detailed site plan was approved for Phase Two of the Creekside at Colleyville by Ordinance O-13-1899 (attached). The site plan approved by Ordinance O-13-1899 has been broken into four phases (Phase Two, Three, Four, and Five) for final platting purposes. The Phase Five final plat complies with the approved site plan attached to Ordinance O-13-1899.

Zoning and Land Use. A re-zoning request for PUD-R-Planned Unit Development Residential zoning district was originally approved by Ordinance O-07-1645 (attached).

Ordinance O-07-1645 was then amended by Ordinance O-13-1866 on March 5, 2013. Ordinance O-13-1866 (attached) provides a detailed development plan for Phase One and includes other minor amendments.

Ordinance O-07-1645 and O-13-1866 was then amended by Ordinance O-13-1899 on December 17, 2013. Ordinance O-13-1899 provides a detailed development plan for Phase Two. Ordinance O-13-1899 also zoned the property at the northwest corner of

Heritage Avenue and Cheek-Sparger Road, which was incorporated into the City by boundary adjustment Ordinance O-12-1828.

The zoning requirements stated in Ordinance O-07-1645 include single-family detached residential as the primary use with a maximum density of 2.4 dwelling units per acre. The minimum lot sizes are 5,500 and 9,000 square feet, dependent on lot widths. The minimum lot widths are 50 and 70 feet.

Ordinance O-07-1645 also includes requirements for commercial use. All commercial properties shall only allow uses permitted in the following zoning districts that are either: (1) State of Texas sales tax generating businesses, or (2) professional offices: CN-Neighborhood Commercial zoning district, the CC1-Village Retail zoning district, and the CC2-Shopping Center zoning district.

Private Streets/Access. The development will have access from both Heritage Avenue and Cheek-Sparger Road. All streets serving the development will contain a minimum of 40 feet of right-of-way, measured from curb-back to curb-back, with five (5) foot easements on both sides. All streets within the subdivision will be private and maintained by the homeowners' association. This development will be developed as a gated community with private streets in accordance with Chapter 10-Private Streets and Gate Entrances.

Heritage Avenue Right-of-Way Waiver. On March 18, 2014 the City Council approved a right-of-way dedication waiver for Heritage Avenue in conjunction with the original approval of the preliminary plat. Eighty feet of right-of-way is required for Heritage Avenue based on the recommendation of the Master Thoroughfare Plan. Heritage Avenue is classified as a Major Collector (four lane) on the plan. The applicant was allowed to dedicate only 65 feet of right-of-way along the southern portion of Heritage Avenue south of Little Bear Creek after showing that they could fit a four lane road cross-section into 65 feet of right-of-way.

Sidewalks and Trails. Four (4) foot sidewalks will be installed in front of each residential lot within dedicated easements. A ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan will be constructed by the developer along the west side of Heritage Avenue, prior to the acceptance of public improvements. This will include a pedestrian bridge crossing of Little Bear Creek. The applicant has requested that City Council remove Trail 27 from the 2005 City of Colleyville Pathways Plan due to opposition regarding the connection from the adjacent Woodland Hills neighborhood. In addition, staff will request removal of Trail 29 from the 2005 City of Colleyville Pathways Plan. This connection became unnecessary with the realignment of Trail 24 along Heritage Avenue by Ordinance O-13-1899.

The requests to remove Trails 27 and 29 from the 2005 City of Colleyville Pathways Plan are anticipated to be heard by City Council on April 21, 2015, and would precede approval of the Creekside Phase Five Final Plat on the same agenda. In the event that

the request to remove Trail 27 is not approved, City Council could still approve the plat with the stipulation that the trail be added as required by the City of Colleyville 2005 Pathways Plan.

Drainage. The developer has submitted a preliminary drainage analysis of the site, and on-site detention will be provided. The preliminary drainage analysis has been reviewed and approved by Public Works.

Park Land Dedication 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.

Perimeter Street Improvement Requirements. Perimeter street improvement fees are not required for this plat, as the amount of impact fees exceeds the total cost of the perimeter street improvement fees for Heritage Avenue.

Other Impact Fees. Water, sewer, and roadway impact fees are due at the time a building permit is issued. Fees will depend upon land use according to Chapter 13-Impact Fees of the Land Development Code.

Screening Walls and Fences. Perimeter fencing along Heritage Avenue will only be required immediately adjacent to lots, and not be required where floodplain or open space is adjacent to Heritage Avenue. Perimeter fencing that currently exists along the west side of the proposed development will remain.

Ordinance O-13-1899 amended Ordinance O-07-1645, Section 4(7)b to read as follows: A six (6) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road, and Cheek-Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. Except as noted above, all fences shall be constructed per Exhibit D of Ordinance O-13-1899.

Landscaping and Tree Preservation. A Tree Preservation Plan consistent with Chapter 5 of the City's Land Development Code has been approved for the entire Creekside development. Tree protection must be installed and maintained, per the approved Tree Preservation Plan, throughout construction on the project. Landscaping shall be provided as specified in Chapter 4 of the Land Development Code.

Summary. The proposed development satisfies the requirements of PUD-R Planned Unit Development-Residential Ordinances O-07-1645, O-13-1866, and O-13-1899 and the Land Development Code. Per the requirements of the Land Development Code, this plat requires final approval by the City Council given that it is part of a multi-phased development.

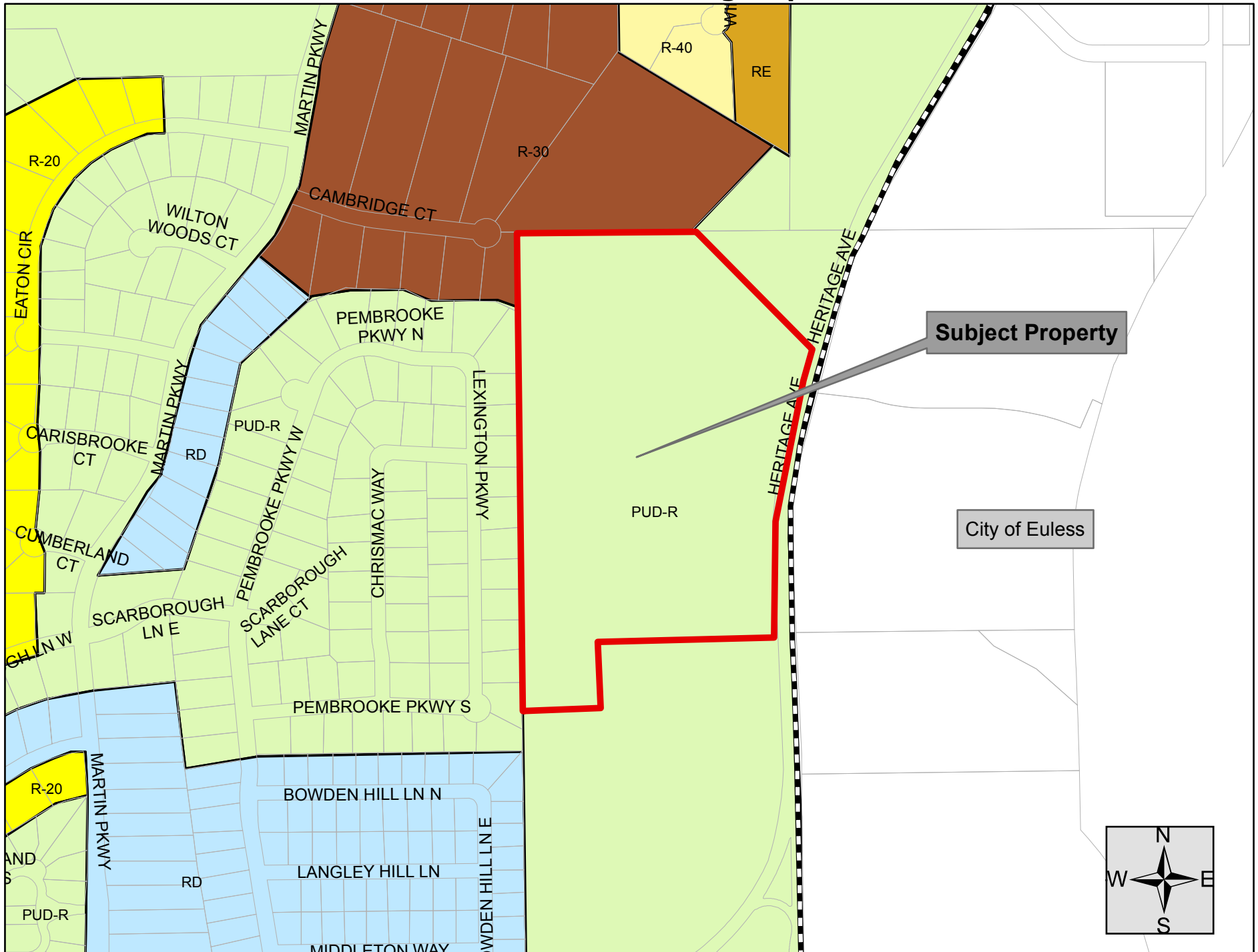
Recommendation

Approve

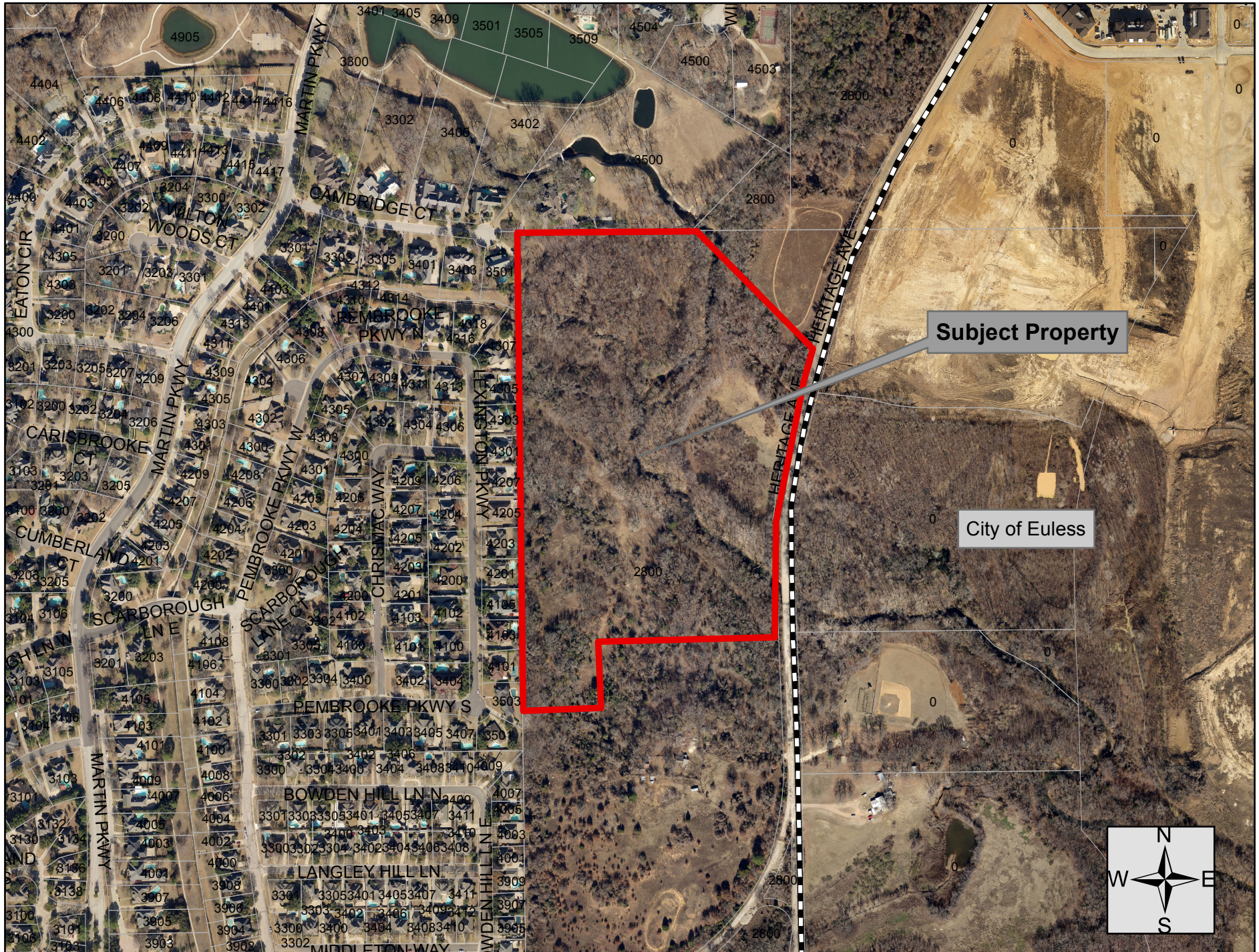
Attachments

1. Location and Zoning Map
2. Aerial
3. Phase Five Final Plat
4. Ordinance O-07-1645
5. Ordinance O-13-1866
6. Ordinance O-13-1899
7. Preliminary Plat

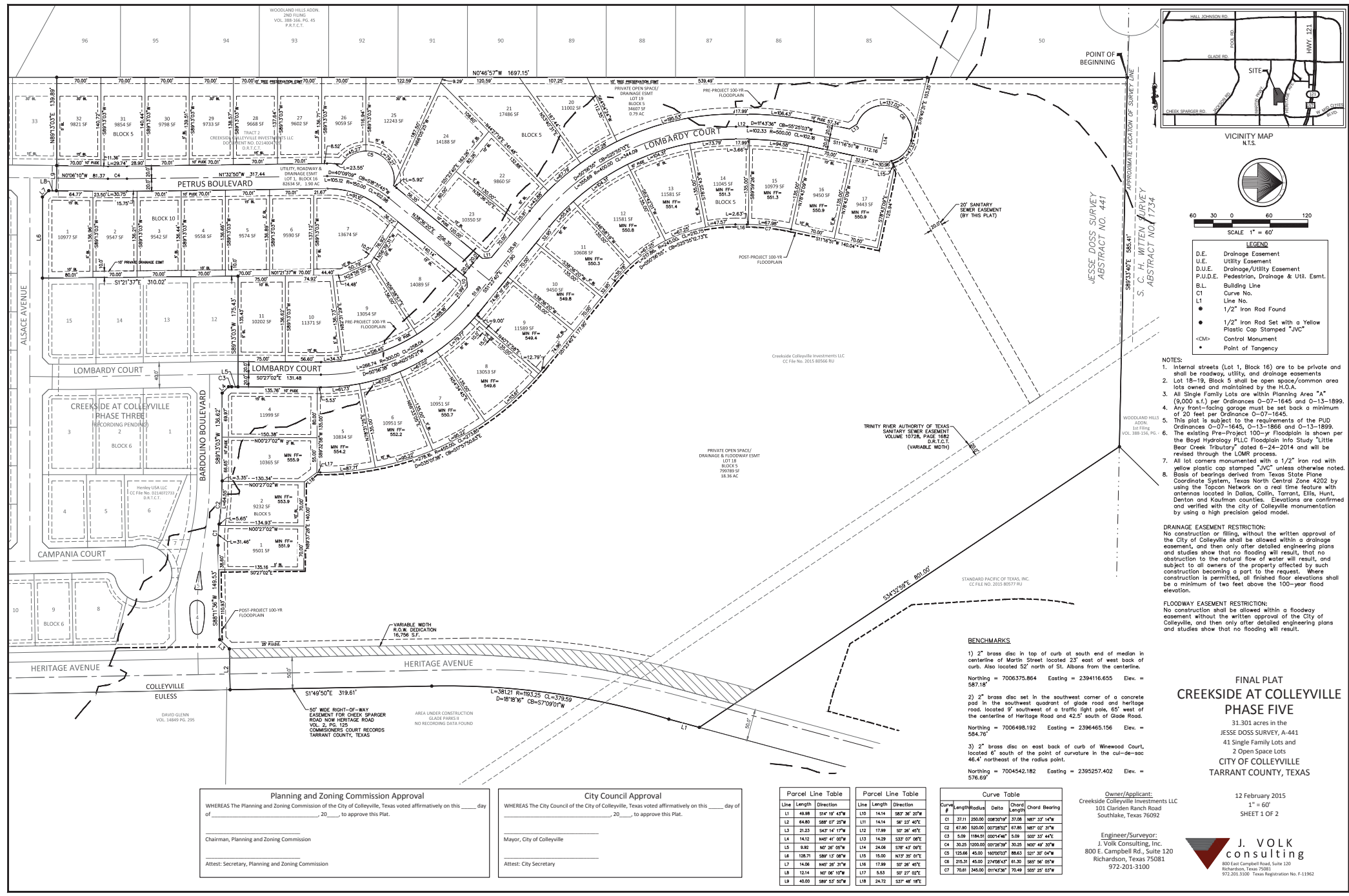
Location and Zoning Map



Aerial



Plat Exhibit



ORDINANCE O-07-1645

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

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

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

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

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

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

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

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

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

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

1. GENERAL

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

2. CONCEPTUAL PLAN, SITE PLAN, AND PLATTING

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

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

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

3. PERMITTED USES

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

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

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

Planning Area "A"

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

Planning Area "B"

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

5. OPEN SPACE AND LANDSCAPE BUFFER

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

6. PRIVATE SIDEWALKS AND STREETS

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

7. SCREENING

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

8. OTHER

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

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

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

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

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

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

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

AND IT IS SO ORDERED.

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

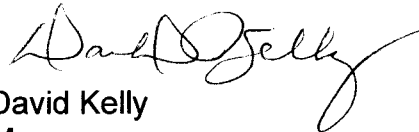
The second reading and public hearing being conducted on the 6th day of November 2007.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" Location and Zoning Map

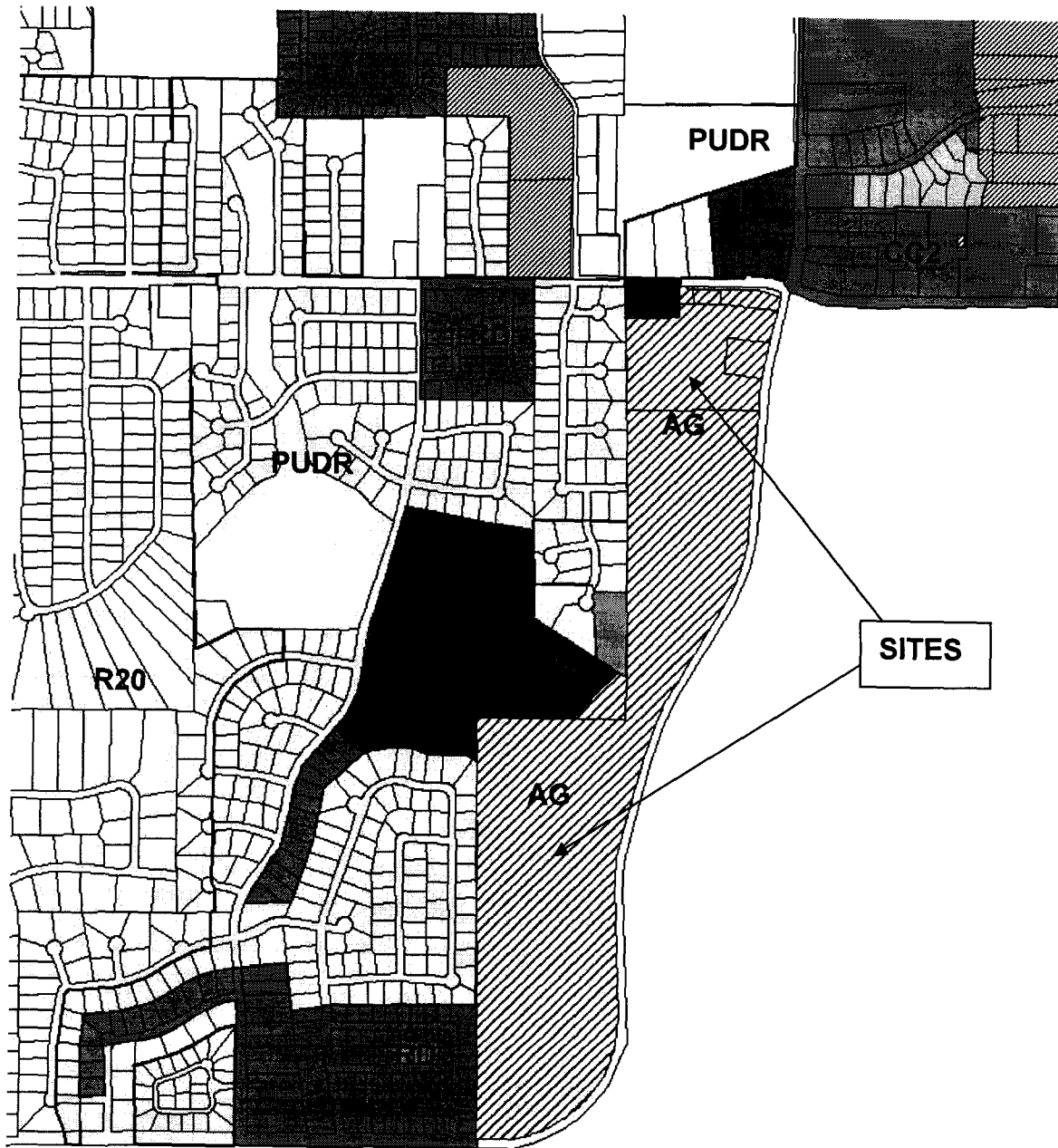


Exhibit "B" Legal Description

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECEIVED

FEB 06 2007

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

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

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

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

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

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

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

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

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

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

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

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

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

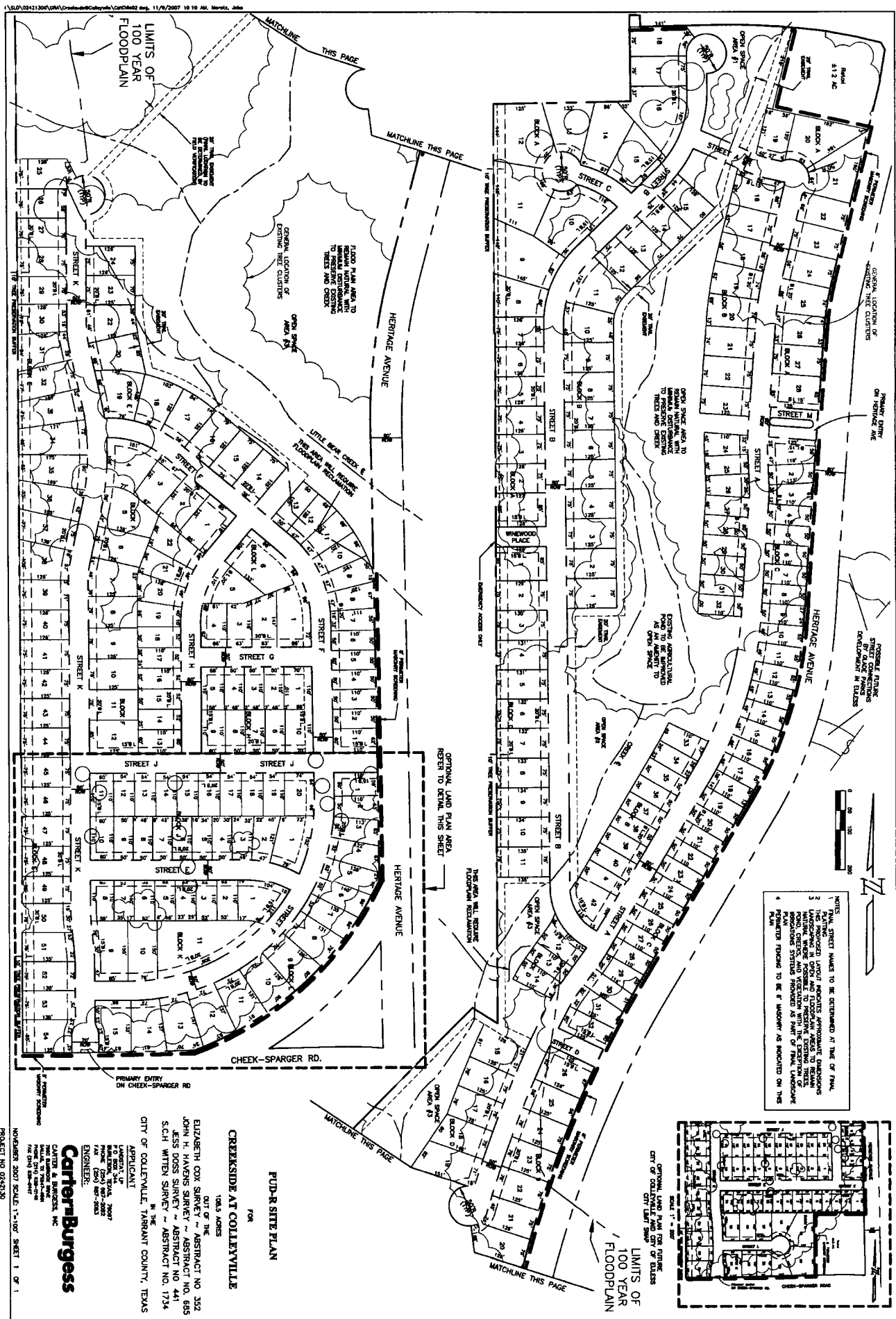
THENCE S 00°27'31" E, A DISTANCE OF 28.94 FEET TO A POINT FOR CORNER;

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

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

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

Exhibit "C" - Conceptual Site Plan



CREEKSIDE AT COLLEYVILLE

ORDINANCE O-13-1866

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

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

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

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

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

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

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

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

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

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

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

1. DETAILED SITE PLAN REQUIREMENT

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

2. GENERAL AMENDMENTS

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

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

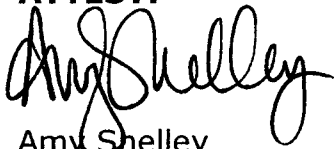
AND IT IS SO ORDERED.

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

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

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

ATTEST:



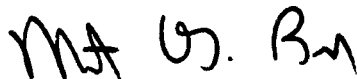
Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" -Location and Zoning Map

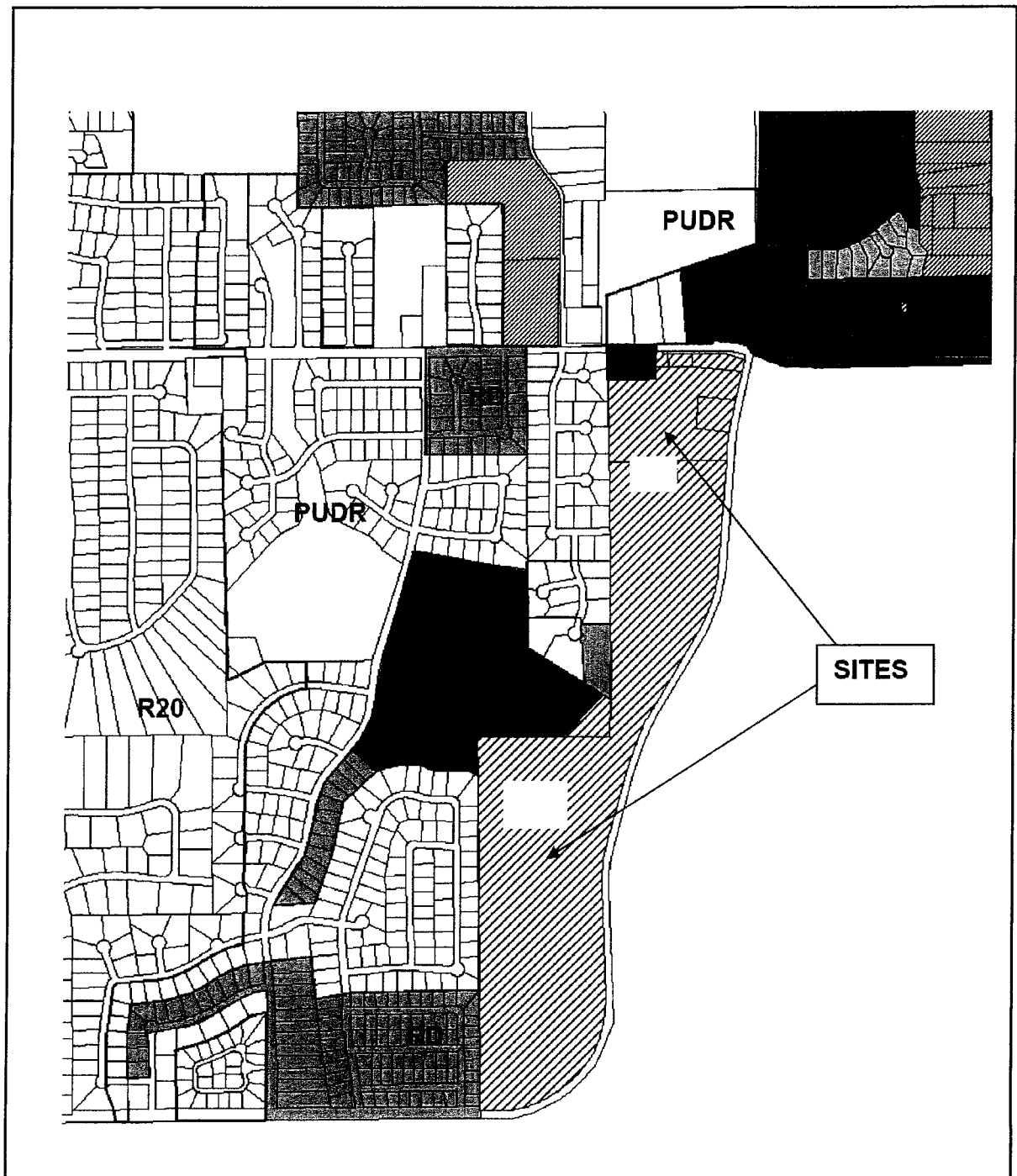
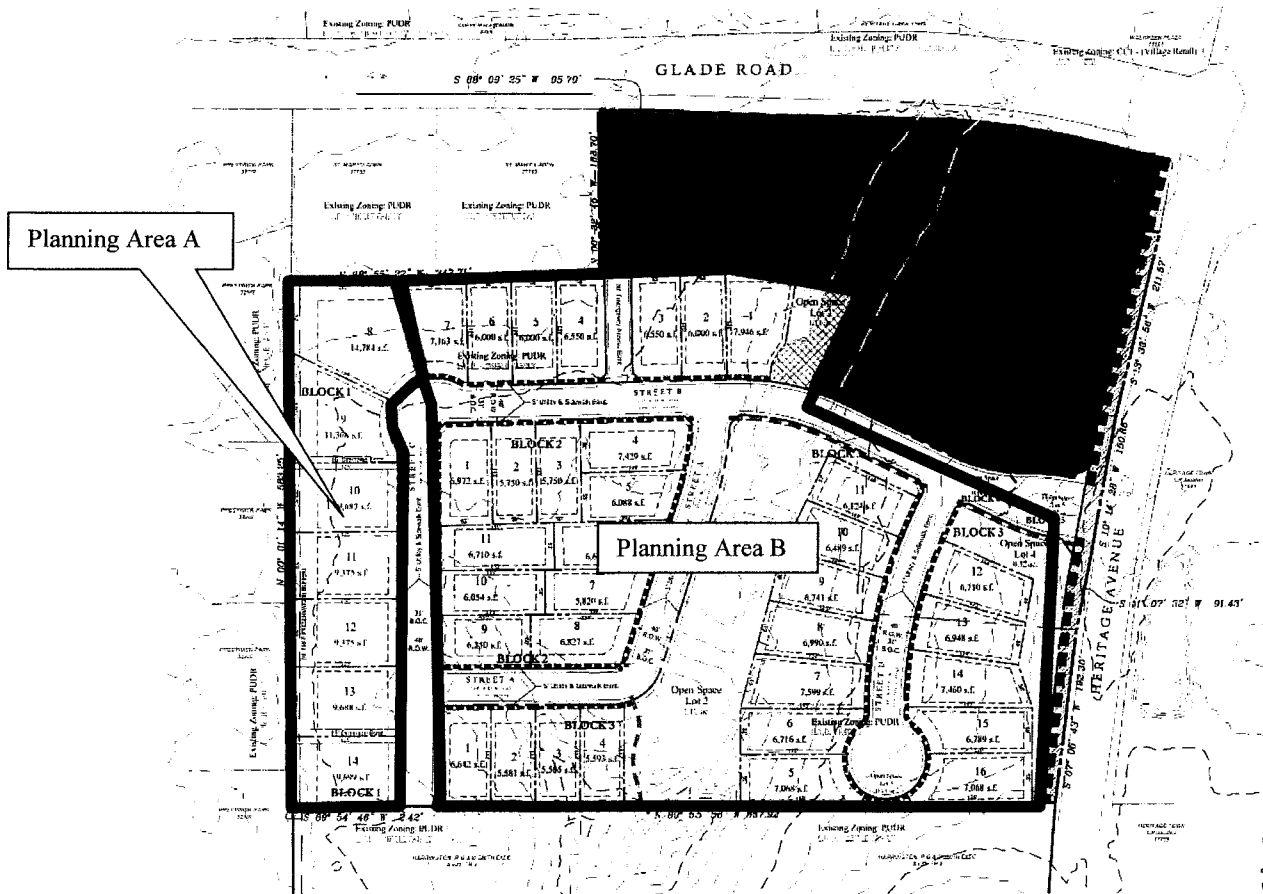


Exhibit "B" Detailed Site Plan



ORDINANCE O-13-1899

AN ORDINANCE AMENDING ORDINANCE O-07-1645 AND ORDINANCE O-13-1866 CONDITIONS AND AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 4.4 ACRES LOCATED IN THE JESSE DOSS SURVEY AT THE NORTHWEST CORNER OF CHEEK-SPARGER ROAD AND HERITAGE AVENUE FROM THE AG-AGRICULTURAL DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-07-1645 on November 27, 2007, to establish the zoning of 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 under case Z-07-008; and

WHEREAS, the City Council approved Ordinance O-13-1866 on March 5, 2013, amending Ordinance O-07-1645 conditions and approving a detailed site plan for phase one of the development under case ZC12-031; and

WHEREAS, the applicant has requested an amendment to Ordinance O-07-1645 and Ordinance O-13-1866 and requests to rezone 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue, acquired from the City of Euless in a boundary adjustment approved under Ordinance O-12-1828, so as to incorporate the property into the PUD authorized by Ordinance O-07-1645 under Case Z-07-008 and approve a detailed site plan for phase two of the development; and

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

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

enforced therein and to recommend a new zoning ordinance;
and

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-07-1645 and Ordinance O-13-1866.
- Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by

changing the zoning of 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue from the AG-Agricultural District to the PUD-R-Planned Unit Development Residential District, as depicted in the attached Exhibit "A" and described in Exhibit "B".

Sec. 4. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.

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

1. DETAILED SITE PLAN REQUIREMENT

- a. Exhibit "C" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a and Ordinance O-13-1866 Section 5(1)b. A full size copy of the site plan shall be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan shall be kept in the plat file for this development. The phase two final plat shall be consistent with Exhibit "C".

2. GENERAL AMENDMENTS

- a. Section 5(2)e of Ordinance O-13-1866 is hereby deleted.
- b. The developer may enter into a City/Developer Agreement with the City of Colleyville for any required public improvements, in conjunction with this development. Said agreement, if submitted, shall be approved and executed prior to the filing of the final plat for phase two of the development.
- c. Prior to the issuance of a building permit for the 1.9 acre commercial tract shown at the southwest corner of the development on Exhibit C, the developer shall submit a detailed site plan which shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with Ordinance O-07-1645 and any subsequent amendments, and may also be required to show additional conditions provided in Section 3.23 M.b. of the Land Development Code. Further, such detailed site plan(s)

shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

- d. Section 4(7)b of Ordinance O-07-1645 is hereby amended to read as follows: A six (6) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road and Cheek Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. The standards and detail for such wall shall be included as part of the detailed Site Plan and shall, otherwise, meet the requirements of the Land Development Code.
- e. Except as noted in subsection "d" above and Section 4(7)a and "c" in Ordinance O-07-1645, all fences shall be constructed per Exhibit D.
- f. Section 5(2)c of Ordinance O-13-1866 is hereby amended to read as follows: The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map shall be constructed by the developer along the west side of Heritage Avenue prior to the acceptance of public improvements and shall connect to all other trails noted on the 2005 Colleyville Pathways Plan with the following exceptions: The developer may escrow the cost of constructing the trail in lieu of actual construction only for the portion of the trail that traverses the Little Bear Creek floodplain. If the developer chooses to escrow said funds, the developer shall build a minimum four (4) foot wide sidewalk across Little Bear Creek that links the internal sidewalks in the portion of the development that is south of Little Bear Creek to the internal sidewalks in the portion of the development that is north of Little Bear Creek. Said sidewalk connection shall link to Trail 24 on both sides of Little Bear Creek within a public pedestrian access easement, which shall be dedicated on the final plat(s) for the development.

Sec. 6. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

- Sec. 7. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 8. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 9. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 10. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.
- Sec. 11. THAT Ordinance O-07-1645 and Ordinance O-13-1866 shall remain in full force and effect, except where amended by this ordinance.

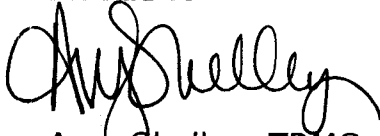
AND IT IS SO ORDERED.

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

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

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

ATTEST:



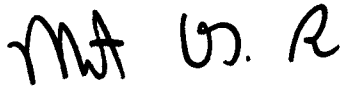
Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" –Location and Zoning Map

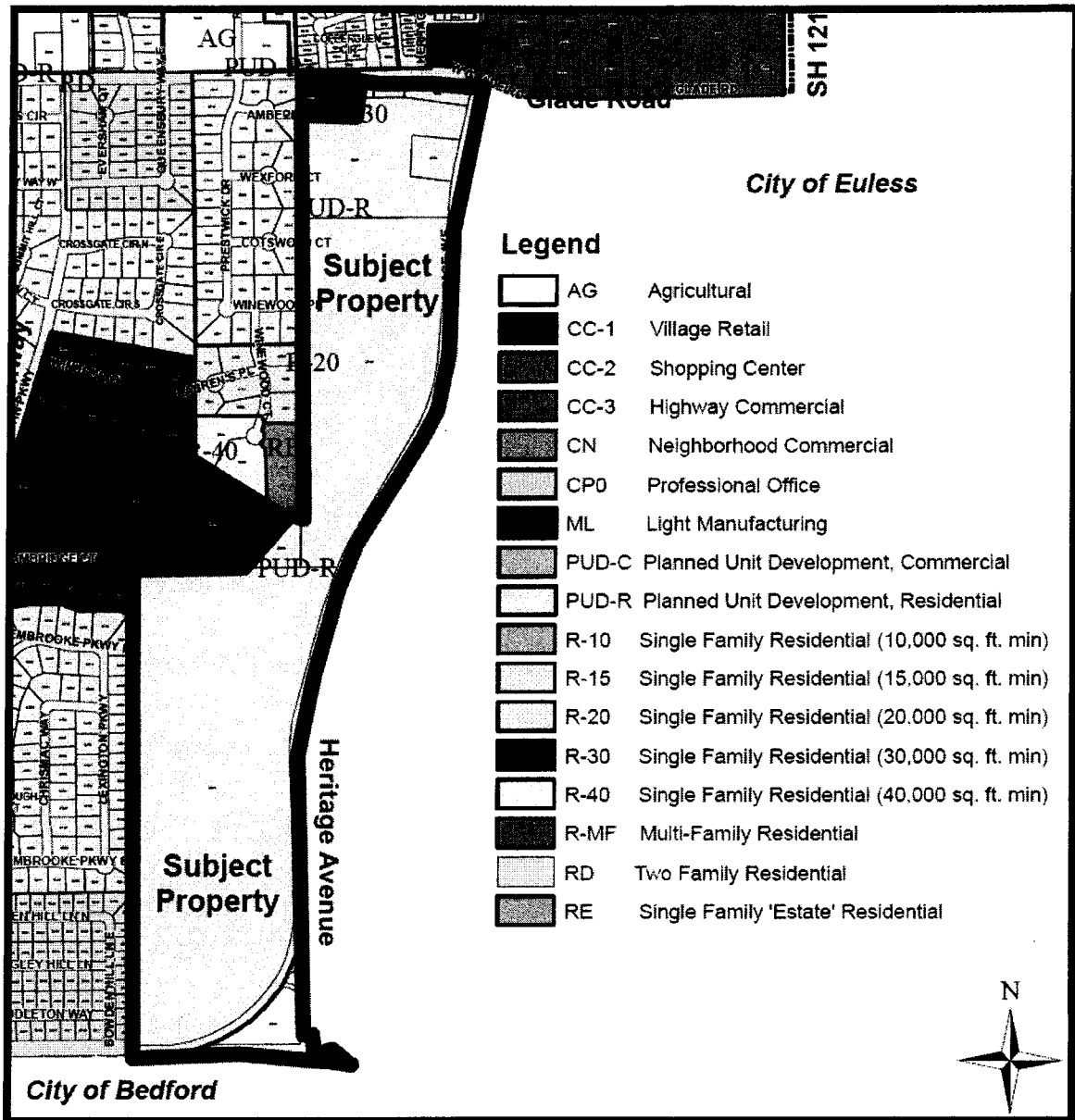


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

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

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

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

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

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

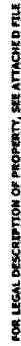
THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

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

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

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

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



Site Data Summary Chart	
Subtotal	228
Commercial Lots	1
Commercial Acreage	1.90 ac.
COMMERCIAL	
Commercial Sites	41,50 ac.
RESIDENTIAL	30,51 ac.
Residential Lots	1,724 ac.
Open Space	7.24 ac.
R.O.W. Deduction (on Heritage)	94.44 ac.
Total Residential	96.36 ac.
GROSS AREA	
Residential Lot Summary	
Subtotal	228
Minimum Building Lot Area	5,000 s.f.
Average Building Lot Area	8,311 s.f.
Commercial Acreage	17
L.U.D. / Zoning	
Proposed Zoning	PUD-R
Existing Zoning	PUD-R

-planning Area A - Front Setbacks are 20', or 15'
 with a swing garage
 -planning Area A - Rear Setbacks are 30' Typical
 -planning Area A - Side Setbacks are 5'
 -planning Area B - Front Setbacks are 20', or 15'
 with a swing garage
 -planning Area B - Rear Setbacks are 10' Typical
 -planning Area B - Side Setbacks can be a corner lot
 5' sideyard, 9'1/2' or 10'0" (10' total, minimum,
 between structures)
 -There will be no outside storage onsite
 -Open space lots & landscape easements will be
 maintained by the Homeowners Association (HOA).

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

Creekside at Colleyville

Colleyville, Tarrant County, Texas PAGE 1 / 2

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

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

Planner:  **SAGE GROUP, INC.**
 Master Planning
 Urban Design
 Architectural
 Landscape Architecture
 1130 N. Central Ave., Suite 200
 Sacramento, Texas 76702
 Tel. 817-438-2626

Exhibit "C" Detailed Site Plan - Page 2

Legend

- 4" Concrete Sidewalk
- 5" Concrete Trail
- 10" Concrete Trail Built with Dots
- 10" Concrete Trail (Not Built with Dots)
- CONSTRUCTION (roads increased to 20')

Flood Plain

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

Site Data Summary Chart

Single Family Residential Lots	228
Commercial Lots	17
Commercial Sites	1.90 ac.
RESIDENTIAL	
Residential Lots	43.50 ac.
Open Space	38.51 ac.
R.O.W. Dedication (on Heritage)	13.19 ac.
100' Residential	94.44 ac.
GROSS AREA	94.36 AC

Residential Lot Summary

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

L.U.D. / Zoning

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

NOTES:

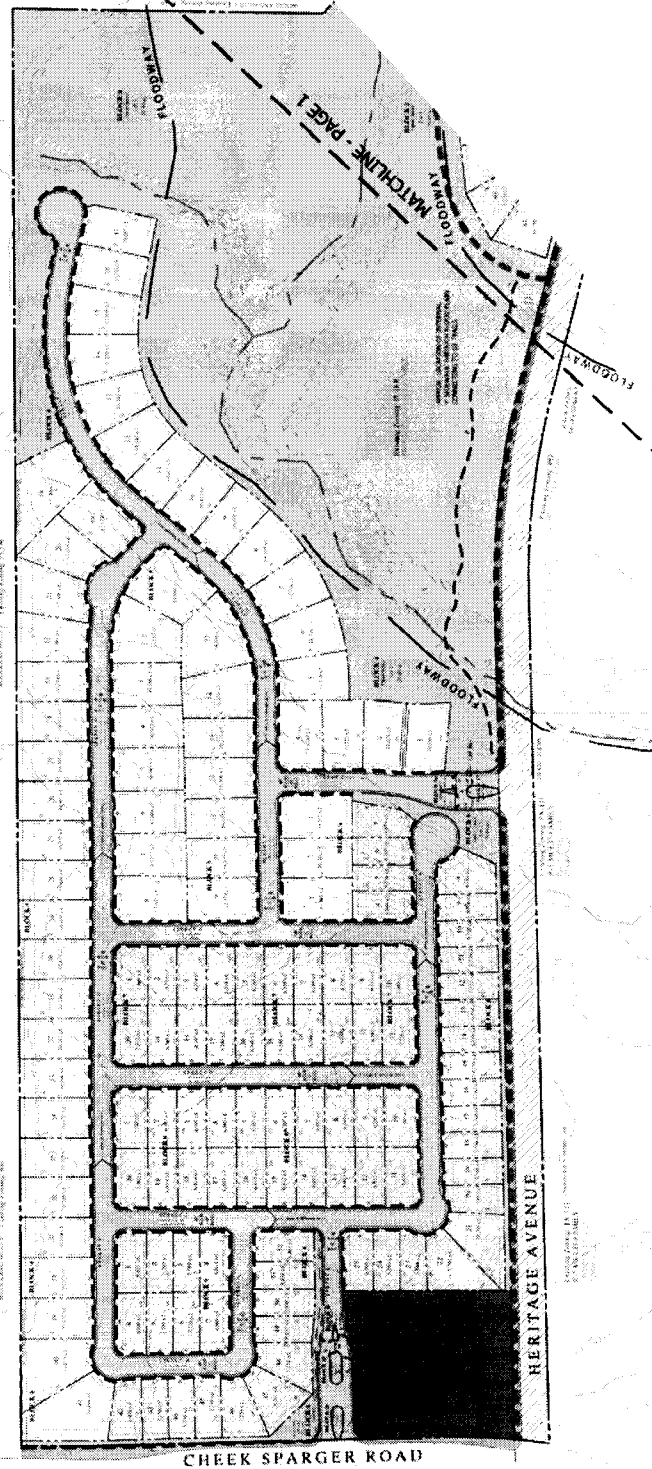
- Planning Area A - Front Setbacks are 20' or 15' with a swing garage
- Planning Area A - Rear Setbacks are 30' Typical
- Planning Area B - Front Setbacks are 20' or 15' with a swing garage
- Planning Area B - Rear Setbacks are 10' Typical
- Planning Area B - Side Setbacks can be a corner-lot (10' front, 10' side, 10' rear)
- There will be no outdoor storage outside
- Open space lots & landscape easements will be maintained by the Homeowners Association (HOA).

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

Zoning Case #ZC13-017

Creekside at Colleyville

Colleyville, Tarrant County, Texas PAGE 2 / 2



Applicant:
Terra / Numa, LLC
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner:
SAGE GROUP, INC.
1100 N. Central Ave., Ste. 200
Southlake, Texas 76092
TEL: 817-424-2626

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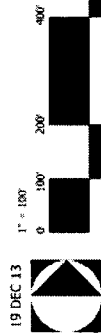
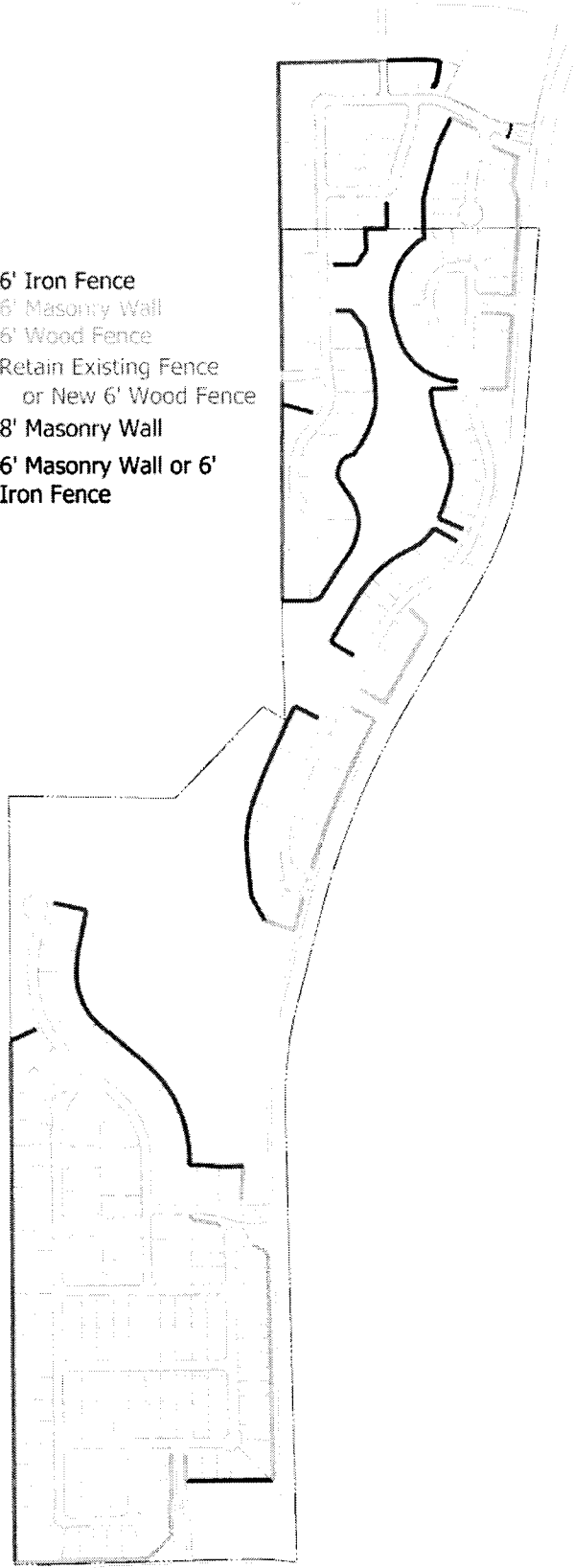


Exhibit 'D'

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



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

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

Planner:

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

18 DEC 13

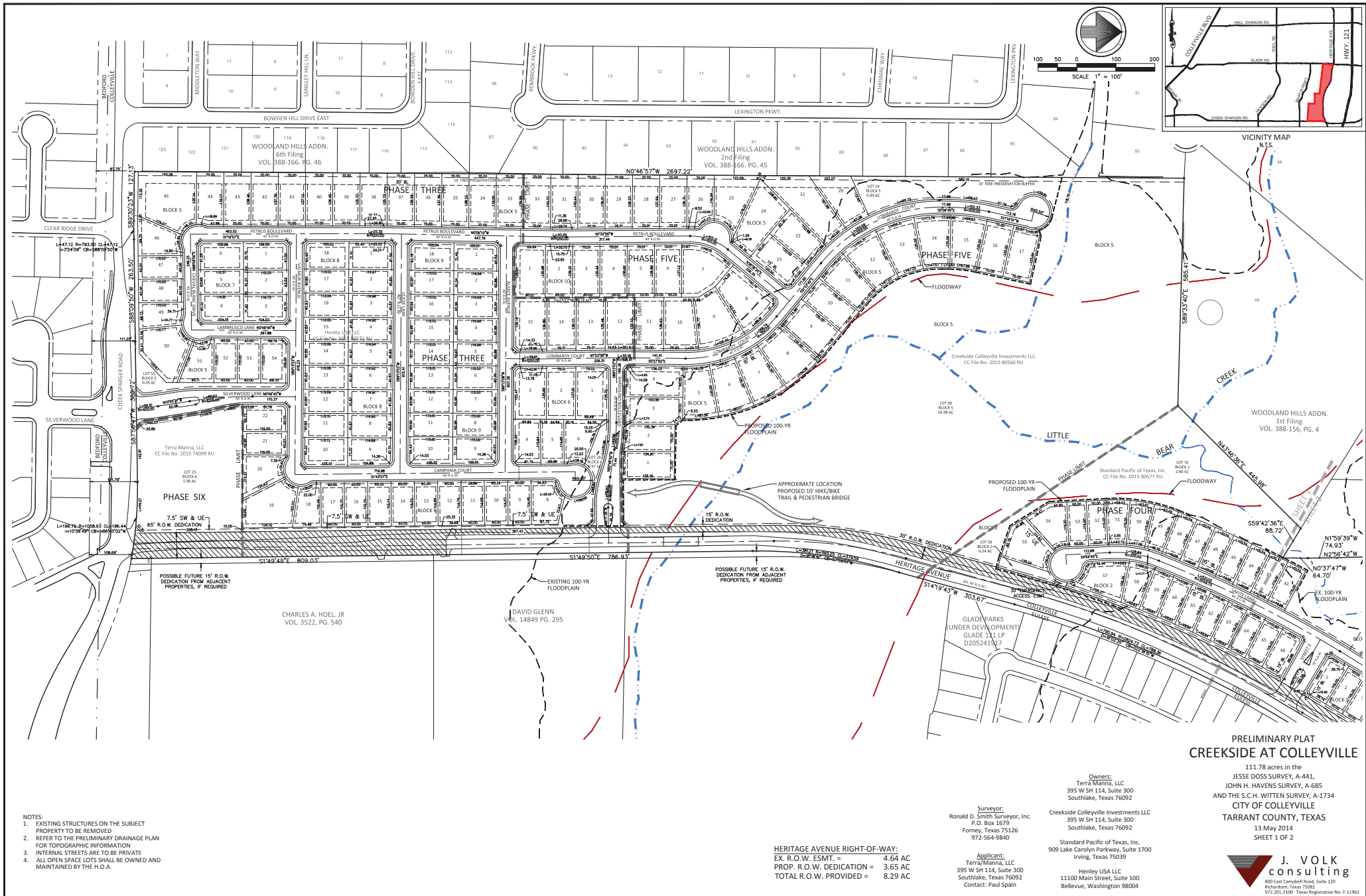


1" = 400'

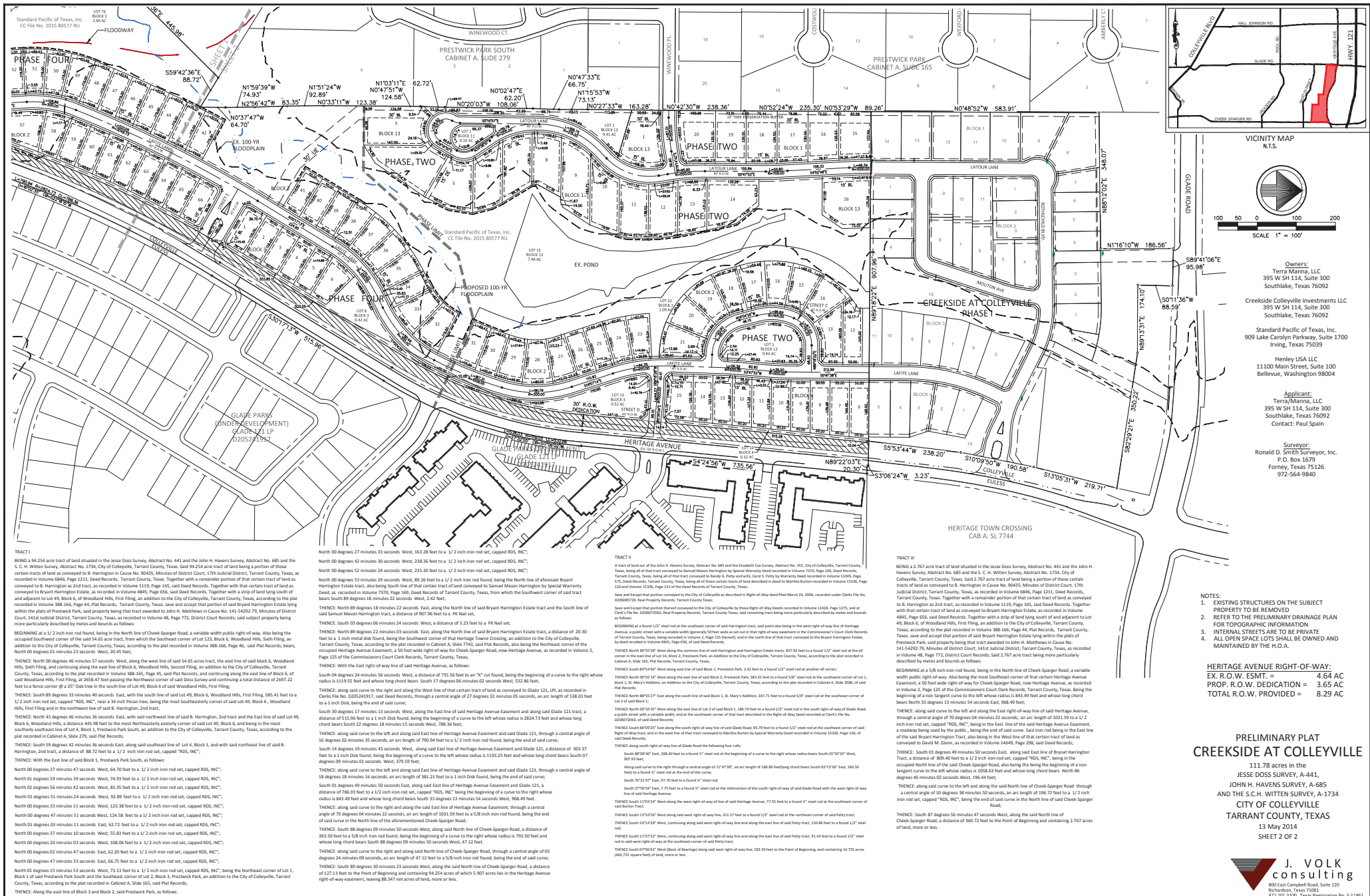


Wall/Fence Diagram

Preliminary Plat



Preliminary Plat





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4a	Agenda Date 03/23/2015	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a replat on Lot 18, Block 2, of the Fair Way Addition (No. 1), located at 8500 Precinct Line Road, PC14-028

Explanation

The applicant is requesting approval of a replat for one commercial lot on 0.5120 acres, located at 8500 Precinct Line Road (Lot 18, Block 2, of the Fair Way Addition (No.1)). The property was previously zoned R20 – Single Family Residential, and the existing plat reflects a 25-foot front building line consistent with this zoning designation. City Council approved a rezoning request to CN – Neighborhood Commercial zoning district on October 21, 2014 by Ordinance O-14-1934 (attached). This action necessitated a replat in order to modify the minimum front yard setback from 25 feet to 40 feet to reflect the CN zoning district requirements. Additionally, a mutual access easement was also added to the replat, as required per the Land Development Code.

Zoning. The subject property is zoned CN – Neighborhood Commercial zoning district.

Existing Conditions. The subject property is currently undeveloped.

Lot Dimensions and Setbacks. The CN – Neighborhood Commercial zoning regulations require a minimum lot size of 10,000 square feet with a minimum lot width of 100 feet and lot depth of 120 feet. The proposed lot is 109 feet wide and nearly 205 feet long, with an area of 22,320 square feet. The property is subject to the following development standards:

Minimum Front Yard Setback: 40 feet

Minimum Side Yard Setbacks: 15 feet

Minimum Rear Yard Setback: 10 feet

Maximum Lot Coverage: 40 percent

Access. Precinct Line Road is the point of access for the proposed lot.

Sidewalks. Sidewalks are required along streets where none currently exist. A

minimum ten (10) foot wide trail is required along Precinct Line Road per the 2011 Parks, Recreation and Open Space Master Plan. Escrow may be paid in lieu of construction as determined by the Public Works Department.

Surrounding Properties. Property to the north is zoned PUD-C and developed with offices. Property to the east is zoned R20 – Single Family Residential and developed with single family residences. Property to the south is zoned R20 – Single Family Residential and is primarily undeveloped with the exception of some agricultural accessory buildings. Property to the west is located within North Richland Hills and developed with commercial uses.

Tree Preservation. All trees must be protected per the requirements of Chapter 5-Tree Preservation in the Land Development Code. Before construction begins on the site, protective fencing must be installed around all preserved trees located outside of the building footprints.

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, no correspondence has been received.

Summary. Staff recommends approval of the replat of Lot 18, Block 2, of the Fair Way Addition (No. 1), as it complies with the requirements of the Land Development Code.

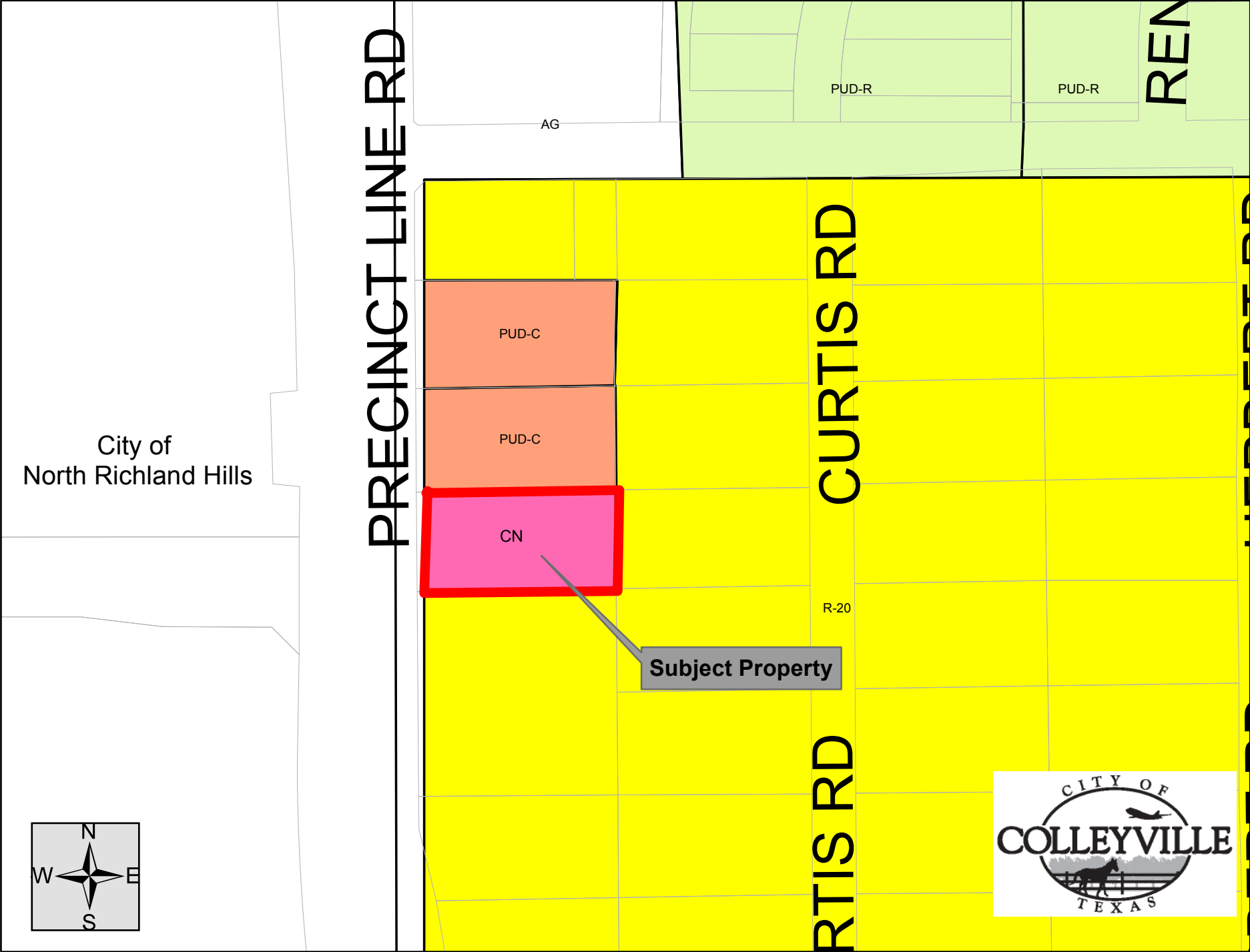
Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Ordinance O-14-1934
5. Replat

Location and Zoning Map

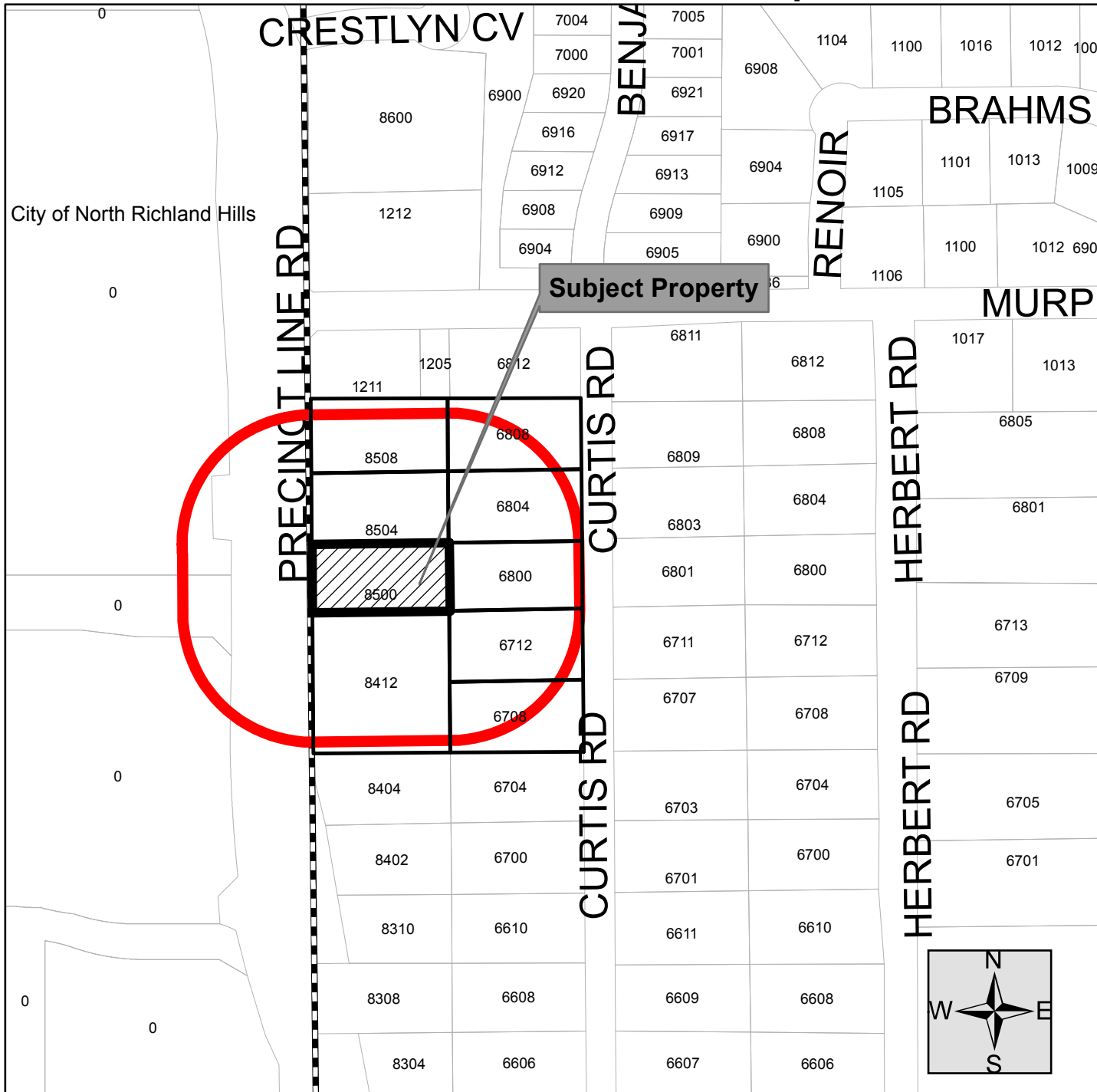


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Buffer Map

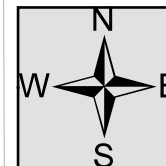
Case PC14-028

8500 Precinct Line Road



Legend

- Properties within 200 feet
- Subject Property
- Parcels
- City Limit



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.

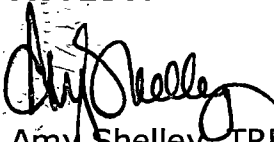
AND IT IS SO ORDERED.

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 21st day of October 2014.

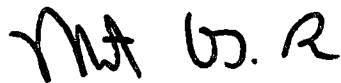
ATTEST:


Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE

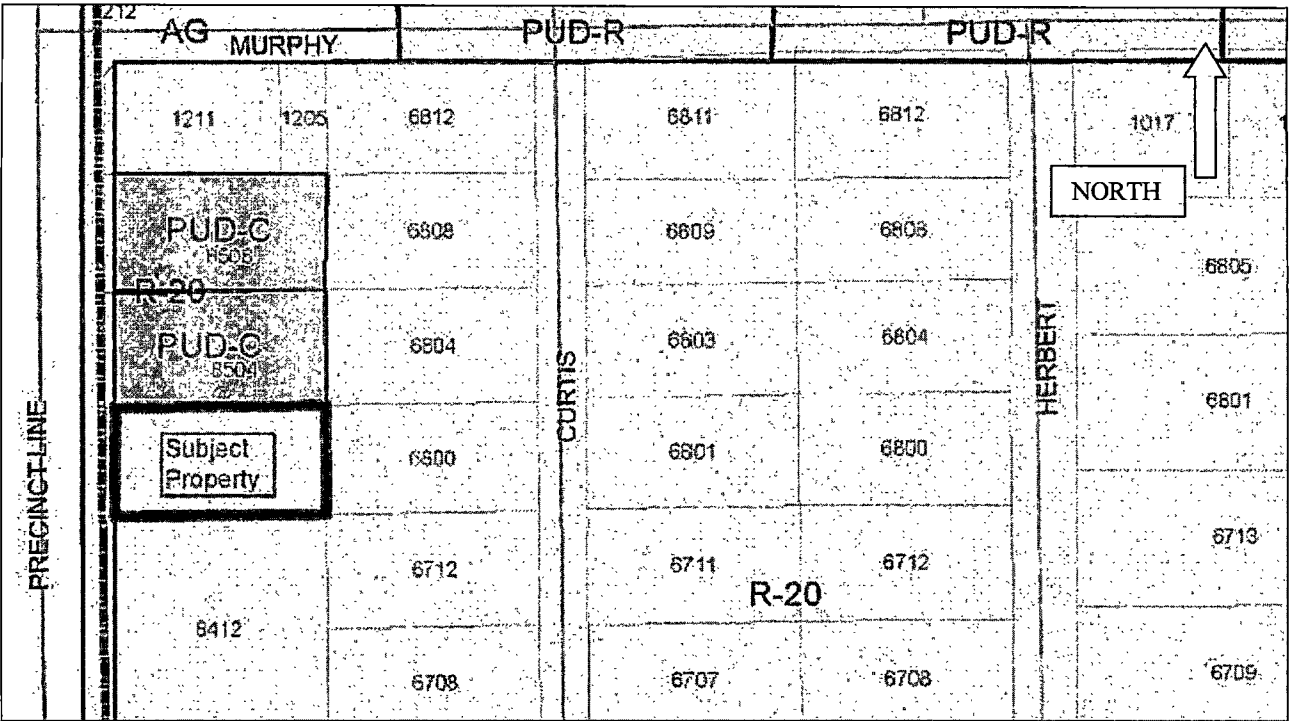

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

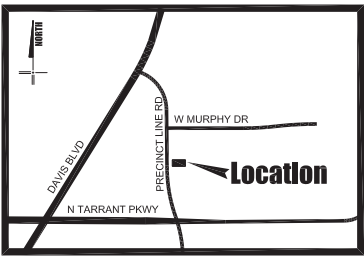
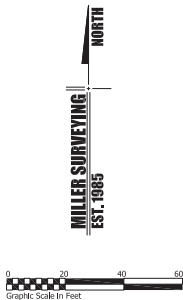
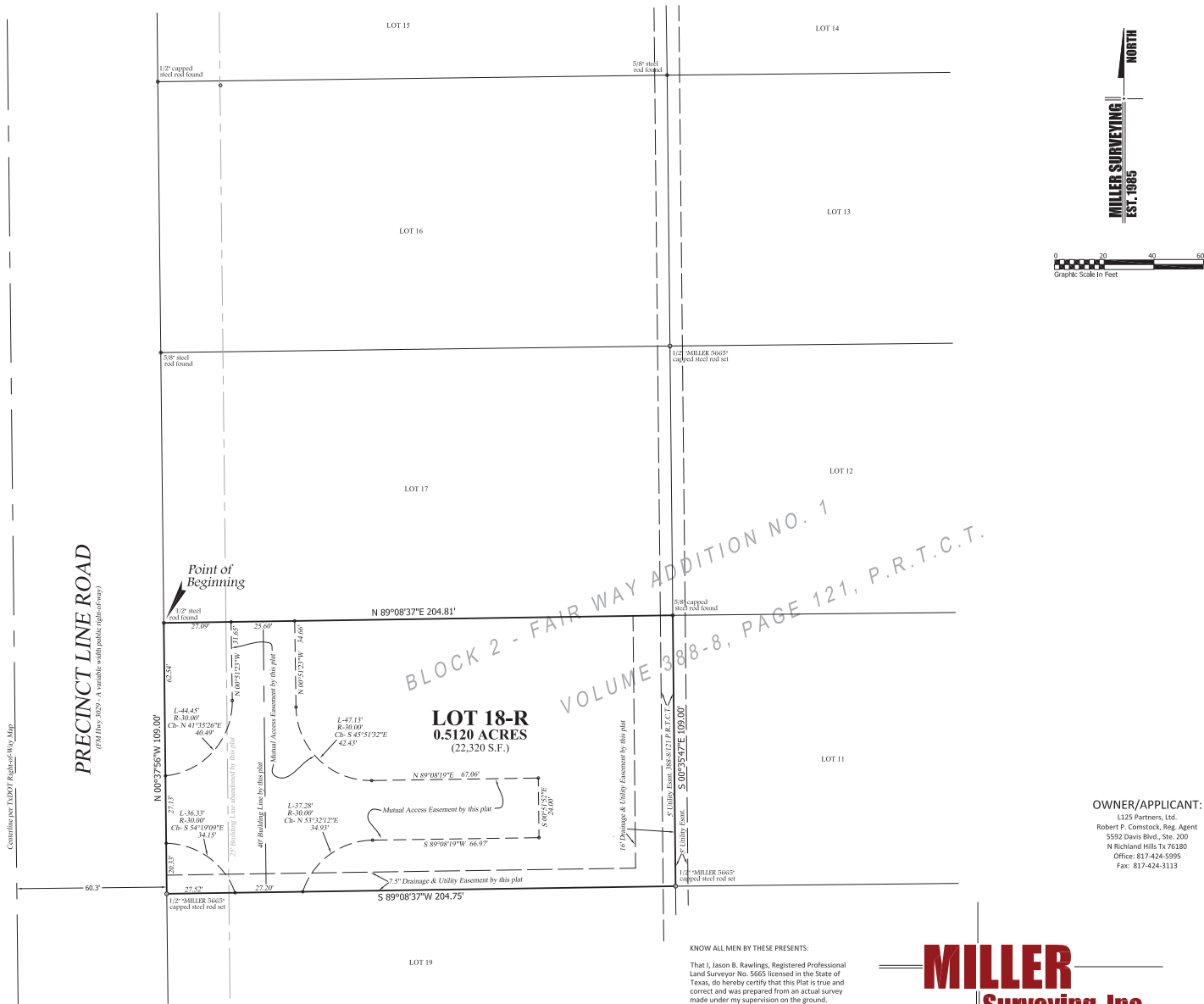


Matthew C. G. Boyle
City Attorney

Exhibit "A"- Location and Zoning Map



Replat



STATE OF TEXAS §
COUNTY OF TARRANT §

OWNER'S DEDICATION AND CERTIFICATE

WHEREAS L125 Partners, Ltd. is the owner of a tract of land out of the Joseph Harrell Survey, Abstract No. 798 and situated in the City of Colleyville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in December 2014, said tract being 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, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch steel rod found for the northwest corner of said Lot 18, said rod being in the easterly right-of-way line of Precinct Line Road (FM Hwy. 3029);

Thence North 89 degrees 08 minutes 37 seconds East with the northerly boundary line of said Lot 18 a distance of 204.81 feet to a 5/8 inch capped steel rod found for the northeast corner thereof;

Thence South 00 degrees 35 minutes 47 seconds East with the easterly boundary line of said Lot 18 a distance of 109.00 feet to a 1/2 inch "MILLER 5665" capped steel rod set for the southeast corner thereof;

Thence South 89 degrees 08 minutes 37 seconds West with the southerly boundary line of said Lot 18 a distance of 204.75 feet to a 1/2 inch "MILLER 5665" capped steel rod set for the southwest corner thereof, said rod being in said easterly right-of-way line;

Thence North 00 degrees 37 minutes 56 seconds West with the westerly boundary line of said Lot 18 and with said easterly right-of-way line a distance of 109.00 feet to the point of beginning and containing 0.5120 acres of land;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That L125 Partners, Ltd., does hereby adopt this plat designating the hereinbefore described property as Lot 18-R, Block 2, Fair Way Addition No. 1, 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 thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, 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 platting ordinances, rules regulations, and resolutions of the City of Colleyville, Texas.

Witness my hand this ____ day of _____, 20____.

Robert P. Comstock
L125 Partners, Ltd.

STATE OF TEXAS §
COUNTY OF TARRANT §

Before me, the undersigned, a Notary Public in and for said County and State on this date appeared Robert P. Comstock, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

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

Notary Public for the State of Texas

OWNER/APPLICANT:

L125 Partners, Ltd.
Robert P. Comstock, Reg. Agent
5592 Davis Blvd., Ste. 200
N Richland Hills Tx 76180
Office: 817-424-5995
Fax: 817-424-3113

PLANNING AND ZONING COMMISSION APPROVAL

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

Chairman, Planning and Zoning Commission

Attest: Secretary, Planning and Zoning Commission

KNOW ALL MEN BY THESE PRESENTS:

That I, Jason B. Rawlings, Registered Professional Land Surveyor No. 5665 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.MillerSurveying-Inc.com

Replat
LOT 18-R, BLOCK 2
FAIR WAY ADDITION
NO. 1

Being a replat of Lot 18, Block 2, Fair Way Addition No. 1
an addition to the City of Colleyville, Tarrant County, Texas according
the plat recorded in Volume 388-8, Page 121, Plat Records, Tarrant County, Texas

1 commercial lot - 0.5120 acres
Date of Preparation - December 2014